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Town Clerk Department
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TOWN OF LONGBOAT KEY

WORKSHOP AGENDA

FEBRUARY 20, 1992

1:00 P.M.

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I. Items for the Consideration of the Town Commission:

1. 1:00 P.M. Introduction to New Postmaster David L. Critelli.
2. 1:05 P.M. Review of Traffic Study.
3. 1:25 P.M. Manatee County Budget Items Providing Little Benefit to the Town.
4. 1:35 P.M. Ordinance 92-11 Amending Chapter 38, Purchasing.
5. 1:45 P.M. Proposed Ordinances Updating Town Code.
6. 2:00 P.M. Discussion Concerning Acquisition of 5440 Gulf of Mexico Drive.
7. 2:10 P.M. Frank Conrad Request for Reimbursement of Fees.
8. 2:20 P.M. Request for Refund of Late Penalty, Utility Billing.
9. 2:30 P.M. Proposed Resolution 92-05 Adopting Plan to Reduce Amount of Claims Under National Flood Insurance Program.
10. 2:35 P.M. Airport Noise Abatement.
11. 2:50 P.M. Discussion Sign Code Amendments.
12. TOWN ATTORNEY QUESTIONS/COMMENTS
- TOWN ATTORNEY EXCUSED
13. 3:35 P.M. Broadway Mixed Use Project. Site Plan Approval.
14. 3:40 P.M. L'Ambiance Outline Development Plan and Site Plan.

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15. 3:45 P.M. St. James Outline Development Plan and Site Plan.
16. 3:50 P.M. Reports from Communications and Beautification Committees.
17. 4:10 P.M. Status Report Recycling Program.
18. 4:20 P.M. Sole Source Purchase of Computer Memory.
19. 4:30 P.M. Review of Bid to Purchase Jaws of Life.

II. Town Commission Comments

III. Town Manager Comments

IV. Public to be Heard

V. Press to be Heard

MINUTES OF THE REGULAR WORKSHOP OF THE LONGBOAT KEY TOWN COMMISSION,
FEBRUARY 20, 1992, 1:00 P.M.

Present: Mayor Brown (at 2:40 P.M.), Vice-Mayor Green,
Commissioners Pollock, Metz, Savidge, Twyman, Wolverton

Also Present: Town Manager Cox, Town Attorney Persson, Administrative
Services Director Hubbard, Finance Director Sullivan,
Town Planner Gaffney, Public Works Director Smally,
Purchasing Agent Heger, Fire Chief Fakelman, Special
Services Representative Lovett, Senior Code Enforcement
Officer Nowlen, Town Clerk Arends, Deputy Clerk Spencer

I. Items for the Consideration of the Town Commission:
Deletion of Items 7 and 8 from the Workshop Agenda.

Commissioner Savidge suggested eliminating Items 7 and 8 from the agenda. He stated these items could be handled administratively by the Town Manager since the items did not involve the setting of policy or changing of ordinances. There was consensus Items 7 and 8 be administratively handled by Town Manager Cox.

1. Introduction to New Postmaster David L. Critelli.

Helen Holt, former Longboat Key Postmaster, introduced Mr. Critelli to the Commission.

Mr. Critelli, new Longboat Key Postmaster, stated he hoped to continue the level of service the previous Postmaster had provided the Town. He invited those with questions regarding the postal service to contact him.

Vice-Mayor Green asked what the government restrictions were as to mailboxes. Mr. Critelli replied certain specifications for mailboxes had to be approved before service could be commenced. He stated he would send the specifications to Town Hall; however, most mailbox manufacturers were aware of the restrictions.

Commissioner Wolverton said the Post Office sign was the only sign on the Key that did not comply with the Town's sign ordinance. He suggested Mr. Critelli have the sign changed to be in compliance with the Code. Miss Holt pointed out the Town had attempted to have the Post Office sign changed previously; however, U.S. Postal Service delegates from Washington D.C. informed the Commission that as a federal entity the Postal Service was not required to comply with local codes.

2. Review of Traffic Study.

Commissioner Pollock stated the Study provided necessary data that would back up the Town's position regarding any need for a bridge from the mainland to Longboat Key.

Public Works Director Smally introduced Tampa Bay Engineering consultants: Richard Doyle, principal in charge of the study, and George Deacon, project engineer.

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Mr. Deacon gave an overview of how the survey was conducted. He stated the 4-day traffic pattern study resulted in the collection of over 5,000 surveys compiled in the report. He reported some of the conclusions were: weekday traffic was heavier than weekend traffic; travel patterns established were significant and graphics on the cover of the report showed the width of the destination bands indicating the amount of traffic.

Mr. Doyle reported the actual citizenship of those surveyed had not been asked in the survey. He stated the report was based on reality; he felt it was superior to computer model data available. He recommended the following: monitoring of the Ringling Causeway study; a county-line bridge was not warranted; a northern-island bridge was not warranted; monitoring the southern end of Gulf of Mexico Drive; monitoring the impact of the new traffic signal at Longboat Club Road and Gulf of Mexico Drive.

Commissioner Twyman asked if the approximately 30% of traffic referenced as through-traffic had been analyzed. Mr. Deacon referred to Page 44 indicating weekday traffic: northbound traffic ranged from 31.7% to 23.8%; southbound traffic ranged from 28.8% to 38.3%.

Vice-Mayor Green inquired what requests of the Florida Department of Transportation (FDOT) could be made by the Town when Gulf of Mexico Drive was repaved. Mr. Doyle stated current federal government resurfacing contract requirements included wider shoulders, which seemed to increase traffic capacity. He also stated this was a good opportunity to request any changes in traffic signals or traffic patterns related to the traffic signals. In answer to Vice-Mayor Green's question regarding a possible traffic signal on the corner of Broadway and Gulf of Mexico Drive, Mr. Doyle recommended a traffic study be made to determine whether the volume of traffic justified a signal at that location.

Mr. Doyle clarified that the south end of Gulf of Mexico Drive was recommended to be 4-laned from the Longboat Club Road traffic light south to the Bridge.

Regarding the level of service in Table 20 of the Report, Mr. Deacon stated Page 7 of the Report indicated the level of service for Gulf of Mexico Drive.

As to buildout population, Mr. Deacon stated the Report reflected values forwarded from the Town's Planning Staff based on figures in the Town's Comprehensive Plan. He said the figures were optimistic in terms of the numbers of building units. He commented that since many governments and municipalities were receiving census information for the purpose of adjusting forecasts and readjusting models, it was a good time for the Town's schedule to be updated accordingly. Vice-Mayor Green stated the Town's buildout figures were likely to decrease if current building trends continued resulting in an increase of only 1,000 units rather than the higher number indicated.

Commissioner Metz stated peak season traffic produced heavy

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congestion at the north end of the Key because of the traffic signal in Bradenton Beach; he asked if this information could be reflected in a study such as the one presented. Mr. Deacon responded that the level of service was based on the average conditions and based on generalities for the roadway under consideration; the FDOT General Planning Capacities were usually used based on average daily volumes. He said the Metropolitan Planning Organization in this area did take peak season into consideration when planning. He suggested a peak season study could be made for the purpose of adjusting the Town's Comp Plan and could be made available to the MPO to incorporate in their models.

Vice-Mayor Green asked if increased traffic capacity due to repaving and widening of Gulf of Mexico Drive would encourage an increase in through (by-pass) traffic. Mr. Doyle stated concurrency and monitoring of those areas indicated in the Report should be the main concerns at the present time. He said Gulf of Mexico Drive was within State jurisdiction as to concurrency and an acceptable level of service had been achieved; however, the Town could improve that road rather than have the State do the work.

3. Manatee County Budget Items Providing Little Benefit to the Town. Charles Loiselle, the Town's Special Liaison to Manatee County, referred to his 11-9-91 memorandum to the Commission. He stated the intent of this memorandum was for it to be used as a basis for communication with the Manatee County Commission. He suggested a dialogue with the County Commission include the items listed as well as beach renourishment which could be affected by beach projects on Anna Maria Island in the amount of \$1.3 million. Mr. Loiselle encouraged a meeting of the two Commissions as soon as possible.

Mr. Loiselle stated he had enjoyed serving the Town of Longboat Key as Liaison to Manatee County over the past year; however, he would not be able to continue in this capacity. He encouraged the Commission to continue an open dialogue with Manatee County.

Discussion regarding possible dual taxation situations regarding the funding of services such as the Manatee County Sheriff's Department followed. Mr. Loiselle pointed out that the Sheriff's Department had a separate budget and was not included in the County Budget Items in his report.

Commissioner Twyman suggested using services provided by Manatee County in lieu of rebated funds. Mr. Loiselle agreed this could be done; however, he did not recommend setting priorities for the items. Discussion of the possibility of emergency medical services being provided by the County followed. Mr. Loiselle stated that although the Town did not desire to split the Town between the counties regarding this service, there could be a possibility of obtaining County funds for the purpose of constructing a new facility for the Fire Department.

Commissioner Savidge suggested an all-inclusive review of the Manatee County Budget as opposed to items included in the General Fund only.

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Mr. Loiselle explained his position on the Cortez Bridge issue closely followed the Town's Res. 91-01 and Commission direction in not jeopardizing planning already in place and identifying design criteria that would affect citizens on both sides of the Bridge. As the Town's representative on the Bridge Committee (formed by the Manatee County Commission) he voted to support the project approved; however, he said the Bridge may be delayed for another financing cycle resulting in bridge replacement probably in the year 2000. He said costs at that time may be in the amount of \$60 million instead of the current \$14 million which had been allocated. He advised that the National Estuary Program was also opposed to a proposed additional bridge because of the environmental factors involved.

Commissioner Metz stated the northern communities had vehemently opposed the current bridge plan. He said it was his understanding that the FDOT would force a bridge from the mainland to Longboat Key. Mr. Loiselle stated he had included in his report that the Town of Longboat Key would benefit from the route chosen.

Discussion of a replacement for Town Liaison to Manatee County followed. Mr. Loiselle stated other obligations kept him from continuing in this capacity. The Commission expressed a "vote of gratitude" to Mr. Loiselle for his exceptional service on behalf of the Town over the past year.

Mr. Loiselle recommended a stipend be considered for the next Liaison to cover expenses. In answer to Vice-Mayor Green's inquiry, Mr. Loiselle stated that although the Liaison's duties were quite time consuming, he did not feel the position could be segmented through appointment of several Liaisons.

4. Ordinance 92-11 Amending Chapter 38, Purchasing.

Deborah Heger, Purchasing Agent, stated the significant changes made in this Chapter at the direction of the Commission were: 1) Department Head expenditures up to \$500 required Town Manager approval; 2) Department Head emergency expenditures over \$500 required Town Manager's written approval; 3) Expenditures over \$10,000, if provided for in the budget, may be authorized by the Town Manager. She said the basis for these changes was an analysis indicating that over 50% of the transactions in the past year and a half were under \$500 and were less than five percent of the dollars.

Mr. Persson stated with these changes the Town Commission would be less involved in purchasing with the proposed approval by the Town Manager. He said this was a policy decision since sole source purchases over \$5,000 were previously Commission decisions.

Ord. 92-11 was forwarded for first reading at the 2-20-92 Special Meeting to follow.

5. Proposed Ordinances Updating Town Code.

Special Services Representative Lovett explained the Municipal Code Corporation had recommended updating some Town ordinances to bring the Town Code in line with State Statutes. Proposed Ordinances

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92-04, 92-05, 92-06, 92-07, 92-08, 92-09, and 92-10 were included in agenda packet material for review.

Mr. Persson stated there were two modifications in addition to the suggestions made by the Municipal Code Corporation: Chapter 94, *Fire Prevention Code* added \$94.57 regarding payment of fees for emergency medical services; Chapter 150, *Buildings*, included reimbursement of building fees paid.

Mr. Persson stated the Town Code was silent on the issue of an exemption for residents of payment of emergency fees; however, it had been included at one time. He suggested a rational basis needed to be established to provide different fee structures for residents versus non-residents so no equal protection problems would be created. He stated the definition of "resident" in the past may have been anyone declaring their residence on Longboat Key with no distinction between owner and taxpayer. He suggested the following solutions: 1) charge for all emergency service; 2) no charges for any emergency service; 3) create a classification with no charge for taxpayers or residents with a rational basis that those people were already contributing to the General Fund and already paying for those services. Vice-Mayor Green stated a fourth solution would be to bill and accept payment from Medicare or insurance companies but not enforce collection of payment. Mr. Persson explained that constituted billing all people and exempting a certain classification.

Discussion of the definition of "resident" followed. Fire Chief Fakelman stated the definition of "resident" in the original ordinance pertained only to non-transport treatment. He stated some proof of domicile was required such as: Florida Driver License, voter registration card, declaration of domicile establishing residency on Longboat Key. He stated billing was handled by the Finance Department; funds collected for non-transport treatment was approximately \$500-\$600 per year. Commissioner Savidge objected to this definition of "resident" on the basis a property owner living off the Key was not included, therefore, this was discriminatory. There was consensus a definition of "resident" would not be included and there would be no charge for non-transport treatment. Chief Fakelman responded to Commissioner Savidge's question regarding "open sources of ignition" stating enforcement of charges for smoking in a no-smoking area was addressed in State Statutes. Mr. Persson stated the wording "open sources of ignition" was applied to other situations.

Proposed Ords. 92-04, 92-05, 92-06, 92-07, 92-08, 92-09 and 92-10 were forwarded for first reading at the 2-20-92 Special Meeting.

6. Discussion Concerning Acquisition of 5440 Gulf of Mexico Drive.

Mr. Cox stated the Ansel commercial property tract along Gulf of Mexico Drive adjoining this property contained five lots and was being considered for acquisition; however, the Commission may consider acquisition of this property filling the necessary requirements for the future fire/police/utilities facility. He pointed out on a posted map where Town property, zoned R3-MX, could

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be accessed by this 100 ft. x 1500 ft. lot running from Gulf of Mexico Drive to the Bay. He stated 25 percent of the lot on the Bay was wetland area. Mr. Cox suggested acquisition of one of the 100-ft. lots in addition to this property.

Discussion of the possible acquisition of property followed. Mr. Cox stated the Ansel tract had recently been appraised based on a per lot basis for five 100 ft. x 200 ft. lots in the amount of \$1.2 million; a bulk price for the property was appraised at under \$1 million. He said the Costello property at 5440 Gulf of Mexico Drive was valued at \$562,000 based on a recent appraisal.

Commissioner Pollock stated the owner of Coco's (adjacent to the Costello property) had informed him there were liens on the Costello property.

Stanley Appel, 455 Longboat Club Road, representing Mrs. Costello, advised she had defaulted on several loans in back taxes and the property had been advertised for auction on the Manatee County Courthouse steps on 2-26-92 in order to keep from selling her home. He stated an interested group could obtain this property free and clear for the amount of approximately \$562,000. He stated if the Town wished to purchase the property from Mrs. Costello, a letter of intent and copies of the meeting minutes confirming interest in purchasing the property needed to be forwarded to the Manatee County Court. He stated Mrs. Costello was willing to let the Town have the property rather than see it go to another use. He advised that approximately \$800,000 was due on the first and second mortgages on the property, held by Mr. Levine. He confirmed for the Town Attorney that the "supplemental funding" had been in a verbal agreement. As to a "right of first refusal" claimed by Mr. Backer (owner of Coco's, Inc.), Mr. Appel said the auction could wipe out that debt; however, with a letter of interest from the Town he would have no recourse, providing the property went through foreclosure. He urged Commission consideration of the acquisition of this property.

Fire Chief Fakelman stated this property had been included in the list of properties reviewed for placement of the new facility. He said he felt this property would not fill area requirements without the purchase of additional frontage lots from the adjacent commercial Ansel tract. He stated this lot could be used as an access to the rear Town-owned Ansel property where the facility could be built. Mr. Cox disagreed stating the lot would accommodate the proposed facility which could be built perpendicular to Gulf of Mexico Drive. Commissioner Savidge suggested the facility be built on the rear property, even though it was currently considered a passive recreation area, and accessed through the Costello property. He stated a transfer in passive recreation space could be made to accomplish this. Commissioner Wolverton stated ideally the building should be placed facing Gulf of Mexico Drive. Mr. Cox stated the Costello property location was desirable because it was adjacent to a shopping center and could eliminate complaints by neighbors regarding the police and fire department activities. He also said commercial zoning districts allowed the building to be placed on the property line with no side setbacks. Mr. Cox said a building 50 ft.

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in width could be placed on the property. Commissioner Metz stated his preference for a 200-ft. frontage lot for the same money rather than the 100-ft. lot. Vice-Mayor Green agreed.

Discussion of the possible purchase of a portion of the Ansel property in addition to the Costello lot took place at this time. Commissioner Twyman stated communications with Mr. Ansel regarding whether or not a barter could be worked out with the Town for this property was to take place, and until this information was available no other alternatives should be agreed to at this time. Commissioner Wolverton agreed and stated all alternatives should be reviewed before a decision was made. Commissioner Savidge stated he felt a building perpendicular to Gulf of Mexico Drive on the Costello lot would not accommodate Fire Department Equipment; it was stated the new fire truck was 37 ft. in length. Mr. Cox advised the building could be 70 ft. wide with a 30-ft. driveway which would accommodate the necessary traffic. Commissioner Savidge also stated a building off of Gulf of Mexico Drive with a driveway on the Costello property for access would be more attractive as well as less expensive. Vice-Mayor Green stated since Mr. Ansel preferred to sell his property in bulk as opposed to selling a portion, Commissioner Savidge's recommendation seemed to be the better option. Mr. Cox stated he had been trying to contact Mr. Ansel for the past month without success.

Mr. Persson stated a "host of problems" needed to be addressed if the Town wished to proceed: the amount of money encumbering this parcel exceeded the value unless the Commission chose a higher value than discussed, other parcels also secured the loan, the title condition on the parcel was "murky" but not insurmountable. He said if the Commission wished to move forward a letter expressing their interest was appropriate and needed to be placed before the Manatee County Trial Judge in order to gain time prior to the foreclosure sale in order to work out an agreement. He said the mortgages were due to be sold on the Courthouse steps 2-26-92.

Commissioner Savidge pointed out Mr. Backer's right of first refusal may be circumvented with this letter and questioned whether this could result in some future litigation. Mr. Persson stated this would be true if the Town dealt directly with the property owner; however, that right would be extinguished with the foreclosure process. Commissioner Pollock stated he was opposed to any purchase of this parcel at the present time because of the possible problems which may result.

Diane Barth, also representing Mrs. Costello, stated she was present when Commissioner Pollock had spoken with Harvey Backer regarding his alleged claim. She stated Mr. Backer had "appeared hostile", and he had indicated he was negotiating with the Town for a lease on the property as well as negotiating with Mr. Levine.

Mr. Persson advised a decision as to the desirability of the property needed to be made in order to move forward. Commissioner Twyman stated a non-binding expression of interest should be made to keep the option for acquisition open. Commissioner Metz disagreed

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stating that as long as the Ansel property was available the Town did not need to become involved in an expression of interest that may lead to future problems. Mr. Persson stated the letter would not result in any exposure; however, it needed to be strong enough regarding the sale in order for the Judge to accept it and could include conditions to be met before acceptance.

Mr. Appel stated Mrs. Costello was not interested in placing the Town in an auction position. He explained Mrs. Costello had other options to sell to a reasonable bidder.

There was consensus the Commission had an interest in this property based on further feasibility study as to legal requirements and whether or not the Police and Fire Chiefs agreed that the property met their needs. Mr. Persson stated failure to include a price in the letter may not obtain the desired results. Mr. Cox pointed out that an item on the 2-20-92 Special Meeting Agenda to authorize a bid not to exceed \$500,000 had been included. Mr. Persson stated the Town Code did not permit action in less than seven days and required two appraisals of record; therefore, a letter of interest would be necessary to obtain the time needed to complete transactions.

Mayor Brown arrived at this time, 2:40 P.M.

Mr. Persson stated a letter of interest could be submitted with conditions of approval. This item was forwarded for approval at the 2-20-92 Special Meeting to follow.

A recess was called at 2:45 P.M.; the Workshop reconvened at 2:55 P.M.

Mr. Cox clarified for the Commission that the appraisal on the Ansel property on a per-lot basis was \$1.2 million and on a bulk basis was \$1 million for the 4.59 acre, five-lot tract. He stated no real price had been set with Mr. Ansel or his attorney, Michael Furen.

Commissioner Wolverton asked if the Town's open space (Ansel) land, located behind the Ansel commercial tract which was for sale, could be transferred to other open space land in order to utilize the property for the fire/police/utilities facility. Mr. Cox stated savings would not result from a transfer of density because of the acquisition cost of additional property for the necessary transfer. Mr. Persson stated the acquisition of additional land of like kind could be used, which would necessitate the amendment of current Open Space Maps and the appropriate ordinances to legalize the transfer of density.

Discussion of a transfer of density followed. Commissioner Wolverton suggested purchasing the Costello property, using the Bayside portion for open space, and the front portion as access to a portion of the Town's open space land adjacent to that property for the facility to be built. Commissioner Savidge suggested using a portion of Town-owned land adjacent to the Quick Point Nature Preserve for the transfer. Commissioner Twyman stated the Town owned several pieces of land that could be used for the transfer. Mr. Cox reminded

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the Commission that previous policy had been to acquire as much open space land as possible and this was not in keeping with that policy. Mayor Brown asked if the property near Quick Point was the location of the water tank. Mr. Cox confirmed the water tank was located at the 34-acre site, of which approximately 17 acres had been acquired from Arvida Corporation through a Dedication Agreement without an open space obligation placed on it. It was stated the Town's open space at the Ansel Tract was not being considered for removal from the Open Space Map.

Mr. Cox stated this agenda item dealt with whether or not the Costello property was desirable. He reminded the Commission it was to be sold on the Courthouse steps on 2-26-92.

Mayor Brown stated the matter of acquiring property for the fire/police/utilities facility by substituting current open space, or acquiring additional open space for the purpose of a density transfer, should be discussed in workshop. He said if the Quick Point area were to be discussed, the status of the area and how much area could be used for open space needed to be available. Further discussion of density transfer was forwarded to the 3-19-92 Regular Workshop.

7. Frank Conrad Request for Reimbursement of Fees.8. Request for Refund of Late Penalty, Utility Billing.

(Items 7 and 8 were not heard as there was consensus at the opening of the workshop to authorize the Town Manager to handle these items administratively.)

9. Proposed Resolution 92-05 Adopting Plan to Reduce Amount of Claims Under National Flood Insurance Program.

Public Works Director Smally reported that in order to maintain the current status earned one year ago and to receive an additional five percent premium reduction in flood insurance, it was necessary to pass Res. 92-05. He explained the Community Rating System used by the Federal Emergency Management Agency; he stated the Town had accumulated more than enough points to merit the additional reduction.

Discussion of the Repetitive Loss Plan followed. Mayor Brown stated further information concerning whether or not this Plan would effect changes resulting in loss of flood insurance for those who suffered flood losses was needed before adopting the Resolution. Senior Code Enforcement Officer Nowlen stated this Resolution would not result in any penalties for residents of the Town. Vice-Mayor Green clarified that the Resolution only stated that the Town had completed certain requirements and merited an additional reduction in flood loss insurance rates.

There was consensus to forward Res. 92-05 to the 2-20-92 Special meeting.

10. Airport Noise Abatement.

Charles Perkins, Chairman of the Town's Airport Advisory Committee, recommended the development of new procedures to enhance aircraft

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flight compliance over Sarasota Bay rather than over Longboat Key. He stated flight track information was now available to establish overflight tracking information by the Sarasota-Bradenton Airport. He said to date there were 22 flagrant overflights over Longboat Key with all seven carriers equally guilty; as a result, a standard letter citing the violations had been sent to the Chief Pilots of those airlines. He reported there had been no feedback to date from the Chief Pilots to the Sarasota-Bradenton Airport. Mr. Perkins encouraged Town participation in citing and recording overflights to be reported to the Sarasota-Bradenton Airport Noise Abatement Office which could result in tracking map corrections. He recommended Town Planner Gaffney, as Liaison to the Airport Advisory Committee, be considered to correlate information received from the Airport Noise Abatement Office to be published in the local papers. Mr. Perkins distributed a copy of the most recent flight tracking report from the Airport.

Mr. Perkins explained current Federal Aviation Administration enforcement procedures regarding overflights as a result of the pilot not adhering to the Standard Instrument Departure issued. Mayor Brown directed the Town Attorney to advise the Commission as to the FAA formal procedure for filing charges against a pilot, since the verification to enforce the SID was now available. Mr. Perkins stated this verification was available through the Airport Noise Abatement Office; however, the FAA had yet to file against a pilot and may not be considered a reliable resource for enforcement. He recommended the Town Commission file the complaints.

Vice-Mayor Green asked what procedures the citizens of Longboat Key would take. He requested a list of the Chief Executive Officers of the airlines be published for this purpose.

Mr. Perkins stated the overflight publications and the "Good Neighbor Airlines" ads should not be confused; the Good Neighbor/Bad Neighbor advertising regarded quieter flights rather than overflights. Mr. Perkins recommended an experienced public relations person handle the advertising for the Town. Mayor Brown stated it may be difficult to state which airline was a Good Neighbor; however, he suggested the publication of all flight records to establish which airline may be a Good Neighbor/Bad Neighbor.

Commissioner Wolverton reported a marked improvement in flights adhering to the 295 Radial had occurred over the past year and commended the Town's Airport Advisory Committee and Town staff who had worked with him as Liaison to this Committee.

Mayor Brown stated the lowering of noise by powering down of engines for southbound flights may decrease noise pollution over the south end of Longboat Key. He stated if this was not effective, the airlines would be asked to fly the 16 miles down the Sarasota Bay to Coquina Beach before making their turns for southbound flights.

There was consensus to support the recommendations of the Airport Advisory Committee; to support the Committee proposal that the FAA complaint procedures be followed; to direct Mr. Gaffney to work on

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the concept of a periodic report on the overflights of Longboat Key by identifying violating aircraft.

Mayor Brown clarified for Mr. Perkins that the Town would file official complaints to the FAA regarding the overflights. There was further consensus to explore the Good Neighbor/Bad Neighbor advertising.

Kevin Levins, 711 Old Compass Point Road, member of the Committee, stated the Sarasota-Bradenton Airport Noise Abatement Office had stressed continued input from residents of Longboat Key enabling them to provide the best level of service. Mr. Persson stated the hotline phone number for citizens to call regarding overflight information was 351-9556.

11. Discussion Sign Code Amendments.

Town Planner Gaffney posted an illustration of the proposed off-premise sign design based on criteria set forth by the Town Commission. He stated additional criteria to be included was the amortization of existing signs would be required to conform to these requirements when application for annual renewal was made to the Planning & Zoning Board.

There was brief discussion as to whether or not historic off-premise signs would be affected. Mr. Cox stated there were no historic off-premise signs; however, any historic signs would be protected. Mr. Gaffney agreed with Mayor Brown that these signs could be protected by amending the sign ordinance to include them.

Mr. Gaffney pointed out only one off-premise sign would be allowed per street and that these signs would contain a maximum of six panels; the request for a seventh panel automatically designated that street a major thoroughfare prohibiting the use of off-premise signs. He confirmed for Vice-Mayor Green that the panels could be shared by more than business.

Mr. Gaffney stated the design on the posted illustration had seven panels and stated that the Commission may choose to eliminate the Police/Utilities panel. He pointed out the panels in the illustration were not flush with each other as required in the existing Code making the sign more wind resistant. He suggested amending the ordinance to allow the panels to be separated. He stated there were six to eight off-premise signs currently on the Key; the only sign reaching the maximum height was the Town Hall sign on Bay Isles Road.

There was consensus to allow the panels to be separate as opposed to the panels being flush with one another.

Tracy Voth, Coast Bank representative, 510 Bay Isles Road, stated she did not realize a precedent was being set by her request for an off-premise sign. She stated she was opposed to the Town logo (the hibiscus motif) and a specified color for all off-premise signs. Vice-Mayor Green stated that since these were directional and informational signs, not advertising signs, a uniform size, color,

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and motif was more aesthetic giving continuity to Gulf of Mexico Drive. Ms. Voth also stated she was in favor of keeping the Police on the panel sign and adding a Recycling Center sign for those who were new to the community. She suggested separating Town facilities from the business entities by placing them on separate signs, with the Town logo removed from the business sign.

Mr. Persson commented that he was concerned with the automatic removal upon seventh application which could be made by an unknown party. He suggested a first-come-first-serve basis be used instead, up to six panels, or allowing a larger number as opposed to having automatic termination. Mr. Gaffney stated an amendment to the ordinance allowing one off-premise sign per street, the remaining criteria being kept intact. Mr. Persson suggested the panels be dedicated to specific buildings rather than the business entities.

There was consensus to specify in the ordinance who would be eligible to use the signs.

Jack McCormick, 761 Emerald Harbor Drive, asked who would bear the cost of these signs. Mayor Brown stated the cost was to be shared by the Town and those entities that had panels on each sign. Mr. McCormick stated these signs were for directional purposes only and should be uniform. He stated he felt the Town was obligated to provide the sign frame and the business entities pay for their panels. Mr. Persson referred to 10-91 correspondence with the Town Planner discussing the assessment of fees for these signs. He recommended the Town erect the signs and assess the cost of the panels to the individual entities using panels on the sign. Mr. Cox stated his concern as to whether or not an easement was needed for these signs as they were on private property. Mr. Persson stated permission from the landowner needed to be obtained to avoid possible trespass charges. He stated this could be accomplished by either an easement or a license.

There was consensus the off-premise signs be approved including maximum height, maximum width, uniform logo, and color as outlined in the proposed Sign Code Amendment; further development of the assessment of costs for these signs would be made; one off-premise sign per street shall be allowed, eliminating the rest of that section to be amended to include the first-come-first-serve basis as discussed.

Direction was given for the Sign Code Amendment to be forwarded to the P&Z Board for review and recommendation. Commissioner Pollock opposed the amendment stating it "squashed all creativity" on the part of the business entities that would be involved. There was further consensus a provision be included to protect historic signs.

Commissioner Metz stated Sydney McKenna was the artist who drew the motif for the Town Logo at the Art Center's request. He recommended recognition of the artist by the Town; he proposed a Certificate of Appreciation be presented to Ms. McKenna 3-8-92 at the Art Center's 40th Anniversary Exhibition being sponsored by the Town. There was consensus for a Certificate of Appreciation to be prepared and

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presented as recommended.

12. TOWN ATTORNEY QUESTIONS/COMMENTS1. Reserve Litigation - Appeal Filed.

Mr. Persson reported an appeal had been filed in the Reserve case.

2. Sarasota County Tourist Development Council Funds.

Mr. Persson reported that John DeVault, Town's Special Counsel in this matter, had been contacted and had confirmed his opinion that the Town did not have a viable stance as to the dual taxation situation regarding these funds. He said the County was given wide latitude by State Statutes and must be shown to be grossly arbitrary in order to make that showing.

3. Settlement Agreement - Sarasota County Dual Taxation.

Mr. Persson referred to the suggestion made earlier in the meeting by Mr. Loiselle, the Town's Manatee County Liaison, regarding meeting jointly with the Manatee County Commission, and stated this concept was being used with Sarasota County. He reported a provision in the Settlement Agreement requiring the Town Manager, or his designee, to meet in 7-92 for this purpose with Sarasota County Administrator White, or his designee. He reported Finance Director Sullivan had met with Richard Kelton, the Town's consultant, resulting in the updating of figures used in the dual taxation litigation with Sarasota County. Mr. Kelton had advised of an increase from \$100,000 to \$300,000 as the amount to be rebated; however, the Town had previously agreed to settle for \$100,000. Mr. Persson asked if this information would influence the Commission's decision to settle in this litigation.

Commissioner Savidge pointed out the City of Sarasota was currently requesting a rebate from Sarasota County regarding assessments for use of the Sheriff's Department. He suggested waiting to see if the City of Sarasota was successful in obtaining this rebate before settling the Dual Taxation issue. He also suggested if this were the case Longboat Key file with both Counties at that time for the same purpose. Mr. Persson stated the Manatee County suit had been dismissed; methodology for collecting from the County had been changed in the State Statutes making it more difficult for the municipalities to obtain these monies; however, since the Sarasota County case had not been settled it may still be viable to collect funds.

Mr. Persson recommended the following: 1) include provisions for the various managers to meet; 2) if there was not a violation for a period of three to five years the suit would be dismissed. Commissioner Savidge suggested the Sheriff's Department expenses should be reserved in this Agreement as this had not been addressed previously. Mr. Persson stated he had conferred with Dick Taylor, City of Sarasota Attorney, and they both agreed this situation warranted monitoring.

There was consensus to allow a passage of time before making a decision on the Sheriff's Department issue.

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4. Review of Town Ordinances.

In response to Commissioner Savidge's question regarding whether or not the Town Attorney reviewed all ordinances, Mr. Persson stated this procedure was being followed.

5. Preliminary Election Requirement - Article II, Sec. 5 Town Charter.

Commissioner Metz asked if this Section of the Town Charter could be amended to eliminate the need for holding Preliminary Elections. Mr. Persson stated amendments to the Charter were made through a referendum placed on the ballot by the Town Commission or by a petition from a significant number of voters.

No action was indicated at this time.

6. Issues Requiring Town Attorney at Meetings.

Mayor Brown stated he felt the Town Attorney should be present when items on the agenda involving outside attorneys were present. Mr. Cox said it had been policy to excuse the Town Attorney after those items were heard.

There was consensus the Town Attorney be present when issues involving other attorneys were on meeting agendas.

13. Broadway Mixed Use Project, Site Plan Approval.

Mr. Gaffney referred to his 1-22-92 memorandum concerning the Broadway Street Mixed Use Project. He stated this request for approval was necessary because permits were not pulled by the due dates due to economic reasons making the previous site plan null and void. He explained this site plan approval included the same components; only the site plan schedule had changed. Furthermore, there were two conditions added: 1) all previous conditions of approval be included; 2) a minor change to a previous condition providing for an easement to be provided within 30 days from the date of Site Plan Approval by the Town Commission rather than prior to the issuing of a building permit. He stated the Plan had been recommended for approval by the P&Z Board as well as by Town Staff.

Mr. Gaffney stated the easement condition had been added to insure the project move forward within 30 days of Commission approval. This item was forwarded for approval at the 3-2-92 Regular Meeting.

14. L'Ambiance Outline Development Plan and Site Plan.

Mr. Gaffney stated the amendment was a request to increase the height of the elevator machine room from 143 feet to 144 feet to accommodate a larger elevator.

This item was forwarded to the 3-2-92 Meeting for approval.

15. St. James Outline Development Plan and Site Plan.

Mr. Gaffney outlined the amendment which included a new entrance road for the St. James which was currently planned to cut through the coastal hammock area. He said the revisions resulted in the addition of 400 square feet of building for a moved guard house for the St. James, the deletion of approximately 12,000 square feet of

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paving, the addition of approximately 18,000 square feet of paving to accommodate the new entrance road. He stated Staff Review had addressed two major issues: access from Gulf of Mexico Drive and restoration of the Coastal Xeric Hammock within the St. James property. Regarding the access, he said FDOT had approved the proposed entranceway; Staff recommended approval as to this entranceway. As to the Coastal Xeric Hammock preserve, he reported the services of Dr. John Morrow, consultant, had been employed to assure conditions were met for approval.

Commissioner Pollock commented residents of the Promenade were in favor of the amendments.

Mr. Gaffney stated the amended ODP and Site Plan gave the Town an opportunity to preserve and restore the coastal hammock area. He said all the involved parties were in favor of the recommendations which provided a "win-win" situation for everyone.

This item was forwarded to the 3-2-92 Regular Meeting for approval.

The Town Attorney was excused at this time, 4:10 P.M. A recess was called at 4:10 P.M.; the Workshop reconvened at 4:20 P.M.

16. Reports from Communications and Beautification Committees.

1. Communications Committee Report.

Robert Drohlich, Committee Chairman, reported recommendations made by this Committee included: continuing Town Hall Meetings, restructuring the meeting so that the first hour included selected agenda topics, the second hour was to be an open forum with the moderator limiting discussion to reduce repetition and keep the meeting moving forward; the Town Hall Meetings be held in April providing voters an opportunity for input before the new Commission established goals for the coming year.

Mayor Brown stated he felt the changes were unnecessary. Commissioner Twyman, Liaison to this Committee, explained this would allow the "best of both worlds"; allowing the public to question specific agenda items, and to address other concerns in the open forum segment of the meeting. Commissioner Savidge suggested moving the meeting date into March so that public input would be used for the April planning session. Commissioner Wolverton stated he felt it may be unfair to the new Commissioner(s) to request that they face the public immediately after the election. Mr. Drohlich stated the Committee felt a meeting in the first part of April would allow input from those residents that left the Key at this time of year. Mayor Brown suggested two meetings each year approximately six months apart. Commissioner Pollock agreed that April and October or November of each year would allow the largest number of residents to attend.

Commissioner Twyman stated the Committee felt that some of the Commissioners were reluctant to attend an open forum. There was consensus an open forum should be used. Vice-Mayor Green stated he hoped the meetings would result in speaking invitations from groups such as condominium associations. He recommended the Committee let

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the public know they were available to speak to groups for the purpose creating a more informed public. Mr. Drohlich suggested those citizens attending the Coffee with a Commissioner Program be given this information; the Committee could also contact condominium associations for this purpose.

Mayor Brown stated the Committee should sponsor two meetings per year, one in April and one in the fall and that the meeting agendas be advertised using paid ads in the local papers for public information. There was consensus meetings be sponsored by the Communications Committee on this basis.

Mr. Drohlich requested a budget be approved so the Committee could begin with planning of the next meeting. He said their previous budget would need to be doubled to cover the expense of paid advertising. Town Clerk Arends stated the last meeting was budgeted in the amount of \$895.

This item was forwarded to the 3-2-92 Regular Meeting for approval.

Commissioner Twyman recommended this Committee be commended for their service to the Town. There was unanimous appreciation expressed to the Committee.

2. Beautification Committee Report.

Vice-Mayor Green reported this Committee's written report was not completed. He stated a catalog of native plants and trees for planting on Longboat Key was being compiled by Tom Hines to be issued by the Building Department to building permit applicants. He requested this item be forwarded to the 3-2-92 Regular Meeting for approval of the necessary budget for the publication of this catalog.

Further discussion of this item was forwarded to the 3-2-92 Regular Meeting.

17. Status Report Recycling Program.

Public Works Director Smally reported the residential multi-family program was being updated through a ballot poll sent to all condominiums and apartment complexes. He said the final report would be forwarded to the 3-19-92 Workshop for further discussion. He reported letters had been sent to Waste Management requesting they more actively solicit commercial accounts. He reported the Recycling Committee was seeking the Chamber of Commerce's assistance in setting up some commercial recycling programs.

Mr. Smally stated a referendum was on the Sarasota County ballot seeking relief from their Charter and establishing a mandatory recycling ordinance for Sarasota County which this Committee recommended the Longboat Key Commission support. He stated a letter from Sarasota County Commissioner Derr requesting support from the Town had been received.

There was consensus a resolution for this purpose be forwarded for approval to the 3-2-92 Regular Meeting.

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Mr. Cox was directed to inform Mr. Derr of the Town's proposed action.

18. Sole Source Purchase of Computer Memory.

Purchasing Agent Heger stated this was a sole source purchase based on recommendation of the Town's computer manufacturer.

This item was forwarded to the 2-20-92 Special Meeting for approval.

19. Review of Bid to Purchase Jaws of Life.

Fire Chief Fakelman reported the current Jaws of Life was eight years old and needed constant repair. He said this tool was not used frequently; however, it was a necessary lifesaving device. He said the first Jaws of Life was provided by two sources: 50% from Town funds and 50% from funds raised in a 10-K run sponsored by the Arvida Corporation.

This item was forwarded to the 2-20-92 Special Meeting for approval.

II. Town Commission Comments.1. Recreation Committee Report.

Commissioner Metz posted the Rec Center site plan on the blackboard and explained where the new driveway would access the Rec Center from Gulf of Mexico Drive. He indicated on the map the locations of a bike path on the perimeter of the facility which would connect with the Gulf of Mexico Drive bike path, tennis courts, a baseball/soccer field which were overlayed to maximum use, parking lot, Rec Center building. He said fill work was to begin to raise the level of the property to protect the facility from high tides would be provided by Manatee County. He reported this work would be completed in early April in order to plant sprigs solicited by the Center from local golf courses for the purpose of establishing a lawn.

2. Town Policy on Selecting Proclamations and Resolutions.

Commissioner Savidge inquired what Town policy was for selecting which proclamations and resolutions came before the Commission. Mrs. Arends explained the general public sent in requests for proclamations were considered Mayoral proclamations, unless specifically requested to be by entire Commission. Mayor Brown added that citations, certificates of appreciation, and other forms of congratulatory documents were by Commission consent and were handled by the Town Clerk.

3. Recycling Ballot Request.

Commissioner Pollock, as Condominium Association President for his condominium, requested a ballot for the recycling survey for his condominium. Mr. Smally explained each condominium was to receive one ballot; he would forward a ballot to Commissioner Pollock for this purpose.

4. Beach Renourishment and Preservation.

Commissioner Wolverton requested that the Beach Advisory Board be asked to forward a report on ongoing beach preservation. Mayor Brown

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stated the Beach Advisory Board could be appointed immediately after the adoption of this committee on second reading at the 3-2-92 Regular Meeting of the Special District.

III. Town Manager Comments.1. Peoples Gas Rate Increase Request to 5.4%.

Mr. Cox reported Peoples Gas had filed a petition for a rate increase with the Florida Public Service Commission for a this rate increase. He said additional information regarding the petition would follow.

Vice-Mayor Green asked if Town residents would have access to gas service since gas lines were being installed. Mr. Cox stated service was based on a need for service basis set by a standard number of lines determining which streets would receive gas service. He said the gas company petitioned residents by mail or through door-to-door solicitation. He recommended citizens contact Peoples Gas for service rather than wait to be contacted.

Discussion regarding methods of notification to establish service followed. Mr. Cox stated the gas company had a franchise with the Town; he stated a review of the franchise as to individual service would be made and reported to the Commission. He suggested the Town Column be used to inform the public gas service was available; however, this service was difficult to obtain.

IV. Public to be Heard.1. Tour of Sister Keys -- Invitation to the Commission.

Anna Miller, member of the Sister Keys Conservancy, offered a boat tour of Sister Keys to the Commission for the purpose of a field trip. She said a marine biologist would accompany the party also.

Mr. Cox stated requirements to be met for a field trip included advertising of the meeting and public access. Mrs. Miller stated as many pontoon boats as needed could be provided by Cannon's Marina.

V. Press to be Heard.VII. Adjournment.

The Workshop was adjourned at 5:00 P.M.

Donna H. Spencer
Patrizia Arends, CMC, Town Clerk
Donna Spencer, Deputy Clerk

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