

TOWN OF LAGOON BOAT KEY
REGULAR COMMISSION MEETING AGENDA
NOVEMBER 7, 1994
7:00 P.M.

- I. Call to Order
- II. Pledge of Allegiance
- III. Proclamations and Special Presentations
 - 1. Presentation of Group Health Insurance Reimbursement
(Carl Hubbard presenting on behalf of Town Manager Roberts)
- IV. Approval of Minutes
 - October 3, 1994 Regular Meeting;
 - October 20, 1994 Special Meeting
- V. Committee Reports and Communications
- VI. Ordinances - First Reading & Public Hearing
 - 1. Ordinance 94-15, Amending Approval Procedures for
Outline Development Procedures
 - 2. Ordinance 94-16, Amending Chapters 30, 33, 157 & 158
Public Hearing Process and Notice Requirements
 - 3. Ordinance 94-29, Petition for Street Vacation Request
- A Portion of Beach (A/K/A Bayside) Drive
(Quasi-Judicial)
 - 4. Ordinance 94-31, Petition for Alley Vacation Request -
A Portion of a Public Alley Located Between Bayside
Drive and Poinsettia Avenue (Quasi-Judicial)
- VII. Resolutions and Public hearings
 - 1. Resolution 94-35, Approving (or Denying) a Site Plan
Amendment for the Marina Commercial Village, Bay Isles
Planned Unit, Permitting Patio Dining North of the
Restaurant and Increasing the Maximum Seating Capacity
from 100 Seats to 150 Seats (Quasi-Judicial)

V. Closing of Consent Agenda

(No Items were presented for the Consent Agenda at this Meeting.)

- IX. Action on Consent Agenda
- X. Unfinished Business
- XI. New Business
- XII. Town Attorney Comments
- XIII. Town Manager Comments
- XIV. Town Commission Comments
- XV. Public to be Heard
- XVI. Press to be Heard
- XVII. Adjournment

(* Indicates no agenda material was distributed at this time.)
(# Indicates revision.)
(@ Indicates postponed or requested to be posted.)

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.

/dhs

MINUTES OF THE REGULAR MEETING OF THE LONGBOAT KEY TOWN COMMISSION,
NOVEMBER 7, 1994, 7:00 P.M.

Present: Mayor Farber, Commissioners Gotthainer, Drohlich, Sagman,
Metz, Green

Absent: Vice-Mayor Patterson

Also Present: Town Manager Roberts, Administrative Services Director
Hubbard, Planning, Zoning and Building Director Gaffney,
Public Works Director Smally, Town Attorney Persson, Town
Clerk Arends, Deputy Clerk Celentano

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 Farber led the Pledge of Allegiance to the Flag.

III. Proclamations and Special Presentations

1. Presentation of Group Health Insurance Reimbursement

Mr. Hubbard presented the reimbursement check in the amount of
\$64,449 representing excess funds remaining in the self-insured
group health insurance program through 9-30-94; with the
reimbursement made last year, the total returned to the Town was
\$138,992.

IV. Approval of Minutes

It was moved by Metz, seconded by Gotthainer, to approve minutes of
the 10-3-94 Regular Meeting and the 10-20-94 Special Meeting.
Motion carried unanimously.

V. Communications and Committee Reports

1. Longboat Key 40th Anniversary Committee

Mayor Farber reported his appointments to the Town's 40th
Anniversary Committee were Andrea Frank, Chairman, Bill Carman,
Aileen Farber, Edie Koets, Marnie Matarese, Pat Metz, Kathy
Neumann, Ruth Orne, Patti Persson, Sally Rauch, Sue Richards, Tana
Sandefur, Skippy Schlanger, Mary Wickersham, Jill Wilson, Jo Ann
Wolverton, and Doreen Young, with Town Clerk Arends as Staff
Liaison and himself as Town Commission Liaison.

2. Mutual Aid Agreements with Law Enforcement Agencies

Mayor Farber reported he had signed renewal agreements as follows:
a Mutual Aid Agreement with the City of Bradenton Beach and a
"Requested Operational and Voluntary Cooperation Agreement" with
Manatee County Sheriff's Department.

3. Metropolitan Planning Organization Meeting Regarding the Seawall
at Bayport

Commissioner Drohlich reported the MPO held a Special Meeting

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regarding the proposed seawall to be located across Gulf of Mexico Drive from Bayport; it was attended by representatives from the Florida Department of Transportation, Sarasota County, City of Sarasota, and by Mr. Smally and himself. He reported FDOT had allocated \$550,000 for the seawall project for the years 1995 and 1996 (\$150,000 for engineering and permitting and \$400,000 for construction of the seawall). He reported the City of Sarasota had asked that a section of the road at Siesta Key be raised to eliminate a drainage problem but found they would have to obtain a portion of land from fifty property owners, which resulted in their commitment to support the Town of Longboat Key in obtaining the necessary funding proposed for the next MPO Meeting. Commissioner Drohlich was commended for his perseverance and accomplishment in this regard.

4. Communications Committee Request for Reconsideration of January 1995 Town Hall Meeting

Commissioner Drohlich asked the Town Commission to reconsider the request of the Communications Committee that a Town Hall Meeting be held on 1-17-95 to ensure better attendance; the Committee contended this date should not create a problem concerning Town Commission candidates for the March election. Commissioner Green stated it could result in an unfair debate between candidates and setting a precedent should be avoided by holding it then. Commissioner Drohlich responded those candidates would have enough interest in the Town that they would not make it an election debate; the moderator could cut it off and bring it back to where it should be. Commissioner Sagman suggested a mandatory forum be held following the Statutory Meeting. There was consensus that the prior decision remain to hold a Town Hall Meeting in the week following the election.

5. Town Code Board Appointment Review Committee

Commissioner Gotthainer reported a proposed ordinance had been prepared by the Committee and distributed to Chairmen of each of the Town's five Boards for their comments. He stated there was currently a vacancy on three of the Boards; the current Code stated that an appointment to fill a vacancy on the Zoning Board of Adjustment was to be filled within ninety days of a seat becoming vacant. He asked if the Town Commission wished to extend the period and make no more Board appointments until the proposed ordinance had been adopted, or whether they wished to proceed by soliciting and reviewing applications for appointments before 12-30-94. He reported the draft ordinance and revised talent bank application was scheduled for the 11-17 Workshop.

Mayor Farber stated the vacancies should be filled as soon as possible after they were announced. There was consensus that appointments be made, based on the proposed amendments, at the 12-5-94 Regular Meeting.

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VI. Ordinances - First Reading and Public Hearing1. Ordinance 94-15, Amending Approval Procedures for Outline Development Plans

Ord. 94-15, amending Chapter 158 of the Code of Ordinances of the Town of Longboat Key, Florida, in Section 158.067, Review and Approval Procedure for Outline Development Plans; providing for approval of outline development plan by ordinance; providing for recordation; providing for severability; 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 Metz, seconded by Drohlich, to pass Ord. 94-15 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: Metz, aye; Drohlich, aye; Gotthainer, aye; Sagman, aye; Green, aye; Farber, aye.

Ord. 94-15 was forwarded for second reading and public hearing at the 11-17-94 Special Meeting.

2. Ordinance 94-16, Amending Chapters 30, 33, 157 and 158, Public Hearing Process and Notice Requirements

Ord. 94-16 amending Chapter 30, Town Commission, of the Code of Ordinances of the Town of Longboat Key, Florida, in Section 30.01 Meetings, by adding (E) Public Hearings; amending Chapter 33, Boards and Commissions, in Section 33.25, Public Hearings, providing for public notice requirement; amending Chapter 157, Subdivision Regulations, in Section 157.25, Submission of Plat Required; Right to Appeal, providing for waiver of fees; in Section 157.30, Preliminary Plat Approval, providing for public hearings on preliminary plat approval; in Section 157.31, Final Plat Approval, providing for public hearings on final plat approval; amending Chapter 158, Zoning Code, in Section 158.027 Appeals, providing for public notice requirement; in Section 158.029, Variances, providing for public hearings on variances; in Section 158.032, Vested Rights Determination, providing for public hearings on vested rights determinations; in Section 158.099, Submission Procedures, (C), (D), and (E), providing for public hearing on site plan approvals; deleting Section 158.101, Public Hearings; providing for public hearings on site plan approval; in Section 158.126, Special Exception Uses, providing for public hearings on special exception uses; providing for severability; 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 Drohlich, seconded by Gotthainer, to pass Ord. 94-16 on first reading.

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

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Commissioner Sagman asked why the date requirements for advertising public hearings had been shortened in the proposed ordinance in comparison to the draft ordinance; condominium associations needed sufficient time to notify their members regarding certain issues. Mr. Persson responded the ordinance was proposed as a major overhaul in terms of notice provisions for zoning and other codes; amendments were needed because of revisions to Florida law regarding quasijudicial proceedings, which required public hearings. He stated it was the responsibility of the applicants to assure that notices were provided on a timely basis.

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

Ord. 94-16 was forwarded for second reading and public hearing at the 11-17-94 Special Meeting.

3. Ordinance 94-29, Petition for Street Vacation Request - A Portion of Beach (A/K/A Bayside) Avenue

Mr. Persson reported the street vacation request was being withdrawn because the Town had previously vacated that portion, of what was then known as Beach Avenue, in 1956.

Richard Ulrich, attorney representing Mr. and Mrs. Ray Arpke as contract purchasers of the property at 690 Cedar Street, reported that on the original plat it was named "Beach Avenue" while on a subsequent revised plat it was named "Bayside Drive". He stated the section of Bayside Drive south of the subject property had also been vacated; it was under water most of the time.

Mayor Farber stated the Town should consider release of such property in the future with some form of compensation because it increased the value of the adjacent property. Mr. Persson responded that the Town may not be able to sell property for uses other than that for which it was dedicated: pedestrian and vehicular traffic; however, he said he would research this possibility.

4. Ordinance 94-31, Petition for Alley Vacation Request - A Portion of a Public Alley Located Between Bayside Drive and Poinsettia Avenue

Ord. 94-31, closing, vacating and discontinuing a public alley in accordance with Sections 97.10 - 97.13 of the Code of Ordinances of the Town of Longboat Key, said alley being that part of the ten-foot wide alley lying between Lots 3, 4, 5 and the easterly ten feet of Lot 6, and the easterly ten feet of Lot 11, and Lots 12, 13, 14 and 15, Block 48, as per plat thereof recorded in Plat Book 1, Page 306, Public Records of Manatee County, Florida, providing an effective date, was placed on first reading by title only.

It was moved by Sagman, seconded by Metz, to pass Ord. 94-31 on first reading.

Pursuant to published notice, the public hearing was opened.

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Helen Holt, Bayview Drive, asked for the actual location of the alley, since she was concerned it may affect the alley near her Broadway property. Miss Holt was provided a map showing the vacation requested; she confirmed she had no objection.

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

In response to Commissioner Green's question regarding the Town access to Sarasota Bay (just south of the Arpke property), Mr. Smally reported the public right-of-way marked by two yellow poles near the wooded area at the ends of Hibiscus and Magnolia were still owned by the Town. Mr. Persson commented that should someone choose to build in that area setbacks would need to be met.

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

Ord. 94-31 was forwarded for second reading and public hearing at the 12-5-94 Regular Meeting.

A recess was called at 7:40 P.M.; the Meeting reconvened at 7:45 P.M.

VII. Resolutions - Public Hearing

1. Resolution 94-35, Approving (or Denying) a Site Plan Amendment for the Marina Commercial Village, Bay Isles Planned Unit, Permitting Patio Dining North of the Restaurant and Increasing the Maximum Seating Capacity from 100 Seats to 150 Seats (QUASIJUDICIAL)

Pursuant to published notice, the public hearing was opened.

Town Clerk Arends administered the oath for sworn testimony to all witnesses who intended to speak during the public hearing.

Mr. Gaffney stated the Outline Development Plan for Bay Isles included a commercially-zoned parcel of 2.88 acres adjacent to a 272-slip marina; Res. 90-43 was approved which included several Conditions, including a 100-seat restaurant and outdoor seating on the westerly portion of the pool area. He reported the applicant was requesting additional seating on the north terrace, an increase in seating capacity to 150 seats for the lounge and restaurant facility, and that advertising be allowed for the restaurant. He stated a fourth request, to allow outdoor music adjacent to the pool, had been withdrawn before the application was considered by the Planning and Zoning Board on 10-18-94. He reported that at that meeting the P&Z Board had a tie vote, resulting in no recommendation being made to the Town Commission; however, minutes of that meeting were included in the Commission agenda package. He reported other documents provided to the Commission were: a copy of the original Resolution (Res. 90-43), the application, the staff report dated 9-13-94, copies of letters from patrons of the restaurant in support of the application, copies of letters received from the Bay Isles Master Association and additional associations including Marina Bay, which supported conditional

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approval, and two draft resolutions: one would provide for conditional approval and the other provided for denial. He reported the motion by the P&Z Board included five Conditions, which were also supported by staff, in an effort to mitigate the adverse impacts that might be associated with the request: (1) the maximum number of seats for food and beverage service shall be increased from 100 to 150 and be posted accordingly; (2) food and beverage service shall be allowed on the north side of the building and on the western side of the building, east of the pool; (3) supplemental landscaping six feet in height and 80% opaque shall be installed along the western perimeter of the pool area to screen this area from Weston Pointe and adjacent residential areas; (4) 25 additional parking spaces shall be provided along the westerly edge of the entrance drive to the harbormaster's office, striped to delineate 10-ft. by 20-ft. spaces and also provide for a 21-ft. wide parking aisle; and (5) advertising of the Marina Commercial Village shall be permitted only in conjunction with and accessory to the principal use - Harbourside Moorings.

Mr. Persson provided background information and stated Res. 75-27 created the Bay Isles Master Plan as requested by Arvida, including one of the largest marinas in the state and property zoned "commercial" (as 5% of the parcel) behind the gates; the intent was to make it as an adjunct to the Marina which was intended to be used by the residents of Bay Isles. He stated during the interim the intensity had been decreased by 50% and homeowners wanted docks in front of their homes, so use of the Marina dropped. The Town Commission then approved dockominiums and the use had changed over the years to a more transient facility, as well as the use of the restaurant. He reported a request to allow a yacht club had been turned down by the P&Z Board and the Town Commission. He continued and stated Res. 90-43 allowed a 100-seat restaurant and commercial shops; an ensuing lawsuit resulted in an agreement providing additional gates so the facility could be utilized by the public. He advised the responsibility of the Commission was to consider the competent substantive evidence and render a decision on whether it was or was not a good land use based on the health, safety and welfare of the Town.

Bob Bleyer, 3250 Bayou Road, Vice President of Bay Isles Master Association, reported the Association adopted a resolution on 9-30-94 requesting that 150 seats be granted.

Several others spoke in favor of the additional seating and commented on the fine quality of the restaurant:

Stuart Elkind, 2550 Harbourside Drive
 Stuart Scheyer, 2600 Harbourside Drive (boat slip)
 Beverly Albertson, 2110 Harbourside Drive
 Bud Schoen, 2155 Harbourside Drive
 Diane Sheldon, 2800 Harbourside Drive (boat slip)
 Dr. Bob Windom, Cedars West

Commissioner Gotthainer asked if it was the intent to seat ninety outside. Michael Garey, Manager of Cafe on the Bay, stated their

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request was for 150 seats total. Commissioner Gotthainer asked how the seating would be controlled. Mr. Garey responded it would be self-policed. Commissioner Gotthainer asked if they would be requesting enclosure of the terrace next.

Commissioner Drohlich asked how diners would be restricted to the east side of the pool. Mr. Gaffney responded there was currently a sign which stated diners were not allowed to eat in that area and it would be self-enforced. He stated signs would be posted on the inside and outside that seating was not to exceed 150; routine monitoring by code enforcement officers and the annual fire inspections would also be held.

Commissioner Drohlich pointed out it was quite a distance to the 25 parking spaces toward the east and very dark in the evening. Mr. Gaffney responded that valet parking had been discussed as an additional service.

Commissioner Sagman asked Mr. Persson what the word "quality" meant. He stated he expanded the meaning to "an upscale quality restaurant consistent and compatible with the character and caliber of the Bay Isles Planned Development"; however, it was difficult to quantify and the theory was that allowing the present type of operation was different than allowing "fast food" operation, so the intent in the Resolution was to apply to whatever restaurant were to locate there, so that language was used. He stated it was difficult to determine whether the courts would rule in favor of the Town on a lawsuit which included the broad language and it was difficult to defend.

Commissioner Green stated the Town was not dealing with the tenant but was dealing with William Vernon, as owner of the Marina. He reported when the Marina was approved in 1990, Mr. Vernon had contended that 50 seats were not enough to provide service to the Marina, so the Town approved 100 seats. He stated he was concerned at that time with the economic viability but was informed that was not the Town's problem. In regard to the remote parking possibility, he stated there should be concern with vandalism of the valuable boats docked at the Marina. He pointed out zoning amendments would remain with the land even though the lessee for the restaurant may change.

Mayor Farber asked if a commitment to valet parking would be placed in the site plan amendment. Betsie Coolidge, part owner of Cafe on the Bay, reported that the P&Z Board decided that should not be a requirement, but valet parking would be used when necessary in the height of the season or on weekends; employees were to park in the remote area. Mr. Gaffney stated the remote parking would be allowed in other instances, but the center aisle would have to be 24 ft. wide rather than the 21 ft. proposed. Mayor Farber asked if the intermittent green space could be converted to parking. Mr. Gaffney replied a curb currently existed but it could be removed to allow parking in that area. Mayor Farber asked if it could follow that other restaurants would also decide to use valet parking at an

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off-site location; parking was the real issue. He asked if the additional parking could not be located on the commercially-zoned portion of the property. Mr. Gaffney stated the Code did provide for off-site parking on adjacent parcels in commercially-zoned locations.

Mayor Farber proposed that the request be done by a different vehicle than an amendment to the Resolution, such as issuing a "license" for extra seating on an annual basis.

Commissioner Green asked if licensing could not be incorporated with the proposed ordinance on outdoor seating for restaurants.

Bill Vernon, owner of the Marina, stated that parking was the overriding issue and if there were not enough parking people would leave, so it would self-adjust. He stated although it may not be best for the Town, parking could be provided on the commercially-zoned acreage. Commissioner Metz referred to a comment made by a member of the public concerning the number of seats necessary to run a viable restaurant; he pointed out there were several successful restaurants on Longboat Key with less than 100 seats. Commissioner Sagman asked if parking could be provided on the grass on a trial basis without requiring that it be paved. Mr. Vernon stated permeable pavers could be installed near the Indian burial mound closer to the restaurant.

Mayor Farber stated he was concerned the Town would be taking a risk by allowing the request. Mr. Persson responded that the facility would be so unique on Longboat Key that a precedent would not be created. He stated the Town had a policy that there be as much permeable open space as possible. He stated the Town had previously made a decision that it would be better to share the parking with the Marina than to create more nonpermeable surface.

It was moved by Drohlich, seconded by Sagman, to approve Res. 94-35(A) including an amendment to page 4, "Conditions Requisite for Approval", 4) amending paragraph 3(f) of Resolution 90-43 at the end of the second sentence: "Should, however, the facility exceed a total maximum seating of 150 as defined by the Code Enforcement Board, or should there be any other violation of Res. 94-35(A), then the total maximum seating shall revert to a total maximum of 100 seats."

Mayor Farber stated he was opposed to this being done through a site plan amendment; it could be done by "licensing" instead. He then repeated the motion and asked Commissioner Drohlich to repeat the amendment.

Motion failed on roll call vote: Drohlich, aye; Sagman, aye; Metz, no; Green, no; Gotthainer, no; Farber, aye.

Commissioner Green moved to deny Res. 94-35. Commissioner Metz stated he did not understand. Mayor Farber stated the Commission then had to give a vote on denial. Commissioner Metz asked if the

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vote was on the amendment and not on the resolution. Mayor Farber stated the vote was on Res. 94-35 with the amendment included. Mr. Roberts stated it would be necessary to vote on the amendment and then on the motion. Mr. Persson stated his understanding was that they voted on the amendment and not the main motion. Mayor Farber asked that the Commission start over and asked for a motion to approve Res. 94-35 as written. Commissioner Drohlich stated it was amended.

Commissioner Sagman stated she voted to approve Res. 94-35. Mayor Farber seconded.

Commissioner Drohlich consented to offering the amendment again. Commissioner Green stated if it could not be voted down, he would rather have the amendment included.

Commissioner Sagman asked if the applicant had not previously been directed by Town staff to apply for a site plan amendment in order to increase the number of seats, and the Commission was now being unfair about it. Mayor Farber stated it was not a question of being unfair but a question of handling it such that they would not regret the decision later. Commissioner Green stated the Code Enforcement Board could have fined the applicant because they were in violation, but instead had allowed them the opportunity to come to the Town Commission. Mayor Farber stated the proposed amendment would be better suited in addressing the problem in another form. Mr. Persson stated this was the only forum in which they could request the amendment; using the site plan was the less onerous methodology to do it and the Town Commission decision must be based on the competent substantive evidence heard determining whether allowance of a 150-seat restaurant on the site was a good land use. Commissioner Green stated he had not changed his mind since he had originally voted on the 100-seat restaurant; the increased seating was not necessary for the viability of the restaurant nor was it in the best interest of Bay Isles.

Commissioner Gotthainer stated the Conditions that existed when Res. 90-43 was considered by the P&Z Board had gone beyond what was desirable at that time; the operator was presently good and the proposed amendment was a means of the Town for providing protection. He reported he favored seating on the terrace and the Commission would likely have approved it in 1990. Mayor Farber suggested other parking options be prepared for Town Commission consideration. He asked for a motion to continue the motion to the 11-17-94 Special Meeting when a full Commission was anticipated.

Mr. Persson stated he would be able to respond better on 11-17 on how a licensing proceeding would dovetail with the zoning requirements. He reported Mr. Gaffney had pointed out that it would be necessary to modify some part of the underlying zoning to allow the additional seating because it presently allowed only 100 seats, so nothing could be done from a licensing standpoint to increase the seating. He stated the Resolution could be modified to give the Commission the power in some fashion.

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Commissioner Metz reported discussion at the P&Z Board Meeting included restricting additional seating to the present operator but it was determined there was no way of doing so. Commissioner Gotthainer stated the Town had made mistakes on the property all the way through, such as calling it a Marina Village without defining "marina village", allowing a 4400 s.f. restaurant, but discussing limitation of seating to 50. He stated the building existed, it had a good operator and there were restrictions regarding the number of seats inside the building, so they should be approved for 150 seats. He stated the Fire Code allowed 183 persons.

Commissioner Drohlich stated his objection to licensing was that other restaurants would be requesting additional seats also; criteria would have to be developed such as square footage, the best presentation, etc. Mayor Farber stated he was only discussing outdoor seating. Commissioner Green reported the minutes from the 1990 meeting stated there was a consensus that seating could be used outdoors but the facility was restricted to 100 seats total.

Commissioner Drohlich was asked to read his amendment again; he responded his proposal was the same as already heard previously.

Mr. Persson stated in order to have an amendment, it was necessary to have a main motion. Mayor Farber stated they had a main motion and Commissioner Drohlich moved to amend that motion. Commissioner Drohlich again stated that was not correct because he moved for adoption of the resolution with the amendment. Mayor Farber replied the motion to approve Res. 94-35 was made by Commission Sagman, with his second; he stated Commissioner Drohlich had then amended the motion. Mrs. Arends asked who seconded the new motion to amend. Commissioner Drohlich stated he made the motion to approve the Resolution with an amendment and it was seconded by Commissioner Sagman. He asked what was being voted on next. Mayor Farber stated the amendment had not been voted on.

Motion on the amendment carried on roll call vote: Drohlich, aye; Farber, aye; Green, no; Metz, aye; Sagman, aye; Gotthainer, aye.

Main motion as amended failed on roll call vote: Sagman, aye; Farber, no; Green, no; Metz, no; Gotthainer, aye; Drohlich, aye.

Mayor Farber asked the Town Manager and Town Attorney to present the Town Commission with a plan to determine whether "licensing" might not work in some manner. Commissioner Green again suggested it be addressed at the same time as a proposed outdoor dining ordinance was considered for other restaurants, but not allowing any additional seating. Mr. Roberts stated that would have to follow the normal procedure of review by the P&Z Board and then two readings and public hearings by the Town Commission.

Commissioner Gotthainer stated it seemed there were no objections by the Commission to allowing seating on the north terrace of Cafe

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on the Bay and asked if the Town Commission could give them approval for that at this meeting. Commissioner Green stated there had been a previous consensus that seating was allowed outside.

It was moved by Farber, seconded by Sagman, to reconsider for purposes of continuing the public hearing to the 11-17 Special Meeting.

Motion carried by a vote of 5-1, with Commissioner Green casting the dissenting vote.

A recess was called at 9:35 P.M.; the Meeting reconvened at 9:40 P.M.

VIII. Closing of Consent AgendaIX. Action on Consent AgendaX. Unfinished BusinessXI. New BusinessXII. Town Attorney Comments1. Groin at Colony Beach and Tennis Resort

Mr. Persson reported the State of Florida had issued an intent to issue a permit for construction of the seaward 65 ft. of the Colony groin; it did not include some of the language the Town had suggested would be appropriate to ensure that adjacent property owners and public lands were protected. He stated a staff meeting was scheduled to review the conditions as suggested by the State to determine to what extent they were found to be of concern and to relay those concerns with some suggested modified language to the Colony's attorney and hopefully to the State. He said they would be reporting to the Town Commission on 11-17 to determine whether a formal objection should be filed; however, he did not think it would be necessary.

Mayor Farber reported Dr. Klauber had held a meeting with the Player's Club and he was hopeful an agreement could be reached between them.

2. Durante Park Update

Mr. Persson reported James Durante, Park benefactor, approached him regarding donating additional funds for a total of \$750,000 for the Park because of the increased costs. He stated Mr. Roberts would be issuing a report on the status of Durante Park and a draft of the amended agreement on 11-17; payments would be made in additional increments.

Commissioner Drohlich asked when the budget would be available on the Durante Park. Mr. Roberts responded the information would be provided on 11-17 because he would need policy determinations in order to go forward.

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3. Reserve Case

Mr. Persson reported a Writ of Certiorari on the Reserve case filed and written by Nancy Stroud's office provided a good background and appendix of germane decisions made by the court.

4. Reimbursement for Road Vacations

Mr. Persson asked if the Commission wished him to investigate a road vacation reimbursement program. There was consensus for Mr. Persson to review the Town policy and advise.

XIII. Town Manager Comments1. Bayfront Park Recreation Center

Mr. Roberts stated the Recreation Center report would be available at the 11-17 Workshop.

2. Tennis Center

Mr. Roberts reported the Tennis Center report would not be ready on 11-17. There was consensus to schedule a Special Workshop on 12-2-94 (at 1:00 P.M.) to review the report. Action would be forwarded to the 12-5-94 Regular Meeting.

3. Australian Pine Removal

Mr. Roberts reported Pete & Ron's Tree Service indicated it would not be necessary for them to work during the evenings as previously approved by the Town Commission.

4. Proposed New North Fire Station

Mr. Roberts reported the schematics of the new fire station design would be available in December; a report of the cost estimate and timeline would be available on 11-17.

5. Status of Permits for New Pass and Longboat Pass Dredging

Mr. Roberts reported information on the dredging permits would be provided on 11-17.

XIV. Town Commission Comments1. Architectural and Zoning Corridor

Commissioner Green suggested some thought be given to developing an architectural and zoning corridor for the commercially-zoned undeveloped property on the east side of GMD, which would result in it being more attractive than it might be without it. Commissioner Drohlich asked if it would pertain to the sign ordinance; Commissioner Green responded affirmatively. There was consensus that the Town Manager assign staff to begin research on this matter.

2. Commission Chambers Art Display

Commissioner Metz called attention to a new art display in the Commission Chambers; he said the watercolor paintings provided by the Longboat Key Art Center were done by Sydney McKenna, the artist who designed the logo for the Town signs.

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3. Mound at Villa de Lancia Project

Commissioner Gotthainer conveyed his gratitude to the Town staff for assuring that the mound of dirt was removed at the Villa de Lancia construction site.

XV. Public to be HeardXVI. Press to be HeardXVII. Adjournment

The Meeting was adjourned at 10:20 P.M.

Robert J. Farber
Robert J. Farber, Mayor

Norma Celentano
Patrizia Arends, CMC/AEE, Town Clerk
Norma Celentano, CMC/AEE, Deputy Clerk

Exhibits and Documents submitted for the record and file location:

- Item VI-3, Ord. 94-29, Vacate a Portion of Beach (Bayside) Drive
Memorandum dated 10-27-94 from PZB Director to Town Manager
including Ord. 94-29 and Location Map
Verified Petition for Street Vacation
- Item VI-4, Ord. 94-31 (determined by PZB Dept. as previously vacated)
- Item VII-1, Marina Commercial Village, Site Plan Amendment
Memo dated 10-28-94 from PZB Director to Town Manager
Letter dated 10-17-94 from Bay Isles Board
Applicant's report
PZB Minutes of 10-18-94
Request to Speak forms (8)
Resolution 94-35

All of the above-mentioned documents are on file in the Town vault.

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