

MICROFILMING INFORMATION SHEET

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FROM: Town of Longboat Key  
Town Clerk Department  
501 Bay Isles Road  
Longboat Key, FL 34228

DATE: 11-20-2002

SUBJECT: Microfilming

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REVISED AGENDA: ITEMS B-3 TITLE; MOVED B-4 TO SPECIAL MEETING  
CONSENT AGENDA FOR FIRST READING

TOWN OF LONGBOAT KEY

WORKSHOP AGENDA

JUNE 20, 1996

1:00 P.M.

I. Committee Reports and Communications

1. Manatee County Special Liaison Report
2. Sarasota County Special Liaison Report

II. Items for the Consideration of the Town Commission:

A - Consent Agenda (Approval to Schedule for Formal Action)

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

1. Cancellation of August 1996 Regular Meeting Pursuant to Town Charter
2. Proposed Resolution 96-15, Statewide Mutual Aid Agreement for Catastrophic Disaster Response and Recovery for Sarasota County

B - Discussion Items

1. Canal Dredging Project (re: Liability and Financing Alternatives)
2. Proposed Bulk Ordinance; 3-Dimensional Models Depicting Impacts upon Single-family Homes

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10-14-96*

## REGULAR WORKSHOP AGENDA, Cont.

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- # 3. Proposed Ordinance Amending Chapter 150, BUILDINGS, in Section 150.31, BUILDING PERMIT APPLICATIONS, by Adding New Subsections (D)(1) and (2) Requiring the Signature and Seal of a Licensed Architect or Professional Engineer on Plans and Specifications for New Construction Cost of which is in Excess of \$100,000 and Additions or Reconstruction which Cost in Excess of \$25,000 \$50,000
- # 4. ~~Proposed Ordinance Amending Town Code Chapter 154, - FLOOD CONTROL, by Requiring a Second Appraisal Instead of a Desk Review of the First Appraisal~~
- 5. Florida League of Cities, Inc. Request for Designated Voter Representing Town at the FLC 70th Annual Convention, August 8-10, 1996
- 6. Citizens Relations Committee (formerly Communications Committee)
- 7. Redistricting of Commission Districts Pursuant to Town Charter
- 8. Proposed Resolution 96-14 Supporting the Shore Protection Act of 1996
- 9. Proposed Resolution 96-16 Nominating James M. Quinn to Receive a Florida Shore and Beach Preservation Association (FSBPA) Award for Outstanding Work on Beach Matters
- 10. Proposed Resolution 96-17 Nominating James H. (Jim) Patterson to Receive a Florida Shore and Beach Preservation Association (FSBPA) Award for Outstanding Work on Beach Matters via the START Program

## III. Town Attorney Comments

## IV. Town Manager Comments

## V. Town Commission Comments

## VI. Public to be Heard

## VII. Press to be Heard

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

(# Indicates revision.)

(@ Indicates postponed or requested to be postponed.)

(^ Indicates Consent Agenda Item.)

/dhs

MINUTES OF THE REGULAR WORKSHOP OF THE LONGBOAT KEY TOWN COMMISSION,  
JUNE 20, 1996, 1:00 PM

Present: Mayor Drohlich, Vice-Mayor Metz, Commissioners Patterson, Legler, Farber, Sagman, Loiselle

Also

Present: Town Manager Roberts, Town Attorney Persson, Finance Director Sullivan, Director of Public Works Smally, Planning, Zoning and Building Director Gaffney, Town Clerk Arends, Deputy Clerk Dunay

I. Committee Reports and Communications

1. Manatee County Special Liaison Report

2. Sarasota County Special Liaison Report

Commissioner Legler reported that he attended the Economics Council Meeting and learned that the Tourist Development Council (TDC) proposed to increase the tourist tax by 1%; the recommendation was made to the Sarasota County Commission for the first year's collection to be used for renourishment of Lido Beach, and the second year's for a Sarasota County Convention Center; there would be no benefit for Longboat Key if this increase were approved. He stated he did not know when this was to come before the County Commission.

The Town Manager was directed to find out when that request would be presented to the Sarasota County Commission; in addition, request was to be made for Longboat Key to share in a portion of the increase beginning with the third year.

II. Items for Consideration of the Town Commission

A. Consent Agenda

1. Cancellation of August 1996 Regular Meeting Pursuant to Town Charter

2. Proposed Resolution 96-15, Statewide Mutual Aid Agreement for Catastrophic Disaster Response and Recovery for Sarasota County

There was a consensus to forward items on the Consent Agenda to the 7-1-96 Regular Meeting Consent Agenda.

B. Discussion Items

1. Canal Dredging Project (re: Liability and Financing Alternatives)

Mr. Roberts stated staff had prepared a report which covered two subject matters: liability and the financing alternatives for funding the Canal Dredging Project.

Mr. Roberts reported the Commission had materials which actually were copies of the slides to be used during the presentation. He stated the question of ownership would take time for the Town Attorney and Coastal Planning & Engineering, Inc. (CPE) to determine, if the Commission made the decision to move forward. He stated the question of liability would be addressed by the Town Attorney.

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Town Attorney Persson reported the liability issue and the funding issue were intertwined; there were methodologies, risk management tools, by which the Town could address liability such as insurance and releases; however, the question was who would be paying for the dredging; risk could be assigned to the contractor through an insurance policy; however, the contract price would then increase.

Mr. Persson noted from a technical standpoint the Town would only be liable if negligence occurred during the dredging; one of the efforts that should be made would be to avoid even the appearance of liability; if the Town were to get in a dispute with a homeowner it would be very expensive. Mr. Persson commented the best way to shift liability from the Town to the property owners would be through a release; experience from Manatee County had shown it would be virtually impossible to obtain a release from all affected property owners; another avenue would be to proceed with the dredging as a Town project without a release from homeowners; privately-owned canals were not anticipated to have negative effects; however, due to the width of some privately-owned canals there may be some concern that would adversely impact the structures and seawalls along the canals.

Mr. Persson explained that the Town could suggest the engineers examine the seawalls on a visual basis using professional judgment to determine if the seawalls were failing; if seawalls or docks were found to be failing, the Town could notify the property owner that the Town was contemplating dredging the canal and it appeared, from a visual inspection, that their structure was failing; the owner would then be requested to either repair the structure or sign a release. He suggested with narrow, privately-owned canals it might be necessary to gain permission through a license or easement prior to dredging; during that process the Town might have an understanding with the property owner that the Town would not be liable for the damages that may result from dredging.

Mr. Persson noted if the Commission wished to use Manatee County's system, small benefit units would be formed and the Town would fold back any cost of liability of failed seawalls into the benefit units; an adjustment to the benefit units would be made if a seawall failed as a result of the project. He explained Manatee County had no sufficient negative effects from failed structures; there had been a few problems, but the contractor had taken care of them. Mr. Persson reported no long-term massive failures occurred; however, in defense of the Longboat Key situation, the seawalls may be older and less was known concerning the condition of the seawalls; therefore, the Town's experience may not be as good as Manatee County's.

Mr. Persson explained liability was really a policy decision the Town Commission would have to make; he stated the question that needed to be answered was who would bear the liability: this would involve determining if the property owner would be absolutely responsible, or if it would be the responsibility of the Town or the contractor; also, would the Town look at liability on a case-by-case basis and examine seawalls on an individual basis to determine from

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a professional standpoint which were failing; these decisions needed to be made by the Commission.

Mr. Persson reported that by establishing a Municipal Special Benefit Unit (MSBU) program the projects would be generated by local people who wished their canals dredged; the pressure would be on the homeowners to start the process and it would fold the liability and the cost of liability back into assessment to the homeowners; however, the problem with a MSBU would be the large quantity of work performed with relatively little money received; the whole project could cost \$1.2 million, with an assessed value in excess of \$2 million.

Mr. Roberts stated staff had investigated the practices of contractors; it was determined that the amount of liability insurance would be coverage for 1-1/2 times the project cost.

Finance Director Sullivan stated there were three ways to fund the project: 1) a bonding issue; 2) direct placement with a banking institution; 3) fund the project internally. He reported small projects bonding would be expensive due to the underwriter fees, attorney fees, and insurance; a bonding possibility would be to join one of the statewide pools; in general they would have a variable interest rate and daily commercial paper would be sold to roll their debt (that also could be expensive).

He explained that direct placement with a local bank would be a possibility; it would have to be bank-qualified to allow for a tax-free rate; they would dispense with a great deal of the fixed costs associated with bonds and would be competitive.

Mr. Sullivan discussed the possibilities for funding the project internally through the Utility Fund, Infrastructure Surtax Fund or other funds. He explained the Town would be eligible for grants; however, he was not sure of the extent the cost could be off-set.

Mr. Sullivan explained that in financing three areas would be examined: 1) obtaining the project funds; 2) who would pay and how much they would pay; 3) how it would be paid. He explained in the "who pays" portion three different avenues were examined: 1) a Townwide project where everyone would benefit; the cost, based upon a project total of \$1.4 million would be .64 mills on a one-time, Townwide assessment; if the project cost were to rise to \$1.8 million the millage would be .833, which would equate to \$250 on a home valued at \$300,000; however, if the project were funded for five years, the annual debt payment would be \$341,447, or .1581 mills; 2) using the existing Beach Erosion Districts A and B, consideration could be given to reversing the ratio - District B could pay the 80% and District A could pay the 20%. He stated the one-time levy for District B would be 1.2043 mills (\$361 on a home valued at \$300,000) and District A would have a one-time levy of .3010 (or \$90); 3) creating a special assessment district seemed to be an equitable manner for funding; canal property owners throughout the Town could be a subset; approximately 800 canal front properties

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would be affected in the project; the project would be driven by property owners.

Mr. Sullivan listed the factors involved in developing an equitable formula: 1) Town participation; 2) value gained from dredging; 3) value gained from maintenance of the canal; 4) number of users; 5) size of lots; 6) cost to dredge each canal; 7) property value. He explained, as an example, the following formula was established: the entire Town's share could be one-third (\$467,000); all properties (800) in the project area could be charged two-thirds (\$1167 each); the total would be \$964,400.

Mr. Sullivan explained the "how will it be paid" portion of the question; several options were given: A) a Townwide (Beach District alternative) would pay for the project or the debt service by an ad valorem tax; B) special assessment districts would pay a fixed amount; C) those who would not pay immediately would be subject to fees and interest for the duration of the payments; D) payment schedules - levying on a 3-year program or other scenarios.

In summary Mr. Sullivan stated financing could be handled by the bond market, state pools, bank borrowing, internal funding, special assessment or grants; determining who paid could be Townwide, reverse beach districts, or by affected canal-front property owners; repayment could be made on a one-time tax, a 3-year levy, a 5-year levy, or other methods the Commission wished to examine.

Mayor Drohlich asked how many canals were private and how many were public. Mr. Roberts replied this would be determined under the ownership portion of the project.

Commissioner Patterson stated the most critical factor would be permitting the variety of canals that would be effective. He asked how long the permitting process would take.

Dr. Cliff Truitt, Town consultant, replied CPE used 5-feet below mean low water as their preliminary criteria design; this would be an exemption from the Florida Department of Environmental Protection permitting process and conditions were associated with that.

Commissioner Patterson stated not all canals were the same; the particulars for each canal would have to be obtained for the permit and that could take considerable time. Dr. Truitt replied that the Town would have to act as agent for the permit for the property owners involved; that would be worked into the easement or license the homeowner would grant. He explained that background chemical analyses and other work had to be performed in order to demonstrate to the State that the project would meet the criteria for exemption; the preliminary chemical analysis did reflect there were trace contaminants; however, the chemical analysis was well below the Class Three Water Standards.

Commissioner Patterson stated it would be time consuming and expensive to complete the evaluation and receive the necessary

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results; also the State would have to approve the project and that would take time.

Commissioner Legler asked if the Town could be divided into small districts, separate for different locations, with the assessment based upon the cost of doing the particular district. Mr. Roberts replied that could be done by establishing a MSBU.

Vice-Mayor Metz commented the commercial properties which abutted Gulf of Mexico Drive (GMD) were put into District A; however, there were commercial properties east of GMD which backed up to canals; they would be assessed the higher 80% for canal dredging like they were for the Beach Erosion Control District.

Mr. Roberts replied the commercial properties would have to pay the 80%. Vice-Mayor Metz stated the commercial properties already pay 80% because they were in Beach District A.

Mr. Persson reported property owners who benefitted from canal dredging should pay more than those who would not directly benefit; GMD would not necessarily be the dividing line as established in the Beach Districts.

Dr. Truitt stated the development of Districts C and D were discussed during staff discussion, and there were two user groups which needed to be explained; one group would benefit more than the other group; the point was to share the cost Townwide.

Commissioner Farber stated half the problems would be solved if the residents who lived within the Manatee County section of Longboat Key could apply for assistance from Manatee County. Mr. Smally indicated that he spoke with Manatee County about that proposal and had not received an answer.

Mr. Persson advised that if the County were willing, an interlocal agreement would be necessary; however, the Town would make the funding decisions.

Commissioner Sagman asked for more details about obtaining a grant. Dr. Truitt reported that Manatee County had been successful in receiving West Coast Inland Navigation District (WCIND) grant funds for their canal dredging program.

Commissioner Sagman asked if the funds would be available for small canals. She suggested if grants were received that could be the Town's contribution.

Commissioner Loiselle stated seawalls could be damaged very easily; however, the Town must also consider docks, vertical lifts and diagonal lifts. He suggested in establishing the special districts that assessments be based on front footage; some lots would have twice the width of others.

Mayor Drohlich asked if it would be workable for the Town to

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establish the program by subdivisions or by canals, and property owners were informed the Town would bid the project and the cost but liability would be the responsibility of the property owner. He suggested this would place the liability upon the property owners. Mr. Persson responded while it would shift the liability, it would be almost impossible to get 100% of the property owners to agree.

Mayor Drohlich asked if 100% had to agree to it, or if there would be majority rule at 51%. Mr. Persson replied that the property owners who signed the release would be penalized to the advantage of the property owners who did not sign; if there were 50 property owners on the canal and 26 signed the release the project would move forward; however, the 24 property owners who did not sign would benefit without signing the release.

Mr. Roberts reported Manatee County accepted petitions from 51% of property owners in a district; when they proceeded 100% of the property owners would be assessed equally; this procedure could be achieved if the Town wished to take that position and roll the liability into the project; therefore, if damage occurred to a seawall the entire district would have to pay for it.

Mayor Drohlich asked how the Town would determine when a majority was reached. Mr. Roberts replied that if Country Club Shores wished to have their canals dredged, the number of property owners would be determined; once 51% of that number had signed a petition the project would move forward. Mayor Drohlich commented that would be a fair process.

Mr. Persson explained this procedure would determine the desire of the property owners to have their canals dredged; however, there would be no releases signed by the property owners. He mentioned that Manatee County, in their resolution, required releases; however, in reality, releases were not received.

Commissioner Patterson stated front footage was not stipulated when the beach assessment was made, nor did the Town stipulate selective assumption of liability; the Town played a very critical role in the beach assessment, and the secret to the success was the identification of the taxing district and equitable assessment.

Commissioner Legler suggested the Town establish a procedure for determining the homeowners who wished to have their canal dredged at their expense.

Mr. Roberts stated a Town survey could be performed; however, it would be necessary to determine an average cost for canal front property owners, and an average cost for non-canal front property owners. He said he had not advocated front footage assessment, although it could be performed in that manner.

Vice-Mayor Metz affirmed the need to establish support for the program and suggested that be the next step taken.

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Commissioner Loiselle commented the cost of liability should be included in the contractor's cost and then divided equally among the property owners who would benefit from the program. Mr. Roberts confirmed that would be part of the cost.

Commissioner Sagman asked if a property owner who lived on a canal which did not need to be dredged would be charged the same as one who lived on a canal which needed dredging. Mr. Roberts replied there would still be a benefit to the property owner; determination would have to be made as to the number of canals which did not need to be dredged.

Mayor Drohlich advised that the entire Bay Isles area currently paid for their own canal dredging. Mr. Roberts pointed out that Bay Isles was not included in the study. Mayor Drohlich stated if Bay Isles were considered part of a district they would be paying twice for canal dredging. Mr. Roberts emphasized Bay Isles would be paying their proportionate share based upon a formula.

Commissioner Sagman stated there was a 300-unit condominium located on a canal that did not need dredging. Mr. Roberts stated the Commission would have to determine whether they would pay the smaller portion.

Commissioner Farber rejected the comparison of beach renourishment to canal dredging; beach renourishment had an effect on every resident because every resident had access to the beach; canal dredging had a direct effect for those people who lived on the canals, but no effect for those who did not have access to the canals. He said Manatee County had a system that worked and the Town should adopt and incorporate that system.

Dr. Truitt commented if the Town had 45 canals which needed to be dredged, it would be very clear from a liability standpoint and from a 51% standpoint to do the project canal by canal; however, from an engineering standpoint it would be difficult to administer 45 individual dredging projects; likewise, each MSBU would need to be billed the proper amount; the smaller the MSBU the more difficult the administration of such a project would be.

Dr. Truitt explained total liability could not be placed upon the contractor, but he would be responsible for his actions; however, if a claim were made stating the design was faulty and if that were proven, the liability would be returned to the Town.

Vice-Mayor Metz asked if a survey could be performed on a conceptual basis. Mr. Roberts replied that could be achieved; however, the approach to the survey would need to be determined.

Commissioner Sagman stated unless a property owner knew the cost involved and the liability factors the survey would not be accurate.

Mayor Drohlich asked for the conceptual financing and liability

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programs to be listed on the chalkboard so the Commission could review and select from the alternatives to move forward.

Mr. Roberts listed the following alternatives:

- 1) Townwide project per ad valorem with liability folded in;
- 2) Assess the 800 canal properties through a MSBU with liability folded in;
- 3) Establish Special Taxing Districts C and D with separate rates;
- 4) Townwide program based on ad valorem tax, establishing Districts C and D; the Town would assume the liability for engineering and for the contractor for the first \$2 million; the contractor would be liable for any liability charges over the \$2 million.

Commissioner Farber revisited the Bay Isles subject; he stated Bay Isles maintained their own canals and had not asked the Town for maintenance assistance; he questioned how the Town would assess for maintenance if the canals were privately owned; they would not receive a direct or indirect benefit. Mr. Roberts replied it was similar to a street assessment.

Commissioner Farber stated everyone used the streets; beach renourishment and canal dredging could not be compared; people who had no access to the canals would not receive a benefit from the them; dredging would only benefit the canal property owners. Mr. Roberts advised that would be a policy determination; however, if the Town adopted a Townwide program the Commission would have to approve any exemptions.

Commissioner Sagman commented the alternatives needed to be more specific for the survey. Mr. Roberts reported the 800 property owners would only include those within the CPE study; other canals not included in the study would be excluded from the program.

Mr. Persson reported as long as the Town had a rational basis for what they were doing it would be within the law. He noted the Town could pay for the canal dredging on an ad valorem basis and everyone within the benefit unit would have to sign a release.

Mr. Persson explained from a property owner's perspective the "positive" would be that the Town would pay for the dredging; the "negative" would be the property owners would have to release the Town from liability. Mr. Roberts asked if the Town could adopt an ordinance that would disclaim liability. Mr. Persson replied no.

Mayor Drohlich stated he felt the program needed to be Townwide; several problems would be eliminated. Commissioner Sagman asked how that would eliminate problems. Mayor Drohlich stated everyone would pay on the basis of the Town financing it.

Commissioner Patterson asked if ad valorem taxes would be raised and if the Town would assume all the liability. Mayor Drohlich indicated yes. Mr. Persson suggested that the Town place as much liability as possible onto the contractor.

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Commissioner Legler suggested establishing Districts C and D, with modifications.

Vice-Mayor Metz noted if a seawall were failing a resident might receive a new seawall at the expense of the entire Town. Mr. Roberts stated a visual inspection of the seawalls would be performed and the property owners who had failing seawalls would be notified.

Commissioner Farber stated if he favored canal dredging he would have to suggest adopting the same system Manatee County implemented. Commissioner Sagman agreed with adopting the Manatee County system.

Commissioner Loiselle noted that Town Code Section 152.20 stated: "Special assessments against property deemed to be benefitted by local improvements, as provided for in Section 152.15 shall be assessed upon the property specially benefitted by the improvement in proportion to the benefits to be derived therefrom, the special benefits to be determined and prorated according to the foot frontage of the respective properties specially benefitted by the improvement, or by any other method the Town Commission may prescribe." He suggested the Town use the MSBU alternative.

Vice-Mayor Metz stated the Commission was originally discussing questions the Town Manager could ask on the survey. He suggested placing the top three options on the survey. Mayor Drohlich agreed three options should be listed on the survey. Commissioner Patterson stated no one would vote for increasing their taxes. Mr. Roberts recommended placing only one choice on the survey.

Commissioner Farber asked what objections the Commission had to the Manatee County system. Mayor Drohlich stated it was slow paced and very difficult to get moving. Mr. Persson commented getting 100% of the property owners to sign a release would be almost impossible to achieve.

Commissioner Patterson stated a survey would be appropriate. Mr. Roberts stated the project was very small and only 800 units would benefit; if the Commission were to divide the Town into districts, they would need to be large districts.

Betty Blair, 561 Putter Lane, stated that everyone had access to the beaches and the canals; property values throughout the Town would increase if the canals were dredged. She explained that the residents on the Bay side had agreed to renourish the beaches and support the Gulf side; in return the Gulf side would support the canal dredging.

Commissioner Loiselle stated he would like to hear from a contractor to determine if the project would be limited. Dr. Truitt commented contractors would not be in the business of dredging canals if liability was a huge factor they could not compensate for through insurance or higher project costs.

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There was a consensus to have the Town Manager develop a Town survey with a conceptual financing program for dredging canals and distribute it to property owners to determine if they wished to have canals dredged.

A recess was called at 2:30 PM; the Workshop reconvened at 2:40 PM.

2. Proposed Bulk Ordinance (Ord. 96-09); 3-Dimensional Models  
Depicting Impacts upon Single-family Homes

Mr. Roberts reported Planning, Zoning and Building Director Dan Gaffney would present a 3-dimensional slide presentation for the Commission.

Mr. Gaffney pointed out the issue of bulk was discussed at the 5-16-96 Workshop; the Commission had postponed a decision and requested a 3-dimensional model showing the overall impact upon single-family homes; he noted the 3-dimensional slide presentation would also address the impact and issues identified by Mr. Sullivan at that Workshop.

Mr. Gaffney read the purpose and objective statement defined by the P&Z Board as follows: "In order to preserve and protect the existing developed properties in accordance with the Comprehensive Plan, it is necessary to regulate residential buildings as to scale, bulk, and their relationship to the adjacent environment. Due to rapidly rising land values and the intensity of new and rebuilding activities, there is a real concern with the rise and bulk of the new residences and additions to existing structures. It is in the public interest to maintain an appropriate balance between the scale of buildings to preserve and protect health, safety, light, air, access, privacy, sufficient exterior exposure and well being."

Mr. Gaffney presented the slide presentation while discussing bulk, the daylight plane, and how height was measured for single-family homes.

Attorney Michael Furen stated he represented JR Longboat, Inc., owners and developers of Lighthouse Point. He explained the Town already regulated bulk; the definition of bulk was explained in Town Code Section 158.06. He urged the Commission to accept the recommendation from staff and the Town consultant, Rik Bass, to exclude Planned Unit Developments (PUDs) from the Ordinance. Mr. Furen pointed out when the Town approved the Lighthouse Point development it also approved the height, setbacks, and percentage of land coverage. He stated the Ordinance would restrict design alternatives. He commented that the issue of bulk came about due to the Flood Insurance Rate Map (FIRM); post-FIRM homes were built adjacent to pre-FIRM homes; the post-FIRM homes, due to the Federal Emergency Management Act (FEMA) elevation requirements, overwhelmed the pre-FIRM homes. He remarked this problem would solve itself as Longboat Key was built out; older homes would be replaced with new homes in compliance with FEMA requirements. Mr. Furen stated it was the responsibility of the Town, before adopting the Bulk Ordinance, to understand the impact it would have on all of the homes within

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the community.

Betty Blair, 561 Putter Lane, stated there was tremendous public opinion in favor of the Bulk Ordinance. She explained that she lived in a single-family community established a long time ago; the Ordinance would be a compromise, and based upon the slides the square footage lost at the top of a building could be gained at the bottom. She stated nonconforming lots would always have a problem; adopting the daylight plane and height measurement would solve most of the problems.

Steve Schield, 780 St. Judes Drive North, pointed out that "same size does not fit all", as every neighborhood was created differently; PUDs created unique environments. He explained that his neighborhood was created with open space taken into consideration; large side lots were designed; the neighborhood was designed so that across the street from the home would be an open area. Mr. Schield explained that because of the FEMA "50% rule" the only way he could create more living space would be to add another story onto the existing home. Mr. Schield said that while he could change the layout for the second story, the kitchen and laundry room were on the garage side of the house and a staircase could be added into the new addition for a usable plan; the opposite side of the house consisted of two bedrooms and a bath, so a bedroom would be lost to create an upstairs bedroom and the addition would then become 20 feet from the next house; if the Commission would allow a 60% angle that would allow an addition of one story over parking. He requested the Commission to reconsider so a creatively-designed addition would fit into the neighborhood and an open space would still be possible.

Terry Sullivan, 6021 Emerald Harbor Drive, stated Mr. Gaffney had done a good job with the 3-dimensional drawings; however, they did not show that the space underneath the blackened area shown would consist of 1750 square feet of non-usable floor space. He contended that amount of square footage would be lost with no place to relocate it to. He expressed concern about restricting property values.

Commissioner Farber stated the Bulk Ordinance project was brought about because of the large homes being built in Country Club Shores and the Commission's concern this would be expanded to other neighborhoods. He explained staff and the P&Z Board held four workshops and many hours were put into the development of the Ordinance; however, nonconforming lots needed to be examined carefully. He acknowledged that the Town had conforming lots in Emerald Harbor, Country Club Shores, and areas like that, and the Town had nonconforming lots where the application of the formula would not work; some setback requirements were for 20 to 30 feet. Therefore, he suggested the Ordinance apply only to conforming lots; another Bulk Ordinance could be drafted for nonconforming lots. He contended the Ordinance would improve and enhance the beauty of homes on Longboat Key and would allow light and air to come into the neighborhoods.

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Vice-Mayor Metz agreed with applying the Ordinance only to conforming lots; he suggested creating an overlay district for nonconforming lots where flexibility was needed.

Commissioner Sagman stated the Commission should proceed with the Bulk Ordinance as written; however, the nonconforming lots should be exempted until the issue could be discussed at a Workshop.

Commissioner Legler said he endorsed the Ordinance since a sliding scale for nonconforming lots was included; he proposed moving it forward; when a problem with a nonconforming lot was identified it could be addressed at that time.

Commissioner Loiselle emphasized a great deal of time had been put into the Bulk Ordinance; he supported its approval; however, it did create hardship for some people and a provision for an appeal should be added.

Commissioner Patterson suggested moving the Ordinance forward; however, a provision should be added with regard to the nonconforming lots. He stated the daylight plane was appropriate.

Mayor Drohlich favored the Bulk Ordinance with the elimination of nonconforming lots; he requested that staff identify the problems and return with solutions.

Richard Bass, Town planning consultant, suggested the Bulk Ordinance be implemented and applied for a 5-year period; it could then be reevaluated and a determination made as to its effectiveness; nonconforming lots could be eliminated for the time being.

Commissioner Farber identified the problem with nonconforming lots as being that they were narrow from front to back and side to side; however, they were faced with the same setback requirements as conforming lots; in many cases the lot would be measured from the middle of a canal or the middle of the road; once the setbacks were applied there would be no room to build. He suggested reviewing the setback requirements for nonconforming lots.

Mr. Bass explained the controlling factor for conforming or nonconforming lots would depend upon whether the Commission changed the definition of where the height of a structure was measured from; measurement from the ceiling of the garage or from base flood elevation would change the overall height of a structure.

Vice-Mayor Metz noted if the Town created an overlay district for nonconforming lots the problem would be solved. Mr. Gaffney replied an overlay district would geographically group an area; then examination of that area would be possible and the setback requirements could be changed for that area.

Commissioner Sagman asked if Mr. Bass recommended nonconforming lots be included in base elevation, but not apply the daylight plane.

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Mr. Bass replied the controlling factor of how the daylight plane would impact conforming lots or nonconforming lots would depend upon the definition of where height was measured from.

Commissioner Legler opposed changing the measurement of the daylight plane; problems would be created. He suggested approving the Ordinance and then addressing the issue of nonconforming lots.

Commissioner Loiselle suggested adopting it on a 5-year plan.

Commissioner Patterson stated this was not the time to discuss setbacks; setbacks on canals were established so that water views were not blocked. He advocated accepting the recommendation made by Mr. Bass to adopt the Ordinance and review the results after a 5-year period.

Mr. Persson reported if the Commission were to exempt nonconforming lots, then a lot in the Village which may be 60-ft. wide would be a conforming lot; however, putting that same lot in a R4 District made it nonconforming. He explained that Mr. Schield did not have a problem with a nonconforming lot but with a nonconforming structure.

Mr. Persson reported that Mr. Sullivan stated he would lose 1700 square feet; he questioned if the house could be redesigned so the size of the building would fit into the 30% rule; it was obvious that residents on canals wished to maximize their view, and that could be accomplished by maximizing the width of the house and building upward. Mr. Persson stated there could be many problems; the issue the Commission would have to examine would be if there would be an inordinate burden because of the daylight plane; he suggested there would be a burden; however, the daylight plane ordinance would not impact or cause an inordinate burden. Mr. Persson explained that in order to continue with the theory that the daylight plane would not cause an inordinate burden, he would have to examine the redesigned house plan so the lost square footage would be recaptured on that lot; however, before stating there would be no inordinate burden on Mr. Sullivan's property, several issues would need to be looked at.

Commissioner Farber asked if moving the Bulk Ordinance forward as written and making adjustments later for nonconforming lots with an overlay zone would be the best way to handle the situation. Mr. Persson replied the more conservative way to handle the situation would be to exempt nonconforming lots before moving the Ordinance forward.

Commissioner Farber asked if a complaint were taken to the Zoning Board of Adjustment as a hardship would the ZBA then make an exemption. Mr. Person replied it may not meet all the hardship criteria; a taking of the property would have to be shown for a variance and that would be difficult to show; therefore, the Commission may wish to establish criteria which would be less than that for purposes of making the daylight plane work; however, that would have to be examined.

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There was a consensus to amend Ord. 96-09 by removing nonconforming lots from the Ordinance; Ord. 96-09 was scheduled for first reading and public hearing at the 7-1 Regular Meeting.

A recess was called at 3:40 PM; the Workshop reconvened at 3:45 PM.

3. Proposed Ordinance (Ord. 96-13) Amending Chapter 150, BUILDINGS, in Section 150.31, BUILDING PERMIT APPLICATIONS, by Adding New Subsections (D) (1) and (2) Requiring the Signature and Seal of a Licensed Architect or Professional Engineer on Plans and Specifications for New Construction Cost of which is in Excess of \$100,000 and Additions or Reconstruction which Cost is in Excess of \$50,000

Commissioner Patterson asked why the Ordinance was necessary as long as the Zoning Code and requirements were being met. Mr. Gaffney replied the P&Z Board felt an additional level of safety would be added by adopting an ordinance; Florida Statutes (FS) exempted single-family homes from requiring the services of either an architect or engineer. He reported that currently 70% of single-family homes under construction now (on Longboat Key) were using an architect, and 90% of the single-family homes under construction now were using an engineer; that information was also presented to the P&Z Board for their consideration.

Commissioner Patterson asked why government should dictate the requirement of an architect or engineer; he asked why the P&Z Board thought this Ordinance was necessary. Mr. Gaffney replied he had made it very clear that it was a policy decision; all the facts were presented to the P&Z Board about the current use of architects and engineers; however, the P&Z Board wished to move it forward to the Commission for a policy decision.

Commissioner Legler stated he was a member of the P&Z Board when the Ordinance was originally discussed; the P&Z Board first discussed the issue when the proposed Bulk Ordinance was being developed; it was thought that an architect could make a nicer-designed house; P&Z Board felt it would benefit the Town and it was a way to eliminate bulk without establishing an undue burden under the Harris Act.

Commissioner Farber advocated requiring a registered architect; many homes on Longboat Key were built from the drawings created by a draftsman; however, when an architect signed a set of plans "every little corner, every closet, and every piece of molding" would be included on the drawings; they could be checked and verified and would protect the buyer/homeowner as well as the community; that would be the best reason for requiring an architect.

Commissioner Sagman and Commissioner Loiselle indicated they were in favor of the Ordinance.

Commissioner Patterson stated no dollar figure should be indicated in the Ordinance if the Commission were concerned with safety. Mr. Gaffney replied that the current thresholds were \$100,000 for new

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construction and \$50,000 for remodeling; however, he wished to state if an architect or engineer were not hired a safe building could still be built; the Town's building codes had to be complied with whether or not an architect or engineer signed off on a set of construction plans; inspections would be made of the building and all requirements would have to be met.

Commissioner Farber contended a better home would be built if a contractor had a set of plans with all the details outlined. Mr. Gaffney noted the individual who signed and sealed the plans would assume the liability; an architect could design a home but the contractor may not follow the plans; therefore, hiring an architect or P.E. would not correct that situation. He stated minimum codes would be met with or without an architect or engineer.

Mayor Drohlich stated most of the lots on Longboat Key had dwellings on them so the real issue would be requiring an architect or engineer on remodeling; he asked if a great deal of cost would be added to the homeowner. Mr. Gaffney replied it was estimated that approximately 10% would be added to the cost of the house if an architect or engineer were required. Mayor Drohlich stated 10% could be a factor to the homeowner. Mr. Gaffney reported that another factor might be the "50% rule".

There was a consensus to forward Ord. 96-13 for first reading at the 7-1 Regular Meeting.

4. Proposed Ordinance (Ord. 96-12) Amending Chapter 154, FLOOD CONTROL, by Requiring a Second Appraisal Instead of a Desk Review of the First Appraisal

Mayor Drohlich stated this agenda item had been moved to the 5:00 PM Special Meeting for first reading.

5. Florida League of Cities, Inc. Request for Designated Voter Representing Town at the FLC 70th Annual Convention, August 8-10, 1996

Vice-Mayor Metz nominated Mayor Drohlich as the designated voter to represent the Town at the FLC 70th Annual Convention.

There was a consensus to appoint Mayor Drohlich as the Town's representative at the FLC 70th Annual Convention; this item was forwarded to the Consent Agenda of the 7-1 Regular Meeting.

6. Citizens Relations Committee (formerly Communications Committee)

Mr. Roberts reported that the name of the committee should be representative of what the committee's duties were; he suggested the name of the committee be Citizens Relations Committee. Mr. Roberts suggested that nine members be appointed by the Commission and the committee structure be selected by the members, electing a chair, vice-chair, and secretary; the committee may establish subcommittees for ad hoc purposes.

Mr. Roberts recommended that the staff liaison be the Town Manager; the Town Clerk would continue to serve as staff resource person; the

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Town Clerk as well as the Chair would communicate with the Town Manager and the Town Manager would communicate with the Commission. He explained that the Town Clerk would provide clerical assistance for the committee and coordinate the scheduling of meetings and help with preparing agendas. He stated that the programs would be determined by the Town Commission; the committee would help facilitate programs rather than initiate programs.

Mr. Roberts reported that the Statement of Purpose had been revised and was included in the information before the Commission.

Commissioner Loiselle asked if the Sunshine Law would apply to the Citizens Relations Committee. Mr. Roberts replied yes.

Vice-Mayor Metz stated the report was complete and well presented; however, he did not like the name of the committee. Mr. Roberts replied "Communications Committee" would be a misnomer for the group as no responsibility could be assumed for communications of the Town; this committee would not have that role.

There was a consensus to create a Citizens Relations Committee; this item would be placed on the Consent Agenda for the 7-1 Regular Meeting.

Mayor Drohlich asked if the Town would publish the openings in *The Longboat Observer*. Mr. Roberts stated this would be published and applications would be submitted for Commission review.

7. Redistricting of Commission Districts Pursuant to Town Charter (Ord. 96-14)

Mrs. Arends reported the Town Charter required the five Commission Districts to be reviewed annually to determine that no District contained more than 30% more voters than any other District; Dist. 1 had 31.4% more voters than Dist. 4; therefore, redistricting was necessary to balance the District voter populations more equally. She presented the current and proposed number of voters for each District and referred to drafts of maps showing the proposed boundary changes.

Vice-Mayor Metz recommended proceeding with the changes as presented and commended the Town Clerk for her efforts in this regard.

There was a consensus to direct an ordinance be prepared, incorporating the new District boundary lines as drafted, for first reading at the 7-1 Regular Meeting.

8. Proposed Resolution 96-14 Supporting the Shore Protection Act of 1996

Mr. Roberts reported that Stan Tait, President of the Florida Shore and Beach Preservation Association (FSBPA), had requested the Town support the Shore Protection Act of 1996.

There was a consensus to support the FSBPA by adopting Res. 96-14. Res. 96-14 was forwarded to the 7-1 Regular Meeting.

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9. Proposed Resolution 96-16 Nominating James M. Quinn to Receive a Florida Shore and Beach Preservation Association (FSBPA) Award for Outstanding Work on Beach Matters

Mr. Roberts stated FSBPA required a Resolution for each nomination; nominations were accepted for individuals only; programs could not be nominated.

There was a consensus to forward Res. 96-16 to the 7-1 Regular Meeting.

10. Proposed Resolution 96-17 Nominating James H. (Jim) Patterson to Receive a Florida Shore and Beach Preservation Association (FSBPA) Award for Outstanding Work on Beach Matters via the S.T.A.R.T. Program

There was a consensus to forward Res. 96-17 to the 7-1 Regular Meeting.

III. Town Attorney CommentsIV. Town Manager CommentsNegotiations re. "B-1 South" Property (Contiguous to Civic Grove)

Mr. Roberts referred to his Fax transmitted concerning the land negotiations for the "B-1 South" property; he said it clearly outlined the situation. He explained that the Town entered into negotiations with the owner of the "B-1 South" property, the land consisting of 3.87 acres contiguous to the Civic Grove property; the property owners would sell the property outright for the appraised value of \$754,000, or the property could be conveyed for a long term 50-year lease at 10% of property value per year. He reported staff had concluded that in order to use the "B-1 South" property for the proposed tennis courts, site work to prepare it would cost \$250,000.

Mr. Roberts stated that another option would be an exchange for the Town's C-1 property, but only after the zoning had been changed to permit a mini storage warehouse.

Mayor Drohlich asked what the site cost would be to prepare Civic Grove. Mr. Roberts replied that additional cost would need to be expended; however, Civic Grove was almost at grade. He would provide an estimate of the anticipated cost.

V. Town Commission Comments1. Facilities Master Plan

Commissioner Sagman stated a Townwide master plan for Town-owned property and facilities should be developed. She suggested the Town consider holding a tour of Town Hall, the Police Department and Public Works, so that the public could see the conditions and accept the need for new facilities; perhaps the new Citizens Relations Committee could arrange this.

2. Coalition of Barrier Island Elected Officials

Vice-Mayor Metz mentioned that the Coalition of Barrier Islands were

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currently working on a mission statement that would be prepared prior to the next meeting date.

3. Florida Department of Transportation (FDOT) Tree Planting Project Along Gulf of Mexico Drive

Vice-Mayor Metz commented that trees planted by the FDOT north of Broadway were set back into the existing exotic trees and shrubbery; he suggested trimming be done to give the new trees a chance to thrive.

4. Tennis Center - Civic Grove Site

Commissioner Legler stated he had received another memorandum concerning the Tennis Center; he suggested obtaining a concrete proposal in its entirety instead of on a piecemeal basis. Commissioner Patterson commented that the Town had to send out a Request For Proposal (RFP) and the situation was competitive.

VI. Public To Be Heard

1. Town Dock in Village - Parking and Use Problems

Lora Poe, 701 Linley Street, stated she was concerned about the public atmosphere at the Town dock and boat ramp near her home in the Village. She explained that during a recent trip to the dock three people were monopolizing the entire area; food was spread out onto two of the benches and fishing equipment on the other bench; there was no place to sit down. She asked the Commission to resolve the problem; other Towns had regulations that restricted certain areas to Town residents only.

Mr. Roberts reported that he had met with Ms. Poe concerning her problems with people parking in front of her house and nonresident users at the dock. He explained that he had discussed the concerns with the Town Attorney; an investigation was underway as to whether the Town could prohibit nonresidents from using the docks. He stated after the investigation was completed he would inform Ms. Poe and the Commission of the conclusions reached.

Ms. Poe stated she had asked for a "no parking" sign to be erected in front of her home; at times vans and boat trailers were left in front of her home. She was particularly concerned about the parking on the 4th of July and having her driveway blocked.

Mr. Roberts stated Police Chief Coons currently was investigating the possibility of erecting a "no parking" sign there; after the report was received he would present that to the Commission, possibly during the next two weeks. Ms. Poe noted that would be after the 4th of July. Mr. Roberts reminded Ms. Poe he had informed her the Commission must adopt an ordinance in order to designate the parking change.

Commissioner Farber suggested the police patrol that area for Ms. Poe. Mr. Roberts replied additional patrols of that area were being performed; people who were parked illegally or in the wrong direction would be given a warning and then a citation.

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Mayor Drohlich asked if that area could be taped off for the 4th of July. Mr. Roberts stated it could if the Commission wished it to be done.

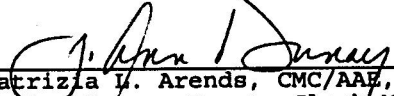
There was a consensus to tape off the area in front of Ms. Poe's home for the 4th of July only.

2. Tennis Center Proposal re. Civic Grove

John Redgrave, 1485 GMD, stated that the Tennis Center proposal provided to the Commission concerning use of Civic Grove was based upon a report written by Lee Rothenberg and John Redgrave; as a point of clarification he wished to inform the Commission that \$35,000 was included to complete site preparation.

VII. Press To Be HeardVIII. Adjournment

The Regular Workshop was adjourned at 4:35 PM.

  
Patrizia L. Arends, CMC/AAE, Town Clerk  
Jo Ann Dunay, Deputy Clerk-Minutes