

TCRW 02-09-1982

MICROFILMING INFORMATION SHEET

TO: LASON
FROM: Town of Longboat Key
Town Clerk Department
501 Bay Isles Road
Longboat Key, FL 34228

DATE: 05-15-2002

SUBJECT: Microfilming

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TCRW 02-09-1982

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Scott

TOWN OF LONGBOAT KEY
WORKSHOP AGENDA
FEBRUARY 9, 1982
2:00 P.M.

I. Items for the consideration of the Town Commission:

- ✓1. Request for consideration of support re Manatee County opposition to disposal site - Charles Hunsicker.
- ✓2. Discussion of request for additional floor within fifty foot height limitation - Arvida.
- ✓3. Discussion of land acquisition proposal - Beaches of Longboat.
- ✓4. Discussion of letter regarding sign for Sands Point.
- ✓5. Discussion of relocation of Dream Island Road.
- 6. Discussion of Capital Improvement Budget.

II. Public to be Heard
(Other than agenda items listed above)

COMMISSION DIRECTIONS, FEBRUARY 9, 1982 WORKSHOP, 2:00 P.M.

Present: Mayor Bell, Commissioners Batten, Fernald, Kirst (until 5:00), Lewin, Ochs, Riter (until 3:35)

Also

Present: Town Manager Allgire, Town Attorney Christiansen, Town Clerk Pool, Consulting Planner Whelan after Item #4

Absent: None

1. Disposal Site Opposition Support Request

Charles Hunsicker of the Manatee County Planning Department explained the situation whereby the Corps of Engineers has been disposing of silt dredged from Tampa Bay into the gulf off Anna Maria Island. He asked the Town to support Manatee County in its efforts to require the Environmental Protection Agency and the Corps of Engineers to complete environmental studies and recognize the environmental situation occurring offshore as a result of the dumping. He said the disposal sites are just outside the limit of state jurisdiction. There will be contracts for several dredging projects in the Bay with 35,000,000 cubic yards remaining to be dumped. It is the County's recommendation that if the material must be dumped in the gulf it be at a site farther out where there is less marine life on the bottom. The Town's support could take the form of a resolution either 1) Stating support for the County's position or 2) Supporting the position as well as sending Notice of Violation to the Corps of Engineers. Even if the latter were done it would not bind the Town to file suit but in his opinion would be more effective than just alternative one alone. The Commission felt it would like time to consider the situation and the alternatives but the Town Clerk was asked to prepare a resolution for Commission discussion at the next workshop and decision at the next meeting.

2. Beaches of Longboat Land Acquisition Proposal

The attorney for the Beaches of Longboat project, Harvey Abel, informed the Commission they had been able to get an agreement with property owner Dr. Bailey to enable them to acquire land on Gulfbay Rd. adjacent to the property the Town acquired from Jerry Ansel and fronting on the bay. Mr. Abel stated their land dedication requirement was 1.475 acres and the property which they were proposing to offer in satisfaction of that requirement was approximately 1 acre of upland and 1 acre of submerged land. It is on the Town's open space map as desirable for Town acquisition. He further stated the offer would be without conditions and would be irrevocable even if the land acquisition ordinance is ultimately declared by the courts to be invalid. He said this and their previous offer were both open offers before the Town and stated they would like permission to start pilings for the first two buildings. The Commission expressed reservations about the offer since the value of the land was unknown and since part of it is submerged. Some of the Commissioners felt they would like time to consider the offer. Mayor Bell stated they could discuss it with the Town Manager during the following week, look at the property if they wished and the offer could be discussed again either at the February 16 workshop or the February 17 meeting.

Commission Directions, 2/9/82 Workshop, Page 23. Sands Point Sign Request

Letter had been received from residents of Sands Point condominiums expressing their unhappiness over the lack of a sign indicating their location since installation of new signs for Longboat Key Club. The Mayor pointed out that when Arvida was given permission to erect the new signs for Longboat Key Club the motion expressly provided that no other signs ever be permitted at the same place. Several residents of Sands Point and The Privateer condominiums spoke about the lack of signs and also about installation of gates restricting access to Longboat Club Rd. Chip Hamilton of Arvida Corp. stated they had plans to reconsider the Longboat Key Club signs, but only in respect to their appearance, not the names. (Residents and Commissioners had expressed dissatisfaction with Arvida's arbitrarily changing the name of Bay Isles to Longboat Key Club Harbourside and adding "Island Side" to the original Longboat Key Club name.) Mr. Hamilton said the name changes were a marketing decision. He said Arvida would have no objection if the Commission reversed the previous Commission's decision about not permitting additional signs or if they were allowed to put up street signs indicating Longboat Club Rd. Since residents were divided in their opinion about gates, Mayor Bell stated she would favor, as she had when permission was given for their installation, a trial period after which a final decision could be made. Town Manager Allgire pointed out that to permit inclusion of condominium names on the Longboat Key Club sign would require an amendment to the sign ordinance and the situation was comparable to the one at the Bay Isles Shopping Center where individual merchants had wanted their names to appear on the sign on Gulf of Mexico Drive. The Mayor stated that at least street signs for Longboat Club Rd. could be installed and she asked Mr. Hamilton to talk to her and the Town Manager about them.

(Vice-Mayor Riter was excused at 3:35 P.M.)

4. Dream Island Rd. Possible Relocation Discussion

At the last workshop Gertrude Schellenberger had contended that Dream Island Rd. encroached on her property. Reporting as requested on the length of time Dream Island Rd. had been in existence, Town Manager Allgire stated that Town records did not go back far enough to be able to make the determination. Former Mayor/Commissioner Howard Ridyard was in the audience and he stated the road had been in existence at least 30 years as a public road. Town Attorney Christiansen stated it was necessary to also know the location of the road during the past years. The Florida Statutes say that when a road has been repaired and maintained constantly by a municipality for four years it becomes public, but the location and continued maintenance would have to be established as a factual issue. Mr. Allgire stated that because of sewer construction in 1974-75 there should be no problem in substantiating the location of the road for the past four years. Further, that if the decision was made to relocate a portion of the road, and the Town has some proscriptive rights, maybe the relocation should be a joint project of the Town and the property owners. The Town Manager was directed to have Smally, Wellford & Nalven look at the road and consider the possibilities both of relocating and of widening the road.

Commission Directions, 2/9/82 Workshop, Page 35. Arvida Five Stories Request

The Planning & Zoning Board had considered and recommended in favor of a request from Arvida Corp. that they be permitted to construct buildings of five floors within the fifty foot height limitation on their six acres of gulf front property adjacent to the Beach Club. Chip Hamilton displayed model site plans showing possible locations of four buildings of four stories and three buildings of five stories, either of which would contain 69 units. Consulting Planner Jack Whelan stated he had considered the request from the point of view of the ordinance, i.e. "if there is any appreciable benefit to the Town", also perception of mass from Gulf of Mexico Drive, impact on adjoining properties and impact on the property itself. The purpose of the ordinance is to encourage better site planning. He said the two points in favor of the three building plan were perception from the road and the relationship to adjacent buildings. Also, the open courtyard concept is better. He pointed out that the site plan for four buildings may not be the best which Arvida could have come up with. In the proposed three building plan, the Commission objected to the 250 foot length of the building facing the gulf. It was pointed out to Mr. Hamilton that if the 12 units from the smallest building of the four building plan were divided equally among the three buildings there should be no necessity for a 250 foot long building and they felt Arvida's only consideration had been to gain more gulf front units. They did state they would be willing to consider the idea of five stories in fifty feet but would not approve the site plan for the three buildings displayed at this meeting.

6. Capital Improvement Budget Discussion

Mayor Bell stated that the first step toward adopting a Capital Improvements program and budget would be to get a Citizens Advisory Committee organized. The Commission seemed to favor the suggestion of Commissioner Batten that members be appointed from each election district and two at-large and Commissioner Ochs' suggestion that the appointees from the districts also be representatives of major civic organizations. The Town Manager stated that the Committee's efforts would need to be directed toward the Capital Improvements General Fund, Land Acquisition and Road Fund budgets as the utilities budget needs were pretty well established. It was agreed the duties of the Committee should be outlined in and established by resolution.

7. Jungle Queen Way Status Discussion

Commissioner Kirst inquired about the status of information which was to have been obtained concerning possible improvement of the unpaved portion of Jungle Queen Way. Town Attorney Christiansen stated that the title work had been done through last April but some questions remained about one or two dedications and about one or two lots. It remained for him to go over a check list to see that all documents required for dedication were obtained and to bring the title work up to date. He inquired if it was the consensus of the Commission to accept the road and Mayor Bell and Commissioner Kirst replied they believed it was. Mr. Christiansen recommended the Town not improve the road until it was dedicated. He stated he would report further on the status at the next workshop.

(Commissioner Kirst was excused at 5:00 P.M.)

Commission Directions, 2/9/82 Workshop, Page 48. Commission Comments

Commissioner Fernald stated that a woman resident of the Key would be celebrating her 100th birthday and asked if the Commission would agree to adopting a resolution of congratulations. The Commission was in favor of having such a resolution prepared.

Commissioner Fernald asked if it had been determined to be legal that the remainder of his campaign funds, which he had according to law put into the Town's General Fund upon his withdrawal from the election campaign, be used to purchase a tree for the Bicentennial Park in recognition of Arbor Day. (See Item 12).

9. Consumptive Use Permit Request Discussion

The Mayor stated notice had been received from Southwest Florida Water Management District that Arvida Corp. had applied for a consumptive use permit to increase by 524,000 more gallons per day withdrawal from wells at Bay Isles since a golf course is being constructed. They already have permits for 907,000 gpd and the increase would bring their total permissible use to 1,431,000 gpd. Arvida had said use requests will never exceed 1,875,000 gpd. The letter asked for comments to be mailed to the SWIFTMUD by Feb. 18. The Commission agreed with Mayor Bell that there was a need to find out how much such withdrawals would deplete well water supplies on Longboat Key and how much it would increase the danger of salt water intrusion into wells. A public hearing had been held at the time of Arvida's last request and the feeling was there should be a public hearing for this one as well and that it should be held locally not at Brooksville. Town Manager Allgire was instructed to contact SWIFTMUD to raise the questions brought up by the Commission and to report back with information he may obtain.

10. Town Attorney's Report

Town Attorney Christiansen reported he had accepted service in the Collins Paving Co. case in which they are suing the Town for \$20,000. He said he would be preparing the response.

Mr. Christiansen presented copies of a proposed moratorium ordinance. He told the Commission a case had come out at the end of December where the court told a municipality that in passage of a moratorium ordinance it must comply with statute requirements for zoning amendments affecting more than 5% of the incorporated land area. Those requirements mean it will take a great deal longer to get an ordinance into effect, but the timetable would be worked out in accordance with the Florida Statutes.

Mr. Christiansen reported he had received a letter from attorney Thomas Icard on behalf of Little Gull Motel. He said the key issue raised was not the constitutionality of the Town's tourism districting ordinance but that they had a motel, which they considered to be tourism, changing to time share condominiums which in their opinion would be the same use. The Town has an ordinance to the contrary and that is the area where the battle would be fought. He wanted to inform the Commission since what occurs would apply to what the Town does with respect to an ordinance on tourism.

The Town Attorney further reported there is a case in the 2nd District Court that says building permits may be denied if a zoning ordinance is pending which will affect property owners' ability to do something with their property. He thought the case may be appealed further but in the meantime it might be useful to the Town in holding off issuance of further building permits until the moratorium ordinance

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can be adopted.

✓ 11. Commission Comments

Commissioner Ochs asked if the Town should not have figures from the consulting planners about projected growth rates. The Town Manager stated that if the number one priority of the Commission is to proceed with a project for growth control, he could check with Adley Associates to see if they had other personnel they could assign to the project if Jack Whelan is too busy with other Town assignments.

✓ 12. Public to be Heard

Kit Fernald stated the Garden Club has spent about \$10,000 on Bicentennial Park and are continuing to spend \$100 a month of their own funds for maintenance. She suggested the Town take over the cost of maintenance, which the club would be willing to supervise. The Town Manager was asked to see if \$100 a month could be found in the budget for this purpose.

In answer to a question asked earlier, the Town Attorney stated he thought it would be legal to use the \$90 received from Mr. Fernald's campaign funds to purchase a tree.

E. Jane Pool
Town Clerk

jbp