

TOWN OF LONGBOAT KEY
REGULAR COMMISSION MEETING AGENDA

MARCH 3, 1997

7:00 P.M.

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.

- I. Call to Order and Pledge of Allegiance
- II. Proclamations and Special Presentations
- III. Approval of Minutes
 - 1-29-97 Special Meeting;
 - 2-3-97 Regular Meeting Minutes;
 - 2-20-97 Special Meeting Minutes
- IV. Committee Reports and Communications
- V. Ordinances - First Reading
- VI. Ordinances - Second Reading and Public Hearing
- VII. Resolutions
- VIII. Other Public Hearings
- IX. Closing of Consent Agenda
 1. Approval of The Center Shoppes, Inc. Request for Special Permit to Work Beyond Hours Specified in Town Code
- X. Action on Consent Agenda

The purpose of the Consent Agenda is to expedite those items on an agenda that appear to be of a routine nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Agenda by any member of the Town Commission without having to make a motion, receive a second, or submit to a vote; otherwise, all items on the Consent Agenda are voted upon in their totality by one action (motion, second and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda is a vote of confirmation to the action noted in each item.

Revised Indexed

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XI. Unfinished Business

XII. New Business

1. Appointments to Five-Member Blue Ribbon Committee on Sarasota County Local Option Sales Tax: Albie Frank, Lew Gotthainer, Gordon Haglund, Katherine Moulton, Carl Stier, Andrew Vac
2. Appointment to Code Enforcement Board to Fill Vacancy Created by Resignation of Member for Remainder of Term Expiring 5/97
- * 3. Approval of Legislative Letters re. Town's Position on Current Legislative Issues

XIII. Town Attorney Comments

XIV. Town Manager Comments

XV. Town Commission Comments

XVI. Public to be Heard

XVII. Press to be Heard

XVIII. Adjournment

(* Indicates no agenda material was distributed at this time.)

(# Indicates revision/addition.)

(@ Indicates postponed or requested to be posted.)

If any person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

/dhs

97-07

MINUTES OF THE REGULAR MEETING OF THE LONGBOAT KEY TOWN COMMISSION,
March 3, 7:00 PM

Present: Mayor Drohlich, Commissioners Legler, Patterson, Farber,
Sagman, Loiselle

Absent: Vice-Mayor Metz, Town Attorney Persson

Also Present: Town Manager Roberts, Town Clerk Arends, Deputy Clerk-
Minutes Dunay

I. Call to Order and Pledge of Allegiance

The Regular Meeting of the Longboat Key Town Commission was called to order at 7:00 PM at the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida. Mayor Drohlich led the Pledge of Allegiance to the Flag.

II. Proclamations and Special Presentations

III. Approval of Minutes

1-29-97 Special Meeting; 2-3-97 Regular Meeting; 2-20-97 Special Meeting

It was moved by Legler, seconded by Loiselle, to approve the minutes of the 1-29-97 Special Meeting, the 2-3-97 Regular Meeting, and the 2-20-97 Special Meeting. Motion carried unanimously.

IV. Committee Reports and Communications

1. Sarasota County Children and Youth Services Committee

Commissioner Loiselle stated he had attended several meetings of the Sarasota County Children and Youth Services Committee; the Committee had made progress in checking and determining the worthiness of the projects that received money from the County.

2. Proposed Manatee County Land Purchase

Commissioner Loiselle reported he attended a Manatee County Commission meeting; discussion took place on the purchase of 500 acres of land at Port Manatee; 400 acres would be kept for conservation preservation; 100 acres would be used to expand the Port. He requested the Town Commission send a letter to the Manatee County Commission in support of the purchase.

3. Oil Drilling in the Gulf of Mexico

Commissioner Farber stated he received two phone calls with reference to the oil drilling proposal 10 miles offshore in the Gulf of Mexico. He suggested the development of an opposition task force that would include the City of Sarasota, Town of Longboat Key, and the Anna Maria Island Cities. He explained the group would do whatever was possible to prevent oil drilling in the Gulf of Mexico.

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Commissioner Patterson explained the firm that wished to drill in the Gulf of Mexico was Coastal Petroleum. He suggested contacting ManaSota 88 and pursuing the issue through that venue as opposed to establishing another committee.

Mayor Drohlich asked if Coastal Petroleum received a State exploratory permit. Mr. Roberts reported he would check into the situation and report back to the Commission. Mayor Drohlich stated he also received telephone calls and was of the opinion that Coastal Petroleum did receive an exploratory permit. He stated the Commission needed to become familiar with the situation.

Commissioner Sagman reported Coastal Petroleum was afraid that the State Legislature was going to adopt legislation that would prohibit drilling off the coast of Florida; Coastal Petroleum was attempting to receive a permit before the legislation was adopted; however, the State Legislators were opposed to permitting drilling off the coast of Florida.

Mayor Drohlich requested Mr. Roberts to follow up on the issue and report back to the Commission.

4. Citizens Relations Committee (CRC) Upcoming Town Hall Meeting

Bob Bleyer, 3250 Bayou Road, CRC Chairman, reported the CRC wished to further recommend that the moderator of the upcoming Town Hall meeting on 3-26-97 be a member of the CRC. He explained when the CRC discussed the concept of a Town Hall meeting it was agreed that the meeting would take place away from Town Hall; it would not be conceived as a Town Commission meeting being run for the Commission, by the Commission, and of the Commission. Mr. Bleyer pointed out a Town Hall meeting would be a forum specifically for the people and unlike Town Commission meetings they would be the people's meeting -- an opportunity for the people to address the Commission with their concerns and ask questions about any Town issue. He noted Town Hall meetings should be arranged and presented by citizens.

Mr. Bleyer explained a member of the CRC should serve as moderator, and staff the microphones. He noted it was understood that the Town Commission would approve the agenda, the layout, and format of the Town Hall meeting; however, if the Mayor, Commissioner, or Town Manager were to moderate the Town Hall meeting that would make the Town Hall meeting a transplanted Town Commission meeting. Mr. Bleyer stated concern that the Town Hall meeting would "miss the mark" or the purpose intended -- to have the broadest input and optimum participation of the people. He requested the Commission reconsider their decision and allow a member of the CRC to moderate the 3-26 Town Hall meeting.

Commissioner Sagman firmly disagreed with Mr. Bleyer; the CRC was appointed by the Town Commission and should serve at the pleasure of the Town Commission. She explained the Town Hall meeting was a Town-

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sponsored function; the Mayor was the elected official of the Commission; the Mayor should preside at the forum.

Commissioner Patterson explained he had no objections as to who would moderate the Town Hall meeting; however, the remarks made concerning the Town Commission turning the Town Hall meeting into a Town Commission meeting were not accurate; there was nothing wrong with allowing the Mayor to moderate the Town Hall meeting; nor could it be assumed the Mayor was incapable of moderating a Town Hall meeting without turning it into a Town Commission meeting.

Commissioner Legler stated he could not follow the logic of Mr. Bleyer's statements; however, there was some merit to allowing an independent citizen to moderate the Town Hall meeting. He asked how the past Town Hall meetings were moderated.

Mayor Drohlich stated in the past the Town Manager, the Mayor, and the Chairman of the Communications Committee moderated the Town Hall meetings; there was no precedent established for the moderator at the Town Hall meetings.

Commissioner Farber explained that the moderator of the Town Hall meeting needed to keep the forum open for the public to speak and ask questions; the Mayor could preside just as well as a member of the CRC.

Mr. Bleyer pointed out the CRC strongly believed Commission members should not be the moderator; they should remain available to answer questions; if the Commission were running the Town Hall meeting some citizens may feel the meeting was rigged.

Mayor Drohlich explained there were several options available to choose the moderator of the Town Hall meeting: the Mayor, the Chairman of the CRC, or the Town Manager.

Mr. Bleyer stated any member of the CRC could serve as the moderator. Mayor Drohlich asked what CRC member would serve as a moderator. Mr. Bleyer explained the CRC was considering Jeremy Whatmough.

Commissioner Farber pointed out the moderator should be familiar with the various activities at Town Hall; the moderator would know how to direct the questions; the Mayor, acting as moderator, would not answer questions. He recommended the decision remain for the Mayor to be moderator for the Town Hall meeting.

There was a consensus to have the Mayor act as moderator for the 3-26 Town Hall meeting.

V. Ordinances - First Reading

VI. Ordinances - Second Reading and Public Hearing

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VII. ResolutionsVIII. Other Public HearingsIX. Closing of Consent Agenda

I. Approval of The Centre Shops, Inc. Request for Special Permit to Work Beyond Hours Specified in Town Code (The Village Scribe)
It was moved by Farber, seconded by Patterson, to close the Consent Agenda. Motion carried unanimously.

X. Action on Consent Agenda

It was moved by Patterson, seconded by Farber, to approve the Consent Agenda. Motion carried unanimously.

XI. Unfinished BusinessXII. New Business

1. Appointments to Five-Member Blue Ribbon Committee on Sarasota County Local Option Sales Tax: Albie Frank, Lew Gotthainer, Gordon Haglund, Katherine Moulton, Jim Quinn, Carl Stier, Andrew Vac.

Mr. Roberts reported all nominees could be appointed to the Blue Ribbon Committee.

It was moved by Patterson, seconded by Loiselle, to appoint Albie Frank, Lew Gotthainer, Gordon Haglund, Katherine Moulton, Jim Quinn, Carl Stier, and Andrew Vac to the Blue Ribbon Committee.

2. Appointment to Code Enforcement Board (CEB) to Fill Vacancy Created by Resignation of Member for Remainder of Term Expiring 5-99
Mayor Drohlich pointed out there were three nominees to fill the CEB vacancy: James Barnett, Herb Kellner, and Hope Mitchell. He explained each Commissioner needed to mark the ballot in order of preference (a ranking of "1" would indicate first choice); the nominee with the lowest score would be appointed to the CEB. Mayor Drohlich announced Herb Kellner received the lowest score and was appointed to the CEB. (The ballots are attached to the 3-3-97 Regular Meeting minutes.)

3. Approval of Legislative Letter re. Town's Position on Current Legislative Issues

Mr. Roberts reported a draft letter was prepared following Commissioner Loiselle's suggestions regarding legislation; it was presented for Commission approval; if the letter were approved it would be forwarded over the Mayor's signature to the Chairmen of the Community Affairs Committee and the Telecommunications Committee.

Commissioner Loiselle pointed out there were approximately 20 proposed legislative issues supported by the Florida League of Cities; the items that were beneficial to Longboat Key were selected.

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He commented if the Town Commission belonged to the Florida League of Cities, it should endorse their projects.

Commissioner Patterson asked if the letter would be sent only to one person at each committee or would other members also receive it. Commissioner Loiselle stated the letter could be sent to the Chairman of the Community Affairs Committee and the Chairman of the Telecommunications Committee, as well as local legislative representatives. Commissioner Patterson suggested all members of the Community Affairs and Telecommunications Committees should receive a copy of the letter. Commissioner Loiselle stated there were approximately 16 members on the Committees and there would be no problem with sending one to each member.

It was moved by Legler, seconded by Sagman, to approve the legislative letter stating the Town's position on current legislative issues; the letter would be mailed to the Community Affairs Committee members, the Telecommunications Committee members, as well as the local representatives. Motion carried unanimously.

XIII. Town Attorney CommentsXIV. Town Manager Comments1. Re-paving the Roadway on Gulf of Mexico Drive by Bayport Beach & Tennis Club Condominium Association

Mr. Roberts reported the roadway construction and the safety wall were almost completed; landscaping the road-shoulder, realigning the roadway and necessary re-paving would be completed soon. He pointed out the work would be performed "after hours"; the work would be completed as soon as possible with the least amount of interruption. Mayor Drohlich asked if the seawall were completed. Mr. Roberts advised that the seawall was basically completed; however, some clean-up work was necessary.

2. Non-Binding Ballot - Draft of Fact Sheet

Mr. Roberts reported the fact sheet, requested by the Commission, was in draft form; it remained a work in progress and nothing would be final until the Commission approved it. Mr. Roberts advised the Commission needed to review the fact sheet and determine if it represented the collective thinking of the Commission. He reported the fact sheet was comprised of comments received from the Longboat Key Cultural and Community Center, Inc. (LBKCCC, Inc.); only factual items were included on the fact sheet. He advised that several comments were received from the Commission; changes were made to reflect Commission suggestions; however, in the opinion of staff, some comments were not completely factual and were not included.

Mr. Roberts reported Betty Blair, Political Interest Committee (PIC) President, was contacted and asked if she wished to submit her views; Mrs. Blair would speak to the Commission this evening.

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Commissioner Sagman stated her appreciation for her comment being added to the fact sheet; however, the one not included dealt with the amount of required parking spaces. Mr. Roberts reported the exact amount of required parking spaces would not be known until the site plan was submitted.

Commissioner Legler explained he voted to allow the fact sheet; however, there was no need for a fact sheet; the Commission was getting into a position of advocating the issue. He suggested mailing the straw ballot without the fact sheet.

Commissioner Patterson agreed with Commissioner Legler; although he disagreed with the Town Manager on two points: 1) as the minutes were presented he did not see where the Commission by consensus or any other means agreed to distribute a fact sheet; the Mayor made a suggestion; however, the Commission never agreed to it; 2) it would be highly inappropriate for something as contentious as the issue was to jeopardize what may be a beautiful facility; the Commission should not be a marketing tool, nor should the Town Manager contact the committee that was advocating the cultural and community center. He noted the letter was appropriate; however, the fact sheet should not be distributed.

Commissioner Farber pointed out the Commission did reach a consensus to move forward with the fact sheet. He agreed there was no need for the fact sheet; the merits of the proposal should stand on their own; the proponents on either side of the issue should make their own case; it was not up to the Commission to make the case. He suggested the letter be sent out without the fact sheet. Mayor Drohlich declared it was impossible to prepare a fact sheet that was agreeable to everyone.

Jim Wheeler, 757 St. Judes Drive South, stated if the fact sheet were sent to every household, problems could be exacerbated.

Rudy Meiselman, 775 Longboat Club Road, stated the fact sheet was not a work in progress and was sent out to absentee voters. Mayor Drohlich confirmed the fact sheet was not sent to absentee voters. Mr. Meiselman stated the author of the fact sheet may not have intended any bias; however, the fact sheet was more than vague and ambiguous, it advocated a position. He noted that a fact sheet was not mailed to voters prior to any other referendum; he questioned why it was necessary to send out a fact sheet at Town expense. Mr. Meiselman pointed out the referendum was not about the merits of having an improved Art Center and Education Center, nor was it about the merits of establishing a community center; these points were not explained in the fact sheet.

Mr. Meiselman explained voters were informed in the fact sheet that Mr. Weller's bequest would be lost if the voters did not approve the

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referendum; that statement implied that Mr. Weller's bequest required the cultural and community center be built in the Park; voters who would receive the fact sheet would believe that was correct; however, Mr. Weller's bequest only required that the facility must be on Town-owned land; no mention was made in the fact sheet that there were other Town-owned properties that were available for the facility that did not require rezoning. Mr. Meiselman pointed out there was no mention of the property being given to the Town as open space in exchange for the Town approving extensive increased density to the Promenade condominiums and The Water Club buildings; most voters were not aware of the history. He noted it was stated in exchange for the zoning change at the Park from Open Space to Institutional, the Sister Keys property had similar acreage and could be zoned Open Space; however, that would not satisfy the spirit of the density for the open-space swap the Town conducted years ago; the voters should be apprised of this fact.

Mr. Meiselman noted the fact sheet stated the proposed building construction would occupy only 3% of the 19- $\frac{1}{2}$ acres of the Park; however, the 4.63 acres of buildings and associated parking area would occupy essentially all of the non-wetland portion of the property; in addition a two-lane road would need to be constructed from the facility to the main road. He explained the voters were assured that the Town would require a bond indemnifying the Town, for two years, of any expenses due to failure of the facility; two years was a relatively short period of time; a Town subsidy may continue for a number of years; the voters were told in the fact sheet that the Town would endeavor to ensure that the drainage problem now experienced by surrounding properties would not be worsened by the project. Mr. Roberts reported Mr. Meiselman did not have the revised draft fact sheet.

Betty Blair, 561 Putter Lane, stated she was really upset that tax dollars would be spent on the fact sheet. She explained the fact sheet was a blatant pitch for the cultural and community center and most of it was taken directly from the LBKCCC, Inc. promotional material; the fact sheet was biased, unfair, and completely unnecessary. She explained she was a registered voter for 18 years and voted on several referendum questions without receiving a fact sheet; the proposed rezoning of the Park had been written and talked about for over a year; sending out anything other than the ballot would be a waste of staff time and taxpayer money. She urged the Commission to "scrap the fact sheet and any other superfluous information".

Commissioner Patterson explained nothing was sent out by the Town; the only money spent on the fact sheet was for internal staff time. Mr. Roberts confirmed that was correct.

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Claire Bell, 4968 GMD, questioned if the Commission knew that they were making law every time they adopted an ordinance; Longboat Key was a small town and when ordinances were adopted, laws were written; the Code of Longboat Key was the law; those laws needed to remain as written and adopted, unless there was a good reason to change them. She explained the Town should have informed the people the zoning law would need to be broken; the Town could be flooded with zoning requests during the process of adopting a new law.

Mayor Drohlich explained he would like to conclude the agenda item referring to the fact sheet.

Pamela Moniz, 637 St. Judes Drive North, explained she heard about the fact sheet at 4:00 PM this afternoon; the majority of the people on Longboat Key were aware of the issue and a fact sheet was not needed; the fact sheet was an attempt to sway people. She asked who developed the fact sheet. Mayor Drohlich responded the Town Manager compiled the information.

Mr. Roberts reported the fact sheet information was provided by LBKCCC, Inc. and was given to the Town; some items were one-sided or promotional and they were eliminated. Mr. Roberts advised all items listed were factual; the original draft was for the purpose of presenting the issues to the Commission and to receive comments from the Commission; if the citizens wished to receive a copy of the revised draft letter they may have one.

Ms. Moniz stated the citizens of Longboat Key were not aware of the fact sheet; if citizens were aware of the issue more citizens would be attending the meeting to present their views to the Commission.

Mayor Drohlich explained the idea of the fact sheet was to explain an issue; apparently, it was not successful. He asked the Commission if they wished to eliminate the fact sheet and only send the non-binding referendum ballot.

Mr. Roberts advised the draft of the fact sheet before the Commission was a work in progress; a conclusion had not been reached; the Commission needed an opportunity to discuss the issue among themselves and this was the only opportunity available because of the Sunshine Law.

Commissioner Patterson asked for a copy of the letter that would be distributed with the non-binding referendum.

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Commissioner Farber read the letter for the record:

"Citizens of Longboat Key
Re: Proposed Longboat Key Cultural and Community
Center

Dear Citizens:

The attached fact sheet is intended to provide the basic facts regarding the proposed center.

The votes you are being asked to cast (for or against) is whether you would favor "the long-term lease of 4.63 acres of Town land located in the Joan M. Durante Community Park for a cultural and community center to be constructed, operated, and maintained without expenditure of any Town funds?

Your vote only concerns the use of Town land. The decision whether to proceed with development of the center will be made by a non-profit corporation.

Please be advised that the number shown on your mail ballot can in no way be identified with a specific address; numbers were assigned only as a control means to deter any possible fraudulent reproduction of ballots."

Commissioner Farber pointed out the first paragraph needed to be removed; however, the remainder of the letter was fine.

There was a unanimous consensus to mail the non-binding referendum ballot and the letter without the first paragraph; the fact sheet would be eliminated.

Mr. Roberts advised the letter would be revised and copied immediately; copies would be distributed to those present who wished to have one.

Rainer Josenhanss, 6669 GMD, stated he felt unease and distrust; if the citizens had known discussion on the fact sheet was to take place or was scheduled on the agenda, instead of being camouflaged under "Town Manager Comments", other citizens would have been present at this meeting.

Ruth Napoliello, 1050 Longboat Club Road, stated the issue was: Do you want to give up this land? She explained the referendum wording was wrong; the way it read was like giving citizens a piece of candy, so everyone would vote yes; the referendum should have read: "Should this piece of land which was zoned Residential, smack dab in a residential area, be rezoned Institutional?" She noted when the

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cultural and community center was mentioned people were confused; they did not want that land used; however, if they were to vote no, they would lose the Art Center.

Mrs. Napoliello stated that was a different issue and should require another vote; the Education Center was a profit-making organization, making money on Town's land; however, the Town would not receive any revenue. She asked if the Southwest Florida Water Management District (SWFWMD) were correcting the drainage or had it been planned to have SWFWMD on the project.

Mr. Roberts reported SWFWMD would have to approve the site plan; SWFWMD and the Sarasota Bay National Estuary Program wished to do the same thing to the bay side of the property as they did at the Quick Point Nature Preserve. Mrs. Napoliello pointed out she had received a brochure that indicated SWFWMD was correcting the drainage.

Commissioner Farber stated there seemed to be an undercurrent among the neighbors that the Town Manager was biased in his opinion on this particular issue. He noted Mr. Roberts was fair and even-handed; he did not take positions on issues; the Town Manager's job was to administer.

Commissioner Patterson explained the Town Manager, in this case, was put into an untenable position by the Commission; when the private committee was formed, the Commission directed the Town Manager to meet and work with the private committee -- that was wrong. He continued and said the Town Manager became involved as a liaison and passed information back and forth to the Town and the committee in a good-faith manner; the Town Manager became a part of the action as opposed to letting the private corporation "carry the ball" through the normal process. He explained the Commission placed the Town Manager in the realm of becoming a part of a private corporation dealing with a government; the Commission was wrong. He suggested Mr. Roberts be removed from that situation. Mr. Roberts clarified his service to the LBKCCC, Inc. was as an ex-officio, non-voting member; however, he attended the meetings for the first few months, and had not attended a meeting over the last four to six months; factual information concerning the Town was given to the committee; there was a misperception that he belonged to the committee.

XV. Town Commission Comments

1. Telephone Line for Citizens to Call for Agenda Items.

Commissioner Loiselle commented the citizens felt there was a lack of communications. He suggested following an established Manatee County procedure by installing a very inexpensive separate telephone number for citizens to call 24 hours per day; it would reflect the items that were placed on the Town Commission meeting and workshop agendas.

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2. Increased Insurance Coverage

Commissioner Loisel stated he would like Mr. Roberts to place the subject of increasing the Town's insurance coverage on the 3-20-97 Workshop agenda; currently the Town had a policy for \$2 million in coverage; the proposal would be to increase the policy coverage to \$4 million.

There was a consensus for Mr. Roberts to place this item on the 3-20 Workshop Agenda.

3. Bay Isles Parkway: Consideration of Deeding to Town

Commissioner Farber asked for an update on the consideration of Bay Isles Parkway being deeded back to the Town. Mr. Roberts reported that issue was not active; however, meetings were held several years ago with the Bay Isles Master Association Board Members; a discussion ensued concerning the property being conveyed to the Town; it was explained they would have to restore the road to the original condition or provide ample money for the Town to perform that service, at that time.

4. Proposed New Town Logo; Historical Markers

Commissioner Farber asked for an update on the proposed new Town logo. Mr. Roberts reported a final draft of the proposed logo was available in the Town Manager's office; most of the Commissioners reviewed the proposed logo; after the entire Commission reviewed the proposed logo, Commissioners' comments would be distributed to the entire Commission. Commissioner Farber noted the Longboat Key Historical Society wished to install historical signs with the new Town logo. Mr. Roberts suggested using the existing Town logo, since it was historical; although, they may wish to wait until the Commission decided on the logo.

5. Commissioner Legler's Apology to Public

Commissioner Legler apologized for the confusion concerning the cultural and community center mail ballot; the Commission had indicated in their comments that the fact sheet would not be sent to the households.

6. Bay Isles "No Trespassing" Signs

Commissioner Patterson asked for an update on the Bay Isles Perimeter Canal "no trespassing" signs. Mr. Roberts reported that issue was in process; a meeting was held recently with reference to the signs; the P&Z Board would discuss that issue at the 3-25 meeting.

7. Quick Point Nature Preserve: Fishing Nets

Commissioner Patterson commented children placed fishing nets against the tidal flow at the Quick Point Nature Preserve; by placing the nets the tidal basin fish population would be decreased; fish were necessary for the osprey. He requested something be done to prevent the fishing nets to protect the fish and the osprey. Mr. Roberts reported Code Enforcement staff were asked to research the issue and

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determine if a current law existed; if the law did not exist perhaps an ordinance could be established to forbid fishing nets at Quick Point Nature Preserve.

8. Procedure After the Straw Ballot was Concluded

Commissioner Legler asked what happened after the General Municipal Election and straw ballot referendum were concluded and what the next step would be. Mr. Roberts reported the ballots would be counted and considered independently; no action would take place until the ballot results were presented to the Commission. Commissioner Legler asked if LBKCCC, Inc. needed to make application to the P&Z Board. Mr. Roberts advised LBKCCC, Inc. may wish for the Commission to confirm or disaffirm the decision on whether the land would be granted based on the ballot results.

Commissioner Legler suggested the Town Attorney give an opinion on the matter; the Commission should not become involved prior to the P&Z Board recommendation.

Mayor Drohlich stated the referendum and straw ballot were non-binding; they were established to communicate with the Commission and allow some guidance on how to proceed -- they were non-binding.

Mr. Roberts advised he would discuss and evaluate the results with the Town Attorney; alternatives on how to proceed would be presented to the Commission.

Commissioner Farber stated the Commission had forwarded to the P&Z Board the responsibility of determining if the land could be rezoned; if the referendum results were overwhelmingly against the judgment made by the Commission that decision would be rescinded; if the results determined the citizens were overwhelmingly for the rezoning then the Commission would not have to act.

Commissioner Patterson explained the non-binding vote should stand for all those involved in whatever further actions would take place in regard to the cultural and community center; the normal process did not insert the Commission prior to the P&Z Board review; the P&Z Board had the responsibility and authority to review the question of rezoning; if the Commission were to vote on the issue and give direction to the P&Z Board that would be a mistake.

Dr. Norman Pratt, 772 Marbury Lane, questioned the relationship between the two ballots. Mayor Drohlich explained the two ballots would be independent of each other. Mr. Roberts reported both of the ballots had the identical wording; one ballot would be for registered voters and conducted at the established voting locations; the other ballot would be sent to every household and would be a response to a survey question. He noted they would be counted as separate ballots and the totals from the ballots would not be combined.

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XVI. Public to be Heard1. Non-binding Referendum Question

Ed Mallick, 4401 GMD Unit 907, stated he would be more comfortable with allowing only the registered voters to participate; the non-binding referendum question needed to be carefully written. He explained the majority of citizens wished to have a cultural and community center; however, it was a matter of the land; the P&Z Board should make a decision prior to the Longboat Key Municipal Election; the idea of maintaining an area without expense to the Town was questionable. He explained he was involved with fund-raisers for different colleges; people would bequest money to the college to place a project on the campus or have a building named after them; however, the funds were restricted and money was not available for maintenance.

2. Cover Letter to be Mailed With Straw Ballots to Households

Betty Blair, 561 Putter Lane, stated the wording on the letter to be mailed to the households was not correct; it referenced the Longboat Key Cultural and Community Center; the third paragraph explained the vote concerned the use of Town land; the reference to the cultural and community center should be removed from the letter.

Commissioner Sagman explained the 3-18 Municipal Election ballots were mailed out to overseas registered voters and registered voters who were on the permanent absentee list; however, there were several objections to the wording on the non-binding straw ballot.

3. Land Use; Cultural and Community Center

Ruth Napolliello, 1050 Longboat Club Road, stated she was troubled that the land use issue was not looked into prior to the land being offered to the cultural and community center; the Commission signed a document with Mr. Durante out of the Sunshine Law; the document stated there may be a cultural center on the property; the Commission knew the land was sensitive. She asked why the Commission did not look into that matter prior to offering the land. Mrs. Napolliello stated when the transfer of density was made everyone in the Town should have learned a lesson; the Key had been divided over this issue.

Mr. Roberts responded to the comment made by Mrs. Napolliello that the document was signed without the knowledge of the Commission; the Commission approved the agreement with Mr. Durante for the Park and that was clearly stated; the possibility of a community center being developed was known; the discussion took place at a public hearing and was advertised as required; it was completely above board.

4. Established Procedures Following Town Commission Meetings

Jim Wheeler, 757 St. Judes Drive South, stated he was a relatively new resident on Longboat Key and was puzzled about the process of the scheduled Town Commission meetings. He explained he attended a Town Commission meeting on 1-16-97 when discussion was held on the

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drainage problems at St. Armands Circle; the Florida Department of Transportation (FDOT) had representatives to answer questions concerning the problem. Mr. Wheeler pointed out the issue was never talked about again; the process seemed to have a problem -- there was no follow-up. He stated no one was listed as responsible for the items discussed, nor assigned to follow-up and report back to the Commission.

Mayor Drohlich explained nothing "fell through the cracks"; the evacuation problem had been an ongoing item for several years; work would continue annually to improve the situation. Mr. Wheeler noted the evacuation route was a very serious situation. Mayor Drohlich explained the Commission knew the seriousness of the situation; however, the Commission could not redevelop St. Armands Circle; the issue was presented to the Metropolitan Planning Organization (MPO).

Mr. Wheeler stated the Commission should inform the citizens where issues stood; an established procedure to keep the citizens informed on the issues should be developed; a monthly feed-back sheet could be developed and placed on the agenda; the agenda should be advertised in *The Longboat Observer*, and the citizens should be aware of what was going to be discussed; there should be no surprises.

Mr. Roberts reported every issue the Commission worked on at either a meeting or workshop was recorded by staff; a projects list was developed and the issues were followed up on a regular basis; status report memorandums were issued to the Commission constantly; a number of issues took a great deal of time to complete; certain projects were earmarked for a specific date or month; there was no absence of records; if every item were brought back to the Commission in report form, the Commission would need to meet weekly. Mr. Roberts suggested Mr. Wheeler could contact Town Hall and receive updates on any issue.

Mr. Wheeler stated the Commission was updated on the issues; however, the citizens were not updated. He requested a formal process be developed to advise the citizens.

Mr. Roberts noted the media covered Town activities on a regular basis; a newsletter was periodically produced; if the public needed information on a specific issue, they could contact the office.

Commissioner Farber pointed out Mr. Wheeler had attended a "Coffee with Commissioner" meeting recently; it was stated government was not run like a business; government moved slowly due to the Federal, State and County regulations.

5. Cover Letter with Straw Ballot to be Mailed to Households

Mr. Josenhanss, 6669 GMD, stated the letter to be sent out to the households concerning the straw ballot should be reviewed; the first paragraph could still influence the citizens; he asked what a long-term lease would be; he questioned if the citizens were informed that

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the Park had a Comprehensive Plan Open Space designation. He suggested paragraph one was incomplete and should be removed.

Commissioner Sagman stated the mail ballot should be reworded to read, "Do you favor the rezoning of 4.63 acres of Joan M. Durante Community Park from open space Residential area to Institutional?"

Mr. Roberts advised the first paragraph, second line, third word starting with the quotation marks, reflected the same language that was on the 3-18 Municipal Election ballot (for registered voters).

Commissioner Sagman noted the Commission had received a great deal of criticism for the ballot language; the 3-18 Municipal Election ballot could not be changed; however, the straw ballot could be changed.

Mr. Josenhanss stated the letter was misleading and raised questions that were not answered; the only issue was rezoning.

Commissioner Farber stated if the P&Z Board were to approve the rezoning, the only issue the Town Commission was considering was placing a cultural and community center in the Park; by stating something other than that the public would not receive pertinent information.

6. Beach Renourishment

Robert Samen, a visitor at 4430 Exeter Drive, expressed concern that the new beach sand used was no longer white; there were several definitions of sand and they were based on grain size and fine gravel. He asked if anyone looked into the type of sand that would be used to counteract the erosion; if the replacement material were classified as sand; if the color was pleasing; if the environmental effects from placing gravel instead of sand on the beach were considered.

Mr. Roberts advised in 1993 the Town conducted a \$10 million renourishment project covering the entire length of the Key; in that project some very fine powdery sand was placed on a good portion of the beach; unfortunately, there were storms that caused the sand to disappear very quickly. He explained with the current renourishment project the Town deliberately changed the grain size of the sand so less erosion would occur; the sand would bleach out in time and return to the same white color. Mr. Roberts reported some shell would be contained in the sand; however, that should not be objectionable.

Mr. Samen noted he heard the sand would bleach out. He asked if additional sand would be replaced again in three years. Mr. Roberts reported the Town Commission had considered, based on the engineers' recommendation, to move forward with a second major renourishment project after 1998. He advised that question would be presented to the voters in a referendum; the voters would decide if they wished to move forward with that project.

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Mr. Samen urged the voters and the Town Commission to consider the color of the sand during the beach renourishment project; similar material to the original white sand should be used.

7. Letter to Accompany the Non-Binding Mail Ballot

Pamela Moniz, 637 St. Judes Drive North, stated the wording on the letter should be changed; a great deal of gray area needed to be omitted; there were statements in the letter which were not true and the citizens were being misled; the definition of "Open Space" and "Institutional" should be included in the letter.

Commissioner Patterson suggested a change, an addendum to the wording of the letter; additional wording would start after the word "favor" on the second line: "the rezoning from Open Space to Institutional and a subsequent..."; the long quote would continue after that. Commissioner Patterson read the paragraph that included the proposed language change to the letter:

"The vote you are being asked to cast (for or against) is whether you would favor the rezoning from Open Space to Institutional and a subsequent long-term lease of 4.63 acres of Town land located in the Joan M. Durante Community Park".

Mayor Drohlich stated the letter could not be written by committee. Commissioner Legler pointed out there should be no changes to the letter; people could decide if they were proponents or opponents; *The Longboat Observer* allowed people to write letters to the editor that stated their point of view; people could review the topic and determine how to vote; there had been a great deal of publicity on the subject.

Commissioner Farber favored leaving the letter as written; the non-binding referendum question on the ballot voted on by registered voters should read exactly the same as the non-binding referendum ballot that would be mailed to every household.

Mr. Roberts reported the Town Attorney might caution the Commission on taking a vote on rezoning due to the legal complications that may occur; the established procedures on a zoning change needed to be followed.

Commissioner Sagman stated that by the comments voiced at this meeting the consensus was the language was misleading; this would allow the language to be improved since the 3-18 Municipal Election ballot language could not be changed.

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Mayor Drohlich asked the Commission if they favored the language change as suggested by Commissioner Patterson. The consensus did not favor the change: Patterson, yes; Legler, no; Drohlich, no; Farber, no; Sagman, no; Loiselle no.

Commissioner Patterson asked if the Commission would take a position after the ballots were counted, or if the Commission would state they were aware of the voters' opinions. He questioned if the P&Z Board would follow the normal process, and the Commission would wait for the P&Z Board recommendation. Commissioner Legler pointed out the Town Manager would speak to the Town Attorney and obtain an answer on what the next step would be.

Mayor Drohlich stated a non-binding referendum ballot would be mailed to every household on Longboat Key; after the results were known the Commission could further discuss the issue.

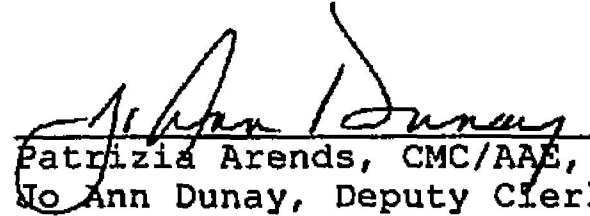
Commissioner Farber explained the Town Manager would talk to the Town Attorney; a memorandum could be sent to each Commissioner concerning their discussion; a suggested procedure should also be presented to the Commission.

Mr. Roberts reported he had not discussed that specific point with the Town Attorney; however, from a technical standpoint, before the P&Z Board could hear about the site plan, the land determination would have to be made. Mr. Roberts noted he would speak to the Town Attorney about the issue.

XVII. Press to be HeardXVIII. Adjournment

The Regular Meeting was adjourned at 8:50 PM.


Robert Drohlich Mayor


Patrizia Arends, CMC/AE, Town Clerk
No Ann Dunay, Deputy Clerk-Minutes

Attachments

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Item XII, 2

The Code Enforcement ballot results were as follows:

Candidates → Commissioners ↓	James Barnett	Herb Kellner	Hope Mitchell
Mayor Drohlich	3	1	2
Commissioner Patterson	2	1	3
Commissioner Legler	2	1	3
Commissioner Farber	1	3	2
Commissioner Sagman	3	2	1
Commissioner Loiselle	1	2	3
TOTAL SCORES	12	10	14

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002526

002527

B A L L O T (TOWN BOARD APPOINTMENT - 3-3-97 REGULAR MEETING)

CODE ENFORCEMENT BOARD (1 SEAT - BALANCE OF TERM TO MAY 1999)

Number ALL nominees (#1 through #3) in order of preference (with #1 being your first choice, etc.)

- 2 JAMES BARNETT
- 1 HERB KELLNER
- 3 HOPE MITCHELL
- _____ OTHER (PLEASE PRINT)

VOTED BY: PATTERSON (PLEASE PRINT YOUR NAME)

B A L L O T (TOWN BOARD APPOINTMENT - 3-3-97 REGULAR MEETING)

CODE ENFORCEMENT BOARD (1 SEAT - BALANCE OF TERM TO MAY 1999)

Number ALL nominees (#1 through #3) in order of preference (with #1 being your first choice, etc.)

- 2 JAMES BARNETT
- 1 ~~A~~ HERB KELLNER
- 3 HOPE MITCHELL
- _____ OTHER (PLEASE PRINT)

VOTED BY: KEN LEGLER (PLEASE PRINT YOUR NAME)

002527

002528

B A L L O T (TOWN BOARD APPOINTMENT - 3-3-97 REGULAR MEETING)

CODE ENFORCEMENT BOARD (1 SEAT - BALANCE OF TERM TO MAY 1999)

Number ALL nominees (#1 through #3) in order of preference (with #1 being your first choice, etc.)

- 3 JAMES BARNETT
- 1 HERB KELLNER
- 2 HOPE MITCHELL
- _____ OTHER (PLEASE PRINT)

VOTED BY: Bob DROHLICH (PLEASE PRINT YOUR NAME)

B A L L O T (TOWN BOARD APPOINTMENT - 3-3-97 REGULAR MEETING)

CODE ENFORCEMENT BOARD (1 SEAT - BALANCE OF TERM TO MAY 1999)

Number ALL nominees (#1 through #3) in order of preference (with #1 being your first choice, etc.)

- ~~1~~ JAMES BARNETT
- 3 HERB KELLNER
- 2 HOPE MITCHELL
- _____ OTHER (PLEASE PRINT)

VOTED BY: R. FARBER (PLEASE PRINT YOUR NAME)

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002528

002529

B A L L O T (TOWN BOARD APPOINTMENT - 3-3-97 REGULAR MEETING)

CODE ENFORCEMENT BOARD (1 SEAT - BALANCE OF TERM TO MAY 1999)

Number ALL nominees (#1 through #3) in order of preference (with #1 being your first choice, etc.)

3 JAMES BARNETT
2 HERB KELLNER
1 ✓ HOPE MITCHELL
 _____ OTHER (PLEASE PRINT)

VOTED BY: M. Scapano (PLEASE PRINT YOUR NAME)

B A L L O T (TOWN BOARD APPOINTMENT - 3-3-97 REGULAR MEETING)

CODE ENFORCEMENT BOARD (1 SEAT - BALANCE OF TERM TO MAY 1999)

Number ALL nominees (#1 through #3) in order of preference (with #1 being your first choice, etc.)

1 JAMES BARNETT
2 ✓ HERB KELLNER
3 HOPE MITCHELL
 _____ OTHER (PLEASE PRINT)

VOTED BY: CHARLES LOISELLE (PLEASE PRINT YOUR NAME)

002529

002530