



Town of Longboat Key Town Commission

Town Hall

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Longboat Key, FL 34228

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- AGENDA - **REGULAR WORKSHOP MEETING**

2:00 PM

May 20, 2004

Pledge of Public Conduct

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

Committee Reports and Communications

1. Manatee County Special Liaison Report
2. Sarasota County Special Liaison Report
3. Other Reports

Public to be Heard

Discussion Items for Consideration of the Town Commission

4. Proposed Ordinance 04-12; Proposed Ordinance 04-13, and Proposed Ordinance 04-14, Amending Town Code Chapter 150 – Building Code

The Town Attorney has forwarded recommended revisions to Town Code, Chapter 150 for Town Commission consideration. The revisions are to bring the Town Code into compliance with the Florida Statewide Building Code as well as provide for permitting exceptions for minor work. Recommended Action: Pending discussion, provide direction to Manager.

5. Proposed "No Motor Zone" in the Vicinity of Sister Keys

The Public Works Director and Town Attorney have investigated the regulatory issues involved in the designation of a "no motor zone" in the Sister Keys area. This information will be presented for Town Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

6. Issuance of Beach Nourishment Bonds Documents

The Town's upcoming beach nourishment project requires a series of documents to be executed in order to issue the bonds for funding the project. In addition to the Town Manager, Town Attorney and Finance Director, Hal Canary, the Town's Financial Advisory will be present to review the bond documents. Recommended Action: Pending discussion, forward documents to June 7, 2004 Regular Meeting for formal action.

7. Commission Pre-Authorization of Expenditures for Storm and/or Red Tide Cleanup

The Town Manager is requesting pre-authorization to initiate post-storm or red tide clean-up efforts in the event a quorum of the Town Commission is not available to approve such expenditures over the summer. Recommended Action: Pending discussion, provide direction to Manager.

Ron Johnson, Mayor; Joan Webster, Vice-Mayor
Kennedy Legler, Jr., District 1; John Redgrave, District 2; Robert P. Dawson, District 3;
Hal Lenobel, District 4; Jeremy Whatmough, District 5

8. Irrigation Schedule

The Town Commission has requested staff to prepare a report on the impact of modifying the Town's irrigation schedule to avoid the current Manatee County water use penalties. Recommended Action: Pending discussion, provide direction to Manager.

9. Northshore Road Beach Update

At the April 19, 2004 Goals & Objectives Meeting the Town Commission directed staff to investigate the North Shore Road beach erosion issue. Dr. Cluff Truitt and Coastal Planning & Engineering have visited the area and have submitted a report to the Town Commission. Recommended Action: Pending discussion, provide direction to Manager.

10. Southwest Florida Water Management District (SWFWMD) Water Use Permit Renewal

The SWFWMD has issued a Draft Water Use Permit (WUP) to the Town. The Town Manager will discuss the permit conditions with the Town Commission. Recommended Action: Pending discussion, provide direction to Manager.

11. Proposed Ordinance 04-11, Water & Sewer Rates

The Town Commission held a Special Workshop to discuss water & sewer rates on April 21, 2004. Ordinance 04-11 was presented at the April 22, 2004 Regular Workshop and has been forwarded to the May 20, 2004 Regular Workshop Meeting for Town Commission consideration. Recommended Action: Pending discussion, forward to June 7, 2004 Regular Meeting for first reading.

Consent Items for Consideration of the Town Commission

12. Economic Development Corporation (EDC) Funding in the Amount of \$5,072

Commissioner Dawson has been appointed as the Town's representative and Board Member of the Sarasota County Economic Development Corporation. Continued membership on the EDC requires a funding commitment of \$5,072 from the Town. Recommended Action: Pending discussion, provide direction to Manager.

13. Proposed Ordinance 04-15, Amending Chapter 34, Firefighters' Retirement System Deferred Retirement Option Plan (DROP)

Proposed Ordinance 04-15 incorporates two options for participating members of the Firefighters' Retirement System to utilize the DROP provision. The Town's actuary has confirmed that this amendment to the plan will be at no cost to the Town. Recommended Action: Pending approval of the Consent Agenda, forward item to June 7, 2004 Regular Meeting for first reading.

14. Manatee County Community Development Block Grant (CDBG)

Manatee County has submitted a request for the Town's continued support and participation in their designation as an Urban County, which entitles them to funding opportunities through Community Development Block Grants and the Florida HOME program. Recommended Action: Approval of the Consent Agenda, forward to June 7, 2004 Regular Meeting for formal action.

The purpose of the "Workshop Consent Agenda", like the Regular Meeting Consent Agenda, is to expedite those items on an agenda that appear to be of a routine nature. The reason for incorporating items under the Workshop Consent Agenda is to meet the Town Code requirement of having all items presented in a Workshop meeting before scheduling for approval in a formal meeting. Any item on the Consent Agenda can be removed and placed on the Workshop Agenda by any member of the Town Commission or by the Town Manager. All items remaining on the Consent Agenda will be declared by the Mayor as approved for scheduling on a subsequent formal meeting for discussion and action.

Town Commission Comments

Town Attorney Comments

Town Manager Comments

Press to be Heard

No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, Fla. Stat.).

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing a special accommodation to participate in this proceeding should contact the Town Clerk's office at 941-316-1999 forty-eight (48) hours in advance of this proceeding. If you are hearing impaired, please call 941-373-7002.

Regular Workshop – May 20, 2004
Agenda Item 5

Agenda Item: Sister Keys Proposed No Motor Zone

Presenter: Town Manager and Staff

Summary: The Town Attorney has identified the legal requirements for establishing a No Motor Zone on Sister Keys. Staff seeks direction from the Commission if they wish to proceed with an ordinance and what type of zone is desired. Staff can provide estimates of future costs if the Commission wishes to proceed.


Attachments: 5-14-04 Memo, Manager to Commission;
5-13-04 Memo, Public Works Director to Manager;
5-10-04 Memo, Town Attorney to Public Works Director.

Recommended

Action: Pending discussion, provide direction to Manager.

MEMORANDUM

Date: May 14, 2004

TO: Town Commission
FROM: Bruce St. Denis, Town Manager 
SUBJECT: Sister Keys Proposed "No Motor Zone"

Attached are copies of reports from Andrew Cohen and Juan Florensa discussing the process of establishing Sister Keys as a "no motor zone".

The Town Commission will need to establish what type of zone we are seeking by ordinance.

Permits will also be required from the following agencies:

- Florida Fish & Wildlife Conservation Commission
- Department of Environmental Protection
- United States Coast Guard
- U. S. Army Corp of Engineers

Once the Town Commission provides direction as to the type of zone and proposed locations staff will be able to provide an estimated cost for the consulting necessary to complete the project.

Please don't hesitate to contact me if you have any questions.

M E M O R A N D U M

Date: May 13, 2004

TO: Bruce St. Denis, Town Manager
FROM: Juan J. Florensa, Public Works Director
SUBJECT: Sister Keys – Proposed No Motor Zone

The attached memorandum from Town Attorney, Andy Cohen describes the legislative requirements to establish a "No Motor Zone" around certain areas in the vicinity of Sister Keys. Once the Commission determines what type of zone, an ordinance should be adopted. Permits will be required from the following agencies:

- Florida Fish and Wildlife Conservation Commission
- Department of Environmental Protection
- United States Coast Guard
- United States Corps of Engineers

The Town has applied for a \$50,000 grant from the West Coast Inland Navigation District (WCIND) to partly cover the costs of installation of markers if this project moves forward. There are additional costs to those covered by the grant. For example, environmental design and permitting, maintenance costs, and other considerations. Staff cannot offer a reliable estimate of these costs at this time based on current Commission directives. Once the Commission determines how they want to proceed we can generate an estimate for costs for budget purposes.

JJF/cg

Attachment: Town Attorney Memo of May 10, 2004

M E M O R A N D U M

TO: Juan Florensa, Public Works Director

FROM: Andrew H. Cohen, Esq.

DATE: May 10, 2004

RE: Sister Keys – Proposed No Motor Zone

Juan:

For the upcoming Town Commission Workshop, May 20, 2004, you asked me to briefly review the requirements for establishing a proposed “no motor zone” in the Sister Keys area.

Zones of this type are governed by Section 68D-23, Florida Administrative Code. Initially, the Town would need to determine if the area is located within the corporate waters of the Town and whether the Town has jurisdiction to establish a zone.

If it is determined that the Town has jurisdiction, the next step is to determine exactly what type of zone is desired. There is a “No Motorized Vessel” zone where all vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area, even if the mechanical means of propulsion is not in use. In addition, there is a “No Power-driven Vessel” zone where all vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area unless the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.

Once the exact type of zone is determined, an Ordinance needs to be adopted establishing the zone. Next, application for a permit is made to the Florida Fish and Wildlife Conservation Commission, Office of Boating and Waterways, Division of Law Enforcement. The Department of Environmental Protection, United State Coast Guard, and the United States Army Corps of Engineers will all receive copies of the application and provide comments.

The application and Ordinance will be reviewed to ensure that the zone is being established for the purpose of protecting safety and welfare (e.g. human life and limb, manatees, vessel traffic safety and maritime property) rather than noise abatement, real estate value, or protection of shoreline from wake or wash. In addition, the application and Ordinance will be reviewed to ensure there is no discrimination against personal

watercraft, and that the proposed zone is not located within the Florida Intracoastal Waterway ("ICW") or within one hundred (100) feet of the ICW. If the application and related Ordinance appear acceptable and there is no objection, the Florida Fish and Wildlife Commission will issue the permit.

Together with the Longboat Key Police Department, I have been working with the Florida Fish and Wildlife Commission regarding a similar project for a slow speed zone in the Jewfish Key area. If the Commission wishes to pursue the instant zone, we can certainly begin the process.

Thank you. If you have any questions, or require any additional information, please feel free to contact me.