

MINUTES OF MEETING
LONGBOAT KEY TOWN COMMISSION
November 8, 1966

Meeting called to order in temporary quarters in garage of the Fire Hall at 7:30 P.M. by Mayor Webber.

Roll Call: Alspach, Blake, Moolten, Noel, Rich, Ridyard, Webber, Hager and Lanier.
Absent: Cooney.

Mayor Webber stated that the Election Board had informed him that they would not be finished counting the vote until about 9:00 P.M. and that therefore the regular place of meeting would not be available until that time.

Mr. Blake made a motion, seconded by Mr. Noel that the meeting be recessed until 7:30 P.M. November 9, 1966.

Mr. Ridyard stated that a good many people had come to attend the meeting, and said that he believed that the Commission should hold the meeting on the 8th, even if it meant waiting until 9:30 P.M. or later.

Mr. Moolten said that the Commission had refused to discuss changing the date of the meeting on October 25th and that it should be held on the 8th as scheduled.

Mr. Ridyard said that he had repeatedly warned that it would be very late before the Hall would be available, because of the Election, but that no one had taken any action, prior to this time, to change the date of the meeting, and that had he known that the meeting would not be held as scheduled he would have called a Special meeting for the 7th of November. On a Roll Call vote on the motion Mr. Ridyard, Mr. Moolten voted against the motion, Mr. Alspach, Mr. Rich, Mr. Noel, Mr. Blake and Mr. Webber voted in favor. Motion passed.

Meeting was re-convened at 7:30 P.M. November 9, 1966.

Roll Call: Alspach, Blake, Moolten, Noel, Rich, Ridyard, Webber, Hager, Lanier and Cooney.

Mr. Noel reporting for the Committee to examine the petition for a Charter Board election, read the portion of Chapter 166 of the State Statutes pertaining to signatures on such a petition and introduced a report of the Committee signed by himself and Mr. Alspach which recorded that thirty names be removed from the petition because they did not conform with the requirements of the Statute. Mayor Webber stated that this report should be made when the matter comes up under Old Business on the Agenda and asked if there were any other Committee reports.

Mr. Ridyard reporting for the Committee on boat operation stated that this Committee had not completed its work but that they would recommend that all boats over eighteen feet be registered with the Town Clerk and carry a five inch number on both sides. He stated that the present Ordinance is a good one but that no penalties or enforcement procedures are included and that his Committee would consider these points.

Mr. Lanier read a letter from Youell Bartlett stating that all but \$160.02 of the amount required for paving Marbury Street had been placed in escrow with the Town Clerk and requested that work be commenced at this time. Mr. Ridyard and Mr. Rich stated that they felt that paving the street would be of great benefit to the Town and would be in favor of proceeding at this time if the Town could be given some protection for the collection of the amount still due. Mr. Cooney stated that this would involve a lien and that the procedure for placing a lien as set out in the Charter would cost the Town a great deal more than the \$160.00 involved. Mr. Ridyard made a motion, seconded by Mr. Moolten authorizing the Road Supervisor to proceed with the construction as soon as the 66-2/3% of the total cost is in escrow. Mr. Lanier stated that he also had an alternate proposal to pave half of the street and that all of the money for this is

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now in escrow and that he intends to proceed with this if they cannot get the \$160.02. On a vote on the motion, all voted in favor. Motion passed.

The Town Clerk read letters from Milton B. Freudenheim, Raphael M. Kelly, W. Bradford Wines and the Longboat League regarding the Charter Board. Mr. Ridyard read a letter written by W.A. LePage addressed to Editor dated November 8, 1966. Mr. Moolten read a letter from Josiah and Lila Huntoon regarding signatures on the Petition. Mr. Ridyard stated that he did not sign the Committee report read earlier in the meeting by Mr. Noel. He said that he did not feel that any lack of a street number would invalidate a signature where the numbers had been assigned by the Town but were distributed by the Garbage Franchisee only to his own customers and that he did not believe that the absence of the expiration date of the notary would invalidate the acknowledgment. Mr. Ridyard read an additional Petition circulated by Mr. Whitney containing thirteen signatures.

The Clerk reported that he had received petitions containing eighty-five signatures requesting that their names be removed from the original Petition. He stated that he had received Mr. Whitney's Petition and one other which contained nine names but that the last petition has not been checked. Mr. Noel stated the original Petition contained the signatures of 211 registered voters, 85 of whom requested that their names be deleted and that the Committee had recorded the deletion of thirty additional names because they did not comply with the provisions of Chapter 166 of the State Statutes. Mr. Noel moved that the Committee report be accepted by the Commission. Motion was seconded by Mr. Blake.

Mr. Ridyard stated that he did not believe that the Committee can be the judge of whether the signers of the page affixed their own addresses thereto or not.

Mr. Blake stated that the Commission should do everything in as legal a manner as possible and that the language of the Statute was very clear and that he believes the names should be deleted.

On a vote on the motion, Mr. Ridyard and Mr. Moolten voted against the motion, Mr. Alspach, Mr. Rich, Mr. Noel, Mr. Blake and Mr. Webber voted in favor of the motion. Motion passed.

Mr. Ridyard asked Mr. Cooney if the report has any valid standing as far as the Charter Board is concerned.

Mr. Cooney stated that Chapter 166 lacks a great deal and certainly did not contemplate a situation on Longboat Key.

Mr. Ridyard stated that two members of the Commission had taken copies of the Petition and challenged the validity of some of the signatures and that he did not believe that this was in the power of the Commission.

Mr. Cooney explained that the Clerk has only to look to whether the signatures are those of qualified voters and to count the valid signatures, that it is up to the Commission to pass judgment on all other matters among which is to determine whether the names should be deleted.

He pointed out that this had to be done by someone and that there was no one else but the Commission who could do so.

Mr. Ridyard made a motion, seconded by Mr. Blake to waive the rules so that Mr. Field might be heard. All voted in favor. Motion passed.

Mr. Field stated that he had listened to this Trailer Park talk since 1958 and that in his opinion this was not the crux of the matter, but that there must be other issues and feels that much of the controversy is due to the lack of understanding between the Commission and the people. He suggested that in order to re-establish harmony in the Town that all of the Commissioners resign before the next election and that we start fresh. Public forums should be held to discuss the issues and new Commissioners elected. He stated that the present system is good, that he cannot conceive of a better one and that it should not be scrapped over a few differences of opinion.

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Mr. Cooney pointed out that 211 voters were on the original Petition, 85 had withdrawn leaving 126, that 30 were deleted by the Commission, leaving 96 signatures on the Petition. He said that 20% of the voters would be 163 and that the Petition lacked 67 signatures of reaching this number, that the petitioners had thirty days to file additional signatures starting from today. Mr. Webber said that in view of Mr. Cooney's statement it was apparent that no action was possible on the Petition for a Charter Board election at this time.

Ordinance No. 116 granting a non-exclusive T.V. Cable Franchise was placed on second reading.

Mr. Noel stated that the Committee had scheduled a conference for November 10th and will report on this at the next meeting.

Mr. Ridyard made a motion, seconded by Mr. Moolten to waive the rules so that Mr. Namack might be heard. All voted in favor. Motion passed. Mr. Namack stated that the provisions of the Statute provided for a Charter Board were clear and that 20% of the registered voters had signed the Petition and that it was the duty of the Commission to establish a date for the Election at this time and that he would like to discuss the matter with Mr. Cooney.

Mr. Cooney stated that he and Mr. Namack had an honest difference of opinion and that he doubted if either of them would change their minds and he could see no benefit from the conference.

He said that he could not agree that the Commission could not look into the manner in which the Petition was signed, that there are certain things in the Statute, that only the Commission can examine, one of them is that the person who signs it signed the way the Statute says it should be signed and another one, that it be executed properly before a notary public and these were the reasons why additional names were taken off and I feel that any Court in this county would sustain the position that this Commission has every right to do so.

Ordinance No. 117 re-districting the Town was placed on first reading.

Mr. Moolten made a motion, seconded by Mr. Rich to adopt the Ordinance on first reading. All voted in favor. Motion passed.

Mr. Lanier reported that Manatee County had requested the Army Corps of Engineers to make a feasibility study of dredging Longboat Pass. He pointed out that until such a study has been made no action need be taken by the Town but that he felt that the Commission should be aware of this. At the request of the Commissioners Mr. Lanier agreed to request copies of all correspondence pertaining to the study from the Army Engineers.

Letter from George McKeever, President of the Fire Department requesting that the Town accept the services of the Fire Department, was read. A Committee consisting of Donald Moolten, Max Lanier, Bill Hewitt and William Hager, Chairman was appointed to study the matter.

Mr. Lanier stated that applications for groins beyond the control line had been received from Colony Beach and from Jack Kahn. Both of these groins would extend approximately 250' and would be experimental in nature. Mr. Lanier recommended that permits be granted, pointing out that any such permit is contingent upon action by the State and the Army Corps of Engineers. Mr. Ridyard made a motion, seconded by Mr. Rich to approve both applications as recommended. All voted in favor. Motion passed.

Mr. Lanier reported that the Committee on Street Lights had recommended the location of forty-three lights of 4500 lumens each. He said that on concrete poles these would cost approximately \$1600.00 per year and that he believed the expenditure could be justified from road funds. He said no action could be taken until the budget was set for the following year and that this report was merely informational.

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Mayor Webber asked if anyone in the audience wished to be heard.
Mr. Jack Tourtellotte stated that he agreed that the Town needs some control over the operation of boats.
Mr. William Hewitt stated that he believes that we will still have an enforcement problem and hopes that the numbers on the boat will work out.

Mr. Wacker stated that he felt that the wrong groins might keep more than their share of sand and cause erosion.
Mr. Webber explained that Mr. Carlton of the State Conservation Department had examined the situation and agreed to the issuance of the permits and if damage is done by the groins they must be removed and that a Bond is required for that purpose.

There being no one else wishing to be heard Mr. Noel made a motion to adjourn, seconded by Mr. Blake. All voted in favor. Meeting adjourned.

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