

79-20

MINUTES OF SPECIAL MEETING OF LONGBOAT KEY TOWN COMMISSION, JUNE 20, 1979, 8:00 P.M.

Meeting called on notice given at regular meeting immediately preceding and so recorded in the minutes of that meeting in accordance with Article II, Sec. 15 of the Town Charter.

Mayor McCall called the meeting to order at 8:00 P.M.

Present: Mayor McCall, Commissioners Bell, Jenkins, Ridyard, Riter, Seegel

Also

Present: Town Manager Allgire, Town Attorney Whitesell, Town Clerk Pool

Absent: Commissioner Ochs

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

The Pledge of Allegiance to the Flag was given.

1. COMMITTEE REPORTS

Commissioner Jenkins reported the Town Manager had as directed written letters to both Manatee and Sarasota Counties regarding a bus to St. Armand's Circle but no reply has been received.

Mr. Jenkins also reported that resurfacing of Gulf of Mexico Drive will start June 25.

2. OPEN SPACE ACQUISITION ORDINANCE (79-7)

At the direction of the Commission, Ordinance No. 79-7 amending Appendix B, Zoning, of the Town Code requiring land dedication or conveyance for public purposes, was placed on second reading by title only. Pursuant to published notice, the second public hearing on the proposed change and the hearing on the ordinance were opened. Ted Sedwick, Vice-Chairman of the Planning & Zoning Board, accompanied by Board member Gene Bossert reported the P&Z Board had again discussed the proposed ordinance at a meeting on June 14 and despite a presentation from Adley Associates felt they had not had the problem defined sufficiently to recommend potential amendments to the ordinance. However, overlay maps would be prepared by Adley to show areas which could be affected by this ordinance for the Board's further study. Mr. Bossert stated the Board had again voted to recommend against adoption of the ordinance. Walter Franks stated he was concerned about the definition of open space. He suggested that commercial, open space and possibly a park be combined in one area. Mr. Franks pointed out the low percentage of commercial area on the Key and stated that if the land next to the commercial area he owns is designated open space, he will be cut off. Bob Dowd inquired if there were anything in the ordinance which would even by implication grant a waiver of height restrictions or setback or parking requirements. The Town Attorney answered there was not. Louis Bernstein commented he felt the existing PUD regulations covered the requirement for providing open space in tracts over five acres, and were a reasonable requirement which the people who will buy into those units should pay for. On the other hand, to the extent that there are four or five or six pieces of property which for ecological or recreational reasons should be maintained for the public, all the people on the Key should contribute to the cost. Ed Wojtasik stated that in spite of the obstacles posed to the problem of obtaining open space, he hoped the Commission would not back down, but would pursue it. Attorney Michael Furen stated it was his understanding that a developer would not lose the land dedicated

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under the mandatory proposal but density that would be attributable to that particular land would be still available for use on the site as such. He pointed out that in several places the ordinance speaks of dedication to the public and suggested that the term public could be defined to limit it to residents of Longboat Key. Also, in several places in the ordinance there is reference to final development plans, plats, or site plans but in other places only one of those three is referred to. He asked that if there is to be action on the ordinance, it be modified so that in each instance all three are mentioned. In addition, there is a reference to dedication or conveyance in the introduction, thereafter there are places where only dedication is spoken of and others just conveyance, and he thought these should be made consistent. In the last paragraph of Sec. 1, the third line reads, "and used only for the purpose of land", he felt it should read, "and used only for the purpose of acquisition of land". No one else wished to be heard and the hearings were closed.

The Commission discussed the proposed ordinance and it was moved by Ridyard, seconded by Jenkins to table the ordinance. He stated his reason as being so that further work could be done on it and a conclusion reached. Further, that the hard part was dealing with transfer of density and if this cannot be worked out, he felt it might be necessary to start over. The Manager was requested to place discussion of this ordinance on the June 26 workshop agenda. Motion carried: Jenkins, aye; Ridyard, aye; McCall, aye; Riter, aye; Bell, aye; Seegel, aye.

3. HELICOPTER LANDING PROHIBITION AMENDING ORDINANCE (79-11)

At the direction of the Commission, Ordinance No. 79-11 amending Sec. 2A-3 Landing of helicopters within Town Limits, was placed on second reading by title only. Pursuant to published notice, hearing on the ordinance was opened. No one wished to be heard and the hearing was closed. It was moved by Ridyard, seconded by Riter that Ordinance No. 79-11 be passed on second reading and finally adopted. Motion carried: Seegel, no; Bell, aye; Riter, aye; Ridyard, aye; Jenkins, aye; McCall, aye.

4. HELICOPTER LANDING AUTHORIZATION

Town Manager Allgire stated a request had been received from CBS television for permission for a helicopter to land on the property of Colony Beach for the purpose of being filmed as part of a television program. The expected date for the landing would be June 27. It was moved by Ridyard, seconded by Jenkins that permission be granted for this specific operation only. It was moved by Seegel, seconded by Bell to amend the motion to add that the permission be subject to CBS giving a proper document in proper form approved by Town Counsel providing for either a certificate of insurance in proper penal amount, and he would say that amount would be \$5,000,000 or an agreement from CBS to hold the Town harmless from any and all things that might come about by use of the helicopter. Motion to amend carried unanimously. Main motion carried unanimously.

5. BAY ISLES EASEMENT APPROVAL

Town Attorney Whitesell stated an easement had been obtained from Arvida Corp. for underground water and sewer lines for all private streets located in Bay Isles, Unit No. 2 and he requested that the Commission approve it so it could be recorded. It was moved by Riter, seconded by Ridyard, carried unanimously that the easement be approved.

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6. IMPACT FEE RESEARCH

Commissioner Seegel asked that the Commission authorize the Town Attorney to research and give an opinion with respect to impact fees. Mr. Whitesell stated the authority had been given previously and his research was nearly completed.

7. INVESTMENT ADVISORY COMMITTEE MEETING REQUEST

Commissioner Seegel requested that a meeting of the Investment Advisory Committee be held in the near future. Mr. Riter, Chairman of that Committee, stated there would be a meeting in July.

8. CANAL AND DRAIN DISCUSSION

Mr. Seegel referred to a letter from Stephen Wolf of Hornblower Lane asking that the Town, during resurfacing of Gulf of Mexico Drive, unclog the drain into the canal between Hornblower and Spinnaker Lanes. Discussion of this matter was forwarded to the June 26 workshop agenda. Mr. Seegel also stated that the Commission should come to some definitive action about scouring canals. Mayor McCall answered that Commissioner Bell has been studying this problem but due to her being so busy with problems concerning beaches she is not yet ready to report her findings.

9. BOARD OF ADJUSTMENT LETTER

Commissioner Seegel reported that the Chairman of the Board of Adjustment had told him the Board was somewhat disturbed at not receiving an answer from the Commission to their letter of May 9 which addressed itself to several important issues. Mr. Seegel felt it should be answered, perhaps by Town Counsel. The Mayor said he had planned to discuss this with the Town Manager and would follow up on it.

10. STONE CRAB BAYOU NAME DISCUSSION

Commissioner Seegel referred to a discussion of several months ago when the Commission had received a request from Tom Mayers to change the name of Stone Crab Bayou to Savarese Bayou. He had reported, as directed by the Commission, that upon checking with the Coast Guard and the U.S. Power Squadron neither had any objections to the name change. Further, that upon hearing from Jim Johnson in opposition to the change the Commission had never gone further with it. He felt it only fair to let Mr. Mayers appear before the Commission to state his position. Mayor McCall directed the Clerk to research what had taken place on this and report it back to the Commission at the next workshop.

11. COASTAL VARIANCE - WHITNEY SHORES

✓ Commissioner Seegel stated that even though the Whitney Shores condominium project had been withdrawn and the letter about a possible suit in the matter withdrawn, the Town records still show a variance from the Coastal Construction Control Line was granted, and he felt Commission action should be taken to revoke the variance. Mayor McCall stated this is the intent and it will be on an agenda when the full Commission is present.

12. ADJOURNMENTBOOK 4 PAGE 360

Mayor McCall declared the meeting adjourned at 10:00 P.M.

J. Kennedy McCall
J. Kennedy McCall, Mayor

E. Jane Pool
E. Jane Pool, Town Clerk

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