



# **Town of Longboat Key Town Commission**

**Town Hall**  
**501 Bay Isles Road**  
**Longboat Key, FL 34228**  
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**(FAX) 316-1942**  
**INFOLINE: 361-6411**  
**WWW.LONGBOATKEY.ORG**

## **- AGENDA -** **REGULAR MEETING**

**7:00 PM** **October 8, 2001**

### **Pledge of Public Conduct**

- We may disagree, but we will be respectful of one another.
- We will direct all comments to issues.
- We will avoid personal attacks.

### **Call to Order and Pledge of Allegiance**

### **Proclamations and Special Presentations**

1. Proclamation – Fire Prevention Week, October 7-13, 2001
2. Proclamation – United Nations Day, October 24, 2001

### **Approval of Minutes**

3. September 10, 2001 Regular Meeting Minutes
4. September 17, 2001 Special Meeting Minutes

### **Committee Reports and Communications**

5. Metropolitan Planning Organization Report - Presentation by Ringling Bridge Design/Build Firm PCL

PCL is a construction company that has been hired by the Florida Department of Transportation for a design/build contract for the Ringling Causeway Bridge. Representatives of the Metropolitan Planning Organization (MPO) and PCL will be doing a presentation regarding the design of the bridge.

### **Public to be Heard**

### **Ordinances - First Reading**

6. Ordinance 2001-14, Adopting Supplement 18 (2001). Codifying the Ordinances Promulgated by the Town of Longboat Key Within Its Code of Ordinances

Kennedy Legler, Mayor; John Redgrave, Vice-Mayor;  
W. John Kerwin, District 3; Hal Lenobel, District 4; Raymond Metz, District 5;  
Jim Patterson, At Large; Ren Johnson, At Large



October 8, 2001

END A  
Regular Meeting of the Town Commission  
(continued)

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Ordinances adopted by the Town are promulgated each year into the Town Code; Ordinance 2001-14 is proposed to adopt the supplement which included ordinances for 2000.  
Recommended Action: Forward for second reading and public hearing at the November 5, 2001 Regular Meeting.

#### Other Public Hearings

#### 7. Quasijudicial Hearing – Vernon Subdivision: Preliminary and Final Plat Application

The Planning and Zoning Board held a public hearing on September 11, 2001 and recommended approval with conditions of the Vernon Subdivision Preliminary and Final Plat Application. The Planning & Zoning Board has forwarded this request to the Town Commission for consideration at this meeting. Recommended Action: The Town Commission will base their decision on sworn testimony at this meeting.

#### New Business

#### 8. Appointment of (3) Residents for Appointment to: Longboat Key Firefighters' Retirement System Board of Trustees (2-year term), Longboat Key Police Officers' Retirement System Board of Trustees (2-year term), and General Employees' Retirement System Board of Trustees (3-year term).

Adoption of Ordinances 99-24, -25, and -26, amending the Town's pension plans in accordance with new State law, provided for staggered terms for the two trustees to be appointed by the Town Commission to each of the three Pension Boards. Terms for one trustee on each of the three boards expires 9-30-01; therefore, appointments or reappointments are in order for the Firefighters' Pension Board, the Police Officers' Pension Board and the General Employees' Pension Board. Nominations were made at the September 17, 2001 Regular Workshop and forwarded to this meeting. Recommended Action: Vote for members to fill terms expiring September 30, 2001 on pension boards.

#### 9. Town Manager Evaluation

Tabulation of Town Commission performance appraisals and comments is forwarded to the October 8, 2001 Regular Meeting for discussion and consideration of the Manager's annual evaluation. Recommended Action: Pending discussion, confirm evaluation results.

#### Town Attorney Comments

#### Town Manager Comments

#### Town Commission Comments

#### Press to be Heard

#### 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.  
/spa



**MINUTES OF THE REGULAR MEETING  
OF THE LONGBOAT KEY TOWN COMMISSION  
October 8, 2001, 7:00 PM**

**Present:** Mayor Legler, Vice Mayor Redgrave, Commissioners Patterson, Metz, Johnson, Kerwin, Lenobel

**Also Present:** Town Manager St. Denis, Town Attorney Persson, Deputy Town Clerk Wahl

**Absent:** Town Clerk Spencer

**Called to Order and Pledge of Allegiance**

The Regular Meeting of the Longboat Key Town Commission was called to order at 7:00 PM in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida. The Longboat Key Fire Department Color Guard posted the colors; Mayor Legler led the Pledge of Allegiance to the Flag.

Fire Chief Halas expressed the Department's respect and remembrance to fallen firefighters and rescue workers during the recent devastation of the New York World Trade Center; asked everyone to remain standing to honor those who lost their lives to terrorist activities on September 11, 2001 with a moment of silence; and presented a plaque to Mayor Legler in remembrance of the fallen firefighters.

**Proclamations and Special Presentations**

**1. Proclamation: Fire Prevention Week, October 7-13, 2001**

Deputy Town Clerk Wahl read the proclamation and declared October 7-13, 2001, as Fire Prevention Week. Fire Chief Halas accepted the proclamation from Mayor Legler and said the firemen were proud to be Americans and to work for the Town of Longboat Key; thanked the Commission for the opportunity to honor the fallen firefighters; asked all citizens to heed the advisements in the proclamation and wished everyone a safe year.

**2. Proclamation: United Nations Day, October 24, 2001**

Deputy Town Clerk Wahl read the proclamation and declared October 24, 2001, as United Nations Day. Mayor Legler presented the proclamation to Dr. Mona Jain, United Nations Association Proclamation Committee Member. Dr. Jain accepted the proclamation and expressed her thanks to the Commission; reviewed programs sponsored by the United Nations; discussed the inhuman actions that took place in New York, on September 11, 2001; and stressed the importance of America's unification and global cooperation during these difficult times.



Regular Meeting (Cont)

10-08-01, Page 2

**Approval of Minutes****3. September 10, 2001 Regular Meeting Minutes****4. September 17, 2001 Special Meeting Minutes**

**It was moved by Lenobel, seconded by Redgrave, to approve the 9-10-01 Regular Meeting and 9-17-01 Special Meeting minutes. Motion carried unanimously.**

**Committee Reports and Communications****10. Manasota League of Cities Dinner Meeting**

Commissioner Johnson said the Manasota League of Cities Dinner was held on September 3, 2001; approximately 80 citizens, legislative representatives from the League of Cities, and members of the Longboat Key Commission attended the function.

**5. Metropolitan Planning Organization Report - Presentation by Ringling Bridge Design/Build Firm PCL**

Vice Mayor Redgrave said the Metropolitan Planning Organization (MPO) was afforded an opportunity to hear the PCL Constructors, Inc., presentation regarding the Ringling Causeway Bridge Replacement Project, and welcomed Michael Guy, Sarasota-Manatee MPO Executive Director, and PCL Constructors representatives to the meeting.

Mr. Guy discussed the Ringling Causeway Bridge Replacement Project; working relationships between FDOT and MPO; and announced that Mr. Patrick Malone, PCL Constructors, Inc., Construction Manager, and Mr. Rick Langley, FDOT District Director of Production, were in attendance and available to answer questions. Mr. Malone described anticipated operations and scheduled completion timeframes. The fixed span bridge was derived from the 1997 "Charrette Bridge" concept; constructed without joints to provide a smooth roadway; provided ten-foot wide walkways; bikes were separate from pedestrian and traffic lanes; construction was scheduled to begin August 1, 2001, with completion expected in December 2003. Discussion continued regarding traffic control and diversion, marine traffic (to include protection of manatee and endangered species), dust control, and landscaping; citizens could receive informational construction updates by calling (941) 373-9553, or on-line at [www.pcl.com/projects/ringling](http://www.pcl.com/projects/ringling).

Discussion continued relating to cast-in-place construction versus pre-cast options. Mr. Robert Diamant, 3351 Sabal Cove Lane, believed cast-in-place and pre-cast had substantial design differences; felt column design could be enhanced; roadway design appeared to show poured-in-place supporting elements on the roadway surface; and felt bridge-flare could be better achieved with a pre-cast design. Mr. Malone said the bridge thickness was equal to a pre-cast design and explained that PCL engineers were researching pre-cast design options and development to achieve optimum efficiency.

Mayor Legler said the Town of Longboat Key supported the bridge construction and wished PCL much success.

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Regular Meeting (Cont)

10-08-01, Page 3

Public to be HeardOrdinances - First Reading

6. Ordinance 2001-14, Adopting Supplement 18 (2001). Codifying the Ordinances Promulgated by the Town of Longboat Key Within Its Code of Ordinances

It was moved by Redgrave, seconded by Patterson, to pass Ord. 01-14 on first reading.

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

Motion carried unanimously on roll call vote: Redgrave, aye; Patterson, aye; Legler, aye; Kerwin, aye; Johnson, aye; Lenobel, aye; Metz, aye.

Ord. 01-14 was forwarded for second reading and public hearing at the 11-05-01 Regular Meeting.

Other Public Hearings

7. (Quasijudicial) Vernon Subdivision: Preliminary and Final Plat Application

Deputy Town Clerk Wahl swore all those who were to make presentations during the public hearing.

Pursuant to published notice, the public hearing was opened.

Planning & Zoning Director Jeglie discussed the subdivision application; said the preliminary plat was consistent within the Comprehensive Plan; conformed with applicable regulations of the Zoning District and Longboat Key's Subdivision Regulations (Chapter 157) and Zoning Code (Chapter 158); conformed within the Town's Policy of Ownership and was consistent with requirements. Director Jeglie announced the 09-11-01 Planning and Zoning Board voted and recommended approval of the subdivision with four conditions: (1) Revise preliminary plat and indicate compliance with fire protection requirements; (2) Public Works must approve water and waste service locations; (3) Tract "A" shall at all times be owned and used exclusively by the Owner of Lot "1" of the Vernon Subdivision; and (4) Final plat must be reviewed by a professional surveyor and mapping service to determine compliance with Chapter 177 requirements of the Florida Statute. Director Jeglie recommended approval of the plat application and said conditions were accepted and reviewed by the Planning and Zoning Board.

Attorney Michael Furen represented W. Anthony and Jean C. Vernon (applicants) regarding land usage and final re-platting of subject property. He submitted for record: (a) evidence of Notice of Proposals to various property owners; (b) receipts of unclaimed certified mail; (c) receipts of claimed certified mail; (d) three misdirected parcels of mail; (e) and two memorandums written by Director Jeglie, dated 9-21-01 and 8-21-01. He asked Mayor Legler to incorporate the applicant's file, Comprehensive Plan, Zoning Code, and Subdivision Regulation; Mayor Legler said the items would be admitted. Attorney Furen said the applicants accepted the conditions as amended by the Planning and Zoning Board.

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Regular Meeting (Cont)

10-08-01, Page 4

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

It was moved by Johnson, seconded by Kerwin, to approve the Vernon Subdivision Preliminary and Final Plat application with conditions outlined by the Planning and Zoning Board. Motion carried unanimously on roll call vote: Johnson, aye; Kerwin, aye; Lenobel, aye; Metz, aye; Patterson, aye; Legler, aye; Redgrave, aye.

#### New Business

8. Appointment of (3) Residents for Appointment to: Longboat Key Firefighters' Retirement System Board of Trustees (2-year term), Longboat Key Police Officers' Retirement System Board of Trustees (2-year term), and General Employees' Retirement System Board of Trustees (3-year term).

#### Firefighters' Retirement Board of Trustees (1 seat)

For the record, Mayor Legler stated that he was associated with a law firm that represented Gwen Ross (Candidate), and recused himself from voting; submitted a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers (CE Form 8B attached), in accordance with advice from Attorney Persson.

Vice Mayor Redgrave inquired regarding the necessity of a majority vote requirement for candidate selection. Attorney Persson advised that plurality (majority) was sufficient for appointment, however, appointment could be accomplished with less than a majority vote; Vice Mayor Redgrave and Commissioner Metz preferred a majority vote; Mayor Legler said a majority vote would be required for appointment.

Mayor Legler announced that three (3) candidates were nominated for one (1) seat on the Firefighters' Retirement Board of Trustees. The following votes were cast:

Candidates → ↓Commissioners	Gwen Ross	Peter O'Connor	Fred B. Smith
Legler (Recuse)			
Redgrave			X
Johnson	X		
Kerwin		X	
Lenobel			X
Metz			X
Patterson			X

Mayor Legler declared Fred Smith received the majority of votes and was appointed to a two (2) year term on the Firefighters' Retirement Board of Trustees, to begin October 1, 2001 and expire on September 30, 2003.



Regular Meeting (Cont)

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**Police Officers' Retirement System Board of Trustees (1 seat)**

Mayor Legler announced that Walter Serwatka was unopposed for the available seat on the Police Officers' Retirement System Board of Trustees.

Mayor Legler declared that Walter Serwatka was appointed to the Police Officers' Retirement System Board of Trustees for a two-year term of office to begin October 1, 2001 and expire September 30, 2003.

**General Employees' Retirement System Board of Trustees (1 seat)**

Mayor Legler announced that three (3) candidates were nominated for one (1) seat on the General Employees' Retirement System Board of Trustees. The following votes were cast:

Candidate → ↓ Commissioners	David Young	Arnold Fein
Patterson	X	
Metz	X	
Lenobel	X	
Legler	X	
Redgrave		X
Kerwin		X
Johnson	X	

Mayor Legler declared that David Young received the majority of votes and was appointed to the General Employees' Retirement System Board of Trustees for a three-year term of office to begin October 1, 2001 and expire September 30, 2004. The Oath of Office would be administered at the next meeting, October 15, 2001.

**9. Town Manager Evaluation**

Mayor Legler reported that the Town Manager evaluations were received. Manager St. Denis said the positive comments were appreciated, and also reported receipt of constructive criticism regarding customer service by Building Department Personnel. The issues of concern were investigated and Manager St. Denis reported that Building Department Personnel operated within State guidelines, and found that incorrect and/or inconclusive information passed from one citizen to another and misunderstanding building laws could compound citizen's frustration regarding operating procedures. Manager St. Denis discussed permit, code requirements, and fees versus demands charged by contractors; and said an auditor would review the fee structure to ensure Code compliance. Commissioner Johnson said the Building Department did a good job but employees could extend a more positive receptiveness to the public. Manager St. Denis said anything less than helpful and courteous customer service was unacceptable.

Mr. Steve Mitchell, Villa Di' Lancia Manager, said Manager St. Denis always extended prompt and courteous assistance and was a professional asset to the Town of Longboat Key.



## Regular Meeting (Cont)

10-08-01, Page 6

Manager St. Denis said historically adjustment and enhancement discussions were held with the Mayor. Mayor Legler said he would be happy to discuss contract enhancement and relay the information to the Commission; however, he would not negotiate on the Commission's behalf. Mayor Legler would meet with Manager St. Denis; the issue would be discussed at the 11-05-01 Regular Meeting.

Town Attorney CommentsTown Manager Comments11. Fish Cleanup

Manager St. Denis announced that 10 tons of fish were removed last weekend; Grubbs Construction (contractor) was relieved from fish cleanup; Public Works Personnel continued cleanup operations. Commissioner Patterson commended the contractor and Town employees for their hard work and cleanup efforts. Commissioner Johnson relayed appreciation on behalf of a neighbor to the Public Works Department. Commissioner Metz said this was the first time that citizens observed the Town's involvement and efforts. Manager St. Denis said approximately 175 tons of fish were deposited in a landfill; equipment used by Grubbs Construction was experimental, expensive, but successful. Commissioner Kerwin noted that yard waste was removed efficiently. Manager St. Denis said costs could be reimbursed by FEMA; paperwork was completed and ready for submission.

Town Commission Comments12. International Relations Class

Commissioner Johnson attended an International Relations Class, recommended by Commissioner Lenobel, and said it was a worthwhile experience.

13. District Reapportionment

Vice Mayor Redgrave discussed reapportionment; Longboat Key is located in Districts 69 and 70; every ten years Longboat Key had an opportunity to become one district; and interests and political positions might be better served with one representative. The public or Commissioners could send correspondence to Donna Clark or Mike Bennett. Commissioner Lenobel was not in favor of supporting only one candidate.

14. Anti-Terrorism Program

Vice Mayor Redgrave inquired about problematic FY-02 budget expectations due to the world crisis. Manager St. Denis said Fire Chief Halas, Florida Fire Chiefs President, attended an anti-terrorism program in Tallahassee, and a presentation would be provided to the Commission.

15. Commission Compensation

Commissioner Metz requested Commission compensation be added to the 10-18-01 Regular Workshop. Manager St. Denis said the item would be included on the agenda.

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## Regular Meeting (Cont)

10-08-01, Page 7

16. Fire Suppression System

Commissioner Patterson discussed the water sprinkler presentation made by Fire Chief Halas, and asked if the World Trade Center Buildings had had sprinkler systems installed. Manager St. Denis said sprinkler systems were in place but heat buildup caused the failure of the structure.

17. Longard Tube Update

Commissioner Patterson requested an update on the Longard tubes. Manager St. Denis said the Department of Environmental Protection Agency was satisfied with the request; however, the additional foot in height might pose a problem for the sea turtles.

18. Manatee County Elected Officials Meeting

Mayor Legler announced the Manatee County Elected Officials Meeting at the Manatee County Civic Center, on October 11, 2001, and urged Commission attendance.

19. Sarasota County Convocation of Governments Meeting

Mayor Legler reported citizens requested relocation of the Leffis Key Veterans' Memorial (Coquina Beach Bay Walk); Cortez Village Historical Society strived to save historical structures, and asked Mayor Legler to provide a letter of support by September 24, 2001. Manager St. Denis would compose the letter for Mayor Legler to sign.

Press to be HeardAdjournment

The Regular Meeting was adjourned at 8:40 PM.

  
Ken Legler, Mayor

Attachment

  
Donna H. Spencer, Town Clerk  
Barbara S. Wahl, Deputy Clerk-Minutes



# **FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME—FIRST NAME—MIDDLE NAME <i>LECHER, KENNEDY</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Lombert Key Commission</i>
MAILING ADDRESS <i>512 VAWL LANE</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Lombert Key</i>	COUNTY <i>Seminole</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>Oct 10 2001</i>		NAME OF POLITICAL SUBDIVISION <i>Lombert Key</i>
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## **WHO MUST FILE FORM 8B**

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## **INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.358 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### **ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### **APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Kennedy Legler, hereby disclose that on Oct 10, 2001:

**(a) A measure came or will come before my agency which (check one)**

- ☐ Inured to my special private gain or loss;
- ☒ Inured to the special gain or loss of my business associate, Law Firm - Legler & P/H/nn;
- ☐ Inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ Inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ Inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

**(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:**

Appointment to Firemen's Pension Board  
where nominee was client of firm.

Date Filed

10/8/01

Signature

Kennedy Legler

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.