

TOWN LONGBOAT KEY

REGULAR COMMISSION MEETING AGENDA

JULY 1, 1991

7:00 P.M.

- I. Call to Order
- II. Pledge of Allegiance
- III. Proclamations and Special Presentations
  - 1. President Stephen J. Korcheck, Recognition of Town for Outstanding Support of Manatee Community College.
- IV. Approval of Minutes
  - Regular Meeting June 3, 1991 and Special Meeting June 20, 1991.
- V. Communications and Committee Reports
- VI. Ordinances - First Reading
  - 1. 91-13 Adopting Supplement 8, 1991 Revision and Codification of Town Code.
  - 2. 91-14 Amending Chapter 93, Boats and Waterways.
- VII. Ordinances - Second Reading and Public Hearing
  - 1. 91-11 Bicycle Rules and Regulations.
  - 2. 91-12 Amending Chapter 38 Purchasing.
- VIII. Resolutions
  - 1. 91-16 Urging the Creation of a 100 Mile Buffer Zone Along the Gulf Coast Prohibiting Oil and Gas Exploration.
- IX. New Business
  - 1. Engineering/Beach Renourishment Project Additional Cost Due to Requirement of the Department of Natural Resources.
- X. Town Attorney Comments
- XI. Town Manager Comments
- XII. Town Commission Comments
- XIII. Public to be Heard
- XIV. Questions From Press
- XV. Adjournment

MINUTES INDEXED  
8-21-91

Page 1

91-18

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.

Proceedings will be electronically recorded. Copies of the cassette tapes may be purchased from the Office of the Town Clerk.

MINUTES OF THE REGULAR MEETING OF THE LONGBOAT KEY TOWN COMMISSION,  
JULY 1, 1991, 7:00 P.M.

Present: Mayor Brown, Vice-Mayor Green, Commissioners Pollock,  
Metz, Twyman, Savidge

Absent: Commissioner Wolverton

Also Town Manager Cox, Town Attorney Persson, Town Clerk  
Present: Arends, Deputy Clerk Spencer

I. Call to Order

The meeting was called to order at 7:00 P.M.

II. Pledge of Allegiance

Mayor Brown led the Pledge of Allegiance to the Flag.

III. Moment of Silent Meditation

Mayor Brown asked those present to remain standing for a moment of  
silent meditation and prayer asking for blessings on the  
deliberations of the Commission.

IV. Proclamations and Special Presentations

V. Approval of Minutes

It was moved by Pollock, seconded by Green, to approve the 6-3-91  
Regular Meeting Minutes and the 6-20-91 Special Meeting Minutes as  
written. Motion carried unanimously.

VI. Communications and Committee Reports

Zoning Board of Adjustment

Mayor Brown reported a letter of resignation from the ZBA dated  
6-25-91 was received from A. Hart Wurzburg. He requested Commission  
members submit material on nominees to fill the vacancy for review  
prior to the 7-18-91 Regular Workshop for appointment at the  
Special Meeting of 7-18-91.

Longboat Key Chamber of Commerce

Sunday Crew, outgoing Executive Director of the Chamber, was  
present to introduce to the Commission Betty Wortham, her  
replacement.

Commission Goals

Mayor Brown commented this Commission's "lifespan" was one-third  
completed; therefore, he asked Commission members to assess whether  
one-third of their goals had been completed to date.

Recreation Committee

Commissioner Metz reported this committee met for the first time  
this past week and elected Albert Frank as Chairman.

Commissioner Pollock commended the Recreation Center for their  
current program. He noted that while he was working as a volunteer

7-1-91, PAGE 1

BOOK 9 PAGE 406

91-18

REGULAR MEETING (CONT.)

7-1-91, PAGE 2

tour guide at Mote Marine Laboratory recently he led a group of children from the Rec Center on a field trip there.

Communications Committee Report - Informal Town Hall Meetings  
 Mayor Brown referred to the Committee report which suggested informal "town hall" meetings be held. He directed this proposal be forwarded for discussion at the 7-18-91 Regular Workshop.

VII. Ordinances - First Reading1. 91-13 Adopting Supplement 8, 1991 Revision and Codification of Town Code

Ordinance 91-13, an ordinance adopting Supplement 8, 1991, a revision and codification of the Town of Longboat Key, entitled "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; providing for the repeal of certain ordinances not included therein, with certain exceptions; and for other purposes hereinafter set out and providing an effective date, was placed on first reading by title only.

Town Attorney Persson stated this codification of ordinances into the Town Code allowed for one source of reference.

It was moved by Metz, seconded by Savidge, to pass Ord. 91-13 on first reading. Motion carried on roll call vote: Metz, aye; Savidge, aye; Pollock, aye; Green, aye; Twyman, aye; Brown, aye.

Ord. 91-13 was forwarded for second reading and public hearing at the 7-18-91 Special Meeting.

2. 91-14 (D1) Amending Chapter 93, Boats and Waterways

Ordinance 91-14, an ordinance of the Town of Longboat Key, Florida, amending Chapter 93: BOATS AND WATERWAYS, amending Section 93.04, amending definition of "moor"; amending the provisions of mooring regulations; prohibiting moorings in non-designated areas; amending the provisions contained in the live-aboard regulations; amending Ordinance 90-24, repealing all ordinances in conflict herewith and providing an effective date, was placed on first reading by title only.

Mr. Persson referred to his letter and legal opinion of 7-24-91, with Ord. 91-14 (D1) attached. He suggested the first draft be used as Florida Statutes, Section 327.60 (2), "prohibited local governmental authorities from regulating the anchorage of nonlive-aboard vessels engaged in the exercise of rights of navigation", and Attorney General's Opinion (85-45) of 5-31-85 which supported this position: "a municipality is prohibited from regulating the anchorage of nonlive-aboard vessels when such anchorage is incident to the exercise of the rights of navigation". It was Mr. Persson's opinion that "local government was prohibited from not only prohibiting anchoring of nonlive-aboards engaged in the exercise of rights of navigation, but even from regulating them". He stated other means were available to address the problems of extensive mooring and suggested Mr. Cox and Police Chief McCammon confer and report to the Commission specifically

7-1-91, PAGE 2

BOOK 9 PAGE 405

91-18

REGULAR MEETING (CONT.)

7-1-91, PAGE 3

addressing the problems being encountered.

Commissioner Pollock recommended this ordinance be tabled for the next workshop; however, Mr. Cox pointed out second reading would be in September if tabled. Mr. Persson stated Ord. 91-14 (D1) only changed the definition of "moor" as approved at the prior workshop.

It was moved by Savidge, seconded by Pollock, to pass Ord. 91-14 (D1) on first reading. Motion carried unanimously on roll call vote: Savidge, aye; Pollock, aye; Green, aye; Twyman, aye; Metz, aye; Brown, aye.

Ord. 91-14 (D1) was forwarded for second reading and public hearing at the 7-18-91 Special Meeting.

VIII. Ordinances - Second Reading and Public Hearing1. 91-11 Bicycle Rules and Regulations

Ordinance 91-11, an ordinance amending Chapter 73, BICYCLES, of the Code of Ordinances of the Town of Longboat Key, Florida, amending Section 73.02, RENTAL BUSINESS; amending Section 73.03, ENFORCEMENT; amending Section 73.04, BICYCLE REGULATIONS; amending Section 73.05, USE OF BICYCLE PATHS, and addressing Sidewalk Use; providing for severability of provisions, repealing all ordinances in conflict herewith and providing an effective date, was placed on second reading by title only.

It was moved by Metz, seconded by Twyman, to adopt Ord. 91-11.

Pursuant to published notice, the public hearing was opened. No one wished to be heard, and the public hearing was closed.

Motion carried unanimously on roll call vote: Metz, aye; Twyman, aye; Savidge, aye; Pollock, aye; Green, aye; Brown, aye.

2. 91-12 Amending Chapter 38 Purchasing

Ordinance 91-12, an ordinance amending Chapter 38: PURCHASING DEPARTMENT; providing procedures for the purchase of real property to be used for municipal purposes; providing severability of provisions; repealing all ordinances in conflict herewith and providing an effective date, was placed on second reading by title only.

It was moved by Pollock, seconded by Savidge, to adopt Ord. 91-12.

Pursuant to published notice, the public hearing was opened. No one wished to be heard, and the public hearing was closed.

Motion carried unanimously on roll call vote: Pollock, aye; Savidge, aye; Green, aye; Twyman, aye; Metz, aye; Brown, aye.

IX. Resolutions1. 91-16 Urging the Creation of a 100-Mile Buffer Zone Along the Gulf Coast Prohibiting Oil and Gas Exploration

It was moved by Green, seconded by Twyman, to pass Res. 91-16.

7-1-91, PAGE 3

BOOK 9 PAGE 404

91-18

REGULAR MEETING (CONT.)

7-1-91, PAGE 4

**Motion carried unanimously: Green, aye; Twyman, aye; Savidge, aye; Pollock, aye; Metz, aye; Brown, aye.**

2. 91-20 Airport Noise Abatement

Mr. Cox explained Jim Shepard of the Federal Aviation Administration in Orlando had suggested the current resolution be updated; therefore, this resolution was prepared by Colonel Horace Stevenson and Charles Perkins. Mayor Brown stated Congressman Porter Goss's office had assisted in this matter resulting in the resolution requesting enforcement of the St. Petersburg One Standard Instrument Departure (SID).

Mr. Cox stated a change in the SID from 295 to 298 had been included in the resolution.

It was moved by Green, seconded by Metz, Res. 91-20 be passed. Motion carried on roll call vote: Green, aye; Metz, aye; Savidge, aye; Pollock, aye; Twyman, aye; Brown, aye.

X. New Business

1. Engineering/Beach Renourishment Project Additional Cost of \$72,515 Due to Requirement of the Department of Natural Resources  
 It was moved by Green, seconded by Pollock, to approve the Engineering/Beach Renourishment Project additional cost of \$72,515 due to requirements of the DNR. Motion carried unanimously: Green, aye; Pollock, aye; Savidge, aye; Twyman, aye; Metz, aye; Brown, aye.

XI. Town Attorney CommentsThe Reserve - Insurance Coverage

Mr. Persson reported communications lines had been reopened with the insurance company, insurance forms had been completed, and approximately \$50,000 in legal costs should be forthcoming before the fiscal year ended. Proceedings to enlarge the one-third proportion being paid by the insurance company were progressing, Mr. Persson was to keep the Commission informed regarding this matter.

Beach Renourishment Project Easements

Mr. Persson illustrated on the Chamber blackboard the effect of an easement acquired for this project and stated these easements only gave access to the Town and construction contractors for the purpose of placing sand on beach areas. Mayor Brown stated the Town was not "buying easements for \$150 each" as stated in a local newspaper.

Mr. Persson stated the beach would be built to a contour line appropriate to the particular land site when an easement was granted; if not granted, the current property line would drop to the present Mean High Water Line (MHWL) and then rise, five to seven feet, to the beach line continuing to the waterline with a gradual grade creating a swale, or ditch, between the two. The benefit of the easement to the Erosion Control District of the Town was to allow the Town to place the sand nozzle used for depositing

7-1-91, PAGE 4

BOOK 9 PAGE 403

91-18

REGULAR MEETING (CONT.)

7-1-91, PAGE 5

sand on the beach on land; without an easement, the nozzle would be placed seaward but would not prevent the beach from being renourished.

Mr. Persson emphasized these easements were private between the land owner and the District of the Town solely for the purposes of raising the elevation of the property and allowing the District of the Town to trespass on the property for that purpose.

In answer to Commission inquiries, Mr. Persson stated the easements did not allow public access to the beach; sand would be brought to the seawall line, vegetation line or contour line of the property, whichever was appropriate for each site; sand deposited landward of the Erosion Control Line (ECL), the present MHWL, would be private property. Mr. Persson explained the MHWL was the current water boundary line which moved with storms, etc.; property seaward of that line was public; the ECL was a manmade line setting the property bound between private property and the water preventing loss or accretion of the property from this line due to acts of the State.

Ruth Napoliello, 1050 Longboat Club Road, stated the word "easement" indicated giving up rights to property and made it difficult for people, especially condominium board members with the duty of determining the element rights of unit owners, to sign. She recommended the use of different language.

Commission discussed terminology for the requests for easements; Mr. Persson stated to alleviate most concerns a letter, to be approved by the Town Manager, would be sent to property owners fully explaining the easements and including an illustration. Mr. Persson said the decision was individual; whether the property owners wanted a swale, or ditch, between their property and the beach was up to them and would not affect the renourishment project.

Mr. Persson stated condominiums would be handled individually.

Comprehensive Plan Challenge

Mr. Persson explained a challenge filed by the owners of Sister Keys alleging inconsistency between the Town's Zoning Code and the Comp Plan. He said this was accomplished administratively by filing with the Town giving a 30-day period to respond which had been filed. The next step was to file a petition with the Department of Community Affairs which would conduct an informal hearing; prior to this hearing information was requested from the Town.

XII. Town Manager CommentsSpecial Counsel Travel Expense

Mr. Cox reported that as directed by the Commission, inquiries to the Burke, Bosselman firm regarding travel expense revealed travel time was not charged at an hourly rate.

BOOK 9 PAGE 402

7-1-91, PAGE 5

91-18

REGULAR MEETING (CONT.)

7-1-91, PAGE 6

Bay Isles Road Median

Mr. Cox reported trees had been trimmed, 4,400 square feet of sod had been replaced, and the sprinkler system had been repaired as a result of a maintenance contract signed with JMC Property Management by property owners along Bay Isles Road.

Manatee Solid Waste Disposal

Mr. Cox reported a meeting this morning between Manatee County Special Liaison Loiselle, Manatee County Commissioner Chetlain, and Public Works Director Smally concerning the request put forward at the 6-20-91 Workshop. The results of this meeting would be forthcoming.

Vice-Mayor Green stated his lawn service charged him for disposal of yard waste and suggested investigating turning all yard waste over to Waste Management. Mr. Cox reported a survey was being conducted on this subject.

Cedars Tennis Club Request

Commissioner Metz asked if any action had been taken on a letter received regarding a request from several members of the Cedars Tennis Club that operations for the Cedars Cafe be allowed to continue as at present. Mr. Cox advised an amendment to the Outline Development Plan was pending and would come before the Commission in 9-91 or 10-91; the restaurant was closed for the summer.

XIII. Town Commission Comments

Comprehensive Plan Review

Commissioner Metz suggested an annual review for update of the Comp Plan. Mr. Cox explained this Plan was reviewed daily by the Town Planner. Discussion of a review led to a consensus the Planning and Zoning Board review the Plan with the Town Planner and a joint status report on each element be given to the Commission.

XIV. Public to be Heard

XV. Press to be Heard

Longboat Key Beach Erosion Control District

No one indicated any reason for a meeting of the Special District to be held following this meeting.

XVI. Adjournment

The Meeting was adjourned at 8:00 P.M.

James P. (Jim) Brown  
James P. (Jim) Brown, Mayor

Donna H. Spencer  
Patrizia Arends, Town Clerk  
Donna Spencer, Deputy Clerk

BOOK 9 PAGE 401

7-1-91, PAGE 6

91-18