

**CITY OF ANNA MARIA
SPECIAL COMMISSION MEETING
OCTOBER 19, 2006
6:30 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

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

Absent with excuse: Mayor SueLynn

Also present: Code Enforcement Officer Gerry Rathvon; City Clerk Alice Baird

Press: Sun, Islander

1. 112 Oak Avenue – Application for Relief of Items in the Right-of-Way, Ref. Sec. 114-421.

Code Enforcement Officer Rathvon took the floor and explained that for the past two years, the City of Anna Maria had been clearing alleyways and rights-of-way in an attempt to alleviate stormwater drainage problems. She noted that during this period, approximately fifty items had been removed, and that to date, three properties remained to be addressed.

The Code Enforcement Officer referred those present to a map that depicted four different lots located in one area, where an existing fence across the alleyway between Oak and Mangrove Avenues prevents people from walking through. She indicated that the illegal fence had been erected for protection of guests.

Commissioner Linda Cramer indicated that she had visited the site, and questioned where the fence was located on the map. Code Enforcement Officer Gerry Rathvon pointed out where the owners of Lot 5 had a white vinyl fence, as did the owners of Lot 10, and noted where the fence had been continued in order to block the alleyway. Commissioner Cramer confirmed with the Code Enforcement Officer that this was the only fence that crossed the alleyway.

Code Enforcement Officer Gerry Rathvon stated, in response to a question from Commissioner Duke Miller, that the City intended to use the alleyway, as it was not used for access, for drainage improvements to protect Gulf Drive.

Commissioner Linda Cramer noted that there was another property in the city with a similar situation, and that the owner had agreed, as a condition of his permit, to remove the fence if the City required use of the alleyway in the future.

Commissioner John Quam recalled that the alleyways between Jacaranda Avenue and North Shore Drive had been cleared out, and that those homeowners had also been concerned regarding the threat of foot traffic passing through. He confirmed

that to date, such problems had not materialized. Code Enforcement Officer Rathvon noted also that many homeowners were erecting six-foot high fences along the rear boundaries of their properties. Commissioner Christine Tollette confirmed that it was possible to have gates in rear fences.

Nigel Brown introduced himself as the owner of 112 Oak Avenue. He said that he felt that his property's situation was unique in that it is a resort with two lots on one side of the alleyway, and two lots on the other. The property owner indicated that there was constant traffic between the two sides of the alley to access, for example, the swimming pool. Mr. Brown indicated that it would not be practical to fence off half of his property at the rear lot boundaries. He informed the Commissioners that when he bought the property five years ago, the previous owner of the cottages had a fence up that had since been replaced due to termite damage. Nigel Brown noted that when the property was purchased, the alleyway had been overgrown, but since the City has cleared it out, it would now be open to foot traffic if the security fence were removed. He proposed to convert the fence into a movable gate so that the City would have access to the easement.

Commissioner Quam referred to City Attorney Jim Dye's letter of October 19th, 2006, which indicated that Sec. 114-421 of the City's Code did not authorize the Commission to grant permission to install an obstruction within a platted alley.

Commissioner Cramer noted that the City was currently in the process of considering allowing fences in the right-of-ways, and expressed the opinion that it should deliberate carefully on these issues, as it was understood that once it had gone through the process of removing all the obstructions, the City did not want to encourage the erecting of fences.

Commissioner Quam reminded those present not to confuse this issue with the upcoming LaPensee ordinance, which dealt specifically with a utility easement.

Commissioner Dale Woodland expressed agreement with Nigel Brown in that the situation was unique, and said that he felt his request was reasonable. Commissioner Woodland recommended, if the Commission granted the request, for it to be recorded with the Clerk of the County Court as a formal statement with stipulations.

Commissioner Duke Miller said he did not have a problem with granting the property owner's request, since the alleyway is not being used for anything. He said he thought that this case was in the order of a special exception, and that he would support granting a variance for the fence, with the stipulation that it be removed should the City require the alleyway for something in the future.

Commissioner Quam noted that in the past year, the Code Enforcement Office had removed many encumbrances from the alleyways. He noted that many

residents had spent money to clear up the issue. The Commission Chair said that not only would granting permission for the fence go against Sec. 114-421, it would be unfair to anyone who had spent time and money to clear their encumbrances.

Commissioner Tollette expressed agreement with Commissioner Quam's statement.

MOTION: Commissioner Linda Cramer moved to grant the temporary fence by way of a written agreement with the City of Anna Maria recorded on file with the City of Anna Maria. Commissioner Dale Woodland seconded the motion.

Roll Call Vote: Commissioner Tollette – Nay; Commissioner Woodland – Aye; Commissioner Quam – Nay; Commissioner Cramer – Aye; Commissioner Miller – Aye. Motion carried by a vote of three to two.

ADJOURNMENT

MOTION: Commissioner John Quam moved to adjourn the meeting, seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

City Clerk

Date