

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
JUNE 4, 2012 - 7:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Hal Lenobel, Phill Younger, Pat Zunz

**Also:** Town Manager Dave Bullock, Town Attorney David Persson,  
**Present:** Town Clerk Trish Granger

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**Mayor Brown called the meeting to order at 7:00 p.m. and Vice Mayor Brenner led the Pledge of Allegiance.**

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. Proclamation – June 2012 Designated Flood and Hurricane Awareness Month**

Vice Mayor Brenner read and presented the Proclamation designating June 2012 as Flood and Hurricane Awareness Month to Public Works Director Juan Florensa.

Mr. Florensa noted that a Public Outreach Seminar on Hurricane Awareness will be held in the Town Commission Chamber on June 15, 2012, from 9:00 a.m. to noon.

**APPROVAL OF MINUTES**

**2. April 19, 2012, Regular Workshop Meeting Minutes**

**Mayor Brown noted consensus to approve the April 19, 2012, Regular Workshop Minutes as submitted.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

**A. Finance Committee**

Commr. Duncan noted a meeting of the Finance Committee and reported on the issues reviewed and discussed. Commr. Larson commented on the meeting date and time.

**PUBLIC TO BE HEARD**

**3. Opportunity for Public to Address Town Commission**

**A. Public Works/Town Commission**

Mr. Tom Aposporos, President of the Longboat Key, Lido Key, and St. Armands Key (LLSA) Chamber of Commerce, commented on the Freedom Fest scheduled for July 4, 2012, noted that the Chamber has submitted the required Public Forum request, and invited Commission and citizen participation. Mr. Aposporos advised that the Commission will be receiving a request to close a portion of Bay Isles Road in order for the parade to be held on July 4, 2012.

**B. Planning, Zoning, and Building Department**

Mr. Craig Walters, Hibiscus Way, gave a PowerPoint presentation on the Pine Avenue Restoration on Anna Maria Island and suggested that a similar plan could be initiated for the Whitney Beach area.

Minutes in draft form and are not official until approved by the Town Commission.

3. Opportunity for Public to Address Town Commission - Continued

B. Planning, Zoning, and Building Department - Continued

Mr. Ed Chiles, Pine Avenue (Anna Maria), commented on the project developed and the success of the improvements on Pine Avenue. Upon inquiry, Mr. Chiles reviewed the process to obtain the needed property and the steps taken with the Anna Maria City Council on the approval process.

Mr. Michael Miller, Maple Avenue (Anna Maria), commented on the Pine Avenue Project and options to consider for a Whitney Beach Overlay area.

C. Planning, Zoning, and Building

Mr. Gene Jaleski, Cedar Street, requested consideration to advance the consideration of Agenda Item 10.

B. Planning, Zoning, and Building Department - Continued

Upon inquiry, Mr. Walters commented on options for an Overlay District.

**CLOSING AND ACTION ON CONSENT AGENDA**

4. Cancellation of July and August Workshop Meetings and August Regular Meeting

As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider the possible cancellation of the July and August Workshops and the August Regular Meeting. Recommended Action: Approval of the Consent Agenda will cancel the July and August Workshop Meetings and August Regular Meeting.

5. Renewal of Medical Director Contract with Steven R. Newman, M.D. for Longboat Key Fire-Rescue Emergency Medical Services

The Town's paramedics work under the license of the Town's Medical Director. The contract with Dr. Steven Newman, Medical Director for the Town of Longboat Key, will expire on September 30, 2012. The Town Commission will consider extending Dr. Newman's services for an additional three years. Recommended Action: Approval of the Consent Agenda will approve renewal of the Medical Director's Contract.

**Commr. Larson requested that Item 5 be pulled from the Consent Agenda.**

**Mayor Brown noted consensus to close and approve Consent Agenda, Item 4, in accordance with Staff's reports and recommendations.**

**ORDINANCES - FIRST READING**

6. Ordinance 2012-12, Amend Chapter 111, Business Tax Receipts (BTR)

The Florida Legislature has amended Florida Statutes Chapter 205 to provide an exemption for Real Estate Associates and Broker Associates. Ordinance 2012-12 amends Chapter 111 to align the Town Code with Florida Statutes. The Ordinance was forwarded from the May 24, 2012 Regular Workshop Meeting Consent Agenda for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance to July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-12 on record by title only.

6. Ordinance 2012-12, Amend Chapter 111, BTR - Continued

**Commr. Younger moved to pass Ordinance 2012-12 on first reading. The motion was seconded by Commr. Duncan.**

Vice Mayor Brenner requested that a review of the Business Tax Program be performed for alternative options for collection of taxes and Commr. Duncan suggested that review of licensing fees that might be imposed be further researched.

**The motion carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Zunz, aye; Lenobel, aye; Larson, aye; Brenner, aye; Brown, aye.**

7. Ordinance 2012-14, Providing for a Referendum Regarding Change of Density for Property Located at 5440 Gulf of Mexico Drive

Ordinance 2012-14 provides for a referendum as requested by the property owner to change density of property located at 5440 Gulf of Mexico Drive. The Ordinance is presented for Town Commission consideration. Recommended Action: Pending discussion, forward Ordinance 2012-14 to July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-14 on record by title only.

**Commr. Younger moved to pass Ordinance 2012-14 on first reading. The motion was seconded by Vice Mayor Brenner.**

**Following comments, the motion carried by a 6-1 roll call vote, as follows: Younger, aye; Brenner, aye; Brown, aye; Duncan, aye; Zunz, no; Lenobel, aye; Larson, aye.**

8. Ordinance 2012-15, Providing for a Referendum Regarding Change of Density for Property Located at 521 Broadway

Ordinance 2012-15 provides for a referendum as requested by the property owner to change density of property located at 521 Broadway. The Ordinance is presented for Town Commission consideration. Recommended Action: Pending discussion, forward Ordinance 2012-14 to July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-15 on record by title only.

**Commr. Duncan moved to pass Ordinance 2012-15 on first reading and to forward to the July 2, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Lenobel.**

Commr. Zunz noted concern with providing approval pending a decision on an Overlay District in the Whitney Beach area. Planning, Zoning, and Building Department Director Robin Meyer commented on the impact of an overlay district on the property under consideration.

**8. Ordinance 2012-15, Providing for a Referendum Regarding Change of Density for Property Located at 521 Broadway**

Town Manager Dave Bullock noted that the Ordinance provides the ability to place the issue on a ballot for the voters to consider and was not approving any zoning amendments for the property.

Discussion ensued on the location of the property in relation to a possible Overlay District.

**Following comments, the motion carried by a 6-1 roll call vote, as follows: Duncan, aye; Lenobel, aye; Younger, aye; Zunz, no; Larson, aye; Brown, aye; Brenner, aye.**

**ORDINANCES - FIRST READING AND PUBLIC HEARING**

**9. Ordinance 2012-08, Amendments to Chapter 158, Zoning Code**

At their May 1, 2012 Regular Meeting the Planning & Zoning (P&Z) Board voted to recommend Commission approval of Ordinance 2012-08 which amends Chapter 158, the Town's Zoning Code. Ordinance 2012-08 was forwarded by the P&Z Board to the June 4, 2012 Regular Meeting for Town Commission consideration. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2012-08 to the July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-08 on record for first reading and public hearing by title only.

**Commr. Zunz moved to pass Ordinance 2012-08 on first reading and public hearing and to forward to the July 2, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brenner.**

**Mayor Brown opened the public hearing.**

Attorney John Patterson noted Staff's report included in the agenda packet and the intent of the Ordinance to clarify the Town Code and supported approval.

**As no others wished to be heard, the public hearing was closed.**

**The motion carried by a 6-1 roll call vote, as follows: Zunz, aye; Brenner, aye; Larson, aye; Lenobel, no; Younger, aye; Duncan, aye; Brown, aye.**

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**10. Ordinance 2012-06, Comprehensive Plan Amendments**

First reading and public hearing of Ordinance 2012-06 was held at the Town Commission's May 7, 2012 Regular Meeting. Staff was directed to amend the Ordinance and forward to the June 4, 2012 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2012-06.

Town Clerk Trish Granger placed Ordinance 2012-06 on record for second reading and public hearing by title only.

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued

**Commr. Larson moved to adopt Ordinance 2012-06 on second reading and public hearing. The motion was seconded by Vice Mayor Brenner.**

**Mayor Brown opened the public hearing.**

Ms. Phoebe Shaw, Bayou Hammock Road, read correspondence from Ms. Ann Shaw of Lands End, in relation to a proposed Overlay District for the Whitney Beach area.

Ms. Madelyn Spoll, Harbourside Drive, commented on the Garden Club's participation in the scheduled Freedom Fest and the inclusion of a Whitney Beach Overlay Plan in the Comprehensive Plan.

Mr. Richard Juliani, owner of Whitney Beach Plaza, advised that he would be available for questions, if needed.

Mr. Richard Estrin, Bayou Hammock Road, commented on a proposed Overlay District for the Whitney Beach area.

Mr. Gene Jaleski, Cedar Street, commented on a proposed Overlay District for the Whitney Beach area.

Ms. Alison Estrin, Bayou Hammock Road, commented on a proposed Overlay District for the Whitney Beach area.

Mr. Larry Grossman, St. Judes Drive, commented on the deletion of a Whitney Beach Overlay District following the first reading and opined on the steps needed to consider an Overlay District.

Commr. Younger inquired and Town Attorney David Persson commented on the advertising which is sufficient to modify the Ordinance under consideration this date or could be continued to a future meeting.

Mr. Joe Mazza, Poinsettia Avenue, commented on a proposed Overlay District for the Whitney Beach area.

Ms. Mary Mazza, Poinsettia Avenue, commented on a proposed Overlay District for the Whitney Beach area.

Attorney Dan Bailey, Orange Avenue, Sarasota, commented on the advertising requirements and opined that the hearing should be continued to provide additional public notice.

Mr. Dick Pelton, representing Public Interest Committee (PIC), read a prepared statement on the proposed Overlay District for the Whitney Beach area.

**RECESS: 8:40 p.m. - 8:50 p.m.**

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued

Mr. Samir Ragheb, Bayside Drive, commented on allowing individuals to read prepared statements in lieu of appearing in person and opined on a proposed Overlay District for the Whitney Beach area.

Mr. Peter Dailey, Runners Circle, Sarasota, commented on Agenda Items 7 and 8 and noted that the property owners were not opposed to mixed uses in the Whitney Beach area.

Mr. George Spoll, Harbourside Drive, commented on the work of the Revitalization Committee, the attempt to retain the existing height restrictions in the Whitney Beach area, and the intent to have innovative solutions for the area.

Mr. Jim Gardner, representing Bayou Hammock Property Owners Association, commented on a proposed Overlay District for the Whitney Beach area.

**Mayor Brown closed the public hearing.**

Planning, Zoning, and Building (PZB) Department Planner Ric Hartman gave a PowerPoint presentation outlining the consideration of Ordinance 2012-06, amending the Comprehensive Plan and the time frame for resubmission to the State of Florida.

Individual comments followed on the following topics/issues:

- intent and work of the Revitalization Committee
- existing condition of Whitney Plaza
- under-utilization of Whitney Plaza

**Commr. Larson moved to table the motion to adopt Ordinance 2012-06. The motion died for lack of a second.**

Commr. Larson requested consideration to include an Overlay District with a height not to exceed 40 feet over the floodplain.

PZB Department Director Robin Meyer commented on the terminology utilized and reviewed the height restrictions.

Attorney Persson requested clarification on the impact of the request and Mr. Meyer advised that mixed use would not exceed 40 feet.

Town Attorney Persson advised that any properties currently restricted to 30 feet would be permitted to increase height by 10 feet. Discussion ensued on the restrictions on the property with the current underlying zoning.

Town Attorney Persson requested, and Mr. Hartman displayed the previous language and proposed modifications. Discussions were held on the following topics/issues:

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued

- confirmation that a proposed Overlay District provides mixed use opportunity
- restriction on residential use in a mixed use project.

**Commr. Larson moved to incorporate the Whitney Beach Overlay category, deleting the phrase "and up to a total of 4 stories (55 feet) may be allowed" and to postpone final action this date.**

Vice Mayor Brenner inquired on the option to continue the public hearing and suggested that representatives of opposing views be brought together to discuss possibilities for development.

**Commr. Larson clarified that her motion would amend the main motion to adopt Ordinance 2012-06 incorporating the Whitney Beach Overlay, striking the phrase relating to 4 stories, and postponing a final vote until June 21, 2012.**

Town Attorney Persson commented on the legal notice provided and suggested that the Commission make any additional amendments they deemed necessary, and reopen the public hearing to allow for a continuance to provide additional public notice of the final hearing. Discussion ensued on options to amend the Ordinance and timeframe to take formal action.

**Following comments, Vice Mayor Brenner seconded the motion.**

Upon inquiry, Town Clerk Granger noted for the record the motion under consideration, as follows:

Commr. Larson moved to amend the main motion to adopt Ordinance 2012-06 by reinserting the Whitney Beach Overlay with deletion of the phrase "and up to a total of 4 stories (55 feet) may be allowed" as previously presented (Objective 1.1, Policy 1.1.10.11), and to reopen the public hearing to consider a continuance.

**Commr. Larson confirmed the motion as presented.**

**Town Attorney Persson suggested that the issue of a continuance be considered separately from the motion, without objection.**

PZB Director Meyer advised that other references to the Whitney Beach Overlay were deleted from the Ordinance as presented at the first public hearing on May 7, 2012.

**Town Attorney Persson inquired and Commr. Larson confirmed that all other references, previously deleted (with the exception of the 4 story reference) were to be reinserted in the Ordinance.**

Commr. Younger inquired as to the impact on the Overlay if there is voter approval of any referendum issues. Town Attorney Persson commented on the referendum process and subsequent actions that would be required to make a zoning change.

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued  
Discussion ensued on the impact of subsequent zoning amendments.

**The motion to amend Ordinance 2012-06 carried by a 6-1 roll call vote, as follows: Larson, aye; Brenner, aye; Younger, aye; Zunz, aye; Duncan, aye; Lenobel, no; Brown, aye.**

**Following comments by Town Attorney Persson, Mayor Brown reopened the public hearing.**

**Subsequent to comments by Town Manager Dave Bullock, Commr. Larson moved to continue the public hearing to June 21, 2012, at 2:00 p.m. The motion, seconded by Vice Mayor Brenner, carried by a 5-2 roll call vote, as follows: Larson, aye; Brenner, aye; Lenobel, no; Younger, aye; Brown, aye; Duncan, aye; Zunz, no.**

Commr. Duncan suggested that individuals discussing the issues relating to a Whitney Beach Overlay provide accurate information in lieu of exaggerations and false representations.

**RESOLUTIONS**

11. Resolution 2012-11, Providing for Emergency Authorization for Town Manager  
Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Resolution 2012-11 provides methods to obtain a quorum or gives the Town Manager authority to expend funds and take emergency action in the event a quorum of the Commission is not available. Recommended Action: Pending discussion, pass Resolution 2012-11.

Town Clerk Trish Granger placed Resolution 2012-11 on record by title only.

**Commr. Duncan moved to pass Resolution 2012-11. The motion was seconded by Commr. Younger.**

Town Attorney David Persson commented on a previous Attorney General's opinion relating to attendance in the event of an emergency.

**The motion carried by a 7-0 roll call vote, as follows: Duncan; aye; Younger, aye; Larson, aye; Lenobel, aye; Zunz, aye; Brenner, aye; Brown, aye.**

12. Resolution 2012-12, Providing Authorization to Process Letters of Support for Countywide Justice Assistance Grants (JAG) Administratively

At the May 7, 2012 Regular Meeting there was consensus for the Town Manager to draft a resolution providing for administrative processing of JAG Countywide/Edward F Byrne Memorial grant funding letters of support. Resolution 2012-12 provides that pending review of requests, these letters will be prepared by staff for the Mayor's signature. Recommended Action: Pending discussion, pass Resolution 2012-12.

Town Clerk Trish Granger placed Resolution 2012-12 on record by title only.

12. Resolution 2012-12, Providing Authorization to Process Letters of Support for Countywide JAG Administratively - Continued

**Commr. Larson moved to pass Resolution 2012-12. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, aye; Lenobel, aye; Younger, aye; Brown, aye; Brenner, aye.**

13. Resolution 2012-13, Budget Transfer in the Amount of \$60,000 to Fund Pension Studies

Resolution 2012-13, provides for a budget transfer in the amount of \$60,000 to fund pension studies for the General Employees' and Police Officers' employee groups. The transfer will be from Town Commission Contingency to Professional Services Other. Recommended Action: Pending discussion, pass Resolution 2012-13.

Town Clerk Trish Granger placed Resolution 2012-13 on record by title only.

**Commr. Larson moved to pass Resolution 2012-12. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, aye; Lenobel, aye; Younger, aye; Brown, aye; Brenner, aye.**

**RESOLUTIONS AND PUBLIC HEARING**

14. Resolution 2012-14, Providing for Reallocation of Infrastructure Surtax Funds

The Town is required to provide an Infrastructure Surtax (IST) Fund Project List designating allocation of the anticipated revenue to the Town of Sarasota County IST collections. Resolution 2012-14 provides for reallocation of the Town's Infrastructure Surtax Project List. Recommended Action: Pending discussion, pass Resolution 2012-14.

Town Clerk Trish Granger placed Resolution 2012-14 on record for public hearing by title only.

**Commr. Larson moved to pass Resolution 2012-14. The motion was seconded by Commr. Lenobel.**

**Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.**

**The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Lenobel, aye; Younger, aye; Duncan, aye; Brenner, aye; Brown, aye; Zunz, aye.**

5. Renewal of Medical Director Contract with Steven R. Newman, M.D. for Longboat Key Fire-Rescue Emergency Medical Services - Continued

The Town's paramedics work under the license of the Town's Medical Director. The contract with Dr. Steven Newman, Medical Director for the Town of Longboat Key, will expire on September 30, 2012. The Town Commission will consider extending Dr. Newman's services for an additional three years. Recommended Action: Approval of the Consent Agenda will approve renewal of the Medical Director's Contract.

Commr. Larson commented on a prior event relating to an "unwitnessed event."

**5. Renewal of Medical Director Contract with Steven R. Newman, M.D. for Longboat Key Fire-Rescue Emergency Medical Services - Continued**

Fire Chief Paul Dezzi noted discussions with Commr. Larson and offered an explanation of a witnessed versus an unwitnessed event. Upon inquiry, Chief Dezzi noted that there is a protocol and process utilized throughout various agencies and confirmed they are regional in development and reviewed every two years; and commented on the value received for Dr. Newman's services including safety training with no additional charges.

**Following individual comments, Vice Mayor Brenner moved to approve the renewal of the contract with Medical Director Dr. Steven R. Newman. The motion was seconded by Commr. Zunz.**

Mr. Bob Craft, Binnacle Point Drive, commended the services of the Fire Department relating to a recent incident.

**The motion carried by a 7-0 roll call vote, as follows: Brenner, aye; Zunz, aye; Lenobel, aye; Duncan, aye; Younger, aye; Larson, aye; Brown, aye.**

**NEW BUSINESS** - No items were presented.

**TOWN COMMISSION COMMENTS**

**A. Town Commission**

Vice Mayor Brenner thanked Commr. Duncan for his comments earlier this meeting (see Item 10).

**TOWN ATTORNEY COMMENTS**

**A. Litigation**

Town Attorney David Persson advised that oral arguments were scheduled for June 5, 2012, relating to the Longboat Key Club litigation.

**TOWN MANAGER COMMENTS**

**A. Planning, Zoning, and Building**

Town Manager Dave Bullock noted receipt of a request from Mr. Eric Hammersand for the Commission to schedule a Special Meeting to consider a Site Plan Amendment for the Dry Dock Restaurant.

**Following discussion on advertising requirements and the restrictions for hearing amendments in the months of July and August, there was consensus to authorize forwarding the advertisement to the newspaper in advance of the Planning and Zoning Board public hearing and to schedule a Special Meeting prior to the end of June 2012.**

**TOWN MANAGER COMMENTS** - Continued

**B. Town Commission**

Town Manager Dave Bullock noted distribution of a proposed schedule of modified meetings and advised that the schedule has been amended to accommodate specific religious holidays.

**PRESS TO BE HEARD** - No items were presented.

**ADJOURNMENT**

**Mayor Brown adjourned the June 4, 2012, Regular Meeting at 10:40 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL WORKSHOP MEETING  
JUNE 6, 2012 - 2:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Hal Lenobel, Phill Younger, Pat Zunz

**Also:**

**Present:** Town Manager Dave Bullock, Town Clerk Trish Granger

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**Mayor Brown called the meeting to order at 2:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

**1. Fiscal Year (FY) 2012-2013 Preliminary Budget Discussion**

The Town Manager will discuss the FY 2012-2013 Preliminary Budget. The Town Charter requires that the Town Manager's Preliminary Budget be provided to the Town Commission on or before June 1 each year. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock presented an overview of the time line and the process for consideration of the FY 2012-2013 Budget. Discussions were held on the following topics/issues:

- determination of valuation of properties by the Property Appraiser's Office
- vacant police officer's position
- issues to be addressed (pension, level of service, employee compensation)
- options to prepare Request For Proposals (RFP's) for contractual services in lieu of extending or renewing current contracts
- comparison salaries of local entities before any compensation modifications
- economic impact to residents on investment earnings
- North End high erosion areas/risk elements
- public awareness relating to the conditions relating to erosion areas
- options to purchase condominiums as they become available for long term solution
- impact of storm events on a subaqueous potable water main/anticipated depth for placement of the water main
- wastewater collection system evaluation/technology to be considered
- estimated costs for Recreation Center improvements/review of improvements by Building Official resulting in reduced estimate for ADA (American with Disabilities Act) compliance
- development of a comprehensive Dredging Policy for Commission approval
- consideration of product development by the Information Technology (IT) Department and revenue opportunities to sell programs
- Building Department fee structure review
- estimated revenue (\$26,800) for the Tennis Center (page 33 of Preliminary Budget)
- options for modified fee structure for non-resident (off Island) members
- inclusion of indirect versus direct cost allocations

Minutes in draft form and are not official until approved by the Town Commission.

1. FY 2012-2013 Preliminary Budget Discussion - Continued

- inclusion of costs for maintenance needs at the Tennis Center in the Infrastructure Surtax (IST) Fund
- approved amenities to benefit residents and visitors
- utilization of professional trainers/instructors in lieu of full time employees
- benefits for Tennis Center employees
- funding for organizations/options to reduce or eliminate funding
- S.T.A.R.T. (Solutions To Avoid Red Tide) funding.

**Commr. Younger moved to eliminate the funding for the S.T.A.R.T. organization. The motion was seconded by Commr. Lenobel. Following discussion on the funding recommendations for S.T.A.R.T., Town Manager Dave Bullock advised that motions were not appropriate as the Meeting was advertised as a Workshop.**

Discussions were held on the following topics/issues:

- proposed amount for the Sarasota Bay Estuary Program and the direct return of funds to benefit Longboat Key
- option to reduce the S.T.A.R.T. funding to provide funds to the Longboat Key Library
- payments to Manatee County for Trolley subsidy  
**There was consensus for the Town Manager to discuss the subsidy payment to Manatee County.**
- payments from the gas tax fund for the Trolley subsidy/utilization of the services
- free Trolley service for surrounding Island communities/grant funding by Federal and State agencies
- funding for the Economic Development Corporations in both Counties  
**Town Manager Bullock advised that he will report back on the funding for the Trolley subsidy, S.T.A.R.T., and the EDC memberships.**
- review of Duplication Costs under Town Commission (page 22 of Preliminary Budget) and Travel/Conference/Training under Recreation Center (page 31 of Preliminary Budget)
- comparison of legal fees with other entities of similar size/options for in-house Attorney.

Commr. Younger commented on the Budget process and commended Town Manager Bullock and Staff members for their efforts. Individual comments followed.

**ADJOURNMENT**

**Mayor Brown adjourned the June 6, 2012, Special Workshop Meeting at 3:49 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JUNE 21, 2012 - 2:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Phill Younger, Pat Zunz

**Also:** Town Manager Dave Bullock, Town Attorney David Persson, Town Clerk  
**Present:** Trish Granger

**Absent:** Commr. Lenobel

**CALL TO ORDER**

**Mayor Brown called the Special Meeting to order at 2:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Younger led the Pledge of Allegiance.**

Mayor Brown noted that the Regular Workshop would begin immediately following the Special Meeting.

Mayor Brown advised that Commr. Lenobel would not be in attendance. Commr. Duncan noted that he had visited Commr. Lenobel and provided an update on his condition.

**1. Ordinance 2012-06, Comprehensive Plan Amendments**

The Town Commission held first reading and public hearing on Ordinance 2012-06 at the May 7, 2012 Regular Meeting and forwarded for second reading and public hearing on June 4, 2012. The Commission directed staff to amend the Ordinance and continue the public hearing at a Special Meeting scheduled for June 21, 2012 at 2:00 PM. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2012-06.

Town Clerk Trish Granger placed Ordinance 2012-06 on record for second reading and public hearing by title only.

**Mayor Brown opened the public hearing.**

Planning, Zoning, and Building Department Director Robin Meyer gave a PowerPoint presentation on Ordinance 2012-06. Discussions were held on the following topics/issues:

- protection of the bayou on the East side of the proposed Overlay area
- permit requirements to be met by a developer
- long-term planning for entire Island/impact of including an Overlay area prior to completing a long-term plan.

The following individuals commented on the Whitney Beach Overlay included in Ordinance 2012-06. Individual comments were made during and following speaker presentations:

1. Ordinance 2012-06, Comprehensive Plan Amendments - Continued

Mr. Larry Grossman, St. Judes Drive North

Mayor Brown commented on the purpose of an Overlay area.

Mr. Gene Jaleski, Cedar Street

Ms. Madelyn Spoll, Harbourside Drive

Mr. Craig Walters, Hibiscus Way

Mr. Richard Estrin, Bayou Hammock Road

Mayor Brown noted that there are no proposals submitted for the development of the Whitney Beach area.

Mr. George Spoll, Harbourside Drive

Mr. Steve Reid, Longboat Key News.

Mr. Meyer advised that with the passage of the Ordinance no rights were conferred to the current property owner and noting that additional actions would be required if modifications to the existing zoning is requested in the future.

Town Attorney David Persson reviewed the processes that would have to be accomplished for future development.

**Mayor Brown closed the public hearing.**

**Commr. Zunz moved to adopt Ordinance 2012-06. The motion was seconded by Commr. Larson.**

Following comments by Commr. Younger, and upon inquiry, Mr. Meyer commented on the inclusion of an Overlay District in the Comprehensive Plan.

Vice Mayor Brenner commented on the previous consideration of the Ordinance and the removal of the Overlay District during first reading and public hearing, and opined on the planning experience and knowledge of Planning, Zoning, and Building Director Meyer.

**The motion carried by a 6-0 roll call vote, as follows: Zunz, aye; Larson, aye; Younger, aye; Duncan, aye; Brenner, aye; Brown, aye.**

Mayor Brown noted concern with comments relating to the Town Commission's planning expertise and advised that the Planning and Zoning Board and Town Staff provide the background, expertise, and knowledge that is utilized by the Commission in the decision making process.

**ADJOURNMENT**

**Mayor Brown adjourned the June 21, 2012, Special Meeting at 2:50 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
JUNE 21, 2012 - 2:50 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Phill Younger, Pat Zunz

**Also Present:** Town Manager Dave Bullock, Town Attorney David Persson, Town Clerk Trish Granger

**Absent:** Commr. Lenobel

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**Mayor Brown called the meeting to order at 2:50 p.m. following adjournment of the Special Meeting.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

1. Manatee County Special Liaison Report - No items were presented.

2. Sarasota County Special Liaison Report

A. Organizations

Commr. Duncan noted attendance at the educational courses sponsored by the ManaSota League of Cities on June 7, 2012.

3. Other Reports

A. Organizations

Vice Mayor Brenner commented on the presentation at the ManaSota League of Cities, distributed a pamphlet to Commissioners entitled "Ten Keys To Civility," and noted his intent to foster civility throughout the Town's citizenry and on the Town Commission.

B. Organizations

Vice Mayor Brenner noted the information discussed at the Manatee County Economic Development Corporation meeting.

C. Agencies

Vice Mayor Brenner commented on a presentation by the Sarasota-Bradenton International Airport Executive Director at the Council of Governments' meeting and requested that the Town Manager schedule the item on a future agenda.

D. Organizations

Vice Mayor Brenner noted attendance at the Sarasota Tourist Development Council (TDC) and the Sarasota County Economic Development Corporation (EDC) meetings and reviewed the issues discussed.

(See Item 3, Other Reports, later this meeting.)

Minutes in draft form and are not official until approved by the Town Commission.

4. Presentation of Public Works Team Member of the Year

Public Works Director Juan Florensa noted that the Public Works staff members annually select a co-worker as Team Member of the Year and noted Mr. Ron Thornton was selected to receive the award in 2012.

Mr. Florensa noted the importance of the work accomplished on a daily basis by the Utilities Team members. Individual comments followed.

**PUBLIC TO BE HEARD**

5. Opportunity for Public to Address Town Commission

A. Telecommunications

Mr. Jim Eatrides, Gulf of Mexico Drive, noted members of the public have requested that their time be transferred to Mr. Eatrides and submitted five additional speaker forms.

Town Attorney David Persson advised that the Commission could amend the time for a presentation at their discretion.

Attorney Michael Furen noted concern with an attempt to make a presentation relating to the TE Connectivity Telecommunications Study.

Town Attorney Persson confirmed that the Commission has the ability to consider amending the time limits for speakers.

Individual comments followed on the previous request for a presentation relating to the TE Connectivity Telecommunications Study and the Commissions' previous actions and requests for the providers to contact the Town Manager to review the issues.

Mr. Eatrides commented on the TE Connectivity Telecommunications Study.

B. Telecommunications

Mr. Tom Giacomo, representing Verizon Wireless, commented on the TE Connectivity Telecommunications Study.

Attorney Michael Furen noted objection to Mr. Giacomo's reference to a pending cell tower application that will come before the Commission at a later date during a public hearing forum.

Commr. Younger inquired and Mr. Giacomo advised that he was unsure of the ability to provide a customer service count for Longboat Key.

Vice Mayor Brenner commented on the Town's request for the providers to contact the Town Manager to review issues.

Commr. Younger noted that there is a process to follow with a pending application on file and Town Attorney David Persson commented on the public hearing process and discussion of pending versus filed and accepted applications.

5. Opportunity for Public to Address Town Commission - Continued

B. Telecommunications - Continued

Attorney Charlie Bailey requested a point of order and opined that an application has been filed but deemed incomplete at this time.

Town Attorney Persson commented on the consideration of applications on file.

Attorney Furen noted the application referenced by Mr. Giacomo has been filed but is incomplete at the present time.

C. Telecommunications

Ms. Mary Solik, Orange Avenue, Orlando, commented on the TE Connectivity Telecommunications Study.

D. Telecommunications

Mr. Ronald Platt, Gulf of Mexico Drive, gave a PowerPoint presentation on the TE Connectivity Telecommunications Study.

E. Telecommunications

Mr. Kevin Barrile, Ridan Industries, commented on the TE Connectivity Telecommunications Study.

**Mayor Brown suggested that Mr. Eatrides and his business associates contact the Town Manager's office as previously requested relating to the TE Connectivity Study.**

F. Telecommunications

Mr. Gene Jaleski, Cedar Street, commented on the TE Connectivity Telecommunications Study.

G. Telecommunications

Attorney Charlie Bailey commented on the TE Connectivity Telecommunications Study.

H. Telecommunications

Attorney Michael Furen commented on the TE Connectivity Telecommunications Study.

I. Telecommunications

Mr. Bob Craft, Binnacle Drive, commented on the existing cell service on Longboat Key.

3. Other Reports - Continued

E. Telecommunications

Commr. Duncan noted the issues raised by Attorney Furen regarding consideration of the TE Telecommunications Study and the process undertaken this date. (See Item 5A and 5B earlier this meeting.)

3. Other Reports - Continued

E. Telecommunications - Continued

Town Attorney David Persson commented on the process for scheduling a discussion on the TE Connectivity Telecommunications Study.

Commr. Younger noted concern in the discussion of cell towers on Longboat Key prior to consideration of any applications by the Planning and Zoning Board.

**Vice Mayor Brenner requested that Town Attorney Persson and Town Manager Dave Bullock review and develop procedures for the Public Comment portion of the agenda. Individual comments followed.**

(See Item 3, Other Reports, later this meeting.)

**RECESS:** 3:40 p.m. - 3:50 p.m.

**CLOSING AND ACTION ON CONSENT AGENDA**

**6. Proposed Ordinance 2012-17, Pass-Through of Manatee County Wholesale Water and Wastewater Rate Increases**

On October 25, 2011, the Manatee County Board of County Commissioners enacted Resolution R-11-208 which authorized two consecutive yearly wholesale water and wastewater rate increases. The Town Code provides for a pass-through of Manatee County rate changes to the Town's utility ratepayers. The first Manatee County rate increase was effective on November 1, 2011 and the second will be effective on November 1, 2012. Proposed Ordinance 2012-17 formalizes the November 1, 2012 utility rate change as provided for in the Town Code. Recommended Action: Approval of the Consent Agenda will forward Ordinance 2012-17 to the July 2, 2012 Regular Meeting for first reading.

**7. Request to Close Bay Isles Road for July 4<sup>th</sup> Freedom Fest Parade Between the Hours of 8:30 AM to 11:30 AM**

The Longboat Key Chamber of Commerce requests Town Commission consideration to close Bay Isles Road in order to hold the July 4<sup>th</sup> parade and festivities scheduled to begin at 9:00 AM. Recommended Action: Approval of the Consent Agenda will forward this item to the June 29, 2012 Special Meeting for formal action.

**Vice Mayor Brenner requested that Staff review the report relating to wastewater rates, without objection.**

**There was consensus to close and approve the Consent Agenda in accordance with Staff's reports.**

**DISCUSSION ITEMS**

**8. Florida Department of Transportation (FDOT) Discussion Regarding Feasibility of Installing Gulf of Mexico Drive (GMD) Crosswalks**

Representatives of the Florida Department of Transportation will be present to discuss crosswalk warrants and feasibility of crosswalk installation along Gulf of Mexico Drive. Recommended Action: Pending discussion, provide direction to Manager.

Minutes in draft form and are not official until approved by the Town Commission.

8. FDOT Discussion Regarding Feasibility of Installing GMD Crosswalks - Continued

Following comments, Town Manager Dave Bullock introduced the FDOT Representatives.

Mayor Brown noted the presentation was the result of a fatal pedestrian accident last year.

Mr. Gary Amig, Safety Program Manager for FDOT District 1, gave a PowerPoint presentation entitled "Pedestrian/Bicycle Safety Issues" and reviewed possible countermeasures to offset pedestrian/bicycle safety concerns. Discussions were held with Mr. Amig and Mr. L.K. Nandam, P.E., District Traffic Operations Engineer, on the following topics/issues:

- Beach Access areas/options for pedestrian crossings
- speed reduction i
- educational efforts
- other safety issues to be considered
- location of transit stops/lighting in the area
- overhead lighting concerns/impact on light strength during turtle season
- requirements for installation of a roundabout at the North end of GMD
- speed limit reduction options
- consideration of population's age.

Town Manager Bullock inquired and Mr. Amig commented on the seasonal peak traffic experienced and consideration of seasonal traffic issues when performing traffic studies.

Mayor Brown inquired and Mr. Amig noted the challenge in enforcement of bicycle regulations. Individual comments followed.

9. Emergency Management Chiefs' 2012 Hurricane Season Presentation

Manatee County Emergency Management Chief Laurie Feagans and Sarasota County Emergency Management Chief Ed McCrane will provide a brief overview of the 2012 Hurricane Season and their coordinated efforts with the Town's emergency response personnel. Recommended Action: None, informational only.

Manatee County Emergency Management Chief Feagans and Sarasota County Emergency Management Chief Ed McCrane gave a PowerPoint presentation on hurricane preparation and steps taken during a storm threat

Discussion ensued with Ms. Feagans, Mr. McCrane, and Town Manager Dave Bullock on the following topics/issues:

- the Town's re-entry process and tag system
- identification of where the Town Commissioners will be housed if evacuated
- Special Needs shelters/medical conditions/accommodation of citizens.

Mayor Brown thanked Ms. Feagans and Mr. McCrane for their joint presentation.

10. Beach Project Discussion

The Town Manager will provide an update regarding the meeting held between the Town, Manatee County and representatives of Florida Department of Environmental Protection (FDEP) regarding the Inlet Management Plan. He will also provide a status report regarding permitting efforts related to the structural solution to the North end. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock presented a status report on the North end issues and discussions were held on the following topics/issues:

- 1957 terminal groin construction by neighboring island
- options to consider for future protection at the North end
- permitting of two versus three groins
- modeling being utilized/phasing options for North end structures.

Mayor Brown noted support of Town Manager Bullock's approach to the issues.

Discussions were held on the importance of Greer Island to the protection of property on Longboat.

**There was consensus for the Town Manager to proceed.**

Mr. Richard Wood, Gulf of Mexico Drive, commented on the previously approved structures for the North end of Longboat Key.

Town Manager Bullock noted Commission direction to explore all available options for protection of the North end.

3. Other Reports - Continued

F. Elections

Commr. Larson noted attendance of Ms. Betsy Benac, a candidate for Manatee County Commission, District 7 seat.

10. Beach Project Discussion - Continued

Commr. Larson advised that the voters approved the referendum for the protection of the North end property.

Commr. Zunz inquired and Coastal Planning and Engineering Marine Geophysicist Beau Suthard commented on the consideration of a terminal groin for the North end of Longboat Key. Discussion ensued on the modeling used, options to consider, and the groin installed at Coquina Beach.

**RECESS:** 5:42 p.m. - 5:50 p.m.

11. Proposed Resolution 2012-16, Budget Transfer in the Amount of \$5,000 for Studio 26 Production Services for the Remainder of FY 2011-12

The FY 2011-12 Budget provided funding for production services, filming and live-stream broadcast of Town Commission meetings. Proposed Resolution 2012-16 provides for a budget transfer of \$5,000 to fund video services for the remainder of FY 2011-12. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted that the advertising program has not produced the results expected and a budget transfer was required to maintain the current service.

Following comments and inquiry, Town Clerk Trish Granger advised that the funding provided in the Fiscal Year 2011-2012 Budget was for a period of six months and that no advertising sales had been accomplished for the live streaming feed, and noted the transfer would provide funding for the remainder of the fiscal year. Discussion ensued on the following topics/issues:

- viewership rates for the live streaming and replays of Commission meetings
- lack of dedicated internet line creating issues with the live streaming
- current advertising interruptions on the free U-Stream website
- items to be addressed during the summer recess.

**There was majority consensus to forward Resolution 2012-16 to the July 2, 2012, Regular Meeting for formal action.**

12. Proposed Revision to 2012 Town Commission Calendar

At the May 24, 2012 Regular Workshop Meeting the Commission requested options to amend the 2012 Town Commission meeting schedule to address meeting conflicts with outside agencies. Staff has prepared alternatives for Commission consideration at the June 21, 2012 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted the request from the Commission to review the meeting schedule.

Commr. Duncan noted agreement with the proposed schedule and upon inquiry, Town Manager Bullock advised that some adjustments would be required on the submission of agenda material. Discussion ensued on the following topics/issues:

- possible delay in agenda items being scheduled
- option to schedule Workshop meetings in the evening
- impact to citizens' attendance with a revised schedule.

Mr. Gus Sclafani, Gulf of Mexico Drive, commented on the proposed changes to the Commission meeting schedule.

**There was consensus to proceed with the rescheduling of Commission meetings as outlined in Staff's report.**

**13. Discussion Regarding Town Manager Contract**

At the May 7, 2012 Regular Meeting the Town Attorney was directed to prepare a Town Manager Contract formalizing the appointment of Dave Bullock as Town Manager. The Town Attorney will seek Commission direction regarding contract terms and renewal options. Recommended Action: Pending discussion, provide direction to Town Attorney and Town Manager.

Town Attorney David Persson requested Commission direction regarding proposed contract terms for the development of the Town Manager's employment contract. Discussion ensued on the following topics/issues:

- three year contract with a three year renewal
- consideration on salary increase by vote of Commission only versus an automatic Cost of Living Adjustment if given to other Staff members
- termination clauses
- options to amend existing contract to provide for three years
- statutory restrictions on severance payments
- notice provisions by either party.

**There was consensus to amend the existing contract at the end of the term with a three year contract.**

**TOWN COMMISSION COMMENTS**

**A. Airports**

Vice Mayor Brenner noted correspondence from Mr. Fredrick Piccolo, President and Chief Executive Officer of the Sarasota-Bradenton Airport Authority, requesting support of their grant application for attract new service carriers to the airport.

**There was consensus to prepare correspondence for the Mayor's signature in support of the grant application.**

**TOWN ATTORNEY COMMENTS** - No items were presented.

**TOWN MANAGER COMMENTS**

**A. Resolutions/Public Works**

Town Manager Dave Bullock advised that he would be including a draft Resolution on the July 2, 2012, Regular Meeting agenda providing authority to him to close the North Shore Road beach access and to provide for the posting of signs at the access, if necessary, during the summer recess.

**B. Planning, Zoning, and Building/Public Works**

Town Manager Dave Bullock noted that rain and stormwater was being pumped off the Publix site and Bay Isles Road, advised that he intends to grant a request for a extended construction time period during the first week of July for an inside concrete pour, and confirmed that a "topping off" event will be held July 12, 2012, at 9:30 a.m. on the site.

**PRESS TO BE HEARD** - No items were presented.

**ADJOURNMENT**

**Mayor Brown adjourned the June 21, 2012, Regular Meeting at 6:24 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JUNE 29, 2012 – 2:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Phillip Younger, Pat Zunz

**Absent:** Commr. Hal Lenobel

**Also Present:** Town Manager David Bullock, Town Attorney David Persson, Deputy Town Clerk Jo Ann Mixon

**CALL TO ORDER**

Mayor Brown called the Special Meeting to order at 2:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

**1. Quasi-judicial - Resolution 2012-15, Dry Dock Waterfront Grill Final Site Plan Approval**

Request of Eric Hammersand, Dry Dock Enterprises, Inc., as property owner, seeking site plan amendment approval for the Dry Dock Waterfront Grill, 412 Gulf of Mexico Drive, to allow for construction of a 1,107 square foot addition to their second floor dining area. At their June 19, 2012 Meeting, the Planning & Zoning Board recommended approval and forwarded Resolution 2012-15 (site plan amendment) to the June 29, 2012 Town Commission Special Meeting for Commission consideration. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this hearing.

Mayor Brown announced the presentation and speaker time guideline.

**Deputy Town Clerk Jo Ann Mixon administered the oath to all presenting testimony.**

Town Attorney David Persson reviewed disclosure requirements and inquired as to any conflicts, ex-parte communication on this issue since April 17, 2012, with none stated by Commissioners.

**Deputy Town Clerk Mixon placed Resolution 2012-15 on record for public hearing by title only.**

**Mayor Brown opened the public hearing.**

Planning, Zoning, and Building Department Director Robin Meyer, duly sworn, reviewed the Site Plan Amendment, and displayed photos of the area.

Discussion was held on parking spaces and staff monitoring the parking area at the restaurant.

1. Quasi-judicial - Resolution 2012-15, Dry Dock Waterfront Grill Final Site Plan Approval – Continued

Applicant and Dry Dock Waterfront Grill owner Eric Hammersand, duly sworn, submitted certified mail receipts, and identified construction would include an elevator and a second floor addition of a men's restroom.

Discussions were held on the following topics/issues:

- evening use of adjacent parking spaces
- reimbursing the Town for related meeting expenses
- established fee schedule review

Mr. Hammersand explained the application was approximately \$3,000.00, and expressed no objection to reimbursing the Town for meeting related expenditures, if required.

**Mayor Brown closed the public hearing.**

**Commr. Zunz moved to pass Resolution 2012-15. The motion, seconded by Commr. Younger, carried by a 6-0 roll call vote, as follows: Zunz aye; Younger, aye; Duncan, aye; Larson, aye; Brenner, aye; Brown, aye.**

2. Request to Close Bay Isles Road for July 4<sup>th</sup> FreedomFest Parade between the Hours of 8:30 AM to 11:30 AM

The Longboat Key Chamber of Commerce has requested the Town Commission consider closing Bay Isles Road in order to hold the July 4<sup>th</sup> parade and festivities scheduled to begin at 9:00 a.m.

Vice Mayor Brenner announced an invitation was received from the Longboat Key Chamber of Commerce requesting all Commissioners arrive at 8:30 a.m.

**Comm. Zunz moved to close Bay Isles Road from 8:30 a.m. to 11:00 a.m. on July 4, 2012, for the FreedomFest Parade. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye.**

**TOWN MANAGER COMMENTS**

Town Manager Dave Bullock provided an update on the following topics/issues:

- Tropical Storm Debby
- placement of Rip Tide signs at the Longboat Key Beach Assesses
- sand movement
- Islander Condominium groins
- Colony Property (1620 Gulf of Mexico Drive)
- Longboat Key home burglaries

Mr. Bullock noted a complete update on Tropical Storm Debby and The Colony would be provided at the July 2, 2012, Town Commission Regular Meeting.

**COMMISSION COMMENTS**

**Town Manager Vehicle Usage**

Discussion was held on whether the Town Manager could utilize a take home Town vehicle (SUV) during hurricane season.

Attorney David Persson advised the current contact did not provide for a vehicle.

**Following discussion, there was consensus to allow Town Manager Bullock to use and take home the SUV during hurricane season.**

**ADJOURNMENT**

**Mayor Brown adjourned the June 29, 2012, Special Meeting at 2:23 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
JULY 2, 2012 - 7:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Hal Lenobel, Phill Younger, Pat Zunz

**Also:** Town Manager Dave Bullock, Town Attorney David Persson,  
**Present:** Town Clerk Trish Granger

**Absent:** Commr. Lenobel

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Brown called the meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Zunz led the Pledge of Allegiance.

Mayor Brown noted Commr. Lenobel was not in attendance.

**APPROVAL OF MINUTES**

1. May 7, 2012, Regular Meeting; May 21, 2012 Special Meeting; May 21, 2012, Special Workshop Meeting; May 24, 2012 Regular Workshop Meeting Minutes.

Mayor Brown noted submission of an amendment to the May 24, 2012, Regular Workshop Minutes and inquired as to additional amendments, with no items stated.

There was consensus to approve the Minutes, with the amendments to the May 24, 2012, Regular Workshop Meeting.

**COMMITTEE REPORTS AND COMMUNICATIONS** - No items were presented.

**PUBLIC TO BE HEARD**

2. Opportunity for Public to Address Town Commission - No items were presented.

At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

**CLOSING AND ACTION ON CONSENT AGENDA**

3. Adoption of Revised 2012 Town Commission Meeting Dates

The Town Commission adopts their annual meeting schedule each November for the upcoming calendar year. At the June 21, 2012 Regular Workshop Meeting there was consensus to adopt revised Town Commission Meeting dates for the remainder of 2012. This item is placed on the July 2, 2012 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will adopt revised 2012 Town Commission Meeting dates

4. Town Manager Employment Agreement Amendment

At the June 21, 2012 Regular Workshop Meeting the Town Attorney was directed to prepare an Amendment to the Town Manager Employment Agreement. The Commission requested the amendment provide for a 3-year term with a renewal option for an additional 3-year term. Recommended Action: Approval of the Consent Agenda will approve Town Manager Employee Agreement Amendment.

Minutes in draft form and are not official until approved by the Town Commission.

**CLOSING AND ACTION ON CONSENT AGENDA**

**3. Adoption of Revised 2012 Town Commission Meeting Dates - Continued**

**4. Town Manager Employment Agreement Amendment - Continued**

**Commr. Larson requested removal of Agenda Item 4. Mayor Brown noted consensus to approve Consent Item 3. (See Item 4 later this meeting.)**

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**5. Ordinance 2012-08, Amendments to Chapter 158, Zoning Code**

At their May 1, 2012 Regular Meeting the Planning & Zoning (P&Z) Board voted to recommend Commission approval of Ordinance 2012-08 which amends Chapter 158, the Town's Zoning Code. First reading of Ordinance 2012-08 was held on June 4, 2012 and was forwarded for second reading and public hearing at the July 2, 2012 Regular Meeting. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2012-08.

Town Clerk Trish Granger placed Ordinance 2012-08 on record for second reading and public hearing by title only.

**Commr. Zunz moved to adopt Ordinance 2012-08. The motion was seconded by Commr. Larson.**

**Mayor Brown opened the public hearing.**

Planning, Zoning, and Building Department Planner Ric Hartman noted the intent of the Ordinance and advised that Assistant Town Attorney Kelly Fernandez would provide an overview.

Assistant Town Attorney Kelly Fernandez provided a PowerPoint presentation reviewing the proposed amendments to Chapter 158, the Zoning Code. Discussions were held with Mr. Hartman, Attorney Fernandez, and Town Attorney David Persson on the following topics/issues:

- page 9, (D)(1) - identifying specific sheets of building plans and should reflect "drawings"
- page 11, reference to subsection (g) on page 10
- page 11, reference reflected in subsection viii(b) and (c) regarding a definition of "adequate distance" and determination of the Town Commission at the public hearing.

Ms. Debra McKenna, Marbury Lane, commented on the proposed Ordinance, noting support of the amendments.

Mr. Terry Gans, Grand Bay Boulevard, commented on the proposed Ordinance, noting support of the amendments.

Mr. Tom Aposporos, Gulf of Mexico Drive, the proposed Ordinance, noting support of the amendments.

5. Ordinance 2012-08, Amendments to Chapter 158, Zoning Code - Continued  
**Mayor Brown closed the public hearing.**

**Mayor Brown moved to amend Ordinance 2012-08 by amending Section 158.067, subsection (D)(1), deleting the words "plan sheets, renderings." The motion was seconded by Commr. Younger.**

**Following clarification by Town Attorney Persson, the motion to amend Ordinance 2012-08 carried by a 6-0 roll call vote, as follows: Brown, aye; Younger, aye; Larson, aye; Brenner, aye; Duncan, aye; Zunz, aye.**

**The main motion to adopt Ordinance 2012-08, as amended, carried by a 6-0 roll call vote, as follows: Zunz, aye; Larson, aye; Younger, aye; Duncan, aye; Brenner, aye; Brown, aye.**

7. Ordinance 2012-14, Providing for a Referendum Regarding Change of Density for Property Located at 5440 Gulf of Mexico Drive

Ordinance 2012-14 provides for a referendum as requested by the property owner to change density of property located at 5440 Gulf of Mexico Drive. First reading of Ordinance 2012-14 was held on June 4, 2012 and was forwarded for second reading and public hearing at the July 2, 2012 Regular Meeting. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2012-14.

Mayor Brown advised that Mr. Peter Dailey, Agent, had a conflict and would be arriving late and requested input from the Commission on postponing the public hearing until his arrival. No objections were stated and Mayor Brown proceeded with the agenda item.

Town Clerk Trish Granger placed Ordinance 2012-14 on record for second reading and public hearing by title only.

**Commr. Duncan moved to adopt Ordinance 2012-14. The motion was seconded by Commr. Larson.**

**Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.**

**The motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Larson, aye; Zunz, aye; Brown, aye; Younger, aye; Brenner, aye.**

6. Ordinance 2012-12, Amending Chapter 111, Business Tax Receipts

The Florida Legislature has amended Florida Statutes Chapter 205 to provide an exemption for Real Estate Associates and Broker Associates. Ordinance 2012-12 amends Chapter 111 to align the Town Code with Florida Statutes. First reading of Ordinance 2012-12 was held on June 4, 2012 and was forwarded for second reading and public hearing at the July 2, 2012 Regular Meeting. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2012-12.

6. Ordinance 2012-12, Amending Chapter 111, Business Tax Receipts - Continued

Town Clerk Trish Granger placed Ordinance 2012-12 on record for second reading and public hearing by title only.

**Commr. Larson moved to adopt Ordinance 2012-12. The motion was seconded by Commr. Zunz.**

**Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.**

Vice Mayor Brenner advised that the Town had lost home rule status on the legislative exemption. Commr. Duncan requested that Staff review alternatives to provide for the lost revenue. Discussion ensued on the position of the Florida League of Cities on instituting an alternative business fee for the real estate category and the estimated amount of lost revenues.

**The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Duncan, aye; Brenner, aye; Brown, aye; Younger, aye.**

8. Ordinance 2012-15, Providing for a Referendum Regarding Change of Density for Property Located at 521 Broadway

Ordinance 2012-15 provides for a referendum as requested by the property owner to change density of property located at 521 Broadway. First reading of Ordinance 2012-15 was held on June 4, 2012 and was forwarded for second reading and public hearing at the July 2, 2012 Regular Meeting Recommended Action: Pending second reading and public hearing, adopt Ordinance 2012-15.

Town Clerk Trish Granger placed Ordinance 2012-15 on record for second reading and public hearing by title only.

**Commr. Younger moved to adopt Ordinance 2012-15. The motion was seconded by Commr. Duncan.**

**Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.**

Commr. Zunz commented on the impact an Overlay District may have on the property under consideration.

**The motion carried by a 5-1 roll call vote, as follows: Younger, aye; Duncan, aye; Zunz, no; Larson, aye; Brenner, aye; Brown, aye.**

**RESOLUTIONS**

9. Resolution 2012-16, Budget Transfer in the Amount of \$5,000 for Studio 26 Production Services for the Remainder of FY 2011-12

The FY 2011-12 Budget provided funding for production services, filming and live-stream broadcast of Town Commission meetings for a 6 month trial period. Resolution 2012-16 provides for a budget transfer of \$5,000 to fund video services for the remainder of FY 2011-12. Recommended Action: Pending discussion, pass Resolution 2012-16.

9. Resolution 2012-16, Budget Transfer in the Amount of \$5,000 for Studio 26 Production Services for the Remainder of FY 2011-12 - Continued

Town Clerk Trish Granger placed Resolution 2012-16 on record by title only.

**Commr. Duncan moved to pass Resolution 2012-16. The motion, seconded by Commr. Larson, carried by a 5-1 roll call vote, as follows: Duncan, aye; Larson, aye; Brown, aye; Brenner, aye; Younger, no; Zunz, aye.**

Vice Mayor Brenner requested that the anticipated costs for Fiscal Year 2012-2013 be reviewed to provide for an upgrade of the internet connection be included as potential advertisers are having difficulty accessing the live stream broadcast.

10. Resolution 2012-17, Providing the Town Manager Authorization to Post Signage Closing North Shore Beach Access and Parking

At the June 21, 2012 Regular Workshop Meeting the Town Manager discussed the Inlet Management Plan, the upcoming beach project for the North end, and requested authorization to close the beach access and parking in the event unsafe conditions develop. Resolution 2012-17 provides for Town Manager authorization to post signage closing the North Shore beach access and parking in the event of unsafe conditions. Recommended Action: Pending discussion, pass Resolution 2012-17.

Town Clerk Trish Granger placed Resolution 2012-17 on record by title only.

Town Attorney David Persson noted that the final version was not included in the agenda packet and requested consideration to postpone consideration of Resolution 2012-17 following discussion of Item 11.

Commr. Zunz inquired as to authority to close other beach accesses if needed and Town Manager Dave Bullock advised that other areas could be closed if there are public safety issues.

(See Item later this meeting.)

**NEW BUSINESS**

11. Setting of Maximum Millage

In accordance with Florida Statutes the Town must establish a proposed maximum millage rate in July so that it can be included in the Notice of Proposed Property Taxes mailed in August by each County. Although it can be reduced in later budget hearings, these millage rates cannot be increased. Recommended Action: Set Maximum Millage Rates and forward ordinances to adopt millage rates and budget based on these tentative rates to September 4, 2012 Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock advised that the recommended millage rate proposed was the same as the current rate and noted Finance Department Budget Analyst and Risk Specialist Sandi Henley would provide an overview of the recommended millage and the Beach Districts A and B millages.

Ms. Henley gave a PowerPoint presentation reviewing the proposed maximum millage rates. Discussions were held on the following topics/issues:

11. Setting of Maximum Millage - Continued

- proposed millage rates for Beach Erosion Control Districts A and B
- ability of Town Commission to lower, or not adopt, the proposed millage for the Erosion Control Districts in September depending on the project timeline and type of debt to be utilized
- assumed debt of \$16,000,000, anticipated amortization, and term of debt
- non-assessment of beach debt in past two years
- identification of assessment on TRIM (Truth in Millage) notice.

**Commr. Younger moved to set the tentative maximum millage rate of 1.8872 mills and to forward ordinances to adopt the millage rates and the budget based on these rates to the September 4, 2012, Regular Meeting for first reading and public hearing. The motion was seconded by Vice Mayor Brenner.**

Commr. Larson inquired and Ms. Henley advised that the maximum millage rate that could be set is 2.4644 and noted that this millage rate was for the operating budget and did not include the Beach Erosion Control District millages.

**The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Brenner, aye; Zunz, aye; Larson, aye; Brown, aye; Duncan, aye.**

10. Resolution 2012-17, Providing the Town Manager Authorization to Post Signage Closing North Shore Beach Access and Parking - Continued

Town Attorney David Persson noted distribution of revised Resolution 2012-17 and advised that a new Section 1 had been added and Section 2 had been expanded to clarify the Town Manager's authority.

**Commr. Zunz moved to pass Resolution 2012-17, as amended. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Zunz, aye; Duncan, aye; Larson, aye; Younger, aye; Brenner, aye; Brown, aye.**

4. Town Manager Employment Agreement Amendment - Continued

At the June 21, 2012 Regular Workshop Meeting the Town Attorney was directed to prepare an Amendment to the Town Manager Employment Agreement. The Commission requested the amendment provide for a 3-year term with a renewal option for an additional 3-year term. Recommended Action: Approval of the Consent Agenda will approve Town Manager Employee Agreement Amendment.

Commr. Larson noted previous discussion of the Employment Agreement for Town Manager Dave Bullock, requested consideration to draft a new Agreement in lieu of amending the existing Agreement, and commented on the proposed amendment to Section 3, Termination, paragraph D2, relating to the reference to a majority vote (four) versus the Charter requirements of five votes for removal of the Town Manager.

Town Attorney Persson clarified that Section 3 is not a removal/termination of the Town Manager under Charter provisions but provides for non-renewal of the Agreement, wherein no severance benefits would be paid.

**4. Town Manager Employment Agreement Amendment - Continued**  
Discussion ensued on the following topics/issues:

- contract renewal versus termination
- Charter requirements of five votes for termination
- lack of Charter provisions for non-renewal of the Agreement
- intent of the Charter to require a super majority
- ability to require five votes for non-renewal of the Agreement

**Commr. Larson moved to draft a new Employment Agreement and to include reference to the Town Charter provisions for termination in lieu of simple majority. The motion died for lack of a second.**

**Commr. Younger moved to approve the First Amendment to Employment Agreement for Town Manager Bullock. The motion, seconded by Commr. Zunz, carried by a 6-0 roll call vote, as follows: Younger, aye; Zunz, aye; Larson, aye; Brenner, aye; Duncan, aye; Brown, aye.**

**TOWN COMMISSION COMMENTS**

**A. Town Manager**

Commr. Duncan commented on a car allowance policy and recommended that the Town Manager be provided with a vehicle allowance as provided to other Town staff.

Discussion ensued on the time frame for consideration of the vehicle allowances provided and future consideration and review of the existing Personnel Rules and Regulations (PRR) and other operating policies and past practices in place not addressed in the PRR.

**TOWN ATTORNEY COMMENTS** - No items were presented.

**TOWN MANAGER COMMENTS**

**A. Information Technology (IT)/Professional Services**

Town Manager Dave Bullock noted the retirement of IT's Office Automation Specialist Barb Murr and commended Ms. Murr's service to the Town.

Town Manager Bullock advised that the position will be evaluated prior to hiring a full time employee and noted that the Town will utilize a contract employee during the interim requiring a budget amendment be accomplished in September 2012.

**B. Emergency Management/Public Works**

Town Manager Dave Bullock gave a PowerPoint presentation providing an update on the impacts of Tropical Storm Debby. (See Item later this meeting.)

**C. Planning, Zoning, and Building**

Town Manager Dave Bullock noted previous consideration of the issues relating to The Colony Beach and Tennis Resort in March 2012 and provided an update on the recent inquiries of unit owners relating to reopening individual units.

**TOWN MANAGER COMMENTS** - Continued

**C. Planning, Zoning, and Building** - Continued

Discussions were held with Town Manager Bullock and Town Attorney David Persson on the following topics/issues:

- landscaping (palm tree) in front entryway of The Colony
- Historic Sign designation
- impact of granting permit applications when property ownership in litigation
- individual unit ownership/legal issues to be considered.

**B. Emergency Management/Public Works** - Continued

Vice Mayor Brenner commended Staff's response to Tropical Storm Debby, noted that an e-mail criticizing the response omitted factual information (unlocked vehicles/houses), and suggested that Town Manager Bullock respond with factual information to correct the information. (See Item later this meeting.)

**C. Planning, Zoning, and Building** - Continued

Discussions continued with Town Manager Bullock and Town Attorney Persson on the following topics/issues pertaining to The Colony property:

- concern with individual owners trying to repair single units
- sewer/lift stations non-functioning
- no water to units due to lack of payment
- determination of function by engineer of utility system and lift station
- increasing water bills due to penalties
- concern of unit owners on the possible loss of grandfathered status
- unusable condition of common areas and amenities on the site
- determination of opening several units versus substantial use of property to retain grandfathered status
- in-fighting between the parties
- lack of insight on when legal issues will be resolved between the parties
- anticipated request for an additional extension by the parties involved past the December 31, 2012 deadline
- loss of tax revenues if grandfather status is lost/review of previous year tax appraisals
- impact on tourist population visiting Longboat Key
- occupancy by owners/concerns with allowing partial inhabitation of property
- wastewater system issues/permitting requirements for private lift stations by the Florida Department of Environmental Protection (FDEP)
- engineering inspection and certifications to the Town in addition to the FDEP requirements for lift station/wastewater lines
- status and impact on wastewater system with Dr. Murf Klauber's residence/one unit load on sewer system versus 237 additional units
- options for the parties to provide a monthly status report on the progress being made.

**TOWN MANAGER COMMENTS** - Continued

**B. Emergency Management/Public Works** - Continued

Commr. Zunz commented on the break-ins that occurred during the storm event, advised that one of the homes was unlocked, and suggested that some type of public information needs to be distributed advising individuals of their responsibility to secure their property.

Town Manager Bullock reported that of the approximately sixteen burglaries (vehicles and houses) reported all but one was unlocked.

**PRESS TO BE HEARD** - No items were presented.

**ADJOURNMENT**

**Mayor Brown adjourned the July 2, 2012, Regular Meeting at 8:40 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JULY 17, 2012 - 2:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Phill Younger, Pat Zunz, Terry Gans (following appointment)

**Also:** Town Manager Dave Bullock, Town Attorney David Persson,

**Present:** Town Clerk Trish Granger

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**Mayor Brown called the meeting to order at 2:00 p.m.**

Following comments on the meeting process, Mayor Brown commended Commr. Hal Lenobel for his service to the Town.

**2. Other Business**

**A. Planning, Zoning, and Building Department**

Following comments by Mayor Brown, Town Manager Dave Bullock requested consideration to add an item to the Special Meeting agenda relating to the signage located at The Colony Beach and Tennis Club (The Colony).

Commr. Duncan moved to add a discussion regarding The Colony sign to the agenda. The motion, seconded by Commr. Younger, carried by a 6-0 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Zunz, aye; Brenner, aye; Brown, aye.

**1. Appointment to Fill Vacancy of At-Large Town Commission Seat Due to Resignation of Commissioner Lenobel**

On July 5, 2012, Commissioner Hal Lenobel submitted a letter of resignation for the At-Large Commission Seat effective immediately. The Town Charter Article II, Section 8 provides options to fill the vacancy. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Brown thanked the applicants for their interest in serving the community on the Commission and reviewed the policies in place and the process for appointment to fill the vacancy.

**Mayor Brown opened the floor for nominations.**

**Subsequent to comments, Commr. Younger nominated Mr. Ray Rajewski.**

**Commr. Larson nominated Mr. Woody Wolverton.**

**Commr. Brenner nominated Mr. Randy Clair.**

**Commr. Zunz nominated Mr. Terry Gans.**

Minutes in draft form and are not official until approved by the Town Commission.

1. Appointment to Fill Vacancy of At-Large Town Commission Seat - Continued  
Town Clerk Trish Granger proceeded with a roll call vote, as follows:

**Commr. Duncan cast a ballot for Mr. Rajewski.**  
**Commr. Larson cast a ballot for Mr. Wolverton.**  
**Vice Mayor Brenner cast a ballot for Mr. Clair.**  
**Mayor Brown cast a ballot for Mr. Gans.**  
**Commr. Duncan cast a ballot for Mr. Rajewski.**  
**Commr. Zunz cast a ballot for Mr. Gans.**

Town Clerk Granger noted that no applicant had received the required four votes.

**Commr. Younger moved to suspend Roberts Rules of Order. The motion died for lack of a second.**

Town Clerk Granger proceeded with the second round of nomination voting, as follows:

**Commr. Zunz cast a ballot for Mr. Gans.**  
**Commr. Duncan cast a ballot for Mr. Rajewski.**  
**Mayor Brown cast a ballot for Mr. Gans.**  
**Vice Mayor Brenner cast a ballot for Mr. Gans.**  
**Commr. Larson cast a ballot for Mr. Gans.**  
**Commr. Younger cast a ballot for Mr. Rajewski.**

Town Clerk Granger noted for the record that Mr. Gans had received the four required votes to be appointed to fill the District At Large vacancy.

**Commr. Younger moved to make the appointment of Mr. Gans unanimous. The motion, seconded by Vice Mayor Brenner, carried by a 6-0 voice vote.**

Town Clerk Granger administered the Oath of Office to newly appointed Commr. Gans.

2. Other Business - Continued

A. Planning, Zoning, and Building Department - Continued

Town Manager Dave Bullock noted previous Commission direction to review the condition of The Colony sign and that improvements had been completed, and advised that the sign has Historical Designation and any modifications need formal action by the Town Commission.

Upon inquiry, Town Manager Bullock and Town Attorney David Persson advised that any modifications to the sign required formal action by the Town Commission.

**Following comments, Commr. Duncan moved to approve the modifications to the historical sign for The Colony allowing the owners or their representatives to remove the deteriorating letters from the existing sign and paint out the sign face. The motion was seconded by Commr. Larson.**

2. Other Business - Continued

A. Planning, Zoning, and Building Department - Continued

Commr. Duncan commented on the status of the landscaping issue (palm tree) at the entrance.

**The motion carried by a 7-0 roll call vote, as follows: Duncan, aye; Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Brenner, aye; Brown, aye.**

B. Bonds

Town Manager Dave Bullock noted that the Town had utilized the services of Livermore and Freeman, P.A., as Bond Counsel for beach debt issuance, advised that one member of the firm had retired with another member joining another firm, and requested authorization to continue utilizing the attorney familiar with the Town's bond issues.

Town Attorney David Persson advised that it was a continuation of the bond services performed on the beach project.

**Mayor Brown noted no objection to the utilization of the Bond Counsel as outlined by the Town Manager.**

C. Public Works

Town Manager Dave Bullock noted that many communities on the West coast of Florida are hiring Contingency Counsel to represent them if funds become available resulting from the BP oil spill. Town Manager Bullock advised that the Town has been contacted in regards to the issue and suggested that the Town consider participation utilizing a law firm on a contingency basis (no expense unless a settlement is offered).

Town Manager Bullock requested authorization, with the assistance of Town Attorney David Persson, to do an evaluation of the firms and select one on a contingency basis to operate in the best interest of the Town.

**Mayor Brown noted no objection to the request as outlined by the Town Manager.**

D. Public Works

Town Manager Dave Bullock noted a meeting with the Florida Department of Environmental Protection relating to the North end structures and provided an overview of the discussions held at the meeting and advised that no decisions were made.

Following comments, Town Manager Bullock informed the Commission that he would be contacting 360 North Condominiums to advise them that the sand that eroded during Tropical Storm Debby would not be replaced by the Town during the permitting process and that they should take whatever protective action they feel is necessary for their property.

E. Litigation

Town Attorney David Persson advised of mediation scheduled for July 18, 2012, relating to the Longboat Key Club development and reviewed the process and actions required if there are modifications to a development order.

2. Other Business - Continued

E. Litigation

Town Attorney Persson requested consideration to provide authority to him to represent the Town and make recommendations for any settlement to be considered by the Town Commission, advising that any changes would have to be considered during a quasi-judicial hearing.

Commr. Larson inquired, and Town Attorney Persson advised that any changes to a Development Order could not be considered until September.

**There was consensus to grant authority for the Town Attorney as requested.**

**ADJOURNMENT**

Mayor Brown adjourned the July 17, 2012, Special Meeting at 2:25 p.m.

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.



**End of Agenda Item**