

**CITY OF ANNA MARIA  
CITY COMMISSION  
SPECIAL MEETING  
OCTOBER 31, 2003  
4:00 P.M.**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**ROLL CALL:** Mayor SueLynn, Commissioner Tom Aposporos, Commission Chair John Quam, Commissioner Chuck Webb, Commissioner Linda Cramer

**Absent with excuse:** Commissioner Duke Miller

**Also present:** City Attorney Jim Dye (left at 5:25 p.m.), City Clerk Alice Baird, Deputy City Clerk Diane Percycoe

**Press:** Sun, Islander, Herald

1. **WIRELESS SERVICES FACILITIES – SECOND READING IN PUBLIC HEARING – ORDINANCE 03-607**

Chair John Quam declared the public hearing open. Commissioner Chuck Webb read the ordinance by title.

Chair John Quam stressed to all present that this ordinance pertained to personal wireless service facilities (PWSFs), which of themselves are not cellular towers. He said the purpose of the ordinance was not to prohibit, but to discourage cellular towers in the City of Anna Maria. He called for general comment, and received none from the other Commissioners.

**Chair Quam recommended reviewing the document page by page, and there was consensus to do so.**

Commissioner Chuck Webb asked if on Page 5, height should be measured from the crown of the road; and Chair Quam indicated that after reading Mr. Kreines' reply he would prefer leaving it at ground level.

Chair John Quam asked City Attorney Dye if he thought it necessary, relative to Page 7, QQ, Utility Pole, to include the language Kreines had written, i.e., "utility pole shall be an existing pole, a new pole, or a replacement pole.", and the City Attorney said he did not think it would be.

Chair Quam asked if 'carrier' or 'provider' should be included in the Definitions, and City Attorney Dye said it would be advisable to use the language provided by Mr. Kreines, since the definitions in the Florida legislation would probably be corrected by the Legislature, in their next session, as an oversight with regard to these terms.

**Relative to Page 9, A. Location Standards, 1. Opportunity Sites., Chair Quam asked if ‘should’ could be employed instead of ‘may’, as per the previous draft of the ordinance, and there was consensus to do so. There was further consensus to keep “cannot” in the sentence following 2. Avoidance Areas.**

**Commissioner Chuck Webb said, relative to Section 5 on Page 9, requested language adding E1-E2 to R-1-R2, except that in R1 & R2 PWSFs, would be allowed in city rights-of-way, and there was consensus to add language in this regard.**

Commissioner Chuck Webb recommended, relative Page 10, B. Siting Standards, using ‘shall’ instead of ‘should’. The Commissioner said that the same be done also in the sentence on Page 11, following C. Design Standards. Commissioner Webb said there were standards in Florida relative to mandatory language, and advised clear, rather than optional language. Commissioner Aposporos said he would prefer to remain with the existing directive language. **Deputy City Clerk Diane Percycoe noted that the paragraph numbers were out of sequence on Page 11, and there was consensus to correct them.** Commissioner Webb, relative to Page 11, recommended a variance procedure that requires the applicant to show the higher site is necessary to avoid significant gaps in wireless service in the zone. He said this would significantly protect the City’s other height restrictions. Commissioner Webb added that he thought the whole Design Standards section should use “shall”. Mayor SueLynn confirmed with City Attorney Dye that there was language in the Florida legislation relative to ‘dead zones’, and City Attorney Dye said that he saw nothing in it that superseded local legislation. **Commission discussion of Commissioner Webb’s comments was requested by Commissioner Cramer and there was consensus for this after Public Comment.**

**Relative to Page 12, 6. D. Safety Standards, Commissioner Webb recommended using “shall” instead of “should” and there was consensus to do so.**

**Chair Quam received consensus to change “shall” to “may” on Page 19, C. 1. & 2.**

**Commissioner Chuck Webb recommended, relative to the first sentence in Section 9 on Page 19, using “shall” instead of “should”, and for the first sentence following A. Differences, using “shall”, and there was consensus to do so.**

Relative to Page 19, C.1, there was consensus to strike the first paragraph, and the ‘if’ clause in C.2.

City Attorney Dye confirmed with Commissioner Aposporos that he added language to the ordinance in various places, including Paragraph 3 and Paragraph 5. on Page 22, indicating that the decision on an application needed to be made within 90 days. He said that in both instances, the changes were made relative to new Florida legislation.

Chair John Quam asked City Attorney Dye to explain his changes on Page 28, B. and he said these were made in keeping with the new Florida legislation. **Commissioner Webb said he had a problem with using ‘discouraged’, but there was consensus among the other three Commissioners to keep the language as it stood.**

**Relative to Page 29, D. Hazardous Materials, Commissioner Webb recommended striking the end of the sentence from the word “contained” and inserting the words “...toxins are ‘located at the site.’”, and there was consensus to do so.**

**There was consensus to change ‘should’ to ‘shall’ on Page 32, C. 2.**

Chair John Quam opened the floor to Public Comment.

#### **PUBLIC COMMENT**

A resident said relative to Page 9, Section 5., that the language should be changed because he thought it defeated the purpose of the whole document. He said ‘except R1-R2’ should be deleted. Chair John Quam said he did not agree. The resident said, relative to Page 10, B. Siting standards., he would recommend against a variance suggested by City Attorney Dye. **The resident said that on Page 12, the ‘should’s’ should not be in the E. Safety paragraph, and recommended making the language mandatory in 1 & 2, and there was consensus to make the changes.** City Attorney Dye recommended a vote on these changes.

**MOTION: Chair John Quam moved to keep the language in Section 9. as ‘should’ and to keep the language in C. 1 & 2, changing it to ‘may’, seconded by Commissioner Linda Cramer.**

**Roll call vote: 3 Ayes. 1 Nay. Motion carried.**

The resident recommended on Page 36, Section 23. B., changing ‘tower’ to ‘facility’, however City Attorney Dye said this is a quote from federal legislation.

**The resident recommended adding language from 11. G. to the end of language in B. on Page 37, and there was consensus among the Commissioners to do so.**

**The resident recommended adding the word “permits” after “Tiers One, Two and Three” in Section 25. C., on Page 37, and there was consensus to do so.**

**There was consensus among the Commissioners to change the second sentence in Section 5., on Page 9, “Tier One, Tier Two, or Three permits” instead of Special Exception and Conditional use.**

Commissioner Aposporos said he thought the City’s decision to use directory rather mandatory language was wise.

Commissioner Cramer confirmed that the ordinance could be amended by the Commission at a later date, and suggested continuing discussion of selected topics at a later date.

**There was consensus to strike the heading, ‘Building Department’ on Page 20, A. Section.**

Lengthy discussion followed relative to C.5. on Page 11., Mr. Kreines’ expertise, and the preference for some Commissioners for the 37 ft. height restriction to be mandated.

Chair John Quam closed the Public Hearing.

Mayor SueLynn asked the Commission to vote on fees. She distributed copies to those present of an attachment that calculated fees according to actual salaries and benefits.

Commissioner Webb recommended speaking with City Attorney Dye.

Chair John Quam re-opened the public hearing.

**MOTION: Commissioner Linda Cramer moved to adopt Ordinance 03-607 as amended, seconded by Commission Tom Aposporos.**

**AMENDED MOTION: Commissioner Linda Cramer moved to adopt Ordinance 03-607 as amended, and to include an amendment on Page 18 , to section G. Fees, adding Paragraph “3. Fees are adopted as shown in Exhibit A.”. The motion was seconded by Commissioner Tom Aposporos.**

**Roll Call Vote: Three Ayes. One Nay. Motion carried.**

Commissioner Tom Aposporos said he felt uncomfortable with making the fees part of the ordinance at this evening’s meeting. Commissioner Webb recommended speaking with the City Attorney and amending the ordinance to reflect the fee schedule.

Chair John Quam closed the public hearing.

**PRESS COMMENT**

None offered.

**ADJOURNMENT**

**MOTION: Commissioner Chuck Webb moved to adjourn the meeting, seconded by Commissioner Linda Cramer.**

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

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Alice Baird  
City Clerk

11/20/03  
Date