

TCRW 11-01-1977

MICROFILMING INFORMATION SHEET

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FROM: Town of Longboat Key
Town Clerk Department
501 Bay Isles Road
Longboat Key, FL 34228
DATE: 05-17-2002
SUBJECT: Microfilming

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COMMISSION DIRECTIONS, NOVEMBER 1, 1977 WORKSHOP

Present: Mayor Petrick, Commissioners McCall, Ochs, Ridyard, Sedwick, Seegel

Also

Present: Acting Town Manager Cox, Town Attorney Whitesell

Absent: Vice-Mayor Edmundson

1. Bicycle Ordinance.

The Commission discussed the proposed bike path use ordinance. Commissioner Seegel stated he had asked the Town Attorney to give an opinion on use of Mopeds which the Commission would hear later when the Attorney arrived. There was general agreement that bicyclists should not be required to give way to vehicles in every driveway. That they should, in fact, just be careful. Zeke Epstein stated that the American Bike Association has signs for use on bike paths which could be obtained to warn cyclists of the necessary areas for caution. The Commission asked that this ordinance be placed on the regular meeting agenda the following night, November 2nd for first reading. Further discussion was delayed until later in this meeting when the Town Attorney arrived.

2. Water System Report.

In compliance with Commission request, Don Smally of Smally, Wellford and Nalven, had distributed a letter giving the Commission a progress report of improvements to the Manatee County Water System which are being made by Manatee County. Mr. Smally displayed a map showing Manatee County's short and long range planned improvements and stated that if the County follows through, Longboat Key's water problem will be solved. He stated that the contract has been let for an additional line parallel to Cortez Rd., they have let the contract for the elevated tank and at the other pumping station the tank is in and the pumps on order have been shipped. These are short range cures for the low pressure problems which Longboat Key had last spring. The reservoirs will provide an additional source of water at peak load times with one million gallons each at the Manatee Avenue and Cortez Road area reservoirs. There is a 220 day schedule for the construction of the line so this means it will not be completed until next May. Commissioner Seegel inquired about the treatment plant capacity and Mr. Smally stated that Manatee County is talking about adding an additional dam, additional treatment capacity, etc., for the whole system in their long range plan. If they do not follow through on this the whole system will be in trouble, but he feels they will do so. He had talked to their fiscal agent and they have plans for a \$20,000,000 bond issue next year. In answer to Commissioner Seegel's question as to whether Mr. Smally thought it would be advisable to curtail growth on Longboat Key, Mr. Smally stated that considering the growth pattern of Longboat Key, the Town should be alright if Manatee County does go ahead with their long range and short range plans. He further stated that the Town does want to be assured that Manatee County is following through. Commissioner McCall stated there is need for a chart of their development plans and it would be appropriate for the Town to ask for a progress report. Commissioner Ochs stated it would be logical for Manatee County to put a moratorium on building permits on Cortez Road. Mr. Smally said he had talked to the acting director of Manatee Utilities who had promised he would investigate the possibility of another line across the bay. The Commission agreed unanimously that the Town should ask Manatee County for a chart and progress reports. Mayor Petrick asked Acting Town Manager Cox to arrange another meeting with the Manatee

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County Commission to find out exactly what improvements will be made and when. Mr. Smally emphasized that the Town should press for an answer also on whether or not a second line across the bay might be built, for if it were, the booster pump on the north end of Longboat Key will not be needed. Mr. Smally also pointed out the Town should start thinking about an additional storage tank on the south end of the Key--a site right next to the building on the golf course would be ideal. Mayor Petrick suggested the Town start talking to Arvida about this. The Commission discussed possible sources of water in an emergency situation and Mr. Smally stated that the quickest solution would be to sink some additional wells which would only be used in case of a dire emergency. The consensus was that the best solution would be to try to convince Manatee County to construct another line across the bay; in which case Longboat Key would no doubt have to participate in construction cost. Nevertheless, they also requested that Town Manager Allgire contact Kenneth Thompson, City Manager of Sarasota, to talk about the possibility of an emergency connection to the City of Sarasota System on Lido Shores.

1a. Bike Ordinance Continued.

The Town Attorney had arrived and the Commission again discussed the proposed bike path use ordinance. Mr. Whitesell said the ordinance is in accord with State Statutes in prohibiting Mopeds on a bike path set aside exclusively for use by bicycles. On page three of the ordinance, paragraph 4, the Commission decided to remove the requirement that bike riders ride in single file only. In Section 6, the sentence referring to regulations for operation of bicycles as promulgated by the Town Manager was removed. In Section 8, the words of Section 2 and 3 were removed and the word "hereof" inserted after the word "provision". The minimum amount of the fine was changed from \$50.00 to \$10.00.

3. Utilities Connection Fee Request.

Letter had been received and distributed to the Commission from Roxanne Moore requesting not to be charged the usual sewer and water connection fee of \$300.00 for the new house the Moores are building on Hughes Street. Her reasoning was based on the fact that they were not strictly a new customer since they had been living here and using Town utilities for some years. The Commission discussed the request and were in unanimous agreement that any new structure must pay the appropriate connection fee regardless of the length of residence of the occupants. Mayor Petrick stated this is a staff problem and said Mr. Cox will write to Mrs. Moore informing her the request would not be granted.

4. Performance Bond Ordinance.

The Commission had requested the Town Attorney to make some changes in a proposed performance payment completion bond ordinance. Attorney Don McClelland asked permission to be heard in regard to the ordinance, stating he represented several property owners on Longboat Key. He further stated he feels the ordinance as drawn is unconstitutional. Also, he had done research on the matter and checked with insurance agents who had informed him the cost of such a bond would be 7 to 10%, if available at all. Commissioner Sedwick stated he thought the cost would be more like 15%. Mr. McClelland stated that a letter of credit is also impossible to obtain. He said he was not against a reasonable ordinance for site restoration but under the proposed ordinance, only Arvida would be able to build on Longboat Key. Commissioner McCall stated he had also researched the matter and agreed with most of the statements

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made by Mr. McClelland. Mr. McCall said he did not think that skeletons of buildings would be the problem the Town would be facing but site restoration would be. This is a much cheaper problem to solve and he felt the Commission should be thinking in terms of a bond of approximately \$5,000 to \$15,000. Such a bond is obtainable and the Town would not have to budget money to resolve the problem as they would in the case of liens. The Town Attorney agreed that a site restoration ordinance could be a lot simpler and less expensive. Mr. Whitesell was asked to draft a site restoration ordinance leaving the bond amounts out and the Commission will discuss amounts at a later workshop. Possible formulas to be used were \$5,000 plus 1% of the cost or an amount based on the acreage involved. Commissioner McCall and Mr. Cox were also asked to research and work with the Town Attorney on possible formulas for setting the amounts. This item was forwarded to the November 8 workshop agenda. Mr. Cox was asked to write to the Xanadu developer to ask that the temporary building be removed and some landscaping done.

5. Condominium Plat Approval Ordinance.

The Commission had requested that the Town Attorney prepare the draft of an ordinance regulating change to condominiums of hotel/motel apartments. Mr. Whitesell presented the preliminary draft and the Commission agreed to study it and discuss it at the November 8 workshop.

6. Seaplace Temporary C.O.

Russ Luce of Arvida Corporation requested that the Commission grant a temporary certificate of occupancy for building G-5 at Seaplace. Acting Town Manager Cox stated the final inspection had not been made and the Commission agreed to forward this to the November 2 agenda for approval subject to final inspection.

7. Longboat Terrace Site Plan Review.

As requested by the Commission, Adley Associates had submitted a memo related to their findings on the site plan for Longboat Terrace. In answer to a question from the Commission, the developer, Mr. McGinnis, stated he had applied to the State for a variance from the Coastal Construction Setback Line and further stated he is willing to comply with the State's requirements for construction. The Commission discussed with him the possibility of parking space underneath the building, but Mr. McGinnis stated this possibility had been explored and it was found to be impossible due to the configuration of the building. The Commission forwarded this to the November 2 regular meeting agenda, and the Acting Town Manager was directed to prepare a resolution for site plan approval.

8. Tree Removal Permit Request.

Acting Town Manager Cox stated he had received an application for tree removal permit from Duke-Benedict, Inc. They asked to be permitted to remove a row of Australian Pines on their property at 2251 Gulf of Mexico Drive. Mr. Cox stated he had visited the site and had recommended to the maintenance man that he top the trees rather than remove them. The letter of request had stated the trees were rotten and the Division of Forestry had informed them the trees were not healthy and might not stand in event of a storm. The maintenance man for the property was present and stated that the property owners would like to put in a tennis court. This fact had not been previously

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known to the Commission, and they stated it might make a difference in their decision. Mr. Cox was asked to obtain a comment from the Division of Forestry and the maintenance man was asked to submit a proposed plan for the tennis courts. The Commission decided to hold this request in abeyance until further information had been received.

9. Jungle Queen Way Paving Extension Request.

Mr. Cox reported he had received a petition from a property owner on Jungle Queen Way asking that she be permitted to dedicate an additional 100' of Jungle Queen Way and that it then be included in the paving project. Mr. Cox stated the contract has already been let for approximately 1200' of paving. The paving project was stopped at this point where it becomes a private street. The petitioner appeared and informed the Commission she had bought the property after the litigation over the water and sewer easement. Further, that the owner of the property across the street was also willing to dedicate the property for the street if it would be surfaced. The Commission explained to the petitioner that even if she were to dedicate the roadway in front of her property, the Town has an established street paving priority program and they could not justify paving this additional 100' at this time. If the dedication were made, it would then have to take its place at the bottom of the paving priority list. They further explained that many already dedicated streets in bad condition had been waiting for some time and it would not be fair to give a higher priority to a newly dedicated street.

10. Longboat Club Road Realignment Discussion.

Petition had been received which was signed by the Presidents of Longboat Key Towers and the Privateer relative to the petition from Arvida seeking to vacate a portion of the plat of Longboat Key Club and realign Longboat Club Road. The Town Attorney stated he had read but not yet researched the points made in the petition. He stated the petitioners have misconstrued what the Commission has been asked to do, i.e., vacate a portion of a plat, conditioned upon a replat of a portion of the plat involved, in order to realign the roadway. They have never considered that the road be vacated. If a portion of the plat is vacated for considerations of traffic and/or aesthetics, it does relate to health, safety and welfare and it is within the statutory authority of the Town Commission. He has no reservations whether the Commission has such authority. On the other hand, what the Commission does has nothing to do with private property rights. If Arvida takes away any private property rights, that is a subject of civil litigation. If the Commission decides it wants to approve vacating a portion of the plat, the appropriate action at the public hearing would be to make their decision and then table it until the replat comes in. He added, however, that under terms of the resolution approving the Outline Development Plan with attached conditions, vacating a portion of the plat is discretionary on the part of the Town Commission. Commissioner Sam Seegel suggested to John Siegel of Arvida the problem might be resolved if he were to get a committee of representatives of Longboat Key Towers, The Privateer and Sands Point to sit down with representatives from Arvida to discuss the matter. John Siegel stated that Arvida is willing to listen. However, they are of the opinion that the realignment needs to be done to meet GPD requirements. He added he would be willing to try to get a committee together with the understanding that they report back in two weeks.

11. State Setback Line Discussion.

John Siegel said he had read an article in The Islander stating that Arvida had gone behind the back of the Town in working with the State on devising a proposed State Coastal Construction Setback Line. He stated he would like to bring in the people who have been working on this matter for Arvida to discuss it with the Commission. Further, that they have been talking to Bill Carlton of the Division of Beaches and Shores and to the University of Florida for a year and a half and they have recently found a way to do what they want and what they need. He asked if the Commission would grant time for a meeting with these people to discuss the matter. The Commission agreed and the meeting was set for 9:00 AM, Tuesday, November 15th.