

^ADDITION TO AGENDA - CONSENT ITEM A-1; revised 2-12-96.

TOWN OF LONGBOAT KEY

WORKSHOP AGENDA

FEBRUARY 15, 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. Consideration of Resolution 96-05, Supporting Florida State House Bill 173 - Senate Bill 16 re. Felony/Murder Statute

B - Discussion Items

1. Consideration of a Sarasota County Bicycle/Pedestrian Committee Nominations and Appointment
2. Consideration of an Alternate Member to the Metropolitan Planning Organization (MPO) Board
3. Consideration of Sarasota Manatee Airport Authority Request for Support of 10K, 5K, and 1-mile Run/Walk
4. Consideration of Proposed Resolution in Support of Legislative Funding for Florida Beach Projects
5. Consideration of Amendment to Water Agreement between Manatee County and the Town Allowing the Construction of a Water Interconnect with the City of Sarasota for Emergency Use and the Purchase of Water from the City of Sarasota during any Interruption of Service from Manatee County

*minutes entered
2-20-96*

96-02

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,
FEBRUARY 15, 1996, 1:00 PM

Present: Mayor Patterson, Vice-Mayor Drohlich, Commissioners
Gotthainer, Farber, Sagman, Metz, Green

Also Present: Town Manager Roberts, Town Attorney Persson,
Public Works Director Smally, Planning, Zoning & Building
Director Gaffney, Special Services Representative Engert,
Town Clerk Arends, Deputy Clerk Dunay

I. Committee Reports and Communications

1. Manatee County Special Liaison Report

Mayor Patterson indicated a written report from Chuck Loisel, Special Liaison for Manatee County, was given to each Commissioner. There were no comments concerning the report.

2. Sarasota County Special Liaison Report

Mayor Patterson reported recent Sarasota County Commission Meeting Agendas had not included any subjects of specific interest to Longboat Key.

II. Items for the Consideration of the Town Commission:

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

1. Consideration of Resolution 96-05, Supporting Florida House Bill 173 - Senate Bill 16 re. Felony/Murder Statute

Mayor Patterson stated only one item on the Consent Agenda was to be forwarded to the 3-4-96 Regular Meeting; consideration of Res. 96-05, supporting Florida State HB173 and SB16 relating to Felony and Murder Statutes. Mayor Patterson asked if anyone wished to remove that item from the agenda for discussion.

Res. 96-05 was forwarded for adoption at the 3-4 Regular Meeting.

B - Discussion Items

1. Consideration of a Sarasota County Bicycle/Pedestrian Committee Nomination and Appointment

Town Manager Roberts indicated Curt Engert, Special Services Representative, had been the Town's representative on this Committee for a year or two; the term would expire in March. He presented the opening for the Commission consideration, so that nominations could be made and forwarded to the County Commission for appointment. Mr. Engert explained that the nominee must be a resident living within the Sarasota County portion of Longboat Key. Vice-Mayor Drohlich asked how often the Committee met. Mr. Engert replied that the Committee met monthly. Commissioner Farber suggested the position be advertised to determine the residents interested in being appointed to this Committee.

Mayor Patterson asked if there were any nominations at this time.

Commissioner Sagman asked if this person would just be a nominee or would automatically represent Longboat Key. Mr. Engert confirmed that the person would be a nominee and the County Commission would appoint the nominee.

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There was a consensus to advertise the Bicycle/Pedestrian Advisory Committee position in the *Longboat Observer*.

2. Consideration of an Alternate Member to the Metropolitan Planning Organization (MPO) Board

Commissioner Green suggested a permanent procedure be established for the alternative member to the MPO: the current Mayor could be the alternate member; therefore, a designation would not have to be made each year.

Vice-Mayor Drohlich recommended that no alternate be appointed. He explained the Mayor could appoint an alternate at any time.

There was a consensus to leave the procedure as it currently existed.

3. Consideration of Sarasota Manatee Airport Authority Request for Support of 10K, 5K, and 1-mile Run/Walk

Vice-Mayor Drohlich recommended this item be denied; it would set a bad precedent for the Town and it served no purpose to Longboat Key.

There was a consensus to authorize the Mayor to write a letter declining participation.

4. Consideration of Proposed Resolution in Support of Legislative Funding for Florida Beach Projects (Res. 96-04)

Mr. Roberts recommended approval of Res. 96-04 (as requested by the Florida Shore and Beach Preservation Association, Inc.).

Res. 96-04 was forwarded for adoption at the 2-15 Special Meeting to follow this Workshop.

5. Consideration of Amendment to Water Agreement between Manatee County and the Town Allowing the Construction of a Water Interconnect with the City of Sarasota for Emergency Use and the Purchase of Water from the City of Sarasota during any Interruption of Service from Manatee County

Commissioner Green stated it was his understanding that passage of this item did not obligate the Town to go forward with the project. Mr. Roberts indicated this was correct; if approved, this would allow the Town to facilitate it.

Vice-Mayor Drohlich asked why the Town needed to ask Manatee County about this. Mr. Roberts responded Longboat Key was under contract to Manatee County for water service; in order for the Town to utilize that system in some other way, Manatee County's approval was required.

Vice-Mayor Drohlich stated the Town was not using the water from Sarasota, and it was only for emergency purposes. Mr. Roberts confirmed this was correct; however, Manatee County required the change. Vice-Mayor Drohlich asked if this could be handled by a letter informing Manatee County of what the Town planned to do.

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Town Attorney Persson advised that the Town had a long standing agreement with Manatee County, advantageous for the Town; this was a relatively minor amendment to the agreement. He indicated he would prefer that the Town make changes to the agreement by amendment.

Commissioner Farber stated the feasibility study about the interconnect would cost \$80,000 to find out how much it would cost; therefore, he questioned whether the Town should spend \$80,000 if the Commission did not believe in the cause that was to be funded.

Mr. Roberts advised the Commission was not authorizing the expenditure today; the approval today was to get the agreement in position to have the interconnect if the Commission wished to go forward. Mr. Roberts stated a proposal from the engineers on the design, the detail, and the negotiation with the City would be forthcoming.

Commissioner Sagman questioned if the discussion were premature. Mr. Roberts replied there would be no point in going forward with discussions unless Manatee County would be willing to agree to the amendment.

Commissioner Metz commented it was a good idea to amend the agreement to alert Manatee County of the Town's plans.

Commission Green noted the agreement would run out in the year 2005 with an option to renew; the last time the line broke Manatee County brought in hoses in a timely manner. He asked if the Town had the interconnect would Manatee County have to go to the expense of getting hoses and water to Longboat Key. Mr. Roberts replied the Town would only be utilizing Sarasota water in the event that Manatee service went out. He stated there was no intention to jeopardize the existing agreement with Manatee County and the interconnect would be beneficial to Manatee County. Mr. Persson advised that to modify the contract both parties must agree.

There was a consensus to forward this item to the 2-15 Special Meeting.

III. Town Attorney Comments1. The Reserve Case - Update

Mr. Persson reported it was estimated that the criminal case preceding The Reserve case on the court docket would take another week. He advised that the federal judge had not ruled on the motions that were pending for The Reserve case, and it appeared the motions would be considered at the end of the criminal trial. He said the trial may start in March; however, no exact date could be given.

2. Challenge to Chapter 91 - Town Code

Mr. Persson reported there was a constitutional challenge to Town Code Section 91.18, "Habitual Barking Dog". He said there was a motion in court to dismiss a criminal complaint filed by a Longboat Key resident; therefore, he asked if the Town wished him to participate in defending the constitutionality of this part of the Code.

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Commissioner Sagman asked if a complaint about a dog had been received. Mr. Persson replied a citation was issued by the Police Department about a barking dog, and a trial was scheduled; a continuance was granted and the judge was going to consider this aspect of the case.

There was a consensus to take no action on the challenge to Town Code Chapter 91, ANIMALS.

3. Correction Re. Opinion on Chapter 35

Mr. Persson reported he was incorrect in previous statements regarding independent contractors and the indemnification provision of Chapter 35, as applied to the position of Town Attorney. He stated that in further review of the Chapter, it was determined the Town Attorney was an official and thereby would be covered; Chapter 35 could be modified to delete the Town Attorney position from the indemnification provision, if the Commission so willed.

Commissioner Farber questioned why the Town Attorney position should not be indemnified. Mr. Persson replied the modification would be a policy decision. He further explained the Town Attorney position was different in that it was neither an employee position nor an elected position; the Town Attorney was an independent contractor, however, the position was as a Town Official.

Vice-Mayor Drohlich asked which carrier, the Town's or Mr. Persson's, would provide the protection if a case were brought against Mr. Persson. Mr. Persson responded this would depend on the situation; he wished it to be clear that the provision could be read that the Town Attorney was a Town Official.

There was a consensus for no action to be taken and for the Town Attorney position to remain indemnified under Chapter 35.

IV. Town Manager Comments1. Amended Schedule for Zoning Code Amendments

Mr. Roberts reported on the Commission's request for the Zoning Code to be updated for hurricane standards. He added a report from staff indicated that presenting a draft by 3-1-96 would be a difficult time line to meet. He stated that Dan Gaffney had a proposed time line for consideration.

Planning, Zoning & Building Director Gaffney stated local contractor input on the proposed amendments had not been received. He added that orders were placed for copies of the Southern Florida Building Code and related documents so a relative comparison could be performed; delivery of the documents would be within ten days. Mr. Gaffney proposed a time line: the contractor committee would meet in March, followed by an update to the Building Code for hurricane standards, as well as an update to the Town's Hurricane Standard Operating Procedures. He noted this time line allowed for additional discussion at the March Workshop. Further, he indicated the National Hurricane Conference was scheduled for 3-2 through 3-5 in Orlando; particular issues discussed at that Conference would be

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advantageous. He said this meant the Town could adopt the amendments in May and June. Mr. Gaffney commented that this timing would coincide with media coverage which usually occurred preceding hurricane season.

Commissioner Green indicated the urgency was in amending the Code before the State Legislature considered taking away local government rights regarding building codes; if the amendments were passed prior to any legislative changes they would be "grandfathered" in; if that were not the case, then no emergency existed. Mr. Persson commented that he had not seen the bill and was unaware of any "grandfather" provisions.

Commissioner Farber stated that it was expected that the bill from last year would be reintroduced (it had been passed by the legislature, but was vetoed by the Governor). He advised that the Florida League of Cities would oppose legislation that restricted municipal amendments to building codes regarding construction methods, personnel standards, and professional qualifications based on local safety and welfare determinations.

Vice-Mayor Drohlich asked if the Town's Code amendments would cause a substantial increase in building costs. Mr. Gaffney responded the cost issue was being focused on; the contractors' comments and the insurance companies' perspective would be important; after the Conference the cost increase would be more apparent.

There was a consensus to approve the time line submitted for amendments to the Code for hurricane standards.

2. Greer Island Dredge Applications

Mr. Roberts reported the Town had made two applications to the West Coast Inland Navigation District (WCIND) for the Greer Island Project; one was a re-application for \$55,000, and another application was for a \$70,000 dredging contract. He added that the approval process would take place in April.

3. Memorandum and Public Statement Concerning Tennis Center Cost Estimates and Campaign Ad Published

Mr. Roberts reported he wished to address the tennis center issue. He indicated he had talked to Commissioner Green earlier and wished to comment on the campaign ad that appeared in the *Longboat Observer*. In this regard he read the following memorandum: "This is to advise that Town staff has not yet developed cost estimates for a Town Tennis Center since the last bid was rejected. A preliminary staff report on the Tennis Center will be prepared for presentation to the Town Commission at its March 21st Workshop Meeting."

Mr. Roberts indicated it was necessary to make a further public statement and read the following: "I am issuing this public statement as a result of a paid political advertisement by a Town Commissioner candidate in this week's *Longboat Observer*, which encouraged readers to contact the Town Manager or Finance Director for verification of certain information. While it is not my role to

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express a personal judgment on the intentions of this ad, it is my ethical obligation as your Town Manager to affirm my complete disassociation as Town Manager as well as on behalf of staff with any candidate's campaign or advertising for the office of Town Commissioner."

Commissioner Green acknowledged that he understood the Town Manager's position. He indicated he was unaware of how to direct people to the minutes on this subject; he suggested the Town Clerk have the minutes available, if inquiries were made.

Commissioner Metz asked which meeting minutes those would be. Commissioner Green reported this would be the minutes from the meeting where the Finance Director presented a financial figure to justify the funds being loaned and repaid.

Commissioner Metz stated he had a problem with the explanation. He asked how a Commissioner could get the Town Manager to confirm numbers the Commissioners had not seen. Mr. Roberts indicated he had no further comment.

Commissioner Green announced all the records were open to the public; records were available that indicated the tennis courts "could be built for half"; nothing was final and records were available to indicate what the cost would be.

Commissioner Metz countered that the explanation did not explain what the ad had said; the Commission had never seen the numbers reflected in the ad.

Commissioner Gotthainer suggested that for the convenience of the public, the date and the paragraph of the minutes referred to should be given.

V. Town Commission Comments1. Private Properties Act or Harris Act

Commissioner Gotthainer commented a great deal of discussion was made about how the Harris Act was "a bad law" and the legislature should make a movement to change it; however, he had not seen any changes from the legislators. He added that he had spoken with State Representative Shirley Brown, who was unaware of any discussion that was coming up concerning the Harris Act.

Mr. Persson advised there was a bill making a constitutional amendment. He added that most communities were not changing their regulations.

Mayor Patterson stated his impression of the Commission's consensus had been to let someone else take this issue to court and to look for a point case. He added that putting this into a constitutional amendment was a "long way down stream". He said Governor Chiles was strongly in favor of the Harris Act. Mr. Persson replied that Gov. Chiles supported the statute rather than a constitutional amendment. He advised that in drafting a new ordinance the Town needed to be very careful, since the standards for damages were now lower,

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especially as they impacted bulk. He stated Mr. Gaffney and Mr. Roberts were working with him on the bulk ordinance; however, the Harris Act was an overriding concern. He stated other communities were ossifying their zoning regulations and he would research the status of litigation.

Mayor Patterson stated a significant study of the Zoning Code was needed to assure compliance with the Comprehensive Plan. He added that until the Harris Act was fully understood this would be difficult. Mr. Persson stated the position adopted regarding the Zoning Code was to have the absolute minimum amount of amendments possible.

Mr. Persson suggested the Town contact local legislators to inform them it was more than a problem of lawsuits, it was the chilling effect upon changing regulations. He stated it was positive from the landowners' perspective as well; clarity was the emphasis that had been heard for the past three or four years; it was to the property owners' benefit to have zoning codes as clear as possible. Commissioner Green suggested a resolution be sent to the local legislative delegation and the County Commissions to start a ground swell on this.

Mayor Patterson summarized the suggested actions: 1) contact the Florida League of Cities for support, and 2) provide the Manasota League of Cities with a copy of the resolution and of the letters sent to the legislative delegation.

Commissioner Farber said he liked the suggestion of a resolution; it would spell out where the problems were. He confirmed he would take the resolution to the MLC who would be meeting with the Manatee and Sarasota County legislative delegations within the next month.

There was a consensus to draft a resolution for the 3-4 Regular Meeting.

There was a consensus to direct the Town's representative to the MLC to address this issue and present copies of the resolution.

Vice-Mayor Drohlich suggested the Town hold a separate legislative conference with the legislators; the Town had its own agenda. Mayor Patterson commented that the Town provided little leverage politically; all the Town had was what was generated in the media and through money.

Commissioner Gotthainer agreed that the legislators needed to be aware of the Town's needs. Commissioner Farber indicated it would be difficult to get the legislative delegations together at one time; it would be better to meet with each legislator individually.

Commissioner Green commented that the County Commissions may be experiencing the same difficulties; therefore, the resolution should be presented to them as well. He also suggested that a letter be sent to the local legislative delegations with a copy of the resolution. He added a letter should also be sent to the Chairmen of

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the County Commissions and the Town Manager should contact the two County Administrators. Mr. Roberts stated he would make the contacts indicated.

Mr. Persson reported he would bring up this issue when he attended a meeting of local government attorneys next week, as the Sarasota County legislative delegation had been invited to attend.

2. Manasota League of Cities Legislative Packet
Commissioner Farber requested the Commission read the MLC legislative packet recently distributed.

3. Effect of Weather on Town Parks
Vice-Mayor Drohlich reported that Durante Park lost a considerable amount of new vegetation from the last freeze. He asked if there was an assessment of the loss.

Public Works Director Smally indicated an evaluation had not been performed. Vice-Mayor Drohlich questioned if funds were available to replace the lost vegetation. Mr. Smally replied that maintenance funds were available and currently design work was being performed in that area of the Park.

Mr. Roberts directed Mr. Smally to prepare a report.

4. Orimulsion Meeting - Lido Shores
Commissioner Sagman announced she received information concerning a meeting regarding Orimulsion. The meeting was scheduled for 10 AM on Saturday, 2-17, at the Harley Sandcastle Hotel. She said Lido Shores requested that a representative from Longboat Key attend.

5. Gulf of Mexico Drive Driveway Situation
Commissioner Green stated that many houses north of the Emerald Harbor entrance on GMD did not have improved driveways. He questioned how the houses and garages were allowed to be built without driveways; this situation was causing deposits of gravel and sand on the sidewalk. Mr. Smally stated that the Florida Department of Transportation (FDOT) did not have that requirement; FDOT surveyed that area during the GMD repaving project. Mr. Roberts said Mr. Smally would perform an investigation to see if something could be done.

6. Red Tide Project - Update
Mayor Patterson reported over 140 letters were sent to each of the mayors of the towns and cities between Naples and Tarpon Springs requesting support of red tide efforts. He added the Executive Director of the Longboat Key Chamber of Commerce was provided a letter with a copy of the Resolution (96-06) for distribution to other chambers. Mayor Patterson stated each legislator was sent a copy of the Resolution. He reminded the Commissioners they were to make follow up calls to local governments; Vice-Mayor Drohlich had made his calls and he suggested other Commission members complete their calls soon.

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7. Quick Point Nature Preserve

Mayor Patterson commented Quick Point was a wonderful park; in his visits there, on several occasions, not less than five other people were also enjoying the park. He suggested the Police Department be made aware that the park had opened and routine patrols were required. He requested a damage report be prepared on the vegetation lost during the last freeze.

Vice-Mayor Drohlich requested bike racks be installed at the park.

8. Change of Elected Officers - Anna Maria Island Communities

Mayor Patterson reported the following changes for mayors of the Anna Maria Islands communities: for Anna Maria Dorothy McChesney was replaced (by Charles Shumard); Leroy Arnold was the new Mayor of Bradenton Beach; (Rich Bohnenberger remained as Mayor of Holmes Beach pending an upcoming election in March).

9. Canal Dredging Study (CPE)

Mayor Patterson requested the status of the canal dredging report. Mr. Roberts indicated he had received a preliminary report from staff. Mr. Smally advised he received a report earlier today from Coastal Planning & Engineering. Mr. Roberts stated the report would be distributed to the Commission shortly.

10. Justification for Additional Staff

Mayor Patterson commented he observed a report from the Code Enforcement Board which indicated 654 cases were reported; however, the report did not state whether the numbers reflected cases per month or year. He stated some Town Commission candidates had suggested the Town had too many employees; therefore, he suggested figures be clarified for justification. Town Manager Roberts indicated the report format could be changed.

Commissioner Green indicated a local builder recently reported to him that the Building Department was doing a wonderful job; he wanted to pass that comment along to the public and the Commission.

11. Safety Alert Monitoring System - Update

Vice-Mayor Drohlich questioned the status of the SAM system. Mr. Roberts stated he was waiting for a letter from the distributor verifying the price of \$62 for purchase of the units by the public. He added that the purchase order was ready to go.

VI. Public to be HeardVII. Press to be HeardVIII. Adjournment

The Workshop adjourned at 2:22 PM

James H. Patterson, Mayor

Patrizia Arends, CMC/APE, Town Clerk
Jo Ann Dunay, Deputy Clerk

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