

TOWN OF LONGBOAT KEY
REGULAR COMMISSION MEETING AGENDA

SEPTEMBER 8, 1986

7:00 P.M.

- Scot
- ✓ I. Call to Order
 - ✓ II. Pledge of Allegiance
 - ✓ III. Proclamations and Special Presentations
 - IV. Approval of Minutes
Regular Meeting July 7, 1986, Special Meeting July 30, 1986.
 - V. Communications and Committee Reports
 - VI. Ordinances - First Reading
 - ✓ 1. 86-18 Code of Ethics.
 - ✓ 2. 86-20 Coastal Construction Code Amendments.
 - ✓ 3. 86-21 Mooring of Boats.
 - ✓ 4. 86-22 Street Dedications.
 - Approved by the Commission* ✓ 5. 86-23 Parking Prohibition Hibiscus and Shell Streets.
 - ✓ 6. 86-26 Authorization for Staff to Add Conditions to Permits.
 - ✓ 7. 86-27 Bond Issue on November 4, 1986 Ballot.
 - ✓ 8. 86-30 Amending Chapter 10 and Chapter 33, Code Enforcement Board.
 - ✓ 9. 86-31 Amending Chapter 96 Health and Sanitation.
 - ✓ 10. 86-32 Solid Waste Franchise.
 - ✓ 11. 86-33 Amending Ordinance 86-8 Liability Town Officials.
 - VII. Ordinances - First Reading and Public Hearing
 - ✓ 1. 86-25 Adoption 1986/1987 Millage Rate.
 - ✓ 2. 86-24 Adoption 1986/1987 Budget.
 - VIII. Ordinances - Second Reading and Public Hearing
Reference Town Clerk for presentation -
 - 1. 86-17 All Town Commissioners Elected in Even Numbered Years and Two Term Limit in Office on November 4, 1986 Ballot.
 - IX. Resolutions
 - X. Other Public Hearings
 - XI. Closing of 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 for the action noted in each item.

XII. Unfinished Business

XIII. New Business

1. Longboat Key Club Unit 6 (Lighthouse Point - Preliminary and Final), a Two Lot Subdivision. Reference memorandum Cox to Gumula dated September 5, 1986.

XIV. Action on Consent Agenda

1. Approval of Resolution 86-29 Amending Resolution 85-24, Continental Kitchens.
2. Authorizing Public Works to undertake work on Five Beach Accesses at Estimated Cost of \$9,450, per attached document dated August 1, 1986 entitled Beach Access Work Items for 1986.
3. Resolution 86-30 Opposing Casino Gambling.
4. Authorization to Repair Groins at the Islander Club, 2295 Gulf of Mexico Drive, in accordance with conditions of permit issued by the State of Florida and Conditions required by the Town Code Section 151.05.
5. Final Plat Approval - Charlie's Subdivision, a three lot subdivision.

XV. Town Attorney Comments

XVI. Town Manager Comments

XVII. Town Commission Comments

XVIII. Public to be Heard

XLX. Questions from Press

XX. 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.

MINUTES OF LONGBOAT KEY TOWN COMMISSION REGULAR MEETING, SEPTEMBER 8, 1986, 7 PM.

Present: Mayor Stewart, Vice-Mayor Hughes, Commissioners Edmundson, Fernald, Hulderman, Ross

Absent: Commissioner Pollock

Also Present: Acting Town Manager Gumula, Town Attorney Christiansen, Town Clerk Pool, Finance Director Sullivan, Public Works Director Cox

There being a quorum present, the meeting was in order.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Mayor Stewart led the Pledge of Allegiance to the Flag.

III. PROCLAMATIONS AND SPECIAL PRESENTATIONS

IV. APPROVAL OF MINUTES

On motion of Fernald, seconded by Ross, minutes of regular meeting July 7 and special meeting July 30, 1986 were approved.

V. COMMUNICATIONS AND COMMITTEE REPORTS

Commissioner Fernald asked Commission approval of the Town's paying for her registration and transportation to attend the Florida Beaches and Shores annual conference at Captiva Island. She stated she would pay her own room and board. There was no objection from the Commission.

VI. ORDINANCES - FIRST READING

1. 86-18 Code of Ethics.

At the direction of the Commission Ord. 86-18, establishing Town Code Chapter 39, Code of Ethics, was placed on first reading by title only. Mayor Stewart asked Town Attorney Christiansen for the following clarifications: (1) - Page 4, (C)(a)&(b) - If a dinner or drink at a public place "on the house" would be permissible but a pattern of continued free dinners and continued free drinks would be subject to question. The Town Attorney answered that if someone was appearing before the Town for some sort of action in his favor, he thought that even accepting one drink from that person would come under the area of "entertainment or favor or something of value" and he was not sure it would be appropriate. Mayor Stewart asked if he was correct in stating that if someone were to see someone having a drink it might be challenged and the Commission would decide. Mr. Christiansen said that was a fair statement. (2) - Page 5, (F)(1)&(2) - Mayor Stewart said his presumption was these sections would prevent a Commissioner or Town Official from voting for or recommending approval of, for example, a site plan and later becoming, perhaps, a silent partner in the project, or purchasing a

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housing unit at a big discount below that offered to others. The Town Attorney stated it would require a Commissioner to disclose his interest before voting - that was state law. (3) - Page 6 (C) - The Mayor said it was his understanding that prior to voting Commissioners would disclose any campaign contributions exceeding \$100 from an applicant business entity or entity's owners. Mr. Christiansen stated there could be a corporation with thousands of shares and a person might own just a very few and it would then be very difficult to know and make a disclosure. Mr. Stewart stated that most site plans which come before the Town are partnerships or small groups of people as owners rather than large corporations. Mr. Christiansen stated it is possible to have a partnership with partners not publicly known. A Commissioner might well have received a contribution from someone who had an interest in a partnership of which the Commissioner was not aware. (4) - Page 6 (D) - The Mayor stated as he understood it, even if a Commissioner determined that Florida conflict of interest statutes did not apply to a pending vote, if the Commission decision would result in financial or other gain he must disclose the facts prior to advocating approval. Mr. Christiansen stated that (D) applied only to appointed public officers and the provision was verbatim from the state statute. It did not include elected Commissioners. Mayor Stewart asked Mr. Christiansen to determine for sure whether the same restriction was applied to Commissioners under another provision and, if not, the Commission could consider extending it at the next meeting.

It was moved by Fernald, seconded by Ross that Ord. 86-18 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

2. 86-20 Coastal Construction Code Amendment.

At the direction of the Commission Ord. 86-20, amending Ord. 86-6 and Town Code Chapter 150, Buildings, providing for construction within the coastal building zone, was placed on first reading by title only. The Mayor explained this ordinance would bring the Town Code into conformance with new legislation reducing the requirements that buildings be required to withstand 140 mile per hour winds to 110 mph winds. It was moved by Hughes, seconded by Fernald that Ord. 86-20 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

3. 86-21 Mooring of Boats.

At the direction of the Commission Ord. 86-21, Amending Chapter 93 Mooring of Boats, was placed on first reading by title only. It was moved by Hulderman, seconded by Fernald that Ord. 86-21 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

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4. 86-22 Street Dedications

At the direction of the Commission Ord. 86-22, providing standards for the dedication and acceptance of private streets for public use, was placed on first reading by title only. It was moved by Ross, seconded by Fernald that Ord. 86-22 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

5. 86-23 Parking Prohibition Hibiscus and Shell Streets.

At the direction of the Commission Ord. 86-23, prohibiting parking on a portion of the southerly side of Hibiscus St. and the westerly side of a portion of Shell St., was placed on first reading by title only. After discussion in which Cynthia Riter, resident near the Art Center, assured the Commission that this ordinance met with Art Center approval, it was moved by Fernald, seconded by Hughes that Ord. 86-23 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

6. 86-26 Authorization for Staff to Add Conditions to Permits.

At the direction of the Commission Ord. 86-26, amending Chapter 150 Buildings to provide an inspector may establish requirements not covered by the Building Code and requiring a permit for burying organic matter, was placed on first reading by title only. Mayor Stewart explained this ordinance would control burial of trees and permit Staff to add normal conditions to building permits. It was moved by Ross, seconded by Fernald that Ord. 86-26 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

7. 86-27 Bond Issue on November 4, 1986 Ballot.

At the direction of the Commission Ord. 86-27, providing for and calling three bond referenda on the November 4 General Election, was placed on first reading by title only. It was moved by Fernald, seconded by Ross that Ord. 86-27 be passed on first reading. Mayor Stewart stated that the Department Heads would assemble a newsletter to be sent out to give the facts on the proposed referenda to voters. The newsletter would be presented to the Commission for approval when the final draft was prepared. The three proposed items were: \$1,630,000 to acquire, construct and equip a North Fire Station; \$1,630,000 to construct public works projects consisting of road improvement, drainage and lighting; \$1,310,000 to construct and equip an addition or annex to the Town Hall. Commissioner Edmundson expressed misgivings about financing road repairs by this method. Public Works Director Cox explained that proper and timely repair can extend the life of a road for 10 to 15 years. Finance Director Sullivan stated that under the conditions described by Mr. Cox he felt bond issue financing was appropriate and that the issue could be structured to a 20 year payout rather than 30 if thorough research proved it to be

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advisable. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

✓ 8. 86-30 Amending Chapter 10 and Chapter 33, Code Enforcement Board.

At the direction of the Commission Ord. 86-30, Amending Chapter 33 and Chapter 10 concerning establishment of the Code Enforcement Board and providing for no criminal penalty, was placed on first reading by title only. Town Attorney Christiansen stated the Legislature had acted to correct problems with language in the statutes about criminal penalties for violations before the Code Enforcement Board. In addition, there were other legislative changes. Ord. 86-30 would bring the Town Code into conformance with the new legislation. It was moved by Edmundson, seconded by Fernald that Ord. 86-30 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

✓ 9. 86-31 Amending Chapter 96 Health and Sanitation.

At the direction of the Commission Ord. 86-31, amending Chapter 96 by deleting the requirement for registration of certain employees, was placed on first reading by title only. It was moved by Fernald, seconded by Hulderman that Ord. 86-31 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

✓ 10. 86-32 Solid Waste Franchise.

At the direction of the Commission Ord. 86-32, granting an exclusive franchise for collection and disposal of solid waste, was placed on first reading by title only. It was moved by Fernald, seconded by Edmundson that Ord. 86-32 be passed on first reading. Commissioner Fernald stated she had made an appointment with Mr. Hannah of Waste Management Corp. to talk about recycling newspapers and cans to try to make Longboat Key an exemplary place. Mayor Stewart pointed out that Mr. Hannah had said they would cooperate with any voluntary effort. Motion carried on roll call vote: Edmundson, aye; (Commissioner Hughes had stepped out of the Chambers and did not take part in this vote); Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

✓ 11. 86-33 Amending Ordinance 86-8 Liability Town Officials.

At the direction of the Commission Ord. 86-33, amending Town Code Chapter 35 by providing the Town shall indemnify Commissioners, Officers, Officials, Appointed Board Members and Department Heads, was placed on first reading by title only. Mayor Stewart explained this was a minor amendment to specifically include appointed board members even though the Town Attorney's opinion was they already were included. It was moved by Fernald, seconded by Ross that Ord. 86-33 be passed on first reading. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye;

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Fernald, aye; Stewart, aye.

VII. ORDINANCES - FIRST READING AND PUBLIC HEARING1. 86-25 Adoption 1986/1987 Millage Rate.

At the direction of the Commission Ord. 86-25, levying .2487 mills for debt service, 1.3640 mills for general revenue purposes for a total of 1.6127 mills for calendar year 1986, an increase of .96% over the rolled-back rate, was placed on first reading by title only. Finance Director Sullivan explained how the percentage of increase over the rolled-back rate is figured. It was moved by Edmundson, seconded by Fernald that Ord. 86-25 be passed on first reading. Pursuant to notice mailed to taxpayers by the property appraisers of Sarasota and Manatee Counties, public hearing on the ordinance was opened. No one wished to be heard and the hearing was closed. Mayor Stewart suggested it would be interesting to include in some future Town newsletter a pie chart showing how much of taxes paid by Longboat Key property owners goes to the counties and how much to the Town. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye. Mayor Stewart announced there would be a second public hearing on the millage rate and budget ordinances September 22 at a meeting in the Town Hall Commission chambers starting at 5:00 P.M. Further, that this announcement and recording of it in the minutes would serve as notice of the September 22 special meeting.

2. 86-24 Adoption 1986/1987 Budget.

At the direction of the Commission Ord. 86-24, adopting a budget for fiscal year October 1, 1986 - September 30, 1987, was placed on first reading by title only. It was moved by Edmundson, seconded by Hulderman that Ord. 86-24 be passed on first reading. Pursuant to notice mailed to taxpayers by the property appraisers of Sarasota and Manatee counties, public hearing on the Ordinance was opened. No one wished to be heard and the hearing was closed. Finance Director Sullivan stated each Commissioner had received a copy of the budget reflecting changes talked about in the September 4 workshop. In addition he had found that the proposed utility tax could raise the necessary revenues if the tax on water were 6% rather than 7% as discussed and that was reflected in the budget. Mayor Stewart explained the Commission would in due course consider an ordinance adopting a tax on electricity, telephone and water. Commissioner Fernald stated she planned at mid-year budget time to bring before the Commission for consideration some ideas of ways to make pensions more equitable for long-tenured employees. Motion carried on roll call vote: Edmundson, aye; Hughes, aye; Hulderman, aye; Ross, aye; Fernald, aye; Stewart, aye.

VIII. ORDINANCES - SECOND READING AND PUBLIC HEARING1. 86-17 All Town Commissioners Elected in Even Numbered Years and Three Term Limit in Office on November 4, 1986 Ballot.

At the direction of the Commission Ord. 86-17, relating to amending

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the Town Charter that all Commissioners will be elected in even numbered years, and limited to three consecutive two year terms, was placed on second reading by title only. Mayor Stewart explained that if the Commission adopted this ordinance it would mean the two proposed Town Charter changes would appear for referendum vote on the November 4 General Election ballot. If not adopted the voters would have no chance to decide. It was moved by Hughes, seconded by Fernald that Ordinance 86-17 be passed on second reading and finally adopted. Pursuant to published notice, public hearing on the ordinance was opened. Russell Fernald spoke in opposition to adoption of the ordinance. Bud Hage suggested tabling the ordinance to a later date and perhaps putting the questions, with alternative choices, on the March election ballot. No one else wished to be heard and the hearing was closed. Motion failed on roll call vote: Edmundson, no; Hughes, no; Hulderman, no; Ross, no; Fernald, no; Stewart, no.

IX. RESOLUTIONS

The Commission had received just before the meeting copy of a resolution adopted by the City of Holmes Beach urging refusal of permission for Belcher Oil Co. to off-load oil barges near Egmont Key and asking the Town of Longboat Key to adopt a similar resolution. Commissioner Fernald asked that this be done. It was moved by Hughes, seconded by Edmundson to permit discussion of this matter at this meeting, since it was considered an emergency situation, even though it was not on the agenda. Motion carried unanimously.

The meeting was recessed for five minutes at 8:42 for the Town Attorney and Town Clerk to put the resolution in writing, as required by state law, for introduction.

X. OTHER PUBLIC HEARINGSXI. CLOSING OF CONSENT AGENDA

The Consent agenda was closed without removing any items from it.

XII. UNFINISHED BUSINESSXIII. NEW BUSINESS

1. Longboat Key Club Unit 6 (Lighthouse Point - Preliminary and Final), a Two Lot Subdivision.

Public Works Director Cox explained that Lighthouse Point had obtained Site Plan approval. When the applicant came in for a building permit it was found the property had been subdivided and therefore the building permit could not be issued since they had not gone through the subdivision procedure. They subsequently filed an application for subdivision approval which had been recommended for disapproval by both the Public Works Department and P&Z Board. Mr. Cox and the Town Attorney had then recommended the Town grant a variance to the terms of the subdivision ordinance with the condition that the subdivision be dissolved prior to

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issuance of a certificate of occupancy. It was moved by Fernald, seconded by Hughes that the memorandum dated September 8, 1986 from Mr. Cox to Mr. Gumula in its entirety be approved. Motion carried unanimously. The memo read as follows: "Longboat Key Club Unit No. 6 (Lighthouse Point) Preliminary & Final) a 2 lot subdivision granting a variance from the terms of the subdivision requirements except for the construction standards set forth in Section 157.55 through 157.60. The Town Commission has determined: (1) There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land. (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner. (3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated. The variance is conditioned upon the parcel having been previously divided without approval of the Town of Longboat Key described as: All those lands lying northeasterly of Sands Point Condominium as recorded in Condominium Book 9, Page 39, Public Records of Sarasota County, Florida, bounded on the North by a lagoon and on the East and South by New Pass, lying on Longboat Key in Sections 22 and 27, Township 36 South, Range 17 East, Sarasota County, Florida and presently known as Lighthouse Point, be united in title in one property owner. No temporary or final Certificate of Occupancy shall be issued until such time this condition is met."

✓ IX. (CONTINUED) RESOLUTION 86-31

Resolution 86-31, urging that Belcher Oil Co. be refused permission to off-load oil barges anywhere in or near Egmont Key, had been typed, copied and distributed to the Commission. It was moved by Fernald, seconded by Hughes that Resolution 86-31 be adopted. Motion carried unanimously.

XIV. ACTION ON CONSENT AGENDA

It was moved by Edmundson, seconded by Fernald and carried unanimously that the Consent Agenda be adopted. The Consent agenda items were:

- ✓ 1. Approval of Resolution 86-29 Amending Resolution 85-24, Continental Kitchens.
- ✓ 2. Authorizing Public Works to undertake work on Five Beach Accesses at Estimated Cost of \$9,450, per document dated August 1, 1986 entitled Beach Access Work Items for 1986.
- ✓ 3. Resolution 86-30 Opposing Casino Gambling.
- ✓ 4. Authorization to Repair Groins at the Islander Club, 2295 Gulf of Mexico Drive, in accordance with conditions of permit issued by the State of Florida and Conditions required by the Town Code Section 151.05.
- ✓ 5. Final Plat Approval - Charlie's Subdivision, a three lot

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subdivision.

XV. TOWN ATTORNEY COMMENTSXVI. TOWN MANAGER COMMENTSXVII. TOWN COMMISSION COMMENTSXVIII. PUBLIC TO BE HEARD

Firefighter Ken Grimes stated he understood that anything he said in regard to the ongoing labor negotiations would be a violation of Florida Statutes and he would be subject to an unfair labor practice. He said that what he had to say he thought concerned the welfare of Longboat Key. He said he could not believe the Town had hired a professional negotiator to negotiate with the Fire Union. He said he had heard the Town had hired Robert DuVernoy. It had been reported to him that before Mr. DuVernoy worked for St. Petersburg he worked for a company called Fairchilds Hiller where he was discharged by management because of labor problems that were caused by him. He said he submitted that Mr. DuVernoy was asked to leave the City of St. Petersburg by the Town Manager, who was Harvey, because of labor problems which it was reported by Mr. Wimmers, the union representative for the City of St. Petersburg, DuVernoy "was the cause of all the labor unrest in St. Petersburg."

Vice-Mayor Hughes cautioned Mr. Grimes to be careful not to slander Mr. DuVernoy.

Mr. Grimes said the union had hard line union negotiators available to it without cost but had chosen not to go that route. He urged that the Town not bring in a person who did not represent a vested interest in the Town.

Mayor Stewart stated it should be made clear that the Town had not employed anybody and had no intention of employing a negotiator as such. Negotiations had been concluded up to this stage and procedures were moving toward a master's review. Before anyone is engaged the Commission would be asked to approve it, and the Commission had approved nobody.

XIX. QUESTIONS FROM PRESSXX. ADJOURNMENT

Mayor Stewart declared the meeting adjourned at 8:50 P.M.


Carleton M. Stewart, Mayor


E. Jane Pool, Town Clerk