

TCRW 09-21-1976

MICROFILMING INFORMATION SHEET

TO: LASON
FROM: Town of Longboat Key
Town Clerk Department
501 Bay Isles Road
Longboat Key, FL 34228

DATE: 10-04-2002

SUBJECT: Microfilming

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COMMISSION DIRECTIONS - SEPTEMBER 21, 1976 WORKSHOP

PRESENT: Vice-Mayor Petrick, Commissioners Edmundson, McCall, Ridyard
(Mayor Kenney arrived during the discussion about Emerald Harbor)

ABSENT: Commissioners Ochs, Sedwick

ALSO

PRESENT: Town Manager Allgire, Town Attorney Whitesell (arrived with Mayor)
Public Works Director Cox

As requested by the Commission, Consulting Engineer Don Smally discussed the proposed fee ordinance for water and sewer connection. He explained that three factors were considered - capacity, extension and connection. The Commission next discussed possible policies for extending service and it was agreed that a study should be made as to what possibilities for requested extensions still exist, and then recommendations made for Commission consideration as to the maximum distance the Town will extend the system and beyond which the property owner will be required to do so - with the possibility of payback agreements to such property owners. Concerning a policy for acquiring portions of systems in multi-building complexes, the Town Manager stated there is need for a stated policy. In past it has been that the Town reserved the right to analyze the system and decide what part they will maintain, with developers to give easements. That is the same as with subdivisions and such systems must meet Town standards. The consensus was this policy should be continued.

As discussed at the last workshop meeting, John Grout was present, as were Ned Wagner and George Roan, to discuss the condition of the canal between DeNarvaez and Juan Anasco. Mr. Wagner and Mr. Roan maintained that the silted condition which exists is the result of work done by Residex during construction of the sewer. Mr. Grout stated that while he was sympathetic to their complaints he had carefully studied the situation and discussed it more than once with Residex, but that it was impossible to prove that they were responsible for any more of the silting than the extent of cleaning which they had done. Mr. McCall said he felt the amount of money to return the canal to its previous condition would not be great, perhaps \$1,000 to \$1,200. The Commission asked the Town Manager to contact Larry Ligman of Residex to arrange a meeting with a representative from Smally, Wellford & Nalven (Mr. Grout will be out of town) and with Mr. Wagner present to try to negotiate this matter. It was further stated that the weight of the Commission should be behind the matter to let Residex know they feel something should be done.

A report had been received from Fire Chief Bullard discussing existing levels of fire protection, and Town Manager Allgire stated it could be possible to transfer budgeted funds for an additional firefighter. This could be done due to the fact that two building inspectors are retiring and may continue to do inspections part-time on a contractual basis. He felt such an arrangement would not work a hardship on the Town or on present personnel since construction has declined considerably. The remainder of the funds for an additional firefighter would come from surplus funds. The matter had been discussed with the Finance Committee who had seemed to view it favorably and asked that it be brought to this workshop. Further, an additional man would mean the Town would have around the clock fire protection. (Mr. Allgire said that again this year two CETA firefighter employees had been requested from Manatee County to be provided at the expense of the County.) The Finance Committee had recommended this course of action and the Commission directed that it be put on the next regular agenda for formal action. In answer to a Commission question, Chief

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Bullard reported that the proposed revisions to the Fire Code had been typed and sent back to the Committee for verification before presentation to the Commission.

Public Works Director Cox and Russ Luce of Arvida presented a tree removal plan for Seaplace South. Mr. Cox stated the landscaping plan was already approved and the Commission indicated satisfaction with the tree removal plan. (Approval to be issued by the Administration.)

George McClain, attorney for William Mote of Spinnaker Lane, appeared in order to discuss with the Commission a petition for special exception requesting that Mr. Mote not be required to hook up to the Town's wastewater system. The Commission indicated to Mr. McClain they were not sure they could legally grant an exception even if they chose to do so. It was pointed out that some months ago the Town had suggested that Mr. Mote avail himself of the Town's engineers' services to resolve the problem. The Commission stated that the question would be directed to the Town Attorney and Mr. McClain would be advised of his opinion. The matter was forwarded to the September 29 agenda for formal action.

George Rosengarten, appearing as a resident of Emerald Harbor, stated that he was quite disturbed about the Commission's earlier decision that the Town would only accept dedication of the streets in Emerald Harbor after certain repairs were made by the residents. Mr. Rosengarten stated that as far back as 1971 verbal assurances had been given by the then Town Manager and then Commissioner Ed Lee that there would be no problem with such dedication. Subsequently, however, there had been a suit by three residents of the subdivision to try to prevent the dedication. After lengthy legal proceedings the suit was lost by those seeking to prevent dedication. After discussion the Mayor asked each Commissioner for his opinion. Commissioners Ridyard and Edmundson felt the streets should be accepted and Commissioners McCall and Petrick felt that some compromise should be sought to see if something less than the estimated \$20,000 worth of repairs would make the streets acceptable. It was brought out by the Town Manager that the subdivision ordinance requires streets to be up to Town standards, and Mayor Kenney asked the Town Attorney to ascertain whether the streets can legally be accepted; and Public Works Director Cox was asked to review the list of needed repairs to determine if some acceptable solution can be reached.

With the approach of the beginning of a new fiscal year, the matter of a donation to the library was discussed. The Town Manager pointed out that the charge for connecting to the Town's sewer system was \$1400. After discussion, there was general agreement that the Town increase its donation for the coming year to \$2500, and then the library could pay the Town the amount of the sewer connection. This was forwarded to the September 29 agenda.

The Commission discussed possible amendments to the Tree Protection ordinance pertaining to mangroves. Mayor Kenney pointed out that the valuable mangroves are under State control anyway, and all the Town would be dealing with would be upland mangroves. Mr. Allgire inquired whether the Commission policy had changed from its previous position that they were not interested in protecting mangroves on man-made canals. His last conversation with the State had informed him that the State has no interest in mangroves on canals, and a Commission determination is needed before the amendments are prepared. Mr. Whitesell reminded

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that there is legal action pending awaiting amendment of the ordinance in order for the Town to cause removal of some mangroves which are interfering with boat traffic on a canal. The Mayor suggested and the Commission agreed that a reasonable trunk size for mangroves should be determined to be protected, to be removed only upon securing a permit from the Town, and no mention made of mangroves of lesser size - to apply, of course, to upland mangroves only where the Town has jurisdiction. The Commission also reaffirmed its former policy concerning mangroves along canals, since it would seem to be ridiculous to cause an irregular seawall to protect them.

Mr. Cox reported that a request had been received from Tim Field for an extension of six months to the preliminary plat approval for Hideaway Bay. The Commission forwarded the request to the 9/29 agenda for formal action. There was some discussion of legal points and the Town Attorney was asked to review with Mr. Cox the effect of new State requirements such as curbs to accommodate wheel chairs etc.

Mr. Petrick asked that with some employee retirements imminent a review be made to be sure that investments are such that monies are available now as well as for the long term. It was agreed the Pension Board should meet with Finance Director Connell to be sure.

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