

MICROFILMING INFORMATION SHEET

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

DATE: 04-01-2003

SUBJECT: Microfilming

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12-17-1998 TCRW

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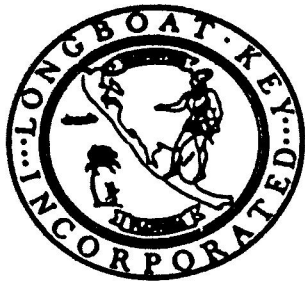
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Town of Longboat Key Town Commission

Town Hall
501 Bay Isles Road
Longboat Key, FL 34228
(941) 316-1999
(FAX) 316-1942
INFOLINE: 361-6411

- AGENDA - REGULAR WORKSHOP MEETING

1:00 PM

December 17, 1998

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.

Committee Reports and Communications

1. Manatee County Special Liaison Report
2. Sarasota County Special Liaison Report
3. Other Reports

Public to be Heard

Items for Consideration of the Town Commission

4. Beach Erosion Control Report

Town Manager and Dr. Cliff Truitt will update the Commission on T-groins for erosion control in hot spots along the Key and will also present cost estimates. Recommended Action: Pending discussion, forward to 12-17-98 Special Meeting.

5. Canal Dredging Report

Community Services Department Director Black will present an update report on canal dredging issues. Recommended Action: Direction to Town Manager.

6. Request for Closure of Alley Located Between Cedar Street and Hibiscus Way (Mrs. Judith Carmen, 6901 Poinsetta)

Mrs. Carman has petitioned for the closure of the alley located between Cedar Street and Hibiscus Way. She will be present at the meeting to answer any questions regarding this request. Staff has recommended that any changes to the Village be conditioned upon the completion of the Village Study. Recommended Action: Pending discussion, forward to 1-11-99 Regular Meeting for formal action.

Hal Lenobel, Mayor; John R. Redgrave, Vice-Mayor;
Kennedy Legler, District 1; Gordon Haglund, District 3; Raymond W. Metz, District 5;
Jim Patterson, At Large; Ron Johnson, At Large

7. **Proposal by James H. and Barry W. Walsh for Sale of Property Located in the Village (Located at corner of Broadway and Palm) for Waterfront Park**

Mr. and Mrs. Walsh would like to sell their property located in the Village for the purpose of a waterfront park to the Town. They are aware of the Village Study issues and timing and are therefore also willing to agree to giving the Town first right of refusal on sale of the property if the Town cannot make this decision at this time. Recommended Action: Pending discussion, forward to 12-17-98 Special Meeting for formal action.

8. **Staff Report: Recommendations for Beach Advisory Committee Activities**

Town Manager and Staff will present a report outlining activity suggestions for this committee for consideration by the Commission. Recommended Action: Pending discussion, forward to 1-11-99 Regular Meeting Consent Agenda for approval.

9. **Proposed Ordinance Banning Public Nudity**

Recent citizen complaints concerning nudity on the public beaches prompted the police department to initiate enforcement actions. Interaction with the prosecutor's office has revealed the Town Code should be amended to cover nudity in public places. Recommended Action: Forward to 1-11-99 Regular Meeting for first reading.

10. **Proposed Ordinance 98-xx, Amending Chapter 34, *Employment Policies*, Modifying Pension Investments**

The Town of Longboat Key Pension Board forwards this ordinance to the Town Commission with the recommendation that it approve an ordinance allowing for the investment of up to ten (10%) percent of the value of the Pension Fund in foreign securities in accordance with new state legislation. Recommended Action: Forward to 1-11-99 Regular Meeting for first reading.

11. **Proposed Ordinance 98-33, Amending Chapter 34, *Employment Policies*, §34.26 (A)(3), *Benefits Amounts and Eligibility, Retirement Date, Firefighters*, Providing for a Retirement Incentive Program**

Town Manager and staff will present the proposed document for Commission review. The Retirement Incentive Program would affect active members who have or will have attained age 50 with 15 or more years of service with the Town or age 45 with 20 or more years of service with the Town on or before March 31, 1999 and who make an irrevocable written election within 30 days of the adoption of this ordinance to retire. The incentive includes an unreduced benefit equal to three percent of average final compensation times years of service at the date of termination of employment. This program will not apply to any members of the plan who do not meet the age and service criteria or to members who retire after March 31, 1999. Recommended Action: Forward to December 17, 1998 Special Meeting for first reading.

12. **Longboat Key Public Tennis Center Parking (590 Bay Isles Road)**

Town Manager and staff will present a report on parking issues at the tennis center and request the Commission to provide direction on parking. Staff will recommend 15 on-site

parking spaces be approved to alleviate traffic congestion and other parking related issues. Recommended Action: Forward to 12-17-98 Special Meeting for formal action.

13. Resolution 98-27, Endorsing the Concept of the Expansion of the Longboat Key Center for the Arts

Mr. Stewart Stearns, President and CEO of the Community Foundation of Sarasota County, defined a stipulation to the Longboat Key Center for the Arts concerning the grant in which they are named through the Leslie and Margaret Weller Fund. A condition of the bequest is for the Town of Longboat Key to endorse the expansion of the Center for the Arts before the end of the 1998 year. This resolution is forwarded for your consideration at this time. Recommended Action: Pending discussion, forward to 12-17-98 Special Meeting for approval.

Items for Consideration of the Town Commission Consent Agenda

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.

14. Designation of Polling Places for 1999 Elections

Polling places are designated each election with approval of the Town Commission. The polling places will remain the same: Town Hall for Precinct 19; All Angels Episcopal Church for Precinct 140; Longboat Island Chapel for Precinct 95. Recommended Action: Forward to 1-11-99 Regular Meeting Consent Agenda for approval.

15. Request for Wedding to be Held on the Beach

Town Code provides for gatherings of more than ten (10) persons to be held on the public beach with Town Commission approval. Teresa McDaniel's request to hold a March 6, 1999 wedding on the public beach at the end of Broadway Street outlines the proposed arrangements which meet the Town's criteria. Recommended Action: Forward to 1-11-99 Regular Meeting Consent Agenda for approval.

16. Citizen Relations Committee (CRC) Appointments of Two (2) Additional Members

The CRC requested the appointment of two (2) additional members to the committee. Anne Bussells and Fred Myers are forwarded for appointment to the committee. Recommended Action: Forward to 12-17-98 Special Meeting for approval.

Town Commission Comments

Town Manager Comments

December 17, 1998

Regular Workshop Agenda

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Town Attorney Comments

Press to be Heard

Adhe

**MINUTES OF THE REGULAR WORKSHOP OF THE LONGBOAT KEY TOWN COMMISSION,
DECEMBER 17, 1998, 1:00 PM**

Present: Mayor Lenobel, Vice-Mayor Redgrave, Commissioners Patterson, Johnson, Haglund, Legler, Metz (arrived at 1:15 PM)

Also Present: Town Manager St. Denis, Town Attorney Persson, Town Clerk Arends, Development and Community Services Director Black, Deputy Clerk Dunay-Mixon

Committee Reports and Communications

1. Manatee County Special Liaison Report
2. Sarasota County Special Liaison Report
3. Other Reports

Public to be Heard

Items for Consideration of the Town Commission

4. Beach Erosion Control Report

Town Manager St. Denis advised staff reviewed the funding issue regarding the Islander Club Condominium (Islander) beach erosion situation and also identified similar "hot spots" along the shoreline. He advised funding for this project could be achieved internally; however, the funds would not be recoverable. Discussion ensued regarding advancement of the 2002 Beach Erosion Control Project, coastal construction control line, and beach failure.

Lester Ageloff, Islander Club, 2301 Gulf of Mexico Drive (GMD), suggested the Commission move forward with the Islander project; interest rates were low and the Town could borrow the necessary funds. Mr. Ageloff explained the Gulf water was 15 feet from the Islander seawall.

Charles Sandler, Islander Club, 2295 GMD, stated Longboat Key's beach was considered a tourist attraction; people should be able to walk the beach without trespassing onto private property. He urged the Commission to move forward with the proposed project.

Richard Kanner, Islander Club, 2295 GMD, stated this situation should be viewed as an opportunity for improvement. He urged the Commission to moved forward with the project; however, he suggested the Commission consider the installation of rock instead of installing the black tubes which would protrude five feet above the water level.

Ingeborg Krieger, 718 Linley Street, expressed concern with the Town responding to individual requests instead of addressing this issue as a whole. She urged the Commission to establish a policy guideline for beach renourishment projects before moving forward.

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Discussion ensued regarding beach renourishment, issues for review by the Beach Advisory Committee, and the development of a beach renourishment plan for Longboat Key.

There was a consensus to refer this issue to the Beach Advisory Committee for review.

5. Canal Dredging Report

Mr. St. Denis outlined the process utilized for selecting dewatering sites for a canal dredging program. He pointed out the fiscal and operational impacts that could arise in the event the Town excluded Lyons Lane as a dewatering site. Mr. St. Denis explained the Sarasota Ritz-Carlton project should be considered independent of a canal dredging program.

Dr. Cliff Truitt, Town Consultant, stated the volume of material under consideration was minimal (20,000 - 25,000 cubic yards). He explained dredged material would be placed in the bermed area for approximately 30 days; then dewatering should be completed within two weeks.

Marty Black, Community and Development Services Director, pointed out the Lyons Lane site was discussed with a number of concerned residents. He explained impacts were discussed, as well as a canal dredging program and the temporary sites for dredged materials. Mr. Black explained the Australian pine trees and Brazilian pepper trees would be removed; this was consistent with the Town's Comprehensive Plan. He pointed out the area in question was surveyed for a wetlands jurisdictional determination by the Southwest Florida Water Management District and the US Army Corps of Engineers; jurisdiction could be claimed based on the tidal and water influences in the area. Mr. Black explained heavy construction activities would take place at the Lyons Lane site; pumps and heavy equipment would be used daily.

Discussions were held concerning the Lyons Lane site, area impacts, noise, odor, heavy equipment usage, berm development, exotic plant removal, permitting, flooding, and dewatering. Dr. Truitt stated the dredged material was not hazardous and was acceptable at the Sarasota County landfill.

Further discussions were held regarding residential neighborhood impacts, alternative disposal sites, contract protections, project benefits, and development of a wetlands area.

Jack Goodrich, 597 Bayview Drive, favored the canal dredging project and the Lyons Lane dewatering site; property values could increase. He urged the Commission to move forward with this project.

Bobbie Banan, 558 Bayview Drive, requested a clarification on the project timeline. She stated she was not opposed to canal dredging; however, she did object to the Lyons Lane dewatering site. Ms. Banan displayed a document containing the signatures of 80 residents who expressed opposition to the Lyons Lane dewatering site. She referred to a 1952 plat of the Bayview Drive area and pointed out the strip of land (1.5 foot wide) from GMD to

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Sarasota Bay which belonged to the Bayview Drive property owners; entrance to the Town-owned property with dredged material would not be accessible through this area.

Dr. Truitt explained spoil from 19 canals would utilize the Lyons Lane dewatering site; the amount of material dredged from each canal would vary. He explained the entire project (50 canals) should be completed within 14 months.

Bernard Welch, 578 Bayview Drive, stated the issue under consideration was cost; the Lyons Lane site would save taxpayers \$100,000; however an unfair burden would be placed on one neighborhood. He suggested the Commission consider alternative dewatering sites.

Karen Nicolet, 638 Bayview Drive, expressed concern for the mangroves in the area. She explained the Lyons Lane site was not large enough to dewater dredged material from 19 canals. Ms. Nicolet pointed out ospreys that lived in the mangroves should not be disturbed.

Warren Girdle, 512 Lyons Lane, stated he was not against canal dredging; however, he was against the Lyons Lane dewatering site. He inquired as to security and stabilization of the project; the existing upland area was critical to wildlife. Mr. Girdle displayed "muck" samples and expressed concern with the airborne dust, dirt, and bacteria that would be dangerous to the children and adults who lived in the area.

Chris Moneuse, 524 Lyons Lane, expressed opposition to canal dredging; a considerable amount of "sludge" would be dumped across the street from his home. He explained the exotic tree removal would destroy a number of mangroves. Mr. Moneuse stated this project was not necessary.

Betty Blair, 501 Putter Lane, stated dredged material was dewatered in her neighborhood; no complaints were received and no odor was experienced.

Kirk Carmean, 508 Bayview Drive, expressed support of a canal dredging project; however, he opposed the creation of a dump site.

Helen Holt, 608 Bayview Drive, stated the Town did a remarkable job on its restoration projects. She expressed support for a canal dredging project, as well as the Lyons Lane dewatering site.

Discussions were held regarding the 17 dewatering sites reviewed during the selection process and the development of a fact sheet for residents.

David Kendall, 784 Lyons Lane, expressed concern as to the height of the proposed berm (at Lyons Lane), and inquired as to how the material would be transported from the canal site to the disposal site. Mr. Black replied the discussion was conceptual at this point; no design or engineering work had been completed.

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Rainer Josenhanss, 6669 GMD, questioned whether the material could be utilized as fill on future Longboat Key projects. Dr. Truitt advised this situation was reviewed; the material could be stockpiled after it was dewatered.

There was a consensus for staff to review alternative dewatering sites (other than Lyons Lane), to review the possible efforts to mitigate neighborhood dewatering site impacts, and to develop a fact sheet to address the stated citizen concerns. There was a consensus to further discuss this issue at a later meeting.

A recess was called at 2:55 PM; the Regular Workshop reconvened at 3:05 PM.

6. Request for Closure of Alley Located Between Cedar Street and Hibiscus Way (Judith Carman, 6901 Poinsetta)

Mr. Persson advised with the adoption of Ordinance 98-15 alley closures were to be considered in a quasijudicial manner; an ordinance must be drafted; notices were required to be posted and mailed to surrounding property owners within 500 feet of the subject property. He suggested this item be removed from the agenda.

There was a consensus to reschedule this item after the necessary notices were posted and mailed.

Vice-Mayor Redgrave requested the Agenda be changed so that Item 10 could be discussed at this point. There was a consensus to change the Agenda order and discuss Item 10 at this time.

10. Proposed Ordinance 99-04, Amending Chapter 34, *Employment Policies*, Modifying Pension Investments

John Pether, Consultant and Smith Barney Vice-President, stated that he assisted the Longboat Key Municipal Pension Trust Fund Board of Trustees (Pension Board) regarding investments. He explained the State of Florida amended (Florida Statutes) Chapters 175 and 185 to allow investment in foreign securities. Mr. Pether stated this issue was discussed with the Pension Board and it would be prudent to allow 10% of the equity value of the fund to be invested in foreign securities; however, the investment should be limited to American Depository Receipts (ADR). Discussion ensued pertaining to ADRs, foreign securities, large cap stocks, mutual funds, blue chip stocks, and international funds.

Commissioner Legler suggested Ord. 99-04 be amended to restrict foreign investments to ADRs.

There was a consensus to forward Ord. 99-04, as amended, for first reading at the 1-11 Regular Meeting.

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7. Proposal by James H. and Barry W. Walsh for Sale of Property Located in the Village (Located at corner of Broadway and Palm) for Waterfront Park

Barry Walsh, 350 North Shore Road, displayed a plat and stated prior to placing the property on the market she wished to offer the Town the opportunity to acquire the property for a waterfront park.

James Walsh, 350 North Shore Road, stated the property did not contain a seawall; therefore, it would be appropriate for launching canoes.

Commissioner Legler stated the Town should not turn down a first refusal offer. Mr. Persson advised two appraisals would be necessary, and the process may take 45 days. Discussion ensued pertaining to size of the property, water frontage, zoning, and appraisals.

There was a consensus for the Town Manager to negotiate with Barry and James Walsh regarding the purchase price for the property located at the corner of Broadway and Palm.

8. Staff Report: Recommendations for Beach Advisory Committee Activities

Mr. St. Denis advised the Beach Advisory Committee (BAC) would be reviewing complex issues. He suggested the Commission create a budget and allow the BAC to attend educational opportunities. Discussion ensued regarding the establishment of a budget for the BAC, educational opportunities, creation of a library, and development of a Town-wide plan. Mr. St. Denis advised that he would be the staff liaison for the BAC.

There was a consensus to allow the BAC to attend the National Beach and Shore Conference in St. Petersburg (January 27-29, 1999), and to distribute the Coastal Planning and Engineering report to the BAC members.

9. Proposed Ordinance Banning Public Nudity

Police Chief Kintz pointed out complaints were received from Longboat Key residents regarding nude sunbathers on Beer Can Island. He explained public nudity did not violate State law; however, an enforceable ordinance could be developed to address public nudity. He stated the proposed ordinance defined public nudity and was deemed enforceable by the local prosecutor's office. Discussions ensued pertaining to the definition of public nudity, existing Town Code restrictions, and enforceability elements.

There was a consensus to forward an ordinance for first reading at the 1-11 Regular Meeting.

11. Proposed Ordinance 98-33, Amending Chapter 34, Employment Policies, §34.26 (A)(3), Benefits Amounts and Eligibility, Retirement Date, Firefighters, Providing for a Retirement Incentive Program

Mr. St. Denis distributed a revised copy of Ord. 98-33 and summarized the criteria established for the Retirement Incentive Program. He explained a number of options were available to modify the existing organization of the Fire Department; however, he

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recommended the Town offer an early retirement incentive to qualified Fire and Police employees. Mr. St. Denis pointed out eight Fire employees and one Police employee would qualify for the program; a 45-day review period was established to allow eligible employees to consider this offer. He reviewed the financial impacts for offering the early retirement incentive and explained a four-month salary package would be given to those eligible employees that wished to participate in the Retirement Incentive Program.

There was a consensus to forward Ordinance 98-33 for first reading at the 12-17 Special Meeting.

12. Longboat Key Public Tennis Center Parking (590 Bay Isles Road)

Marty Black, Community and Development Services Director, reported complaints were received regarding parking at the Tennis Center and Weston Pointe areas. He recommended the Commission authorize the development of an ordinance to designate Bay Isles Road as a "No Parking" zone from 8:00 AM through 5:00 PM, Monday through Friday.

Mr. Black advised the Tennis Center plat approved 25 on-site parking spaces. He recommended 13 of the 25 approved on-site parking spaces be constructed. Mr. Black explained no additional vegetation would be removed from the site; however, two palm trees in the center of this site would be relocated to provide for a landscape median strip. He noted to maintain compliance with the Americans With Disabilities Act (ADA) the four designated handicapped parking spaces along Bay Isles Road would be relocated. Mr. Black displayed a PowerPoint slide which reflected the on-site parking arrangement. He noted the Tennis Center expenditures were approximately \$30,000 under budget; therefore, the on-site parking spaces would be constructed within the existing budget. Discussions ensued regarding the total number of on-site parking spaces, available parking at the Recycling Center, establishment of a "No Parking" zone, shell walkways, and landscaping.

There was a consensus to forward this issue to the 12-17 Special Meeting. There was a consensus to forward an ordinance regarding the establishment of a "No Parking" zone along Bay Isles Road for first reading at the 1-11 Regular Meeting.

13. Resolution 98-27, Endorsing the Concept of the Expansion of the Longboat Key Center for the Arts

Commissioner Johnson reported one of the Weller grant stipulations required that the Town Commission endorse the concept of the expansion of the Center for the Arts.

There was a consensus to forward Res. 98-27 to the 12-17 Special Meeting.

Items for Consideration of the Town CommissionConsent Agenda14. Designation of Polling Places for 1999 Elections15. Request for Wedding to be Held on the Beach16. Citizen Relations Committee (CRC) Appointments of Two (2) Additional Members

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There was a consensus to forward Agenda Items 14 and 15 to the Consent Agenda at the 1-11 Regular Meeting. There was a consensus to forward Agenda Item 16 for approval at the 12-17 Special meeting.

Town Attorney Comments17. Sarasota Bradenton International Airport: Proposed 270° Departure From Runway 32 Update

Commissioner Patterson presented an update on the Sarasota Bradenton International Airport proposed 270° departure from Runway 32 issue. He explained the Federal Aviation Authority (FAA) Environmental Assessment Report indicated that no significant environmental impact would occur if the departure from Runway 32 were changed to the proposed 270°.

Mr. Persson advised Manatee County Commissioner Harris had expressed concern with the public hearing scheduled (by the FAA) for 12-18. The hearing was postponed to 1-13; however, the Town had to request an extension of the 30-day comment period so that issues raised during the meeting could be responded to. Commissioner Patterson stated the 12-17 edition of the *Bradenton Herald* contained an article pertaining to this issue. Commissioner Haglund stated a private lawsuit was filed by Casa Del Mar regarding the proposed 270° departure from Runway 32.

Joseph Mazza, 6941 Poinsettia Avenue, representing the Longbeach Village Association, expressed concern with the amount of funds expended on the airport issue; Longboat Key would be impacted by airplane departures regardless of the departure path.

18. Request To Schedule an Attorney-Client Session on 12-17 Immediately Following the Special Meeting

Mr. Persson requested an Attorney-Client Session be scheduled for 12-17 regarding the Veltmann case # 95-6418-CA-01.

There was a consensus to suspend the written notice requirement and to hold a Attorney-Client Session on 12-17 Immediately following the 12-17 Special Meeting.

Town Commission Comments19. Airboat Disturbances in Sarasota Bay

Commissioner Johnson expressed concern with the airboat activity in Sarasota Bay. He played a tape recording to demonstrate the noise level, and noted 19 boats were currently active in Sarasota Bay.

Police Chief Kintz reported staff had received numerous calls regarding airboat noise. He explained enforceable legislation did not exist since decibels needed to be measured at every frequency from which a sound was generated. Discussion ensued pertaining to lobbying this issue.

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There was a consensus to discuss this issue with the Florida League of Cities, and to send a letter to Manatee and Sarasota Counties regarding airboat noise, as well as address this issue at the Sarasota County Legislative Delegation Hearing (1-14-99).

Town Manager Comments

Mr. St. Denis reported Manatee County completed an audit of the Town's Utility Department revenues; it was possible that Manatee County overcharged the Town \$780,000. He noted the water meter in Manatee County and the water meter on Longboat Key did not reflect the same figure.

Press to be HeardAdjournment

The Regular Workshop was adjourned at 4:45 PM.


Patricia Arends, CMC/AEE, Town Clerk
Jo Ann Dunay-Mixon, Deputy Clerk-Minutes

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