

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL WORKSHOP  
SEPTEMBER 4, 2012 - 10:00 A.M.**

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

**Also:**

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

**CALL TO ORDER**

Mayor Brown called the meeting to order at 10:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

**1. Discussion Regarding FY 2012-13 Recommended Budget**

At the September 4, 2012 Special Workshop Meeting the Town Manager and Finance Director will review and discuss the FY 2012-13 Recommended Budget. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted previous Budget Workshops and distribution of the Preliminary and Recommended Budget documents and provided an overview of the Fiscal Year 2012-2013 Budget. Discussions were held with Town Manager Bullock and Finance Director Thomas Kelley on the following topics/issues:

- higher than expected Sarasota County property valuations
- Information Technology (IT) inclusion of a full-time employee (FTE) in lieu of contract services
- compensation analysis/total cost of a FTE versus contract services
- allocation of costs per department for IT services
- non-assessment of Beach Erosion Control Districts millage
- anticipation that beach project will not be constructed until late 2013
- pension liabilities/possible Bond Referendum for Fiscal Year 2013-2014
- time period for construction of erosion control structures and placement of sand
- impact of levying two bonding issues on taxpayers for pension and beach project
- anticipated interest rates (2013-2014) on future borrowings/issuing debt at current rates versus unknown future rates.

**There was consensus to remove the beach millage assessments from the proposed budget.**

Discussions continued on the following topics/issues:

- voter approved debt services
- increase in cost of proposed police vehicles due to new models to be purchased (Crown Victoria models no longer available)
- size and type of vehicles to be purchased to provide accessibility under all conditions
- life expectancy of vehicles/analysis of available models and associated costs (including fuel costs)

1. Discussion Regarding FY 2012-13 Recommended Budget - Continued

- difference of estimated Fire Pumper/Ladder vehicle cost
- ISO (Insurance Services Organization) ratings and value of adding costlier vehicle versus anticipated savings on insurance ratings
- General Fund Balance of approximately \$4.7 million (FY12 ending balance/FY13 beginning balance)
- proposed Fund Balance Policy to be determined
- property taxes returned to Longboat Key based on millage rates
- duplication of services from Counties (Fire, EMS, and/or Sheriff) included on Longboat Key tax billings
- lack of patrol services by Manatee and Sarasota County Sheriff's offices
- options to negotiate with Counties on providing vehicles in lieu of patrol services
- levy by Sarasota Memorial Hospital
- auditing requirements of taxes received/distribution of funds
- grant funding (non-government and government organizations).

Mr. Sandy Gilbert, Chairman of S.T.A.R.T. (Solutions to Avoid Red Tide), commented on the organizations request for grant funding and services provided to Longboat Key. Upon inquiry, Mr. Gilbert noted the organization's annual budget of approximately \$85,000 per year, with one paid staff member.

Discussions continued on the following topics/issues:

- services provided by S.T.A.R.T.
- contributions by Manatee and Sarasota Counties with larger budgets
- lack of contributions by neighboring coastal communities (Bradenton Beach, Holmes Beach, and Anna Maria)
- lack of funding to provide salary increases or bonus to staff
- providing funding (tax monies) to organizations without the Town holding a voting seat on the governing body
- discussions held in previous years to gradually reduce funding to outside entities.

**There was majority consensus to not provide grant funding for S.T.A.R.T. and S.C.O.P.E. (Sarasota County Openly Plans for Excellence).**

Commr. Duncan advised of his preference for the Town to take an active part in the Longboat Key Chamber of Commerce commensurate with the funding provided. Discussions continued on the following topics/issues:

- breakdown of pension costs (sworn officers/firefighters versus non-sworn personnel)
- public versus governmental pension costs
- option for recently appointed Police Chief to "opt out" of the pension fund
- estimated Florida Retirement System (FRS) contributions of twenty percent (20%) for high-risk categories.

**RECESS:** 11:29 a.m. - 11:37 a.m.

**1. Discussion Regarding FY 2012-13 Recommended Budget - Continued**

Discussions continued with Town Manager Bullock, Finance Director Kelley, and Tennis Center Manager Kay Thayer on the following topics/issues:

- development of a Policy Statement for Canal Dredging
- funding availability for some locations
- development of a matrix establishing priorities
- User Fee schedule for Tennis Center (new rates)
- determination to not charge higher fees for off-island participants
- revenue estimates
- tabulation of Tennis Center usage by resident versus non-resident
- scheduled training of Tennis Center employees on the sale of beer/wine
- regulations restricting the size of the retail use/modification of the Development Order for the Tennis Center
- on-going training of employees relating to the sale of beer and wine/ consideration of liability to the Town relating to serving alcoholic beverages
- restriction on areas where alcoholic beverages can be consumed
- health consideration on effects of alcoholic beverages on individuals dehydrated and/or age
- net revenues on retail sales at Tennis Center
- Utility Fund (pages 48-50 of Proposed Budget) expenditures/reduction in fund balance
- development of policies relating to fund balances and Commission Contingency
- inclusion of unfunded liabilities for the pensions on balance sheet with effective date based on size of government entity.

**ADJOURNMENT**

**Mayor Brown adjourned the September 4, 2012, Regular Meeting at 12:01 p.m.**

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Trish Granger, Town Clerk

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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  
SEPTEMBER 4, 2012 - 7:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, 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. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Duncan led the Pledge of Allegiance.

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. Florida Local Government Information Systems Association (FLGISA) Achievement Award - Best Application Serving a Public Organization's Business Needs - Presented to Town of Longboat Key**

Vice Mayor Brenner commented on the award to Longboat Key and presented the plaque to Information Technology (IT) Director Kathi Pletzke. Ms. Pletzke commented on the specialized functions performed by the Fire Department, noted the steps to create the software to provide efficiencies to the Department, recognized members of the software development team and IT Staff members, introduced members of the Fire Department who assisted in the development (Fire Chief Paul Dezzi, Deputy Chief Sandy Drake, and Fire Marshal Lou Gagliardi), and commended the partnership between the parties involved.

Fire Chief Dezzi commented on the fire prevention focus of the Department and acknowledged the efforts of the team in development of the software.

**APPROVAL OF MINUTES: APPROVED AS AMENDED.**

**2. June 4, 2012 Regular Meeting; June 6, 2012 Special Workshop Meeting; June 21, 2012 Special Meeting; June 21, 2012 Regular Workshop Meeting; June 29, 2012 Special Meeting; July 2, 2012 Regular Meeting; July 17, 2012 Special Meeting Minutes**  
Mayor Brown noted minor amendments submitted for the June 4, 2012, Regular Meeting and the June 29, 2012, Special Meeting Minutes.

**There was consensus to approve the Minutes submitted, as amended.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

**A. Organizations**

Vice Mayor Brenner noted three Economic Development Corporation (EDC) meetings, Tourist Development Council (TDC) meetings, and the Florida League of Cities conference attended by members of the Town Commission and reviewed the issues discussed.

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

**PUBLIC TO BE HEARD**

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

**A. Public Works**

Mr. Gene Jaleski, Cedar Street, commented on the condition of the beach and the jeopardy to properties resulting from the erosion due to recent storm events and suggested a proactive approach to assist the homeowners.

Mayor Brown noted the Town is aware of the issues and is working towards solutions.

**B. Public Works/Organizations**

Mr. Larry Grossman, St. Judes Drive North, commented on the Longboat Key Turtle Patrol efforts and the items washing up on the beach due to Tropical Storms Debby and Isaac. Mr. Grossman requested consideration for the Town to provide support for the Turtle Patrol in the additional debris removal.

Town Manager Dave Bullock advised that he will review options to assist in the debris removal.

**C. Information Technology/Budgets**

Mr. Angelo Furgiuele, Harbourside Drive, commented on the development of the software for the Fire Department use and supported a review of the system for possible marketing opportunities to provide an additional revenue source.

Mayor Brown noted that the Town has been pursuing the revenue opportunity.

**CONSENT AGENDA**

**4. Commission Appointments to Committees Named in Town Code and to Outside Agencies**

Each year, the Town Commission considers appointments of its members to committees named in the Town Code or as required by outside agencies. Due to the resignation of Hal Lenobel and appointment of Commissioner Gans, the Commission will consider appointments formerly assigned to Hal Lenobel. Recommended Action: Approval of the Consent Agenda will formalize Commissioner Gans appointment to Committees and Outside Agencies formerly held by Hal Lenobel.

**5. Appointment to Citizens' Tax Oversight Committee**

A vacancy has existed on the Citizens' Tax Oversight Committee since May 7, 2012. The Town Clerk's Office has received one application seeking appointment to this seat from a qualified resident. This item is placed on the September 4, 2012 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will formalize appointment to the Citizens' Tax Oversight Committee.

Vice Mayor Brenner noted that Ms. Cheryl Loeffler, seeking appointment to the Citizens' Tax Oversight Committee, was in attendance at the meeting.

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

**ORDINANCES - FIRST READING AND PUBLIC HEARING**

**6. 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. Ordinance 2012-17 formalizes the November 1, 2012 utility rate change as provided for in the Town Code. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2012-17 to the October 1, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-17 on record for first reading and public hearing by title only.

**Commr. Zunz moved to pass Ordinance 2012-17 and to forward to the October 1, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.**

**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: Zunz, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye; Gans, aye.**

**7. Ordinance 2012-10, Future Land Use Map Amendments, 4110 and 5810 Gulf of Mexico Drive**

At their June 19, 2012 Regular Meeting the Planning and Zoning (P&Z) Board recommended approval of Ordinance 2012-10 as written. The Ordinance was forwarded to the September 4, 2012 Regular Meeting for Town Commission consideration. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2012-10 to the October 1, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-10 on record for first reading and public hearing by title only.

**Commr. Larson moved to pass Ordinance 2012-10 on first reading and public hearing. The motion was seconded by Commr. Zunz.**

**Mayor Brown opened public hearing.**

Commr. Larson requested and Planning, Zoning, and Building Department Planner Ric Hartman provided an overview of the amendments that will occur if the Ordinance is passed after second reading in October, 2012. Mr. Hartman advised that rezone petitions will be submitted for the properties at a later date.

7. Ordinance 2012-10, Future Land Use Map Amendments, 4110 and 5810 Gulf of Mexico Drive - Continued

**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; Zunz, aye; Gans, aye; Brenner, aye; Duncan, aye; Younger, aye; Brown, aye.**

8. Ordinance 2012-21, Adopting Millage Rates for the Town of Longboat Key for Fiscal Year Beginning October 1, 2012 and Ending September 30, 2013

Fiscal Year 2012-13 operating millage rates for the town of Longboat Key will be established pending discussion at the September 4, 2012 Regular Meeting scheduled for 7:00 PM. Second reading and public hearing on this Ordinance will occur at a Special Meeting scheduled for September 24, 2012 at 5:01 PM.

9. Ordinance 2012-22, Adopting a Budget for the Town of Longboat Key for the Fiscal Year Beginning October 1, 2012 and Ending September 30, 2013

Following discussion on July 2, 2012 the Town Commission and Town Manager have forwarded proposed millages (Ordinance 2012-21) and a proposed budget (Ordinance 2012-22) to be adopted for Fiscal Year 2012-13. In accordance with State law, two separate motions are required. Discussion of the millage rates and the budget must be heard in the following format: (a) discussion of rolled-back millage rate (Ordinance 2012-21); (b) motion on adoption of millage rate; (c) discussion on the recommended budget (Ordinance 2012-22); (d) motion on adoption of the recommended budget.

Recommended Action: Pending first reading public hearing, and discussion, forward Ordinances 2012-21 and 2012-22 to the September 24, 2012, Special Meeting for second reading and public hearing.

Mayor Brown noted statutory requirements for consideration of the Town's millage and budgets for the Fiscal Year 2012-2013.

**Mayor Brown opened the public hearings on Ordinance 2012-21 and Ordinance 2012-22.**

Town Manager Dave Bullock noted the recommend millage, reviewed discussions held at the Budget Workshops earlier this year, and requested that Finance Director Thomas Kelley provide information on the roll-back rate for the Town's millage. Mr. Kelley noted a motion would be required to delete the millage for the Beach Erosion Control Districts A and B.

**Commr. Duncan moved to delete the assessment for the Longboat Key Beach Erosion Control Districts A and B from Ordinance 2012-21. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Duncan, aye; Gans, aye; Younger, aye; Brenner, aye; Zunz, aye; Larson, aye; Brown, aye.**

**As no one wished to be heard, Mayor Brown closed the public hearing on Ordinance 2012-21.**

8. Ordinance 2012-21, Adopting Millage Rates-FY 2012-2013 - Continued

9. Ordinance 2012-22, Adopting a Budget-FY 2012-2013 - Continued

**Commr. Larson moved to pass Ordinance 2012-21, as amended, on first reading and public hearing, and to forward to the September 24, 2012, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye.**

**Mayor Brown noted the public hearing on Ordinance 2012-22 was open. As no one wished to be heard the public hearing was closed.**

**Commr. Gans moved to pass Ordinance 2012-22 on first reading and public hearing, and to forward to the September 24, 2012, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Brenner, aye; Brown, aye; Younger, aye; Duncan, aye; Larson, aye.**

**QUASI-JUDICIAL - RESOLUTION AND PUBLIC HEARING**

**10. Quasi-judicial – Resolution 2012-07, Request from the Colony Beach and Tennis Club Association, Inc. for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures**

Chapter 158.138(B)(8)(b) of the Town's Zoning Code provides for property owners to file a petition to the Town Commission seeking a time extension for the legally nonconforming land use/structures. A nonconforming use not used for a period of one year is considered an abandonment of the legally nonconforming use. At the May 2, 2011 Regular Meeting the Commission adopted Resolution 2011-17 providing the Colony Beach and Tennis Club Association, Inc. an extension of time to comply with regulations governing nonconforming uses and structures. On July 27, 2012, the Colony Beach and Tennis Club Association, Inc. petitioned the Town Commission to extend the time from December 31, 2012 through June 30, 2014. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Mayor Brown noted the procedures for a quasi-judicial procedures.

Town Clerk Trish Granger administered the oath to all who wished to speak.

Town Attorney David Persson requested disclosures and reporting of any ex-parte communication relating to the petition. The following were noted:

- Commr. Gans noted that he had dined out and Dr. Murray Klauber was in the restaurant with no discussion or dialogues relating to the project held.
- Vice Mayor Brenner noted discussions with several individuals who hold/held an interest in the Colony properties and disclosed the nature of the discussions.  
**Town Attorney Persson inquired and advised that there were no questions presented relating to the disclosures by Vice Mayor Brenner.**
- Commr. Zunz advised that she visited the site with Town Staff and noted that no discussions were held outside of Staff conversations.

10. Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. Extension Request - Continued

**Town Attorney Persson inquired and there were no questions presented relating to the disclosures by Commr. Zunz.**

- Commr. Larson noted previous meetings with individuals who hold/held an interest in the Colony property and did a site visit with Code Enforcement Staff.

**Town Attorney Persson inquired and there were no questions presented relating to the disclosures by Commr. Larson.**

- Mayor Brown noted conversations held with individuals who hold/held an interest in the Colony property.

**Town Attorney Persson inquired and there were no questions presented relating to the disclosures by Mayor Brown.**

**Mayor Brown opened the public hearing.**

Upon inquiry, Town Attorney Persson commented on the legal standing of the parties in the Colony property, gave a historical review relating to the bankruptcy proceedings, and opined that the Association has legal standing to make the request.

Planning, Zoning, and Building (PZB) Department Director Robin Meyer, duly sworn, provided an overview of Staff's report relating to the Colony property and reviewed current conditions of the property.

PZB Department Building Official and Code Administrator Wayne Thorne, duly sworn, provided an overview of the recent site visit, reviewed the safety and health issues identified on the property, and advised of the conditions that Staff would suggest to be imposed on the property.

Attorney Don Hemke, representing the Colony Association, duly sworn, presented the following information in support of the petition:

- inclusion of the application in the Staff report
- submission of the certified mailing receipts as required
- submitted and discussed the timeline impacting the property relating to legal constraints
- discussed conditions and the date complaints were received relating to the condition of the property
- submitted a copy of an editorial comment printed in the Longboat Observer
- submitted a copy of e-mail correspondence between Colony representatives and the Aquarius.

Discussions were held with Attorney Hemke, Mr. Greg Rusovich, duly sworn, and Mr. Joshua Benaim, duly sworn, on the following topics/issues:

- timeframe requested (18 months) for the extension and renovation
- defined strategy to begin the renovations

10. Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. Extension Request - Continued

- lack of knowledge on the Town's building code and FEMA (Federal Emergency Management Agency) requirements for reconstruction of the units/property amenities.

Mayor Brown suggested that the extension request be postponed to follow the process suggested by PZB Director Meyer.

Following comments by Mr. Rusovich and Mr. Benaim, discussion ensued on the following topics/issues:

- the estimated costs to clean and repair individual units and the property in general
- the phasing restrictions relating to FEMA requirements/compliance
- option for the development team to review the FEMA requirements for tourist units prior to making development plans to ensure compliance
- ability to cite property owners through the Code Enforcement process to ensure compliance
- basis for the time period requested for the extension.

**RECESS:** 8:52 p.m. - 9:03 p.m.

The following individuals commented on Resolution 2012-07:

- Attorney Charles Bartlett, representing Dr. Murf Klauber
- Attorney Jeffrey Warren, representing the Colony Association
- Mr. Randy Langley, representing the Colony Lenders
- Ms. Ruth Kreindler, Gulf of Mexico Drive
- Mr. Manfred Welfonder, Harbourside Drive
- Mr. Greg VanHowe, Gulf of Mexico Drive
- Mr. Randall Clair, Bogey Lane.

Upon inquiry, Attorney Warren noted the utility billings were rendered to the partnership and would be considered in the resolution of the bankruptcy case and advised of the Town's lien rights

Attorney Charles Bartlett, representing Dr. Murf Klauber, duly sworn, commented on his representation relating to the Colony property, commented on the closure and possible reopening of the facilities, supported granting an additional extension, and opined on the steps required to proceed to renovation/revitalization/reopening.

Vice Mayor Brenner inquired as to agreement of the parties to binding arbitration to resolve continuing issues relating to the property.

Attorney Bartlett commented on the previous attempts through mediation to resolve the issues. Discussions were held on the estimated timeline to reach agreeable terms relating to the resolution of outstanding issues.

10. Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. Extension Request - Continued

Attorney Jeffrey Warren, representing the Colony Association, duly sworn, noted concern relating to arbitrary deadlines, commented on the 18 month extension request, and opined on the progress being accomplished.

Mr. Randy Langley, representing the Colony Lenders, duly sworn, noted his willingness to resolve the issues and to report back in 90-days.

Ms. Ruth Kreindler, Gulf of Mexico Drive, duly sworn, noted that she is on the Colony Board and is a unit owner, advised that she supports the requested extension, and opined that the parties would work together to address the issues raised by the Commission.

Mr. Manfred Welfonder, Harbourside Drive, duly sworn, commented on the redevelopment plan and opined that the renovation of the units was not viable in the current condition or under the proposed timeline. Upon inquiry, Mr. Welfonder commented on consideration of FEMA requirements

Mr. Greg VanHowe, Gulf of Mexico Drive, duly sworn, commented on the condition of the property and rodent issues noted. Commr. Duncan advised that the property condition has been deteriorating for more than a year.

Mr. Randall Clair, Bogey Lane, duly sworn, appearing on behalf of the Longboat Key Revitalization Committee, noting support to return the Colony to its former state through redevelopment and submitted written comments.

Commr. Younger inquired and Town Manager Dave Bullock advised that the outstanding utility bills totaled \$237,370.56, as of this date, and noted the process for billing the property. Town Attorney Persson commented on the bankruptcy status of the parties.

Attorney Warren commented on the status of the bankruptcy case and the accrual of administrative fees for the water/wastewater services. Attorney Persson inquired and Attorney Warren noted that he has been directed to resolve the issues associated with the Town.

Commr. Younger noted his position to collect the full amount owed to the Town for utility services. Discussions were held with Town Attorney Persson and Attorney Warren on granting the extension to the property versus a particular entity or ownership group and commented on restrictions on actions by parties relating to bankruptcy proceedings.

Upon inquiry, Mr. Clair advised that the recommendation he presented was on behalf of the Longboat Key Revitalization Committee.

Upon inquiry, Attorney Warren noted the utility billings were rendered to the partnership and would be considered in the resolution of the bankruptcy case, advised that the Town's lien rights were not dismissed but were stayed during the bankruptcy proceedings, and noted the efforts required to resolve the outstanding issues.

10. Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. Extension Request - Continued

Upon inquiry, Attorney Hemke commented on the steps required in order to proceed with the redevelopment.

Mr. Jay Yablon, 910 Northumberland Drive, New York, duly sworn, noted the appointment of a "Blue Ribbon Commission of Owners." Discussions were held with Mr. Yablon and Mr. Benaim on the by-law requirements relating to the percentage of unit owner approval for redevelopment and an engineering study performed by Karins Engineering Group.

**Mayor Brown requested that the engineering study be provided to the Town.**

Mr. Yablon supported approval of the extension and advised that they would adhere to any reporting requirements outlined by the Town Commission.

**Mayor Brown closed the public hearing.**

Discussion ensued on the following topics/issues:

- charges for Town Staff services to review necessary clean-up on the property
- individual property rights of the unit owners
- Code enforcement proceedings
- defining the extension issue (development of a timeline) and contingencies to be required.

Following comments by Commr. Duncan on scheduling a workshop meeting within the next 60 days to discuss the issues on the Colony, Town Attorney Persson noted that a workshop meeting venue was not appropriate due to the quasi-judicial requirements and advised that the public hearing could be continued for additional discussion.

**Commr. Zunz requested that the engineering reports be submitted in addition to other documents that would assist the Commission in their deliberations.**

**Commr. Duncan moved to schedule a workshop meeting to discuss the time frame for an extension within 60 days.**

Town Attorney Persson advised that a time frame of 60 days would not afford individual unit owners the ability to complete repairs by the previous deadline established by the Commission.

**The motion failed for lack of a second.**

Subsequent to individual comments on the time frame requested and the expertise needed to move the project forward, Attorney Hemke supported an extension for six months (June 30, 2013) and enacting reporting requirements to advise the Commission of the progress on the property.

10. Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. Extension Request - Continued

**Commr. Duncan moved to schedule a meeting to make a determination on the length of time pertaining to an extension for the Colony property within 30 days. Mayor Brown seconded the motion. Subsequent to discussion, there was consensus to schedule a meeting on September 24, 2012.**

**Mayor Brown reopened the public hearing.**

**Following comments by Town Manager Bullock on the upcoming Commission meeting schedule, Commr. Duncan moved to continue the public hearing to September 24, 2012, at 9:00 a.m., in the Town Commission Chamber (501 Bay Isles Road) to discuss the timeline for an extension and contingency conditions. The motion was seconded by Mayor Brown.**

Town Attorney Persson noted with the motion on the floor the public hearing would be continued and it would be appropriate to take action on Resolution 2012-07 at that time.

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

Town Manager Bullock advised that Staff will work with the various Colony parties to work on the proposed conditions to be considered on September 24, 2012.

**RECESS: 10:50 p.m. - 11:00 p.m.**

**RESOLUTIONS**

11. Resolution 2012-20, Annual Beach Funding Resolution

The State of Florida Beach Funding Management Program has been a recurring source of funding for the Town's beach erosion/nourishment projects. Each year the Town Commission passes a beach funding resolution in order to remain eligible for State grants. This resolution must accompany applications for beach project funding submitted to the Florida Department of Environmental Protection. Recommended Action: Pending discussion, pass Resolution 2012-20.

Town Clerk Trish Granger placed Resolution 2012-20 on record by title only.

**Commr. Zunz moved to pass Resolution 2012-20. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Gans, aye; Larson, aye; Duncan, aye; Brenner, aye; Brown, aye.**

12. Resolution 2012-21, Inlet Management Plan (IMP) Funding Resolution-Joint Project with Manatee County for the Dredging of Longboat Pass

This is an original application for which the Town Commission is being requested to pass a funding resolution in order to be jointly eligible along with Manatee County for State grants related to the future maintenance dredging of Longboat Pass. This resolution must accompany the joint application for the inlet management project funding submitted to the Florida Department of Environmental Protection. Recommended Action: Pending discussion, pass Resolution 2012-21.

12. Resolution 2012-21, IMP Funding Resolution-Joint Project with Manatee County for the Dredging of Longboat Pass- Continued

Town Clerk Trish Granger placed Resolution 2012-21 on record by title only.

**Commr. Duncan moved to pass Resolution 2012-21. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Duncan, aye; Gans, aye; Zunz, aye; Larson, aye; Brenner, aye; Younger, aye; Brown, aye.**

13. Resolution 2012-22 Inlet Management Plan Study Improvements Funding Resolution

This resolution is a request to the State of Florida to fund the improvements that the Town may undertake on its own that are strictly related to the Inlet Management Plan Study. The funding under this category has a potential reimbursement of 50-75%. Therefore, a separate application and funding resolution is required. Recommended Action: Pending discussion, pass Resolution 2012-22.

Town Clerk Trish Granger placed Resolution 2012-22 on record by title only.

**Commr. Zunz moved to pass Resolution 2012-22. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye.**

**NEW BUSINESS**

14. Discussion Regarding Proposed Agenda Items for Joint Meeting with Sarasota County Board of County Commissioners

The Sarasota County Board of County Commissioners will host a joint meeting with the Town of Longboat Key Commission on October 1, 2012 at 1:30 PM. This item was placed on the May 24, 2012, Regular Workshop Meeting agenda for Commission consideration of proposed topics to forward for inclusion on the meeting agenda. Recommended Action: Pending discussion, provide direction to Manager.

Upon inquiry, Town Manager Dave Bullock noted that he had received a request to include an additional agenda item incorporating issues considered at the joint meetings between Sarasota and Manatee Counties.

Vice Mayor Brenner commented on funding for the Longboat Key Library and Town Manager Bullock advised that the Longboat Key Library is run by volunteers and Sarasota County has advised that the library would have to be incorporated into the Sarasota County system to be eligible for funding, but would then be under the purview of Sarasota County.

**Subsequent to discussion on options to obtain assistance for the Longboat Key Library, there was consensus to include it on the agenda item list.**

**Commr. Larson moved to approve the recommended agenda items, as amended, for inclusion on the Joint Meeting Agenda with Sarasota County. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye.**

15. Police Chief's Report

The Police Chief will discuss the Town's crime trends over the past 5 years, as well as provide a status report on the license plate recognition camera system proposed for Longboat Key. Recommended Action: None, informational only.

Town Manager Dave Bullock noted that the Police Chief's report would be postponed to a later meeting and advised that he had appointed Acting Police Chief Pete Cumming to the Police Chief position on a permanent basis.

**TOWN COMMISSION COMMENTS**

A. Organizations

Vice Mayor Brenner noted a previous letter of support for grant funding as requested by the Sarasota-Bradenton International Airport and advised that airport had received the grant that was applied for.

B. Litigation

Vice Mayor Brenner noted the ruling of the appellate court on the Longboat Key Club project and advised that the Town should move forward on amendments to the Comprehensive Plan.

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

**TOWN MANAGER COMMENTS**

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

**ADJOURNMENT**

**Mayor Brown adjourned the September 4, 2012, Regular Meeting at 11:15 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  
SEPTEMBER 24, 2012 - 9:00 A.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, 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 9:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Vice Mayor Brenner led the Pledge of Allegiance.**

**RESOLUTIONS**

**1. Quasi-judicial – Resolution 2012-07, Request from the Colony Beach and Tennis Club Association, Inc. (Colony) for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures**

Chapter 158.138(B)(8)(b) of the Town's Zoning Code provides for property owners to file a petition to the Town Commission seeking a time extension for the legally nonconforming land use/structures. A nonconforming use not used for a period of one year is considered an abandonment of the legally nonconforming use. At the May 2, 2011 Regular Meeting the Commission adopted Resolution 2011-17 providing the Colony Beach and Tennis Club Association, Inc. an extension of time to comply with regulations governing nonconforming uses and structures. On July 27, 2012, the Colony Beach and Tennis Club Association, Inc. petitioned the Town Commission to extend the time from December 31, 2012 through June 30, 2014. Discussion of this request was continued from the September 4, 2012 Regular Meeting. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Town Clerk Trish Granger placed Resolution 2012-07 on record for public hearing by title only and administered the oath to all those wishing to speak.

Town Attorney David Persson inquired and Commr. Larson noted that she has spoken to unit owners and that it would not present a conflict in consideration of the petition. Town Attorney Person inquired, and no questions were raised for Commr. Larson from the petitioner.

Commr. Duncan noted a site visit to the Aquarius Club to get a view of the Colony from the abutting property and the nature of the conversations, and advised that it would not present a conflict in consideration of the petition. Town Attorney Person inquired, and no questions were raised for Commr. Duncan from the petitioner.

Commr. Gans noted that he did speak with Dr. Murf Klauber at a local restaurant and advised that no discussions were held regarding the Colony property. Town Attorney Person inquired, and no questions were raised for Commr. Gans from the petitioner.

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued  
Vice Mayor Brenner noted discussions with Dr. Murf Klauber and scheduled a meeting between Dr. Klauber and Town Manager Dave Bullock and advised that he did not participate in the meeting. Town Attorney Person inquired, and no questions were raised for Vice Mayor Brenner from the petitioner.

**Mayor Brown opened the public hearing.**

Town Manager Dave Bullock provided an overview of the Town's position and concerns relating to property ownership.

Upon inquiry, Town Manager Bullock commented on the Code Enforcement issues to be addressed, the intent to be diligent on future Code enforcement action, and the basis for the non-aggressive enforcement of violations to date advising that many issues were not visible from the main entrance.

Mr. Jay Yablon, duly sworn, 910 Northumberland Drive, New York, introduced the presentation team

Attorney Don Hemke, representing The Colony Beach and Tennis Club Association and duly sworn, commented on the following efforts to date:

- clearing of the property of debris and yard waste, to be done on a continuing basis
- hiring of a firm to maintain the beach area
- security issues advising that the property will be patrolled on a regular basis
- diligent efforts to address concerns raised noting that he receives e-mails sent to the Commission regarding the property and takes action on issues raised
- development of a timeline for the resolution of issues and redevelopment proposal
- noted no objection to the conditions outlined in the Resolution and to the required bond of \$50,000.

Attorney Hemke noted concern with the timeline of December 31, 2013, and requested consideration to extend the time frame to June 30, 2014.

Mayor Brown commended the efforts expended subsequent to the last public hearing.

Discussions were held with Attorney Hemke on the following topics/issues:

- Condition 4 of Resolution 2012-07 relating to the requirements for quarterly progress reports
- time frame for development of a project scope and submission to the owners for a required vote.

Town Attorney Persson commented on the requirements for the Owners to vote on the proposal to proceed. Discussions were held on the following topics/issues:

- requirements for owners to vote and approve any redevelopment/rehabilitation
- total acreage under consideration for rehabilitation of the property

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued

- confirmation that the Resolution developed is for the entire Colony parcel and not specifically addressing the property ownership
- required approval rate of unit owners for project to move forward
- lack of commitment from unit owners on project proposals
- laws governing condominium associations and by-laws outlining voting requirements
- Commission's option to preserve existing grandfathering density or to deny the request
- impact of denying the request and options for the Colony representatives to apply for the additional tourism density available through previous referendums.

Mr. Larry Grossman, St. Judes Drive, duly sworn, noted that correspondence that he has submitted and commented on allowing the continuance of a non-conforming use.

Town Attorney Persson commented on the intent of non-conforming properties, the ability to rebuild for voluntary and involuntary destruction of the existing structures, options to consider for the property under consideration, and the effect of the 1984 Comprehensive Plan.

Mr. Phillip Scott, Bristol Bay Drive, duly sworn, commented on the property and suggested that the buildings are a public nuisance.

Mr. Greg VanHowe, Gulf of Mexico Drive, duly sworn, commented on the request noting concern with the timeline for project development.

Mr. George Spoll, Harbourside Drive, duly sworn and representing the Revitalization Committee, commented on the request, the need to establish credibility and the past actions of the parties, and the time frame outlined by the Colony Association.

Attorney Charles Bartlett, representing Dr. Murf Klauber and duly sworn, noting concern with the timeline presented and the issues to be addressed regarding the property.

**Mayor Brown closed the public hearing. Following comments, Mayor Brown reopened the public hearing.**

Attorney Hemke commented on the work performed on the property, the timeline presented and the requirement for quarterly reports, and the legal constraints impacting the property.

Mr. Dean Feltham, duly sworn, advised that the front entrance area will be addressed.

**Mayor Brown closed the public hearing.**

Discussions were held with Town Attorney Persson on the following topics/issues:

- impact to various parties if the extension is not granted
- credibility issues

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued

- identification of the parties receiving the extension
- granting the extension to the property/responsible party to meet the conditions outlined in the Resolution
- options to consider a rezoning petition for the property
- determination of Commission's position on development/redevelopment of properties throughout the Town
- intent for Town to award a Planning Request For Quote (RFQ) to address issues facing the Town relating to property zonings
- existing court rulings related to the property ownership.

Vice Mayor Brenner suggested that the Commission consider Option 4 outlined in the Town Manager's report and inclusion of portions of Option 3 relating to the time frame for redevelopment, and within 30 days of a court ruling to require the parties to meet with Town staff with the time line determined at that time.

Town Manager Bullock read Options 3 and 4 for the benefit of the members of the public. Discussions were held on the following topics/issues:

- option to combine Options 3 and 4 for the property
- conditions outlined in Resolution 2012-07
- unintended consequences of rushing
- consideration for Staff to amend the document to address comments to combine options
- concern relating to compliance with Federal Codes and requirements to meet all existing Federal, State, and Town Codes.

**RECESS:** 10:35 a.m. - 10:47 a.m.

Mayor Brown inquired and discussion ensued on the following topics/issues:

- property ownership issues
- requiring reports to the Town Commission relating to negotiating efforts
- options for the Commission to appoint a liaison between the parties to ensure on-going discussions are taking place
- Option 3 requirements for quarterly reporting
- time frame to bring revisions to Town Commission
- timeline for redevelopment versus rebuilding
- intent to pursue additional tourism units for the Colony.

Attorney Hemke advised that he would work with Town Staff to revise the documents, requested consideration to not require full attendance by all parties, and commented on the total acreage.

Upon inquiry, Town Manager Bullock advised that the Resolution applies to the entire parcel and commented on the notice requirements for Code violations.

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued  
**Town Attorney Persson requested and Commr. Duncan moved to continue the public hearing to October 1, 2012, at 7:00 p.m., to be held in Commission Chamber at 501 Bay Isles Road. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Duncan, aye; Larson, aye; Gans, aye; Younger, aye; Zunz, aye; Brenner, aye; Brown, aye.**

**Town Manager Bullock inquired and there was consensus to retain time frame outlined in the Resolution.**

Commr. Larson inquired as to the requirements for securing the buildings and Mayor Brown advised that they will have to submit documentation to the Building Department for permits before any work can begin.

**ADJOURNMENT**

**Mayor Brown adjourned the September 24, 2012, Special Meeting at 11:00 a.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  
SEPTEMBER 24, 2012 - 5:01 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, 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 5:01 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Younger led the Pledge of Allegiance.**

**ORDINANCE – FIRST READING**

**1. Ordinance 2012-24, Amending Chapter 92, Beaches, Parks, and Public Places:** At the May 24, 2012 Regular Workshop Meeting there was consensus for staff to proceed with steps necessary for the sale of beer and wine at the Longboat Key Public Tennis Center. Ordinance 2012-24 amends Chapter 92 regarding possession and consumption of alcoholic beverages on Town property. Recommended Action: Pending first reading and discussion, forward to October 15, 2012 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger place Ordinance 2012-24 on record for first reading by title only.

**Commr. Younger moved to pass Ordinance 2012-24 on first reading and to forward to the October 15, 2012, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Zunz, aye; Gans, aye; Larson, aye; Brenner, aye; Brown, aye.**

**ORDINANCES – SECOND READING AND PUBLIC HEARING**

**2. Ordinance 2012-21, Adopting Millage Rates for the Town of Longboat Key for the Fiscal Year (FY) beginning October 1, 2012 and ending September 30, 2013**

**3. Ordinance 2012-22, Adopting a Budget for the Town of Longboat Key for the Fiscal Year (FY) beginning October 1, 2012 and ending September 30, 2013**

Following the September 4, 2012 Regular Meeting discussion the Town Commission and Town Manager have forwarded proposed millages (Ordinance 2012-21) and a proposed budget (Ordinance 2012-22) to be adopted for Fiscal Year 2012-13. First readings and public hearings were held at the September 4, 2012 Regular Meeting. Discussion of the millage rates and the budget must be heard in the following format: (a) Ordinance 2012-21, motion on adoption of millage rate of 1.8872 for Town and .0564 for General Obligation Voted Debt; and (b) Ordinance 2012-22, motion on adoption of Town's Budget. Recommended action: Pending second reading, public hearing, and discussion, adopt Ordinances 2012-21 and 2012-22.

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

2. Ordinance 2012-21, Adopting Millage Rates for the Town of Longboat Key for FY beginning October 1, 2012 and ending September 30, 2013 - Continued

3. Ordinance 2012-22, Adopting a Budget for the Town of Longboat Key for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 - Continued

Town Clerk Trish Granger placed Ordinance 2012-21 on record for second reading and public hearing by title only.

Finance Director Tom Kelley announced the roll back rate

**Mayor Brown opened the public hearing.**

Dr. Michael Crosby, representing Mote Marine Laboratory, requested consideration to provide any funding amount for the facility.

Discussion ensued on budgetary restrictions.

Commr. Larson requested consideration to provide funding from the amount not awarded to S.T.A.R.T. or SCOPE. Individual comments followed.

**ADJOURNMENT**

**Mayor Brown adjourned the September 24, 2012, Special Meeting at 5:19 p.m.**

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Trish Granger, Town Clerk

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James L. Brown, Mayor

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

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



**End of Agenda Item**