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TCRM 12-07-1998


**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 MEETING

7:00 PM | December 7, 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.

### Call to Order and Pledge of Allegiance

### Proclamations and Special Presentations

1. National Epilepsy Awareness Month

   This proclamation, signed by Mayor Lenobel, will be sent to the Committee for Epilepsy Awareness. The proclamation urges employers to be supportive of employees and persons with this disability. Recommended Action: Forward proclamation to National Epilepsy Awareness Committee.

2. Mote Marine Laboratory International Year of the Ocean - 1998

   Virginia Haley of Mote Marine Laboratory will accept this proclamation urging citizens to utilize ocean resources wisely and to support Mote Marine Laboratory's work in preserving the vital marine environment. Recommended Action: Present Ms. Haley with proclamation.

### Approval of Minutes

November 2, 1998 Regular Meeting;
November 17, 1998 Special Meeting

### Committee Reports and Communications

### Public to be Heard

### Ordinances - First Reading and Public Hearing

1. Ordinance 98-29, Adopting Town Code Supplement 15 (1998)

   Ordinances adopted by the Town Commission throughout the year are promulgated into the



Minutes Indexed 3-24-99

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Town Code with this ordinance. Recommended Action: Forward Ordinance to January 11, 1999 Regular Meeting for Second Reading and Public Hearing.

2. Ordinance 98-32, Calling for a Special Referendum to Determine Whether a New Charter Shall be Adopted for the Town

[This ordinance was forwarded back to first reading and public hearing due to a change in the title allowing for an option of election dates in March.]

Ordinance 98-32 provides the authority for the Town to hold a Special Referendum for the Town's electorate to adopt a new Charter. The proposed Charter was recommended by the Charter Review Committee and reviewed by the Town Commission over the past year. Numerous housekeeping changes as well as three major amendments will be considered: proposed $2000 annual compensation for Town Commissioners; limit to three (3) terms of office for Town Commissioners with a 2-year period out of office before serving again; the appointment of a Special Master to handle certain Ethics issues. Recommended Action: Forward to 12-17-98 Special Meeting for Second Reading and Public Hearing.

## Ordinances - Second Reading and Public Hearing

3. **(Quasijudicial)** Ordinance 98-31, **(Longboat Key Moorings)**, an Ordinance Amending Resolution 75-27, Approving an Outline Development Plan (ODP) Amendment for Longboat Key Moorings Marina to Include a Swimming Pool as a Permitted Use (2800 Harbourside Drive)

Town Manager and Community Services Director Black presented this request to amend the ODP for Longboat Key Moorings Marina, 2800 Harbourside Drive, to include a swimming pool as a permitted use. The Planning & Zoning Board and staff recommend approval with conditions contained within the ordinance. Recommended Action: Adoption upon Second Reading and Public Hearing.

## Resolutions

4. Resolution 98-25, Amending Personnel Rules and Regulations to Adopt a Drug Free Workplace Policy

Forwarded from the November 17, 1998, Regular Workshop, this resolution adopts a drug free workplace policy for the Town of Longboat Key. Recommended Action: Adopt Resolution.

5. Resolution 98-26, Calling for a Special Referendum to Authorize the Financing of a $3,979,900 Facilities Program

A referendum question will be placed on the March ballot, if this resolution is approved, for the registered voters of Longboat Key to authorize the bonding of a $3,979,900 facilities program. The program recommendations made to the Town Commission by the Facilities Advisory Committee include the demolition and replacement of facilities for the Public Works Department at its current location of 610 General Harris Street; a new facility for the Police Department to be located south of the North Fire Station (5490 Gulf of Mexico Drive) on Town-owned property; and the razing and replacement of the lower portion and

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modifications to the upper portion of the current Town Hall. In addition, an alternate recommendation being made is for the Town to investigate, negotiate and purchase an existing building(s) provided the purchase would result in a cost savings to the Town. Recommended Action: Adoption.

## Closing of Consent Agenda

## Action on Consent Agenda

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

6. Approval of 1999 Town Service Survey

A town service survey was approved by consensus on July 16 and November 17, 1998 by the Town Commission to be mailed in January 1999. A 15% sampling of all Longboat Key registered voter households and non-voter property owners with a Longboat Key mailing address will receive the survey. The same questions used as in the 1991 and 1994 surveys are included in the survey for tracking purposes. Additional choices for critical issues will include beach management, zoning and canal dredging. A return date for the survey is to be specified. Recommended Action: Approval of Consent Agenda authorizes the Citizens Relations Committee to move forward with the mailing of the survey.

7. Chamber of Commerce Request to Close Bay Isles Road (for a Chamber of Commerce Street Art Festival to be held on January 23 and 24, 1999)

This request is forwarded from the November 17, 1998, Workshop agenda for formal action. As property owner along Bay Isles Road, Town Commission must formally approve this request end in accordance with Town Code must also approve street closings. Recommended Action: Approval through Consent Agenda.

## New Business

8. Appointments of a Seven-member Beach Advisory Committee

A decision to implement a committee for the purpose of advising the Town Commission on the beach management program was made by the Commission at their November 17, 1998, Regular Workshop. Appointments of seven members to this committee will take place at this meeting. Recommended Action: Nomination and appointment of seven-member committee.

9. Appointment of Zoning Board of Adjustment Member to Fill Vacancy which Expires May 2000

Due to the resignation of Mr. Jim Barnett, a vacancy exists on the Zoning Board of Adjustment. Appointment of a member to fill this seat will take place at this meeting.

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Recommended Action: Appointment of member for balance of term to expire May 2000.

10. Sarasota County Government Request for Letter of Support of the Protection of Horse Creek by Designating it an Outstanding Florida Water.

Sarasota County Commission Chairman David Mills made this request in his October 27, 1998 letter to the Mayor. A letter will be drafted for the Mayor's signature in support of the protection of Horse Creek if approved. Recommended Action: Direction to Manager.

11. Florida Panhandle Hurricane Georges Report

Community Services Director will present a PowerPoint presentation on damages sustained from Hurricane Georges in the panhandle area of the State. Recommended Action: Informational only.

**Town Attorney Comments**

**Town Manager Comments**

**Town Commission Comments**

**Press to be Heard**

**Adjournment**

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

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MINUTES OF THE REGULAR MEETING OF THE LONGBOAT KEY TOWN COMMISSION, DECEMBER 7, 1998, 7:00 PM

Present: Mayor Lenobel, Vice-Mayor Redgrave, Commissioners Patterson, Johnson, Haglund, Metz, Legler

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

**Call to Order and Pledge of Allegiance**

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

**Proclamations and Special Presentations**

1. National Epilepsy Awareness Month

Town Clerk Arends advised this proclamation would be mailed to the National Epilepsy Awareness Committee.

2. Mote Marine Laboratory International Year of the Ocean - 1998

Mrs. Arends read the proclamation proclaiming 1998 as the International Year of the Ocean; it was presented to Virginia Haley of Mote Marine Laboratory.

14. Award of Financial Reporting Achievement - Government Finance Officers Association of the US and Canada to Town of Longboat Key

Town Manager St. Denis presented a financial reporting achievement award for Fiscal Year 1997 to Finance Director Sullivan.

**Approval of Minutes**

November 2, 1998 Regular Meeting and November 17, 1998 Special Meeting

**It was moved by Patterson, seconded by Johnson, to approve the minutes of the 11-2 Regular Meeting and the 11-17 Special Meeting. Motion carried unanimously.**

**Committee Reports and Communications**

15. ManaSota League of Cities

Commissioner Johnson advised Longboat Key would host the ManaSota League of Cities' quarterly dinner on 1-26-99; approximately 35 people would be in attendance; further details would be forthcoming.

16. Sarasota County Children and Youth Services Advisory Council

Commissioner Johnson reported on the recommendations forwarded to the Sarasota County Board of County Commissioners (BCC) regarding appropriations and disbursements.

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17. Sarasota Coastal Advisory Committee
Commissioner Haglund advised the Sarasota Coastal Advisory Committee had discussed and reviewed: 1) the restoration of Little Edwards Island, and 2) pfiesteria (an organism which released toxins that affect marine life).

18. Metropolitan Planning Organization (MPO)
Manatee County Area Transit (MCAT)
Vice-Mayor Redgrave reported the MCAT service to Longboat Key was discussed at the MPO meeting (11-30-98); unfortunately, the Longboat Key route would be eliminated due to low participation levels.

Plymouth Harbor Condominium Request For Traffic Device
Vice-Mayor Redgrave explained the residents of Plymouth Harbor Condominium (Sarasota) requested the MPO review a request to install a traffic signal or pedestrian crossing with warning lights on John Ringling Boulevard (in front of the condominium) so residents could safely cross the street; an additional request by the Plymouth Harbor Condominium Association was to lower the speed limit to 25 miles per hour (mph) between Coon Key Bridge and St. Armands Circle.

Greenways Transportation
Vice-Mayor Redgrave reported that alternative plans were being developed for Greenways Transportation; the Cities of North Port and Venice were actively involved with the program.

19. Sarasota Bradenton International Airport
Commissioner Patterson advised a citizens group formed on Longboat Key had employed an attorney and would be participating in the 12-18 Federal Aviation Authority (FAA) meeting regarding the environmental impact study and the Runway 32 departure.

20. Citizen Relations Committee (CRC) Appointments
Mr. St. Denis reported Fred Myers and Anne Bussells had requested reappointment to the CRC. Discussion ensued.

**There was a consensus to forward the reappointment of Fred Myers and Anne Bussells to the CRC at the 12-17 Regular Workshop and Special Meeting.**

Town Hall Meeting
Mr. St. Denis advised the CRC inquired as to whether the Town Commission wished to sponsor a Town Hall Meeting. Discussion was held pertaining to whether there was a need to hold a Town Hall Meeting prior to the 1999 March General Municipal Election.

Rainer Josenhanss, 6669 Gulf of Mexico Drive (GMD), Facilities Advisory Committee (FAC) member, advised a marketing effort was developed to address the public awareness of this issue; several informational meetings would be held at condominium associations, civic groups, and social clubs.

**There was a consensus not to schedule a Town Hall Meeting.**

Coffee With A Commissioner Program; Outreach Program
Dr. Pickett reported 14 people were in attendance at the 11-11 Coffee With a Commissioner program. She advised the outreach programs to be held by the CRC would attract a larger number of citizens.

**Public to be Heard**

**Ordinances - First Reading**
3. Ordinance 98-29, Adopting Town Code Supplement 15 (1998)
**Ord. 98-29 was placed on first reading by title only.**

**It was moved by Legler, seconded by Metz, to pass Ord. 98-29 on first reading. Motion carried unanimously on roll call vote: Legler, aye; Metz, aye; Patterson, aye; Johnson, aye; Haglund, aye; Redgrave, aye; Lenobel, aye.**

**Ord. 98-29 was forwarded for second reading and public hearing at the 1-11 Regular Meeting.**

**Ordinances - First Reading and Public Hearing**
4. Ordinance 98-32, (D-2) Calling for a Special Referendum to Determine Whether a new Charter Shall be Adopted for the Town
**Ord. 98-32 (D-2) was placed on first reading and public hearing by title only.**

**It was moved by Metz, seconded by Johnson, to pass Ord. 98-32 (D-2) on first reading.**

**Pursuant to published notice, the public hearing was opened.**

Rainer Josenhanss, 6669 GMD, questioned whether the date for the 1999 General Municipal Election had been identified. Town Clerk Arends advised the Sarasota County Board of County Commissioners at their 12-15 Meeting would determine whether a County election would be held in March 1999; if the County were to hold an election the Town would hold its Municipal Election on the same date.

**No one else wished to be heard, and the public hearing was closed.**

Vice-Mayor Redgrave inquired as to whether the 1999 General Municipal Election ballot would reflect the referendum questions in the same order as Ord. 98-32 (D-2). Mr. Persson replied yes.

**Motion carried unanimously on roll call vote: Metz, aye; Johnson, aye; Lenobel, aye; Redgrave, aye; Patterson, aye; Haglund, aye; Legler, aye.**

**Ord. 98-32 (D-2) was forwarded for second reading and public hearing at the 12-17 Special Meeting.**

**Ordinances - Second Reading and Public Hearing**

5. **(Quasijudicial)** Ordinance 98-31, **(Longboat Key Moorings)**, an Ordinance Amending Resolution 75-27, Approving an Outline Development Plan (ODP) Amendment for Longboat Key Moorings Marina to Include a Swimming Pool as a Permitted Use (2800 Harbourside Drive)

**Ord. 98-31 was placed on second reading and public hearing by title only.**

**Mrs. Arends swore all those who were to make presentations during the public hearing.**

**Pursuant to published notice, the public hearing was opened.**

Marty Black, Community and Development Services Director, duly sworn, reported Ord. 98-31 contained the additional condition to prohibit amplified music.

Ruth Napoliello, 1050 Longboat Club Road, inquired as to whether the swimming pool would be open to the public. Mr. Black replied the proposed swimming pool would not be open to the general public.

**No one else wished to be heard, and the public hearing was closed.**

**It was moved by Haglund, seconded by Redgrave, to adopt Ord. 98-31. Motion carried unanimously on roll call vote: Haglund, aye; Redgrave, aye; Legler, aye; Lenobel, aye; Patterson, aye; Metz, aye; Johnson, aye.**

**Resolutions**

6. Resolution 98-25, Amending Personnel Rules and Regulations to Adopt a Drug Free Workplace Policy

Mr. St. Denis advised the adoption of Res. 98-25 would complete the criteria established to become a drug free workplace. He reported an insurance rate reduction (lost fund contribution) would occur.

**It was moved by Redgrave, seconded by Metz, to pass Res. 98-25. Motion carried unanimously on roll call vote: Redgrave, aye, Metz, aye; Lenobel, aye; Patterson, aye; Johnson, aye; Haglund, aye; Legler, aye.**

7. Resolution 98-26, Calling for a Special Referendum to Authorize the Financing of a $3,979,900 Facilities Program

Mr. St. Denis requested this issue be removed from the agenda and deferred for discussion and action at the 12-17 Special Meeting.



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**There was a consensus to remove this item from the agenda and forward Res. 98-26 for discussion and action at the 12-17 Special Meeting.**

**Closing of Consent Agenda**

8. Approval of 1999 Town Service Survey

9. Chamber of Commerce Request to Close Bay Isles Road (for a Chamber of Commerce Street Art Festival to be held on January 23 and 24, 1999)

**It was moved by Metz, seconded by Patterson, to close the Consent Agenda. Motion carried unanimously.**

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

**New Business**

10. Appointments of a Seven-member Beach Advisory Committee

Mr. St. Denis summarized the Town Commission (11-17 Regular Workshop) discussion regarding the establishment of a seven-member Beach Advisory Committee. Town Attorney Persson advised language was provided regarding the purpose of this Committee.

Mayor Lenobel advised the drafted language read as follows: "There is created a Beach Advisory Committee to serve as an advisory body to the Town Commission and when deemed appropriate by that Commission to advise the Beach Erosion Control Districts A and B through the Town Commission, as ex officio governing body of those districts, in matters concerning the beach nourishment project as determined by the Town of Longboat Key or Beach Erosion Control Districts A and B."

Mayor Lenobel asked each Commissioner to select an individual for appointment: Commissioner Johnson named James Quinn; Commissioner Metz named Andrea Frank; Commissioner Haglund named Ken McCall; Mayor Lenobel selected Rainer Josenhanss; Vice-Mayor Redgrave named George Vanderborgh; Commissioner Legler named Jim Brown; Commissioner Patterson named Katie Moulton.

**It was moved by Metz, seconded by Johnson, to appoint a seven-member Beach Advisory Committee consisting of James Quinn, Andrea Frank, Ken McCall, Rainer Josenhanss, George Vanderborgh, Jim Brown, and Katie Moulton. Motion carried unanimously.**

Mr. St. Denis inquired as to whether the Town Commission wished to allow the Beach Advisory Committee to participate in the 12th Annual National Conference on Beach Preservation Technology to be held January 27-29, 1999, at the Hilton hotel, in St. Petersburg, Florida.

**There was a consensus to further review suggestions regarding the Beach Advisory Committee at the 12-17 Regular Workshop.**

11. Appointment of Zoning Board of Adjustment (ZBA) Member to Fill Vacancy which Expires May 2000

Town Clerk Arends advised five applicants who were not appointed during the 5-98 regular appointment process had confirmed interest in appointment to the ZBA; however, if additional applicants were desired an advertisement could be placed.

Mayor Lenobel opened the nominations: Commissioner Legler nominated Christopher Carman, Commissioner Metz nominated Milton Kruk, and Vice-Mayor Redgrave nominated Herbert Zydney. No other nominations were made and Mayor Lenobel closed the nominations.

Mayor Lenobel explained the voting process that would be used: the nominees would be announced alphabetically; if a nominee were to receive a majority vote that nominee would be appointed to fill the vacancy on the ZBA.

Mayor Lenobel requested a roll call vote for nominee Christopher Carman: Mayor Lenobel and Commissioners Legler, Haglund, and Johnson voted for Mr. Carman.

**Christopher Carman received a majority of the votes cast and was appointed to the ZBA. This term would expire May 2000.**

12. Sarasota County Government Request for Letter of Support of the Protection of Horse Creek by Designating it an Outstanding Florida Water

Mr. St. Denis advised Sarasota County Commission Chairman David Mills requested the Town's support in designating Horse Creek as an Outstanding Florida Water.

**There was a consensus for the Mayor to send a letter in support of the protection of Horse Creek by designating it as an Outstanding Florida Water.**

13. Florida Panhandle Hurricane Georges Report - Santa Rosa Island, Florida 1998

Marty Black, Community and Development Services Director, displayed a PowerPoint presentation reflecting the damage caused to Santa Rosa Island, Florida, by Hurricane Georges. He pointed out damage caused by debris, rain, standing water, sand deposits, and wind.

Discussions were held concerning stomwater inlet covers, land values, residential house pilings, underground utilities, road erosion, and locations to stock piling debris resulting from major storms.

Town Attorney Comments

Town Manager Comments

**Town Commission Comments**

25. John Ringling Bridge Replacement Update

Vice-Mayor Redgrave requested an update on the John Ringling Bridge Replacement issue. Mr. Persson advised an administrative hearing date was scheduled for 2-22-1999.

21. Tennis Center Parking

Vice-Mayor Redgrave expressed concern with the parking situation at the Longboat Key Tennis Center. He asked the Town Manager to review possible off-site parking locations, as well as on-site approved parking. Discussion ensued pertaining to possible solutions to the parking situation.

**There was a consensus for staff to review the Tennis Center parking situation and present parking alternatives including related cost, advantages, and disadvantages, at the 12-17 Regular Workshop and Special Meeting.**

22. Longboat Key Center for the Arts

Commissioner Johnson advised the Longboat Key Center for the Arts was close to achieving its financial goal to meet the $500,000 Weller grant conditions; however, one of the grant stipulations required a resolution of support from the Town Commission endorsing the concept of the expansion.

**There was a consensus for staff to prepare a resolution endorsing the concept of the expansion of the Center for the Arts for approval at the 12-17 Special Meeting.**

23. Publix Expansion

Vice-Mayor Redgrave inquired as to why the Site Plan Amendment application submitted by Publix Supermarkets, Inc. (Publix ) was withdrawn.

Mr. Black advised representatives from Publix and Dead River Properties attended a number of the Planning and Zoning (P&Z) Board meetings; the original application requested a 10,000 square foot addition; however, additional parking was not proposed on the application. He reported discussion was held pertaining to the required number of parking spaces. Mr. Black advised a letter from Publix was received at the Planning Department requesting Site Plan Amendment application withdrawal.

24. Town Commission Plans for Future Development

Commissioner Patterson expressed concern with the reactive mode the Town Commission had established. He identified a need for a mechanism to address the development of a long-term strategy. Commissioner Patterson stated over the next decade remodeling efforts (commercially and residentially) would be experienced. He requested the Commission discuss this issue at a future Workshop.

Vice-Mayor Redgrave pointed out the Comprehensive Plan explained the Town's strategy and the intent to accomplish specific goals. Mr. St. Denis suggested this issue be discussed at a future Workshop so that staff could explain the established methodology to address Commissioner Patterson's concerns; any shortcomings could be identified in the process.

**There was a consensus to discuss this issue at a future Workshop (January or February 1999).**

**Press to be Heard**

26. First Publication of The Longboat Press

Adam J. McLean, 2850 Gulf of Mexico Drive, introduced himself as the publisher of a new weekly newspaper, *The Longboat Press*. He advised the first publication would be available 12-18-98.

**Adjournment**

The Regular Meeting was adjourned at 8:45 PM.

Hal Lenobel, Mayor

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

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