



## Town of Longboat Key Town Commission

Town Hall

501 Bay Isles Road

Longboat Key, FL 34228

(941) 316-1999

(FAX) 316-1942

[WWW.LONGBOATKEY.ORG](http://WWW.LONGBOATKEY.ORG)

### - AGENDA -

#### REGULAR MEETING

7:00 PM

March 7, 2005

#### Pledge of Public Conduct

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

#### Call to Order and Pledge of Allegiance

#### Proclamations and Special Presentations

1. Advanced Parliamentary Procedures Class Certificate of Completion Awarded to Mayor Johnson

#### Approval of Minutes

2. January 3, 2005 Regular Meeting and February 7, 2005 Regular Meeting

#### Committee Reports and Communications

#### Public to be Heard

#### Ordinances - First Reading

3. Ordinance 05-05, Amending Ordinance 03-09, Chapter 93 - Expanding the Area of Restricted Activity in Slow Speed-Minimum Wake Zones

On July 7, 2003 the Town Commission adopted Ordinance 03-09 establishing a "slow speed - minimum wake zone" in the vicinity of Moore's Seafood Restaurant, Jewish Key, and the Longboat Pass Bridge. Based on the Town's ordinance the Florida Fish & Wildlife Conservation Commission (FWC) formally designated the speed zone in the area but also included the area West of the Longboat Pass Bridge. Ordinance 05-05 amends Ordinance 03-09 to reflect the FWC's designation. Recommended Action: Pending discussion, forward to April 4, 2005 Regular Meeting for second reading and public hearing.

#### Ordinances - First Reading and Public Hearing

4. Quasi-judicial - Ordinance 04-28, Street Right-of-Way Vacation - Subdivision Cul-de-Sac

The P&Z Board has forwarded Ordinance 04-28 for Town Commission consideration. During their February 15, 2005 Regular Meeting the P&Z Board recommended approval with conditions of Ordinance 04-28 approving a street right-of-way vacation (cul-de-sac) for the Coquina Beach Subdivision, those conditions are reflected in Ordinance 04-28. Recommended Action: The Town Commission will base their decision on the materials and sworn testimony presented at this meeting.

Ron Johnson, Mayor, Joan Webster, Vice-Mayor,

Lee Rothenberg, District 1, George Spill, District 2, Robert P. Dawson, District 3,

Hal Lancelotti, District 4, Jeremy Whitmough, District 5

**5. Quasijudicial - Preliminary Plat Application: Coquina Beach Subdivision**

The P&Z Board forwarded the preliminary plat application for the Coquina Beach Subdivision for Town Commission consideration. At their February 15, 2005 Regular Meeting the Planning and Zoning Board (P&Z Board) recommended approval with conditions of the preliminary plat for the Coquina Beach Subdivision. Recommended Action: The Town Commission will base their decision on the materials and sworn testimony presented at this meeting.

**Ordinances - Second Reading and Public Hearing****6. Quasijudicial - Ordinance 05-04, Orchid Condominium, 4785 Gulf of Mexico Drive, Outline Development Plan**

At the February 7, 2005 Regular Meeting the Town Commission forwarded this item after first reading and public hearing. The Planning & Zoning Board (P&Z Board) has reviewed and forwarded Ordinance 05-04 for Town Commission consideration. The P&Z Board recommends approval with conditions of the Outline Development Plan request by Orchid on Longboat Key, LLC; those conditions are reflected in Ordinance 05-04. At the January, 18, 2005 meeting, the P&Z Board also approved a site plan for the Orchid conditioned on Town Commission approval of the Outline Development Plan. Recommended Action: The Town Commission will base their decision on the materials and sworn testimony presented at this meeting.

**7. Ordinance 05-01, Amending Section 158.145, Lot Dimensions**

This amendment to the Zoning Code is to clarify provisions of the Code as it pertains to the land beneath roads, streets, rights-of-way, etc. and their utilization in calculating density, lot area and other specific calculations and ratios which are used to determine structure size and setbacks. Recommended Action: Pending discussion, adopt Ordinance 05-01.

**Resolutions****8. Resolution 05-02, Florida Department of Transportation (FDOT) Highway Maintenance Agreement**

The Town of Longboat Key is reimbursed by FDOT for the cost of mowing and litter collection along Gulf of Mexico Drive. The reimbursement is based on an agreement which is renewed annually and formalized by a resolution and a signed contract. Recommended Action: Pending discussion, pass Resolution 05-02.

**9. Resolution 05-03, Urging the Florida Legislature to Support a Comprehensive Growth Management Plan**

At the February 17, 2005 Regular Workshop Meeting Vice Mayor Webster requested Town Commission consideration of a resolution supporting the Manasota League of Cities position on growth management issues. The Town Commission forwarded this item to the March 7, 2005 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 05-03.

**10. Resolution 05-04, Australian Pine Removal Policy**

A significant amount of damage was caused by fallen Australian pine trees in the recent Florida hurricanes. The Town Commission has asked staff to study the issue to determine what actions can be taken to protect the Town from damage from fallen Australian pines during major storm events. Recommended Action: Pending discussion, pass Resolution 05-04.

**New Business****11. Advanced Funding Approval - Red Tide Clean Up**

At the February 17, 2005 Regular Workshop Meeting there was Town Commission consensus to authorize the Town Manager to utilize up to \$100,000 to initiate red tide clean up efforts if it becomes necessary. This item is placed on the agenda to formalize that authorization. Recommended Action: Pending discussion, provide direction to Manager.

**12. Budget Transfer in the Amount of \$35,000 to Fund Australian Pine Removal Program**

At the February 17, 2005 Regular Workshop Meeting the Town Commission directed staff to prepare a Resolution outlining an Australian pine removal program. Resolution 05-04 was presented for Town Commission consideration at this meeting. In the event the Resolution is passed at this meeting this budget transfer is necessary to fund the program. Recommended Action: Pending discussion, provide direction to Manager.

**Town Commission Comments****Town Attorney Comments****Town Manager Comments****Press to be Heard****Adjournment**

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

# **ORDINANCE 03-05**

**AN ORDINANCE AMENDING ORDINANCE 03-00 AND THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY IN CHAPTER 93, VESSELS, WATERWAYS AND WATER ACTIVITIES, SECTION 93.100 MAP, IN ORDER TO AMEND AND EXPAND THE "SLOW SPEED-MINIMUM WAKE" AS ESTABLISHED BY ORDINANCE 03-00; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town has promulgated rules and regulations to promote safety for boating, swimming and other water related activities in the waters of the Town; and

**WHEREAS**, the Town has had numerous complaints concerning water activity in that certain area described below; and

**WHEREAS**, the Town acknowledges that the area has become more congested due to the number of people and boats engaged in water activity; and

**WHEREAS**, Section 93.07 provides that the Town Commission may designate additional specific areas as an "Area of Restricted Water Activities"; and

**WHEREAS**, a public hearing was conducted and all testimony has been presented; and

**WHEREAS**, the Town Commission finds that the designation of an additional specific area as an "Area of Restricted Water Activities" is necessary for the safety and welfare of the citizens of the Town; and

**WHEREAS**, the Town Commission adopted Ordinance 03-00, passed on first reading on June 2, 2003, and second reading on July 7, 2003; and

**WHEREAS**, it has become apparent that the zone, as established in Ordinance 03-00, can be expanded to more effectively police the subject area and more adequately protect the safety and welfare of the citizens of the Town;

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

Section 1. Chapter 83: VESSELS, WATERWAYS AND WATER ACTIVITIES, Section 83.100, Map, depicting "Slow Speed-Minimum Wake" zones with the descriptions attached thereto and made a part thereof, is amended to expand the zone established by Ordinance 03-09, and designate the following described total area as an "Area of Restricted Water Activity":

2. A portion of state waters located west of Jewfish Key running from the most western point of Jewfish Key (latitude 27 degrees 26'45"N, longitude 82 degrees 40'57"W), westerly to a point at latitude 27 degrees 26'44"N, longitude 82 degrees 41'14"W; thence along the southern shores of Anna Maria Island to a point at the southwest tip of Anna Maria Island (latitude 27 degrees 26'40"N, longitude 82 degrees 41'27"W); thence southeast to the northeast part of Beer Can Island at a point at latitude 27 degrees 26'32"N, longitude 82 degrees 41'21"W; thence south along the east side of the shores of Beer Can Island to a point at latitude 27 degrees 26'18"N, longitude 82 degrees 41'21"W; thence continuing along in an easterly and southerly direction, until a point at the southeast corner of the Broadway Street right-of-way (latitude 27 degrees 26'18"N, longitude 82 degrees 40'51"W); thence easterly to the southerly tip of Jewfish Key (latitude 27 degrees 26' 20"N, longitude 82 degrees 40'38"W); thence northerly along the shores of Jewfish Key to the point of beginning (encompassing the entire area all as more particularly described in the grid attached hereto as Exhibit "A").

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 first reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

Adopted on second reading and Public Hearing this \_\_\_\_ day of \_\_\_\_\_  
2005.

\_\_\_\_\_  
Ronald A. Johnson, MAYOR

ATTEST:

\_\_\_\_\_  
Donna H. Spencer, TOWN CLERK  
Attachment: Map (Exhibit "A")

**Hankin, Persson, Davis, McClenathan & Darnell**

Attorneys and Counselors At Law  
A Partnership of Professional Associations  
1630 Ringling Boulevard  
Sarasota, Florida 34236

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David D. Davis  
Chad M. McClenathan\*  
Robert W. Darnell  
Andrew H. Cohen  
Michael T. Hankin  
Andrew W. Ross

\*Deputy Criminal Trial Counsel

February 10, 2005

VIA FACSIMILE AND REGULAR MAIL

Bruce F. St. Denis  
Town Manager  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

Re: Jewfish Key Speed Zone

Dear Mr. St. Denis:

The Town Commission enacted Ordinance 03-09 (enclosed herein) establishing a "slow speed-minimum wake zone" in the area near Jewfish Key. Based on the aforementioned Ordinance, I submitted an application to the Florida Fish and Wildlife Conservation Commission ("FWC") to authorize the placement of markers to establish the subject zone. The FWC granted a temporary permit for the placement of the markers, and as soon as the final as-built marker list is received by the FWC, the final permit should then issue.

The zone that was permitted, however, is an expanded version of the area referenced in Ordinance 03-09. After discussion with the FWC, it became apparent to the Town and the FWC that the zone, as established in the Ordinance, could be expanded to more effectively police the subject area and advance the intent of the Ordinance to protect the safety and welfare of the citizens of the Town. The FWC agreed to issue the permit for a larger area than referenced in the Ordinance, and granted the permit for a zone that is larger than the zone originally contemplated. The zone, as amended, now extends west of the Longboat Pass Bridge (a sketch of the zone is attached hereto).

Mr. Bruce F. St. Denis  
February 10, 2005  
Page 2

As the zone has expanded from the area originally referenced in Ordinance 03-09, it has now become necessary to revise the Ordinance to describe the entire area. Therefore, I am requesting you place this item on the agenda for discussion at the February 17, 2005 Commission workshop. Should the matter be moved forward, I will draft an Ordinance to be presented at the March 7, 2005 Commission meeting, amending Ordinance 03-09 to reflect the new expanded zone.

Thank you for your attention to this matter. If you have any questions, please contact me.

Respectfully,



Andrew H. Cohen

AHC:krc  
Enclosures

Cc: Albert F. Hogle, Police Chief  
Officer Dennis Silverio  
James Linkogle  
David P. Pearson, Esq.

ORDINANCE 03-09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY IN CHAPTER 93, VESSELS, WATERWAYS AND WATER ACTIVITIES, SECTION 93.100 MAP, TO ESTABLISH AN ADDITIONAL AREA OF RESTRICTED ACTIVITY IN THE "SLOW SPEED-MINIMUM WAKE" ZONE; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has promulgated rules and regulations to promote safety for boating, swimming and other water related activities in the waters of the Town; and

WHEREAS, the Town has had numerous complaints concerning water activity in that certain area described below; and

WHEREAS, the Town acknowledges that the area has become more congested due to the number of people and boats engaged in water activity; and

WHEREAS, Section 93.07 provides that the Town Commission may designate additional specific areas as an "Area of Restricted Water Activities"; and

WHEREAS, a public hearing has been conducted and all testimony has been presented; and

WHEREAS, the Town Commission finds that the designation of an additional specific area as an "Area of Restricted Water Activities" is necessary for the safety and welfare of the citizens of the Town.

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

Section 1. Chapter 93: VESSELS, WATERWAYS AND WATER ACTIVITIES, Section 93.100, Map, depicting "Slow Speed-Minimum Wake" zones with

the descriptions attached thereto and made a part thereof, are amended to designate the following described area as an "Area of Restricted Water Activity" (Demarcation 187):

2. A portion of state waters located west of Jewfish Key running from the northern tip of Jewfish Key to a point of the Longboat Key Pass Bridge 500 feet north of the northerly end of Longboat Key; thence southerly along the easterly side of said bridge to the shores of Longboat Key, thence along said shores of Longboat Key in an easterly and southerly direction until a point at the southeast corner of the Broadway Street right-of-way; thence easterly to the southerly tip of Jewfish Key; thence northerly along the shores of Jewfish Key to the point of beginning.

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 first reading this 2nd day of June 2003.

Adopted on second reading and Public Hearing this 7<sup>th</sup> day of July 2003.

ATTEST:

  
Donna H. Spencer, Town Clerk

  
John R. Redgrave, Mayor

Attachment: Map (EXHIBIT "A")

SIGN #5

SIGN #4

SIGN #3

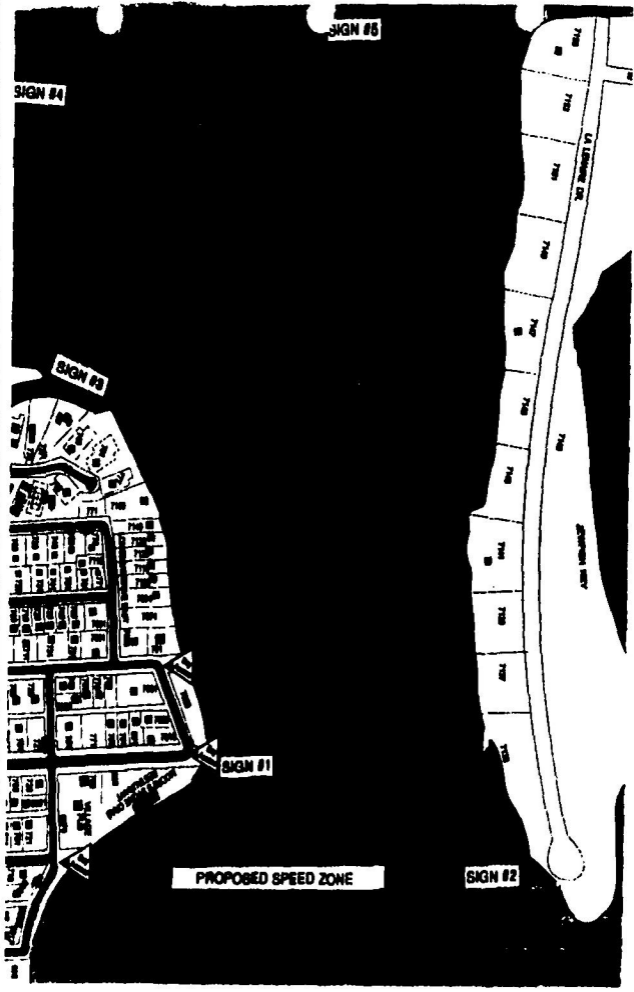
SIGN #1

PROPOSED SPEED ZONE

SIGN #2

LA LINDSEY DR

STANFORD BLVD





5715 NW 158 Street Miami Lakes, FL 33014 305.696-8770

**THE PREVIOUS  
DOCUMENT IS IN  
POOR  
CONDITION**

DATA CONVERSION CENTER

**KODAK**



**MEDIA PRODUCTS**

# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



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**COLONEL JULIE JONES** Director  
**LT. COLONEL DON HOLWAY** Deputy Director  
**LT. COLONEL JIM McCAJETER** Deputy Director  
**LT. COLONEL MIKE WYLL** Deputy Director  
(904) 488-4381, TDD (904) 488-8642

October 14, 2004

Mr. Andrew H. Cohen, Attorney  
Hankin, Persson, Davis, McClenathan & Darnell  
1820 Ringling Boulevard  
Sarasota, Florida 34236

RE: File Number: 0405-0458-02985  
Location: Jewfish Key - Town of Longboat Key

Dear Mr. Cohen:

The Boating and Waterways Section is in receipt of your request for placement of uniform waterway markers on behalf of the Town of Longboat Key.

We received your message yesterday afternoon regarding the desire to expand the proposed Slow Speed Minimum Wake zone as shown by the location of the red grid overlay. We have also provided a map indicating the approximate location of the markers, based upon the map provided via facsimile.

By copy of this letter, the Boating and Waterways Section is issuing this temporary authorization for placement of sixteen (16) uniform waterway markers. These markers must be installed as shown in the accompanying drawing and have been inserted into the Florida Waterway Marker Application for your addition of the "as-built" coordinates.

As you and your client may be aware, the areas in and around Jewfish Key are within a state manatee protection zone. This zone will be posted during the upcoming months. Therefore, it will be necessary to ensure correct installation of your markers is accomplished including the installation of appropriate state manatee markers. The marker shown, as Side B should be installed at locations 1 and 4.

Mr. Andrew H. Cohen, Attorney  
Hankin, Persson, Davis, McClenathen & Darnell  
October 14, 2004  
Page Two

As promised I have already contacted Mr. Joe Embres, inquiring about the possible use of existing United States Coast Guard aids to navigation markers to place of a regulatory marker on their red daymark. If this cannot be accomplished, the Town will have to install an additional pile to support the regulatory marker.

*This temporary authorization will be in effect through January 31, 2005. If you foresee an extension of this temporary authorization being required, the request must be received in writing, at least two weeks prior to expiration. This request may be submitted via electronic mail [tara.alford@myfwc.com](mailto:tara.alford@myfwc.com)*

Upon receipt of the "as-built" latitude/longitude markers, the Boating and Waterways Section will immediately proceed with the issuance of the final permit.

As always, should you have any questions, do not hesitate to contact me at 850-410-0656, extension 17169 or [tara.alford@myfwc.com](mailto:tara.alford@myfwc.com)

Sincerely,

Tara Alford /e-signature

Ms. Tara Alford, Management Analyst  
Boating and Waterways Section  
Division of Law Enforcement

/tra

Enclosure

cc: Mr. Joe Embres, USCG  
Mr. Harry Michaels, DEP  
Captain Andy Krause, FWC  
TARA2000\WONICW\JEWFI\$HKEY1.DOC

Mr. Joe Bachelor, USCOE  
Major Bruce Hamlin, FWC  
Ms. Dawn Griffin, FWC



Chart Name: LEMON BAY TO PASSAGE KEY INLET  
 Chart ID: 11424, 1  
 Top Left: 27° 28' 0" N 82° 42' 14" W  
 Bottom Right: 27° 25' 17" N 82° 38' 48" W

© MAPTECH, INC

12° 41' 45" W

82° 41' 30" W

82° 41' 15" W

82° 41' 0" W

82° 40' 45" W

N 0 12 21

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N 0 12 21

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12° 41' 45" W

82° 41' 30" W

82° 41' 15" W

82° 41' 0" W

82° 40' 45" W

Chart Name  
Chart ID  
Top Left  
Bottom Right

LEMON BAY TO PASSAGE KEY INLET  
11424-1  
27° 27' 12" N 82° 41' 45" W  
27° 25' 50" N 82° 40' 30" W

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