

**CITY OF ANNA MARIA  
REGULAR COMMISSION MEETING  
MARCH 23, 2006  
7:00 P.M.**

**CALL TO ORDER (7: 00 p.m.)**

**PLEDGE TO THE FLAG**

**ROLL CALL:** Mayor SueLynn, Commissioner Christine Tollette, Commissioner Dale Woodland, Commission Chair John Quam, Deputy Commission Chair Linda Cramer, Commissioner Duke Miller

**Also present:** Amidor Salinas, owner of 203 Spring Avenue / 9907 Gulf Drive; City Planner Alan Garrett, Public Works Director George McKay, City Attorney Jim Dye, Alice Baird, Diane Percycoe, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander, Herald

**1. CONSENT AGENDA**

Commissioner John Quam asked for and received consensus to remove Consent Agenda Item 'f'.

**MOTION: Commissioner Duke Miller moved to approve Consent Agenda Items 'a.' thru 'e.', and Commissioner Linda Cramer seconded the motion.**

**Vote: All Ayes. Motion carried.**

Commissioner Quam indicated that there was a correction to be made on Item 'f', to the effect that only Carl Pearman's membership would expire in 2008, while Bill Snow's and Chuck White's would end in 2007.

**MOTION: Commissioner Linda Cramer moved to approve Consent Agenda Item 'f.' as amended, seconded by Commissioner Duke Miller.**

**Vote: All Ayes. Motion carried.**

**2. REPORTS AND UPDATES**

Commissioner Christine Tollette reported that she had attended the Community Center Board meeting, where they worked on giving the Island cities a report that would show the usage of the Center by the clients' city of residence. She noted that 245 City of Anna Maria residents used the Community Center in February. The Commissioner concluded by making a formal statement regarding a newspaper article that appeared in The Islander the week previous to this evening's meeting. Commissioner Tollette said the article reported a statement by Don Maloney that she would be presenting a Resolution to the Anna Maria City Commission at this evening's meeting, supporting the initiation of a study on the consolidation issue. Commissioner Tollette indicated that she at no time had given Mr. Maloney any information of this kind. She said it has been her policy, and the basis of her electoral platform, to speak with anyone concerning the study of consolidation. The Commissioner said she did not appreciate nor would she

tolerate having words put into her mouth and stated further that Mr. Maloney had been out of line in making such statements without her knowledge or consent.

### **Mayor's Report**

Mayor SueLynn indicated that she had been lobbying in Tallahassee the week previous to this meeting on behalf of the Manasota League of Cities, where they had been able to meet with all the district representatives. The Mayor said that she had copies available at this evening's meeting of the League's list of priorities for this year, for anyone interested in obtaining one.

Mayor SueLynn said that she thought it was important that the citizens of Anna Maria know that what happens in Tallahassee has a direct impact on them. She said there are various ways of keeping up with proposed legislation, such as using the internet, obtaining information from the local State Representative, or attending League of Cities legislative meetings several times a year.

The Mayor said there had been a great deal of discussion relative to affordable housing. She said it was imperative that legislators keep from dipping into the Sedowski fund that was funded through document stamp taxes. Mayor SueLynn explained that the people who served the cities needed to have housing that they could afford had copies.

Mayor SueLynn noted that there were now many more bills on the legislative table than necessary, and that some of these bills are going overboard. She referred to the Supreme Court's unpopular decision made in 2005 regarding eminent domain, noting that there is a place for this power when it is used judiciously. The Mayor reported that Florida had only had a handful of eminent domain cases in recent history, and that the municipalities had all been found to have rightful cause.

The Mayor reported that a bill was now under consideration to allow electric substations to be placed wherever a utility provider wished to install them. She said that this bill would pre-empt local Comprehensive Planning and Planning & Zoning regulations in this regard.

Mayor SueLynn noted that a bill was being presented by Senator Bill Bennett and the telecommunications industry that would remove any benefits or jurisdiction from the City and place them with the State.

The Mayor said that Randall Stover had brought a wind insurance problem to her attention affecting businesses less than 1,000 ft. from the Gulf. She said that she had brought this issue to Representative Bill Galvano, who is the first chairperson of the Tampa Bay Partnership, whose goal is to make Manatee County wind insurance premiums comparable to those in Sarasota, through a change in boundaries.

Mayor SueLynn noted that Manatee County had adopted a new Animal Control Ordinance that could make the penalty for an animal's defecating in a neighbor's yard \$100 for first offense. She encouraged those present to pay attention to the newspapers, keeping in mind that the City will have the option of keeping its current Ordinance or adopting a new one.

The Mayor said she had met with Community Center representatives to discuss their use of the City Hall commission meeting chambers to conduct some of its classes. Mayor SueLynn said that since the room is not used during the day, she saw this as an opportunity to help the Center keep their programs going while renovations are underway.

Mayor SueLynn referred to offshore drilling in the Gulf, and reported there were now Congressional efforts to open Gulf drilling off the coast of Florida. She said that last month the Bush administration had drawn new boundaries since hurricane Katrina that may give drill-friendly Louisiana and Alabama control over waters that were formerly under Florida's control. The Mayor said that Senator Martinez and Senator Bill Nelson had come up with a permanent no-drill buffer proposal that would keep rigs 260 miles away from Tampa and Naples and 150 miles away from Pensacola. **Mayor SueLynn said she would like to see this Commission support the bill and there was consensus for her to draft a letter to present for their approval at the next Regular Commission Meeting.**

3. **REFERENCE VACANT LOT, 203 SPRING AVENUE / 9907 Gulf Drive – Owner Request for Resolution of Zoning Issue Addressed by City in 1997.** Property owner Amidor Salinas took the floor and recalled that a year ago to this date, he had approached the Building Official about a building permit, and was told the lot was zoned for commercial use.

Mr. Salinas said he went through a great deal of trouble to find the evidence to corroborate previous owner Larry Albert's assertion that the Commission had rezoned the lot residential in 1997. This done, he said he was then informed that the City had not adopted an Ordinance to effect the new legislation.

Mr. Salinas noted he had been paying taxes for the last five years on a residential property. Mr. Salinas recommended re-designating the property as residential when the Comprehensive Plan Land Use Map is approved, rather than doing a special Ordinance. He requested being allowed to build in the meantime, since costs had been accruing on his project for a year now.

As a paraplegic, Mr. Salinas indicated that it had been a hardship to not be able to build a home with an elevator. He said that he and his family were eager to remain in Anna Maria and were already established and contributing residents in the community.

Commissioner John Quam asked City Attorney Jim Dye for his comments. City Attorney Jim Dye said the change in zoning did require an Ordinance, and even though there was a vote in 1997, an Ordinance would still need to be passed. He said that the Comprehensive Plan would need to be changed, also. The City Attorney said that this would need to go to the Department of Community Affairs (DCA) in Tallahassee, and noted that the City's ordinance would add two months to the process. City Attorney Jim Dye said he would not recommend issuing a building permit, stating, however, that plans could possibly be filed and reviewed while the other items went through the process.

Commissioner Duke Miller confirmed with City Attorney Jim Dye that there was no existing option for issuing emergency zoning ordinances.

City Attorney Jim Dye said that when the citizen requests a change, Tallahassee typically acts more swiftly.

City Planner Alan Garrett recalled that there is a 30-day appeal period attached to changes in the Comprehensive Plan, and suggested that the City's Ordinance be passed in the meantime, along with language making it effective the date of the end of the DCA appeal period.

Commissioner Dale Woodland asked who would be responsible for filing the application with the DCA. City Attorney Jim Dye said that this would be done by the City staff at the same time as the Ordinances are being processed.

Commissioner John Quam asked Mr. Salinas to approach the Building Official as soon as possible to get the process initiated. Mayor SueLynn confirmed that she would notify Mr. Donohue, and that City Attorney Jim Dye and City Planner Alan Garrett would also be on hand to help Mr. Salinas through the process. Commissioner Christine Tollette confirmed that the City would keep Mr. Salinas regularly apprised as to developments in his case. City Planner Alan Garrett confirmed that Mr. Salinas would visit City Hall during the afternoon of the day following this meeting.

Commissioner Linda Cramer recalled that on the 1991 Land Use Map there had been 11 errors, and that the City had been responsible for submitting the corrections to the DCA. She indicated that she would check the records to make sure that Mr. Salinas' property had not been included in that number.

Amidor Salinas thanked the Commission and the Mayor for their time and assistance.

#### **Public Comment**

Tom Turner of North Shore Drive said he could not see any reasons why the Commission could not give Mr. Salinas a letter allowing him to build a residence,

with the acknowledgement that the Comprehensive Plan would eventually be changed.

4. **SECOND READING AND PUBLIC HEARING ON ORDINANCE No. 06-655 – Amended Sign Ordinance. Continuing this Ordinance to April 27<sup>th</sup>, 2006.**

City Planner Alan Garrett took the floor and reviewed the draft with the Commissioners. He referred to new language on Page 2, in the middle of page, 98-3 – Political Signs, noting that this type of signage would now need to be removed within ten days of the election.

**There was consensus for Mayor SueLynn’s recommendation to change the ten-day deadline for political sign removal to one day.**

Commissioner Christine Tollette made reference to signs with home names on them and asked that these be allowed in addition to another sign in the yard.

City Attorney Jim Dye recused himself from discussion of this Ordinance, since he owns a property that is for rent in the City, however, he said that he did E-mail the Commission on more than one occasion with the recommendation to avoid content issues when discussing signs.

City Planner Alan Garrett referred to the bottom of Page 4, where he had incorporated the language recommended by the Environmental Enhancement and Education Committee (EEEC) pertaining to commercial sign lighting. He then asked the Commissioners to consider an amortization schedule for non-conforming signs.

City Attorney Jim Dye provided the Mayor and the Commissioners with copies of the resume of an attorney who has specialized knowledge in the legal area being discussed.

**There was consensus to authorize the Mayor to contact Mike Connolly for the purpose of engaging him to work with the City on this Ordinance.**

City Planner Alan Garrett noted there were signs nailed on trees, telephone poles, and light poles in the city.

Commissioner Duke Miller asked about penalties for violation of the Ordinance.

**There was consensus to further discuss the Ordinance at the April 13<sup>th</sup>, 2006 Commission Work Session with City Planner Alan Garrett, and the new consulting attorney in attendance, if possible.**

**Public Comment**

Carol Ann Magill of 403 Spring Avenue confirmed with City Planner Alan Garrett that Long Boat Key's sign ordinance had been employed in compiling the language for the original draft of this Ordinance.

Bob Barlow of 212 Oak Avenue commended the Mayor and the Commission for trying to clean up the real estate sign situation with this Ordinance, which he said would help to beautify this city. Mr. Barlow said he felt, however, that the Ordinance was too far-reaching, and problematic for the real estate companies and homeowners, and could also present an enforcement problem. He respectfully requested that the City work with the real estate companies to work through some of the proscriptive provisions in the document, and give these matters more consideration before moving forward with the Ordinance.

Tom Aposporos of 208 Crescent Drive noted that he had a sign in front of his house because the number could not be seen if it were affixed to the house. He suggested considering drawing a distinction between temporary signs and those used for permanent identification. Mr. Aposporos said, relative to commercial signs, that people who need these signs for their businesses could only applaud the City for wanting to make this use as attractive as it can be, without negative impact. Mr. Aposporos then drew the Commission's attention to an error in the numbering of the sections contained in the Ordinance. He noted that penalties for violating the Ordinance remained to be discussed. Mr. Aposporos concluded by expressing his approbation of the Commission's willingness to further discuss the size of signs, and the elements they may include, since this was where, in his opinion, the danger lay that the outcome of the Ordinance could be detrimental and not beneficial, as intended by all parties.

Don Schroeder introduced himself as the Chairman of the Anna Maria Island Chamber of Commerce and also a local realtor. He said he felt the language of the draft Ordinance was overly restrictive. Mr. Schroeder gave out copies of descriptions of the signs required by his real estate company, which, he indicated, were larger than the proposed maximum size.

Mr. Schroeder gave the Commission his highest recommendation relative to the possible engagement by the City of attorney Mike Connolly to assist with this Ordinance.

Don Schroeder noted, referring to Page 2, Section B, Article I - General, that two real estate signs were necessary on waterfront properties, since homes were sometimes shown from the water. Relative to Page 3, he stated that he felt there was a need for a footer for the sign, instead of a simple metal frame, and that this was an area for correction in the Ordinance. He noted that all of the other Island cities allow pole signs. Mr. Schroeder said he would be honored to speak for the Island real estate community and likeminded homeowners.

Ginny Dutton, partner of Ginny's and Jeannie's said that she was concerned about signage giving the Island a homogenized appearance. She asked if historic cottages would need to remove their signs. Ms. Dutton expressed concern about the loss of grandfathering of signs with the adoption of the amortization schedule. She said she looked forward to attending the Commission workshop on April 13<sup>th</sup>, 2006.

Shirley Perez of 729 North Shore, asked, relative to Page 3, Number 5, and its requirement for the removal of signs two days after a house has been rented. She asked if a house was rented for the season, if they needed to take signs down, noting that this is the means by which she attracts future business. Ms. Perez also requested that 'No Trespassing' signs be discussed, and Commissioner Quam confirmed that this would also be addressed at the upcoming Commission Work Session.

John Cagnino of 9807 Gulf Drive, asked why the Commission felt the need to micromanage, and noted that everyone in the room the evening of this meeting benefited from commerce. He reiterated that signs were essential to commerce.

Commissioner Duke Miller noted that it was the business community that had brought the matter to the Commission originally.

Commissioner John Quam confirmed that discussion of this topic would continue at the April 13<sup>th</sup>, 2006 Commission Work Session.

**5. SECOND READING AND PUBLIC HEARING ON ORDINANCE No. 06-054 – Establishment of Mileage Reimbursement Rates and a Policy for Other Travel Expense Reimbursement.**

Commissioner Dale Woodland read the Ordinance by title. Commissioner John Quam asked City Attorney Jim Dye to review changes in the Ordinance language. The City Attorney noted the inclusion of the provision for using room service for meals if there is no other means of dining available. He also made reference to the appearance of more than one section on lodging, noting that each dealt with a different aspect of lodging. The City Attorney concluded by confirming to Commissioner Quam that the Ordinance now also had authority to be the foundation for additional policies established by Resolution.

**MOTION: Commissioner Linda Cramer moved to adopt Ordinance No. 06-054 – Establishment of Mileage Reimbursement Rates and a Policy for Other Travel Expense Reimbursement, seconded by Commissioner Dale Woodland.**

**Roll Call Vote: Commissioner Christine Tollette - Aye; Commissioner Dale Woodland - Aye; Commissioner John Quam – Aye; Commissioner Linda Cramer – Aye; Commissioner Duke Miller – Aye. Motion carried unanimously.**

6. **SECOND READING AND PUBLIC HEARING ON ORDINANCE No. 06-653 – Amending the Site Plan Procedure**

Commissioner Linda Cramer read the Ordinance by title. Commissioner John Quam asked City Attorney Jim Dye to review the section dealing with the six-month extended life of the application. City Attorney Jim Dye explained that in order to avoid a reoccurrence of the situation involving the Sandbar, the drafted language now provided an additional six months of life for the site plan application following the expiration of a building permit. He said that this language would counter challenges involving the vesting of rights.

Mayor SueLynn noted the slow progress of the Villa Rosa development. City Attorney Dye noted that the developers had not filed a final plat, and that their progress would be affected by the passage of this Ordinance.

**MOTION: Commissioner Linda Cramer moved to approve Ordinance No. 06-653 – Amending the Site Plan Procedure, seconded by Commissioner Duke Miller. Motion and second withdrawn.**

**AMENDED MOTION: Commissioner Linda Cramer to approve Ordinance No. 06-653 – Amending the Site Plan Procedure, as amended, seconded by Commissioner Duke Miller.**

**Roll Call Vote: Commissioner Christine Tollette - Aye; Commissioner Dale Woodland - Aye; Commissioner John Quam – Aye; Commissioner Linda Cramer – Aye; Commissioner Duke Miller – Aye. Motion carried unanimously..**

**Public Comment**

Carol Ann Magill of 403 Spring Avenue, noted an error on Page 11, (b) where the correct word should be ‘of’ (“no further effect”), and that she thought that some monetary value be shown on Page 10, (d). Commissioner Dale Woodland and Commissioner John Quam confirmed that a fee schedule had been adopted by the Commission.

7. **FIRST READING OF ORDINANCE No. 06-656 – Amend 2005 / 2006 Budget to Include Revenue from Line of Credit Draw and Expenditures for Road / Drainage Projects.**

Commissioner Linda Cramer read the Ordinance by title. Deputy City Clerk Diane Percycoe took the floor to explain an addition to the worksheet and noted that the Budget Transfer, the Budget Amendment, and the spreadsheet would be attached to the Ordinance along with the interim budget.

Commissioner John Quam indicated that the second reading of this Ordinance would be scheduled for April 27<sup>th</sup>, 2006.

**8. PROPERTY LOCATED AT 425 PINE AVENUE – Owners Offer to Sell Property to City for Possible Future Maintenance Facility.**

Mayor SueLynn referred to her memo to the Commission and noted that the owner of the above-referenced property had offered to sell it to the City. She indicated that the property was perfect for a City maintenance facility. The Mayor recalled that the City had looked favorably on this property even before this offer was made. She reported that the City has now had three other offers from people on Pine Avenue with properties for sale.

Commissioner Christine Tollette said she thought it would be a good idea to explore the possibility of buying the Stover property. She recommended that the Commission take time to think about the subject and revisit it at the next Commission Work Session.

Commissioner John Quam said he was concerned about the current needs of the Public Works Department for more space. He said that he understood that in fact there was currently adequate space, and in his opinion, it would not be a prudent decision to spend taxpayer money for a new facility. He noted that public works would be one service that local residents may be able to share with the neighboring island cities.

Commissioner Linda Cramer said she thought the location where the public works is housing its materials now should be used instead for parks and recreation. She agreed that the property offered was ideal for the Public Works Department. The Commissioner said she thought that any additional property the City could acquire would be a good thing, noting the ongoing need for parking. The Commissioner also noted that public works could eventually be absorbed through Island government or service consolidation.

Commissioner Duke Miller said that he agreed with Commissioner John Quam's analysis and comments.

**Public Comment**

Tom Turner of 850 North Shore Drive noted that the Comprehensive Plan would need to be changed if the property were used for government purposes. He said he did not agree with putting the City further in debt for this property.

Carol Ann Magill of 403 Spring Avenue recalled that she had wished to put the consolidation of services on the proposed referendum, but was overruled. She observed that there was no money in the budget to even consider purchasing property. The former City Commissioner said she felt that grant money should be pursued for the purpose of purchasing property for parks and recreation.

**MOTION: Commissioner Christine Tollette moved that the Commission discuss this offer further, seconded by Commissioner Linda Cramer.  
Vote: Two Ayes; Three Nays. Motion defeated three to two.**

**PUBLIC COMMENT**

No additional comment offered.

**PRESS COMMENT**

None offered.

**ADJOURNMENT**

**MOTION: Commissioner Duke Miller moved to adjourn the meeting, seconded by Commissioner Linda Cramer.  
Vote: All Ayes. Motion carried.**

Commissioner John Quam adjourned the meeting at 8:58 p.m.

Respectfully submitted,

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City Clerk Alice Baird

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Date