

# Information Packet

for

## Joan M. Durante Community Park

### Advisory Committee



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## MEMORANDUM

DATE: November 26, 1997

TO: Town Commission

FROM: Bruce St. Denis, Town Manager

SUBJECT: Joan M. Durante Community Park Advisory Committee

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At the November 18, 1997 Workshop, the Town Commission directed staff to develop an approach and define parameters for the creation of the Joan M. Durante Park Advisory Committee. The following information is being provided in response to that request.

### COMMITTEE MEMBERSHIP

The purpose of this committee is to make non-binding recommendations to the Commission on park use policy. It was agreed that the committee would have seven members, one nominated by each Commissioner, representing the Town as a whole. One of the members to be a resident that lived adjacent to the Joan M. Durante Community Park. Nominations would be considered at the December 1, 1997 Regular Meeting for appointment.

The following nominations were made prior to the distribution of the December 1, 1997 agenda packet. Other nominees will be brought forward for your consideration by Commissioners at the meeting.

District 1 Nominee  
District 3 Nominee  
District 4 Nominee

Mrs. Ruth Napoliello  
Mrs. Frank (Christa) Fineshriber  
Ms. Pamela Moniz (adjacent to park)

### STATEMENT OF OBJECTIVES

The objectives of this advisory committee are limited in nature and it is anticipated that this committee will be operational only for the period of time it takes to develop the specified recommendations for consideration by the Town Commission. The specific objectives are as follows:

1. Define the "character" of the park. Specifically, they will be asked if they see Joan M. Durante Community Park as active, passive, a place to view natural settings, a gathering place, etc. or is it a combination of these or other elements.

2. Based on the results of the "character" portion of the study (as defined in No. 1), what types of activities should be allowed in various areas of the park.
3. Based on the recommendations that will be made for Nos. 1 and 2, a consideration of whether restrooms should be placed in the park.

### **STAFF SUPPORT**

The Joan M. Durante Community Park Advisory Committee will be supported by Department Heads and staff of the following departments:

1. Town Manager's Office
2. Planning, Zoning and Building Department
3. Public Works Department
4. Town Clerk's Office

At the beginning of the first committee meeting, the Town Clerk shall conduct an orientation regarding the laws applicable to the advisory committee such as the Sunshine, open meeting and public records laws.

Subsequent to that orientation, the advisory committee will be asked to elect a Chairman and Vice-Chairman. From that point on, the agenda and activities of the advisory committee will be directed by that committee with support provided by staff as necessary.

### **BACKGROUND INFORMATION**

Prior to their first meeting, the Joan M. Durante Community Advisory Committee will be provided with the following information that is intended as a foundation upon which their discussions about the park can be built. The information will be provided in an agenda packet format similar to what is provided to the Town Commission members. A copy of the proposed packet is attached. You will see that it includes the following:

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05-01-95 Regular Meeting  
04-20-95 Regular Workshop  
12-05-94 Regular Meeting  
07-21-94 Regular Workshop  
06-27-94 Regular Meeting  
06-16-94 Regular Workshop

**SUMMARY**

Staff is requesting your comments and/or approval of this proposed approach.

Once approval has been given staff is ready to start as soon as the appointees are available.

Please contact me if you have any questions.

BSD/dhs  
Attachments

Names File

Joan M. Durante Community Park Use Advisory Committee

Mrs. Ruth Napoliello

Joan M. Durante Community Park  
Use Advisory Committee (97-98)  
District 1  
1050 Longboat Club Road, 501  
Longboat Key, FL 34228

Mr. Stu Robinson

Joan M. Durante Community Park  
Use Advisory Committee (97-98)  
District 2  
581 Putter Lane  
Longboat Key, FL 34228

Mrs. Christa Fineshriber

Joan M. Durante Community Park  
Use Advisory Committee (97-98)  
District 3  
608 Buttonwood  
Longboat Key, FL 34228

Mrs. Pamela Moniz

Joan M. Durante Community Park  
Use Advisory Committee (97-98)  
District 4  
637 St. Judes Drive  
Longboat Key, FL 34228

Mr. Rob Crafts

Joan M. Durante Community Park  
Use Advisory Committee (97-98)  
District 5  
6809 Hughes Street  
Longboat Key, FL 34228

Mrs. Bev Shapiro

Joan M. Durante Community Park  
Use Advisory Committee (97-98)  
At-Large Member  
4700 Gulf of Mexico Drive, Unit 303  
Longboat Key, FL 34228

Dr. Joan Webster  
Joan M. Durante Community Park  
Use Advisory Committee (97-98)  
At-Large Member  
5555 Gulf of Mexico Drive, 101  
Longboat Key, FL 34228

Phone List:

Napoliello	383-7828
Robinson	383-7762
Fineshriber	383-5431
Moniz	383-1981
Crafts	383-5135
Shapiro (Bev)	383-0076
Webster (Dr.)	383-8869

## OPEN MEETINGS

### THE FLORIDA SUNSHINE LAW (CHAPTER 286, FLORIDA STATUTES)

An open government has long been considered crucial to a democratic society. In 1967 the Florida Legislature passed two laws: the Florida Sunshine Law, which requires that meetings at which decisions are made about public business be open to the public; and the Florida Open Records Law, which requires that the files of public agencies be open for public inspection.

The Sunshine Law declares that all meetings of governmental bodies at which official action is considered must be open to the public. The purpose of the law is to permit the public to observe first-hand the full decision-making process of government at all levels, from early deliberation to final vote.

The Sunshine Law applies to governmental bodies at the state, county, and municipal levels. This includes all boards, commissions, and committees.

The Sunshine Law applies to a broad range of activities. A "meeting" under the law is not limited to gatherings where a final vote is taken, but includes formal and informal discussions and deliberations which are part of the decision-making process. Generally, a "meeting" is held, and required to be open, when two or more members of a decision-making body or its advisory board discuss matters on which foreseeable action could be taken by the body.

The Sunshine Law requires that notice of meetings be given containing time, place, and the subjects to be discussed. Meetings cannot be held at locations which unreasonably restrict public access.

The staff liaison assigned to each committee must be notified within a reasonable time period to provide public notice and notify the press of any meetings to be scheduled, as well as to determine if a room is available at Town Hall at that time.

Written minutes must be kept of all meetings. Each Committee should appoint a member as secretary to file minutes with the staff liaison. Minutes need not include detailed accounts of discussion, but the following is required: Date and time of the meetings, names of those present, a general statement of the nature of the discussion, and items on which a consensus was reached. A quorum (50%) is required (Town Resolution 91-08) to vote on any recommendations to the Town Commission.

Secret votes by a decision-making body are not permitted.

Criminal penalties can be applied on the basis of proof that an individual knowingly violated the Sunshine Law.

THE TOWN OF LONGBOAT KEY  
GOVERNMENTAL STRUCTURE OF THE TOWN

Longboat Key is a home rule municipality with a Commission/Manager form of government. The legal basis for authority of our local government is the Town Charter. The Town Commission has all policy-making and legislative power necessary for governing its local and municipal matters and all powers granted to home rule municipalities by the Constitution of the State of Florida.

The structure of a Commission/Manager government is similar to that of a large business corporation; the voters of the community, like the stockholders of a corporation, elect the Board of Directors, in our case, the Town Commission. The Town Commission then appoints a full-time manager whose duties compare to those of a business corporation chief administrative officer.

This information is provided to explain how the Longboat Key Town Commission governs itself and the respective roles of its key officials and system of responding to public needs.

TOWN COMMISSION

There are seven Town Commission members: two elected at-large, and one from each of five districts on a non-partisan basis for two-year terms. The General Municipal Election is held the third Tuesday in March of each year. Elections for one at-large seat and the two even-numbered district seats are held in odd-numbered years; elections for one at-large seat and the three odd-numbered district seats are held in even numbered years. The Mayor and Vice-Mayor are elected each year by the Town Commission at the first meeting following the General Municipal Election.

Town Commission meetings are held on the first Monday of each month at 7:00 P.M. in the Town Commission Chambers. The Commission also meets for a workshop on the third Thursday of each month at 1:00 P.M. All Town Commission meetings are open to the public.

The general function of the Town Commission is to:

1. Adopt and amend Ordinances and Resolutions;
2. Determine Town policies and standards of service;
3. Determine how much money is to be spent and for what purpose;
4. Determine what Town taxes are to be levied;
5. Approve contracts, agreements and bids;
6. Appoint citizens to various boards and committees; and
7. Represent the Town as its political leadership.

THE MAYOR

The Mayor is a co-equal Commission member who is elected by a majority vote of the Commission as its Chairman and presides at meetings of the Commission. The Mayor is recognized as the official head of the Town for ceremonial purposes, by the Courts for the purpose of service in civil processes, and by the Governor for the purpose of martial law. The Mayor's office is limited to a one-year term. The Mayor and Town Commissioners have no administrative responsibilities. The Vice-Mayor presides in the absence of the Mayor.

THE TOWN MANAGER

The Town Manager is appointed by the Town Commission solely on the basis of professional and administrative qualifications. He serves as the chief administrative officer of the Town, and is responsible for carrying out the policies and laws adopted by the Town Commission. As chief administrator of the Town, the Manager is responsible for all administrative affairs and is empowered to make all personnel appointments, supervise the work of all departments, prepare and recommend the annual budget to the Commission for approval, and administer the day-to-day business of the Town.

TYPES OF COMMISSION ACTION

The Town Commission takes legislative action using one of the following three methods:

Ordinance: An ordinance is the most formal and binding type of Commission legislation. Every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance. Every ordinance must first be read by title only at a regular or special Commission meeting. If passed, the title of the ordinance is published and the date of a public hearing is provided to give citizens an opportunity to be heard on each piece of legislation. At the time of the public hearing, each interested person is given the opportunity to state his/her views on the ordinance. After the Mayor closes the public hearing, Commission members have the opportunity to discuss the issues raised by the public hearing or concerns they may have. After discussion the Commission then votes on whether to table the ordinance for further discussion, adopt, or reject the ordinance.

Resolution - A resolution is a written legal act passed by the Commission by majority vote. It is less formal than an ordinance since it is passed at the meeting at which it is introduced without public hearing (with the exception of quasi-judicial matters).

Motion - A motion is an informal resolution that is made and passed by a majority vote of the Town Commission.

CITIZEN PARTICIPATION

The public is invited to attend and be heard at Town Commission meetings and workshops to insure open communication between them and their elected representatives. Request to be Heard Forms are available to the public and are to be submitted prior to the convening of the meeting or workshop from persons desiring to address the Commission on any matter on the agenda. Failure to submit the Form will not prohibit a person from being allowed to address the Commission, but those submitting forms will have a priority over those who do not submit forms.

Taxpayers or residents of the Town and other interested parties or their authorized representatives may address the Commission in regard to any matter concerning the Town's business or any matter over which the Commission has jurisdiction or control, during the portion of the meeting designated on the agenda as "Public to be Heard".

11/95



## SECTION 1 - DOCUMENTS

The documents within this section specifically addresses use of the Joan M. Durante Community Park.

1. Parks Advisory Committee Mission Statement
2. Agreement re. Joan M. Durante Community Park
3. Ordinance 97-05
4. Resolution 96-13
5. Resolution 94-27
6. Site Plan Map (10-6-97 re. Phase III)



TOWN OF  
**LONGBOAT KEY**

Incorporated November 14, 1955

501 Bay Isles Road  
Longboat Key, Florida 34228  
(813) 383-3721  
FAX 383-7231

January 5, 1994

Mr. James P. Durante  
565 Sanctuary Drive, A103  
Longboat Key, FL 34228

Re: Agreement re. Joan M. Durante Community Park

Dear Mr. Durante:

Enclosed herewith please find a copy of the fully executed agreement on the referenced subject being submitted to you for your personal file. Attached to the agreement is a copy of the Conceptual Plan prepared for the Joan M. Durante Community Park.

Again, Mr. Durante, on behalf of the Town Commission and citizens of Longboat Key, please accept our thanks for your very generous contribution to the community. We will coordinate with you periodically throughout the development of the park.

Yours truly,

Griff H. Roberts  
Town Manager

GHR/dhs

cc: Town Commission  
David Persson, Town Attorney  
Dan Gaffney, Planning, Zoning & Building Director  
Len Smally, Public Works Director  
Steve Schield, Parks and Environmental Officer

Mr. & Mrs. James P. Durante  
565 Sanctuary Drive, A103  
Longboat Key, FL 34228

December 28, 1993

Town Commission  
Town of Longboat Key

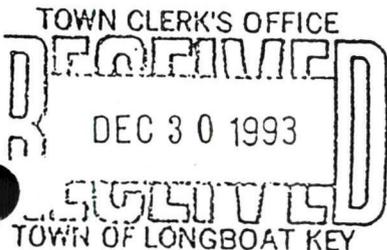
cc: Town Commission  
Town Manager  
Town Clerk - file  
Press  
Other \_\_\_\_\_

Madam Sirs:

Upon completion of the Joan M. Durante Community Park building, I request that my oil painting of Joan be exhibited therein in perpetuity in a prominent place with suitable lighting.

At the time of such placement full title to said painting shall be deemed to be transferred to the Town of Longboat Key.

Very truly yours,  
James P. Durante



AGREEMENT RE:

JOAN M. DURANTE COMMUNITY PARK

This Agreement, by and between the TOWN OF LONGBOAT KEY, FLORIDA, a municipal corporation organized under the laws of the State of Florida (hereinafter referred to as the "Town"), and JAMES P. DURANTE (hereinafter referred to as the "Benefactor"), hereby agree as follows:

W I T N E S S E T H:

WHEREAS, the Town is a residential community located along the Gulf of Mexico; and

WHEREAS, the Town wishes to afford its residents recreational and cultural opportunities; and

WHEREAS, the Benefactor is desirous of improving the quality of life for the Town's residents; and

WHEREAS, the Benefactor wishes to donate a sum of money for the enhancement of the quality of life for the Town's residents; and

WHEREAS, the Town wishes to accept with gratitude the sums offered by the Benefactor.

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, it is agreed as follows:

1. The Town shall improve the real property it presently owns at 5450-5490 and 5550-5568, Gulf of Mexico Drive, known as the "Ansel" property, in accordance with the conceptual plan attached hereto and incorporated herein. The conceptual plan basically describes the development of a botanical park on the north property

located at 5550-5568 Gulf of Mexico Drive to be utilized for passive recreation, and the utilization of the rear section of the south property located at 5450-5490 Gulf of Mexico Drive for future development. The funds donated herein shall be utilized for improvements of the property for purposes of establishing the botanical park and its associated trails, and bayside piers and walkways, and other improvements as described herein, including a suitable building.

2. Additional uses of the south parcel will be determined by the Town.

3. Upon receipt of the first donation designated hereunder, the properties referenced in Paragraph 1 shall be known in perpetuity as the Joan M. Durante Community Park, provided all donations as described hereunder are made. Promptly, the Town shall place suitable plaques on the designated property reflecting it as the Joan M. Durante Community Park.

4. Any funds remaining from the improvements described above are to be held in trust by the Town for purposes of providing additional capital improvements to the park that shall include a welcome center and potentially a cultural community center.

5. The welcome center shall, at a minimum, be a facility designed and built to the general superior architectural standards of Longboat Key. Such center shall provide information concerning the Joan M. Durante Community Park and shall house an oil portrait of Joan M. Durante when donated by the benefactor. The Town shall

proceed with all deliberate speed in all respects in the development of the park and completion of the welcome center.

6. The Town shall conduct all studies it deems appropriate for purposes of determining what cultural community center might be constructed. If the Town develops a cultural community center, it shall be known as the Joan M. Durante Cultural Community Center.

7. A Cultural Community Center is herein defined as being a building for the purposes of enhancing the quality of life of the citizens of the Town of Longboat Key. Rather than to attempt to describe what sort of building would meet those needs with specificity as to use, size or height, it is recognized by the parties that it is impossible to precisely afford a structural definition of what that facility would be. This definition is intended to be very broad to meet the needs and wants of the community. It is the spirit of this document to recognize that the Joan M. Durante Community Park will include some structural facilities which will add to the recreational and cultural activities of the Town, as further described herein and will be of the highest quality architectural standards.

8. The Benefactor shall donate \$100,000 by December 31, 1993, to the Town to be held in a special interest-bearing account to accomplish the purposes recited herein. The Town shall dispense those funds as it deems it appropriate to accomplish the purposes described herein. Said donation shall be qualified under the Internal Revenue Code, Section 501(c). Appropriate written proof of same shall be delivered to the Benefactor.

9. The Benefactor shall, on or before December 31, 1994, donate \$125,000 to the Town to be held in a special interest-bearing account to accomplish the purposes recited herein. The Town shall dispense those funds as it deems it appropriate to accomplish the purposes described herein. Said donation shall be qualified under the Internal Revenue Code, Section 501(c). Appropriate written proof of same shall be delivered to the Benefactor.

10. The Benefactor shall, on or before December 31, 1995, donate \$125,000 to the Town to be held in a special interest-bearing account to accomplish the purposes recited herein. The Town shall dispense those funds as it deems it appropriate to accomplish the purposes described herein. Said donation shall be qualified under the Internal Revenue Code, Section 501(c). Appropriate written proof of same shall be delivered to the Benefactor.

11. The Benefactor shall, on or before December 31, 1996, donate \$150,000 either to the Town or any designee of the Town which is a not-for-profit corporation qualified under the Internal Revenue Code, Section 501(c).

12. The obligations recited herein for the Benefactor shall bind his heirs and assigns and, should the Benefactor predecease the obligations recited herein, the total of said funds shall be the debt of his estate and shall be satisfied forthwith upon appointment of the personal representative and no later than 60 days from the appointment of the personal representative.

IN WITNESS WHEREOF, the parties have executed this Agreement on the 30th day of DECEMBER, 1993.

The "Town"

TOWN OF LONGBOAT KEY

BY

James P. Brown  
Mayor JAMES P. BROWN

Witnesses as to the Town:

Robert D. Drohlich Robert Drohlich  
Albert Green Albert Green

ATTEST:

Norma Celentano  
Town Clerk (Deputy)  
Norma Celentano

State of Florida

County of Sarasota

The foregoing instrument was acknowledged before me this 30th day of DECEMBER 1993, by JAMES P. BROWN who is personally known to me or who has produced \_\_\_\_\_, as identification and who ~~did~~ (did not) take an oath and who acknowledged before me that he executed the same for the purposes therein expressed on behalf of the Town of Longboat Key.

The "Benefactor"

JAMES P. DURANTE

James P. Durante

Witnesses as to the Benefactor

Robert Farber Robert Farber  
Ralph Hunter Ralph Hunter

Patrizia L. Arends  
NOTARY PUBLIC

Typed Name: PATRIZIA L. ARENDS

Commission Expires: \_\_\_\_\_

Commission No.: \_\_\_\_\_

NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES: March 31, 1995.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

State of Florida

County of Sarasota

The foregoing instrument was acknowledged before me this 30th day of DECEMBER 1993, by JAMES P. DURANTE, who is personally known to me or who has produced \_\_\_\_\_, as identification and who did (did not) take an oath.

*Patrizia L. Arends*  
NOTARY PUBLIC

Typed Name: PATRIZIA L. ARENDS

Commission Expires: \_\_\_\_\_

Commission Expires: \_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA.  
MY COMMISSION EXPIRES: March 31, 1995.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

Northern  
Trust Bank

JAMES P. DURANTE  
JOAN M. DURANTE

596

Dec. 30 19 93

63-1105  
631

Pay to the  
Order of

Town of Longboat Key

\$ 100,000<sup>00</sup>

One Hundred Thousand <sup>00</sup> — Dollars

Northern Trust Bank of Florida/Sarasota, N.A.  
Longboat Key, Florida

Memo

#1 PER AGREEMENT

JOAN M. DURANTE COMM. PARK

⑆063⑆⑆⑆059⑆

⑆25954⑆ 0596

James P. Durante

ORDINANCE 97-05

AN ORDINANCE AMENDING CHAPTER 92: BEACHES AND PARKS OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, BY ADDING A NEW SECTION 92.04, PROHIBITION OF TAKING OR DISTURBING PLANTS OR ANIMALS WITHIN PUBLIC PARKS OR OTHER PUBLIC PROPERTY, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key has opened and improved parks for the betterment and enjoyment of the citizenry of the Town of Longboat Key; and

WHEREAS, in order to preserve the flora and fauna of said parks, the Town of Longboat Key determines that it is in the best interest of the health, safety, and welfare to prohibit certain activities relating to said parks.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. CHAPTER 92, BEACHES AND PARKS, is hereby amended to add a new Section 92.04, Prohibition of Taking or Disturbing Plants or Animals Within Public Parks or Other Public Property as follows:

§ 92.04 PROHIBITION OF TAKING OR DISTURBING PLANTS OR ANIMALS WITHIN PUBLIC PARKS OR OTHER PUBLIC PROPERTY.

No person shall take, or cause to take, trap, net, remove or disturb the plants and animals located within parks or estuaries within the parks or other public property of the Town of Longboat Key. This provision does not prohibit fishing or cast nets thrown from the shore of the Town parks into the waters of the bay, pass, or gulf.

(ORD. 97-05, CONT)

Section 2. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

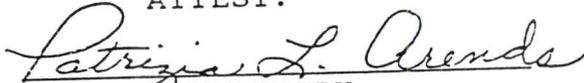
Section 4. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and Public Hearing this 7th day of April, 1997.

Adopted on the second reading and Public Hearing this 5th day of May, 1997.

  
MAYOR

ATTEST:

  
TOWN CLERK

c:\ord\Chapt92.2

RESOLUTION 96-13

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING RESOLUTION 94-27, APPROVING A SITE PLAN AMENDMENT FOR THE JOAN M. DURANTE COMMUNITY PARK TO ALLOW FOR PHASE III MODIFICATIONS INVOLVING WETLAND RESTORATION AND THE RECONFIGURATION OF A BOARDWALK/WALKWAY SYSTEM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the site plan for JOAN M. DURANTE COMMUNITY PARK located at 5550 Gulf of Mexico Drive, Longboat Key, Florida, was approved by the Town by Resolution 94-27, adopted June 27, 1994; and

WHEREAS, the Town of Longboat Key is the owner of the subject property, which is currently zoned OS - Open Space District and R-3MX, Low-Medium Density Mixed Residential District; and

WHEREAS, the applicant, the Town of Longboat Key, has made application for approval of a site plan amendment for the Joan M. Durante Community Park, 5550 Gulf of Mexico Drive; and

WHEREAS, the Planning and Zoning Official has, in a timely fashion, accepted the Application and referred same to the Planning and Zoning Board along with the support documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission along with their findings that the proposed development be approved with conditions; and

WHEREAS, the Town Commission makes these conclusions and findings of fact:

- (a) The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.
- (b) The plan is in conformance with all applicable regulations of the zoning district in which it is located.
- (c) The plan is in conformance with the Town's subdivision regulations, Chapter 157, and all other applicable Town requirements, including the design, adequacy, and construction of streets, drainage, utility facilities, and other essential services.
- (d) The plan is consistent with good design standards in respect to all external relationships, including but not limited to relationship to adjoining properties; internal circulation, both vehicular and pedestrian; disposition and use of open space, provision of screening and buffering, and preservation of existing natural features, including trees; size and apparent bulk of structures; and building arrangements both between buildings in the proposed development and those adjoining the site.
- (e) The plan is in conformance with Town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF  
LONGBOAT KEY, THAT:

Section 1. The site plan amendment for the JOAN M. DURANTE COMMUNITY PARK, 5550 Gulf of Mexico Drive, Longboat Key, Florida 34228 be and is hereby approved subject to the conditions attached hereto marked

"Conditions Requisite for Approval", Joan M. Durante  
Community Park, 5550 Gulf of Mexico Drive, Longboat  
Key, Florida 34228, and dated concurrently with this  
Resolution.

Section 2. This Resolution shall become effective  
immediately upon adoption.

ADOPTED at a meeting of the Town Commission of the  
Town of Longboat Key on the 3rd day of JUNE,  
1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

Attachment: Exhibit "A"  
Conditions for Approval

EXHIBIT "A"

CONDITIONS REQUISITE FOR APPROVAL

1. The provisions of the site plan application for the subject property, dated May 13, 1996, and received May 14, 1996, and site plans received on May 21, 1996, shall be met. Any and all improvements shall comply with Open Space (OS) and R-3MX provisions of the Town Zoning Code, except as otherwise provided for in the site plan and/or conditions of approval.
2. Except for the amendments specified herein, all conditions of approval contained within Resolution 94-27 shall remain in full force and effect.

M E M O R A N D U M

DATE: 05-21-96

TO: Planning & Zoning Board  
FROM: Daniel Gaffney, Planning, Zoning & Building Director *DG/dmc*  
SUBJECT: JOAN M. DURANTE COMMUNITY PARK: SITE PLAN AMENDMENT APPLICATION

---

APPLICANT: Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

SITE LOCATION: Joan M. Durante Community Park  
5550 Gulf of Mexico Drive  
Longboat Key, FL 34228

EXISTING ZONING: OS, Open Space District  
R-3MX, Low-Medium Density Mixed Residential District

FUTURE LAND USE DESIGNATION: OS, Open Space  
RM-3MX, Medium Density Mixed Residential

EXISTING USE: Public park consisting of the following improvements:

- A gazebo structure
- Shell driveway and on-site parking area
- Shell pathway/nature walk & walkway amenities
- A twenty (20) foot wide perimeter landscape buffer

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REQUEST: The applicant requests approval to amend the approved site plan for the Joan M. Durante Community Park to allow Phase III improvements including a wetland restoration project and the construction of an expanded walkway/boardwalk system, kiosk, and waterview overlook structure.

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PROJECT SUMMARY

The Florida Department of Environmental Protection (DEP) introduced to the Town wetland restoration plans for the Joan M. Durante Community Park similar to those recently implemented at the Quick Point Park. In response to DEP's initiative, a working committee was established to develop Phase III plans for the Joan M. Durante Community Park. The working committee, headed by Bill Maddox of Maddox and Associates, consisted Steve Schield, Town Parks and Environmental Officer, Phil Smith of Dave W. Johnston Assoc. Inc. and representatives from DEP and SWFWMD. The working committee submitted the subject site plan amendment application to the Planning, Zoning & Building Department for review and processing.

On June 27, 1996, the Town Commission adopted Resolution 94-27, approving the site plan for the Joan M. Durante Community Park. A three phase construction schedule was adopted as part of the approved site plan. Phase I improvements involved the removal of exotic, nuisance vegetation within the front 400 feet of the site, and Phase II improvements involved the construction of the gazebo, entrance drive, parking area, stormwater retention pond, landscaping and walkway improvements in the front one-half of the site which have been completed.

The proposed Phase III improvements include a wetland restoration project designed and partially funded by the Florida Department of Environmental Protection (DEP). The proposed wetland restoration on the subject site would be similar to the restoration project for the Quick Point Nature Preserve on the south end of the Key. The wetland restoration involves the dredging of shallow on-site waterways largely within existing jurisdictional wetland areas so as to restore the natural tidal flushing of the wetlands. In addition, the existing wetlands will be augmented through the creation of approximately 0.7 acres of new wetlands.

The proposed dredging of the wetlands resource recharge area will produce 5,500 cubic yards of spoil material. The majority of this material will be used for berms, landscaping and a mound for the kiosk to be constructed on. Any material that is remaining will be stock piled in the area north of the existing parking lot, as indicated on the amended site plan.

The stock piling of the spoil is intended to be temporary. As indicated on the attached site plan, a temporary access driveway located immediately north of the existing parking area, crossing the wetland, is to be constructed to support the removal and use of the spoil material.

Other improvements to the site include the construction of a ten (10) foot by ten (10) foot kiosk, a 32 foot by 16 foot nursery shade structure, a waterview overlook structure (viewing platform similar to those at Quick Point Park) at the bayfront and an expanded walkway system consisting of six (6) foot wide shell walks, raised wooden walkways, and small wooden bridges that cross over the dredged waterways on the site.

In addition, the requested site plan amendment deletes two improvements included in the original site plan. The first is an emergency vehicle access lane beginning at the end of Gulfbay Road and terminating at a bayfront boat ramp. The Fire Department has determined that it would no longer need this improvement, so accordingly it has been deleted from the amended site plan. The second deleted improvement is a footbridge and pathway which extends to the Ansel South tract. Given that the plans to develop a tennis center on the Ansel South tract have been abandoned, there is no longer a need to connect the Joan M. Durante Community Park walkways to the Ansel South tract.

All improvements shown on the amended site plan are scheduled to be constructed during 1996.

#### STAFF ASSESSMENT

This application for Site Plan Amendment has been reviewed by staff for compliance with the comprehensive plan and all applicable requirements of Town Code. The results of the staff assessment and subsequent staff recommendations are outlined below.

The most significant aspect of the site plan amendment is the proposed wetland restoration or construction of the wetland resource recharge area. Town staff and consultants, in conjunction with DEP, developed the wetland restoration plan. The restored wetlands are intended to enhance the overall area as a preserve and nature park.

As per Town Code, the grant of approval or disapproval by written ordinance shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant of approval, with or without changes or special conditions, or for the disapproval, and the ordinance shall set forth with particularity in what respects the plan would not be in the public interest, including but not limited to findings of fact and conclusions as to the standards set forth in Section 158.102.

Staff has determined that the proposed Site Plan Amendment complies with all applicable regulations of the Town Zoning Code. In addition, the proposed Site Plan Amendment is consistent with the Town of Longboat Key Comprehensive Plan. As a result, and based upon staff's overall assessment of the Site Plan Amendment, the following conclusions and findings are provided for your review and consideration:

FINDINGS OF FACT/CONCLUSIONS

- A. The plan IS consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.
- B. The plan IS in conformance with all applicable regulations of the zoning district in which it is located.
- C. The plan IS in conformance with the Town's subdivision regulations, Chapter 157, and all other applicable Town requirements, including the design, adequacy, and construction of streets, drainage, utility facilities, and other essential services.
- D. The plan IS consistent with good design standards in respect to all external relationships, including but not limited to relationship to adjoining properties; internal circulation, both vehicular and pedestrian; disposition and use of open space, provision of screening and buffering, and preservation of existing natural features, including trees; size and apparent bulk of structures; and building arrangements both between buildings in the proposed development and those adjoining the site.

E. The plan IS in conformance with Town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.

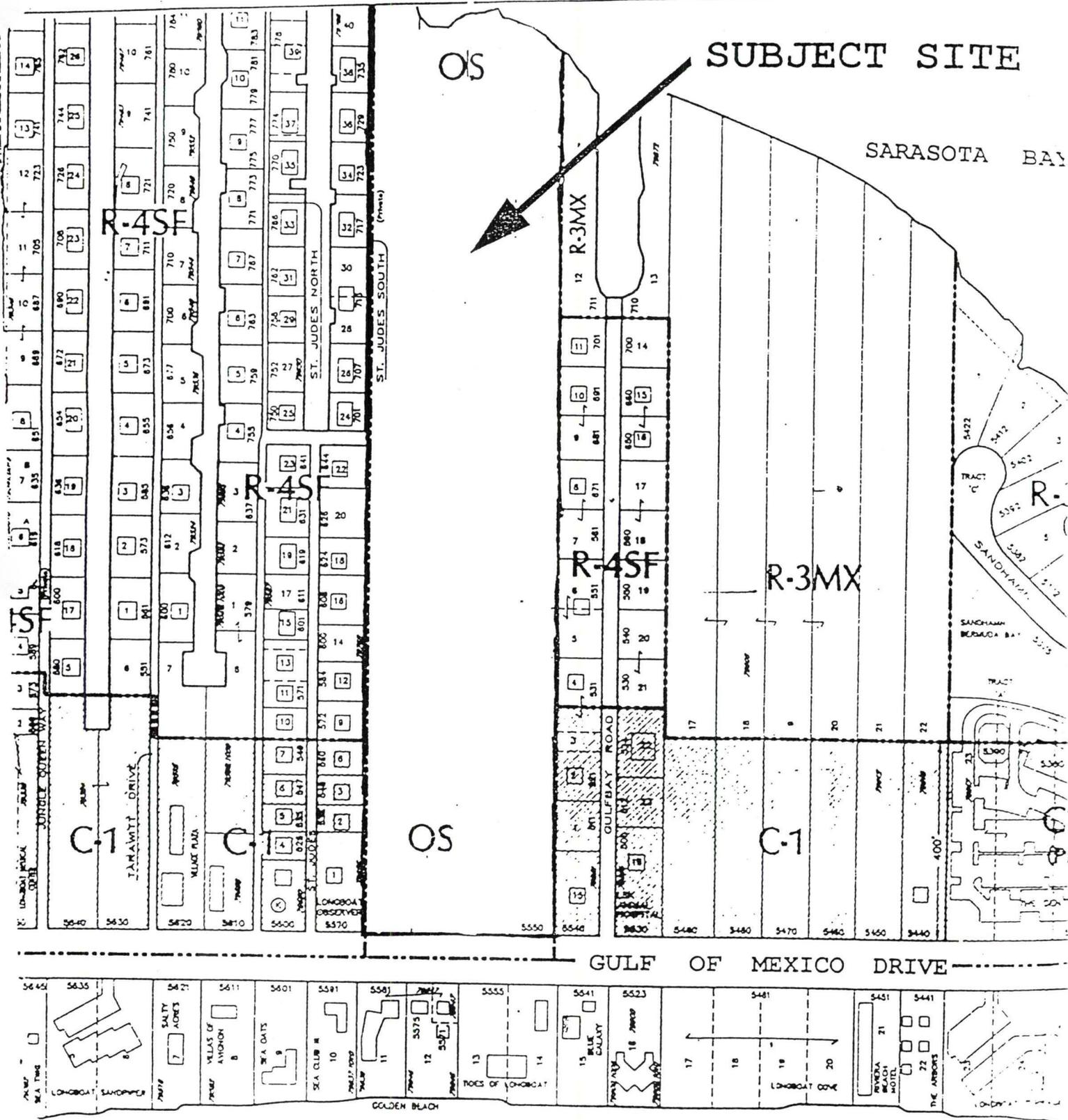
STAFF RECOMMENDATION

Based upon staff's assessment, all procedural and substantive requirements of Town Code regarding the Site Plan Amendment application have been satisfied. In addition, the Site Plan Amendment is consistent with the Town Comprehensive Plan. Accordingly, staff would recommend APPROVAL of the Site Plan Amendment application, subject to the conditions of approval included in enclosed draft Resolution #96-13.

Attached, please find a copy of the Site Plan Amendment application and support documentation upon which the staff assessment has been based. If you should have any questions, or desire any additional information, please do not hesitate to contact the Planning, Zoning & Building Department.

DG/sp

# LOCATION MAP



GULF OF MEXICO

## RESOLUTION 94-27

A RESOLUTION APPROVING A SITE PLAN FOR THE JOAN M. DURANTE COMMUNITY PARK, 5550-5568 GULF OF MEXICO DRIVE AND 710 & 711 GULF BAY ROAD, TO PERMIT THE DEVELOPMENT OF A PASSIVE, OPEN SPACE USE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF LONGBOAT KEY OPEN SPACE ZONING DISTRICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key is the owner of the subject property which is currently zoned OS - Open Space District and R-3MX, Low-Medium Density Mixed Residential District; and

WHEREAS, the applicant, the Town of Longboat Key, has made application for approval of a site plan and special exception for the Joan M. Durante Community Park, 5550-5568 Gulf of Mexico Drive and 710 & 711 Gulf Bay Road; and

WHEREAS, the Planning and Zoning Official has in timely fashion accepted the Site Plan and Special Exception Application and referred same to the Planning and Zoning Board along with documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board has reviewed the Site Plan and Special Exception Application and has approved the special exception use and recommended to the Town Commission along with their findings that the proposed site plan be approved with conditions; and

WHEREAS, the Town Commission makes these conclusions and findings of fact:

- (a) The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.
- (b) The plan conforms with all applicable regulations of the zoning district in which it is located.
- (c) The plan conforms with the Town's subdivision regulations and all other applicable requirements relating to streets, utility facilities and other essential services.
- (d) The plan is consistent with good design standards in respect to all external relationships.

- (e) The plan conforms to Town policy respecting (1) sufficiency of ownership, and (2) guarantees for completion of all required improvements and continued maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF LONGBOAT KEY THAT:

Section 1. The site plan for Joan M. Durante Community Park, 5550-5568 Gulf of Mexico Drive and 710 & 711 Gulf Bay Road, Longboat Key, Florida 34228, dated June 15, 1994, is hereby approved subject to the conditions attached hereto marked Exhibit "A", "Conditions Requisite for Approval", and Exhibit "B", "Architectural Parameters Suggested for the Joan M. Durante Community Park Building" Site Plan Approval, Joan M. Durante Community Park, and dated concurrently with this Resolution.

Section 2. This Resolution shall become effective immediately upon adoption.

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key on the 27th day of JUNE, 1994.

Robert J. Farber  
Mayor

Attest:

Patricia L. Aranda  
Town Clerk

Attachment: Exhibit "A"  
Exhibit "B"

EXHIBIT "A"

RESOLUTION 94-27

CONDITIONS REQUISITE FOR APPROVAL  
SITE PLAN REVIEW

JOAN M. DURANTE COMMUNITY PARK

- 1) The Town will retain qualified architectural and landscape design professionals to provide appropriate design services for the proper execution of the project.
- 2) Bicycle racks shall be provided on the site to accommodate bicyclists visiting the park.
- 3) The building shall be designed in accordance with the architectural design parameters contained in Exhibit "B" attached hereto.
- 4) Prior to the issuance of any building permit, all applications for permits submitted to any outside permitting agency, and all applicable permits received from such agencies shall be submitted to the Town's Building Department.
- 5) All utilities shall be located underground.
- 6) A construction fence shall be provided to secure the construction site.
- 7) The stormwater management system shall be designed and maintained in perpetuity in accordance with the provisions of the SWFWMD and the Manatee County Mosquito Control Department.
- 8) The Public Works Department shall review and approve the construction of utilities, storm water system and all site work, including all necessary off-site improvements, prior to the commencement of this work.
- 9) Except for the 20 ft. perimeter buffer areas, all nuisance exotic species of trees on the entire site shall be removed including Australian Pine (Casuarina spp.) and Brazilian Pepper (Schinus terebinthifolius) and every effort will be made to adjust the location of the proposed facility to avoid the removal of native vegetation. Wherever such vegetation has to be removed, however, (i.e., having a diameter of four inches or more), the

applicant shall replace each tree on the site at the rate of at least two (2) trees for every tree removed. All landscaping activities and work resulting from this condition shall be incorporated into a detailed landscaping plan for all common areas to be submitted to the Town and approved by the Planning and Building Departments prior to the issuance of a building permit. All landscaping work activities shall not only meet the conditions of this development order but also the provisions of the Town's Tree Ordinance.

10) Native and drought resistant plant species should be used in the buffer and other common areas to reduce water requirements. No more than 25% of the site may be planted in sod or plant species that are not drought resistant.

11) Complete application for the issuance of building permits to be submitted and a building permit issued on or before June 27, 1995 (a complete building permit application must be filed at least 30 calendar days prior to the building permit issuance deadline).

12) The provisions of the site plan application for the subject property dated June 14, 1994, and received on June 15, 1994, shall be complied with unless waived or modified by the above conditions or by written agreement between the Town and the applicant or amended pursuant to Code.

13) In accordance with Section 158.099(F) of the Town Code, an approved site plan becomes null and void if:

- (1) The applicant shall abandon the plan or the section thereof that has been finally approved, and shall so notify the Town Commission in writing; or
- (2) A complete application for a building permit has not been submitted to the Town and a building permit issued on or before June 27, 1995; or
- (3) A final Certificate of Occupancy for all phases of the project has not been issued within three years from the date set for receipt of a complete application for building permit for the final building of development phase of the project.

EXHIBIT "B"

RESOLUTION 94-27

ARCHITECTURAL PARAMETERS SUGGESTED FOR THE  
JOAN M. DURANTE COMMUNITY PARK BUILDING

It is the desire of the Town of Longboat Key to establish a park that will provide long-term preservation and enhancement of natural barrier island habitats while being accessible to the residents of the key.

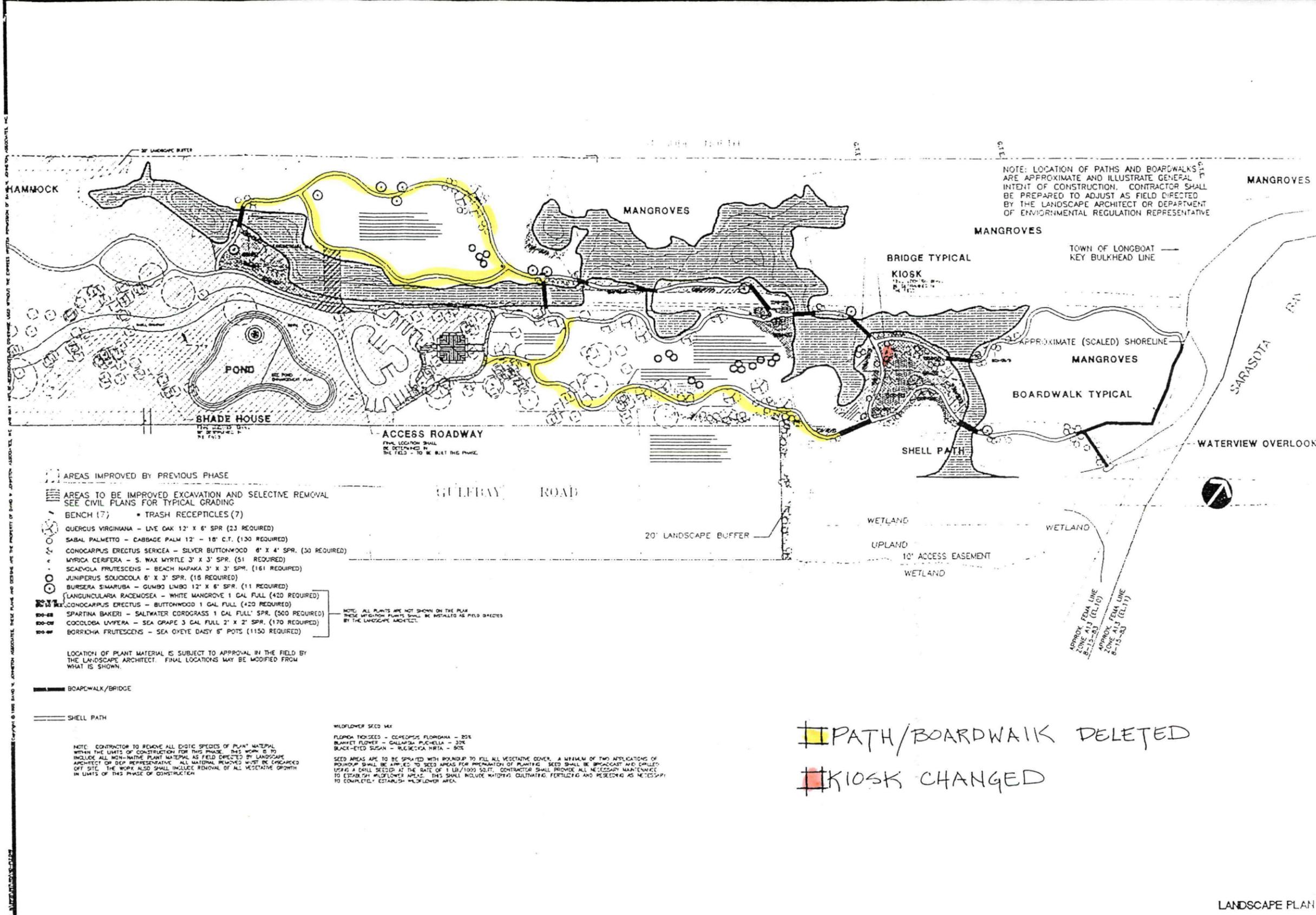
The Community Park should provide a setting for passive enjoyment as well as active educational enrichment.

Based on these objectives, it seems appropriate that all man-made structures be subordinate to the natural setting. It also seems appropriate that all materials selected for the structures be harmonious with the landscape and characteristic of barrier island architecture.

The structure shall be an open air type of facility for greater compatibility to the natural surroundings. The structure shall also provide the focal point for a memorial to the benefactor's late wife.

In general, the design and layout of the pavilion/gazebo will be in accordance with the Florida House Program, with perimeter landscaping designed in accordance with the Florida Lawn and Yard Project.

Other site structures, such as a shade pavilion or kiosk, should follow the same architectural theme as the Welcome Center.



NOTE: LOCATION OF PATHS AND BOARDWALKS ARE APPROXIMATE AND ILLUSTRATE GENERAL INTENT OF CONSTRUCTION. CONTRACTOR SHALL BE PREPARED TO ADJUST AS FIELD DIRECTED BY THE LANDSCAPE ARCHITECT OR DEPARTMENT OF ENVIRONMENTAL REGULATION REPRESENTATIVE

- AREAS IMPROVED BY PREVIOUS PHASE
- AREAS TO BE IMPROVED EXCAVATION AND SELECTIVE REMOVAL SEE CIVIL PLANS FOR TYPICAL GRADING
- BENCH (7) • TRASH RECEPTACLES (7)
  - QUERCUS VIRGINIANA - LIVE OAK 12' X 6" SPR (23 REQUIRED)
  - SABAL PALMETTO - CABBAGE PALM 12' - 18' C.F. (130 REQUIRED)
  - CONOCARPUS ERECTUS SERICEA - SILVER BUTTWOOD 6' X 4' SPR. (30 REQUIRED)
  - MYRICA CERIFERA - S. WAX MYRTLE 3' X 3' SPR. (51 REQUIRED)
  - SCAEVOLA FRUTESCENS - BEACH NAPAKA 3' X 3' SPR. (161 REQUIRED)
  - JUNIPERUS SOLOICOLA 6' X 3' SPR. (18 REQUIRED)
  - BURSERIA SIMARUBA - GUMBO LIMBO 12' X 6' SPR. (11 REQUIRED)
  - LANGUNCLARIA RACEMOSEA - WHITE MANGROVE 1 GAL FULL (420 REQUIRED)
  - CONOCARPUS ERECTUS - BUTTWOOD 1 GAL FULL (420 REQUIRED)
  - SPARTINA BAKERI - SALTWATER CORDGRASS 1 GAL FULL SPR. (500 REQUIRED)
  - COCOLOBA UMPERA - SEA GRAPE 3 GAL FULL 2' X 2' SPR. (170 REQUIRED)
  - BORRICHIA FRUTESCENS - SEA OXEYE DASY 6" POTS (1150 REQUIRED)

LOCATION OF PLANT MATERIAL IS SUBJECT TO APPROVAL IN THE FIELD BY THE LANDSCAPE ARCHITECT. FINAL LOCATIONS MAY BE MODIFIED FROM WHAT IS SHOWN.

— BOARDWALK/BRIDGE

— SHELL PATH

WILDFLOWER SEED MIX

FLORIDA THYSSUS - COLEOPTERIS FLORIDANA - 20%

BLANKET FLOWER - CALLIPHA PUCHELLA - 30%

BLACK-EYED SUSAN - RUSSCOEYA HIRTIA - 50%

SEED AREAS ARE TO BE SPRAIDED WITH ROUNDUP TO KILL ALL VEGETATIVE COVER. A MINIMUM OF TWO APPLICATIONS OF ROUNDUP SHALL BE APPLIED TO SEED AREAS FOR PREPARATION OF PLANTING. SEED SHALL BE BROADCAST AND COVERED UPON A DRILL SEEDER AT THE RATE OF 1 LB/1000 SQFT. CONTRACTOR SHALL PROVIDE ALL NECESSARY MAINTENANCE TO ESTABLISH WILDFLOWER AREAS. THIS SHALL INCLUDE WATERING, CULTIVATING, FERTILIZING AND RESEEDING AS NECESSARY TO COMPLETELY ESTABLISH WILDFLOWER AREAS.

■ PATH/BOARDWALK DELETED

■ KIOSK CHANGED

dwja LANDSCAPE ARCHITECTS  
 DAVID W. JOHNSTON ASSOCIATES  
 1487 SECOND STREET SUITE E • SARASOTA, FL 34236 • (813) 555-0150

DATE	BY	CHKD BY
7/1/96	DWJ	DWJ
DATE	BY	CHKD BY
7/1/96	DWJ	DWJ

DURANTE PARK PHASE III  
 TOWN OF LONGBOAT KEY BULKHEAD LINE

LANDSCAPE PLAN  
 LI

DISTRIBUTED TO TC AT 10/6/97 T. 17

## SECTION 2 - GENERAL INFORMATION

This section contains items concerning proposed uses for parks within the Town, Joan M. Durante Community Park in particular.

1. Memo Manager to Commission re. Use Policy
2. Memo Public Works Director to PZB Staff  
re. Joan M. Durante Community Park Restroom
3. "Ideas for Additional Park Enhancements"
4. Memo Manager Roberts to Commission  
re. Durante Park Amenities
5. Letter Town Attorney to Town Manager  
re. Durante Community Park - Sanitary Facilities

## MEMORANDUM

DATE: November 11, 1997

TO: Town Commission  
FROM: Bruce St. Denis, Town Manager  
SUBJECT: Use Policy - Joan M. Durante Community Park

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There has been a great deal of discussion about the uses and "nature" of Joan M. Durante Community Park. Throughout all of the discussion, however, I do not feel that I have a clear policy direction as to how the park is to be used.

Attached is a copy of a memo from Griff Roberts to Len Smally dated May 23, 1997 in which Mr. Roberts tentatively approved the following functions in the park:

1. Placement of ducks within the pond
2. Establishing a "Sunday in the Park" Program that would encourage barber-shop quartets, musicians, etc.
3. Installation of some barbecue pits and picnic tables
4. An invitation to the Longboat Key Garden Club to landscape, beautify, and maintain a particular section of the park
5. Make the park available for weddings, anniversaries, birthdays, etc.

The memo goes on to say that he expects the Town Commission to name a task force or advisory committee for the park that would make recommendations to the Commission regarding its use. To my knowledge, this item was never brought to the Commission for a decision. There have also been other suggestions for the park, including a croquet court and individual garden plots for residents.

I want to see the park, however it is used, as a successful operation. However, to support that operation, staff needs some clear guidance as to what the policy for that park will be.

There are also some operational implications with the approval of several of these uses.

The first item for discussion is "where do we want the park to be on the continuum of active versus passive recreation?" The items that have been suggested meet the recreation industries definition of passive recreation.

Use Policy - Joan M. Durante Community Park, Continued

However, they do not necessarily match that of the Town of Longboat Key's vision of "open space".

The second item if you allow people to congregate, as in weddings or even informal concerts, restroom facilities should be available. At this time there are not such facilities in Joan M. Durante Community Park.

Staff is ready to implement any program that the Commission desires. Some clarification on these issues is also required at this time.

BSD/dhs  
Attachment

MEMORANDUM

DATE: 11-5-97

TO: Bruce St. Denis, Town Manager

FROM: Martin P. Black, AICP  
Planning, Zoning & Building Director



SUBJECT: PARKS POLICY - JOAN M. DURANTE COMMUNITY PARK

In follow-up to my memorandum of August 7, 1997, this serves to confirm that any variety of passive recreational uses may be allowed at Joan M. Durante Community Park. Passive recreational uses, under the Zoning Code and land use practice, are distinguished from active recreational uses which typically require formal courts or dedicated facilities.

The following operational issues should be considered in the development of a parks policy:

1. fire safety concerns if cooking areas are proposed.
2. advance reservation policy for private party use of facilities.
3. responsibility for trash removal.
4. limitation or prohibition on erecting temporary structures (tents, etc.) and signage.
5. posting of park rules/requirement to agree with park rules prior to reservation of use.
6. consideration of noise/nuisance issues if outdoor performances are proposed.
7. hours of operation - degree of flexibility, if any.
8. liability and insurance (risk) concerns.

The following represent uses typically considered to be passive recreational activities:

1. picnicking
2. walking/hiking
3. scenic/nature viewing and observation
4. social gathering (outdoor) - wedding, reception, etc.

If you have any additional questions, please do not hesitate to let me know.

MPB/dmc

cc: Len Smally, Public Works Director

RECEIVED  
NOV 9 1997  
MANAGER  
DENIS  
BUREAU

MEMORANDUM

DATE: 8-7-97

TO: Bruce St. Denis, Acting Town Manager

FROM: Martin Black, Planning, Zoning & Building Director

SUBJECT: JOAN M. DURANTE COMMUNITY PARK: REVIEW OF PROPOSED USES

---

After reviewing professional planning literature on the topic of recreational uses, staff has determined that the uses listed in the attached memo, dated May 23, 1997, from Mr. Roberts to Mr. Smally, are included in commonly referenced definitions of passive recreation. As such, staff has determined that the above referenced passive recreational activities are permitted uses without site plan review in the OS zoned Joan M. Durante Community Park.

It must be noted that the subject uses, while permitted, are still required to comply with Town Code regulations which provide general controls over activities which create a nuisance or even harm to nearby residents. In addition, all users of the park must comply with posted park rules.

The Town may wish to develop specific policy concerning the use of the park. Staff recommends that the policy include measurable nuisance thresholds that would be appropriate for the park setting and responsive to the interests of nearby residents.

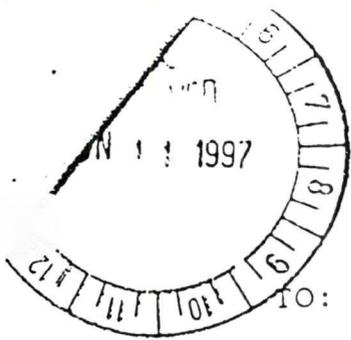
Staff would be willing to work with residents who live near to the park to develop a dialogue that would provide the basis for a park use policy that addresses the primary concerns of the neighborhood.

If you should have any questions, or desire any additional information, please let me know.

cc: Len Smally, Public Works Director

/SP





M E M O R A N D U M

DATE: June 11, 1997

TO: Len Smally, Director Of Public Works  
FROM: Scott Pickett, <sup>SP</sup> Acting Planning & Zoning Director  
SUBJECT: JOAN M. DURANTE COMMUNITY PARK: REVIEW OF PROPOSED USES

---

Staff has reviewed the attached memo from Mr. Roberts, dated May 23, 1997, on the above referenced subject.

Staff has determined that two of the proposed "improvements" (placement of ducks and landscape, beautification, and maintenance activities) are permitted accessory uses in the OS zoned subject property.

However, the proposed "Sunday in the Park" program, special events (weddings, anniversaries, birthdays, etc.) and the installation of barbecue pits and picnic tables represent accessory uses that may not be permitted in the OS zoned property. Staff has reviewed the proposed accessory uses/structures for compliance with the approved site plan, the Town Code and the Town Comprehensive Plan and has found the following:

1. The Joan M. Durante Community Park Site Plan was approved through the adoption of Resolution 94-27. Exhibit "B" of Resolution 94-27 provides Architectural Parameters suggested for the park building. In part, Exhibit "B" states that "it is the desire of the Town to establish a park that will provide long-term preservation and enhancement of the natural barrier island habitats while being accessible to the residences of the key".
2. The Town Zoning Code provides the following standards:
  - a. Section 158.125 specifies the following applicable permitted uses without site plan review: i) Bird and wildlife sanctuaries and nature areas and ii) Public open areas for **passive recreation activities**.
  - b. Section 158.009 describes the following district policy for the OS Zoning District: **"These environmentally sensitive areas shall remain in their natural state with little or no disturbance from man"**.
  - c. Section 158.006 provides the following definitions:

- i) **ACTIVE RECREATION:** "Leisure-time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites, or fields".
- ii) **PASSIVE RECREATION:** "Any leisure-time activity not considered active".

3. The Open Space and Recreation Element of the currently adopted Town Comprehensive Plan includes the following objectives and policies related to the subject. Underline and strike-thru text represent currently proposed EAR-based Comprehensive Plan amendments.

a. RECREATION FACILITIES, POLICY 1.1.7

Longboat Key will consider, by 1998, including specific open space definitions and standards in the Town's land development regulations for the terms open space, conservation areas, preservation areas, and passive recreation areas.

b. OPEN SPACE PROVISION, OBJECTIVE 1.2

To protect lands designated as open space on the existing Future Land Use Map from incompatible land uses and to ensure that open space lands remain functionally intact ~~through at least the year 1998.~~

c. OPEN SPACE PROVISION, POLICY 1.2.1

~~By 1993, The Town of Longboat Key will continue to improve and maintain, as appropriate, existing open space and recreation areas adopt a plan for the use and maintenance of publicly owned open space, as designated on the future land use map.~~

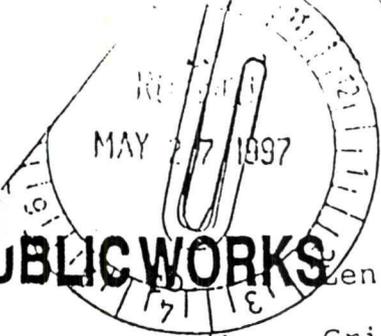
Based on staff's assessment of the approved site plan, the applicable provisions of the Zoning Code and the Town Comprehensive Plan, it appears that the proposed "Sunday in the Park" program, special events (weddings, anniversaries, birthdays, etc.) and the installation of barbecue pits and picnic tables may be defined as active recreational uses which are clearly not permitted in the subject OS Zoning District. I suggest that the Town Attorney review the above material to assist staff in rendering a final determination.

In addition, the Town may wish to implement Recreation Facilities Policy 1.1.7 of the Comprehensive Plan. By defining such terms as open space, conservation areas, preservation areas, and passive recreation areas, the Town should be able to more definitively determine the permitted uses in the Joan M. Durante Community Park.

Should you have any questions on this matter, please do not hesitate in contacting me.

cc: Bruce St. Denis, Assistant Town Manager

**PUBLIC WORKS**



Distrib.  
Randy

MEMORANDUM

Any Problems?  
w/flows.

Steve

DATE: May 23, 1997

FROM: Len Smally  
Griff Roberts, Town Manager

SUBJECT: Uses of Joan M. Durante Community Park

In a recent meeting with Mr. James Durante, benefactor of the Joan M. Durante Community Park, the following suggestions were made by Mr. Durante for use and enhancement of the Park:

- The placement of ducks within the park at the pond area with hopes of establishing this wild life within the Park.
- Establishing a program called "Sunday in the Park" which would encourage barber shop quartets, musicians, singers, lecturers, and the like.\*
- The installation of a couple of barbecue pits and some picnic tables.
- An invitation to the Longboat Key Garden Club to landscape, beautify, and maintain a particular section of the Park as their project.\*\*
- Make the Park available for weddings, anniversaries, birthdays, etc.

\* The one concern I have is the question of noise from singing groups or music, etc.  
 \*\* I will take this item to the Town Commission.

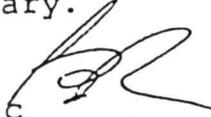
I am aware that we are already allowing some of these uses within the Park.

This is to advise that I am tentatively approving all of these functions and requesting that you develop a Policy Statement for these uses as well as a cost estimate for items requiring expenditures.

I am also assigning responsibility to your department for administering these programs and providing appropriate permits for users requesting the Park.

I would first ask that you check with P and Z and/or Code Enforcement to determine if any of these uses would be prohibited by Code.

I expect that Town Commission will name a Task Force or Advisory Committee for the Parks who would make recommendations to the Manager and these recommendations in turn would go to the Town Commission for approval as necessary.

  
GHR/djc

cc: Bruce St. Denis, Assistant Town Manager  
Steve Schield, Parks Environment Officer ✓  
Jim Durante  
Town Commission

MEMORANDUM

DATE: May 29, 1997

*MS*

TO: SCOTT PICKETT/RANDY FOWLER  
FROM: LEN SMALLY, DIRECTOR OF PUBLIC WORKS  
SUBJECT: JOAN M. DURANTE COMMUNITY PARK RESTROOM

---

Attached is the Town Manager's May 22<sup>nd</sup> memo to me.

Please advise me on the following:

1. Would a restroom require an amendment or exemption to the Site Plan?
2. Is a unisex restroom permissible? If so, what size building (number of stalls, etc.) is appropriate? Would the facility have to conform to the ADA Code? Could the grade be at ground level and floodproofed or would elevation be required?
3. If a unisex restroom is not permissible please provide the same information as in (2) above for men's and women's restrooms.
4. Are there any other issues (such as location, setbacks, distance between buildings, parking) that need to be addressed?

If the Building Department has information on the cost of such a facility it would be appreciated. Public Works can estimate the costs of water and sewer lines once the facility is located on the site.

Thank you for your cooperation.

LAS/cmg  
5/29/97

cc: Griff H. Roberts, Town Manager  
Bruce St. Denis, Assistant Town Manager  
Steve Schield, Parks & Environmental Officer



Joan M. Durante Community Park  
Ideas for Additional Park Enhancements

Maddox & Associates Architects, P.A.  
January 24, 1996

- 1) Upgrade size of plant material proposed for Phase III work.
- 2) Complete planting of north tracts D & H and shell paths & boardwalks
- 3) Park restrooms.
- 4) Enlarge gazebo to include "show & tell" with graphics and audio.
- 5) "Window on the Pond" observation area.
- 6) Specialty Gardens
  - a) Fern walk
  - b) Butterfly garden
- 7) Maintenance costs

Mr. Durante's Suggestions

- 1) 2 Canary Island Date Palms at entry
- 2) Piped music (WDUV) throughout park
- 3) Additional birds & fish in lake
- 4) Display of taped video on history viewed from pavilion
- 5) Small plaques at points of interest and flowers, plants, trees, etc.
- 6) Taped welcome at entrance of Park
- 7) Raise plaque at foot of pavilion 2-3 feet
- 8) Lights on front 2 trees

M E M O R A N D U M

DATE: 12-19-95

TO: Town Commission  
FROM: Griff Roberts, Town Manager  
SUBJECT: Durante Park Amenities

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This report is for your information regarding some amenities considered for enhancing the Durante Park.

Town Staff recently stocked the pond with 500 fingerling goldfish, which hopefully will be compatible with the pond, to enhance the beauty of that area.

The Town Staff also considered placing two swans at the pond but we have decided against doing so, particularly due to the cost and also due to the uncertainty of their survivability at that location. Attached is a Staff report providing the cost break down.



GHR/ala

cc: Frank Cunningham, Longboat Observer

Attachment

MEMORANDUM

DATE: 12-05-95

TO: Griff Roberts, Town Manager

FROM: Len Smally, Director of Public Works

SUBJECT: Cost of Swans at Durante Park

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The following would be the cost of placing Swans at the Durante Park Lake:

Capital Cost:	Swans	\$1,000.00
	Swan feeder	\$80.00
	Fence for Swan Area	<u>\$1,600.00</u>
		\$2,680.00

Annual maintenance cost:

1/2 hour of labor time to feed Swans in the morning and close up food at night.

Labor	\$7.50 x 365 =	\$2,922.70
Food	\$5.00 x 52 =	<u>\$260.00</u>
		\$3,182.70

Although they cannot fly, there is no guarantee that the swans will stay. Also they may be molested by racoons, dogs or children.

RECEIVED  
DEC 14 1995  
TOWN  
MANAGER  
OFFICE

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July 1, 1994



\* Also licensed to practice in Illinois  
\* Qualified in Administrative and Governmental Law under  
the Florida Designation Plan  
Also licensed to practice in Louisiana and Massachusetts

Mr. Griff H. Roberts, Town Manager  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, Florida 34228

Re: Durante Community Park - Sanitary Facilities

Dear Griff:

This is in response to your inquiry concerning the requirements for sanitary facilities at Durante Park North. I offer the following:

Florida Statutes, Section 381.006(6) provides in pertinent part that HRS (Health and Rehabilitative Services) Environmental Health Program shall include a public facilities function, including sanitary practices relating to state, county, municipal and private institutions serving the public and providing toilets and washrooms in all public places. The Florida Administrative Code, Rule 10D-10.037(2), provides that every place, building, or establishment which serves the public shall be provided with adequate sanitary facilities for patrons or guests of establishments open to the public.

Whether the Town is required to provided public restroom facilities at Durante Park turns on the interpretation of the phrase "place, building or establishment serving the public." There are no Florida cases interpreting this phrase or Rule of the Administrative Code.

In checking with the Department of Environmental Protection, Division of Florida Park Services, we are advised that the interpretation of that provision is left up to the applicable county health department.

Since Durante Park is located within Manatee County, we have contacted the Manatee County Health Department. The Manatee County Health Department's interpretation of this provision differs slightly from the Sarasota County Health Department. As you may recall from Richard Simcoe's memo to Dan Gaffney, Sarasota County's interpretation would require restroom facilities should the Town

Mr. Griff H. Roberts  
July 1, 1994  
Page 2

construct a building known as a Welcome Center. This apparently would be true even if the building was an open-air pavilion as discussed on occasion by the Town Commission.

Manatee County's interpretation differs from Sarasota County's in that Manatee County focuses on the impact of the use. Manatee County's interpretation is irrespective of size of the structure, rather it focuses upon the use of the structure, whether it would be expected that people would spend significant periods of time at the facility.

Therefore, Manatee County may not require construction of public restroom facilities for Durante Park North so long as the building was unmanned, no food or drink were sold or provided, and the Park did not promote picnic activities. Manatee County, however, may modify its interpretation of this rule depending upon how the facility is ultimately utilized and whether there are complaints by the public concerning the lack of restroom facilities.

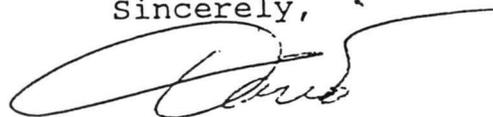
The Americans With Disabilities Act (ADA) is silent as to its requirements for restrooms under these facts. However, should restrooms be constructed, they would need to accommodate the disabled.

In summation, whether the law will require restroom facilities will turn on (1) the use contemplated for the facility, (2) the actual utilization of the property once constructed, (3) the interpretation placed upon Rule 10D-10.037(2) by the County Health Department.

It is my recommendation that as the contemplated utilization as well as the graphic representations of the facility become more final, you may wish to formally request the County to provide its interpretation as to whether the facility will require a public restroom.

If I can provide you any further information, please let me know.

Sincerely,



David P. Persson

DPP:awg88  
cc: Town Commission  
Mr. Dan Gaffney

## SECTION 3 - MEETING MINUTES

This section provides general background information from meeting minutes regarding Commission discussions about uses of Town parks and Joan M. Durante Community Park in particular. This section by no means includes all Commission discussions concerning the Joan M. Durante Community Park as other issues were addressed between 1994 and 1996 concerning uses of the park that failed (placement of public tennis courts within the park and discussions on placement of a community cultural center within the park).

1. Regular Meeting
2. Regular Meeting
3. Regular Workshop
4. Regular Workshop
5. Regular Workshop
6. Regular Meeting
7. Regular Meeting
8. Regular Workshop
9. Regular Meeting
10. Regular Workshop
11. Regular Meeting
12. Regular Workshop

beach at Bayport. He reported he was told the grading would be completed during the week of 11-10; a wooden border and shell would be installed, as well as a vegetation planting on the seaward side of the border; FDOT said the project should be completed prior to 12-10.

15. St. Judes Area Zoning Changes for P&Z Board Review

Mr. St. Denis reported the proposed zoning changes for the St. Judes neighborhood (Tarawitt Drive, Jungle Queen Way, St. Judes Drive North and South) were completed for review by the Planning and Zoning Board; he noted the PZB staff was developing an evening outreach program for citizens of the affected neighborhoods to discuss the proposed changes.

16. Joan M. Durante Community Park Telephone Installation

Mr. St. Denis reported the requested direct telephone line to the Police Department could be installed at Durante Park at a low cost; he requested additional direction for the installation.

Commissioner Farber suggested installing the telephone at the gazebo or at the covered bridge (to be constructed). Commissioner Redgrave suggested the direct line be installed close to Sarasota Bay -- the farthest distance from Gulf of Mexico Drive.

Commissioner Patterson said the Commission should consider placing such telephones at all Town parks. It was agreed this would be considered after a line had been in Durante Park for awhile.

There was a consensus to authorize the Town Manager to select the location for the telephone service in the Joan M. Durante Community Park.

Town Commission Comments

17. Sarasota County One-Cent Infrastructure Sales Tax Extension

Commissioner Patterson expressed concern with supporting the Sarasota County one-cent infrastructure sales tax extension. He pointed out the extension would allow Sarasota County to collect many millions of dollars over a ten-year period. Mr. St. Denis advised Sarasota County would divide the funds with local municipalities in accordance with a population formula; it would be based on an assumption of collected funds.

Commissioner Patterson commented that Longboat Key had an interest in how Sarasota County would regulate the expenditure of County funds; there were no guarantees specific projects would be funded.

Mayor Metz pointed out Sarasota County schools would receive 25% of the funds collected.

~~and pay the fee; for the aesthetics of the community, the sooner, the better.~~

~~The amendment failed on roll call vote: Metz, aye; Sagman, aye; Drohlich, no; Farber, aye; Gotthainer, no; Green, no; Patterson, no.~~

~~Motion to adopt Ord. 95-04, as amended, on second reading carried unanimously on roll call vote: Farber, aye; Drohlich, aye; Gotthainer, aye; Sagman, aye; Metz, aye; Green, aye; Patterson, aye.~~

2. Ordinance 95-09, Amending Chapter 92, Beaches and Parks, Prohibiting Activities in the Joan M. Durante Community Park  
Ord. 95-09 was placed on second reading and public hearing by title only.

Pursuant to published notice, the public hearing was opened.

Mr. Roberts reported this action was necessary to address issues at Durante Park; staff recommended approval.

Catherine G. Fernald, 5920 GMD, stated that quite a number of children lived on St. Judes Drive and the Park was located in close proximity; therefore, the children naturally gravitated to that Park and should be allowed to play there; no one else seemed to use it.

Mr. Roberts stated the Ordinance only addressed those activities which were peculiar to Durante Park such as prohibition of skateboarding, rollerblading and the use of bicycles in the pavilion; there was no prohibition against children playing in the Park. Vice-Mayor Drohlich asked if one could use the facility for a private, catered party. Mr. Roberts stated no operating policies had been established for that but it could be done if the Commission were amenable to it.

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

It was moved by Metz, seconded by Farber, to adopt Ord. 95-09 on second reading. Motion carried unanimously on roll call vote: Metz, aye; Farber, aye; Sagman, aye; Green, aye; Drohlich, aye; Gotthainer, aye; Patterson, aye.

### VIII. Resolutions

#### IX. Resolutions and Public Hearings

1. Resolution 95-18, Establishing Sign Permit Fees Pursuant to Chapter 156, Signs, Section 156.03(D) Fee Schedule  
Pursuant to published notice, the public hearing was opened.

~~Mrs. Arends noted two minor changes to the text: in Section 1 the word "in" should be added between "shown" and "the FEE"; in Section 2 the title of the definition should read "Change to an Existing~~

on the lower level; all were aesthetics which had been deleted.

Commissioner Green said he was concerned that aesthetic considerations were being put aside; with a metal roof there would also be extended usage and shingle roofs were a danger during hurricanes. He stated that he also hoped there would be no stinting on the landscaping just to come in at the budget. Mr. Maddox said as far as the landscaping was concerned the only change was the tree "up lights" and the choice of grass. Regarding the roof, he said he also had concerns not only about the aesthetics but also regarding the longevity factor, as well as the danger of shingles in a hurricane. Chief Fakelman said the items listed were the larger items; many others were cut from within the fire station as they did not wish to scrimp on the square footage.

Mayor Patterson asked if the Commission wished to have the metal roof. Mr. Roberts said it was appropriate to approve a metal roof from an economical standpoint.

There was a consensus to add \$35,000 for the alternate of a metal roof and for the financing of the fire station to be from the current budget.

Vice-Mayor Drohlich commented that the south fire station was poorly identified; he asked what kind of sign would be placed at the new station. Mr. Maddox responded that a sign similar to that at Durante Park would go there; it would be illuminated.

Mayor Patterson added that he also hoped the facility would be beautifully landscaped. Mr. Maddox said in meeting the budget the first considerations were to not sacrifice any function.

This item was forwarded to the 1-8-96 Regular Meeting along with approval to award the bid to the low bidder, Magnum Builders of Sarasota, Inc.

### 3. Report on Joan M. Durante Community Park Phase III

Mr. Roberts reported that in November the Commission authorized a Master Plan for the completion of the next phase of the Park; the architect and landscape architect had been directed to present a site layout and cost estimate in 30 days.

Mr. Maddox displayed a plan identifying work completed for the Phase II portion of the work for the Park. He said this basically got to the midpoint of the site. Therefore, the Phase III work was to complete as much as possible of the Park; he distributed two sheets of information: 1) Phase III costs and 2) a reduction of the Phase III Master Plan.

Phase 3A addressed: enhancements to the entrance at the west end; plantings for west Tracts A, B, and C which would become an ornamental garden area (this is where exotics had been removed on the north side, before the pond, and where it had been mulched); pond enhancements with perimeter planting and pond stabilization (using a well on the site); shell paths and boardwalks (beginning

on the east side of the pavilion and going toward the waterfront) and a small water view overlook, an isolated place to sit; a small gazebo (10x10 structure) near the mangroves wetland area to provide some shelter from sun or rain; a tree planting plan involving the entire site; and planting of Tracts E-K, areas to the east of the pavilion; site furnishings such as picnic tables, benches, trash cans, etc; security fencing at the end of Gulf Bay Rd. to cut off vehicular access (to prevent trash from being brought in and dumped there).

Phase 3B addressed: restoration of the area to its natural condition as a marsh (the fill placed in that area would be removed); shell paths and boardwalks; and a nursery shade house. Mr. Maddox stated they had been directed to stay within a figure of \$275,000; the total for Phases 3A and 3B was \$274,950.

He addressed future work (for \$56,720) that could be done in Phase 3C for planting of the north tracts; he said while it was a part of the site it was not a part that was noticed since it was buffered by a line of mangroves and was not crucial to the primary components of the Park. When developed, Tract D could be a flowering tree arboretum; as a small tract of land, Tract H could be left alone, since it had a nice tree shade cover of Australian pines and mangroves, so nothing was proposed for that parcel.

A Tract Legend was provided to show: scent and ornamental gardens; wetland restoration; flowering/fruit tree arboretum; lawn area (where a tent could be located for functions); native grasses/wildflower meadow; wetland restoration; and exotic tree canopy.

Mr. Roberts reported that this would expend the balance of money from the benefactor. Mayor Patterson confirmed this was both the soft and hard costs. Mr. Roberts advised that included in the eliminations from the original conceptual plan were: a bridge to link it with the south Ansel property, and a dock facility for public safety boats to moor. He stated the water overlook would take some of that funding.

Commissioner Farber expressed satisfaction with the Plan and with the good advice provided by the special committee. He asked if Mr. Durante had reviewed the Plan; when Mr. Roberts indicated that he had not, Commissioner Farber said it would be appropriate to show him. He asked when the Plan would be completed if it were started in January.

David Johnston, landscape architect, said the entrance should be completed in a matter of weeks for the bid documents; construction for the botanical garden areas would take 30-45 days for the documents and 90 days for bidding; therefore, to completion would be about 180 days.

Commissioner Farber commented that the fruit trees could be a problem regarding disposal of the fruit. Mr. Johnston said they would just be a demonstration of trees for educational purposes,

not a major thing.

Vice-Mayor Drohlich asked if the entrance landscaping would be more distinctive from other landscaping on Gulf of Mexico Drive so as to be eye-catching and inviting for people to turn in at the Park. Mr. Maddox explained that some yellow flowers there would remain, there would be color during blooming season, and with the illuminated sign and flag this would make a dynamic entry.

Vice-Mayor Drohlich asked if there would be any beds of annuals for color; since most people were on Longboat Key in the winter he would like to have color during that time. Mr. Maddox said that would involve high maintenance, but there may be some around the pavilion; the Committee had discussed this and they would look for kinds that bloomed in the winter. Mr. Johnston added that if this went to contract maintenance (instead of by Town staff), annuals could be built into the contract; there would be a lot of work at the beginning to get the plantings and trees established.

Regarding maintenance, Commissioner Sagman asked if the fruit trees would require spraying; she also asked if the figures included maintenance costs. Mr. Roberts replied that Mr. Smally had included in the budget the maintenance of the Park at the completed stage.

Commissioner Metz addressed the fact that the \$275,000 would take the balance of the benefactor's contribution; he asked when that would be received. Mr. Roberts replied that the Town would front this money because the Town was required to complete the Park with all deliberate speed with Town money, to be repaid by Mr. Durante over a 10-year period. He advised it would be another seven years for the total funding to be paid back.

Commissioner Green said he hoped Mr. Durante would find this to be the Park he bargained for; therefore, he should be contacted to be sure this was what he expected. Mr. Roberts reported that Mr. Durante was copied on the report in the agenda packet; he had explained to him this would complete the \$750,000 donation and told him there was still a lot of land there to be developed.

Commissioner Green said he would like to see some way to provide a road or access bridge if people had community gardens on the adjoining parcel that was previously considered for tennis courts.

Mr. Roberts acknowledged and thanked those who had served with him on the steering committee to assist in development of this Plan: Bill Maddox, David Johnston, Len Smally, Steve Schield, Dr. John Morrill and Penny Rosenthal.

This item was forwarded for approval at the 1-8-96 Regular Meeting.

Mr. Roberts indicated he and Mr. Durante would further review the Plan together before that time.

III. Town Attorney Comments1. Durante Park Designation

Mr. Persson said he wished to confirm that the Town Commission had directed him to check on the status of the north part of Durante Park and the process necessary to change its designation. There was consensus that the Town Attorney proceed with this.

IV. Town Manager Comments1. Community Gardens - Update

Mr. Roberts stated that from a preliminary report it appeared that community gardens would not be appropriate use for property zoned as "Open Space", such as the Durante Park area; however, this could be done in properties zoned as "Residential", with special exception uses and site plan approval as defined by the Town Code. He said he had asked Town staff to prepare a report that would indicate a way to simplify the process if the zoning had to be changed, etc. Commissioner Green stated he had requested that the gardens be located in the portion of the south Ansel property zoned as "Residential"; he said a provision in the Town Code provided that any 10-acre site zoned "Residential" could be used as a park or for recreational purposes with a special exception. Mr. Persson stated he would have to research whether property purchased with "Open Space" funding would affect the use of that property as a community garden as opposed to tennis courts. Mr. Roberts indicated a final report would be provided at a later date.

2. Driveway Delineations at 7-11/Albritton Plaza (4016 GMD)

Mr. Roberts referred to a letter from Barry Wilson, of Post, Buckley, Schuh & Jernigan, Inc., which offered four options for resolving a potential driveway delineation at 7-11/Albritton Plaza:

- 1) installation of a selection of low growing vegetation;
- 2) installation of Type B or D curbing around the perimeter of the newly created grassed islands;
- 3) installation of one amber and one green delineator on each side of each driveway to mark the openings;
- 4) installation of white post delineators around the roadside perimeter of the islands. He stated that since the white posts were rather unsightly he had suggested the first option of vegetation along with some reflectors; if that did not work, other options could be considered. Commissioner Green suggested the low yard lights be used. Mr. Roberts responded electricity would add costs to the project. There was consensus to proceed with Option 1.

3. Distribution of Partial Workshop Agendas for 12-95 and 1-96

Mr. Roberts distributed partial agendas for the December and January Regular Workshops; he said these reflected items for which the Commission had been anxious to receive reports. The target dates were shown as follows: 1) 12-95 Workshop - Facilities Master Plan, Review of Fire Station Bids, Study for Possible Use of Golf Carts; 2) 1-96 Workshop - Tennis Courts Report, Discussion of Recreation Center Program, Report on Communications Committee Status.

It was agreed that the Rec Center discussion was to be moved to the 12-95 Regular Workshop and, if necessary, the golf cart study could be delayed until the 1-96 Regular Workshop.

~~SMAA with information that supported the discipline for use of the 295 departure until the SMAA decision-making meeting and during the period of time when the formal application of information had expired. He stated that since information reported in the local news media was inaccurate he submitted a factual letter to six of the eight members of the SMAA; he said two of the members would never vote in favor of the Town's position on this issue.~~

## II. Items for the Consideration of the Town Commission

### 1. Consideration of Parks Advisory Committee

Mr. Roberts stated that this item was one of the Commission's goals to be accomplished during Fiscal Year 1995-96; the proposed resolution included in the packet, written pursuant to that goal, would establish an advisory committee appointed by the Town Commission to look at policy matters relative to Town parks. He stated if a particular policy had appreciable effect on operations, budgets, etc., those items would be forwarded to him for consideration; if it required Town Commission determination, he would forward it to the Town Commission.

Mayor Patterson advised that the Town had two types of committees: one type was appointed, controlled and directed by the Town Commission; the second type would be appointed, controlled and directed by the Town Manager. Mr. Roberts stated the Town Commission would appoint the committee who would then serve in an advisory capacity; their primary mission would be providing recommendations to the Town Commission with regard to policy issues. He said it was not envisioned that the advisory committee would become involved in budgetary issues and fiscal matters, capital improvements, operations, staffing, etc., but would strictly advise the Town Commission with regard to the policies of the park system such as: when the parks should be opened and closed, whether or not private social events should be allowed in the pavilion or parks and, if so, on what basis. Mayor Patterson asked whether policies would be established that would apply to all the parks or for particular parks. Mr. Roberts replied there would be both because a policy may need to be established that would be peculiar to a particular park.

Vice-Mayor Drohlich referred to the draft resolution and suggested Section 3, B. (Purpose), subsection 2) be amended to allow the committee to look at the parks in a creative manner and provide their suggestions to the Town Manager and Town Commission without directions from the Town Manager. Mr. Roberts responded that the wording was not intended to be restrictive; additional language had been included in Section 3, C. (Function), subsection 1), to require that if matters of operations were discussed those recommendations would be reported to the Town Manager. He stated his purpose in the wording was an effort to distinguish the role of the committee; it was not established for the purpose of overseeing operations of the parks because that was a totally different realm. He said the committee could make suggestions to the Town Manager or the Park Manager, but it was not intended to give them that specific responsibility unless it was referred to them. He stated he was aware that the resolution was very specific, but if the committee's role were not made clear it could evolve into every aspect if the

guidelines were not specific. He stated the primary purpose of the committee was for it to be a policy advisory committee as stated under "Purpose"; the next subsection, "Function" dealt with just that. He said there could be those occasions, by considering various aspects of parks, that the committee would become involved in considerations of operations, staffing and budget; the resolution was only intended to provide a control feature as to how and when it was done.

Commissioner Sagman stated she saw no purpose for the resolution, because the policies would not be so complex as to warrant a special committee.

Mayor Patterson recalled the goal was to establish park policy rather than to establish a committee by resolution. Mr. Roberts stated Commissioner Farber initiated the idea of a park committee to deal with park issues and this was included in the Goals & Objectives Workshop. Mayor Patterson suggested the policies be established by the staff member assigned as Director of Parks and Recreation.

Commissioner Farber stated that a group of citizens should be formed as a committee to advise the Town Manager or the Town Commission on all kinds of matters relative to parks located in the Town. He said a considerable amount of time and investments were used and it was very important to define how the Town could best utilize its park facilities, including programs, appearance, etc., to make them more user-friendly. He stated community and citizen involvement was extremely important in creating ideas and establishing policies.

Commissioner Gotthainer suggested that appointment terms should be staggered for such a committee and a "sunset" should be established for ending the committee at some point.

Commissioner Green asked if proposed facilities would also fall under the committee's jurisdiction, such as the proposed community gardens, the Bayfront Park Recreation Center (if enhanced to include more adult activities), and the proposed new Town Hall. He commented a committee subject to the "Government-in-the-Sunshine" law would be unwieldy and would not likely accomplish its purpose.

Mr. Roberts stated he had no intention of appearing to be trying to protect his "turf" because his responsibilities were very clearly laid out in the Town Charter; there was no provision for a committee that would assume administrative responsibilities or get involved with operations of the parks on a day-to-day basis. He said he had envisioned the committee just for parks like Quick Point and Durante; while nothing in the resolution dealt with active parks, it could be expanded to cover those. He suggested Section 3, B., 2) be amended to read as follows: "To consider any matters regarding the operations of public parks only upon referral of same to the committee by the Town Commission via the Town Manager or by the Town Manager". He said this would provide a way for the committee to assist the Town in looking at operations. He cautioned that a committee such as a recreation committee could become a lobbying group for that department; therefore, those types of committees should be avoided i

this type of structure.

Mayor Patterson stated he was against the entire concept; the Town Manager could select a task force to be assigned specific responsibilities, if he chose to do so.

Vice-Mayor Drohlich suggested the Town Manager prepare a report with his recommendations for the parks, such as how they should be operated, who should operate them, and the policy under which they would be operated.

Commissioner Farber stated it was very important to have citizen input and a continuum of creativity regarding the best way to utilize the park facilities; the resolution would establish an advisory committee to provide input on how to best use the parks.

There was consensus for the Town Manager to draft policies for the operations of Quick Point Nature Preserve, Joan M. Durante Park, and Overlook Park (not including Bayfront Park) for a report to the Commission within 90 days.

2. Proposal for Phase III of Joan M. Durante Community Park Development

William Maddox, architect with Maddox & Associates, stated Phase II covered the western half of Durante Park; the primary focus of Phase III was on the eastern portion of the property including the continuation of the nature walk, the boardwalk and the shell path towards the bayfront as it meandered through the various ecosystems and looped around to a small dock at the bayfront, and a foot bridge over the canal at Gulf Bay Road. He said the proposal included a small kiosk (a covered sitting area) closer to the bayfront to provide a place for people to rest. He stated another major component would be implementation of the botanical gardens to be located in different areas of the park; they would be planted periodically. He requested that an administrative steering committee be established to operate strictly on a technical basis regarding the plantings in the botanical gardens.

Dave Johnston, Landscape Architect, confirmed that an ongoing steering committee should be appointed to help guide the development of the Park over the long-term future. He said that without proper guidance and maintenance over the long term, gardens tended to fall into disarray; often the investment was lost if the gardens did not receive adequate care. He cited Selby Gardens as being not only beautiful but also educational and a real asset to the area; however, it took broad-based community support to maintain over a long period of time.

Mayor Patterson asked for clarification regarding the fee of \$12,000 shown for designing the Park; he asked if this were not adequate to cover the project. Mr. Johnston responded that a steering committee would just be setting direction for the Park and the botanical efforts of the themes and programs (such as butterfly gardens, herb gardens, and a wide variety of themes) to stay within the native environment of Longboat Key; they could follow those guidelines. Mr.

Maddox stated Mr. Johnston was very capable and able to design a botanical garden but it was important to think of the future goals of the Park.

Mr. Roberts reported that the steering committee was clearly spelled out in the proposal, and if the Town Commission supported it the committee would be established.

Commissioner Green stated that before the landscaping had been completed on GMD, it was determined the maintenance would cost \$80,000 annually; this was a responsibility of the Town in perpetuity. As to the Park, he said the Town Commission would need to determine the kinds of plants to be placed so the costs of the maintenance could be budgeted annually. Mr. Johnston stated these decisions would have to be made annually in order to maintain its beauty; as the Park evolved emphases could change and the steering committee would provide the opportunity for the Town to stay current with the desires of the community. Mayor Patterson noted that the annual operating cost at \$50,000 was of some concern.

Mr. Roberts indicated he would speak with Mr. Johnston further about the committee since it was in the proposal, but it seemed to be causing some confusion with the Commission.

Vice-Mayor Drohlich stated he thought the Commission would receive a layout for the entire Park, rather than see parts of it on a "piecemeal" basis, so the Town would know the budget for the years ahead. He said it appeared the \$12,000 was only for 1-1/2 acres and the proposed figure of \$48,600 was not the bottom line, as this did not include the plantings. He suggested consideration be given to the location of the proposed community cultural center at the east side of the Park, before planting the gardens; this would eventually create more usage of the Park. Further, he questioned whether the botanical gardens would increase the usage to justify that type of expense. He asked if land zoned as "Open Space" could be exchanged for property equal to or exceeding the size being exchanged. Mr. Persson responded it could; however, he said it would have to be determined whether deed restrictions existed on that property to limit its use.

Mr. Johnston reported that a master plan concept in a "bubble diagram" form would be provided. Vice-Mayor Drohlich asked if the budget would also be included. Mr. Johnson responded affirmatively; the costs would be detailed step by step including the cost of maintenance.

Mr. Roberts stated that when Durante Park was planned for this land it was zoned as "Open Space", since no thought had ever been given to the possibility of using it for a cultural center. Vice-Mayor Drohlich responded that now that the Town was aware of the grant for a cultural center, it could make the Park even a better place for community involvement.

Commissioner Farber stated it was his understanding that Maddox & Assoc. was charged with development of Durante Community Park to

completion and had expected to be given a master plan on this date; there had been no mention of a steering Committee during Phases I and II. He said it had been seven months since the completion of Phase II and it would take another 180 days to complete Phase III. Mr. Maddox responded that his firm had been hired initially to complete only Phases I and II and a site plan for the entire property on which Phase III was proposed to be implemented under this contract. He reported the proposal for Phase III was submitted to the Town in August 1995. Mr. Roberts reminded that the meeting schedules had been very heavy since that date, so this had been the first opportunity to place this on an agenda; it was a matter of priorities.

Commissioner Farber asked if the contract for Phase III were executed in the amount of \$48,600, would the documents be completed to execute Phase III, other than the material and labor. Mr. Maddox stated Phase III did not include the development of the entire acreage of eight acres, only 1) the master plan for the entire acreage as botanical gardens plus 2) the specific design for the development of 1-1/2 acres for one of the botanical gardens. He stated he could provide the master plan and related costs as a first step to help the Town Commission understand the plans before continuing; that portion would be completed within 30 days. (Len Smally, Director of Public Works, confirmed that the total acreage was 15 acres, of which about seven acres were developed.) Commissioner Farber asked if cost estimates and various options would be included. Mr. Maddox responded affirmatively. He said he would not go forward with construction drawings or anything else until the Town Commission had approved the master plan. He advised that jurisdictional areas must remain undisturbed.

Commissioner Green asked that this hypothesis be considered: that nothing be done until the eastern portion of the Park could be rezoned for construction of the cultural center; sources for funding the center could be the bequest from Leslie Weller, the remainder of the grant from Mr. Durante, the sale of the current Longboat Key Art Center, and the sale of the old North Fire Station; the future maintenance could be handled by the Art Center and the Town would save \$75,000 in maintenance costs; the cultural center would be beautiful, Mr. Durante would have an enclosed building for the display of the portrait of Joan M. Durante, and Mr. Weller's bequest of matching private funds would be met. He said it was totally different from anything done previously but the Town Commission should think about it.

Mr. Maddox reported the schedule for completion of the Phase III contract process was: master plan - 30 days; drawings for Southwest Florida Water Management District approval - 2-1/2 weeks; permitting process - up to four months; if the permit were completed in two months, it would take four months to completion of the process. Mr. Roberts stated the procurement process could take an additional 60-90 days; staff would try to have that completed concurrent with the permitting process.

Mayor Patterson asked if the contract could be amended so that Mr. Durante's donations would coincide with the construction. Mr. Persson

~~stated that the procedure had been discussed at the time the agreement was initiated and the process of establishing a charitable trust took longer than it was anticipated the project would take. He offered to revisit the terms of the agreement; however, the Town was bound by the State bidding procedures, so the various phases could not be completed any faster as long as the Town owned the property. Mr. Roberts commented that the discussion was beneficial in that the required bidding process was something the Town had to deal with all the time; it was like "going through a maze" to follow the procedures including the consideration and permission of construction on sensitive lands. Mr. Maddox advised that the master plan and the estimate of costs could be provided within 30 days.~~

~~Commissioner Gotthainer reminded that State permitting would be based on the master plan. There was consensus to forward authorization for that portion of the contract at the Special Meeting on this date following this Workshop.~~

Recess was called at 2:40 P.M.; the Workshop reconvened at 2:50 P.M.

### 3. Architect's Renderings for Permanent Joan M. Durante Community Park Sign

Mr. Roberts reported staff had been considering a sign that would be suitable and permanent for all Town parks; in discussion with Mr. Durante, he had indicated he would like a sign such as those located at the north and south ends of Longboat Key. He distributed a rendering of a proposed sign design along with a sample slab of keystone that was compatible with the pilings installed at the Durante Park. He stated it was thought this kind of theme should be carried forward for signs for all Town parks including the Rec Center. He reported the staff prepared cost estimates for materials at about \$4,000 (per sign), so that would be the cost if the Town Public Works staff constructed the sign. Mayor Patterson asked if the sign would be placed perpendicular or parallel to GMD. Mr. Roberts responded that the decision had not been made whether the sign would be double-faced or single-faced, but he would recommend a double-faced sign so it could be seen from either direction. He reported that when the original Durante Park sign had been placed facing GMD, the Town immediately received complaints from property owners across the street from the Park, so the sign had been turned. Vice-Mayor Drohlich suggested the sign be lighted because as many people drove on GMD at night as during the day; the Town wanted people to use the Park, the electricity had been installed for the flag, and lighting would enhance the value of the sign. Commissioner Green asked that border space be allowed surrounding the lettering.

Mr. Durante requested the sign be placed as close to GMD as possible.

Mr. Smally said the sign could be constructed in about a month.

There was consensus to approve the construction of a double-sided illuminated permanent sign at Durante Park.

### 4. Report on Cost Estimates for Maintenance of Town Parks

Mr. Roberts provided a maintenance cost report on Town parks in

response to the request of a Commissioner. Mayor Patterson stated that the report showed the maintenance cost was about \$67,648 annually and when Durante Park, Quick Point Nature Preserve and Civic Grove were completed, the cost would be approximately \$110,000 annually.

Commissioner Green asked if the 10% shown as allocated for "Management" was for overtime payments. Mr. Smally responded that was considered administrative costs and was not paid out for overtime work hours. Parks and Environmental Officer Schield stated some maintenance costs were for Town employees' labor and some for the privatized mowing contracts. Commissioner Green asked if more staff would be hired to maintain the parks. Mr. Schield responded maintenance staff would likely be reassigned to that responsibility. Commissioner Green stated he would not wish it reported that the Town could save \$110,000 if it did not need to maintain the parks, because much of the costs, including labor, would be necessary even without the parks.

Commissioner Farber stated it would be appropriate to request from the Manatee County Commission, at the upcoming joint meeting, maintenance services for all the Town parks; it could result in less cost to the Town than anticipated.

5. Proposed Amendment (Ordinance 95-22) to Town Code Chapter 93,

BOATS AND WATERWAYS

Mr. Roberts stated that Police Chief McCammon had recommended this Ordinance based on Manatee County's ordinance in this regard. Chief McCammon stated the purpose of the Ordinance was to tighten up the Town Code so it could be easily understood and yet be comprehensive.

Commissioner Green asked if every canal would be considered and enforced as a "no-wake" zone. Chief McCammon responded that it was very difficult for a police officer to determine that a wake was damaging to a seawall at any given time. He stated it was much easier in court to charge someone with careless operation of a watercraft. He said the police boat sat at the canal near Cannon's Marina many hours each week, so enforcement coverage of the Emerald Harbor canals was being provided.

Commissioner Gotthainer referred to Section 6 (§93.05) of the Ordinance and read a part of (A)(1), regarding designation of areas of restricted water activities, which stated: "All waters within 300 feet (100 yards) off shore measured from the Mean High Water Line from all beaches and shorefront..."; he asked if it should state "water line" instead of "shorefront". Mr. Pearson stated that paragraph had been "plagiarized" from the Manatee County ordinance; the 300 feet corresponded with the Town's present ordinance, as well as with Manatee County's, which was being enforced. He advised that while it could be any number of feet, there was a need for a starting point -- some boundary that did not move, such as the Mean High Water Line.

Commissioner Gotthainer referred to Section 10 (§93.09), regarding noise from watercraft, and read a sentence which stated: "No operator

and pay the fee; for the aesthetics of the community, the sooner, the better.

The amendment failed on roll call vote: Metz, aye; Sagman, aye; Drohlich, no; Farber, aye; Gotthainer, no; Green, no; Patterson, no.

Motion to adopt Ord. 95-04, as amended, on second reading carried unanimously on roll call vote: Farber, aye; Drohlich, aye; Gotthainer, aye; Sagman, aye; Metz, aye; Green, aye; Patterson, aye.

2. Ordinance 95-09, Amending Chapter 92, Beaches and Parks, Prohibiting Activities in the Joan M. Durante Community Park  
Ord. 95-09 was placed on second reading and public hearing by title only.

Pursuant to published notice, the public hearing was opened.

Mr. Roberts reported this action was necessary to address issues at Durante Park; staff recommended approval.

Catherine G. Fernald, 5920 GMD, stated that quite a number of children lived on St. Judes Drive and the Park was located in close proximity; therefore, the children naturally gravitated to that Park and should be allowed to play there; no one else seemed to use it.

Mr. Roberts stated the Ordinance only addressed those activities which were peculiar to Durante Park such as prohibition of skateboarding, rollerblading and the use of bicycles in the pavilion; there was no prohibition against children playing in the Park. Vice-Mayor Drohlich asked if one could use the facility for a private, catered party. Mr. Roberts stated no operating policies had been established for that but it could be done if the Commission were amenable to it.

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

It was moved by Metz, seconded by Farber, to adopt Ord. 95-09 on second reading. Motion carried unanimously on roll call vote: Metz, aye; Farber, aye; Sagman, aye; Green, aye; Drohlich, aye; Gotthainer, aye; Patterson, aye.

#### VIII. Resolutions

#### IX. Resolutions and Public Hearings

1. Resolution 95-18, Establishing Sign Permit Fees Pursuant to Chapter 156, Signs, Section 156.03(D), Fee Schedule  
Pursuant to published notice, the public hearing was opened.

Mrs. Arends noted two minor changes to the text: in Section 1 the word "in" should be added between "shown" and "the FEE"; in Section 2 the title of the definition should read "Change to an Existing

4. Appointment of David Merrill, Mayor of the City of Sarasota  
 Vice-Mayor Drohlich reported David Merrill had been appointed as Mayor of the City of Sarasota. There was consensus to send a congratulatory letter to Mayor Merrill and also a letter of appreciation to former Mayor Nora Patterson.

5. Island Transit Initiative Committee Meeting

Commissioner Metz reported he had been asked to represent the Town at an organizational meeting of the Island Transit Initiative Committee organized by Manatee County Commissioner Joe McClash. He stated the organization had requested that the new manager of the Manatee County Area Transit prepare a plan to upgrade and increase the bus service to the Manatee County Island communities. He reported the plan would be discussed at their next meeting.

6. Airport Noise Abatement Advisory Committee Update

Mayor Patterson reported he had received a copy of a letter to Joachim Schroeter from Bolland S. Freeman, a resident of Longboat Key who served as a member of the Sarasota-Bradenton Airport Noise Abatement Committee, in response to his complaint regarding excessive airplane noise over the north end of the Key. He stated the letter addressed the technical testing and listening devices used by the Airport in an attempt to identify the perpetrators.

He reported Special Services Representative Engert wrote a letter to clarify the methodology for calculating the aircraft noise; he asked that both documents referenced be distributed to the Commission.

VI. Ordinances - First Reading

1. Ordinance 95-09, Amending Chapter 92, BEACHES AND PARKS, Prohibiting Activities in the Joan M. Durante Community Park  
 Ord. 95-09, amending the Code of Ordinances of the Town of Longboat Key, in Chapter 92, *Beaches and Parks*, by adding Section 92.03, *Prohibited Activities in Joan M. Durante Community Park*, providing for the prohibition of certain activities in Joan M. Durante Community Park; providing for severability of provisions; providing for repeal of all Ordinances in conflict herewith; providing an effective date, was placed on first reading by title only.

It was moved by Drohlich, seconded by Metz, to pass Ord. 95-09 on first reading. Motion carried unanimously on roll call vote: Drohlich, aye; Metz, aye; Sagman, aye; Green, aye; Gotthainer, aye; Farber, aye; Patterson, aye.

Ord. 95-09 was forwarded for second reading and public hearing at the 6-5-95 Regular Meeting.

~~VII. Ordinances - First Reading and Public Hearing~~

~~1. Ordinance 95-10 (D2), The Centre Outline Development Plan Amendment, Allowing For Medical Practices within the Centre Shops (5370 Gulf of Mexico Drive) (QUASIJUDICIAL)~~  
~~Ord. 95-10 (D2), amending Resolution 93-28, as amended, approving an Outline Development Plan Amendment for the Centre Shops, 5370 Gulf of Mexico Drive, to allow for medical practices within the Centre~~

12. Proposed Ordinance (95-09) to Prohibit Certain Activities in Joan M. Durante Community Park

Mr. Roberts reported it was realized there may be potential abuse of the pavilion at Durante Park by rollerbladers and skateboarders so he recommended the Code be amended. He reported the Town Attorney had suggested a composite ordinance be developed which would cover all the parks and beaches and he would also confer with the Police Chief regarding his suggestions. He also reported a blue and white sign with the Town logo had been installed at the Durante Park and the sign which stated it was the Joan M. Durante Park would eventually be replaced by a more permanent structural-type sign similar to those located at State parks, much more attractive than the present sign. He suggested a more attractive permanent sign such as that be placed at the Bayfront Park Recreation Center as well.

Commissioner Sagman asked if football would be allowed at the Durante Park and would concerts, parties, other noisy activities; and would dogs be allowed there. She asked if a gate would be installed for closure at dusk.

Commissioner Green asked again that an architectural oversight committee be appointed to review structures including signs, saving the Town time and the cost of replacing a structure. Mr. Roberts responded that would be done in the very near future.

Catherine Fernald, 5920 GMD, former Mayor, reported St. Judes Drive was located next to the Durante Park and approximately 35 children lived on that street. She reminded that "everyone in the Town is not an old person anymore". She urged that a little space be allowed there for the children.

Edward Kelly, whose residence was located next to the park, stated he did not want football played there. He reported the ramp was being used for "wheelies" and if one of the children were hurt, there was a question of who would take care of them because there was no supervision.

Mr. Roberts stated the Town had not contemplated bicycles being ridden in the pavilion area. He reported police officers toured the park regularly. Commissioner Metz commented that would not keep young people from carrying out those activities. There was consensus to forward Ordinance 95-09 to the 5-1-95 Regular Meeting for first reading.

~~III. Town Attorney Comments~~~~IV. Town Manager Comments~~~~V. Town Commission Comments~~~~VI. Public to be Heard~~~~Helen Holt, 608 Bayview Dr., asked that the Communications Committee be continued and cited an example of a typical Commission meeting -- the opportunity for the public to be heard on subjects which were not on the agenda was scheduled at the end of lengthy or late~~

said this would be fair to the public as public funds were being used to finance the project; to extend it for another thirty days would allow time to let the public be heard on the proposal, because to date they did not know what the proposal was.

Mayor Farber asked if anyone had visited the potential lessee's St. Petersburg site yet. Mr. Roberts responded negatively. Mayor Farber stated he was also concerned about the quality of the census of members who would belong to the facility because the Town would have no way of knowing when one obtained a membership if they were also a member of another club; if that number was extensive, it could be detrimental to the income of the facility in future years. He asked if there would be a way of obtaining that information on the application form. Mr. Roberts stated that although no one had visited the potential lessee's other site, the Town had received letters of reference which were excellent; staff would look into their other operations. Commissioner Green commented it was not unusual for tennis players to belong to more than one club.

Mayor Farber asked what the next step would be following approval at this meeting. Mr. Roberts responded he could then give the architect approval to proceed with the detailed design and bid documents; Town staff would solicit bids to build the facility as designed, which would come to the Commission for approval; the contract would be negotiated with the lease/operate contractor to cover all the details of the items discussed in the report. He stated it would likely be brought back to the Commission in ample time for the lease/operator to proceed to solicit the community; the contract approval was scheduled for Commission consideration on 6-15-95.

Commissioner Metz stated he was not satisfied with the fee schedule and would like it scheduled for further discussion.

Rainer Josenhanss, 6669 Gulf of Mexico Dr., referred to Mr. Roberts' 12-1-94 memo regarding an objective that the tennis facility would be financially feasible to operate without tax dollars on a self-supporting basis. He reported later information stated the funds would be loaned from the Utilities Reserve Fund and that was taxpayers' funds; that would be subsidizing the tennis facility at an interest rate of only 6-1/2%, which was not enough.

In response to Commissioner Green's question concerning the current interest rate, Finance Director Sullivan advised that it was about 5%.

Motion carried on roll call vote: Sagman, aye; Green, aye; Metz, aye; Gotthainer, aye; Drohlich, no; Patterson, aye; Farber, no.

2. Joan M. Durante Community Park: Consideration of First Amendment to Agreement Between Benefactor and Town

It was moved by Green, seconded by Sagman, to approve the first amendment to the agreement between James Durante, Benefactor, and the Town of Longboat Key.

Mr. Persson stated the amendment covered the following provisions: the portrait of Joan M. Durante would be displayed in the Town Hall rather than the pavilion at the Park; the donation would increase to \$750,000 and the term of payment would be extended eleven more years at \$50,000 per year following 1994 payment of \$100,000 (the first payment was made 1993 amounting to \$100,000); and provided security for the agreement.

Former Mayor Kit Fernald, 5920 Gulf of Mexico Dr., commended the Commission for proceeding with the Park; she suggested individuals be permitted to donate trees as memorials. She also urged the Commission to reconsider placement of restrooms in the Park, because older people and small children could have a need for one. Commissioner Green stated the idea of keeping a listing of the people honored by the planting of a tree could be kept at Town Hall (in lieu of plaques in the Park).

Motion carried unanimously on roll call vote: Green, aye; Sagman, aye; Metz, aye; Patterson, aye; Drohlich, aye; Gotthainer, aye; Farber, aye.

3. Joan M. Durante Community Park: Consideration of Award of Contract, Approval of In-kind Services Amounting to \$100,000, and Approval to Proceed with Solicitation of Bids on an Accelerated Program

Mr. Roberts reported that in addition to considering the award of the contract for the Joan M. Durante Community Park, the motion should also verify approval of in-kind services amounting to \$100,000 as well as the direction to proceed with solicitation of bids on the accelerated program.

It was moved by Gotthainer, seconded by Drohlich, to approve proceeding with the completion of the Joan M. Durante Park for the coming year, using Scenario #3 outlined in the Town Manager's report of 12-1-94 discussed at the 12-2-94 Workshop, approve the Town in-kind services performed at the Park of approximately \$100,000 and direction to proceed with solicitation of bids on the accelerated program.

Motion carried unanimously on roll call vote: Gotthainer, aye; Drohlich, aye; Patterson, aye; Sagman, aye; Metz, aye; Green, aye; Farber, aye.

James Durante, benefactor, stated it was a great night for Longboat Key but the greatest night would be when the Park was opened. He stated one small bit of business needed to be addressed: time was of the essence. He suggested the Town include a bonus clause in the contract.

~~4. Approval of Sesquicentennial Celebration at the Civic Grove  
It was moved by Patterson, seconded by Gotthainer, to approve the Florida Sesquicentennial Celebration at the Civic Grove, a budget of up to \$5,000, and to approve a mailing to condo and homeowner~~

and Bahia grass had been used for landscaping in traffic islands but they were not as attractive. Mayor Farber reported he had expected the "no man's land" to be part of the project. Mr. Peterson stated the additional sodding would cost considerably more than budgeted (\$460,000 if FDOT sodded the additional areas).

Mr. Roberts suggested an evaluation and cost estimate be determined for addition to the contract if the Commission approved. Mr. Peterson stated the schedule for completion of the plans and submission for letting the contract was by 8-29-94, so modification would have to be decided prior to that date.

Mayor Farber stated the additional sodding could be done later as another project; he had understood the project was to include the entire right-of-way. Mr. Peterson stated he had worked with Town staff to minimize the footprint and believed that was what the Town Commission wanted. Commissioner Drohlich suggested Mr. Roberts meet with FDOT, review the records to determine what was agreed to and report to the Town Commission at the next meeting, so the Commission could make a sensible decision. Mr. Roberts advised it was necessary to approve the agreement to advance \$1,025,000 to FDOT by 8-29, and one of the conditions was that the consulting engineer and he approve the plans; there was not enough time to meet and review the plans unless the Commission met in August.

Commissioner Green said he had not been aware FDOT would pay for the path, so they could negotiate for the sodding. He said the Commission could authorize up to \$250,000 for what the FDOT was not prepared to do on their own. Mayor Farber pointed out the full length would not require resodding since many areas were in good condition. Mr. Roberts advised the amount pledged earlier (\$250,000) was absorbed by the FDOT. He recommended if the Joint Project Agreement were approved, appeal also be made to David May (FDOT District Secretary) for all funding, or as much, for sod; then a final report could be presented in September. He confirmed that this was a Town Commission policy decision and commitment.

Vice-Mayor Patterson requested FDOT be asked to provide information about drought-resistant plantings. Commissioner Sagman added that mulch also be suggested. Mr. Wilson responded he believed that was budgeted.

There was consensus to forward consideration of granting waiver for construction of GMD to allow work 24 hours per day, Monday through Saturday, to the Special Meeting following.

A recess was called at 10:05 A.M.; the Workshop reconvened at 10:10 A.M.

## 2. Presentation of Alternative Designs for Durante Park Welcome Center by Bill Maddox, William E. Maddox & Associates

Mr. Maddox presented for review two renderings ("A" and "B") he had prepared of a 30 ft. by 30 ft. structure, open air and transparent on all sides, which included restrooms as an option. He pointed out panels extending from the roof would provide additional shade when

opened and security and weather protection when closed; the exposed wood would be natural with a metal standing seam roof so the building would be visible but not dominant. One would enter the structure shown in the first rendering ("A") by ascending a 3-ft. stairway set in the middle of one side; the entrance in the second structure ("B") was set at an angle with broader steps at the point of the building.

James Durante, benefactor, stated he preferred the first rendering.

Mr. Maddox reported he had no estimate of cost at that point. Mr. Roberts reported the driving force was the size and type of structure and from the preliminary design, preliminary cost figures would be determined. Commissioner Drohlich asked how an architect could start preparing sketches without having to work within parameters of a budgeted figure. Mr. Maddox stated costs did not seem to be pertinent to the decisions that were necessary at the prior meeting so he had not looked at it; however, Town staff was developing the Park budget. Vice-Mayor Patterson stated if the cost were figured at \$100 s.f., the 900-s.f. structure should cost less than \$100,000. Commissioner Sagman said both structures were beautiful and took care of her reservations regarding the Park.

Following comments on the two renderings by each Commissioner, there was consensus to approve the structure shown in the first rendering "A".

Commissioner Green commented the Park should be compatible with the proposed Tennis Center and new North Fire Station. Mr. Maddox assured the Commission he would be working with Mr. Whelan in this regard.

Mr. Roberts reported the restrooms were a Town Commission option; per FEMA standards the building could be at grade since the building would not be occupied. Mr. Persson advised the Manatee County interpretation was restrooms were required if people were going to congregate in the facility. If restrooms were not installed and there were congregations and numerous complaints, they may need to be installed in the future. Commissioner Green stated people may be breaking in to use the restrooms at night so consideration should be given to providing a separate restroom adjacent to the Fire Station which would service both areas and give availability to cyclists and walkers. Planning, Zoning and Building Director Gaffney reported that would be possible under the Code; the pro shop at the Tennis Center would require restrooms because people would congregate there. Mr. Roberts stated one unisex restroom for use by employees only could be put in the pro shop as an option. Mr. Persson stated there was no question that an active tennis center would require restrooms. Mayor Farber commented that if restrooms were not provided "the Park would become a restroom". Commissioner Sagman stated if it were determined at a later date that restrooms were needed, they could be installed. Mr. Gaffney pointed out that the welcome center structure would be about 1900 feet from the Bay and at least 2000 feet from the new Fire Station; therefore, the restrooms would be a considerable distance from the welcome center,

and the median age of Town residents was 74 years. There was consensus to not include restrooms.

### 3. Joan M. Durante Community Park Proposed Partial Budget

Mr. Roberts recommended approval of the budget for the Durante Park Trust Fund in the amount of \$55,913.55 (for Phase I). Commissioner Gotthainer recommended "until funding is depleted" be added so additional public funds would not be used. Mr. Roberts stated Town staff could not exceed the authorized amount budgeted unless additional funds were approved by the Town Commission in advance of the need.

Mr. Maddox stated construction of the structure could begin in December. Mr. Roberts stated that was the date when the next contribution of \$125,000 was expected. Vice-Mayor Patterson asked if Phase II would be fully funded with that contribution. Mr. Roberts stated if it were not he would report to the Town Commission at that time. Commissioner Drohlich requested a budget which would include the entire contribution of \$500,000. Mr. Maddox stated he could prepare cost estimates following completion of the design phase and of the document phase. Commissioner Green stated State grants may be available for the botanical gardens. Mr. Roberts reported the budget for the entire project could be available to the Commission in December.

Mr. Durante requested the Commission look at the Agreement and proceed with all deliberate speed. He stated the money was forthcoming and all would be paid pursuant to the Agreement; it did not state that funds would be in the Town bank. Commissioner Drohlich stated he did not question the terms of the Agreement, but it should be handled as an orderly business proposal. Mr. Roberts asked to clarify a prior statement as it was a pertinent point: the construction contract was scheduled for award in September with completion by 2-95; therefore, the Commission may have to consider a draw of payment until the December contribution was received. There was consensus to forward the Durante Park budget to the Special Meeting following.

### ~~Quarterly Report: Town Commission/Town Manager Goals~~

~~Mr. Roberts referred to his Quarterly Status Report (1994/95 Goals and Objectives) dated 7-15-94 distributed with the agenda packet. Commissioner Metz asked about the progress of the Australian pine tree trimming project. Mr. Roberts replied this was in the current budget and was being bid. Public Works Director Smally advised the bids for this work would be opened in about two weeks.~~

~~Vice-Mayor Patterson asked when the Quick Point Nature Preserve would be completed. Mr. Roberts stated he had recently approved a contract with Design Studios West to complete the design work within the next thirty days and it would then go out for bid. Vice-Mayor Patterson asked whether any of the State or SWFWMD funds had been received for the project. Mr. Smally reported funds were being held until project completion.~~

~~Vice-Patterson asked if work on the "civic grove" was in the budget.~~

Michael Furen, attorney representing the applicant, responded to Mr. Cosentino and stated the Town Code did allow a variance for a single-family residence in the Pass waterfront yard and it was allowed seaward of the line. He reported historically the Town had attempted to assert the Pass waterfront yard requirements for Lighthouse Point and he had contested it, resulting in the Town hiring an outside consulting engineering firm to represent the Town's interest to develop the setback line for Lighthouse Point. He stated it was done through the Outline Development Plan process and the site plan process so that general Code provision was inapplicable to Lighthouse Point in terms of the setback line. He stated the line was fixed as the result of a study by Coastal Planning and Engineering which determined the most landward historical extent of any shoreline migration. He reported the Lighthouse Point plat was the only plat within the Town of Longboat Key that had building setback lines shown on it, which was required by the Town during the plat approval process. He submitted three documents in support of that position. He reported the Commission approval of this Ordinance did not alleviate the need for obtaining the necessary construction permits from the Federal, State and Town permitting agencies.

Commissioner Green asked how the "30% rule" would be invoked. Mr. Furen stated the building coverage issue would be determined by the Code but recalled that it began at the Mean High Water Line. He stated it was hoped that the revetment would be constructed at the original 1988 platted lot line; however, if the Town Commission approved it the lot line would be shifted landward as required by the permitting authorities. Mr. Persson stated the lot coverage would be determined at the time the permit was applied for. Mr. Gaffney explained the smaller the lot, the smaller the building could be in order to meet the 30% requirement.

Bob Goodman, 100 Sands Point Rd., reported he had lived at this location for twenty years and the property owners were fighting for their homes. He asked that the process be allowed to continue with completion as soon as possible.

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

It was moved by Sagman to amend Ord. 94-18(D4) by eliminating the last paragraph of Section 2 which gave Lots 13-16 a minimum of 50 ft. back from the MHW Line. She stated she would rather have builders apply for a variance than guaranteeing the line. Motion died for lack of a second.

Motion to adopt Ord. 94-18(D4) carried by roll call vote: Drohlich, aye; Patterson, aye; Sagman, no; Green, aye; Farber, aye.

### III. Resolutions - Public Hearings

#### 1. Resolution 94-27, Approving a Site Plan for the Joan M. Durante Community Park

Res. 94-27, was presented, approving a site plan for the Joan M. Durante Community Park, 5550-5568 Gulf of Mexico Dr. and 710 and

Durante Community Park, 5550-5568 Gulf of Mexico Dr. and 710 and 711 Gulf Bay Rd., to permit the development of a passive, open space use in accordance with the requirements of the Town of Longboat Key Open Space Zoning District.

It was moved by Green, seconded by Patterson, to pass Res. 94-27.

Mr. Roberts reported the Planning & Zoning Board heard the proposal for the site plan and recommended it for Town Commission approval, subject to the conditions outlined by staff and subject to the Town hiring a professional landscape architect for the overall planning of the Park. He reported his memo explained the professionals retained included Bill Maddox & Assoc., who were responsible for the overall site plan work, and Dr. John Morrill, a noted environmental expert who was responsible for correlation of removal of exotics. He stated his intent had been to utilize those professionals for the landscape plan for the Park in general and then seek a qualified professional landscape architect to do the botanical garden portion of the Park. He stated if it was the Commission's wish that the procedure go forward, a landscape architect could be obtained under Mr. Maddox' contract and he was prepared to discuss it.

Pursuant to published notice, the public hearing was opened.

Commissioner Green stated the P&Z Board approved hiring a highly qualified landscape architect and if the resolution were approved, it would authorize the hiring. Mr. Roberts agreed the authorization would be accomplished; he would then need authorization to go ahead with the professional landscape architect for RFQs. Commissioner Green reported one thing that came out of the P&Z Board meeting was vision of a beautiful walk in the Park, so he thought the entire Park should be a botanical garden; therefore, everything in it, including a building, a walkway, a bridge or a sign, should be carefully coordinated together. He stated it should not be started until there was a cost breakdown, but no funds should be limited in the botanical garden area. He said he would like to see a beautiful Park planned by a qualified landscape architect; if created and planned correctly, it would be a living monument forever.

Commissioner Sagman read an excerpt from the 6-21-94 P&Z Board Minutes: "Mr. Monroe asked if restrooms would be required if there were no buildings; Mr. Gaffney responded that was an issue that was brought to the staff's attention by both Manatee and Sarasota County's Health Departments; restrooms may be required with or without a building based on state code requirements." She reported there were no restrooms at any of the other parks or at the beaches. Mr. Persson stated if there was a building, there was a requirement to provide two restrooms, male and female, which would include handicapped access, as required in Title X of the Florida Sanitary Code, as well as in the ADA code. He stated the other question was whether it was necessary in a park; he had not determined whether a park was a "public place" under Title X of the Florida Sanitary Code. Commissioner Sagman pointed out the tennis center would include restroom facilities. She asked for the

definition of a building. Mr. Persson replied a gazebo was a building under Title X but he was still looking for "loopholes".

Commissioner Patterson stated whatever was decided should be put in writing because the Resolution was considered the guiding document; further, Exhibit "B" should be considered a separate exhibit from Exhibit "A" rather than part of it. Mr. Gaffney reported Exhibit "B" was a component of Exhibit "A" in terms of format. Mayor Farber suggested reference to Exhibit "B" be included in the Resolution also. Commissioner Patterson stated the key facets of the Park had not been determined and this Resolution included a building. He said he thought it would be a botanical garden and a natural preserve; instead the focal point had become a building.

Mr. Roberts stated the inclusion of the Exhibits was procedural and the Town Attorney would take care of it. He stated that in regard to the building, it was a requirement of the benefactor's Agreement -- a welcome center, a building suitable for its intended purpose. He advised there was an effort to get the site plan approved before 6-30-94, but the building itself did not need to be approved before that date. He pointed out that at the last meeting the Commission directed Mr. Maddox to prepare four to six alternatives for structures to be considered by the Commission at a later date. Vice-Mayor Patterson stated he would be more comfortable with the welcome center, as required in the Agreement, if it were separate and distinct; he suggested approving the site plan without tying the ancillary building into it.

Mayor Farber read the directions given at the 6-16-94 Commission meeting as stated in a memo to the Town Commission from Mr. Roberts: "I wish to advise that the site plan was revised for submittal to the P&Z Board based upon your decision as a developer to eliminate reference to the square footage size of the building, including your request that the structure be an open air type of facility for greater compatibility with the natural surroundings." He stated that was the direction given to the architect; however, the Agreement with Mr. Durante said there would be a welcome center on the site; therefore, the site plan should include a structure site. Vice-Mayor Patterson stated the welcome center should be, in concept, a pavilion or gazebo. Mr. Roberts stated the Resolution could be amended as the Commission chose. He stated the staff had been pursuing the word of the Agreement, including the building; the Commission could negotiate a modification to the Agreement with the benefactor, but the staff could not present the Commission with a site plan without a welcome center included.

Commissioner Drohlich stated Exhibit "B" was contrary to many things discussed at the last meeting; therefore, he recommended it be amended to eliminate paragraphs 4, 5, 6, 7, and 8.

It was moved by Drohlich, seconded by Sagman, to amend Exhibit "B" by deleting paragraphs 4 - 8.

Mayor Farber suggested the fourth paragraph remain in Exhibit "B" but read as follows: "The Welcome Center should be a pavilion or

gazebo set in the landscape. The slightly elevated, heavy timber wood structure should have an open quality so that the setting is predominant"... and carry forward from Mr. Roberts' memo regarding 6-16 discussion. Commissioner Drohlich stated the Commission should not be defining the building at this point.

Commissioner Green suggested, rather than telling the architect what they did not want but to instead, as the developer, provide suggested parameters so blueprints could be brought back. He asked if the Commission wanted to tell Mr. Durante it did not want to do what it had agreed to do. (There was considerable objection by several Commissioners.) Commissioner Drohlich stated he was attempting to remove from the Resolution what was agreed on at the last meeting, and if it was the will of the Commission at a later date to build a big structure, it was up to them.

James Durante, benefactor, stated the procedure was "paralysis by analysis" and urged the Commission to "stop nitpicking" and delaying the project.

Mr. Roberts stated that in an attempt to clear up the confusion, direction was given to the architect not to specify a square footage for the building site and not provide a design; it was eliminated and in its place was the narrative which was sent to the P&Z Board to describe the type of structure he understood the Commission wanted. He reported the P&Z Board approved it and forwarded it to the Town Commission; they could do whatever they wanted except for the provisions that complied with the Agreement.

Vice-Mayor Patterson stated he wished to respond to Mr. Durante's comments by saying he wanted the park to move forward with what was agreed to: an open space passive park for people to enjoy in the memory of Mr. Durante's late wife, the nature and wonder of Longboat Key. He stated the only issue was the welcome center and there was no intent to take away a facility to house the portrait. He reported there had been considerable discussion about where the portrait would be displayed, if that was where Mr. Durante wanted it, because that was in the Agreement; however, it was yet to be determined regarding what else the welcome center would include.

Commissioner Drohlich stated that contrary to the directions indicated in Exhibit "B", he did not want lobbies and interpretive centers included. Mr. Roberts reported Exhibit "B" was drafted conceptually by the architect, and when the building design square footage was eliminated the architect suggested the narrative be substituted, but those points had not been deleted from the exhibit. He stated the rest of the site plan was pretty well on target with what the Commission desired.

Mayor Farber suggested wording in paragraph 5 be slightly modified; however, Commissioner Drohlich objected and stated the Town Commission was aware of the Agreement and intended to live by it. He asked that it be set aside until something could be agreed upon by the Town Commission.

The amendment was approved by roll call vote: Drohlich, aye; Sagman, aye; Green, no; Patterson, aye; Farber, no.

Mr. Persson suggested an amendment at the end of Section 1 of Res. 94-27 to add reference to Exhibit "B" and its title, "Architectural Parameters Suggested for the Joan M. Durante Community Park Building".

It was moved by Patterson, seconded by Drohlich, to include "and Exhibit "B", "Architectural Parameters Suggested for the Joan M. Durante Community Park Building".

The amendment carried unanimously on roll call vote: Patterson, aye; Drohlich, aye; Sagman, aye; Green, aye; Farber, aye.

Commissioner Drohlich asked why Mr. Maddox was to employ a landscape architect instead of the Town, as the Town would have better control than having the contractor select a landscape architect. Mr. Roberts stated it was not suggested that Mr. Maddox make the selection, as the Town would make the selection but it would be administered under Mr. Maddox' contract. He stated if the Commission preferred for him to obtain RFQs, he would do that and the RFQs would be forwarded to the Town Commission. Commissioner Drohlich asked if this process would not provide a better selection and better control. Mr. Roberts replied it would not necessarily since the landscape architect would be under the control of Mr. Maddox and the Town would be controlling Mr. Maddox. Mayor Farber asked what the delays would be to go through the RFQ process. Mr. Roberts replied it would be a minimum of thirty days and that was the reason for suggesting going through the lead architect. He reported the Commission could certainly determine the landscape architect. Commissioner Drohlich asked if it would be appropriate to ask Mr. Maddox to provide information on three architects so they could judge from that point. Mr. Persson responded negatively. Commissioner Drohlich asked how long it would take Mr. Maddox to recommend a landscape architect. Mr. Roberts responded it could be done quickly, but the question would be whether it was the architect of the Commission's choice. In response to Commissioner Drohlich's question as to whether there would be delay by going through the RFQ process, Mr. Roberts stated he was not sure it would because Phase I, which included a considerable amount of work removing the exotics and constructing the Nature Trail, would be worked out by Mr. Maddox, so there would be ample time to accept RFQs. He asked that in this case the Commission decision be included as an amendment to the site plan approval to include authorization for the Town Manager to seek RFQs for landscape architects.

It was moved by Drohlich, seconded by Patterson, to amend the site plan to include authorization for the Town Manager to seek RFQs for landscape architects.

Commissioner Green stated that although Dr. Morrill was not a landscape architect, he was an expert in landscaping and that was why he was hired. Mr. Roberts advised that while Dr. Morrill was

not a certified landscape architect he was an environmental expert; the intent was to employ him for his expertise, and then at such time as it was necessary to certify the landscape plan Steve Schield was certified to do it. Mayor Farber stated the purpose of hiring a certified landscape architect was to help design the botanical park; the work would be completed under the direction of Mr. Maddox with guidance from Dr. Morrill and Town staff. Mr. Roberts stated this was an evolving concept in many ways and recently the concept had been to clear the exotics, put in the welcome center and the Nature Trail and then have the botanical garden design bid out. He continued and said that as it was evolving, the entire Park would be a botanical garden; he was not sure the single aspect of it was so significant since the entire Park needed the expertise. He stated that expertise was available in Dr. Morrill; however, the choice was up to the Town Commission. He further stated it was fine if the Commission decided someone from outside should seal the plans, but if they wished to proceed the Town was very well equipped at that point to proceed with the Park.

Commissioner Patterson stated he did not wish progress on the Park to slow down but did want the assurance a quality architect would be doing the work. Mr. Roberts stated it would take thirty days for advertising, another thirty days to receive and evaluate the RFQs, selection of the top person, and then negotiation of the contract; therefore, it could take 60-90 days to get the expertise on board by that method. Commissioner Green commented that the only reason Dr. Morrill did not have his license, although he was qualified to get a license, was that he was a teaching professor and did not need the license. He pointed out that Dr. Morrill had done a beautiful job at the Water Club and was highly thought of. He further stated that if the Town used Dr. Morrill, it would save ninety days.

Commissioner Drohlich withdrew his amendment stating he did not want the progress delayed. Commissioner Patterson said he withdrew the second with the understanding that whatever was done, if it did not meet the Commission's concept of the Park, it could be replanted.

It was moved by Green, seconded by Farber, to include the following as paragraph 4 in Exhibit "B": The welcome center shall be, in concept, a pavilion or gazebo, set in landscape. (Second paragraph) The facility shall also provide the focal point for a memorial to the benefactor's late wife. (This was later amended as Mayor Farber stated in the second paragraph below.)

Vice-Mayor Patterson stated the amendment would be limiting the architect instead of giving direction. He referred to the words, "pavilion or gazebo" and stated the Commission would not be providing flexibility and did not want to give the architect restrictions.

Mayor Farber restated the motion as follows: "The structure shall be an open air type of facility for greater compatibility to the

natural surroundings. The structure shall also provide the focal point for a memorial to the benefactor's late wife."

Amendment as restated carried unanimously on roll call vote: Green, aye; Sagman, aye; Patterson, aye; Drohlich, aye; Farber, aye.

Commissioner Drohlich asked why the proposed parking area was half way into the Park. Mr. Roberts responded it was because this was a deep site resulting in quite a distance for some to walk; by being able to drive back to the center, it would be more accessible. Commissioner Green commented it was six football fields deep and older people would have difficulty getting to the back in that type of terrain. Vice-Mayor Patterson stated the parking area should be for people visiting the Park and not for use by beachgoers.

Motion as amended carried unanimously on roll call vote: Green, aye; Patterson, aye; Drohlich, aye; Sagman, aye; Farber, aye.

A recess was called at 7:00 P.M.: the Meeting reconvened at 7:05 P.M.

2. Resolution 94-24, Approving a Site Plan Amendment for Lighthouse Point, Longboat Key Club GPD, to Permit Construction of a Groin Extension and Stabilization Structure; Amending Resolution 93-02, Paragraph Four of the Conditions Requisite for Approval of Lighthouse Point Site Plan to Allow for the Groin Extension

It was moved by Patterson, seconded by Drohlich, to pass Res. 94-24.

Pursuant to published notice, the public hearing was opened.

Michael Furen, attorney representing the applicant, asked that his testimony during the course of the hearing on Ord. 94-18 be incorporated as part of the record of Res. 94-24 as well as the documents presented. Mr. Persson asked if the statement was correct that under no circumstances would building be done seaward of the setback line of the original plat. Mr. Furen confirmed that was correct.

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

Motion carried on roll call vote: Patterson, aye; Drohlich, aye; Green, aye; Sagman, no; Farber, aye.

IV. Town Attorney Comments

1. Proposed Ordinance Restricting Tourism Use of Residential Property

Mr. Persson reported he had circulated an ordinance on tourism enacted by Caramel-by-the-Sea (CA) regarding restricted use of residential property for a period of less than thirty days. He stated he would like to recommend that the Town Code be amended to incorporate many of the suggestions contained within that ordinance. He stated the current Code was difficult to defend and

and the Code determined there was a violation, and there was probable cause, a formal hearing would then follow. He stated the ordinance would allow the Ethics Commission at that point in time to hire an investigator to help them glean the facts necessary to determine whether or not the Code had been violated. Commissioner Drohlich asked for a definition of "investigator". Mr. Persson stated it would depend on the facts: a person who might do background checks, who could investigate facts, obtain evidence, to report back to the Ethics Commission. Commissioner Drohlich asked since the Ethics Commission had been established some time ago why it was now necessary to provide for an investigator. Mr. Persson replied they would be prepared in the event something did occur and would have the ability to react quickly.

Commissioner Green stated a problem he saw with the Ethics Code was when a person who wanted to make a complaint was in a subservient position to the person about whom he was complaining, they had been very reluctant to do so because their superior was in a position to harm them. He said the State permitted certain kinds of complaints to be handled without divulging the name until the complaint was established to be valid; he asked if that were possible to include in the Town Code. Mr. Persson responded local ethics commissions were rare; he did not know the answer but would investigate it. Mrs. Arends reported the Ethics Commission's attorneys had previously advised the cases could not remain confidential. Commissioner Metz asked why the attorney could not hire an investigator. Mr. Persson stated if the amendment were made and the circumstances warranted it the "umbrella could be extended" for the Ethics Commission's Attorney to hire the investigator. However, he recommended addressing it specifically in an ordinance, and by addressing it after probable cause was found was a good way to do it.

Commissioner Gotthainer referred to the wording, "investigators at a reasonable fee"; he asked what "a reasonable fee" was and how far they could go. Mr. Persson reported he and Mr. Roberts had discussed the possibility of going through the Purchasing Department and, unless the complaint impacted that Department, regular procurement procedures would be followed. He pointed out, however, the reason to create an Ethics Commission was to have a body as far removed from the Town Commission as possible so they were not tied to the Commission, allowing them the independence to fully investigate ethics situations.

There was consensus to forward the Ordinance to the 7-11-94 Regular Meeting for first reading.

3. Town Commission, Functioning in a Proprietary Capacity, to Consider Joan M. Durante Community Park Site Plan

James Durante, benefactor, stated there had not been fulfillment with the language of the contract but he was impressed with the Town's effort to make up for lost time; however, there was a lack of a clear understanding of meaning of time; therefore, he asked that that the park be made a priority.

Mayor Farber stated the Town was moving as quickly as the

governmental process allowed and would continue with all speed.

Mr. Roberts said the site plan would be considered on this date for the Town Commission to act on as property owners; it would then be referred to the Planning and Zoning Board on 6-21-94, and then return to the Town Commission on 6-27-94.

Bill Maddox, architect, reported the Commission's tour of the property earlier today was the best way to gather a full understanding of the proposal for the site. He stated it was the desire of Longboat Key to establish a park which would provide for long-term preservation and enhancement of the natural barrier island habitat, and also make the property accessible to the public with educational enrichment.

He reported the project had been divided into three phases: Phase 1 dealt with the removal of exotic, nuisance vegetation by the end of Summer 1994; Phase 2 was for construction of the first phase of the nature trail, welcome center, park nursery, entrance drive and parking area by March 1995; and Phase 3 was for construction of the botanical garden, bayside dock facilities and completion of the nature trail by December 1995.

Mr. Maddox reported the welcome center would be as transparent as possible, with glass and open space, ramped for handicapped use, and two decks, providing the full vista of the site and of Sarasota Bay.

Commissioner Gotthainer asked for financing information for the project, since he was concerned that public funds would be used until Mr. Durante's grant was completed. Mr. Roberts responded Mr. Maddox was in charge of the design work and the facilities related to the park; bids would be obtained for the construction for approval by the Town Commission, as well as the funds available. He said the Town Commission would have full control of the budget as the process was completed. He advised it was necessary for the Town Commission to act on it at the Special Meeting on this date so it could be forwarded to the P&Z Board before their summer recess.

Commissioner Drohlich reported the Town Commission had never discussed the buildings on the plan, the building fund or operating funds. Commissioner Green reported the building had been discussed and it was to be an accessory use to the park. Commissioner Sagman stated she voted against it because she had questions regarding the building and maintenance costs of the park: whether there would be restrooms and where the portrait would be displayed. She stated her questions were "glossed over" and no discussion took place regarding the costs. She said the Ansel property was to be left as open land, park land, with nothing but boardwalks. She stated the idea was beautiful but the Town Commission should discuss what a suitable building would be. She said while she had not known until 10 A.M. on this date what the site plan envisioned, she was expected to vote on it.

Mayor Farber stated this was one of the grandest things proposed for Longboat Key, and as it developed it would be sensational. He

suggested it be discussed and incorporated into the site plan. Mr. Roberts stated the Town Commission had approved the conceptual plan and this was the next phase, based on the environmental assessment. He stated the timeline called for soliciting bids on 8-4-94.

Betty Blair, Putter Lane, stated a 2,000 sq.ft. building (as indicated in the plan) would be gigantic. She asked if the building would be locked at night and if there would be security, the number of parking spaces, operating costs, personnel, and how it would be funded.

Mr. Roberts responded he had anticipated recommending the park be open from dawn to dusk; he did not anticipate security personnel or anyone operating the center, however, it would be assigned to the Division of Parks for oversight and scheduling for use of the facility. He said there was no way to know what maintenance would be involved until it was determined what the park would include. He stated he was certain there would be a cost unless a volunteer system were established.

Ruth Napoliello, Longboat Club Rd., stated a concern that the Town Commission was acting on something during the summer when many residents were away; she suggested it be delayed.

Don Jelinek, 531 Gulf Bay Rd., questioned the need for a building because he understood it would be a xeriscape park. He also stated he was concerned with traffic going to the park nursery off Gulf Bay Road. He said the park would need to be maintained.

Ken Hansen, 691 Gulf Bay Rd., stated the Town pumping station on Gulf Bay Rd. had a terrible odor. Also, he stated he did not want a road placed next to the pumping station. Mr. Roberts stated the plan was to use the existing access on the lift station property to gain access to the park nursery and it would only be used occasionally by Town vehicles. Mr. Gaffney stated using a 10-12 ft. clearing at the present access from the lift station to the park nursery was preferable to having trucks entering the park from GMD, which would not be in keeping with the open space concept of the park. Mayor Farber suggested the Town property and access on Gulf Bay Rd. be landscaped to make it attractive.

Commissioner Drohlich suggested the site plan be approved without a building or dock at this time; further study was needed to consider a building. Commissioner Green pointed out that Mr. Durante's contract included a statement that a building would be constructed for housing Mrs. Durante's portrait. Mr. Gaffney stated the site plan without buildings would not have to be considered by the P&Z Board, but if a second phase included buildings, it would have to go before the P&Z Board and would require public comment be heard.

Mayor Farber suggested there be a large gazebo to take advantage of the open area and natural breezes, with protection for the portrait.

A recess was called at 2:25 P.M.; the Workshop reconvened at 2:30

P.M.

Mr. Persson stated he reviewed Town Code, Section 158.125, regarding boardwalks and docks and recommended the site plan be referred to the P&Z Board. He reported the (Durante) agreement stated: "The welcome center shall, at a minimum, be a facility designed and built to general superior architectural standards of Longboat Key. Such center shall provide information concerning the Joan M. Durante Community Park and shall house an oil portrait of Joan M. Durante when donated by the benefactor. The Town shall proceed with all deliberate speed in all respects in the development of the park and the completion of the welcome center." He stated the Town had agreed, by signing the document, to a building as the welcome center, not as a community center which was addressed separately in the agreement, and it provided all kinds of latitude.

Commissioner Green cautioned the park funding could be jeopardized since other entities were competing for donations.

Mayor Farber suggested the Commission approve the site plan with inclusion of a dock and the principle of a structure to be designed at a future date with the approval of the Town Commission, who would work with Mr. Roberts and Mr. Maddox to look at various designs and options. He suggested the gazebo be designed with space for future restrooms.

There was consensus to approve the site plan to include a screened gazebo and the dock for emergency service and that it be forwarded to the Special Meeting to follow.

Mr. Roberts suggested Mr. Maddox design a facility that could eventually have restrooms constructed in it. Mr. Maddox reported if the building were intended for public occupancy in any way it would have to include some form of restrooms; further, if the site were to be accessible to the handicapped, to meet the Americans with Disabilities Act it would also have to address restroom facilities for the handicapped.

Commissioner Drohlich stated it had been his understanding that a very simple structure would be built for housing the portrait of Joan M. Durante and there would be information on the park, with no air conditioning or restrooms; it would serve no other purpose. Mr. Maddox stated if the building were not used for a public gathering, but was an open building or screened building with benches located around the inside, he would address that. He said if it were to be used for an interpretive center or by civic organizations as a meeting environment, it would be classified as a habitable space and would require restrooms. Mayor Farber asked if a 2,000 sq.ft. gazebo would need to be above flood level. Mr. Maddox responded affirmatively. Mayor Farber suggested the facility be designed so it could be enclosed in the future if desired. He asked Mr. Maddox to prepare some options which were not elaborate, with screening.

## MEMORANDUM

DATE: January 13, 1998

TO: Town Commission

FROM: Dr. Joan Webster, Chair, Joan M. Durante Community Park Use  
Advisory Committee

SUBJECT: Recommendations re. Ownership of Park

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The Joan M. Durante Community Park Use Advisory Committee held its first meeting on January 9, 1998. Discussions as outlined in the Commission directive for the committee are well under way and recommendations will be forwarded as soon as the committee has completed its assignment.

During this initial meeting, there were inquiries about the recent Commission discussions with the Sarasota County Commission concerning the possible takeover of Longboat Key parks. The committee's discussion resulted in a unanimous consensus that a "Village concept" of the park should be promoted and that the Town should not seek County assistance for this park. Committee members agreed that the committee should only address the usage of the Joan M. Durante Community Park but felt strongly this facility should not be under County control. The Committee agreed that County takeover of the park may result in increased policing needs and maintenance requirements. Staff assured Committee members that maintenance is currently budgeted and will possibly be reduced with the completion of the Phase III-B construction which will restore the wetland areas to original condition requiring less maintenance than botanical gardens or grassy fields would.

Therefore, the Joan M. Durante Community Park Use Advisory Committee respectfully recommends the Commission discontinue discussions for funding/in-kind assistance with either County that would effect a change in control of the park.

/dhs

cc: Bruce St. Denis, Town Manager  
Joan M. Durante Community Park Use Advisory Committee  
Media

**Minutes: Town of Longboat Key Ad Hoc Committee**

**Joan M. Durante Community Park Advisory Committee**

**Date of Meeting:** January 9, 1998 (2:00 PM)

**Members Present:** Joan M. Webster, Stu Robinson, Ruth Napoliello, Rob Crafts

**Members Not Present:** Bev Shapiro, Christa Fineshriber, Pamela Moniz

**Also Present:** Bruce St. Denis, Town Manager; Patrizia Arends, Town Clerk; Marty Black, PZB Director; Steve Schields, Parks and Environmental Officer; Donna Spencer, Administrative Assistant; James P. Durante; Renee' Mathers, *Longboat Observer*

**I. Call to Order**

The meeting was called to order at 2:10 PM by Town Manager Bruce St. Denis in the Town Hall Antechambers.

**II. Items Discussed**

Mr. St. Denis opened the meeting and gave a brief overview of the purpose of the committee reflected in his November 26, 1997 memo to the Town Commission regarding the committee. He also discussed with members how the committee was envisioned to function and how committees of this nature work with staff. He stated the Town would provide clerical assistance.

Town Clerk Arends advised the committee of the Florida Sunshine Law, its purpose and intent, and instructed the committee on proper procedures for meetings and committee actions. She also covered committee handbook materials regarding "Open Meetings".

**It was moved by Napoliello, seconded by Robinson, for Joan Webster to be Chair. Motion carried unanimously.**

**It was moved by Robinson, seconded by Crafts, for Ruth Napoliello to be Vice-Chair. Motion carried unanimously.**

Mr. Schield presented copies of the planned park (site plan) and explained current construction being undertaken. Construction is expected to be completed by mid-April 1998 and would restore those portions of the park to a natural state with low-maintenance wetlands areas and ponds that could be accessed by the public via a boardwalk system with an overlook dock on the bay.

Mr. Black explained this park was in the process of being designated as

Open Space. He advised the committee of the differences between "active" and "passive" recreation (active parks were those that required facilities for designated activities; i.e. basketball courts, lawn bowling, horseshoe pits, soccer fields). Walking, bird watching, plant identification, picnicking, etc. were considered examples of passive activities.

Mr. Durante made a brief statement to the committee imploring them to move forward "with all deliberate speed" on this "peoples' park" and improvement for the Town of Longboat Key.

**There was a consensus that committee members would each formulate and discuss their list of activities for the park at the next meeting.** Discussion of Objective 3, Restrooms, would take place following the committee's consensus on use of the park.

### **III. Recommendations to the Town Commission**

(Requires Quorum @ 50% to be present)

There was consensus to recommend to the Commission that Joan M. Durante Community Park not be recommended for County takeover in order to maintain the "Village" atmosphere of the park and not limit the park's character nor development of this "peoples' park". The committee agreed that County takeover may impact the maintenance and policing needs for the park as well as for the Town and recommended the maintenance of the "Village" concept of Longboat Key.

There was consensus to recommend to the Commission that Joan M. Durante Community Park be designated as a passive park.

### **IV. Date and Time of Next Meeting:**

January 13, 1998 at 2:00 PM in the Antechamber

### **V. Adjournment**

**The meeting was adjourned at 4:30 PM**

Submitted by: Donna Spencer, Administrative Assistant

JOAN M. DURANTE COMMUNITY PARK  
ADVISORY COMMITTEE

January 13, 1998  
2:00 P.M.

Town Hall Antechamber      501 Bay Isles Road      Longboat Key, FL

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**Agenda**

Items for Discussion:

- Approval of 1-9-98 Minutes
- Members assignment to bring list of recommended park activities
- Discussion of restroom facilities in park
- Open discussion
- Setting date and time of next meeting

Attendees:

- Ruth Napoliello
- Stu Robinson
- Christa Fineshriber
- Pamela Moniz
- Rob Crafts
- Bev Shapiro
- Dr. Joan Webster
- Patrizia Arends, CMC/AAE, Town Clerk
- Bruce St. Denis, Town Manager

cc: Media  
Len Smally, PE, Public Works Director  
Steve Schield, Parks and Environmental Officer  
Marty Black, AICP, Planning, Zoning & Building Director

# JOAN M. DURANTE COMMUNITY PARK ADVISORY COMMITTEE

January 9, 1998  
2:00 P.M.

Town Hall Antechamber      501 Bay Isles Road      Longboat Key, FL

## Agenda

### Items for Discussion:

- Florida State Sunshine Laws
- How an Advisory Committee Functions
- Committee's Purpose
- Selection of Officers
- General Discussion

### Attendees:

- Ruth Napoliello ✓
- Stu Robinson ✓
- Christa Fineshriber ✓
- Pamela Moniz ✓
- Rob Crafts ✓
- Bev Shapiro
- Dr. Joan Webster
- Patrizia Arends, CMC/AE, Town Clerk ✓
- Bruce St. Denis, Town Manager ✓

cc: Media  
Len Smally, PE, Public Works Director  
Steve Schield, Parks and Environmental Officer

South firehouse - mowing?

Beach Accesses -

North firehouse - mowing

## RESOLUTION 94-27

A RESOLUTION APPROVING A SITE PLAN FOR THE JOAN M. DURANTE COMMUNITY PARK, 5550-5568 GULF OF MEXICO DRIVE AND 710 & 711 GULF BAY ROAD, TO PERMIT THE DEVELOPMENT OF A PASSIVE, OPEN SPACE USE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF LONGBOAT KEY OPEN SPACE ZONING DISTRICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key is the owner of the subject property which is currently zoned OS - Open Space District and R-3MX, Low-Medium Density Mixed Residential District; and

WHEREAS, the applicant, the Town of Longboat Key, has made application for approval of a site plan and special exception for the Joan M. Durante Community Park, 5550-5568 Gulf of Mexico Drive and 710 & 711 Gulf Bay Road; and

WHEREAS, the Planning and Zoning Official has in timely fashion accepted the Site Plan and Special Exception Application and referred same to the Planning and Zoning Board along with documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board has reviewed the Site Plan and Special Exception Application and has approved the special exception use and recommended to the Town Commission along with their findings that the proposed site plan be approved with conditions; and

WHEREAS, the Town Commission makes these conclusions and findings of fact:

- (a) The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.
- (b) The plan conforms with all applicable regulations of the zoning district in which it is located.
- (c) The plan conforms with the Town's subdivision regulations and all other applicable requirements relating to streets, utility facilities and other essential services.
- (d) The plan is consistent with good design standards in respect to all external relationships.

- (e) The plan conforms to Town policy respecting (1) sufficiency of ownership, and (2) guarantees for completion of all required improvements and continued maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF LONGBOAT KEY THAT:

Section 1. The site plan for Joan M. Durante Community Park, 5550-5568 Gulf of Mexico Drive and 710 & 711 Gulf Bay Road, Longboat Key, Florida 34228, dated June 15, 1994, is hereby approved subject to the conditions attached hereto marked Exhibit "A", "Conditions Requisite for Approval", and Exhibit "B", "Architectural Parameters Suggested for the Joan M. Durante Community Park Building" Site Plan Approval, Joan M. Durante Community Park, and dated concurrently with this Resolution.

Section 2. This Resolution shall become effective immediately upon adoption.

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key on the 27th day of JUNE, 1994.

Robert J. Farber  
Mayor

Attest:

Patricia L. Orville  
Town Clerk

Attachment: Exhibit "A"  
Exhibit "B"

EXHIBIT "A"

RESOLUTION 94-27

CONDITIONS REQUISITE FOR APPROVAL  
SITE PLAN REVIEW

JOAN M. DURANTE COMMUNITY PARK

- 1) The Town will retain qualified architectural, and landscape design professionals to provide appropriate design services for the proper execution of the project.
- 2) Bicycle racks shall be provided on the site to accommodate bicyclists visiting the park.
- 3) The building shall be designed in accordance with the architectural design parameters contained in Exhibit "B" attached hereto.
- 4) Prior to the issuance of any building permit, all applications for permits submitted to any outside permitting agency, and all applicable permits received from such agencies shall be submitted to the Town's Building Department.
- 5) All utilities shall be located underground.
- 6) A construction fence shall be provided to secure the construction site.
- 7) The stormwater management system shall be designed and maintained in perpetuity in accordance with the provisions of the SWFWMD and the Manatee County Mosquito Control Department.
- 8) The Public Works Department shall review and approve the construction of utilities, storm water system and all site work, including all necessary off-site improvements, prior to the commencement of this work.
- 9) Except for the 20 ft. perimeter buffer areas, all nuisance exotic species of trees on the entire site shall be removed including Australian Pine (*Casuarina* spp.) and Brazilian Pepper (*Schinus terebinthifolius*) and every effort will be made to adjust the location of the proposed facility to avoid the removal of native vegetation. Wherever such vegetation has to be removed, however, (i.e., having a diameter of four inches or more), the

applicant shall replace each tree on the site at the rate of at least two (2) trees for every tree removed. All landscaping activities and work resulting from this condition shall be incorporated into a detailed landscaping plan for all common areas to be submitted to the Town and approved by the Planning and Building Departments prior to the issuance of a building permit. All landscaping work activities shall not only meet the conditions of this development order but also the provisions of the Town's Tree Ordinance.

10) Native and drought resistant plant species should be used in the buffer and other common areas to reduce water requirements. No more than 25% of the site may be planted in sod or plant species that are not drought resistant.

11) Complete application for the issuance of building permits to be submitted and a building permit issued on or before June 27, 1995 (a complete building permit application must be filed at least 30 calendar days prior to the building permit issuance deadline).

12) The provisions of the site plan application for the subject property dated June 14, 1994, and received on June 15, 1994, shall be complied with unless waived or modified by the above conditions or by written agreement between the Town and the applicant or amended pursuant to Code.

13) In accordance with Section 158.099(F) of the Town Code, an approved site plan becomes null and void if:

- (1) The applicant shall abandon the plan or the section thereof that has been finally approved, and shall so notify the Town Commission in writing; or
- (2) A complete application for a building permit has not been submitted to the Town and a building permit issued on or before June 27, 1995; or
- (3) A final Certificate of Occupancy for all phases of the project has not been issued within three years from the date set for receipt of a complete application for building permit for the final building of development phase of the project.

EXHIBIT "B"

RESOLUTION 94-27

ARCHITECTURAL PARAMETERS SUGGESTED FOR THE  
JOAN M. DURANTE COMMUNITY PARK BUILDING

It is the desire of the Town of Longboat Key to establish a park that will provide long-term preservation and enhancement of natural barrier island habitats while being accessible to the residents of the key.

The Community Park should provide a setting for passive enjoyment as well as active educational enrichment.

Based on these objectives, it seems appropriate that all man-made structures be subordinate to the natural setting. It also seems appropriate that all materials selected for the structures be harmonious with the landscape and characteristic of barrier island architecture.

The structure shall be an open air type of facility for greater compatibility to the natural surroundings. The structure shall also provide the focal point for a memorial to the benefactor's late wife.

In general, the design and layout of the pavilion/gazebo will be in accordance with the Florida House Program, with perimeter landscaping designed in accordance with the Florida Lawn and Yard Project.

Other site structures, such as a shade pavilion or kiosk, should follow the same architectural theme as the Welcome Center.

RESOLUTION 96-13

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING RESOLUTION 94-27, APPROVING A SITE PLAN AMENDMENT FOR THE JOAN M. DURANTE COMMUNITY PARK TO ALLOW FOR PHASE III MODIFICATIONS INVOLVING WETLAND RESTORATION AND THE RECONFIGURATION OF A BOARDWALK/WALKWAY SYSTEM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the site plan for JOAN M. DURANTE COMMUNITY PARK located at 5550 Gulf of Mexico Drive, Longboat Key, Florida, was approved by the Town by Resolution 94-27, adopted June 27, 1994; and

WHEREAS, the Town of Longboat Key is the owner of the subject property, which is currently zoned OS - Open Space District and R-3MX, Low-Medium Density Mixed Residential District; and

WHEREAS, the applicant, the Town of Longboat Key, has made application for approval of a site plan amendment for the Joan M. Durante Community Park, 5550 Gulf of Mexico Drive; and

WHEREAS, the Planning and Zoning Official has, in a timely fashion, accepted the Application and referred same to the Planning and Zoning Board along with the support documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission along with their findings that the proposed development be approved with conditions; and

WHEREAS, the Town Commission makes these conclusions and findings of fact:

- (a) The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.
- (b) The plan is in conformance with all applicable regulations of the zoning district in which it is located.
- (c) The plan is in conformance with the Town's subdivision regulations, Chapter 157, and all other applicable Town requirements, including the design, adequacy, and construction of streets, drainage, utility facilities, and other essential services.
- (d) The plan is consistent with good design standards in respect to all external relationships, including but not limited to relationship to adjoining properties; internal circulation, both vehicular and pedestrian; disposition and use of open space, provision of screening and buffering, and preservation of existing natural features, including trees; size and apparent bulk of structures; and building arrangements both between buildings in the proposed development and those adjoining the site.
- (e) The plan is in conformance with Town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF  
LONGBOAT KEY, THAT:

Section 1. The site plan amendment for the JOAN M. DURANTE COMMUNITY PARK, 5550 Gulf of Mexico Drive, Longboat Key, Florida 34228 be and is hereby approved subject to the conditions attached hereto marked

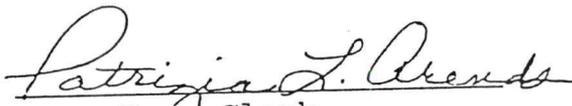
"Conditions Requisite for Approval", Joan M. Durante Community Park, 5550 Gulf of Mexico Drive, Longboat Key, Florida 34228, and dated concurrently with this Resolution.

Section 2. This Resolution shall become effective immediately upon adoption.

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key on the 3rd day of JUNE, 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

Attachment: Exhibit "A"  
Conditions for Approval

EXHIBIT "A"

CONDITIONS REQUISITE FOR APPROVAL

1. The provisions of the site plan application for the subject property, dated May 13, 1996, and received May 14, 1996, and site plans received on May 21, 1996, shall be met. Any and all improvements shall comply with Open Space (OS) and R-3MX provisions of the Town Zoning Code, except as otherwise provided for in the site plan and/or conditions of approval.
2. Except for the amendments specified herein, all conditions of approval contained within Resolution 94-27 shall remain in full force and effect.

MEMORANDUM

DATE: 05-21-96

TO: Planning & Zoning Board

FROM: Daniel Gaffney, Planning, Zoning & Building Director *DG/dmc*

SUBJECT: JOAN M. DURANTE COMMUNITY PARK: SITE PLAN AMENDMENT APPLICATION

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APPLICANT: Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

SITE LOCATION: Joan M. Durante Community Park  
5550 Gulf of Mexico Drive  
Longboat Key, FL 34228

EXISTING ZONING: OS, Open Space District  
R-3MX, Low-Medium Density Mixed Residential District

FUTURE LAND USE DESIGNATION: OS, Open Space  
RM-3MX, Medium Density Mixed Residential

EXISTING USE: Public park consisting of the following improvements:

- A gazebo structure
- Shell driveway and on-site parking area
- Shell pathway/nature walk & walkway amenities
- A twenty (20) foot wide perimeter landscape buffer

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REQUEST: The applicant requests approval to amend the approved site plan for the Joan M. Durante Community Park to allow Phase III improvements including a wetland restoration project and the construction of an expanded walkway/boardwalk system, kiosk, and waterview overlook structure.

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ORDINANCE 95-09

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY IN CHAPTER 92, BEACHES AND PARKS, BY ADDING SECTION 92.03, PROHIBITED ACTIVITIES IN JOAN M. DURANTE COMMUNITY PARK; PROVIDING FOR THE PROHIBITION OF CERTAIN ACTIVITIES IN JOAN M. DURANTE COMMUNITY PARK; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. The Town Code, Chapter 92, BEACHES AND PARKS, is amended to include Section 92.03, PROHIBITED ACTIVITIES IN JOAN M. DURANTE PARK, to read as follows:

SECTION 92.03 PROHIBITED ACTIVITIES IN JOAN M. DURANTE COMMUNITY PARK.

No person entering on and using the public property known as the Joan M. Durante Community Park shall do any of the following.

- (A) Bed down on the premises; i.e.; set up tents, shacks, or any other temporary shelter for the purpose of camping.
- (B) Engage in the activity of skateboarding.
- (C) Engage in the activity of rollerblading.
- (D) Bring a bicycle into the pavilion or engage in bicycling on the handicap ramp.
- (E) Be present on the premises from dusk to dawn daily. This section shall not apply to authorized personnel and vehicles, meaning all official State, County, and Town personnel and vehicles engaged in police and fire protection and maintenance duties.

Section 2. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the ordinance shall not be affected.

Section 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 4. This Ordinance shall become effective immediately upon second reading and adoption.

*Enacted*  
4-7-99

BOOK 11 PAGE 224

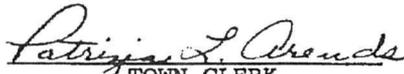
(ORDINANCE 95-09, CONT)

Passed on first reading this 1st day of May,  
1995.

Passed and adopted on second reading and public hearing this  
5th day of June, 1995.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

ORDINANCE 97-05

AN ORDINANCE AMENDING CHAPTER 92: BEACHES AND PARKS OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, BY ADDING A NEW SECTION 92.04, PROHIBITION OF TAKING OR DISTURBING PLANTS OR ANIMALS WITHIN PUBLIC PARKS OR OTHER PUBLIC PROPERTY, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key has opened and improved parks for the betterment and enjoyment of the citizenry of the Town of Longboat Key; and

WHEREAS, in order to preserve the flora and fauna of said parks, the Town of Longboat Key determines that it is in the best interest of the health, safety, and welfare to prohibit certain activities relating to said parks.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. CHAPTER 92, BEACHES AND PARKS, is hereby amended to add a new Section 92.04, Prohibition of Taking or Disturbing Plants or Animals Within Public Parks or Other Public Property as follows:

§ 92.04 PROHIBITION OF TAKING OR DISTURBING PLANTS OR ANIMALS WITHIN PUBLIC PARKS OR OTHER PUBLIC PROPERTY.

No person shall take, or cause to take, trap, net, remove or disturb the plants and animals located within parks or estuaries within the parks or other public property of the Town of Longboat Key. This provision does not prohibit fishing or cast nets thrown from the shore of the Town parks into the waters of the bay, pass, or gulf.

(ORD. 97-05, CONT)

Section 2. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

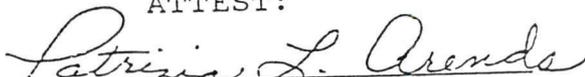
Section 4. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and Public Hearing this 7th day of April, 1997.

Adopted on the second reading and Public Hearing this 5th day of May, 1997.

  
MAYOR

ATTEST:

  
TOWN CLERK

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