

MINUTES OF SPECIAL MEETING OF LONGBOAT KEY TOWN COMMISSION, SEPTEMBER 14, 1977, 8:00 P.M.

Meeting called by notice given at the meeting immediately preceding the special meeting and so recorded in the minutes of that meeting, in accordance with Article II, Sec. 15 of the Town Charter. Meeting called to order by Mayor Petrick at 8:00 P.M.

Present: Mayor Petrick, Commissioners Edmundson, McCall, Ochs, Ridyard, Sedwick, Seegel

Also Present: Acting Town Manager Cox, Town Attorney Whitesell, Town Clerk Hager

Absent: None

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

1. ACTING TOWN MANAGER APPOINTMENT APPROVED

In accordance with Article III, Section 3 of the Town Charter, the Town Manager had by letter appointed Al Cox Acting Town Manager during Mr. Allgire's absence September 14 through September 24. It was moved by Sedwick, seconded by Ochs that the appointment be approved. Motion carried unanimously.

2. COMMITTEE REPORTS

Commissioner Ochs had filed with the Commission a written report about his testimony at the hearing held by the Florida Constitution Revision Commission at Ft. Lauderdale. Mr. Ochs reported that most counties but not many cities had representatives there. The Florida League of Cities presented 16 policy statements. In Mr. Ochs' testimony before the Commission regarding dual taxation he had suggested an amendment to the existing section of the Constitution that would follow the language used by the Florida Supreme Court in the Alsdorf Case. The League of Cities had a suggested amendment also and Mr. Ochs had indicated Longboat Key would not object to it, but he did feel following the language of the Supreme Court was preferable to avoid having to go through another court interpretation. Mr. Ochs' proposed amendment would also cause the counties to include State and Federal revenue sharing funds in revenues from which municipal taxpayers were entitled to receive benefits. Mr. Ochs further stated he was favorably impressed with the make up and concern of the Commission. Sarasota County had presented two resolutions at the hearing, one of which asked for strengthening of home rule for charter counties. In other words, they would like to be able to pass ordinances that would supersede municipal ordinances and to be able to impose ad valorem taxes and municipalities would have no right to complain even if the county were assigning all the money to unincorporated areas. One of the items in the League of Cities statement attempts to prevent such eventualities, however. Mr. Ochs suggested that the Town Commission should perhaps address the Constitution Revision Commission concerning this resolution presented by Sarasota County to make sure they don't misunderstand the intent. The Commission asked Mr. Ochs to write such a letter.

Mr. Ochs also reported having received a phone call from Sarasota County Commission Chairman Clay stating that the county was now going to discuss the possibility, which the Town of Longboat Key had brought up at the DOT hearing on the New Pass Bridge replacement, of trying to get Big Pass dredged and maintained and retaining the present New Pass Bridge in a closed position. Mr. Ochs had told her that at this point he felt the Town would only support this position if it could be accomplished within the same time as that proposed by the DOT for replacement of the New Pass Bridge.

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Commissioner Seegel commended Commissioner Ochs for the excellent job he had done with the Constitution Revision Commission. He suggested that a resolution be drawn up for consideration at the upcoming Florida League of Cities meeting backing Mr. Ochs' suggestions as outlined in his written and oral reports. The other Commissioners agreed, and Mayor Petrick asked Mr. Ochs to prepare such a resolution and get it to City of Sarasota Commissioner Saprito who is on the appropriate committee for the League of Cities meeting.

3. MILLAGE RATE ORDINANCE (77-23)

At the direction of the Commission, Ord. No. 77-23 setting a millage rate of 4.423 for the 1977-78 fiscal year was placed on first reading by title only. Mayor Petrick explained that the 3.165 for general obligation purposes included .81 mills as voted for in referendum for bike path construction, plus .200 mills as requested by a citizens group for an ambulance and paramedics - on which question a public hearing is scheduled later in the meeting. 1.258 mills is for debt service on outstanding general obligation water and sewer bonds. It was moved by Sedwick, seconded by McCall that the ordinance be passed on first reading. Motion carried. Seegel, aye; Edmundson, aye; Sedwick, aye; Petrick, aye; Ridyard, aye; McCall, aye; Ochs, aye.

4. BUDGET AMENDING ORDINANCE (77-22)

At the direction of the Commission, Ordinance No. 77-22 amending the budget for fiscal year 1976-77, as amended by Ord. 76-30, appropriating excess fund balance in the Utility Fund and budgeting increased capital expenditures in the capital project bicycle path fund, was placed on second reading by title only. Mayor Petrick explained the purpose of the ordinance was to borrow funds temporarily from the Utility Fund for construction of the bicycle path until tax receipts for the bike path come in, at which time the moneys will be returned to the Utility Fund. It was moved by Seegel, seconded by Ochs Be It Resolved: that the funds which are being borrowed from the surplus Utility Funds to finance construction of the bike path be paid back forthwith upon receipt by the Town of the one time tax which is being imposed for that purpose, and those funds received be used for no other purpose whatsoever. Motion carried unanimously. It was moved by McCall, seconded by Ridyard that Ord. No. 77-22 be passed on second reading and finally adopted. Pursuant to published notice, public hearing on the ordinance was opened. John G. Loehler suggested that municipal bonds be issued to pay for the bike path. Pat Cobb stated that she was against any increase in millage except for the bike path. Bill Jones inquired why it was necessary to raise the millage if there are funds in the Utility Fund and Mayor Petrick explained that while such funds can legally be used for any legal purpose of the Town the citizens of Longboat Key through the Longboat League have made it abundantly clear that they want such funds used only for Utility Fund purposes. Also, the referendum question which passed was to raise up to 1 mill in a one time tax for construction of a bike path. Eugene Schlatterer stated that the Longboat League does not represent the whole Island. Harold Weiss inquired as to the dimensions of the bike path and was told it will be a six foot path on the east side of Gulf of Mexico Drive from Broadway to the New Pass Bridge. No one else wished to be heard and the hearing was closed. Motion to pass on second reading and finally adopt Ord. 77-22 carried. Seegel, aye; Edmundson, aye; Sedwick, aye; Petrick, aye; Ridyard, aye; McCall, aye; Ochs, aye.

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5. TAX INCREASE PUBLIC HEARING

Prior to opening the public hearing on the proposed tax increase, Mayor Petrick pointed out that inasmuch as the .810 mills for the bike path had been approved by referendum the main topic of discussion would be the .200 mills for two firefighter-paramedics and an ambulance. Also, unlike the bike path, this would not be a one time tax. He asked Fire Chief Bob Bullard to explain what services will be increased if the .200 mills is adopted. Chief Bullard stated that the approximately \$56,000 which the tax would bring in would provide an ambulance and trained paramedics to man it around the clock and the existing five year old rescue vehicle would become a backup unit. Commissioner Seegel raised a question as to whether the proposed 1977-78 budget provides for 10 or 12 fire rescue personnel and although there was some confusion on this point in the Town Manager's absence, Chief Bullard was of the opinion that the budget would provide only 10. Mr. Seegel also inquired whether there would be a charge for ambulance use, and Chief Bullard stated he would recommend an equitable charge if the Town goes into ambulance transporting. In answer to a question by Mr. Ochs, the Fire Chief stated that if the millage is adopted, paramedic service should be available by January 1. Pursuant to notice published in accordance with state statute requirements, public hearing on the proposed millage increase was opened. Pat Cobb spoke against the proposed tax increase for two firefighter paramedics and an ambulance. Asking questions were: Bill Jones, Walter McGuire, Jim Lilly, Bob Howard, and John Loehler. Speaking in favor of the proposition were: Maye Lavinson, Sal Chiefari, Charles Martin, Grace Waters, Rick DeFuria, Jerome Lawson, Arthur Heilsberg, Harold Jenkins (representing the Longboat League) and James Waters. No one else wished to be heard and the hearing was closed. In compliance with state statutes, a second public hearing will be held September 28.

Mayor Petrick declared a five minute recess.

6. THE CASTILIAN - SITE PLAN APPROVAL

The Commission had reviewed at the work session the amended site plan for "The Castilian", a 60 unit 5 story condominium project at 4515 Gulf of Mexico Drive. Acting Town Manager Cox read a list of three items that should be included in the resolution of site plan approval. Mr. Cox stated that the amended site plan complied with all recommendations of the P&Z Board and the Town Staff. It was moved by Ridyard, seconded by Edmundson that the site plan be approved with the stipulations as listed by Mr. Cox to be included in the resolution of approval. Commissioner McCall stated he was not very enthusiastic about the project because of the length of the buildings, and would like the Commission as soon as possible to restudy the zoning ordinance as to square footage of units, density, and resulting bulk. Commissioner Seegel stated he did not think multi-family buildings should be permitted on 100' lots. Further, there is an amendment to the zoning ordinance in process which would make the 150' maximum "suggested" length of buildings mandatory. Commissioner Ochs agreed with Mr. McCall's suggestion that some steps should be taken to tie density into square footage of units. Mayor Petrick suggested it might be a good idea to have Adley Associates study this idea and make recommendations. Motion carried. Edmundson, Sedwick, Petrick, Ridyard, McCall, Ochs voting, "aye", Seegel voting, "no".

7. JUNGLE QUEEN WAY PAVING-DRAINAGE

Bids had been received by the Town and later discussed at work session for paving and drainage of a portion of Jungle Queen Way. The Acting Town Manager reported that the low bid was from Warren Bros. Co. in the amount of \$19,780.30. It was moved by Sedwick, seconded by McCall that the contract for paving and drainage of a portion of

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Jungle Queen Way be awarded to the low bidder, Warren Bros. as stated above. Motion carried unanimously.

8. THE WILLET SITE PLAN DISAPPROVAL

The Commission had discussed at work session a request from the developer and the architect for The Willet Condominium (just south of Cedars West on Gulf of Mexico Drive) for reconsideration of the site plans which had been disapproved at the August 24 special meeting. The plans were for four stories rather than three within the 40 foot height limitation and the Commissioners all agreed the plans did not meet the criteria of being particularly good planning and design. Therefore, they could not grant permission to exceed the number of stories regulations. It was moved by McCall, seconded by Edmundson to again disapprove the proposed site plan for The Willett. Motion carried unanimously.

9. BICYCLE PATH BIDS

The Commission had discussed at work session bids received for construction of the bicycle path and Mayor Petrick stated the Commission must now decide whether to build it of Portland cement concrete or of asphalt. Acting Town Manager Cox stated the Staff has recommended Portland cement concrete because it is more durable, less maintenance is required, more controlled grading will be possible, water pockets will be eliminated and the savings in maintenance costs should make up the difference of \$27,000 in original cost. It was moved by Edmundson, seconded by McCall to accept the low bid from Wendel Kent Co. in the amount of \$112,082.50 for the Portland cement concrete bike path. Motion carried unanimously.

10. CITIZEN ADVISORY COMMITTEE

Mayor Petrick stated that recommendations from the various organizations for appointments to the Citizen Advisory Committee for the Comprehensive Plan were not yet in and appointments would therefore have to be deferred to September 28.

11. PORCH ENCLOSING REQUEST

The Commission had considered at work session a request from Bill Strode as attorney for Loren Ferney that he be permitted to enclose an existing porch at 711 Tarawitt Drive. The porch is non-conforming in being too close to the canal and enclosing it will not move it closer to the canal. The Commission feeling was that enclosing the porch will actually enhance the appearance and benefit the neighborhood. It was moved by Seegel, seconded by Edmundson that a permit be granted for enclosing the porch. Motion carried unanimously.

12. SEAPLACE TEMPORARY CERTIFICATE OF OCCUPANCY

Russ Luce, representing the Arvida Corp., requested a temporary certificate of occupancy for a 40 unit building (G-4) of the Seaplace project. Acting Town Manager Cox and Mr. Luce stated that the building is complete except for three items: Wrong type sprinkler heads in stairwell; phone interconnect between fire alarm and police station; changing a piece of copper pipe to steel pipe to meet fire code requirements. It was moved by Edmundson, seconded by Sedwick to grant the temporary certificate of occupancy upon completion of the aforementioned items under Town Staff supervision.

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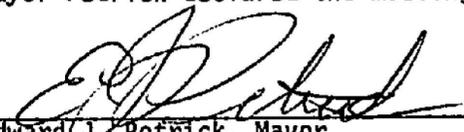
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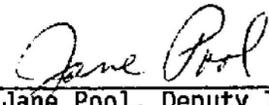
Commissioner Ochs inquired if there would be any danger to occupants of the building by reason of having a temporary certificate of occupancy and was told that there would be none and this has been a common practice in large projects, with bonding to assure completion of the common facilities. Motion carried unanimously.

13. ADJOURNMENT

Mayor Petrick declared the meeting adjourned at 10:10 P.M.



Edward J. Petrick, Mayor



E. Jane Pool, Deputy Town Clerk

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