

TOWN LONGBOAT KEY
REGULAR COMMISSION MEETING AGENDA
FEBRUARY 6, 1989
7:00 P.M.

- I. Call to Order
- II. Pledge of Allegiance
- III. Proclamations and Special Presentations
 - 1. Proclamation, National Engineers' Week, February 19 - 25, 1989.
- IV. Approval of Minutes
 - Regular Meeting January 9, Special Meetings January 16, January 17 and January 23, 1989.
- V. Communications and Committee Reports
- VI. Ordinances - First Reading
 - 1. 88-33 Amending Chapter 37 Finance and Taxation.
 - 2. 89-04 Amending Fire Code, Deleting Retrofits; Deleting Sprinkler Systems for New Single Family Homes.
- VII. Ordinances - Second Reading and Public Hearing
 - 1. 88-23 Storer Cable TV.
 - 2. 89-01 Amending Chapter 91, Dog Excreta.
 - 3. 88-02 Amending Chapter 72, Handicapped Parking.
 - 4. 89-03 Amending Chapter 74, Limiting Parking Two Hours, Longview Drive.
- VIII. Other Public Hearings
 - 1. Resolution 89-02 Amending Outline Development Plan, Sandhamn, The Centre Shopping Center, 5300 and 5400 Block, Gulf of Mexico Drive.
- IX. Resolutions
 - 1. 89-03 Amending Site Plan, The Center Shopping Center.
- X. Unfinished Business
 - 1. Recreation Survey.

INDEXED
5-15-89

- XI. New Business
 - 1. Approval of Preliminary and Final Plat for Shipman Subdivision.
 - 2. Proposed Dedication of Lot #12, Bailey/Dobson Subdivision.
 - 3. Proposed Dedication of a Portion of Emerald Harbor Drive, Parcel "A".
 - 4. Refer Department of Community Affairs comments on the Comprehensive Plan to the Planning and Zoning Board.
- XII. Town Attorney Comments
- XIII. Town Manager Comments
- XIV. Town Commission Comments
- XV. Public to be Heard
- XVI. Questions from Press
- XVII. Adjournment

If any person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

MINUTES OF THE REGULAR MEETING OF THE LONGBOAT KEY TOWN COMMISSION,
FEBRUARY 6, 1989, 7:00 P.M.

Present: Mayor Pollock, Vice-Mayor Brown, Commissioners Fernald,
Stewart, Loiselle, Gally, Wurzburg

Also Town Manager Cox, Town Attorney Christiansen, Finance
Present: Director Sullivan, Planning Director Brady, Public Works
Director Smally, Town Clerk Arends, Deputy Clerk Hall

I. Call to Order

The meeting was called to order at 7:00 P.M.

II. Pledge of Allegiance

Mayor Pollock led the Pledge of Allegiance to the Flag.

III. Proclamations and Special Presentations

1. Proclamation, National Engineers' Week, February 19 - 25, 1989.
Proclamation proclaiming the week of 2-19 through 2-25 as "National
Engineers' Week" was read by Mayor Pollock.

IV. Approval of Minutes

It was moved by Gally, seconded by Loiselle, to approve the minutes
of Regular Meeting January 9, Special Meetings January 16, January
17, January 20 and two of January 23, 1989 as written. Motion
carried unanimously.

V. Communications and Committee Reports

Petitions - Intensity of Land Use.

Commissioner Fernald stated she had been concerned about the
intensity of use of property on Longboat Key. In example, she said
the Ritz-Carlton Hotel of Boston had discussed with the Town a
possibility of constructing a 400-unit hotel in the area between
The Sanctuary and Inn on the Beach. She said the Town Charter
stated the Commission was to control intensity of use of land.
However, she presented petitions from over 400 residents, with a
voucher from the Manatee County Supervisor of Elections which
validated 263 of 282 signatures submitted, requesting a referendum
be held to add an amendment to the Town Charter, Art. II, Sec. 24
(e) to state: "Ordinances proposing amendments to the Official
Zoning Map shall be adopted in accordance with the Town Charter and
applicable State law, except that any such ordinance having the
effect of intensifying the use of any property which is zoned for
residential use on the date of adoption of this section may become
effective only upon referendum approval of the electors of Longboat
Key." She said since circumstances had prevented these petitions
from being submitted in time for the March 1989 election, it was
intended to resubmit petitions in time for the March 1990 election.

Manatee County Legislative Delegation.

Commissioner Loiselle reported he had made a presentation to the
Manatee County Legislative Delegation on 1-23-89. He presented and
asked support for the unfunded state mandate issue, repeal of the
2-6-89, PAGE 1

89-07

REGUL. MEETING (CONT)

2-6-89, PAGE 2

Criminal Discovery Deposition Rule, and reinstatement of road and bridge fund rebates to local jurisdictions. He stated he had also requested a change in the current State formula for beach renourishment that would, in effect, distribute available State funds to a greater number of beach renourishment projects.

Sarasota League of Cities Meeting.

Commissioner Loiselle reported he attended a meeting of the Sarasota County League of Cities on 1-24-89. He said Raul Martinez, President of Florida League of Cities, urged members to continue efforts concerning the state mandate issue. He said he had presented and received support for a draft of a bill to assure limited reimbursement for coastal communities which have completed a beach renourishment project. Further, he said the Mayor of Venice had stated a delegation from Venice would accompany Sen. Johnson to Washington, D.C. to seek funds for its beach project.

He said he attended the Sarasota County Legislative Delegation Hearing headed by Sen. Johnson on 1-27-89. He said he presented a proposal for a bill to amend current State Statutes to add an "optional funding mechanism for local beach renourishment and beach renovation projects". He said the response was that this would be an innovative concept. He said the bill could provide possible refund to the Town of \$2 million if the beach renourishment project was completed.

Tourism Funds.

Commissioner Loiselle reported he attended several Manatee County meetings in an effort to comply with the Intergovernmental Coordination Element of the Comprehensive Plan. He said he was attempting to seek the release of Tourist Development Funds collected by the County and allocated for beach renourishment projects. He said the Department of Management had told him over \$400,000 was in the fund at present, and funds were released to communities based on applications by the jurisdictions. Longboat Key establishments had contributed \$199,000 in tourist taxes in 1988. He said the Department indicated Longboat Key's current beach status should qualify the Town for funding, but a letter of determination must be submitted to the Tourism Council to establish eligibility.

He said if the proposed legislation had a chance of passing, then the Town should proceed with three items: 1) draft a formal bill to meet the deadlines imposed by the State and seek sponsorship by Sen. Johnson; 2) send a letter of determination to the Tourism Council and state the Town's position of eligibility for funding and any required documentation; and 3) write to the Florida Congressional Delegation to reinstate the Town's funding request which was previously denied.

It was moved by Brown, seconded by Fernald, that the letters suggested by Commissioner Loiselle be written and forwarded to the proper agencies. Motion carried unanimously.

89-07

Commissioner Loiselle stated he attended the Florida League of

2-6-89, PAGE 2

BOOK 8 PAGE 50

REGUL. MEETING (CONT)

2-6-89, PAGE 3

Cities Legislative Program in Tallahassee. He said the League's legislative program for the upcoming session listed several issues concerning potential effects on barrier islands. In this regard he said the Commission should request clarification of Art. 505.1.

Mr. Cox stated the Commission may wish to discuss issues with the Town Attorney since he would be drafting the bills proposed.

It was moved by Fernald, seconded by Gally, Commissioner Loiselle be authorized to discuss drafting of legislative bills with the Town Attorney.

Commissioner Stewart asked if only the Town was involved with the draft legislation, or if other communities could share in the costs. Commissioner Loiselle stated the legislation would affect all coastal communities, but the bills had to begin with one municipality before others would show support.

Motion carried unanimously.

Commissioner Loiselle stated while in Tallahassee he had requested copies of current salary survey reports from the Florida League of Cities. He said these would be available at the end of February, therefore, the Commission should postpone the Town's proposed salary survey contract until after these had been reviewed.

DOT Meeting re. Proposed Replacement of Longboat Pass Bridge.

Mayor Pollock stated FDOT would hold a public information workshop on 2-9-89 at the Island Chapel concerning the replacement of Longboat Pass Bridge. He stated he felt the bridge replacement may be linked to the future 4-laning of Gulf of Mexico Drive. He urged all residents to attend the meeting.

VI. Ordinances - First Reading

1. 88-33 Amending Chapter 37 Finance and Taxation.

At the direction of the Commission, Ord. 88-33 amending Chapter 37, Finance and Taxation, Section 37.11, Excise Tax on Insurance Companies, to reduce the tax levied on casualty risks insurance premiums from 1% to .85% and reducing the tax levied on property insurance premiums from 2% to 1.85%, was placed on first reading by title only.

It was moved by Loiselle, seconded by Fernald, to pass Ord. 88-33 on first reading. Motion carried unanimously.

Ord. 88-33 was forwarded for second reading and public hearing at the Regular Meeting of 3-6-89.

2. 89-04 Amending Fire Code, Deleting Retrofits; Deleting Sprinkler Systems for New Single Family Homes.

At the direction of the Commission, Ord. 89-04 amending Chapter 94: Fire Prevention Code, of the Code of Ordinances of the Town of Longboat Key, Sections 94.45, 94.46, 94.47 and 94.48 to repeal certain requirements for installation of smoke alarms, automatic extinguishing systems and alarm annunciators, was placed on first

2-6-89, PAGE 3

BOOK 8 PAGE 49

REGUL. MEETING (CONT)

2-6-89, PAGE 4

reading by title only.

Mr. Christiansen stated additional language on Page 2, Sec. 4, and on Page 3, Sec. 7, deleted requirement for smoke detectors in new single-family homes. Also, there was a renumbering of Sec. 8 and 9.

It was moved by Fernald, seconded by Stewart, to pass Ord. 89-04 on first reading.

Commissioner Wurzburg asked if Chief Fakelman wished to have any other items included in the ordinance. Chief Fakelman stated he understood the feelings of the public regarding a financial burden for retrofitting, but it was the job of the Fire Dept. to protect lives and property on Longboat Key. Commissioner Wurzburg asked Chief Fakelman his feelings on the Enhanced 911 Telephone System. Chief Fakelman stated he would not recommend installation until use of the system in other communities was investigated.

Commissioner Loiselle stated he was opposed to changing the ordinance until the E911 System was in place.

Motion carried on roll call vote: Fernald, aye; Stewart, aye; Loiselle, no; Gally, aye; Brown, aye; Wurzburg, aye; Pollock, aye.

VII. Ordinances - Second Reading and Public Hearing

1. 88-23 Storer Cable TV.

At the direction of the Commission, Ord. 88-23, Draft 6, an ordinance granting to Storer Cable TV of Florida, Inc. a nonexclusive franchise to install, maintain and operate a cable television system for the distribution of television and communication signals, frequency modulated radio signals and closed circuit television programs in the Town of Longboat Key, State of Florida, for a period of 5 years with an automatic conditional renewal of 10 years commencing with the effective date of this ordinance; providing conditions, limitations and requirements; stipulating protective and indemnity provisions; providing for acceptance by Grantee at the expiration of its franchise; prohibiting certain assignments and sub-leases; providing for the severability of the parts hereof; providing when said ordinance takes effect; defining Cable Television System, was placed on second reading by title only.

It was moved by Loiselle, seconded by Fernald, Ord. 88-23 be adopted on second reading.

Mr. Christiansen stated the following changes to this draft of the ordinance: Page 2 - "renewal" was changed to "extension" in the final "whereas" clause; Page 2, Sec. 1, the word "term" was changed to "extension"; on Page 3, Sec. 2, the first sentence was amended to read "The franchise granted by the Grantor is for a term of five (5) years with an automatic conditional extension of ten (10) years following the date such franchise is accepted."; and language added after this sentence to state "The Grantee shall not be required to apply separately for the ten (10) year extension but the extension shall be automatic upon a finding by the Grantor that the two

89-07
2-6-89, PAGE 4

BOOK 8 PAGE 48

REGUL. MEETING (CONT)

2-6-89, PAGE 5

conditions of Section 1 above have been complied with." He said "term" was changed to "extension" because Storer felt the renewal would require them to go through the Federal renewal procedure again within a few years.

Pursuant to published notice, public hearing on the ordinance was opened.

Charles Owen, counsel to Storer Cable, stated he agreed with Mr. Christiansen's amendments to the ordinance, but was in disagreement with the requirement for an "independent audit". He said Storer felt this would require them to audit the books specifically for Longboat Key, which would be very costly to the company. He said the company auditors would audit the revenues, therefore, he asked the additional word "revenues" be added. He said regarding arbitration, if there was a disagreement between the Town and Storer, then the parties involved should first attempt to agree, but if impossible then the parties should be bound by rules and procedures of the American Arbitration Association or the Florida Arbitration Act.

No one else wished to be heard, and the hearing was closed.

Commissioner Loiselle stated the Legislature would be reviewing several bills regarding an increase in franchise fees, and asked if there should be provision in the ordinance if there were an increase. Mr. Christiansen stated that was not included in the ordinance.

It was moved by Fernald to amend the motion to include the proposed amendments of the Town Attorney, the word "revenues" after audit on Page 4, and that the parties be bound by the rules and regulations of the American Arbitration Association.

Commissioner Wurzburg stated he agreed with the addition of the word "revenues", but otherwise the Commission should adopt the ordinance as written. Mr. Christiansen stated since he had not reviewed provisions of either the Association or Act referenced by Mr. Owen in regard to arbitration, he was unable to give legal opinion at this time.

Commissioner Loiselle seconded the motion to amend the ordinance.

It was moved by Stewart, seconded by Fernald, to postpone these proposed amendments until the next regular meeting. Motion carried unanimously.

No vote was taken on the main motion to adopt Ord. 88-23.

Commissioner Stewart said literature the Commission had received concerning cable television laws had stated municipalities should be cautious when extending franchise terms because of new technology, and he felt the Commission should take those suggestions into consideration.

89-07

2-6-89, PAGE 5

BOOK 8 PAGE 47

REGUL MEETING (CONT)

2-6-89, PAGE 8

discrimination.

Motion on amendment for a 4-hour time limit carried on roll call vote: Fernald, aye; Stewart, aye; Loiselle, no; Gally, no; Brown, no; Wurzburg, aye; Pollock, aye.

Motion to adopt ordinance as amended failed on roll call vote: Fernald, no; Stewart, aye; Loiselle, no; Gally, no; Brown, no; Wurzburg, aye; Pollock, aye.

VIII. Other Public Hearings

1. Resolution 89-02 Amending Outline Development Plan, Sandhamn, The Centre Shopping Center, 5300 and 5400 Block, Gulf of Mexico Drive.

Mr. Brady reviewed the Conditions in Exhibit "A" of the resolution for a specialty food store to be allowed in The Centre. He stated Condition 3 would read: "One Specialty Food with a maximum seating area of 1,500 square feet and with a maximum seating capacity of 30 seats.

It was moved by Loiselle, seconded by Fernald, to adopt Res. 89-02.

Mr. Cox stated he had been concerned since the initial resolution did not provide for any particular number of specialty food shops, and the applicant had requested 50 seats in a 1500 square foot area.

Pursuant to published notice, public hearing on the resolution was opened.

Bill Bishop, Bishop & Associates, stated Mr. Wallenberg, the applicant, had gone through the Site Plan process and amendment to the ODP without realizing there would be restriction to a certain number of seats, just to the size of the area.

Commissioner Stewart noted in reviewing the sketch it appeared there was a very large kitchen and very little counter space, more in keeping with a restaurant instead of a deli. Mr. Bishop said the original ODP allowed two restaurants.

Peder Wallenberg, developer of The Centre, stated Herb Lovett had indicated the number of seats at 30, whereas he was not aware he would be bound to any particular number. Mr. Cox stated the original resolution covered a deli which did not allow any seating; last summer request had been made to allow a seating capacity there for 30 seats. Mr. Wallenberg agreed that at that time 30 seats were requested for indoors and outdoors, but Mr. Cox had not been in agreement to permit outdoor seating.

Mr. Brady stated the current code required one space per 100 square feet and that 15 spaces was a fair method; the P&Z Board had approved a maximum of 1500 square feet. Mr. Cox said the number of seats was important, as more seats meant more intense use of the property. He said if the Commission did not wish to consider additional parking, the amount of seating must be addressed.

2-6-89, PAGE 8

BOOK 8 PAGE 46

REGULAR MEETING (CONT)

2-6-89, PAGE 6

It was moved by Stewart, seconded by Gally, to amend the ordinance to state a term of 5 years with an automatic conditional extension of 5 years. Motion failed on roll call vote: Fernald, no; Stewart, aye; Loiselle, no; Gally, aye; Brown, no; Wurzburg, no; Pollock, no.

Mr. Cox stated Commissioner Loiselle had requested a provision for the possible increase in franchise fees.

It was moved by Loiselle, seconded by Fernald, to include in the ordinance ability to adjust the rates based on the State mandates.

Mr. Christiansen asked if the Commission wished to have an automatic rate increase or for an increase to be determined by the Commission. There was consensus to allow the Commission to determine the increase.

Motion carried on roll call vote: Fernald, aye; Stewart, aye; Loiselle, aye; Gally, aye; Brown, aye; Wurzburg, aye; Pollock, no.

Further discussion on adoption of Ord. 88-23 was forwarded to the Regular Meeting of 3-6-89.

2. 89-01 Amending Chapter 91, Dog Excreta.

At the direction of the Commission, Ord. 89-01, amending Chapter 91, Animals, of the Code of Ordinances of the Town of Longboat Key relating to removal of deposits of dog excreta, was placed on second reading by title only.

Pursuant to published notice, public hearing on the ordinance was opened. No one wished to be heard, and the hearing was closed.

It was moved by Stewart, seconded by Gally, to adopt Ord. 89-01 on second reading.

Commissioner Loiselle stated the Code was supported by the Sarasota County Code, and if the Town left the Code unchanged, the County would be required to enforce its ordinance.

Motion carried on roll call vote: Fernald, aye; Stewart, aye; Loiselle, no; Gally, aye; Brown, aye; Wurzburg, aye; Pollock, aye.

3. 89-02 Amending Chapter 72, Handicapped Parking.

At the direction of the Commission, Ord. 89-02, amending Chapter 72, Stopping, Standing and Parking, Section 72.99 of the Code of Ordinances of the Town of Longboat Key, Penalty, to provide for a \$100.00 fine for unlawful parking in legally designated and marked handicapped parking spaces, was placed on second reading by title only.

Pursuant to published notice, public hearing on the ordinance was opened. No one wished to be heard, and the hearing was closed.

It was moved by Fernald, seconded by Wurzburg, to adopt Ord. 89-02 on second reading.

2-6-89, PAGE 6

BOOK 8 PAGE 45

89-07

REGUL. MEETING (CONT)

2-6-89, PAGE 7

Commissioner Loiselle asked if the words "unattended vehicle" could be included in the ordinance. Mr. Christiansen stated those words could not be included in the ordinance, because the ordinance addressed nonhandicapped persons parking in spaces marked for the handicapped, whether or not the vehicle was occupied.

Commissioner Stewart stated the present law for handicapped parking spaces had not been enforced, and the Town should consider better enforcement. Vice-Mayor Brown suggested the Police Dept. assign an officer to patrol the handicapped spaces. Commissioner Wurzburg suggested the Town make use of free space offered in The Longboat Observer to help educate the public in this regard.

Motion carried unanimously.

4. 89-03 Amending Chapter 74, Limiting Parking to 2 Hours, Longview Drive.

At the direction of the Commission, Ord. 89-03, amending Chapter 74, Schedule II - Restrictive Parking, of the Code of Ordinances of the Town of Longboat Key by adding a new paragraph (D) prohibiting parking in excess of 2 hours on Longview Drive, was placed on second reading by title only.

Pursuant to published notice, public hearing on the ordinance was opened.

Clifford Klaus, attorney representing Shenkel's Restaurant, stated he was involved with changes in the parking here two years ago at the time the area north of the restaurant was roped off by the Town. He said Shenkel's used that area and wished to know why the Town was creating a restrictive parking law that was not necessary at this time. He submitted a petition of 130 signatures collected at the restaurant stating opposition to the ordinance and that there was not full occupancy in the parking area.

Kenny Barr, Shenkel's Restaurant, stated he opposed an ordinance, as it singled out one particular beach access parking area. He asked how the Town intended to enforce the ordinance.

Mr. Cox stated the ordinance was proposed to provide a maximum amount of parking for beach access. Vice-Mayor Brown stated he felt restricting parking at a beach access could jeopardize funding for the beach renourishment project.

No one else wished to be heard, and the hearing was closed.

It was moved by Fernald, seconded by Stewart, to adopt Ord. 89-03 on second reading.

It was moved by Fernald, seconded by Stewart, to amend the motion to limit parking to 4 hours.

Commissioner Loiselle stated he opposed the ordinance, as restrictions should be the same at all beach accesses to avoid

2-6-89, PAGE 7

89-07

REGUL. MEETING (CONT)

2-6-89, PAGE 9

Commissioner Stewart stated if people could not get a parking space, they would go elsewhere. Commissioner Fernald stated she felt 50 seats may be crowded.

No one else wished to be heard, and the hearing was closed.

It was moved by Wurzburg, seconded by Brown, to approve Res. 89-02 with an amendment to allow 50 seats. Motion carried unanimously.

Mayor Pollock called a recess at 8:25 P.M. The meeting reconvened at 8:30 P.M.

IX. Resolutions1. 89-03 Amending Site Plan, The Centre Shopping Center.

Mr. Brady stated there was P & Z Board consensus to modify Condition 4 in Res. 89-03. He said the Condition eliminated spaces 1 and 6, and there was P & Z Board consensus to not approve spaces 1-16. The developer would need to leave 3 of the spaces to comply with 165 spaces required by the Resolution. Mr. Cox questioned the need for additional spaces. Mr. Bishop stated the developer wished to have additional spaces, and would agree to delete 1 and 6.

It was moved by Wurzburg, seconded by Brown, to approve Res. 89-03.

Commissioner Fernald asked if Condition 4 would be included as a new condition to allow 178 spaces. Mr. Brady stated that was the consensus derived from the workshop. Commissioner Wurzburg asked if there would be a buffer to separate the commercial and residential areas. Mr. Bishop replied there would be natural vegetation. Mr. Wallenberg stated there was an existing fence with landscaped screening.

It was moved by Wurzburg, seconded by Brown, the Commission approve Res. 89-03 and include 178 parking spaces, some of which would exist behind the buildings.

Mr. Christiansen advised the location of the parking spaces would need to be shown on a Site Plan, and a parking plan was in existence. Mr. Brady stated Condition 4 would be included to state there would be a maximum of 178 spaces. He said a technical change needed to be reflected in a change of dates from 1-6 to 2-5.

It was moved by Wurzburg, seconded by Brown, 89-03 be amended to change the date of 1-16 to 2-5, and to include the 178 parking spaces as approved by the Planning Dept. Motion carried unanimously.

Motion to adopt Ord. 89-03 passed unanimously.

X. Unfinished Business1. Recreation Survey.

Commissioner Wurzburg stated motion was approved at the December meeting to have a recreation survey, and approved again in January. He said the Commission would need to determine who would receive the survey so plans to mail it could proceed.

89-07

2-6-89, PAGE 9

BOOK 8 PAGE 43

REGUL MEETING (CONT)

2-6-89, PAGE 10

Mayor Pollock stated decision should be made as to what form the survey would take, the cost, the mailing, and who would receive the survey. He said it appeared the survey would not be completed before the adoption of the Comprehensive Plan. Commissioner Wurzburg stated the Commission had agreed on the questions included in the questionnaire. Mayor Pollock stated the Commission was advised to revise some questions to receive a better statistical response from the residents.

Commissioner Stewart stated the Commission was encouraged to decide who the survey would go to, such as the property owners and registered voters.

Commissioner Loiselle stated he was opposed to the survey because it would give useless information at a large cost, and the money could be used elsewhere in the Town. Vice-Mayor Brown stated he would never vote for the survey when it would be sent to those residents who presently had available facilities.

Mayor Pollock stated it was recommended in the Comprehensive Plan to conduct the survey. Commissioner Fernald stated Consultant Daltry had stated the entire Comprehensive Plan must be submitted to DCA by 3-14-89, but the Commission could amend the Plan later if necessary. Commissioner Stewart stated he believed the facilities that had been included in the Comprehensive Plan could be deleted until the Town received the survey results. He said the Town had additional time past the submittal deadline, as they would only receive letters from DCA.

It was moved by Stewart, seconded by Wurzburg, that the survey be a statistically valid random survey of voters on the voting list, and staff be instructed to proceed accordingly. Motion carried on roll call vote: Fernald, no; Stewart, aye; Loiselle, no; Gally, aye; Brown, no; Wurzburg, aye; Pollock, aye.

Commissioner Stewart stated the survey would be sent to approximately 500 of the 5000 voters on Longboat Key, and would cost in the range of \$10,000. Mr. Cox stated the cost and the bid process would take time. He advised the costs could not be divided into two parts to circumvent advertising for bids.

Commissioner Loiselle stated the Plan would not be jeopardized if the survey were not conducted. Commissioner Stewart stated the State did not mandate the survey, but it was placed in the Plan. Commissioner Fernald stated since the Plan stated the survey would be conducted by the end of 1989, there was no pressure to do it at this time.

Mr. Brady stated there were questions concerning who was surveyed in the 1978 survey, as the Commission had wished to use questions from that survey to compare with results of a new survey. In this regard he had contacted former Town Clerk Jane Pool who stated the previous survey was a census survey of all Town residents. Therefore, he suggested, if a comparison was still desired, it

89-07
2-6-89, PAGE 10

BOOK 8 PAGE 42

REGUL. MEETING (CONT)

2-6-89, PAGE 11

would be necessary to use a residential mailing list to sample that universe. Commissioner Stewart stated he understood from both consultants that for validity the census would have to be sent to everyone, which would be a large mailing. He said the alternative presented was a random sampling survey of a given group. Mayor Pollock stated he wished to forward the survey to staff to give directions to Tim Clarke, Clarke Advertising and Public Relations.

It was moved by Stewart, seconded by Wurzburg, that the final draft of the survey be presented to the Commission at a special workshop and special meeting prior to mailing. Motion carried on roll call vote: Fernald, no; Stewart, aye; Loisel, no; Gally, aye; Brown, no; Wurzburg, aye; Pollock, aye.

XI. New Business1. Approval of Preliminary and Final Plat for Shipman Subdivision.

Mr. Christiansen stated he had received the approval of Resolution 88-44, the escrow agreement, and release signed by Mrs. Shipman. He said he was holding the documents in escrow until approval from the Commission, then there would be a 45-day period for appeal of any Commission decision. He referred to three additional conditions proposed by Public Works Director Smally; the first two conditions were no longer necessary, but the third condition should be included to update the first page of the plat to show current ownership.

It was moved by Fernald, seconded by Gally, to approve the plat as directed by the Town Attorney with Condition 3. Motion carried on roll call vote: Fernald, aye; Stewart, no; Loisel, aye; Gally, aye; Brown, aye; Wurzburg, aye; Pollock, aye.

2. Proposed Dedication of Lot 12, Bailey/Dobson Subdivision.

Mr. Christiansen stated this item was the result of an offer made by Mr. Ansel to dedicate Lot 12, Bailey/Dobson Subdivision, to the Town. He said Mr. Ansel wished the lot to be used for recreation purposes. Further, the last paragraph of the letter from Mr. Ansel stated the use must commence within one year of conveyance of the property to the Town, or it would revert back to Mr. Ansel. The Commission had indicated an interest in the property, but did not wish to have that condition in the deed. Mr. Christiansen said he had contacted Mr. Ansel, who was willing to remove the restriction from the deed.

It was moved by Wurzburg, seconded by Gally, to accept the donation of property without restrictions, subject to review by the Town Attorney. Motion carried unanimously.

3. Proposed Dedication of a Portion of Emerald Harbor Drive, Parcel "A".

Mayor Pollock stated Mr. and Mrs. Dreher, of Emerald Harbor Association, were unable to attend the meeting and requested this item be postponed until a future meeting.

Commissioner Stewart asked if acceptance of this portion would involve additional liabilities on the Town's part. Mr. Christiansen

2-6-89, PAGE 11

REGUL. MEETING (CONT)

2-6-89, PAGE 12

stated these factors: it was a public street which ended at water, and there was an additional 25 feet; the Town may be liable for an accident on that 25 feet if it were negligently maintained; a barrier at the end would need to be maintained by the Town. He said he did not feel additional liability would be a factor. Commissioner Stewart stated a condition in the Code provided property must be brought up to Town standards before acceptance by the Town.

Further discussion was postponed until a future meeting.

4. Refer Comments of Department of Community Affairs on the Comprehensive Plan to the Planning and Zoning Board.

It was moved by Gally, seconded by Fernald, to refer comments of the Dept. of Community Affairs on the Comprehensive Plan to the P & Z Board for their review and recommendations. Motion carried unanimously.

XII. Town Attorney Comments
Vroom Case.

Mr. Christiansen stated a response was filed in the Vroom Case, and he was now waiting for notice of whether or not the U.S. Supreme Court would take jurisdiction.

The Reserve.

Mr. Christiansen stated he had written a letter to the attorney for Dr. Klauber, developer of The Reserve, concerning removal of pilings at The Reserve site. He said Dr. Klauber's attorney had contacted him and stated he was working on the details of this case.

XIII. Town Manager Comments

Tentative Dates for Comprehensive Plan Hearings.

Mr. Brady stated a schedule of tentative dates for Plan hearings distributed was based on the Commission's decision to refer the Department of Community Affairs' comments on the Comprehensive Plan to the P & Z Board. He had suggested Commission review of P & Z Board recommendations at a workshop on 2-21-89; however, it was found this would be in conflict with the Beaches and Shores conference on 2-22. Mr. Brady suggested the workshop be held on 2-27-89. Commissioner Stewart stated the Commission should keep in mind that if the Commission needed additional time, they could go past the submission deadline date of 3-14-89, although the Commission was told the Town would receive firm letters from the State. Commissioner Fernald stated Consultant Daltry had advised there were no provisions for extension.

Mr. Brady suggested the meeting be held on 2-27, 9:00 A.M. to 12:00 P.M. and 7:00 P.M. to 10:00 P.M. Commissioner Stewart stated the meeting should be held during the day because these hearings were for Commission discussion. Commissioner Fernald stated the Town should have input from the community, and persons who could not attend day meetings should have the opportunity to be heard at an evening meeting. Commissioner Loiselle stated he agreed with Commissioner Stewart. The workshop on 2-27 was scheduled to

89-07

2-6-89, PAGE 12

BOOK 8 PAGE 40

REGUL. MEETING (CONT)

2-6-89, PAGE 13

continue from 1:00 P.M. to 5:00 P.M.

Mr. Brady stated the Commission would also need to set a final hearing date for the Plan. Commissioner Stewart suggested the hearing be held on 3-14-89 at 7:00 P.M. Mr. Brady stated he wished to avoid holding the hearing on or after the deadline date of 3-14 to avoid jeopardizing beach renourishment funds. He suggested the hearing be held on 3-7-89 at 7:00 P.M. with a possible continuation date of 3-8-89. Commissioner Stewart stated he did not believe the Commission could review the changes in that short period of time. Mr. Brady explained that following the workshop staff would submit a summary sheet of changes to the Commission.

There was consensus to hold the hearing on 3-7-89 at 7:00 P.M. with a continuation on 3-8-89 if necessary.

Longboat Pass Dredging by Army Corps of Engineers

Mr. Cox stated bids on this project were scheduled to go out 5-89. He said the Town was seeking an extension of the Corps' permit to pump dredged material beyond the Jack Yonkers property south to Gulfside Road and north to Greer Island. He said Mr. Smally and Karyn Erickson, ATM, would go to the Corps' office in Jacksonville in this regard. Mr. Smally reported he had sent a letter to the Corps outlining the extension request, and from response he received by phone it appeared this could be accomplished.

Commissioner Fernald proposed money be authorized to pay for the additional piping required. Mr. Cox stated the interest at this time was to have the permit extended and costs could be addressed afterwards.

Greer Island Sand Spit

Mayor Pollock asked the status of the project contemplated for removal of the sand spit near Greer Island. Mr. Smally replied attorneys were working diligently with DER in Tallahassee to receive the necessary permits.

XIV. Town Commission Comments

Commissioner Wurzburg proposed the Town take a position in opposition to the blockade placed by the City of Sarasota at North Washington Drive on St. Armands. Mr. Cox stated that street was not recommended as an evacuation route, as it was one of the lowest areas and subject to flooding. He stated the street should not be considered a "through street" and the residential integrity of the neighborhood deserved to be maintained.

Mr. Brady described a traffic abatement plan suggested when he worked with the City of Sarasota, which he understood the City was still considering.

Mayor Pollock said a resolution could be drafted by the Town to let the City of Sarasota know the Commission's position. This was forwarded to the 2-16 workshop for further discussion.

89-07

2-6-89, PAGE 13

BOOK 8 PAGE 59

REGUL MEETING (CONT)

2-6-89, PAGE 14

Repair and Maintenance of Seawalls

Commissioner Stewart stated Emerald Harbor Flotilla had requested the subject of deteriorating seawalls be addressed. He proposed staff and the Town Attorney recommend ways at a future workshop to update the Code to require owners of broken down seawalls to make repairs to help protect neighboring properties.

FEMA Program


Commissioner Stewart reported that Marty Erwin, The Bayou, had informed of a FEMA "buy out program" wherein instead of continuing insurance on certain property, FEMA would buy the property and give it to the Town to keep open. Mr. Cox indicated he had sent a letter to the owner of a property to which this applied and was awaiting response concerning moving the structure in connection with the "buy out program".


XV. Public to be HeardXVI. Questions from PressFEMA Insurance.

Dora Walters, Editor of The Longboat Observer, stated she would be printing a story regarding an increase in FEMA insurance, which she understood would not affect Longboat Key properties.

XVII. Adjournment

The meeting was adjourned at 10:00 P.M.


Lewis S. Pollock, Mayor


Patrizia Arends, Town Clerk
Donna Hall, Deputy Town Clerk

29-07

2-6-89, PAGE 14

BOOK 8 PAGE 38