

77-32 MINUTES OF REGULAR MEETING OF LONGBOAT KEY TOWN COMMISSION, NOVEMBER 2, 1977, 8:00 PM

Meeting called to order by Mayor Petrick at 8:00 PM

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

Also Present: Acting Town Manager Cox, Deputy Town Clerk Pool, Town Attorney Whitesell

Absent: None

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

1. MINUTES APPROVAL

On motion by Seegel, second by Sedwick, carried unanimously, minutes of regular meeting, October 19, 1977 were approved.

2. COMMITTEE REPORTS

Commissioner Ochs reported that a public meeting had been held by the DOT in August to discuss two proposals for a new bridge over New Pass. Considerable opposition to the two proposals had surfaced at the meeting and a suggestion had also been made that consideration be given to dredging Big Pass as the major outlet for Sarasota Bay and making a fixed span bridge out of the existing New Pass Bridge. Mr. Ochs stated he had received two letters from the DOT concerning a New Pass Bridge replacement. One of them indicated that the Department of Natural Resources was against the latter suggestion. As a result of the opposition to the two earlier proposals, the DOT is now working on a proposed design for a bridge to lie to the east of the existing New Pass Bridge. Because of these additional studies, the public hearing, which had earlier been scheduled for the first part of the year, will not be held until mid-April. The DOT is also studying the question of whether a bridge over New Pass will be four lane or two lane. To receive federal funds for a bridge, it is required to be four lanes if the traffic warrants it and traffic counts indicate that this is the case. St. Armand's merchants, on the other hand, are opposed to a four lane bridge. These latest communications which Mr. Ochs received indicate there is some possibility the DOT may be able to build a two lane bridge at first and ultimately add an additional two lane bridge. The DOT has also emphasized there is a need for a bridge to the mainland. However, the entire allocation of state funds for bridges would not be nearly enough to construct a bridge to the mainland. It would have to be done by public bonding or some action of the County Commission and both the County Commission and the City of Sarasota Commission seem to be against a bridge to the mainland. Mr. Ochs pointed out to the people present that it is up to them to make their wishes known about bridges and he advocated that whenever there is a meeting on bridges, the people of Longboat Key turn out to be heard. Mayor Petrick asked Commissioner Ochs to post a copy of the more comprehensive letter he had received in the Commission Chambers so the public would be able to look at it.

Mayor Petrick stated notice had arrived that after many years of effort the Town had finally received a grant to put in channel markers along Country Club Shores area.

3. LONGBOAT TERRACE SITE PLAN APPROVAL RESOLUTION (77-37)

As directed by the Town Commission at the previous day's workshop, Resolution No.

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77-37 approving the site plan for Longboat Terrace, with attached conditions, had been prepared. It was moved by McCall that the Resolution be adopted. At the request of Commissioner Ridyard, the attached conditions were read. Commissioner Seegel stated he wished one of the conditions were that construction would not be commenced until Longboat Key had solved its water problems. Mayor Petrick pointed out that according to the testimony of consulting engineer Don Smally at the workshop, this was not relevant. At Mr. Seegel's request, wording of the Resolution was changed so that the reference to the findings of fact would read as follows: "Findings of fact made a part hereof that plans submitted subject to the attached conditions comply with the Code of The Town of Longboat Key". Mr. McCall restated his motion that amended Resolution No. 77-37 be adopted, Ridyard seconded the motion and it carried unanimously.

4. BIKE PATH USE ORDINANCE (77-24)

At the direction of the Commission, Ordinance No. 77-24, prohibiting the operation and parking of motor vehicles upon paths or parts of roadways set aside for the exclusive use of bicycles, was placed on first reading by title only. It was moved by Seegel, seconded by McCall that the ordinance be passed on first reading. There was discussion of the fact that the requirement for a sound device on a bicycle might be superfluous but the consensus was that this should be left in. Motion carried. Seegel, aye; Edmundson, aye; Sedwick, aye; Petrick, aye; Ridyard, aye; McCall, aye; Ochs, aye.

5. WATER, WASTEWATER SYSTEM CONNECTION FEE ORDINANCE (77-26)

At the direction of the Commission, Ordinance No. 77-26 amending Section 22-92 Fee for Connection to Town Water System; amending Section 22-93 Wastewater System Connection Fee of the Code of the Town of Longboat Key, was placed on second reading by title only. Pursuant to published notice, public hearing on the Ordinance was opened. No one wished to appear and the hearing was closed. It was moved by Seegel, seconded by McCall that the Ordinance be passed on second reading and finally adopted. Motion carried. Seegel, aye; Edmundson, aye; Sedwick, aye; Petrick, aye; Ridyard, aye; McCall, aye; Ochs, aye.

6. LONGBOAT CLUB ROAD PUBLIC HEARING CONTINUATION

Mayor Petrick declared that the public hearing was reopened on a petition to vacate a portion of the plat of Longboat Key Club and on the question of whether to relocate the northerly entrance to Longboat Club Road. Mayor Petrick introduced Harry Adley, Planning Consultant, and stated he would be heard first. Mr. Petrick further stated that the question had come up last week as to who hired Adley Associates to do the study for the Longboat Key Club GPD at the time it was submitted to the Town. Mr. Adley explained that in cases such as this the Town of Longboat Key requires the developer to pay the cost of having a planning consultant review the submission but that planning consultant is designated by the Town. Therefore, although the cost is billed to Arvida, the planners act as an arm of the Town Staff and they report back to the Town Commission. He explained their roll is like that of moderator to try to bring satisfactory solutions to the Town Commission. Commissioner Ridyard pointed out that this arrangement is used in many complicated site plan submissions to the Town not just in the case of Arvida. Mayor Petrick asked Mr. Adley to explain the considerations that went into their recommendation that Longboat Club Road be straightened which resulted in this petition to vacate a portion of the plat. Mr. Adley explained in detail that the recommendation to straighten Longboat Club Road was one small part of their entire report and recommendations concerning the Longboat

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Kye Club GPD. He stated that the only reason the Town would even get involved in what might be considered a developer's concern, in the case of a private road, was for reasons of public convenience and safety. Traffic estimates indicate that Longboat Club Road will eventually be carrying 4,000+ vehicles per day. Mr. Adley explained the density allowable on this land adjacent to Longboat Club Road and how the Town and Arvida had arrived at the current allowable density. Mr. Adley explained some of the policy considerations that were discussed in the Outline Development Plan and stated that this need to realign Longboat Club Road had been included as one of the conditions of the Resolution approving the Outline Development Plan some years ago. The question was raised as to whether it might be better not to change Longboat Club Road to a long, straight stretch. Mr. Adley agreed that some meander in the road might be better planning. The hearing was opened to questions from the audience and these were answered by Mr. Adley, the Commission and the Town Attorney. After the lengthy questioning period, Mayor Petrick stated that Commissioner Seegel had suggested, and John Siegel of Arvida had agreed, that if representatives of the condominiums were willing they would form a committee to discuss the question of the road realignment. Representatives of Longboat Key Towers, The Privateer South and North stated they would be willing to participate in such a committee. A representative from Sands Point stated that at the present time they are not organized as a condominium but they would be willing to sit in on the discussions. Mayor Petrick said he would leave it up to John Siegel to arrange for the meeting and Mr. Siegel asked the condominiums to inform him who their representatives would be. George Deitz, attorney for Arvida, stated that the sole reason for the public hearing was to consider whether or not to vacate a portion of the recorded plat and he pointed out there had been no expert testimony based on safety, health or welfare that this should not be done. He stated that Mr. Adley's testimony had shown the existing traffic circles are potential traffic hazards. Mr. Dietz filed for the record a report from Wilbur Smith and Associates, Traffic Engineers, stating that the circles are considered a safety hazard. John Siegel thanked the Commission, the consultant and the Staff for their consideration stating he felt a good exchange of information had taken place. No one else wished to appear and the hearing was closed.

7. TREE REMOVAL PERMIT

A request had been received and discussed at a previous work session from Michael Sudakoff for permit to remove an oak tree from the building site of a single family residence in Bay Isles. Acting Town Manager Cox reported the Staff had examined the site and determined that the structure could be moved and the tree saved. The Commission had reviewed the application and felt it would be an unnecessary hardship for the applicant to move the building. Also, he could not move it and comply with Arvida's setback requirements. It was pointed out that Mr. Sudakoff plans to replace the one tree with four others. It was moved by Seegel, seconded by Ridyard that a tree removal permit be granted to Mr. Sudakoff. Motion carried unanimously.

8. BULK STUDY AUTHORIZATION

The Commission had discussed at workshop and heard a presentation from Adley Associates as to what would be involved in making a study to determine whether the Town could act to reduce the bulk of structures in multi-family developments. It was moved by McCall, seconded by Edmundson that Adley Associates be authorized to proceed with the bulk study at a cost not to exceed \$2400. Motion carried unanimously.

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9. CRIM SUBDIVISION APPROVAL

Mayor Petrick and Mr. Cox explained that a plat was before the Commission for subdivision approval in which a property owner is taking 5½ lots and making them into two large lots on part of which he will build a single family residence. This property is located at the north end of the Key on the corner of Pine St. and Jackson Way. The two lot subdivision had been reviewed by the Town Attorney and found to comply with legal requirements. It was moved by Ridyard, seconded by Seegel that the Crim Subdivision be approved. Motion carried unanimously.

10. LITIGATION SETTLEMENT AND BUILDING PERMIT AUTHORIZED

The Town Attorney explained that the Town had been in litigation with Bud Field concerning Lot 7, Resubdivision of Lot 45 of Subdivision of Longboat Key. Some years ago Mr. Field had been issued a building permit for multi-family, the building permit had expired and the property was rezoned to single family residential. Mr. Field had filed a law suit to construct approximately 7 units multi-family according to the original permit. Mr. Whitesell and the Town Staff had negotiated with Mr. Field a proposed settlement to build a single family residence with guest or servants' quarters. The only concession the Town is making is that the servants' quarters will have a kitchen, so for all practical purposes it will be two units as far as the Town is concerned. Because of his rights under the old permit, it would not adversely affect the Town's zoning in any other similar situation. It was moved by Seegel, seconded by Ridyard that the building permit be issued after the settlement has been approved by the Court. Mr. Seegel suggested that to prevent any argument as to connection fees for utilities, this point should be settled with counsel for the other side. Commissioner Sedwick inquired if there is any way to stipulate in the public records that this building will be used only for a single family residence and the Town Attorney replied that he did not think it is possible. Motion carried: Seegel, Edmundson, Petrick, Ridyard, McCall, Ochs voting aye, Sedwick voting no.

11. TEMPORARY C. O., G-5 SEAPLACE

Request had been received from Arvida Corp. for a temporary certificate of occupancy for building G-5 in the Seaplace development. Acting Town Manager Cox stated he felt fairly sure the building would be finished the following day. It was moved by Seegel, seconded by Edmundson to authorize issuance of a temporary certificate of occupancy for building G-5 of Seaplace subject to completion of the items on the Town's checklist. Motion carried unanimously.

12. ROLLER AND TRAILER PURCHASE AUTHORIZED

The Commission had discussed at work session recommendations from the Town Staff for purchase of a 1½ ton roller from Case Power and Equipment Co. for \$2774 and a 6 ton trailer from DeWind Machinery Co. for \$2312.14. Mr. Cox explained that the bid from Case Power and Equipment for the roller was the next lowest bid but there were safety advantages of this model over the low bid which he felt warranted its purchase. These items had been budgeted in the road fund. It was moved by Ochs, seconded by McCall to authorize these purchases as outlined by Mr. Cox. Motion carried: Seegel, Edmundson, Petrick, Ridyard, McCall, Ochs voting aye, Sedwick voting no.

13. REQUEST TO VACATE PORTION OF PLAT TABLED

It was moved by McCall, seconded by Seegel to table to the November 16th regular meeting the petition to vacate a portion of the plat of Longboat Key Club on which

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public hearing was held earlier in the meeting. Motion carried unanimously. The Commission requested that since a committee was being formed to arbitrate this matter, it be placed for discussion on the agenda of the November 15th workshop meeting.

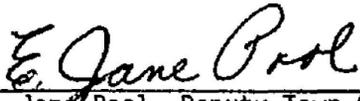
14. LONGBOAT CLUB ROAD-NORTH SECTION REALIGNMENT TABLED

The Commission discussed the second matter which had been considered in the public hearing earlier in the meeting, i.e., whether to relocate the northern section of Longboat Club Road to realign it with the entrance to Country Club Shores across Gulf of Mexico Dr. Mayor Petrick stated he felt strongly this should be done, maybe not now, but it must be done in the future. He felt that the prerogative should be left open for future Commissions to decide. It was moved by Ridyard, seconded by Ochs that the northern section of Longboat Club Road be moved north to align it with the road across Gulf of Mexico Dr. and that the easement to the beach be relocated with the road. Mr. Cox stated the staff had some suggestions about the right angle turn in the road. It was moved by McCall, seconded by Seegel that the previous motion be tabled. Motion to table carried: Seegel, Edmundson, Sedwick, McCall and Ochs voting aye. Petrick and Ridyard voting no.

15. ADJOURNMENT

Mayor Petrick declared the meeting adjourned at 10:45 PM.


Edward J. Petrick, Mayor


E. Jane Pool, Deputy Town Clerk

Jbp