

**CITY OF ANNA MARIA
REGULAR COMMISSION MEETING
JULY 27, 2006
7:00 P.M.**

CALL TO ORDER

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: Peg McGarity (President of the League of Women Voters); Bill Galvano (State Representative); Terry and Pat Oleson (504 South Bay Blvd.); City Planner Alan Garrett, City Attorney Jim Dye, City Clerk Alice Baird

Press: Sun, Islander

1. CONSENT AGENDA

- a. **Approval of May 25th, 2006 Special Commission Meeting Minutes (6:15 p.m.); June 29th, 2006 Special Commission Meeting Minutes, (6:15 p.m.); June 29th, 2006 Regular Commission Meeting Minutes (7:00 p.m.)**
- b. **Approval of AFLAC Flex / Cafeteria Benefit Plan**
- c. **Approve refund of building permit #06-000063 due to request withdrawn (\$1,931)**
- d. **Proclamation: "Children's Summit Day", August 12th, 2006**
- e. **Proclamation: "Woman's Equity Day", August 26th, 2006 (Peg McGarity, President of the League of Women Voters, to accept)**

Mayor SueLynn read aloud the Proclamation, marking the 86th anniversary, on August 25th, of the ratification of the 19th Amendment [Women's Suffrage] to the Constitution, and announcing a luncheon at the Bradenton Auditorium on August 19th, 2006, to be sponsored by the Manatee Commission on the Status of Women and the Manatee County League of Women Voters.

Commissioner Quam indicated that he would like to remove the June 29th, 2006 Regular Commission Meeting Minutes from the Consent Agenda pending his review of the meeting tapes.

MOTION: Commissioner Quam moved to approve the balance of the Consent Agenda, excluding the June 29th Regular Commission Meeting Minutes, seconded by Commissioner Cramer.

Vote: All Ayes. Motion carried.

2. REPORTS AND UPDATES

Commissioner Linda Cramer reported that she would be attending the Florida League of Cities Convention in Jacksonville in August.

3. Recap of how the 2006 Legislative Session Affects our City / County. – State Representative Bill Galvano

State Representative Galvano noted that this was now the fourth annual legislative report that he was presenting to the City of Anna Maria Commission. He noted that the Speaker and the Senate President were changing this year, as would be the Governor.

Bill Galvano observed that the budget, when he first took office, was \$52 billion, and that this year, the budget was \$73 billion. He noted that the State had tried to give as many breaks to constituents as possible, for example, the Hurricane Holiday, the School Tax Holiday, and the Energy Efficiency Holiday in October. Mr. Galvano said that constituents could receive advice from the government on how to make their homes more energy efficient, and would receive rebates on certain purchases they could make. He said that \$750 million had been put into Citizens Insurance, \$5 million into Red Tide Research funding, and in addition, a special respite for the developmentally disabled had been funded in Manatee County, while funding was also allocated for Wares Creek and other roadways. The State Representative noted that the State had put \$400 million into a variety of economic development programs.

State Representative Galvano recalled that eminent domain was a topic high on everyone's agenda at the beginning of the legislative session, following the Supreme Court decision that essentially said that the Fifth Amendment to the Constitution of the United States did not protect property owners from takings based on purely economic development purposes. He noted that a Bill was passed and signed by the Governor to ensure that there would be no takings in the State of Florida based solely on economic development. Mr. Galvano said that this did not mean that CRA's had been dismantled, and that traditional uses, such as nuisance abatement and police powers remain intact.

Bill Galvano noted that an Accountability Bill had been passed, that puts one government agency up for review every two years. He said another significant development this year was the formation of an organized Bay Area Legislative Delegation, of which he is chair. Mr. Galvano stated that it was this organization's goal to present community budget requests from an eight-county body, and to propose local bills. He noted that the Bay area is represented by 25% of the Legislature, however, this constituency is not receiving 25% of State dollars, and it also does not have 25% of the influence in the Legislature.

State Representative Galvano noted that a major insurance bill was presented this year that was meant to be a comprehensive bill to address many current insurance issues. He indicated that he did not vote for this bill, because he felt it did not do

what was necessary to protect the citizens of Florida in general, and more particularly, the communities among the islands and along the coast that he represents. He said that the current arbitrary system of determining wind coverage had been left in place by the bill, while it went too far in allowing insurers to raise their rates without having the type of review that he feels is necessary. Mr. Galvano said he had requested of the Office of Insurance Regulation that they come back, under their rule making authority, to address some of these problems, perhaps by creating a joint underwriting association as a temporary stopgap. As nothing occurred in this regard, the State Representative indicated that last week he requested of the Governor, the Senate President, and the Speaker that the House convene, perhaps in a special session, to address insurance issues.

Relative to affordable housing, State Representative Galvano said that a Bill had been passed that allocated \$513 million to such components as pilot programs in areas where the median house cost had the greatest differential to the median income.

State Representative Bill Galvano presented, also in his capacity as Chairperson of the Bay Area Legislative Delegation, a tribute to the Mayor of the City of Anna Maria, Mayor SueLynn, which he read aloud.

Chair Quam announced that Item #11 had been added to the Agenda for this evening's meeting, regarding the proposed change in the City Hall Re-Roofing contract.

4. Second Reading and Public Hearing of Ordinance No. 06-659, Amending Section 114-135 – Non-conforming Lots and Parcels.

Public Hearing continued from the June 29th, 2006 meeting. Commissioner Linda Cramer read the Ordinance by title. Commissioner Quam re-opened the Public Hearing and asked City Attorney Dye to review changes and summarize the reason for the Ordinance.

City Attorney Jim Dye indicated that the reason for the Ordinance amendment was that the existing language had been very difficult to apply to specific situations. He said that, in his view, Subsection One and Subsection Two had a great deal of overlap, as well as some conflict between them. In addition, he said that the reference to the Shore Acres Subdivision was an incorrect reference. The City Attorney explained that the proposed change was language that says that non-conforming lots and lots of record could be built upon without having any combined commonly owned adjoining property. He said that essentially, someone owning a platted lot within the city that also happens to own a platted lot next door to it, now does not need to combine those properties in order to build, as long as the spatial requirements, e.g. setbacks, height and lot coverage regulations, are met. The City Attorney noted that requiring owners of non-conforming lots to combine them had the perhaps unintentional consequence

of promoting construction of large mansion-like residences, while the change would help foster the small town ambience of the city.

Public Comment

Diane Canniff of Oak Avenue said she had consulted with city staff, local real estate agents, and the County Appraiser's Office, and expressed the opinion that the City would be drastically changing the intent of standing Ordinances. She indicated that Ordinances 114-222, 114-427, and 114-135 all referred to the size of the lot, and that in 1996, the Commission had decided to apply the 7,500 sq. ft. minimum lot size rule to R-1 properties. Ms. Canniff noted that the proposed language could have the effect of increasing density in the city. She noted that the trend now was to build into every allowable square inch of a property, which would most likely lead to more, and taller, homes. Diane Canniff said that passage of the proposed Ordinance this evening could change the character of the City of Anna Maria. She suggested that if the concern was to avoid the proliferation of 'mega-homes', perhaps an overall indoor square footage rule could be passed, or perhaps the setbacks on large lots could be increased.

Georgia Van Cleave of 403 Magnolia Avenue said that she wished to bring attention to a property that currently had a duplex on it that had been advertised by a local real estate agent as a possible 'tear-down' for \$875,000. She expressed fears that the lot could be divided into two buildable lots, and that this could be replicated in large areas of the city.

Tom Turner of 850 North Shore Drive, indicated that it was his understanding that the Shore Acres Subdivision, all of the 36 ft. (lot frontage) lots had been combined into lots with 72 ft. lot frontage, and that no more 36 ft. lots remained. He noted that R-2 no longer existed in the City, therefore any duplexes that are torn down could not be rebuilt. He recommended that the Mayor ask the Planner to work with the Planning & Zoning Board to go over the Ordinances to correct mistakes that have been in existence since 1996.

Diane Canniff asked, if all the 36 ft. lots in Shore Acres had been combined, whether the passage of the Ordinance at tonight's meeting would mean that they could be uncombined.

Chair Quam declared the Public Hearing closed and called for comment from among the Commissioners.

Commissioner Dale Woodland said he would like to review the memo that Commissioner Miller wrote to City Attorney Dye [please see attached]. In answer to the question from Diane Canniff, that the action the Commission was proposing to make at this evening's meeting would make no change to the Ordinance that deals with subdividing and combining properties.

City Attorney Dye confirmed that the Commissioner was correct in his statement.

Commissioner Dale Woodland asked if 114-426 and 114-222 dealt with the dimensions of R-1 and ROR properties. City Attorney Dye confirmed that this was correct, and that these Ordinances would not be impacted. The City Attorney explained that if someone owned a 50 ft. x 100 ft. non-conforming, platted lot, they could build on it today. He indicated that the change proposed at this evening's meeting pertained to owners of another similarly sized lot next to it, who according to current Code, are required to combine that neighboring lot with the one next to it before they can get permission to build.

City Planner Alan Garrett said that there are many ways to get around an Ordinance such as the one that now exists, for instance, by deeding the neighboring lot to a relative.

Commissioner Woodland read Commissioner Miller's question (c), from his Email to City Attorney Dye dated July 27th, 2006: 'Do we have any figures that indicate the impact on density this ordinance will cause?' He confirmed that the answer was 'no'.

Relative to Commissioner Miller's question (d), Commissioner Woodland confirmed that the effect of the proposed Ordinance was that if someone owned a home on a 50 ft. x 100 ft. platted lot next to another vacant platted lot of the same size, the owner of the properties could tear down the one home and build one house on each lot.

City Attorney Dye indicated that density was calculated in the Comprehensive Plan based on platted lots, therefore this Ordinance would not affect the calculated density. He said that the potential to increase the number of houses existed, but not the potential to increase density.

City Planner Alan Garrett confirmed that the number of platted lots could not be increased by this Ordinance.

Commissioner Duke Miller suggested freezing all currently platted lots. Mayor SueLynn suggested that, since it appeared that the City had no control, in this particular instance, over an increase in the number of houses, the Commission move very quickly to pass the Daylight Plane Ordinance. She said it appeared that this would be the only control the City would have to prevent property owners from building out to the outermost setback and height restrictions the City allows.

MOTION: Commissioner Linda Cramer moved to adopt Ordinance 06-659, amending Section 114-135 – Non-Conforming Lots and Parcels, seconded by Commissioner John Quam.

Roll Call Vote: Commissioner Tollette: Aye; Commissioner Woodland: Aye; Commissioner Quam: Aye; Commissioner Cramer: Aye; Commissioner Miller: Aye. Motion carried unanimously.

Commissioner Woodland said that he would like City Attorney Dye to look at this again in the future, perhaps when the Commission looks at the Coastal Overlay District (COD).

Mayor SueLynn asked City Attorney Dye to reiterate what the change in this Ordinance would accomplish. The City Attorney responded that the foremost reason for the change was that it would eliminate a recurring source of confusion in the Code. He said the second reason was that the new language made a policy statement on the part of the Commission that the potential for smaller houses was the preferred direction for the City, rather than the potential for fewer, but larger houses.

5. Request to Adjust Through Lot Setbacks in Residential Zone, Amending Sections 114-222 and 114-242. Recommendations from P&Z Board. Decide on Proceeding With an Ordinance Amendment.

Chair Quam indicated that this topic had been before the Planning & Zoning (P&Z) Board, and asked its Chairperson, Fran Barford to take the floor to present her Board's recommendation.

P&Z Chair Fran Barford recalled that at the May 25th, 2006 Commission Meeting, resident Larry Albert had presented a request for an amendment to Sections 114-222 and 114-242 of the City of Anna Maria Code of Ordinances to allow through lots to have a rear setback of 10ft. to permit the installation of swimming pools behind homes on such lots. She noted that the Commission had referred this request to her Board for review, which took place on June 26th, 2006. Chair Barford reported that discussion had included the concern that over thirty variance requests could possibly be generated with such an amendment, and that the eight criteria for granting such variances could not be addressed, since the petitioners would not be able to satisfy the hardship and uniqueness criteria. She said that as a result of their review and discussion, the P&Z Board had unanimously approved Mr. Albert's request, and recommended to the Commission that it instruct the City Planner and the City Attorney to draft an amendment to the Ordinance to allow a 10 ft. rear setback on through lots for uncaged swimming pools.

City Planner Alan Garrett indicated that he thought there was merit to allowing uncaged swimming pools and decks under twelve inches in height above ground to extend into the setback, since they are not considered structures. He said that some codes in other municipalities allow such pools and decks to extend right up to the property line, and that he believed it was wise to maintain a setback. The City Planner said he did not see harm in the proposal, since it matched many similar codes, however, he agreed that this should only be allowable for uncaged pools, and recommended that the City establish a setback. City Planner Garrett noted that 'street' is also defined in the Code as 'platted alley', and therefore would require a 20 ft. setback for a pool. He noted that the proportions that

control swimming pools are also under the lot, yard, and bulk ratios for the zone districts, and suggested that this might also be combined as part of the Daylight Plane Ordinance.

Commissioner Dale Woodland quoted language from Section 114-222, "All through lots shall have 20 ft. setbacks from both streets." He said that the only thing the Alberts were proposing was that one of those setbacks not apply to the pool, but instead that a 10 ft. setback apply to the pool, and nothing else.

City Planner Alan Garrett said that a fix could be to say that a pool shall be set back 10 ft. from the rear property line, which would be an equitable change.

Commissioner Cramer indicated that she supported the P&Z Board's recommendation.

MOTION: Commissioner Cramer moved to adopt the P&Z Board recommendation to adjust the setback requirements in all residential zones, and to proceed with an amendment to Section 114-222, seconded by Commissioner Miller.

AMENDED MOTION: Commissioner Cramer moved to have the City Planner draft an Ordinance to amend the Code in accordance with the Planning & Zoning Board recommendation, seconded by Commissioner Miller.

Vote: All Ayes. Motion carried.

Public Comment

Diane Canniff of Oak Avenue said that she felt there was a difference between a pool coming closer to a street rather than closer to a neighbor. City Planner Alan Garrett acknowledged that this is an excellent point, and agreed that an alleyway provides a greater buffer than a property line would. He said he would need to review language relative to front yard setbacks and through lots.

Larry Albert of 711 Gladiolus Avenue reiterated his position and said he wanted to be sure that he was clear about what was being decided this evening. He said that all he wanted was a pool in the ground, with no structure, that was set back 10 ft. from his property line, the same as other property owners in the City already enjoyed.

City Planner Alan Garrett and City Attorney Dye said they would try to have the First Reading of the new Ordinance at the August 10th, 2006 Work Session.

6. Discussion on Report from Lewis, Stroud & Deutsch Regarding the Proposed Ordinance on the Coastal Overlay District (COD).

City Planner Alan Garrett indicated that he and City Attorney Dye had attended all the meetings with Nancy Stroud, who prepared the report for the City. He

summarized the memo that she issued to the City on July 7th, 2006 [please see attached] concerning the Coastal Overlay District (COD), which only deals with the re-platting of lots within certain coastal areas. He noted that her memo dealt in particular with the Burt Harris Act, which generally deals with the loss of the fair market value of property resulting from government action, and the placing of a burden on a property so that its owner can no longer retain a reasonable return on his or her investment in that property. The City Planner noted that Ms. Stroud had pointed out that especially when we have lands currently zoned E-1 Preservation and E-2 Conservation, and these districts were created prior to the Burt Harris Act, then potential property development is already limited or restricted, so there is not the same concern when applying the overlay district to these particular districts, as compared to if it were to be applied to purely residential districts. City Planner Garrett indicated that Ms. Stroud felt more comfortable that these Preservation and Conservation lands, or those lands seaward of North Shore or South Bay would not experience a taking. He said that even with re-platting, because of the desirability and marketability of waterfront property, the owners would still retain a fair market value in their investments. City Planner Alan Garrett said that those parcels that are landward of the road, or internal were a source of concern for Ms. Stroud when applying these same restrictions. He noted that Ms. Stroud pointed out that the Commercial district is covered, but not defined, and therefore she recommended that the Commercial district be removed from the overlay district. Mr. Garrett summarized that Ms. Stroud believed that the City would prevail in a challenge regarding property that is seaward of the coastal road, especially if it is Gulf front property.

City Attorney Dye indicated that he had recently spoken with Ms. Stroud at a Municipal Attorneys Association meeting, and that one of the themes of their conversation had been that it is extremely difficult to predict the outcome of a Burt Harris Act challenge, since there is so little case history to discuss. He said that he and Ms. Stroud discussed using alternative regulatory tools to achieve a similar goal to the one the City was pursuing. Such alternatives include prohibiting walled subdivisions and compounds, or eliminating future private roads and gated communities. The City Attorney noted that the Daylight Plane Ordinance could be used in a similar fashion to limit the bulkiness of large houses. He said that he did ask for some of the material that the appraiser she used had provided, however, Ms. Stroud indicated that the appraiser had not written up a formal appraisal, and that much of the work had been conducted over the phone. Ms. Stroud had promised the City Attorney copies of whatever she had on the subject, however, he had yet to receive this material. He said that he agreed with removing Commercial properties from the Ordinance. The City Attorney said there was merit in focusing upon the waterfront properties, since this would be more likely where some of the issues of concern would arise. He recommended using some of the alternative regulatory tools that the City Planner had mentioned, such as prohibiting private roads and gated or walled communities city-wide, so that this would affect interior lots also.

Commissioner Miller said that he agreed with Ms. Stroud's recommendation relating to building seaward of coastal roads, since this affected the safety of residents. He expressed the opinion that the City's intent could best be achieved if the freezing of plats were possible.

The Commissioners agreed with Mayor SueLynn's suggestion that the City Planner and City Attorney also be instructed to amend the City's ordinances so that private roads and gated communities are prohibited.

Public Comment

Tom Turner of 850 North Shore Drive asked which lots the Commission was referring to, and recommended dealing with platted lots seaward of Snapper.

Jack Eagen of North Shore Drive asked how many cases had gone to court under the Burt Harris Act. City Attorney Dye indicated that out of 150 to 175 claims filed under the Burt Harris Act, only about half a dozen cases had gone to trial, with the remainder having been settled out of court. He said the first one in which he had seen a judgment handed down against a city had occurred within the past week to ten days.

Georgia Van Cleave of Magnolia Avenue said she thought that perhaps the City should consider putting in the old, as well as the current usage of the roads formerly designated as Grouper and Snapper [North Shore Drive and Gulf Drive, respectively].

Commissioner Dale Woodland asked for the rational basis for Ms. Stroud's conclusions. City Attorney Dye responded that most of Ms. Stroud's conclusions were based on trying to protect the public treasury in cases of uncertain outcome, such as those relating to the Burt Harris Act. He indicated that he felt that 90% of her rationale dealt with this possibility, while the remaining 10% dealt with public safety and welfare concerns.

Commissioner Miller suggested that the City move ahead with the Coastal Overlay District and in doing so, eliminate private roads and gated communities. City Planner Alan Garrett clarified that it was not the platting, but the underlying zoning that would allow the re-platting to obtain more lots, because of the dimensions and the size of the existing parcels.

Mayor SueLynn noted that currently along North Shore Drive, there were currently five or six large properties in a row, all up for sale. She said that those homes could be re-platted to yield perhaps double the number of lots, all with ingress and egress onto North Shore Drive.

Commissioner Cramer confirmed that the current moratorium would extend to October 13th, 2006.

7. **Update on Dispute Regarding the Platted City Walkway Between 502 – 504 North Bay Blvd.**

City Attorney Jim Dye indicated that, following the meeting of the Commission in June where they agreed that the door was open for the City to discuss options with the Olesons, he had not heard further from the Olesons or their attorney until July 20th, 2006. He said that he was willing to sit down with the Olesons and their attorney, however, that he did not look forward to a successful outcome. The City Attorney said that there were some very basic concepts that it appeared the Olesons and their attorney had not grasped. He indicated that he believed the Olesons and their attorney should have at least one meeting with an elected official. City Attorney Dye recommended that the Commission appoint a Commissioner for this purpose. Commissioner Linda Cramer said that she would be willing to perform this function.

Commissioner Cramer asked City Attorney Dye to give her an example of an estoppel case. City Attorney Jim Dye responded that a classic estoppel case would be where a person comes in and obtains a building permit or a site plan approval, and goes out and begins work on their project, which turns out to be an unpopular one with residents of their community. The municipality then changes codes and regulations to make the approved project illegal. He said the main point is that the person had to be dealing in something that was legal at the time they began.

Commissioner Cramer said she found it very difficult to see a property in the position in which the Olesons had found themselves with theirs. She said that her personal viewpoint was that she would support vacating the five feet of alleyway. The Commissioner noted that the property owners had been granted a permit by the City of Anna Maria, and had been stopped from work on their project for some length of time. She noted that the City in the meantime had vacated other alleyways, and that the walkway was a similar situation, although a different circumstance. Commissioner Cramer said she felt that the problem could be resolved in an entirely different manner so that the property owners could move forward with their home.

Commissioner Christine Tollette asked for clarification, relative to City Attorney Dye's statement in the second paragraph of his letter to the Olesons' attorney, dated July 25th, 2006. The City Attorney responded that the City could not change the side setback on a property to zero, simply by unanimous vote; an ordinance would need to be changed to allow this. He noted that there are ordinances in the City that prevent the Olesons' structure from being where it is.

Commissioner Dale Woodland noted that the City simply wanted to have a whole walkway, and the Olesons simply wanted to have a complete home. He observed that the Olesons had witnessed general consensus among the Commissioners for this. The Commissioner asked what the minimum procedure, and most expeditious way would be to accomplish what it appeared both the City and the

property owners wanted to see. City Attorney Dye said there were a couple of issues, such as the fact that the Olesons had indicated that they wanted building inspections to occur immediately, and that they did not appear to be willing to wait for processes to run their course. He said that his position was, that when a City is changing ordinances and vacating alleyways or conducting other similar actions, there is a public hearing process involved.

Commissioner Duke Miller said that he agreed with the City Attorney. He noted that the Code requires a variance to be granted to do what the Olesons are trying to do, and that one of the criteria it is necessary for an applicant to satisfy when applying for a variance is that of hardship. The Commissioner observed that the Olesons had been issued a building permit by the City Building Official. He indicated that his opinion was that the Olesons in fact did have a hardship, and therefore Commissioner Miller suggested that they go ahead and apply for a variance.

Commissioner John Quam said that he would support removing the wall from the walkway, and seeing the Olesons apply for a variance

Mayor SueLynn pointed out that the Comprehensive Plan prohibited the vacation of a beach access.

Commissioner Miller confirmed with City Attorney Dye that the Olesons would need to have their variance application heard first by the P&Z Board before that Board's recommendation could be considered by the Commission.

Public Comment

Terry Oleson of 504 South Bay Blvd. commented regarding the requested zero setback and the design of his house. He said that in Spanish architecture, it was common and desirable to have rooms expandable by outside spaces, therefore almost every room in the home had been designed to incorporate an outside space. Mr. Oleson said that in order for this design to work, the outside space needs to be semi-private. He said the reason for the zero setback was in order to now put the walk that was beside the original house along the edge of the easement. Mr. Oleson said that normally they would be allowed to do this, however, the problem that has arisen is that the foundation needs to go under the easement. He said that he now needs recognition by the City that would be acceptable, noting that a 10 ft. easement would still be in place. Mr. Oleson noted that he could put a fence right on his property line, however, the wall, being a structure, was not allowed. He responded, in answer to a question from Commissioner Woodland, that he and his wife had never been opposed to applying for a variance. Mr. Oleson said that the reason they had requested the vacation of the walkway by the City and for them [the Olesons] to grant the City an easement, was that it would not only make the current issue disappear, but would make the entire house legal, including the permitted addition his parents had put on the house (which is now illegal). He noted that the vacation would clear up many of the wrongs that had been done,

and still give everyone what would be needed. Mr. Oleson pointed out that if he goes with a variance, if something happens in the future, there could be a problem.

Mayor SueLynn appointed Commissioner John Quam to be the elected official to meet with the Olesons to further discuss the problem.

Public Comment

Laura Eagen of 502 South Bay Blvd. said she would like to see the City vacate the entire walkway, and grant five feet to her property and five feet to the Olesons. She noted that there was no beach to the 'beach walkway', just a five-foot seawall drop-off, which was neither maintained nor used, and in summary, indicated that she felt that she would be entitled to half of the walkway, if any vacation were to take place.

MOTION: Chair Quam moved to continue the meeting until the Agenda is completed, seconded by Commissioner Miller.

Vote: All Ayes. Motion carried.

City Attorney Dye observed that the next step would be to contact the Olesons' attorney to schedule an appointment.

8. First Reading of Ordinance No. 06-663, Adopting the Manatee County Animal Ordinance No. 06-18, that was Approved by the County in March 2006.

Commissioner Linda Cramer read the Ordinance by title.

Commissioner Quam indicated that the Second Reading of the Ordinance would be scheduled for the August 24th, 2006 at the Regular Commission Meeting.

Public Comment

Margaret Jenkins of Chilson Avenue said that she was not in agreement with the section in the Ordinance that requires cats to be kept on their owners' properties.

9. Establish a Date, Time, and Place for the First Public Hearing on the 2006 / 2007 Budget and Set a Tentative Millage Rate.

MOTION: Commissioner Linda Cramer moved to set the tentative millage at 2.0000 mills for the Fiscal Year 06/07 proposed budget with the rolled-back rate at 1.7446. Commissioner Cramer further moved that the date, time and place of the first public hearing shall be September 7th, 2006 at 6:30 p.m., at the City of Anna Maria City Hall, 10005 Gulf Drive, Anna Maria, Florida. The motion was seconded by Dale Woodland.

Roll Call Vote: Commissioner Tollette: Aye; Commissioner Woodland: Aye; Commissioner Quam: Aye; Commissioner Cramer: Aye; Commissioner Miller: Aye. Motion carried unanimously.

10. Approval to Proceed with Property Appraisals for City Hall and 402 Pine Avenue – Line Item Transfer if Required.

City Clerk Alice Baird reported that she had received a quote for \$6,000, and that staff had identified an area to do a Line Item Transfer from the Land Development Regulation Associated Costs into the General Government Insurance Line Item for that amount. She said that since she last reported to the Commission, she had been in contact with another commercial appraiser, who would be coming out to the city to conduct an appraisal of the City Pier, the Island Players, City Hall, the Historical Society building and the Public Works facility at 402 Pine Avenue. The City Clerk recommended approving the appraisal for an amount not to exceed \$6,000, with the hope that the actual appraisal by the new appraiser would be produced at a lesser cost. City Clerk Baird indicated that the appraisal would be for total replacement cost.

MOTION: Commissioner Duke Miller moved to authorize the Mayor to spend up to \$6,000 for appraisal of City property and to make a Line Item Transfer of that amount from the Land Development Regulation Associated Costs Line Item to the General Government Insurance Line Item. The motion was seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried unanimously.

11. Proposed Change In City Hall Re-Roof Contract.

City Attorney Jim Dye indicated that he was presenting the Commissioners with a short addendum, or waiver of the requirement for a payment and performance bond, to the contract with Roof USA, LLC. He noted that their bonding company had not been willing to modify their bond to make it a public bond because the size of the bond and the size of the project did not justify the additional expense. The City Attorney reported that City Engineer Tom Wilcox had indicated that this was a one-payment job, therefore there was little risk that subs and material men would remain unpaid. He noted also that the finished product would be seen when the project is completed and before the contractors are to be paid. The City Attorney confirmed to Chair Quam that this was a modification to the contract that had already been approved by the Commission.

MOTION: Commissioner Linda Cramer moved to approve the addendum to the Roof USA, LLC contract, as written. Commissioner John Quam seconded the motion.

Vote: All Ayes. Motion carried unanimously.

Public Comment

None offered.

PUBLIC COMMENT

Tom Turner of 850 North Shore Drive indicated, relative to the swimming pool request of Larry Albert, that two houses on Pine Avenue were having pools built. He asked how

close these would be to the sea wall involved. Mayor SueLynn confirmed to Chair Quam that she would investigate.

Commissioner Linda Cramer indicated that Mr. Mason of 102 Cedar Avenue had supplied her with handouts to distribute to the Commissioners with the request that they each read theirs.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Linda Cramer moved to adjourn the meeting, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

City Clerk Alice Baird

Date