

TCRW 03-12-1984

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TOWN OF LONGBOAT KEY

WORKSHOP AGENDA

MARCH 12, 1984

3:00 P.M.

I. Items for the Consideration of the Town Commission:

- ✓ 1. Building Permit Fee Waiver Request - All Angels by the Sea Episcopal Church.
- ✓ 2. Longboat Key Garden Club Tree Removal Request.
- ✓ 3. Siren Warning System - Manatee County. (NO)
- ✓ 4. Draft Ordinance Prohibiting Smoking in Town Hall. (NO)
- ✓ 5. City of Tampa Request Regarding Mobile Home Zoning Legislation.
- ✓ 6. FEMA Regulations Regarding Variances and Hardship Interpretations.
- ✓ 7. Request to Place "Coquina Triangle" (Buttonwood Harbour) Area on Open Space Map.
- ✓ 8. Request to Participate in the Florida Public Interest Research Group, Inc.
- ✓ 9. Rules of Procedure for Public Hearing.
- 10. Ambulance Refurbishing.

" JUNGHE QUEEN 284

II. Public to be Heard.

III. Press to be Heard

(Other than agenda items listed above.)

84-10

MINUTES OF LONGBOAT KEY TOWN COMMISSION WORKSHOP, MARCH 12, 1984, 3:00 P.M.

Present: Mayor Kirst, Commissioners Batten, Fernald, McCormick, Ochs, Rauch

Absent: Vice-Mayor Bell

Also Present: Town Manager Kelly, Town Attorney Christiansen, Town Clerk Pool, Planning Director Gumula, Secretary Oakes

1. Proclamations and Special Presentations

Fire Chief Fakelman introduced Samuel Fitzmorris, Firefighter/Paramedic, and Mayor Kirst presented him the Employee of the Month award for March 1984.

2. Building Permit Fee Waiver Request - All Angels by the Sea Episcopal Church

Town Manager Kelly read from his Town Manager's Report dated March 7, 1984 and referred to a letter from Tom Jones, Senior Warden for All Angels by the Sea, dated March 6, 1984. Mr. Kelly said the letter was self-explanatory and that All Angels by the Sea was asking for waiver of the \$150 building permit fee for the carillon. Staff recommendation was to approve this request. Commissioner Ochs said the Town had in the past always waived building permit fees on church buildings, and agreed with Mr. Kelly's recommendation. This matter was forwarded to the Consent Agenda for the April 2, 1984 Regular Commission Meeting.

3. Longboat Key Garden Club Tree Removal Request and Request for Additional Funds

Town Manager Kelly read from his Town Manager's Report dated March 7, 1984 and referred to his memo to Public Works Director Cox dated February 8, 1984 with four estimates for tree removal from Bicentennial Park attached. He stated that the budgeted amount of \$1,500 given to the Garden Club for this year would be used primarily for basic maintenance of the Bicentennial Park; i.e., plantings, debrushing, fertilizing, and day-to-day supplies. This tree removal was considered an extraordinary item which would require additional allocation of funds. Staff recommendation was for approval of an additional allocation of \$500 for removal of the dead oak trees. Mr. Kelly noted that the Commission was not being asked to award the service to one of the vendors who had submitted estimates. That would be done administratively by the Longboat Key Garden Club. Commissioner Fernald pointed out that the \$1,500 given to the Garden Club for annual maintenance was not a gift. The Town owns Bicentennial Park, and the Garden Club was given this amount to take care of the grounds. There was general agreement to place this item on the Consent Agenda for the April 2, 1984 Regular Commission Meeting.

4. Siren Warning System - Manatee County

Town Manager Kelly read from his Town Manager's Report dated March 7, 1984, and referred to a memo to himself from Police Chief McCammon dated March 5, 1984 and a letter to the respective cities in Manatee County from Jimmie Hamrick, Director of the Department of Public Safety, Manatee County, dated February 29, 1984. Mr. Kelly said that he and Chief McCammon had attended a meeting in December 1983 sponsored by the Manatee County Civil Defense Office at the Holmes Beach City Hall. The purpose of that meeting was to discuss the development, acquisition and installation of a siren warning system for the barrier islands. The basic intent was for the County to apply to the Federal Emergency Management Agency for a grant to fund the installation of these sirens with the matching portion coming from the County. Since the County had met on the issue and was formulating the grant application, they were now asking the respective communities to fund their fair share. The Town of Longboat Key's share would be \$18,918. Because of the nature of the system, which would require ongoing maintenance and operation costs, Staff thought the cost

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was excessive for the benefit anticipated. Their recommendation was to not approve the project, and the Commission agreed. Staff was directed to notify Manatee County.

✓ 5. Draft Ordinance Prohibiting Smoking in Town Hall

Town Manager Kelly said this issue had been generated by employees of Town Hall regarding the prohibition of smoking in the open office area of Town Hall. He said Staff recommendation was that the Commission ask the Town Attorney to draft an ordinance with language similar to a Sarasota County ordinance to apply to the Town of Longboat Key. Smoking would be permitted in executive offices, the lounge area, and the Police Department. Commission consensus was to place no smoking signs throughout the offices.

✓ 6. City of Tampa Request Regarding Mobile Home Zoning Legislation

Town Manager Kelly referred to a letter from Sandra Freedman, City of Tampa, dated February 27, 1984, and a letter to the Honorable H. Lee Moffitt from Sandra Freedman dated February 10, 1984. Staff recommendation was that the Commission incorporate similar language into resolution format supporting the City of Tampa's position regarding the right of municipalities to retain home rule power to regulate the use of mobile homes through their zoning ordinances. Commissioner Ochs recommended the Town wait to draft a resolution until this issue was a specific proposed bill before the legislature. Commissioner Rauch agreed with Commissioner Ochs, and stated that the Town should not get involved in something that was Tampa's business and would not affect Longboat Key. Town Manager Kelly said the issue was Home Rule Power and the stripping of that control - not necessarily just regarding mobile homes. Commissioners Fernald and Batten agreed that protection of Home Rule Power was very important and that all steps possible should be taken to slow down State and Federal control. Town Manager Kelly said he would contact the Florida League of Cities to find out if there was a specific bill and what was the status. Commission consensus was to place this on the next workshop. Commissioner Rauch asked the Town Attorney to find out about the Regional Planning concept and how it might affect Home Rule rights.

✓ 7. FEMA Regulations Regarding Variances and Hardship Interpretations

Town Manager Kelly referred to a letter from C. Richard Mayson of F.E.M.A. dated March 6, 1984, which was a follow-up to questions that had been asked of Robert McBeth, F.E.M.A. representative, at a meeting on February 29, 1984. Staff recommendation was to refer to Town Attorney for any interpretation relative to recently adopted Ordinance No. 84-7. The issue in question was whether the substantial improvement criteria applies to rebuilding of damaged structures. F.E.M.A.'s response in the letter from Mr. Mayson was, "If a damaged structure had been previously identified by the local code enforcement official (prior to damage), as being substandard, then costs to correct code deficiencies could be deducted from the costs of improvements. If no official knowledge (citation or condemnation of structure issued) existed prior to damage, then the structure is assumed to have met all codes prior to damage and thus all repairs or improvements would be counted toward substantial improvements". If the cost to reconstruct or repair the damaged structure equals or exceeds 50% of the market value of the structure (pre-damage), then the structure must be elevated and is subject to the same regulation as a new structure. Commissioners Batten, Rauch, and McCormick recommended that those commissioners who had been in attendance at the meeting on February 29, 1984 with Robert McBeth of F.E.M.A., compile a set of notes and then respond to the letter from Mr. Mayson. Town Attorney Christiansen recommended that people with questions to ask of F.E.M.A. submit those questions to Staff prior to holding a Committee meeting. Commission consensus was for the Town Manager to call a Committee meeting to go over this issue.

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✓ 8. Request to Place "Coquina Triangle" (Buttonwood Harbour) Area on Open Space Map

Town Manager Kelly said this item was a request from Commissioner Fernald. He stated that if the Commission favors the request, it would be appropriate to amend the Land Acquisition Ordinance and/or the Open Space Master Plan to reflect inclusion of the property on the schedule of properties to be acquired. Commissioner Fernald said she was concerned about a drainage problem in the area. She gave each Commissioner a map and said the triangle being discussed was from the south side of Triton Street to the west side of Neptune and the back lot line of Gulf Tides Condominiums. She said there was a lot of runoff from Gulf of Mexico Drive. Commissioner Ochs stated there is a question whether the Town should pay for this drainage problem or whether the residents of the area who would benefit directly should contribute. Commissioner Fernald stated she thought that handling the runoff from Gulf of Mexico Drive should not be paid for by the property owners. Planning Director Gumula suggested this property be considered when the Town updates the Open Space Plan to prioritize the various properties. Vernon Lee, representing Barron Berger, President of the Buttonwood Harbour Association, read a letter stating that this "Coquina Triangle" has pools of standing water at all times and overflows during the rainy season. He said the only reasonable place to drain this area would be eastward to the Arvida system. Commission consensus was to place this item on the next workshop.

✓ 9. Request to Participate in the Florida Public Interest Research Group, Inc.

Town Manager Kelly referred to a form letter from The Florida Public Interest Research Group, Inc. dated February 6, 1984, and said this request was made by Commissioner Fernald. Mr. Kelly recommended against participating. Commissioner Fernald stated this was a group concerned about offshore oil drilling. A moratorium had been passed, but it will be in effect for one year only. She said she was not necessarily for participation in this group, but just wanted to bring it to the attention of the Commission.

✓ 10. Rules of Procedure for Public Hearing

Staff recommended the Town Commission establish rules of procedure for second reading and public hearing of Ordinance No. 84-1, scheduled to commence at 5:01 P.M. this date. Town Manager Kelly suggested, and there was Commission consensus, to adopt the same rules used at the first reading and public hearing of Ordinance No. 84-1.

✓ 11. Ambulance Refurbishing

Town Manager Kelly stated the cost for the new chassis and refurbishing of the ambulance cab was borne by the Longboat Key Volunteer Fire Department as part of their fund raising campaign and contributions to the Town Rescue Service. He recommended the Commission recess to the front steps to receive the keys to the newly refurbished ambulance.

✓ 12. Jungle Queen Way - Street Dedication

Town Attorney Christiansen said that some time ago the people of Jungle Queen Way indicated they wanted to dedicate that street to the Town. At that time, Commission consensus was to accept the dedication and take over maintenance of the road. Mr. Christiansen wanted assurance in the form of a clean title that this road would be owned by the Town after accepting this dedication. Commissioner Ochs said he understood some of the property owners at the end of the street did not want to go along with dedication. Town Attorney Christiansen said a title would take care of that situation and asked for Commission consensus to request the title opinion.

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It was brought out that this road is in very bad condition and probably not passable for an emergency vehicle. Town Manager Kelly said that if the road were owned by the Town and it was not maintained properly for emergency vehicle access, the Town's liability would increase greatly. Town Attorney Christiansen said the road would probably have to be graded periodically to keep it passable for emergency vehicles. Commission consensus was for Town Attorney Christiansen to request title assurance on the road.

13. Public to be Heard

- ✓ Henry Sand spoke in reference to the second item on the agenda of the Special Meeting at 5:01 P.M. this date; i.e., Consideration of "a statement (out of the Comprehensive Plan) to be sent by the Town to the citizens". He stated he thought to take statements out of context would create problems. He said he agreed with Town Attorney Christiansen that the Comprehensive Plan speaks for itself.
- ✓ Marty Ervin spoke in reference to Cuban Laurel tree roots that would require constant maintenance of Bay Isles Road if accepted for street dedication. She asked how much was currently in the road fund. Commissioner Rauch replied that \$650,000 was in the road fund.
- ✓ Thomas Jones of All Angels by the Sea Episcopal Church thanked the Commission for their affirmative action in the building permit fee waiver request. As a director of the Garden Club, he also thanked the Commission for approving their tree removal request. Town Manager Kelly clarified that these items had not been voted on yet, but were just placed on a future Consent Agenda.
- ✓ Leon Feingold stated the Longboat Key Volunteer Fire Department had just held a fund drive and received over 1700 individual checks totaling over \$43,000. He said this money was used to refurbish an ambulance, purchase a datascope, a dummy for the C.P.R. classes, and other medical and fire equipment. He expressed appreciation to people for their support.

The workshop was adjourned at 4:30 P.M.

*Darlene Oakes*

E. Jane Pool, Town Clerk  
By: Darlene Oakes - Secretary

/deo