

REVISED

REVISED

REVISED

TOWN OF LONGBOAT KEY
REGULAR COMMISSION MEETING AGENDA

JUNE 7, 1993

7:00 P.M.

-
- I. Call to Order
 - II. Pledge of Allegiance
 - III. Proclamations and Special Presentations
 - Proclamation - National Safe Boating Week
June 6th through June 12th, 1993
 - IV. Approval of Minutes - Regular Meeting May 3, 1993
and Special Meeting May 27, 1993.
 - V. Committee Reports and Communications
 - VI. Ordinances - First Reading
 - 1. 93-09 - Eliminate Alternate Members and Change
Date of Appointment of Regular Members of Code
Enforcement Board.
 - 2. 93-10 - Eliminate Alternate Members and Change
Date of Appointment of Regular Members of
Planning and Zoning Board.
 - 3. 93-11 - Eliminate Alternate Members and Change
Date of Appointment of Regular Members of
Zoning Board of Adjustment.
 - VII. Ordinances - First Reading and Public Hearing
 - 1. 93-12 - National Pollutant Discharge
Elimination System (NPDES) Stormwater
Requirements.
 - 2. 93-13 - Zoning Code Amendment for the purpose
of allowing parks and recreation areas as a
special exception use in all residential
districts.
 - 3. 93-14 - Bay Isles, Parcel "B-1, North"
Application for Outline Development Plan
Amendment.

4. 93-15 - Town Plaza Phase II Application for Outline Development Plan Amendment.

VIII. Ordinances - Second Reading and Public Hearing

1. 93-02 - Chamber of Commerce Request for Grant from Sarasota County Occupational License Taxes.
2. 93-07 - Authorization Refunding of Water/Sewer Bonds.
3. 93-08 - Providing for Refunding Water/Sewer Revenue Bonds.

IX. Resolutions

1. 93-26 - Harbour Links Phase III Application for Site Plan Approval.
2. 93-22 (D-2) - Awarding GO Refunding Bonds, Bond Purchase Contract.
3. 93-28 - Awarding Water/Sewer Refunding Bonds, Bond Purchase Contract

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. Request by Town, as property owner, of request from Mediterranean Plaza for variance from ZBA for additional sign panel on off-premise sign located at Bay Isles Road and Gulf of Mexico Drive.

2. Interlocal Recycling Agreement with Sarasota County/Sarasota Municipalities.
- XIV. Action on Consent Agenda
 1. Reappointments (2) to Ethics Commission for terms due to expire June 1993.
- XV. Town Attorney Comments
- XVI. Town Manager Comments
- XVII. Town Commission Comments
- XVIII. Public to be Heard
- XIX. 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.

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

mma

MINUTES OF THE REGULAR MEETING OF THE LONGBOAT KEY TOWN COMMISSION,
JUNE 7, 1993, 7:00 P.M.

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

Also Present: Town Manager Roberts, Town Attorney Persson, Finance
Director Sullivan, Public Works Director Smally, Town
Planner Gaffney, Town Clerk Arends, Deputy Clerk Spencer

I. Call to Order

The meeting was called to order at the Longboat Key, Florida, Town
Commission Chambers, 501 Bay Isles Road, at 7:00 P.M.

II. Pledge of Allegiance

Mayor Brown led the Pledge of Allegiance to the Flag.

Moment of Silent Meditation

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

Town Manager Roberts left at this time (7:05 P.M.).

III. Proclamations and Special Presentations

1. National Safe Boating Week - 6-6-93 through 6-12-93.

Town Clerk Arends read this proclamation urging all boating
citizens to learn and practice safe boating procedures and to have
boats inspected for safety equipment.

IV. Approval of Minutes

It was moved by Metz, seconded by Drohlich, to approve the 5-3-93
Regular Meeting and 5-27-93 Special Meeting minutes as written.
Motion carried unanimously.

V. Communications and Committee Reports

1. Resignation of P&Z Board Member Robert Isban

Mayor Brown announced the resignation of Robert Isban from the
Planning and Zoning Board and requested a letter of appreciation be
sent to him. He recommended appointing a replacement member as soon
as possible. Town Clerk Arends pointed out the Town Code required
consideration of the alternate member, Lee Rothenberg, for this
position.

2. Introduction - New Director of Longboat Key Chamber of Commerce

Marnie Matarese, President of the Chamber, introduced Gail Loeffgren
as the new Executive Director of the Longboat Key Chamber of
Commerce.

3. Beach Celebration Committee Refund to Town

Commissioner Metz reported the final cost of the Town's portion of

6-7-93, PAGE 1

BOOK 10 PAGE 375

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 2

expenses for the 3-21-93 Beach Celebration was \$1,916.58; \$3,083.42 was to be refunded to the Town.

4. Beach Sand Complaints

Vice-Mayor Farber reported receiving complaints from the Islander Club, from Robert Bleyer, a member of the Bay Isles Beach Club, and from various other citizens concerning the quality of sand placed on the beach north of the Colony. Public Works Director Smally reported the sand in front of the Islander Club was within project specifications and in accordance with project permits; some areas would contain more shell than others; equilibration should naturally occur over the next year.

Mr. Roberts returned at this time (7:10 P.M.).

Vice-Mayor Farber stated a formal explanation from the Town's engineers should be published in this regard. Mayor Brown stated a power rake was in the 1993-94 fiscal budget for this purpose. Mr. Roberts stated a report would be forwarded to the Commission by the engineers (Applied Technology Management). Commissioner Green suggested the affected beach area be "topped with fine sand". Commissioner Sagman stated she had visited the beach at this location and saw no problem with the quality of sand. Commissioner Patterson explained the process used to renourish the beach at this location and stated changes in the quality of the sand occurred in the sand pit (borrow site); over time, nature and the tide would cause the shells to sift into the sand. Commissioner Drohlich suggested an estimate be obtained for trucking in sand to cover the shells. Mr. Roberts stated sand replacement could be costly to the Town; an engineer's report would be obtained and forwarded to the Commission for consideration. Mayor Brown stated a special meeting could be called at the Town Manager's discretion in this regard and requested information also be forwarded to the Commission regarding the raking process.

5. Airport Advisory Committee Report

Commissioner Patterson reported a delay in the Town's 2-23-93 recommendation to the Sarasota-Bradenton International Airport Advisory Committee requesting a 30-day test procedure of an alternative departure for southbound aircraft on Runway 32. He said this recommendation was scheduled for discussion on 9-2-93. He reported the delay resulted from the Committee's decision to only meet quarterly. He stated the current departure procedure for southbound air traffic departing from Runway 32. He reported considerable opposition from Bird Key and the City of Sarasota was voiced at the meeting; however, Mayor Brown's letter of commendation for cooperation was well received.

6. Town Hall Meeting November 1993

Commissioner Drohlich asked if the proposed 11-93 Town Hall Meeting was to be confined to the subject of beach renourishment. Mayor Brown stated the Beach Advisory Board had requested the beach project be the theme for this meeting; however, he had no objection to additional topics being discussed. He said the Town Hall Meeting

6-7-93, PAGE 2

BOOK 10 PAGE 374

93-4

REGULAR MEETING (CONT.)

6-7-93, PAGE 3

would be sponsored by the BAB and the Communications Committee.

VI. Ordinances - First Reading1. Ord. 93-09 - Eliminate Alternate Members and Change Date of Appointment of Regular Members of Code Enforcement Board.

Ordinance 93-09, an ordinance of the Town of Longboat Key amending the Code of Ordinances of the Town of Longboat Key, Florida, in Chapter 33, *Boards and Commissions*; amending Section 33.03, *Establishment; Members*, deleting Subsection (B)(4) concerning an alternate member of the Code Enforcement Board; amending Subsection (C) providing for terms of appointment to expire in May; amending Section 33.04, *Organization; Quorum and Compensation*, deleting Subsections (C) and (D), providing for elimination of an alternate member; providing for severability of provisions; providing for repeal of all ordinances in conflict herewith; providing for an effective date, was placed on first reading by title only.

It was moved by Patterson, seconded by Drohlich, to pass Ord. 93-09 on first reading.

Commissioner Farber stated he was in favor of alternate members and suggested language be inserted, as originally adopted, so that each Board could determine the role of its alternate member. Mayor Brown stated he was in favor of eliminating the alternate position if the alternate was not able to speak.

Motion carried on roll call vote: Patterson, aye; Drohlich, aye; Farber, aye; Metz, no; Sagman, aye; Green, aye; Brown, aye.

Ord. 93-09 was forwarded to the 7-6-93 Regular Meeting for second reading and public hearing.

2. Ord. 93-10 - Eliminate Alternate Members and Change Date of Appointment of Regular Members of Planning and Zoning Board.

Ordinance 93-10, an ordinance of the Town of Longboat Key amending the Code of Ordinances of the Town of Longboat Key, Florida, in Chapter 33, *Boards and Commissions*; amending Section 33.20, *Creation; Members*, in Subsection (B), providing for terms of appointments to the Planning and Zoning Board to expire in May, and deleting Subsections (C) and (D), providing for elimination of an alternate member of the Planning and Zoning Board; providing for severability of provisions; providing for repeal of all ordinances in conflict herewith; providing for an effective date, was placed on first reading by title only.

It was moved by Green, seconded by Sagman, to pass Ord. 93-10, on first reading.

Commissioner Drohlich stated a member was to be appointed to fill a vacancy on this Board. He suggested the current Alternate Member, Lee Rothenberg, be appointed to ensure a full membership of the Board during the Comprehensive Plan Update process. Town Attorney Persson stated appointments were traditionally made as an agenda item.

6-7-93, PAGE 3

BOOK 10 PAGE 373

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 4

Vice-Mayor Farber moved to amend this Ordinance to allow one alternate member as originally adopted with the role of the alternate to be determined by the P&Z Board. Commissioner Metz stated Ords. 93-09, 93-10 and 93-11, eliminating the role of alternates, resulted from the action of the P&Z Board prohibiting the alternate from participating in discussion.

The motion failed for lack of a second.

Ruth Napoliello, 1050 Longboat Club Road, gave a brief history of the alternate role on the P&Z Board.

Motion to pass Ord. 93-10 on first reading carried on roll call vote: Green, aye; Sagman, aye; Metz, no; Farber, aye; Drohlich, aye; Patterson, aye; Brown, aye.

Ord. 93-10 was forwarded to the 7-6-93 Regular Meeting for second reading and public hearing.

Commissioner Green suggested the appointment of a member to the P&Z Board be added to this agenda under New Business.

In accordance with Town Code Section 30.02(A)(1) there was unanimous consent to add to the agenda under "New Business" the consideration for appointment of a regular member to the P&Z Board to fill a vacancy.

3. Ord. 93-11 - Eliminate Alternate Members and Change Date of Appointment of Regular Members of Zoning Board of Adjustment.
Ordinance 93-11, an ordinance amending the Code of Ordinances of the Town of Longboat Key, Florida, in Chapter 158, Zoning Code; amending Section 158.026, Zoning Board of Adjustment, in Subsection (A)(1), providing for terms of appointment to expire in May; and deleting Subsubsections (2), (3), and (4), providing for elimination of an alternate member of the Zoning Board of Adjustment; providing for severability of provisions; providing for repeal of all ordinances in conflict herewith; providing for an effective date, was placed on first reading by title only.

It was moved by Green, seconded by Farber, to pass Ord. 93-11 on first reading. Motion carried on roll call vote: Green, aye; Farber, aye; Sagman, aye; Metz, no; Drohlich, aye; Patterson, aye; Brown, aye.

Ord. 93-11 was forwarded to the 7-6-93 Regular Meeting for second reading and public hearing.

V. Communications and Committee Reports (Continued)4. Beach Sand Complaints (Continued)

Dr. Jack Wexler, 2120 Harbourside Drive, stated the original borings at the sand pit did not indicate shell and conch shells would be pumped onto the beach. He stated broken conch shells could be a liability; "cures" were different for conch shells and other

6-7-93, PAGE 4

BOOK 10 PAGE 372

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 5

shells. He gave a brief history of the New Pass borrow site and stated power raking would eliminate the conch shells. He stated he did not agree a rock revetment would prevent future erosion of the south-end beach. He urged the Beach Advisory Board and Town Commission to do everything in their power to accelerate the project at the south end to ensure a life span of 8-12 years for the beach.

VII. Ordinances - First Reading and Public Hearing1. Ord. 93-12 - National Pollutant Discharge Elimination System (NPDES) Stormwater Requirements.

Ordinance 93-12, an ordinance amending the Code of Ordinances of the Town of Longboat Key, Chapter 33: *Boards and Commissions*, Section 33.07, *Enforcement Procedures*; amending Chapter 52: *Sewers*, Section 52.31, *Storm Water; Unpolluted Drainage*; and amending Chapter 158: *Zoning Code*, Section 158.102, *Performance Standards for Site Development Plans*, in Subsection (H)(3) "Runoff from Construction Sites", (H)(4) "Domestic Waste Water", (H)(5) "Surface Water Management Criteria", and providing for renumbering of Subsections accordingly; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date, was placed on first reading and public hearing by title only.

It was moved by Metz, seconded by Farber, to pass Ord. 93-12 on first reading.

Commissioner Drohlich asked if enforcement procedures and/or penalties were in place regarding Subsection 4(5), requiring property owners to cease all discharges into the storm sewer system. Mr. Persson stated this was a code enforcement action and a violation of the Clean Water Act; code enforcement procedures provided for fines up to \$500 per day for each day the violation continued.

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; Farber, aye; Patterson, aye; Drohlich, aye; Sagman, aye; Green, aye; Brown, aye.

Ord. 93-12 was forwarded to the 6-24-93 Special Meeting for second reading and public hearing.

2. Ord. 93-13(D2) - Amending Zoning Code Section 158.125, Schedule of Use Regulations, to include Parks and Recreation Areas in Certain Residential Districts.

Ordinance 93-13, an ordinance of the Town of Longboat Key amending Chapter 158: *Zoning Code* of the Code of Ordinances of the Town of Longboat Key providing for an amendment to Section 158.125, *Schedule of Use Regulations*, to include parks and recreation areas as a special exception use in all residential districts, including R-1IP, R-1SF, R-2SF, R-3SF, R-4SF, R-6SF, R-3MX, R-4MX and R-6MX

6-7-93, PAGE 5

BOOK 10 PAGE 371

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 6

Districts; providing severability of provisions; repealing all ordinances in conflict herewith and providing for an effective date, was placed on first reading and public hearing by title only.

It was moved by Green, seconded by Farber, to pass Ord. 93-13 on first reading.

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: Green, aye; Farber, aye; Sagman, aye; Metz, aye; Drohlich, aye; Patterson, aye; Brown, aye.

Ord. 93-13(D2) was forwarded for second reading and public hearing at the 6-24-93 Special Meeting.

3. Ord. 93-14 - Bay Isles, Parcel "B-1, North" Application for Outline Development Plan Amendment.

Ordinance 93-14, an ordinance of the Town of Longboat Key amending Resolution 75-27, as amended, approving an Outline Development Plan amendment for the Bay Isles Planned Unit Development, for the purpose of allowing the Town of Longboat Key to use a cash contribution of \$200,000 for Town recreation purposes at any other alternate site, rather than solely within Parcel "B-1, North"; providing severability of provisions; repealing all ordinances in conflict herewith and providing for an effective date, was placed on first reading and public hearing by title only.

It was moved by Farber, seconded by Metz, to pass Ord. 93-14 on first reading.

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: Farber, aye; Metz, aye; Sagman, aye; Green, aye; Patterson, aye; Drohlich, aye; Brown, aye.

Ord. 93-14 was forwarded to the 6-24-93 Special Meeting for second reading and public hearing.

4. Ord. 93-15 - Town Plaza Phase II Application for Outline Development Plan Amendment.

Ordinance 93-15, an ordinance amending Resolution 75-27, as amended, approving an Outline Development Plan amendment for Town Plaza, Phase II of the Bay Isles Planned Unit Development, for the following purpose: to approve a list of commercial and office uses as permitted uses for Town Plaza Phase II; repealing all ordinances in conflict herewith; providing for severability of provisions; providing an effective date, was placed on first reading and public hearing by title only.

6-7-93, PAGE 6

BOOK 10 PAGE 370

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 7

It was moved by Metz, and seconded by Farber, to pass Ord. 93-15, on first reading.

Pursuant to published notice, the public hearing was opened.

Sue McKibben, Neal-Mannausa, Inc., requested the Commission to approve additional uses for Phase II as Exhibit "A" in this Ordinance. She stated the additional uses would not adversely impact the shopping center.

Dr. Wexler requested the uses be clarified for the public since they were not published. He pointed out Phase I was not permitted certain uses, such as theatres, to eliminate "bunched traffic".

In response to Commission questions, Ms. McKibben stated the listed uses included some existing businesses. Commissioner Drohlich questioned whether or not a lounge with dancing should be permitted. Commissioner Green stated some restaurants on the island were unable to show a profit without this use; a noise ordinance protected against loud and unnecessary noise. Ms. McKibben pointed out the restaurant was an existing business. Mr. Roberts stated the new uses listed: bank branch, insurance agent, real estate management and rentals, jewelry, hobby/special interest, shoes, gifts, packaging and delivery shops, video tape sales and rental.

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

Motion carried unanimously on roll call vote: Metz, aye; Farber, aye; Green, aye; Sagman, aye; Drohlich, aye; Patterson, aye; Brown, aye.

Ord. 93-15 was forwarded to the 6-24-93 Special Meeting for second reading and public hearing.

VIII. Ordinances - Second Reading and Public Hearing1. Ord. 93-02 - Chamber of Commerce Request for Grant from Sarasota County Occupational License Taxes.

Ordinance 93-02, an ordinance of the Town of Longboat Key providing for an annual grant to the Longboat Key Chamber of Commerce from funds paid to the Town from Sarasota County Occupational License Taxes; defining "Public Purpose" as applicable to such a grant; providing for annual adjustments to the amount of grant; providing for budgeting of the amounts to be granted; providing an effective date, was placed on second reading and public hearing by title only.

It was moved by Patterson, seconded by Drohlich, to adopt Ord. 93-02, Chamber of Commerce request for grant from Sarasota County Occupational License taxes.

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: Patterson, aye;

6-7-93, PAGE 7

BOOK 10 PAGE 369

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 8

Drohlich, aye; Farber, aye; Metz, aye; Green, aye; Sagman, aye; Brown, aye.

2. Ord. 93-07 - Authorization Refunding of Water/Sewer Bonds.

Ordinance 93-07, an ordinance authorizing the refunding of a portion of the outstanding General Obligation Water Bonds and General Obligation Sewer Bonds of the Town of Longboat Key, Florida; providing for the issuance of not exceeding \$3,500,000 General Obligation Refunding Bonds, Series 1993 of the issuer to be applied in escrow to pay the principal, redemption premiums, and interest in respect to such refunded bonds; containing other provisions relating to such bonds; and providing an effective date, was placed on second reading and public hearing by title only.

It was moved by Sagman, seconded by Patterson, to adopt Ord. 93-07 on second reading and public hearing.

Dan Livermore, Livermore, Klein and Lott, Town's Bond Counsel, stated Ord. 93-07 provided for refunding of the General Obligation Water and Sewer Bonds. He recommended two technical amendments be made: 1) (Section 18(M)) amending the requirement to retain an outside engineer to review water/sewer systems annually to conform with a lesser requirement stated in other issues of the bonds by deleting the word "annually"; 2) (Section 21(b)) amending the issuance dates of the refunded bonds by deleting the requirement from the ordinance.

It was moved by Green, seconded by Drohlich, to amend Ord. 93-07 as recommended.

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

Motion to amend Ord. 93-07 carried unanimously.

In response to Commission questions, Mr. Livermore stated there were two possible refundings; however, one of the two was recommended for deferral. He explained adoption of Ord. 93-08 and Res. 93-28 would result in a savings of \$260,000 for the Town.

Motion to adopt Ord. 93-07, as amended, carried on roll call vote: Sagman, aye; Patterson, aye; Green, aye; Metz, no; Farber, aye; Drohlich, aye; Brown, aye.

3. Ord. 93-08 - Providing for Refunding Water/Sewer Revenue Bonds.

Ordinance 93-08, an ordinance providing for the refunding of the Town's outstanding Water and Sewer Revenue Bonds, Series 1987; authorizing the issuance of not exceeding \$5,500,000 Water and Sewer Revenue Refunding Bonds, Series 1993; providing for the payment of bonds from the net revenues of the Water and Sewer System and certain other revenues and moneys pledged therefor; making certain other covenants and agreements in connection therewith; and providing an effective date, was placed on second reading and public hearing by title only.

6-7-93, PAGE 8

BOOK 10 PAGE 308

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 9

It was moved by Farber, seconded by Drohlich, to adopt Ord. 93-08 on second reading and public hearing.

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

Commissioner Metz stated he was in favor of the Town paying off these bonds, saving the cost annually in the General Fund. Finance Director Sullivan stated the 5.8% yield was the amount of savings; most governments made similar changes when a 3% minimum threshold was present, there was currently a 6% threshold on these bonds which may not be achieved again in the near future. He stated the market had deteriorated slightly since the refunding process began but still provided a satisfactory savings and was recommended by Bond Counsel. He stated funds were available only to pay off the General Obligation Bonds, an amount in excess of \$3,000,000. He stated he did not recommend paying off the bonds at this time.

Motion carried on roll call vote: Farber, aye; Drohlich, aye; Patterson, aye; Metz, no; Sagman, aye; Green, aye; Brown, aye.

IX. Resolutions1. Res. 93-26 - Harbour Links Phase III, Application for Site Plan Approval.

It was moved by Farber, seconded by Metz, to pass Res. 93-26, Site Plan approval for "Harbour Links Phase III", to permit 18 multi-family dwelling units for Parcel MF-"C/D", Bay Isles Unit 3, Bay Isles Planned Development.

Commissioner Green stated his concern the original landscaping conditions also pertained to this Resolution. Mr. Roberts stated Staff would review the Resolution in this regard.

Dr. Franklin D. Schwartz, 2239 Harbourside Drive, President of the Bay Isles Association Board, stated the Association's major concern expressed before the Planning & Zoning Board was the impact on their infrastructure, in particular, roads. He suggested an additional condition be included in the Resolution in this regard. He stated both parties were in agreement; however, all parties had not signed the agreement at this time. Town Planner Gaffney stated past policy allowed mutually acceptable agreements between the involved parties to be included in similar resolutions; both parties were in agreement and had requested the agreement be attached to the Resolution. He stated he had no objection to this request. Mr. Roberts recommended the agreement be reviewed and approved by the Town Attorney and Town Staff. Commissioner Green stated he was concerned a precedent would be set in using the "Town's muscle" to achieve private deals. Mayor Brown suggested the agreement be reviewed by the Town Attorney before the Resolution was voted on at this time.

(Mr. Persson and Mr. Smally left the meeting at 7:20 P.M. This Item was continued at this meeting following Res. 93-28.)

6-7-93, PAGE 9

BOOK 10 PAGE 367

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 10

2. Res. 93-22(D2) - Awarding GO Refund Bonds, Bond Purchase Contract.

Mr. Sullivan recommended adopting Ord. 93-07 and holding the Bond Contract in abeyance until such time that a satisfactory savings to the Town could be achieved. Mr. Roberts explained a specific rate of savings should not be included as the rate could vary; however, a Special Meeting could be called when a satisfactory savings could be achieved.

There was consensus to remove Res. 93-22(D2) from this agenda; the Bond Purchase Contract would be forwarded for consideration when a savings of at least \$100,000 or a rate 3.4% could be achieved.

3. Res. 93-28 - Awarding Water/Sewer Refunding Bonds, Bond Purchase Contract.

It was moved by Patterson, seconded by Farber, to pass Res. 93-28, awarding up to \$5,500,000 Water and Sewer Revenue Refunding Bonds, Series 1993, (authorizing execution and delivery of a Bond Purchase Contract; designating as escrow agent, paying agent and registrar for such bonds; specifying the bonds to be refunded and calling authorizing interest payments by wire transfer to certain bondholders; cancelling all authorized but unissued bonds). Motion carried on roll call vote: Patterson, aye; Farber, aye; Green, aye; Sagman, aye; Metz, no; Drohlich, aye; Brown, aye.

A recess was called at 8:20 P.M.; the Meeting reconvened at 8:30 P.M.

1. Res. 93-26 - Harbour Links Phase III, Application for Site Plan Approval (Continued)

Mr. Persson recommended this Resolution be continued to the 6-24-93 Special Meeting at which time the agreement would be executed resolving the issue.

Joel Freedman, representing the developer, urged the Commission to pass the Resolution at this time as only one signature was missing on the agreement preventing delays in the project.

Commissioner Green stated he was not in favor of including the agreement in the Resolution. Dr. Schwartz stated this request was not unique; the Commission had placed similar Conditions in other Resolutions. He stated the agreement could be executed 6-8-93 as the one missing signature could be obtained at that time. Vice-Mayor Farber pointed out several Conditions were contained in a previous resolution pertaining to the "HR-A" parcel. He recommended the Resolution be held in abeyance until the agreement was executed in order to protect the Bay Isles Association. Mr. Roberts stated he had discussed the action which could be taken if an agreement was not reached with Dr. Schwartz. He said the key issue was that both parties were in agreement. Mayor Brown stated his concern that the Town's policing powers were being used to enforce a PUD issue. He stated he felt the Town's role was to ensure enforcement through the Planning Department. Commissioner

6-7-93, PAGE 10

BOOK 10 PAGE 366

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 11

Green stated this issue and the "HR-A" issue were different as the "HR-A" parcel was presented in a site plan amendment. Vice-Mayor Farber stated similar restrictions were included in the "HR-A" parcel such as landscaping and roadway maintenance or replacement. Commissioner Green stated he felt it was unfair for the Town to be the "enforcer" in this situation. Mayor Brown recommended including the following condition: "The developer guarantees that all roadways, plantings, sidewalks would be restored to pre-construction conditions as determined by the Town Staff." Mr. Persson stated the condition could be included on page 4, as Condition 11; the condition should state that prior to the issuance of building permits, the Town Planner would sign off administratively that a suitable plan was in place for the maintenance of private roads.

It was moved by Patterson, seconded by Drohlich, to amend Res. 93-26 to include Condition 11 stating that prior to the issuance of building permits for the project, the applicant shall forward to the Town Planner, for administrative approval, a plan acceptable for the maintenance of private roads for the Bay Isles Planned Unit Development and all adjacent common areas and improvements shall result in the relevant PUD. Motion carried unanimously on roll call vote: Patterson, aye; Drohlich, aye; Farber, aye; Metz, aye; Sagman, aye; Green, aye; Brown, aye.

It was moved by Farber, seconded by Metz, to pass Res. 93-26, Harbour Links Phase III, application for Site Plan approval, as amended. Motion carried unanimously on roll call vote: Farber, aye; Metz, aye; Sagman, aye; Green, aye; Patterson, aye; Drohlich, aye; Brown, aye.

X. Other Public HearingsXI. Closing of Consent Agenda

It was moved by Green, seconded by Farber, to close the Consent Agenda. Motion carried unanimously.

XII. Unfinished BusinessXIII. New Business

1. Request for Town approval, as property owner, of request from Mediterranean Plaza for variance from ZBA for additional sign panel on off-premise sign located at Bay Isles Road and Gulf of Mexico Drive.

Commissioner Green urged approval of the request as it would eliminate the need for an additional sign on Gulf of Mexico Drive.

It was moved by Green, seconded by Metz, to grant Town approval, as property owner, of a request from Mediterranean Plaza to seek a variance from the Zoning Board of Adjustment to allow an additional sign panel on the off-premise sign located at Bay Isles Road and Gulf of Mexico Drive. Motion carried unanimously.

REGULAR MEETING (CONT.)

6-7-93, PAGE 12

2. Interlocal Recycling Agreement with Sarasota County/Sarasota Municipalities.

Mr. Roberts stated an amendment to the Agreement had been distributed at this meeting which further protected the Town's interests. He stated a proposal from Manatee County regarding the acceptance of the Town's Sarasota County portion of solid waste was received this day; the amendment to the Agreement would allow further negotiation with Manatee County.

It was moved by Metz, seconded by Farber, to enter into an Interlocal Recycling Agreement, as amended, with Sarasota County. Motion carried unanimously.

3. Planning & Zoning Board Appointment Filling Vacancy; Term to expire 4-94

Vice-Mayor Farber nominated Lee Rothenberg to fill the remainder of an unexpired term on the P&Z Board due to the resignation of Robert Isban; no other nominations were made.

It was moved by Farber, seconded by Patterson, to appoint Lee Rothenberg as Regular Member to the P&Z Board for a term to expire 4-94. Motion carried unanimously.

XIV. Action of Consent Agenda1. Reappointments (2) to Ethics Commission for terms due to expire June 1993.

It was moved by Metz, seconded by Farber, to approve the Consent Agenda, reappointing John Driefer and Carleton Stewart for 3-year terms to expire 6-96. Motion carried unanimously.

XV. Town Attorney Comments1. Ethics Commission - Review of Law Regarding Sworn Statements

Mr. Persson stated unsworn statements could be accepted; however, the structure of the Town's Ethics Commission would have to be amended to include an Ethics Investigator, similar to a Code Enforcement Officer, to investigate complaints to determine whether the allegations were factual. He said the Ethics Commission was a quasi-judicial body and was able to act on factual information only. He stated the Town Commission's policy had been to maintain the autonomous nature of the Ethics Commission. He suggested the Ethics Commission be requested to review this policy if the Commission desired to change its policy.

Commissioner Green pointed out the State Ethics Commission withheld the name of the complainant until investigations were concluded. Mr. Persson stated the nature of the complaint would determine whether or not the Public Records Law applied. He said a sworn statement established the facts upon which a determination was made by the Ethics Commission as to whether or not a case existed. Mayor Brown stated he felt this decision should be made by the Ethics Commission. Mr. Persson stated he had discussed the desirability of accepting unsworn statements with Peter Hooper, attorney for the Ethics Commission. He said Mr. Hooper stated the Ethics Commission had opted to accept sworn statements; however, they could

BOOK 10 PAGE 364

6-7-93, PAGE 12

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 13

reconsider the issue.

Commissioner Green restated his position suggesting the Commission determine whether or not the Ethics Commission should revisit this issue. Mrs. Arends stated the Ethics Commission had addressed this issue at their last meeting in 11-92. She stated confidentiality provided by the State procedure was not extended to municipalities or local ethics commissions; however, the State had recently enacted a "whistleblower's-type" law which may be applicable to employee complaints. She stated few other municipal ethics commissions existed: only City of Tampa and City of Tallahassee, and to her knowledge no cases had been brought before those commissions.

Vice-Mayor Farber stated he felt the Ethics Commission should determine their own policies and procedures. Commissioner Green asked if it was a violation of the Sunshine Law or Ethics Code for a Commissioner to write to the Ethics Commission and suggest a policy change. Mr. Persson stated it was unethical to do so as an individual. Mrs. Arends pointed out the Ethics Commission did not render advisory opinions to a private citizen. Commissioner Green stated Town employees may be "safer" forwarding complaints to the State Board of Ethics rather than to the Town's Ethics Commission due to the confidentiality factor. He stated he felt the Town's Ethics Commission was rendered ineffective although it looked good on paper. Mr. Persson stated a Town Commissioner gave up certain rights as an individual when elected and was unable to influence any Town Board unless they were appointed as a liaison to that Board. However, he said a Commissioner may be able to appear before a Board if they were willing to forego their rights as a Commissioner in that matter. He pointed out the Ethics Commission could amend their procedures and policies through an ordinance to be adopted by the Commission; the Commission at that time could provide guidelines for an Ethics Investigator. Mayor Brown recommended Commissioner Green write State Legislators requesting an amendment to the State Ethics Code in this regard as the Town's Ethics Commission was prohibited by State Statutes from withholding the names of those involved.

Commissioner Patterson stated employees' complaints concerning Commissioners or other employees could be forwarded to the Town Manager for investigation.

2. The Colony - Removal of Derelict Structure Requirements Status

Mr. Persson reported removal of the structure had been ordered by the State; a copy of a letter written by Kirby Green to the Town in this regard was forwarded to The Colony stating the structure should be removed by 6-9-93. He said The Colony had indicated intent to file an injunction 6-8-93 to retain the structure; if the injunction was not granted, the structure would be removed by the end of the week. He stated a bond could be predicated upon difference in the cost of the removal at this time and after the beach project was completed; however, it would not reflect damages to adjacent beaches as no significant damage may result over a

6-7-93, PAGE 13

BOOK 10 PAGE 363

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 14

short period of time.

Mr. Roberts reported he had communicated with the owner of The Colony regarding this issue. He said the owner had requested the Town's consideration in contacting the Florida Department of Environmental Resources to remove this requirement in the beach project. He said he met with the Town Attorney and Town staff in this regard; however, a decision was made to move forward as planned. He stated The Colony was notified of this decision to proceed with removal of the structure. Mr. Persson stated a bond would be required and would reflect remobilization costs plus tonnage. He stated the plaintiff would be responsible for the bond.

XVI. Town Manager Comments1. Beach Project Report - Booster Barge

Mr. Roberts reported a booster barge for the beach project would be located near Gulfside Road. He stated this continuous, noisy operation would be located there to the end of the month. He explained the booster operation was necessary due to the extended length of pipe (used in placing sand on the beach) and was permitted in the contract. He stated baffles would be used to muffle and deflect noise toward the open Gulf; however, he did not believe a significant amount of noise would be deflected. Mr. Smally stated efforts to minimize noise would be made and explained bales of hay, plywood, and deflection shields would be placed on the barge. Mayor Brown stated all feasible efforts should be made to reduce noise.

2. Preliminary Budget Report

Mr. Roberts stated copies of the preliminary budget had been distributed; however, a comprehensive budget and budget message would be forwarded for review. Mayor Brown stated the Budget Committee (the Town Commission meeting as a committee of the whole) could meet on 6-21-93 for that purpose.

3. Florida League of Cities Annual Conference

Mr. Roberts requested Commissioners to contact Marlene Ackmann if they wished to attend this conference so that advance reservations could be made.

XVII. Town Commission Comments1. Beach Project Complaints from North-End Residents

Commissioner Metz reported several complaints had been received regarding the lack of sand placement at the north end of the island. Mr. Roberts stated a report in this regard had been distributed within the last several days concerning the distribution of 275,000 cubic yards of sand for restoration following erosion due to the 3-93 storm. He said none of this sand was intended for use north of Broadway; however, any remaining sand could be used upon approval of application for that purpose. He stated discussion was taking place concerning the possible placement of a terminal structure at the north end.

Mr. Smally reported the U.S. Army Corps of Engineers had indicated

6-7-93, PAGE 14

BOOK 10 PAGE 362

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 15

to the Town's engineers the area north of Broadway would be renourished during inlet maintenance dredging to be conducted next year and that they would support the Town's request to construct a structure at Longboat Pass.

Mayor Brown stated his concern applications for the construction of the terminal groins had not been processed; it was his understanding these groins would be constructed as soon as the sand placement was complete. Mr. Smally stated the Town was preparing applications to restore the south groin to its original state and were awaiting approval of the Inlet Management Plan for Longboat Pass. He said it was difficult to move forward on Phase II without agreement on the sediment budget and alternatives for inlet management. He stated additional sand for the project was anticipated; the Town's engineers were preparing permit applications for this purpose; alternatives for the Inlet Management Plan on the north end included a terminal structure. He said he hoped this approval would be received by the end of the year. Mayor Brown stated discussion regarding curved jetties had taken place over the past several years. Mr. Smally stated he was unsure whether the jetties would be curved. Mayor Brown stated he felt bids should be put out for this major project rather than Applied Technology Management handling them. Mr. Smally stated this was a line item in the \$10,000,000 bond; ATM was currently working on those line items. Mr. Roberts stated a report would be requested outlining what had been indicated and what was required in order to move forward with application for those items. Commissioner Metz stated he felt it was unfair and unacceptable for the north end beach to have to wait an additional year to be renourished.

Karyn Erickson, Applied Technology Management, consulting engineer for the project, stated ATM was working on applications for two stabilization projects; a report had been prepared as the basis for the submission requesting permits for stabilization of the south end. She stated the recommendation report to the Commission and the permit application for the Town's review was scheduled for 6-21-93. As to the southern groin, she stated the request was to rebuild this groin as stated in the original 1971 application to avoid the long permitting process required for a new structure. She stated they hoped to be able to lengthen the existing structure and were reviewing a hill-crested, dog-legged structure functioning in a similar manner as a curved structure. She said a meeting had been held with Mr. Clabaugh, representing Lighthouse Point, to discuss this structure as opposed to a "jetty" which could significantly impact the coastal process. She compared the permitting process for structures to the process for the beach project and stated permitting to allow structures was infinitely more difficult.

With respect to the Longboat Pass Channel, she stated extreme erosion at properties at the northernmost end had occurred; however, this area was not included in this beach renourishment project. She stated the erosion was to be repaired by the Corps of Engineers and the Department of Environmental Regulation as it was not included in the original fill area; the 275,000 cubic yards was

6-7-93, PAGE 15

BOOK 10 PAGE 361

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 16

accrued earlier due to a change in site conditions; permitting was denied for this area and was being appealed to allow sand placement. She said new sand placed would be washed away within six months and was not a sound investment at this time; rock revetment was in place in front of a seawall at this location. She stated she agreed erosion in this area had occurred; however, there were difficulties that needed to be recognized restricting sand placement in the area. She recommended a 200-300 foot length, hill-crested structure (covered with sand) which would not deprive Greer Island (formerly Beer Can Island) of sand transport. She answered further questions regarding the structure specifications and functions and sand requirements for this area (200,000-300,000 cubic yards) for a 100-200 foot wide beach. She described past beach projects for the Beachwalk area and the area behind the shoal. She stated citizens expected a wider, more stable shoreline due to Corps of Engineers dredging projects placing sand in this location. She pointed out the sand continuously moved back into the Pass; a reversal in sand transport existed in the Beachwalk area. She stated ATM was charged with management of the project in the best interest of the island as a whole.

Mrs. Erickson stated stabilization projects may be complete by Spring 1994 due to permitting processes; a phased approach was recommended. Mayor Brown stated the normal administrative hearing process took 3-4 years. Mrs. Erickson stated the long-term solution for this area included Corps of Engineers' dredging projects placing sand on this beach late next year in addition to the placement of a curved structure; the short-term solution included a written request for additional sand to be placed at this location based on the extent of the erosion. She stated authorization had been received from the Corps of Engineers and Florida Department of State Lands and DER; however, authorization from Florida Beaches and Shores had not been received but was expected. She said this was a new fill site and she was not comfortable authorization to fill would be received.

Mrs. Erickson requested the Town Commission send a letter supporting the request for the additional 275,000 cubic yards of sand. Mr. Roberts stated the Mayor could sign a prepared letter in this regard.

Mrs. Erickson stated ATM was aware a problem existed along that shoreline area; however, the problem was significantly worse after the 3-93 storm, after the DER permits were in place and the Florida Department of Natural Resources applications had been submitted. She stated permits were not reopened when the erosion occurred. She explained how a flood channel caused further erosion. She stated a terminal structure would block the channel to prevent erosion.

Susie Eager, 6453 Gulfside Road, stated Longboat Pass had been dredged three times since 1985; citizens in this area opposed the beach project.

Mayor Brown stated this area of the beach was not included in the

6-7-93, PAGE 16

BOOK 10 PAGE 360

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 17

original beach project because of the previous dredgings with sand placement at this location. Mrs. Erickson confirmed sand loss was substantial and stated the Town had a good case based on historical dredging sites and surveys of the shoreline indicating the sand washed back into the Pass. She recommended Manatee County be made aware of the fact that the sand belonged to the Town.

2. Communications Committee

Mayor Brown confirmed for Commissioner Patterson this Committee had been reappointed 4-93.

3. 5-25-93 Mayor's Hurricane Meeting

Commissioner Patterson commended Mayor Brown on this presentation; however, he stated he was disappointed with the attendance at such an important meeting. Mayor Brown pointed out the same information was given each year and different people attended. He suggested a better promotion program be used for future presentations.

4. Hurricane Recovery - Policing Policy

Commissioner Patterson questioned how the Town would be protected against looters from the water following evacuation before re-entry of residents was allowed. Mr. Roberts stated the period of time before re-entry depended upon the severity of the storm, which could be several days to several weeks. He said a comprehensive recovery plan was being compiled and would be forwarded to the Commission upon completion.

5. Lighthouse Point Docks/Daymarkers

Commissioner Patterson stated the required swash channel daymarkers were not in place at this time. Mr. Persson suggested Mr. Gaffney and Mr. Roberts investigate the status of the daymarkers.

6. Ringling Bridge: Proposed 65-Foot Fixed Span

Commissioner Patterson stated this Bridge was again under study. Mayor Brown stated this decision was made by the Florida Department of Transportation and was announced by the Metropolitan Planning Organization. Commissioner Green stated the newspaper reported a Longboat Key representative on the Ringling Bridge Task Force (Charles McKenzie, representing the Longboat Key Federation of Condominiums) was against a 65-foot fixed span bridge which was in opposition to the Town's position.

7. Grand Bay Tower - Possible Safety Hazard

Commissioner Drohlich reported the developer had constructed a tower without railings for prospective buyers to see the future view from units at this location. He said adults and children were seen climbing the tower and standing on the platform without railings. Mr. Roberts stated Code Enforcement would be notified and requested to investigate this matter; a building permit was required for the structure.

8. Bay Isles Master Association/Shannon Hotel Group Signs

Commissioner Drohlich reported signs were to be posted along the bikepath and may be a hazardous vision problem. Mr. Roberts stated

6-7-93, PAGE 17

BOOK 10 PAGE 359

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 18

the signs would be monitored; Code Enforcement was to investigate and request correction of any problems.

9. Proposed Tennis Facility Construction Schedule

Commissioner Drohlich stated the financing of the facility was not included in the schedule; the allocated time for the award of the construction and franchise may not allow the appropriate amount of time required to study financing based on the franchise. Mayor Brown stated the franchiser should be included in these discussions. Mr. Roberts reported this was a preliminary schedule which would be revised as necessary.

10. Referendum for Proposed Community Center

Commissioner Drohlich asked if a referendum would be held for the proposed community center. Mr. Roberts stated a time schedule had not yet been completed; the process was moving forward based on the fact the referendum was to be held following a community survey to be conducted "in season"; the referendum was to be held 11-93. He said the benefactor had conditioned funding on a requirement that the Town Commission give some indication in 9-93 as to whether or not the Town would accept the offer. Commissioner Drohlich stated an outside consultant was to be hired to conduct the survey, bids obtained, and a study conducted 9-93. Commissioner Sagman stated she understood taxpayer rolls were to be used in conducting the survey. Commissioner Green suggested the Longboat Key Library, Longboat Key Adult Education Center and Longboat Key Art Center be contacted to determine whether they would be interested in using a community center. He stated he felt a referendum would be defeated unless a wide range of interests were addressed by the community center. Mayor Brown restated previous Commission direction was to hire a consultant to conduct a professional survey, including seasonal residents based on tax rolls; the purpose of the survey was to determine a definition of "community center". Vice-Mayor Farber pointed out the benefactor suggested the center be designated as a "cultural community center". He suggested the survey identify the needs of the community and a calendar be developed for the cultural community center similar to the proposed schedule for the tennis center.

Mayor Brown stated the benefactor's donation of \$500,000 would not cover the entire construction cost of a community center; he recommended Commissioners visit the Stella Maris Activity Center which had cost around \$1,500,000.

Mr. Roberts stated he would meet with Mr. Persson to determine the requirements and calendar for this project. He stated the Town was not able to fast-track the project in many ways; however, Requests for Proposals had been sent out seeking a qualified contractor. Mayor Brown stated a decision would not be made but information should be available to the benefactor and Commission by 9-93.

11. Trolley Transportation for Island Communities

Commissioner Green reported other governmental bodies were discussing trolley transportation with the impression citizens of

6-7-93, PAGE 18

BOOK 10 PAGE 358

93-14

REGULAR MEETING (CONT.)

6-7-93, PAGE 19

Longboat Key were in favor of the system. He suggested Commissioners who voted in favor of the system request the item be workshopped again to determine Town policy in this regard. Commissioner Metz stated he was in favor of this system.


12. FEMA Requirements and Structure Assessments

Commissioner Sagman referred to the recent discussion concerning FEMA Requirements and Structural Assessments in which an assessment seemed to be out of line. She stated it should be determined if the (Sarasota) County's assessment of the Longboat Key property was correct. Mayor Brown explained the assessment reported was the assessment of the structure only and did not include the property value.

XVIII. Public to be HeardXIX. Press to be HeardXX. Adjournment

The Meeting was adjourned at 10:15 P.M.


James P. (Jim) Brown, Mayor


Patrizia Arends, CMC/AAE, Town Clerk
Donna Spencer, Deputy Clerk