

MINUTES OF REGULAR MEETING OF LONGBOAT KEY TOWN COMMISSION, SEPTEMBER 15, 1976, 8:00 P.M.

Meeting called to order by Mayor Kenney at 8:00 P.M.

Present: Mayor Kenney, Commissioners Edmundson, McCall, Petrick, Ridyard

Also

Present: Town Manager Allgire, Town Attorney Whitesell, Town Clerk Hager

Absent: Commissioners Ochs and Sedwick

There being a quorum present, the meeting was in order.

1. MINUTES APPROVAL

On motion of Edmundson, second of Ridyard, carried unanimously, the minutes of regular meeting July 21, special meeting July 27, and regular meeting August 25, 1976 were approved.

2. EROSION CONTROL LINE RESOLUTION (76-19)

At the direction of the Commission, Resolution No. 76-19 was read requesting the Department of Natural Resources and Environmental Regulation to conduct a survey and establish an erosion control line within a part of the shoreline of the Town of Longboat Key (the northerly approximately 6,000 feet of Longboat Key). It was moved by Petrick, seconded by Ridyard that the resolution be adopted. Motion carried unanimously.

3. SEAPLACE SOUTH AMENDED SITE PLAN RESOLUTION (76-21)

At the direction of the Commission, the conditions attached to Resolution No. 76-21, approving an amended site plan for Seaplace South, were read. It was moved by McCall seconded by Ridyard, that Resolution 76-21, with attached conditions, be adopted. Motion carried unanimously.

4. TRAFFIC PATTERN - ST. ARMAND'S KEY RESOLUTION (76-22)

At the direction of the Commission, resolution was read urging the City Commission of the City of Sarasota to restudy the proposed experimental traffic flow plan for St. Armand's Key. It was moved by Petrick, seconded by Ridyard that the resolution be adopted. Motion carried unanimously.

5. MILLAGE ORDINANCE (76-29)

At the direction of the Commission, Ordinance No. 76-29 levying 1.350 mills to pay principal and interest on General Obligation Water & Sewer Bonds, and 2.155 mills for General Revenue purposes, for a total of 3.505 mills ad valorem tax, was placed on first reading by title only. Mayor Kenney explained that the Town Manager and Finance Director had reported it would be possible to reduce the millage for bonded indebtedness to 1.223 if the Commission wished to do so. It was moved by Petrick, seconded by Ridyard that the ordinance be passed on first reading with the bonded indebtedness millage reduced to 1.223, which with the 2.155 for General Revenue, would reduce the total from 3.505 to 3.378 mills. Public hearing to consider the ordinance with the proposed amendment was opened. No one wished to appear and the hearing was closed. Motion carried. Edmundson, aye; McCall, aye; Petrick, aye; Ridyard, aye; Kenney, aye.

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6. TREE REMOVAL AMENDING ORDINANCE (76-21)

It was moved by Ridyard to table Ord. No. 76-21 for further review in view of a memorandum which Commissioner Ochs had written suggesting some amendments. Commissioner Edmundson agreed, and asked that the Town Manager prepare written administrative procedures to accompany this ordinance. Edmundson also seconded the motion. The Town Attorney pointed out that if the public hearing were not held as advertised, the appropriate motion would be to not adopt the ordinance, in which case it would have to be rewritten and started over. On the other hand, the public hearing could be held, the ordinance tabled, and changes made at a workshop. At the direction of the Commission, Ordinance 76-21 was placed on second reading by title only, and public hearing opened. An unidentified person in the audience expressed disappointment at further delay in the ordinance. It was determined, however, that the mangroves he is interested in pruning lie below the mean high water line; the Town has no jurisdiction and he would need to secure a State permit for trimming them. He was instructed to contact the Town Manager who would direct him to the proper State agency. No one else wished to appear and the hearing was closed. Motion to table carried unanimously.

7. SUBDIVISION REGULATIONS AMENDING ORDINANCE (76-28)

At the direction of the Commission, Ordinance No. 76-28 amending Section 4.10 Plats to be submitted, Subdivision Regulations of the Town Code, was placed on second reading by title only. Public hearing on the ordinance was opened. No one wished to appear and the hearing was closed. It was moved by Petrick, seconded by Ridyard that the ordinance be passed on second reading and finally adopted. Motion carried. Edmundson, aye; McCall, aye; Petrick, aye; Ridyard, aye; Kenney, aye.

8. FOUR WINDS AMENDED SITE PLAN RESOLUTION (76-20)

At the direction of the Commission, the conditions attached to Resolution No. 76-20 approving amended site plan for Four Winds Beach Resort, were read. It was moved by McCall, seconded by Edmundson to adopt Resolution 76-20 with attached conditions. Motion carried unanimously.

9. COLONY BEACH SIGN VARIANCE DENIED

Town Manager Allgire explained that American Sign Co. had applied for a sign permit to erect a sign at Colony Beach & Tennis Club, and the plans as submitted were approved by the Building Department and the Sign Committee. However, upon installation the sign was found to be at least 13 feet in height whereas the sign ordinance permits only 12 feet. The Town Building Department ordered removal of the sign and the applicant subsequently filed a request for a variance. It was moved by Petrick to deny the variance for the sign at Colony Beach. Mr. Petrick commented he had looked at the sign carefully and felt there is no way it could be construed as not being over 12 feet high. Even if expensive to remedy he felt the Commission should not allow any height variations. Motion was seconded by Ridyard and carried unanimously.

10. SEWER CONNECTION DELINQUENT LIST

Town Manager Allgire presented a list of people delinquent in connecting to the Town's wastewater system. Commissioner Edmundson pointed out that the house listed at 795 Marbury Lane had been sold, and he questioned whether the new owner should be classified as "delinquent", and therefore whether the list could be depended upon as accurate. Mr. Allgire stated the list is accurate, and represents those people from

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an original list who did not connect after receiving a registered letter from the Town Attorney to do so. The Town Attorney pointed out that anyone on the list who is in the process of connecting would not be legally acted against. It was moved by Edmundson to turn the list over to the Town Attorney for appropriate legal action after the list has been reviewed by the Town Manager to be sure it is up-to-date. McCall seconded the motion and it carried unanimously.

11. KIRSTEIN SUIT DIRECTIONS

Letter had been received by the Town Attorney and presented to the Commission at the work session from the attorney for Paul H. Kirstein with a proposed settlement relating to use of land which had been rezoned in the Town's 1974 Zoning Ordinance and subsequently taken to court by Mr. Kirstein. The Town has filed for a rehearing in the case and it has been scheduled. It was moved by Ridyard, seconded by Petrick to direct the Town Attorney to reject the settlement offer and pursue the rehearing. Motion carried unanimously.

12. SEWER CONNECTION TIME EXTENSION AND FEE WAIVER

As discussed at work session, it was moved by Petrick, seconded by Edmundson to waive the \$150 connection fee for A. H. Hayes, 3014 Gulf of Mexico Drive, for connecting to the Town's wastewater system, providing the connection is made by October 1, 1976. Motion carried unanimously. The Commission had determined at work session that Mr. Hayes, an out-of-state owner of rental property at the aforementioned address, had not received proper notification.

13. COVERT II PARKING PLAN

A parking plan for Covert II, 5231 Gulf of Mexico Drive, had been presented and discussed at work session. It was determined at that time that the parking plan would bring Covert II into compliance with the zoning ordinance which was in effect when the condominium was built. Mr. Petrick stated he would like to see some trees added along the sides of the parking area, and Mr. McCall stated there are existing trees which are not indicated on the drawing. It was moved by McCall, seconded by Edmundson that the parking plan designated on the drawing as "Proposed Parking A", be approved. Motion carried unanimously.

14. YOUTH CENTER CONTRIBUTION

As discussed at work session, it was moved by Petrick, seconded by Edmundson to approve a \$2500 contribution to the Longboat Key Youth Center in the 1976/77 budget. Motion carried unanimously. The Finance Director had certified funds were available.

15. DOUBLE TAXATION SETTLEMENT OFFER

The Town Attorney had presented for Commission consideration a proposed double taxation settlement with Manatee County which would amount to setting up a Municipal Service Taxing Unit in the unincorporated areas and fixing their millage rate to raise \$900,000 which would be used to relieve the incorporated areas. It was pointed out that such a settlement would in no way jeopardize next year, and it also requires that the County keep sufficient records so that next year they can set individual millages for each municipality. It was moved by Petrick, seconded by McCall that the Commission endorse

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this offer to the Manatee County Commission. The Town Attorney stated that it is his understanding the City of Bradenton will make a similar recommendation, and the same proposal will be presented to the Bradenton Beach City Council for their approval. Motion carried unanimously. Mr. Whitesell said an answer should be received before September 28 and if it is not settled, the matter is set for pretrial hearing October 6.


16. DOUBLE TAXATION - SARASOTA COUNTY - TOWN ATTORNEY DIRECTIONS

It was moved by Petrick, seconded by Edmundson to direct the Town Attorney to defend the interlocutory appeal concerning double taxation in Sarasota County. Motion carried unanimously. Mr. Petrick pointed out that this would be done with the Sarasota County League of Cities.

17. ADJOURNMENT

Mayor Kenney declared the meeting adjourned at 9:05 P.M.


William J. Kenney, Mayor


E. Jane Pool, Deputy Town Clerk

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