

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP
SEPTEMBER 24, 2012 - 1:00 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 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Larson led the Pledge of Allegiance.

Mayor Brown noted Representative Jim Boyd was in attendance this date.

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 that the ManaSota League of Cities would be hosting a Candidate Forum on September 27, 2012, at 9:30 a.m. and invited Commission and citizen participation.

B. Organizations

Commr. Duncan noted discussions at the ManaSota League of Cities relating to the restrictions created by the Sunshine Law.

3. Other Reports

A. Town Commission

Vice Mayor Brenner noted a meeting of the Finance Committee and reviewed the items discussed. Upon inquiry, Vice Mayor Brenner noted the impact of including the Pension liability on the Town's balance sheet and the amount of Business Tax Receipts collected.

Commr. Duncan suggested that all Commissioners speak individually with Finance Director Tom Kelley on issues the Town will be addressing in future budget years.

B. Organizations

Vice Mayor Brenner noted the rebranding of the Manatee County Tourist Development Council (TDC) image/logo and displayed the new logos of the TDC, the Longboat Key Chamber of Commerce, and a photo of the advertising accomplished at a recent Tampa Bay Rays baseball game highlighting Longboat Key.

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

3. Other Reports - Continued

B. Organizations - Continued

Vice Mayor Brenner noted the advertising efforts accomplished which prominently promote Longboat Key and advised that advertising is also included in the "Florida Trend" magazine.

C. Organizations

Vice Mayor Brenner noted attendance at the Sarasota Economic Development Corporation (EDC) meeting, reviewed items discussed, and suggested that the Town Commissioners visit the EDC website (edcsarasotacounty.com) to view the presentation and learn more about the EDC 's functions.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

4. Employee Service Award

Vice Mayor Brenner presented the Employee Service Award for Public Works Streets Division Crew Leader Doyle Walker. Public Works Director Juan Florensa advised of Mr. Walker's tenure and the services he provides to the Town.

Mr. Walker thanked the Commission for their support.

PUBLIC TO BE HEARD

5. Opportunity for Public to Address Town Commission

A. Code Enforcement

Mr. Gene Jaleski, Cedar Street, requested that the Town address the visual blight caused by the abandoned gas station on the North end of Town.

CONSENT AGENDA

6. Flood Plain Management Plan 2012 Annual Report & Community Rating System (CRS) Update

The Town participates in a Community Rating System (CRS) that provides flood insurance discounts to the Town's residents. One of the requirements to participate in the CRS is to maintain a floodplain management plan and provide an annual report. Recommended Action: Approval of the Consent Agenda will confirm delivery of the required annual report.

7. Fiscal Year 2012-2013 Holiday Schedule

Each year the Town Commission approves a list of scheduled holidays in accordance with the Town's Personnel Rules and Regulations and Resolution 99-19. Resolution 99-19 provides that the Town Commission may approve one additional holiday, usually the day before or after Christmas. This year Christmas falls on Tuesday, and as such Town offices will be closed on Tuesday, December 25th. The Manager recommends the additional holiday as Monday, December 24th. Recommended Action: Approval of the Consent Agenda will forward the Fiscal Year 2012-13 Holiday Schedule to the October 1, 2012 Regular Meeting Consent Agenda for formal action.

CONSENT AGENDA- Continued

8. Redistricting Commission District Boundaries

In accordance with the Town Charter, Article II, Section 1, Commission Districts, an update and audit of the Town's registered voters has been completed to determine whether the number of registered voters in any Commission district exceeds the number of registered voters in any other district by 20%. The audit reveals that redistricting is not required for the current year. Recommended Action: None, informational only.

Commr. Larson requested removal of Item 6.

Mayor Brown noted consensus to approve Items 7 and 8 in accordance with Staff's report and recommendations and advised Item 6 would be discussed at the end of the published agenda items.

DISCUSSION ITEMS

9. North End Structures Update

The Town Manager will update the Commission on the current condition of the North end beach, options to address erosion, status of current permit applications, and seek Commission policy direction regarding future actions. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on and gave a PowerPoint presentation on the Erosion Control Structures for the North end of Longboat Key and Greer (Beer Can) Island. Discussions were held on the following topics/issues:

- disappearance/erosion of beach at the 360 North Condominiums
- determination of property line of 360 North Condominiums (seaward)
- anticipated costs of three (3) groins
- comparisons of pre- and post-renourishment conditions from 2009 through 2012
- seawall in front of 360 North and determination as an erosion control structure (property protection device)
- protective renourishment on regular basis (annually)
- comparison of conditions (beach aerials) from 1941 through 2012
- modeling results for one versus three structures
- time frame for construction of North Shore and 360 North Condominiums (approximately 1977).

Mr. Gene Jaleski, Cedar Street, commended the efforts of Town Manager Bullock, noted the systems available and utilized in Deerfield Beach, Florida, and suggested consideration to utilize alternate systems. Upon inquiry, Mr. Jaleski advised that he was not aware if approval of the "sand grabber" had been accomplished by the Florida Department of Environmental Protection (FDEP).

Mayor Brown noted the representative from the "sand grabber" system had previously advised the Commission that the system had not yet been approved by the FDEP.

Discussion ensued on the following topics/issues:

- installation of rip-rap by property owners
- consideration of funding assistance by Manatee County
- voter referendum approval for financing requirements

9. North End Structures Update - Continued

There was consensus to move forward, as follows:

- **submission of responses to the FDEP**
- **finalize the permitting activity and begin the permitting activity through the United States Army Corps of Engineers**
- **negotiation of permit conditions**
- **moving forward with design and location of structures.**

10. Proposed Revisions to Traffic Code, Chapter 74, Parking Schedules

Owners of Mar Vista and Moore's Stone Crab Restaurants have met with Town staff and are requesting a revision to parking regulations. The amendment would extend allowed parking hours on Broadway, between Lois Avenue and Bayside Drive, an additional 2 hours to accommodate evening diners. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building Department Planner Steve Schield presented an overview of the request from Mr. Ed Chiles (Mar Vista Restaurant) and Mr. Alan Moore (Moore's Stone Crab Restaurant).

Commr. Duncan inquired and Town Manager Dave Bullock noted that Staff can meet with residents in the area to receive input on the proposal prior to adoption of future changes. Discussion ensued on community input options.

Mr. Gene Jaleski, Cedar Street, commented in opposition to the extended parking hours.

Discussion ensued on the options to extend the parking hours and notification to the neighbors to provide adequate notice.

There was consensus to move forward with the request to revise the traffic code for extended parking hours on Broadway.

11. Chief of Police Crime Trend 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.

Following comments by Town Manager Dave Bullock, Police Chief Pete Cumming gave a PowerPoint presentation on the crime trends on Longboat Key and surrounding communities. Discussions were held on the following topics/issues:

- larger percentage of gated communities and condominiums on the South end of Longboat Key which have guard stations at the entrance
- 2009 spike in crime rates across community boundaries
- closed versus open investigations
- opportunistic events (Tropical Storm Debby effects)
- consistent record keeping methods across the years

11. Chief of Police Crime Trend Report - Continued

- information provided to residents and visitors (public outreach flyers advising of ways to protect their property)
- options to provide public information
- process for interviewing/interrogating suspects and information collected to assist in protection methods.

Police Chief Cumming noted that the review on the License Plate Recognition (LPR) system has been completed and the equipment will be tested in the near future. Discussion ensued on the following topics/issues:

- LPR review process
- issues to be addressed relating to placement
- function and purpose of the LPR system
- information the system provides
- testing period.

12. Legislative Priorities

Each year the Town establishes legislative priorities for submittal to the Sarasota County Legislative Delegation, Manatee County Legislative Delegation, and the Manasota League of Cities. The Town Manager will seek Commission direction regarding issues to be brought forward for consideration during this legislative session. Recommended Action: Pending discussion, provide direction to Manager.

Commr. Duncan suggested that Staff submit information on recommendations for the Commission to consider that may impact the functions and services provided by the Town.

Vice Mayor Brenner commented on community based governance and supported the inclusion of protecting Home Rule issues.

Town Manager Dave Bullock advised that Staff will provide a recommendation as quickly as possible.

6. Flood Plain Management Plan 2012 Annual Report & Community Rating System (CRS) Update - Continued

Commr. Larson inquired and Public Works Director Juan Florensa and Public Works Project Manager and Community Rating System Coordinator James Linkogle provided an overview of the Floodplain Management Plan. Discussion ensued on the following topics/issues:

- compliance with Federal and State regulations pertaining to Floodplain Management
- review of existing properties (The Colony) and determination by Citizens' Insurance
- standing water in areas throughout the Town (high tide coinciding with rain events)
- impact of new construction creating standing water areas due to runoff from property

6. Flood Plain Management Plan 2012 Annual Report & Community Rating System (CRS) Update - Continued

- Zoning Codes relating to slope and grade permitted on construction
- repetitive loss outreach/information to residents
- options to post information on the Town's website.

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Vice Mayor Brenner commented on the issues faced by the Colony property on the rebuilding issues and the restrictions in the Voluntary Rebuild program.

Mayor Brown suggested it be addressed during the Planning Review Study to be completed.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson commented on the litigation schedule relating to the Longboat Key Club.

TOWN MANAGER COMMENTS

A. Planning, Zoning, and Building

Town Manager Dave Bullock advised that six responses were received on the Planning Consultants' Request For Proposals (RFP) and that Staff would be reviewing the proposals received.

B. Organizations

Town Manager Dave Bullock advised of receipt of an e-mail from Manatee County requesting participation of the Island Cities in showcasing the new "branding" for Manatee County on October 3, 2012, at 4:00 p.m., to be held at the Anna Maria Island Community Center.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the September 24, 2012, Regular Workshop Meeting at 3:07 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
OCTOBER 1, 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. Gans led the Pledge of Allegiance.

Mayor Brown noted that Manatee County Commission Chairman John Chappie was in attendance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Proclamation - Fire Prevention Week - October 7-13, 2012

Vice Mayor Brenner read and presented the Fire Prevention Week Proclamation to Fire Chief Paul Dezzi. Chief Dezzi commented on the history of the designation of National Fire Prevention Week and noted the importance of pre-planning escape routes in the event of a fire in an individual's residence.

APPROVAL OF MINUTES

2. September 4, 2012 Special Workshop Meeting Minutes

Vice Mayor Brenner noted that he had some inquiries on the Minutes and suggested deferral of consideration until the November 5, 2012, Regular Meeting.

There was consensus to defer consideration of the September 4, 2012, Special Workshop Meeting Minutes until the November 5, 2012, Regular Meeting.

PUBLIC TO BE HEARD

3. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building Department/Resolution 2012-07

Mr. Michael Lendrihas, Tarrawit Drive, commented on the consideration of the Colony Beach and Tennis Resort property later this meeting.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Tourist Development Council (TDC) meeting, noting the appointment of Nicole Rissler, Director of Sports for the Sarasota County Sports Commission.

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COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Government Entities

Commr. Duncan noted the Joint Meeting held earlier this date with the Sarasota Board of County Commissioners and reviewed the issues discussed.

CONSENT AGENDA

4. Fiscal Year 2012-2013 Holiday Schedule

Each year the Town Commission approves a list of scheduled holidays in accordance with the Town's Personnel Rules and Regulations and Resolution 99-19. Resolution 99-19 provides that the Town Commission may approve one additional holiday, usually the day before or after Christmas. This year Christmas falls on Tuesday, and as such Town offices will be closed on Tuesday, December 25th. The Manager recommends the additional holiday as Monday, December 24th. Recommended Action: Approval of the Consent Agenda will approve the Fiscal Year 2012-13 Holiday Schedule.

There was consensus to approve Consent Agenda Item 4 in accordance with Staff's report and recommendation.

ORDINANCES - FIRST READING AND PUBLIC HEARING

5. Ordinance 2012-19, Amending Chapter 158.152, Maximum Hedge Heights

The Planning and Zoning (P&Z) Board recommended denial of Ordinance 2012-19 (previously numbered 2012-15) due to a number of conflicting areas and issues that need to be addressed. The P&Z Board requested that Ordinance 2012-19 be remanded to staff for further review and amendment. Recommended Action: Pending discussion, provide direction to Manager.

Town Clerk Trish Granger placed Ordinance 2012-19 on record for first reading and public hearing by title only.

Mayor Brown opened the public hearing.

Upon inquiry, Planning, Zoning, and Building (PZB) Department Planner Steve Schield commented on consideration of the proposed Ordinance by the Planning and Zoning (P&Z) Board.

Town Attorney David Persson advised that the P&Z Board does not have the authority to supersede the Code which requires that the document be presented to the Town Commission outlining the P&Z Board's recommendation. Town Attorney Persson advised the Commission could accept the recommendation of the P&Z Board or has the authority to consider the Ordinance, pass it on first reading as presented, or amend this date.

Mr. Schield gave a PowerPoint presentation on consideration of the Ordinance by the P&Z Board, noting previous amendments to Section 158.152 in 2008 and the basis for the amendments. Discussions were held on the following topics/issues:

- determination on the use of the word "selective"

5. Ordinance 2012-19, Amending Chapter 158.152, Maximum Hedge Heights - Continued

- street versus waterfront hedge height restrictions
- perceived disadvantages of the proposed amendments
- determination by the Town Commission to remand the hedge height issues back to the P&Z Board for reconsideration.

Mr. Michael Freed, Harbourside Drive, commented on the proposed Ordinance.

Commr. Duncan noted that he had visited the site as President of Marina Bay Condominium Association and commented on the number of units that have an obstructed view due to a hedge planted on Harbour Court property.

Ms. Marie Watts, Harbourside Drive, commented on the proposed Ordinance.

Upon inquiry, Mr. Schield noted the date of the previous amendments in 2008 which removed the six (6) foot hedge height restriction and the basis for the amendments made. Discussions were held with Town Attorney Persson and Mr. Schield on the following topics/issues:

- legal considerations in amending the Code to include restrictions
- uniform enforcement requirements
- options to move forward with the Ordinance as presented by Staff
- impact if a tree is planted in the waterfront yard
- lack of clear definition of measuring point.

Mr. Randy Langley, Norton Street, commented on recent plantings on his property and inquired as to the impact of the proposed Ordinance.

Mr. Schield noted that the required setbacks for the current property on Norton Street. Discussion ensued on the lack of specific definition of the beginning measuring point in the Ordinance.

Mayor Brown requested consensus to remand the Ordinance to Staff to address the issues raised by the P&Z Board.

Town Manager Dave Bullock requested clarification on the inclusion of existing hedges in the Ordinance and providing a period for compliance if included.

Upon inquiry, PZB Department Director Robin Meyer advised that he was not aware of any complaints filed since he began employment in May 2012 and opined that the amendment in 2008 created the unintended consequence for certain properties on Longboat Key.

Discussion ensued on the following topics/issues:

- opportunity for the Bay Isles Master Association to attempt to resolve the issues between the two properties

5. Ordinance 2012-19, Amending Chapter 158.152, Maximum Hedge Heights - Continued

- the impact of the Ordinance amendment to the Harbor Court property
- enforcement of the Ordinance if a complaint is received
- timeframe for consideration of the Ordinance relating to waterfront views
- importance of waterfront views when purchasing a residence on an Island community
- existing restrictions for waterfront lots/current enforcement measures
- issues to be considered by the P&Z Board
- lack of enforcement for a mediation session.

Discussion ensued on existing waterfront yard hedge height restrictions and the intent of the Ordinance.

Mayor Brown moved to remand the Ordinance back to the P&Z Board. The motion was seconded by Commr. Younger.

Following additional comments on the consideration of the Ordinance and the issues to be considered by the P&Z Board, Mayor Brown amended his motion to approve Ordinance 2012-19 on first reading and public hearing in accordance with discussions held this date. Commr. Younger noted agreement to the amended motion if language to define waivers is clearly identified.

Discussion ensued on the waiver allowance identified in Ordinance 2012-19.

Commr. Duncan suggested that the timeframe be reduced from three years to two years for compliance.

Mayor Brown amended his motion to incorporate a two year timeframe for compliance, with agreement by Commr. Younger.

The motion to pass Ordinance 2012-19, as amended, carried by a 4-3 roll call vote, as follows: Brown, aye; Younger, aye; Larson, no; Gans, aye; Brenner, no; Zunz, no; Duncan, aye.

RECESS: 8:27 p.m. - 8:39 p.m.

ORDINANCES - SECOND READING AND PUBLIC HEARING

6. 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. First reading and public hearing was held at the September 4, 2012 Regular Meeting. Ordinance 2012-10 was forwarded for second reading and public hearing at the October 1, 2012 Regular Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-10.

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

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

Commr. Gans moved to adopt Ordinance 2012-10 on second reading and public hearing. 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.

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

7. 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. First reading and public hearing was held at the September 4, 2012 Regular Meeting. Ordinance 2012-17 was forwarded for second reading and public hearing at the October 1, 2012 Regular Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-17.

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

Commr. Younger moved to adopt Ordinance 2012-17. 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 7-0 roll call vote, as follows: Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye; Zunz, aye; Gans, aye.

RESOLUTION AND PUBLIC HEARING

8. 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

8. Quasi-judicial – Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. for Request for Time Extension - Continued

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. Public Hearing and discussion of this request was continued from the September 4, 2012 Regular Meeting and September 24, 2012 Special 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.

Mayor Brown provided an overview of the quasi-judicial public hearing process. Town Attorney David Persson inquired on ex-parte communications and any perceived conflicts relating to the extension request.

Vice Mayor Brenner noted he responded to an e-mail from Dr. Murf Klauber and advised that he has received a phone call from Mr. Greg Rusovich, a member of the Blue Ribbon Panel with assurances that the Panel will continue to work toward resolution of issues. Town Attorney Person inquired, and no questions were raised for Vice Mayor Brenner on the items noted.

Commr. Larson noted conversations with parties involved in the legal proceedings advising that the extent of the conversations were to express frustration with the non-resolution of the legal process. Town Attorney Person inquired, and no questions were raised for Commr. Larson on the items noted.

Commr. Gans noted a response to Dr. Murf Klauber relating to his e-mail. Town Attorney Person inquired, and no questions were raised for Commr. Gans on the items noted.

Mayor Brown opened the public hearing and noted the established time lines for presentations.

Following comments on the timeframe for presentations, Town Attorney Persson noted that if there were no objections, the time limits could be reduced due to the number of previous hearings.

Town Manager Dave Bullock noted that a revised Resolution was provided to the Commission and to all identified parties and reviewed the amendments made to the Resolution considered at previous public hearings, as follows:

- combination of two options for the time extension for entire property
- inclusion of a condition for quarterly reports to be filed by the Association describing progress in attempts to resolve pending litigation beginning in January 2013
- inclusion of a condition requiring that within 90 days from the court determination of who controls the property, a development plan for the property will be submitted
- inclusion of a review process by the Town Manager

8. Quasi-judicial – Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. for Request for Time Extension - Continued

Town Attorney Persson noted an additional grammatical correction on page three of the Resolution advising that the word "order" should be plural (orders).

Upon inquiry, Town Attorney Persson advised that the utilization of the terminology identifying "the Colony" as the responsible party was to provide for changes in ownership based on the outcomes of the legal issues.

Discussion ensued on the lack of definitive terminology to determine if the development plan "appears to be feasible, reasonable, and practical."

Attorney Don Hemke, duly sworn, advised that the Colony Association would be the party complying with Section 4 of revised Resolution 2012-07, and requested consideration to amend Section 3 relating to the case number identified, amendments to the Whereas clauses, additional case numbers outlined in Section 3, pertaining to the phrase "appears to be feasible, reasonable, and practical," and the ability to appeal to the Town Commission if the Town Manager does not approve a development plan.

Town Attorney Persson noted that Section 3 could be expanded to include all of the pending litigation. Commr. Larson inquired and Town Attorney Persson advised that the Commission would need to make a determination on whether to include the entire parcel or just the portion controlled by the Association.

Attorney Hemke noted the intent to include the entire parcel but advised that his client has only 15 acres assigned to the Association at the current time and did not have control of the entire parcel.

Mayor Brown noted that the Town Commission is seeking resolution of issues on the entire property.

Upon inquiry, Town Attorney Persson noted the extension would be granted for the entire property, providing significant time to resolve the outstanding legal issues and time to accomplish the redevelopment. Discussion ensued with Town Attorney Persson on the following topics/issues:

- the inclusion of 18 versus 15 acres in the extension request
- the request to delete the word "Restore" from Section 4.3 (page 4 of the Resolution)
- option to modify the language for Section 4.3 to reflect "Restore to an acceptable level"
- option to include the language in Section 3 identifying the Town Manager to be added to Section 4
- cost to the Town to supervise the activities required in the Resolution/lack of fee for oversight services
- previous legal case relating to charging for administrative services/fees in Code Enforcement cases
- lack of substantive confidence in the Association's efforts to date
- identification of vendors to be utilized in the upkeep of the property

8. Quasi-judicial – Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. for Request for Time Extension - Continued

- timeframe outlined through the year 2015 versus length of time required to process through the Court system
- option for determination of a rebuild versus a rehabilitation by December 31, 2012, followed by short term extensions
- expected timeframe to process the legal cases through the Court system.

Attorney Charles Bartlett, duly sworn, commented on the previous presentations and the lack of specific requirements to be fulfilled by the Association, reviewed the actions of the Court processes, advised that the Association has been in control of the property for the past two years, and commented on the timeframe outlined in Section 3 of the Resolution. Discussion ensued on the following topics/issues:

- determination on whether to approve an additional extension
- recommendation to set a definitive timeframe to begin rebuild/rehabilitation
- impact of delays pending resolution of court rulings
- current status of communication between the parties
- preference to grant extension or sunset the grandfathering
- control of the parties to resolve the issues
- option to reduce the timeframe for the extension.

Mr. Larry Grossman, St. Judes Drive, duly sworn, commented on the proposed extension and other options to consider in lieu of an extension. Individual comments followed.

Mayor Brown closed the public hearing.

Discussion ensued on the following topics/issues:

- reducing the timeframe for the extension
- option to hold a referendum relating to the redevelopment and/or the Town's purchase of the property
- options to require more frequent reporting requirements (monthly or quarterly)
- designation of units as tourism in lieu of residential
- inclusion of enforceable conditions for the property.

Commr. Duncan moved to pass Resolution 2012-07. The motion was seconded by Commr. Younger.

Upon inquiry, Town Attorney Persson reviewed the following items included in the revised Resolution 2012-07, distributed to the Commission for consideration this date:

- inclusion of underlined language in Resolution 2012-07
- page 3 of 5, second "Whereas" clause modifying the word "order" to "orders"
- page 4 of 5, first paragraph of Section 3, to read:
"An extension of time is granted until a final determination is made concerning control of the Colony (the entire site including the condominium parcel and out parcels) either as a result of pending litigation (inclusion of litigation case numbers) or until a negotiated settlement is reached by the parties. (Note: Remainder of Section 3 as presented)."

8. Quasi-judicial – Resolution 2012-07, Colony Beach and Tennis Club Association, Inc. for Request for Time Extension - Continued

- page 4 of 5, second paragraph, fourth sentence of Section 3, to read:
"Once the development plan is approved by the Town Manager or Town Commission compliance with it shall become a condition of this extension."

Discussions were held on the following topics/issues regarding Resolution 2012-07:

- page 4 of 5, second paragraph, first sentence of Section 3, relating to the phrase "feasible, reasonable, and practical"
- lack of timeframe to submit regular reports on status of litigation or negotiations
- weight of "Whereas" clauses and options to clarify that the property is a tourist/tourism facility/inclusion of language in Section 6 (page 5 of 5) designating the units as tourism units
There was consensus to incorporate an additional "Whereas" clause emphasizing the units are tourism units.
- Section 4 (pages 4 and 5) designed to protect abutting property owners
- option to modify the date in Section 7 (page 5 of 5) from 2015 to 2013.

Attorney Hemke advised that the timeframe, if modified from 2015 to 2013, would not provide adequate time for the property owners to accomplish the necessary tasks/conditions.

Discussion ensued on the timeframe modification suggested for the extension.

Mayor Brown noted a proposed amendment motion by Commr. Gans to amend the extension deadline from December 31, 2015 to December 31, 2013. The motion was seconded by Commr. Zunz. Following discussion, the motion carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye.

Town Attorney Persson submitted the following language for incorporation as the last "Whereas" clause in Resolution 2012-07:

Whereas, the extension granted herein is for tourism units and uses as defined by the Town Zoning Code.

There was consensus to include the Whereas clause, as submitted, in Resolution 2012-07.

The motion to pass Resolution 2012-07, as amended, carried by a 7-0 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Gans, aye; Zunz, aye; Brenner, aye; Brown, aye.

RECESS: 10:31 p.m. - 10:41 p.m.

NEW BUSINESS

9. Legislative Priorities

Each year the Town establishes legislative priorities for submittal to the Sarasota County Legislative Delegation, Manatee County Legislative Delegation, and the Manasota League of Cities. The Town Manager will seek Commission direction regarding issues to be brought forward for consideration during this legislative session. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Commr. Duncan, there was consensus to include support for continued red tide funding and sea grass funding.

Vice Mayor Brenner noted Item 9, relating to Home Rule, was critical to municipal governments and requested to move the issue as the first on the list and to add Items 4, 5, and 8 as bullet points under the Home Rule item, without objection.

Mayor Brown noted the Legislative Priorities list was to be a topic of discussion at the Council of Governments meeting scheduled for October 2, 2012.

Commr. Duncan inquired and Vice Mayor Brenner suggested that local support for civility be established prior to inclusion on the current list.

Commr. Larson moved to approve the Legislative Priorities list as amended. 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.

Vice Mayor Brenner requested that Town Clerk Trish Granger prepare the revised list and distribute to the Town Commission via e-mail on October 2, 2012.

10. Appointment to Fill Vacancies on the Firefighters' Retirement System Board of Trustees and Police Officers' Retirement System Board of Trustees

Appointments for the expiring or open seats on the Firefighters' Retirement System Board of Trustees and the Police Officers' Retirement System Board of Trustees will be considered at the October 1, 2012 Regular Meeting. Recommended Action: Pending discussion, appoint Retirement System Board members.

Following comments by Mayor Brown on the procedure for filling vacancies, Town Clerk Granger proceeded with a roll call for the appointment to Firefighters' Retirement System Board of Trustees, as follows:

- Commr. Younger cast a ballot for Gerald Feder.
- Commr. Larson cast a ballot for Joseph Iannello.
- Vice Mayor Brenner cast a ballot for Gerald Feder.
- Mayor Brown cast a ballot for Gerald Feder.
- Commr. Duncan cast a ballot for Joseph Iannello.
- Commr. Zunz cast a ballot for Gerald Feder.
- Commr. Gans cast a ballot for Gerald Feder.

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

10. Appointment to Fill Vacancies on the Firefighters' Retirement System Board of Trustees and Police Officers' Retirement System Board of Trustees - Continued

Mr. Feder was reappointed to the Firefighters Retirement System Board of Trustees for a term effective through September 30, 2014.

Town Clerk Granger proceeded with a roll call for the appointment to Police Officers' Retirement System Board of Trustees, as follows:

Commr. Larson cast a ballot for Joseph Iannello.
Vice Mayor Brenner cast a ballot for Frank Cona.
Mayor Brown cast a ballot for Frank Cona.
Commr. Duncan cast a ballot for Joseph Iannello.
Commr. Zunz cast a ballot for Joseph Iannello.
Commr. Gans cast a ballot for Joseph Iannello.
Commr. Younger cast a ballot for Joseph Iannello.

Mr. Iannello was appointed to the Police Officers' Retirement System Board of Trustees for a term effective through September 30, 2014.

Upon inquiry, Town Clerk Granger reviewed the term expirations, the composition of the Boards (two resident members, two employee members of the retirement fund, and one at-large member) and discussed the upcoming Board vacancies.

TOWN COMMISSION COMMENTS

A. Civility

Vice Mayor Brenner commented on civility issues and commended Mr. Bradford Saivetz on his recent article.

Commr. Zunz noted that Mr. Saivetz voted in favor of the Longboat Key Club application when he was a member of the Planning and Zoning Board.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson noted distribution of the quarterly litigation update and noted and reviewed that the final orders have been submitted on the Longboat Key Club litigation case.

TOWN MANAGER COMMENTS - No items were presented

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown advised that a group photo would be taken at the October 15, 2012, Regular Workshop meeting.

ADJOURNMENT - Continued

Mayor Brown adjourned the October 1, 2012, Regular Meeting at 10:56 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 WORKSHOP MEETING
OCTOBER 15, 2012 - 1:00 P.M.**

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

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Zunz led the Pledge of Allegiance.

PUBLIC TO BE HEARD

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

COMMITTEE REPORTS AND COMMUNICATIONS

2. Manatee County Special Liaison Report

Commr. Zunz noted that she and Vice Mayor Brenner attended the Manatee County Tiger Bay meeting which included a debate between District 71 candidates and commented on the civility held and maintained by the candidates during the debate.

3. Sarasota County Special Liaison Report - No items were presented.

4. Other Reports

A. Organizations

Vice Mayor Brenner noted attendance at the Manatee Economic Development Council meeting and noted the issues discussed.

B. Organizations

Vice Mayor Brenner noted attendance at the Manatee Tourist Development Council meeting with Commr. Zunz and noted the issues discussed.

C. Organizations

Vice Mayor Brenner noted attendance at the Manatee Council of Governments meeting and noted the issues discussed.

Commr. Duncan inquired as to the "branding" program initiated by Manatee County and Mayor Brown advised that he intended to request the issue be addressed at a future workshop.

Mayor Brown noted issues that need to be addressed and discussed jointly with the Manatee County Commission.

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4. Other Reports - Continued

C. Organizations - Continued

Vice Mayor Brenner noted that several other entities were not included in the "branding" program and that they expressed disappointment on lack of inclusion.

5. Fredrick "Rick" J. Piccolo, A.A.E., President, Chief Executive Officer, Sarasota Manatee Airport Authority

Mr. Frederick Piccolo gave a PowerPoint presentation entitled "Do You SRQ? - Your Town, Your Airport" providing information on the services of the airport and economic impact the services provide to the Sarasota-Bradenton area. Mr. Piccolo requested the Commission's support for the SRQ Advocate Pledge.

Commr. Gans suggested that an annual report be provided to the Commission. Discussions were held on the following topics/issues:

- departure of Southwest/AirTran Airlines service
- premium ticket prices/options to take advantage of pricing opportunities
- marketing efforts with emphasis on convenience and reduced taxi/parking fees
- options to create a "cell phone" lot.

Mr. Andrew Aitken, Emerald Harbor, commented on the departure paths and the intent to limit the environmental impact to the barrier islands and noted inconsistencies in compliance with the established departure path.

Mr. Piccolo noted previous meetings with Mr. Aitken regarding the compliance with the departure paths.

Mr. Aitken advised that Mr. Piccolo has been assisting him and that he has spoken with the Federal Aviation Authority (FAA) and noted the responses he has received.

Discussions were held on the efforts to draw additional attention to the issues and steps the Commission can take to assist Mr. Aitken on the departure paths.

Mr. Gene Jaleski, Cedar Street, commented on the departure paths and the impact of noise pollution on the Town's residents and visitors and suggested the Town Commission send correspondence to the appropriate agencies regarding enforcement of the departure paths.

CONSENT ITEMS

6. Proposed Resolution 2012-19, Providing Transmittal of a 10-year Water Supply Plan

Florida Statutes require the Town to maintain a 10-year potable water supply work plan which must be updated every five years by the Town in conjunction with the update by the Southwest Florida Water Management District. Resolution 2012-19 has been forwarded from the September 18, 2012 Planning & Zoning (P&Z) Board Meeting with approval unanimously recommended. The Resolution provides for transmittal of the updated Infrastructure Element and supplemental Data and Analysis (D&A) to the Department of Economic Opportunity, other regulatory agencies, and local governments for review and comment.

CONSENT ITEMS - Continued

6. Proposed Resolution 2012-19, Providing Transmittal of a 10-year Water Supply Plan - Continued

Recommended Action: Approval of the Consent Agenda will forward Resolution 2012-19 to the November 5, 2012 Regular Meeting for public hearing and formal action.

7. Proposed 2013 Town Commission Meeting Schedule

Each year the Town Commission establishes their annual meeting schedule for the upcoming calendar year. The proposed 2013 Town Commission Meeting Schedule is being forwarded for consideration at the October 15, 2012 Regular Workshop Meeting. Recommended Action: Approval of the Consent Agenda will forward this item to the November 5, 2012 Regular Meeting Consent Agenda for formal action.

Commr. Duncan requested that Item 7 be removed from the Consent Agenda and Mayor Brown noted Item 7 would be discussed at the end of the scheduled agenda items.

There was consensus to approve Item 6 in accordance with Staff's report and recommendation.

DISCUSSION ITEMS

8. Update Regarding Telecommunications Study Report

At the April 19, 2012 Regular Workshop Meeting TE Connectivity presented the results of their telecommunications study which included information on signal strength and quality, results of propagation studies, alternative solutions, cost estimates, and information on emerging technology. The Town Commission directed staff to follow up with service providers regarding solutions they may propose, review the Town's legal obligations, and conduct a review of the Town Code as related to telecommunications. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Brown noted receipt of requests to extend the public input portion to allow additional time and explained that the purpose of the discussion was to receive an update and to deliberate on policy direction to Staff.

Town Manager Dave Bullock noted the intent to address policy issues and advised that Public Works Project Manager James Linkogle, Planning, Zoning, and Building (PZB) Department Director Robin Meyer, and Assistant Town Attorney Kelly Fernandez would be assisting in the presentation.

Assistant Town Attorney Fernandez provided an overview of legal considerations in the development of a policy relating to cellular (cell) towers regarding Federal and State Laws. Discussions were held with Town Manager Bullock, Assistant Town Attorney Fernandez, Mr. Linkogle, and Mr. Meyer on the following topics/issues:

- the legal consideration relating to a written final decision based on substantial evidence requirements by Federal law
- local governmental issues that are permitted in the consideration of a cell tower petition
- permissible gaps in service under the Federal law

8. Update Regarding Telecommunications Study Report - Continued

- determination of height considerations/collapse zone distance restrictions
- design of tower with consideration of a collapse zone
- antennae allowance of 10 feet above tallest portion of structure
- process for determination of MHz ranges for voice signal strengths/defined coverage range quality
- recommendations reached by TE Connectivity relating to the use of a Distributed Antenna System (DAS)
- options to optimize current facilities
- extent of TE Connectivity studies and buildings reviewed
- regulations in other jurisdictions prohibiting cell towers in residential districts
- regulations currently in place within the City of Sanibel
- research performed on impact on location of a cell tower near residential property value
- maximum heights included in the Codes from other jurisdictions
- restrictions in the Town's existing Code relating to placement of an antenna in a church/religious facility steeple.

Upon inquiry, Mr. Gus Sclafani advised that he had installed a booster system at his personal residence and opined that he receives excellent signal strength and advised of the estimated cost of installation of the system.

RECESS: 2:42 p.m. - 2:50 p.m.

8. Update Regarding Telecommunications Study Report - Continued

Attorney Mary Solik, representing Riden Industries, commented on cellular service on Longboat Key and existing regulations relating to cell towers and supported Code amendments to provide adequate cell service to the island. Discussions were held with Attorney Solik on the following topics/issues:

- breakdown of 9-1-1 calls that may have been impacted by current service
- non-support of DAS by cellular carriers
- utilization of property in residential zoning designations
- lack of studies on impact of poor cell service on value of property.

Following comments by Mayor Brown, Mr. Gene Jaleski, Cedar Street, commented that cellular carriers had to have certification by 2011 and gave a PowerPoint presentation entitled "No Island for Old Cell Towers." Mr. Jaleski requested consideration to include provisions for data consumption and, upon inquiry, discussed the LTE terminology in cellular usage. Discussions were held on the terminology utilized and future advancements in the cellular field.

Upon inquiry, Town Manager Bullock commented on the correspondence from Mr. Thomas Giacomo and noted that the providers were asked if future cellular system advancements would negate the need for additional towers. Discussions were held on policy decisions that will be considered by the Town Commission.

8. Update Regarding Telecommunications Study Report - Continued

Mr. Ronald Platt, Gulf of Mexico Drive, gave a PowerPoint presentation entitled "3 Minutes of Suggestions and Pictures."

Attorney Charlie Bailey, representing Grand Mariner, commented on the Town's existing Codes, compatibility issues with construction of cell towers, and State and Federal regulations providing latitude to local governments.

Mr. Larry Grossman, St. Judes Drive North, commented on the determination of public necessity and Commission policy. Discussion ensued with Assistant Town Attorney Fernandez on compliance with Federal and State legislation relating to the placement of cell towers.

Attorney Michael Furen, representing Mr. Gus Sclafani and Ms. Doreen Erickson, commented on the authority of local governments in the regulation of cell towers.

Mr. Rusty Monroe, Consultant for the Center for Municipal Solutions, commented on the placement of towers and wireless facilities and noted that many options are available in consideration of policy decisions. Commr. Younger inquired and Mr. Monroe advised he would provide information on the information he discussed.

Mr. Tom Aposporos, representing the Longboat Key Chamber of Commerce, commented on cell service on Longboat Key.

RECESS: 4:12 p.m. - 4:20 p.m.

8. Update Regarding Telecommunications Study Report - Continued

Mayor Brown suggested that the starting point include the hierarchy example (page 23 of PowerPoint presentation) outlined by Staff and to consider the utilization of a consultant. Discussion ensued on the following topics/issues:

- identification of the problems and possible solutions
- establishing a timeframe for action
- identification and elimination of properties for utilization by cellular service providers
- Staff recommendations outlined (page 22 of PowerPoint presentation) relating to "best options"
- cellular transformation through "4G" service
- existing service deficiencies
- development of policies to consider future petitions
- ranking of hierarchy examples
- policy determinations to be made.

Town Manager Bullock reviewed the broad objectives outlined and the hierarchy examples presented and outlined his understanding of the Town Commission's direction to proceed with a Comprehensive (Comp) Plan Policy, development of Zoning Code amendments, compilation of possible Code requirements in one section of the Code, clarification on Commission policy, and a follow-up workshop to determine if Staff was moving in the preferred direction.

8. Update Regarding Telecommunications Study Report - Continued

Discussion ensued with Town Manager Bullock and Assistant Town Attorney Fernandez on the process to proceed with Comp Plan policies and the timeline for consideration and enactment of policies developed.

There was consensus to direct Staff to present recommended Comp Plan language and a support statement and to develop a hierarchy, as adjusted this date.

Vice Mayor Brenner suggested that each workshop include a telecommunications topic update.

There was consensus to have the Town Manager provide a monthly update on the process.

9. Community Center Update

At the May 24, 2012 Regular Workshop Meeting the Town Commission directed staff to begin an effort for collection of data relating to the community's needs as related to development of a new community center. Public Works staff has researched potential users if a new community center is built. Research results will be presented at the October 15, 2012 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock and Public Works Engineer Anne Ross, Public Works Facilities and Recreations Manager Mark Richardson gave a PowerPoint presentation on potential users of a new community center and provided an overview of the responses received.

Town Manager Bullock noted that no formal commitments were sought from the entities that might utilize the facility. Discussions were held on the following topics/issues:

- identification to condominium associations offering as meeting locations
- clarification on the proposed concept building design configuration
- intent to divide the rooms to accommodate various activities
- classes being offered by various organizations.

Mr. Gene Jaleski, Cedar Street, inquired as to creating direct competition to local business by offering similar classes and suggested that the issue should be taken to the voters.

Mr. Larry Grossman, St. Judes Drive North, commented on the classes currently offered on Longboat Key advising that he travels off-island for classes and opined that the design should meet the needs of the citizens.

Ms. Beverly Shapiro, Gulf of Mexico Drive, commented on previous consideration of a community center and the purpose of the building to serve the community.

Town Manager Bullock noted that the Commission, at a future date, would need to provide direction on how staff was to proceed.

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10. Proposed Ordinance 2012-28, Budget Transfer in the Amount of \$40,000 for Completion of Linley Street Boat Ramp

The Linley Street public boat ramp is a 30-year old Town-owned facility and is the only public boat ramp located within the Town. The Town submitted for, and received, \$31,000 in West Coast Inland Navigation District (WCIND) grant funding for the boat ramp replacement project. The lowest bid received was \$76,670. Staff has requested, but is not guaranteed, additional funding assistance from WCIND. In order to ensure completion of the project a budget transfer in the amount of \$40,000 is requested. Proposed Ordinance 2012-28 provides for the required budget transfer. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted the intent to seek additional WCIND funds for the project and requested Commission direction on moving forward or postponing the project until funding is identified.

Finance Director Thomas Kelley advised that the funding was encumbered from the Parks and Recreation Capital Projects fund.

Vice Mayor Brenner inquired and Town Manager Bullock advised that the funding is from Manatee County and adding a boat ramp at Bayfront Park would be in Sarasota County and the funding for the Linley Street ramp could not be utilized.

Upon inquiry, Public Works Project Manager James Linkogle provided an overview of the project.

Mayor Brown requested that future reports include map locations for Town facilities and inquired as to the volume of usage. Discussion ensued on the following topics/issues:

- anticipated usage and issues that may result if use increases
- restricted parking areas/existing parking
- current condition of boat ramp
- distance to Coquina boat ramp
- identification of funding sources for contract overage
- \$600,000 Parks and Recreation Capital Fund.

There was consensus to forward Ordinance 2012-28 for first reading.

7. Proposed 2013 Town Commission Meeting Schedule - Continued

Each year the Town Commission establishes their annual meeting schedule for the upcoming calendar year. The proposed 2013 Town Commission Meeting Schedule is being forwarded for consideration at the October 15, 2012 Regular Workshop Meeting. Recommended Action: Approval of the Consent Agenda will forward this item to the November 5, 2012 Regular Meeting Consent Agenda for formal action.

Commr. Duncan inquired as to modifying the November and December 2013 meeting dates to provide additional time for Commissioner travel over the holidays.

7. Proposed 2013 Town Commission Meeting Schedule - Continued

Commr. Gans requested and Assistant to Town Manager Susan Phillips confirmed the Statutory Meeting date in March 2013.

Following discussion, there was consensus to amend the proposed calendar to reflect November 13, 2013 and December 11, 2013 for the Regular Workshop Meetings in 2013.

TOWN COMMISSION COMMENTS

A. Police Department

Vice Mayor Brenner complimented Police Chief Pete Cumming on his recent newspaper article relating to policing issues on Longboat Key.

B. Planning, Zoning, and Building Department

Vice Mayor Brenner commented on the abandoned property (gas station) at the North end of Longboat Key.

Town Manager Dave Bullock commented on private property rights relating to property appearance that is not addressed in the Town Code and advised that the Town Commission will be considering an Ordinance relating to property standards at the November Regular Workshop Meeting.

C. Planning, Zoning, and Building Department

Commr. Gans inquired as to the status of removal of the palm tree located in front of the Colony property. Town Manager Dave Bullock advised that he will contact the Colony representatives.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Government Agencies

Town Manager Dave Bullock noted receipt of correspondence from the Sarasota County School Board relating to a scheduled Convocation of Governments meeting for School Facility Planning, advised that the School Board has indicated that no new facilities are being planned, and requested consensus on cancelation of the January 18, 2013, joint meeting.

There was consensus to support cancellation of the Convocation of Governments meeting scheduled for January 18, 2013.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the October 15, 2012, Regular Workshop Meeting at 5:57 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
OCTOBER 15, 2012 - 6:03 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

Mayor Brown called the Special Meeting to order at 6:03 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

ORDINANCE – SECOND READING AND PUBLIC HEARING

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 second reading, public hearing, and discussion, adopt Ordinance 2012-24.

Town Clerk Trish Granger placed Ordinance 2012-24 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2012-24. The motion was seconded by Commr. Duncan.

Mayor Brown opened the public hearing. As no one wished to speak, the public hearing was closed.

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

ADJOURNMENT

Mayor Brown adjourned the October 15, 2012, Special Meeting at 6:05 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
NOVEMBER 5, 2012 - 7:00 P.M.**

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

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

Not Present: Commr. Pat Zunz

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. Demonstration of New Town of Longboat Key Website

Following comments by Town Manager Dave Bullock, Information Technology (IT) Director Kathi Pletzke provided an overview of the Town's newly reformatted website. Individual comments followed.

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building

Ms. Edna Bogoff, Gulf of Mexico Drive, commented on the overgrowth on neighboring property noting safety concerns if the underbrush should catch fire.

B. Public Works

Ms. Madelyn Spoll, Harbourside Drive, commented on the loss of services on Longboat Key, sporadic cellular service, and opportunities for redevelopment.

Upon inquiry, Town Manager Dave Bullock advised that no cellular providers or vendors have offered to install DAS (Distributed Antenna System) at no charge on Longboat Key.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Vice Mayor Brenner noted attendance at the following meetings and reviewed the issues discussed: Sarasota County Economic Development Corporation (EDC), the joint meeting of the Sarasota County Tourist Development Council (TDC) and Sarasota Board of County Commission (BOCC), and the regular meeting of the Sarasota County TDC.

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

8. Ordinance 2012-19, Amending Chapter 158.152, Maximum Hedge Height

At the October 1, 2012 Regular Meeting the Town Commission held first reading and public hearing on Ordinance 2012-19. The Ordinance was forwarded to the November 5 2012, Regular Meeting for second reading and public hearing. At their June 19, 2012 Planning and Zoning (P&Z) Board Meeting, the Board recommended denial of Ordinance 2012-19 (previously numbered 2012-15) due to a number of conflicting areas and issues that need to be addressed. Recommended Action: Pending second reading, public hearing, and discussion, adopt, or provide direction to Manager.

Commr. Larson requested consideration to continue the public hearing on Agenda Item 8, Ordinance 2012-19, relating to hedge heights, due to the absence of Commr. Zunz.

Upon inquiry, Town Attorney David Persson advised that the Commission could advance consideration of Agenda Item 8 and then resume to the regular order of the agenda.

There was consensus to advance consideration of Agenda Item 8. (See item later this meeting.)

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Organizations

Mayor Brown noted recent sporting events held on Longboat Key and advised of the favorable comments received regarding the community.

APPROVAL OF MINUTES

3. September 4, 2012 Special Workshop Meeting; September 4, 2012 Regular Meeting; September 24, 2012 Special Meeting (Colony); and September 24, 2012 Special Meeting (Budget) Minutes

There was consensus to approve the minutes as submitted.

CONSENT AGENDA

4. 2013 Town Commission Meeting Schedule

Each year the Town Commission establishes their annual meeting schedule for the upcoming calendar year. The proposed 2013 Town Commission Meeting Schedule was discussed at the October 15, 2012 Regular Workshop Meeting and forwarded to the November 5, 2012 Regular Meeting for adoption. Recommended Action: Approval of the Consent Agenda will forward adopt the 2013 Town Commission Meeting Schedule.

5. 2012 Longboat Key Gourmet Lawn Party (F/K/A St. Jude's Gourmet Luncheon)

Over the past three years the Longboat Key St. Jude's Gourmet Luncheon has evolved into an event that may require reconsideration of the Town's active and financial participation. A brief report is presented regarding the current level of Town staffing and participation. Recommended Action: Approval of Consent Agenda confirms approval for continuing Town support of this event.

There was consensus to approve Agenda Items 4 and 5 as submitted and in accordance with Staff's recommendations.

ORDINANCES - SECOND READING AND PUBLIC HEARING

8. Ordinance 2012-19, Amending Chapter 158.152, Maximum Hedge Height - Continued
At the October 1, 2012 Regular Meeting the Town Commission held first reading and public hearing on Ordinance 2012-19. The Ordinance was forwarded to the November 5 2012, Regular Meeting for second reading and public hearing. At their June 19, 2012 Planning and Zoning (P&Z) Board Meeting, the Board recommended denial of Ordinance 2012-19 (previously numbered 2012-15) due to a number of conflicting areas and issues that need to be addressed. Recommended Action: Pending second reading, public hearing, and discussion, adopt, or provide direction to Manager.

Town Clerk Trish Granger placed Ordinance 2012-19 on record for second reading and public hearing by title only.

Discussion ensued on the following topics/issues:

- the previous public hearing and discussions held at that meeting
- option to continue the public hearing to ensure that the winter residents have the ability to discuss the issue
- intent to consider the Ordinance at a later date versus denying the Ordinance this date
- the importance of protecting the water view throughout the community
- lack of requirements for arbitration between parties
- determination of various types of shrubbery/hedges
- respect for private property rights
- issues to be considered on additional properties throughout the Town.

Commr. Younger moved to postpone consideration of the Ordinance until the January or February Regular Meeting and to remand the Ordinance for further review to the Planning and Zoning (P&Z) Board. The motion was seconded by Commr. Duncan.

Following clarification by Town Attorney David Persson, discussion ensued on the following topics/issues:

- option to hold a joint meeting with the P&Z Board
- amendments that may be recommended by the P&Z Board
- reconsideration of the issue by the P&Z Board.

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

Town Manager Dave Bullock commended the parties (Harbor Court and Marina Bay) in the resolution of hedge dispute and confirmed the issues to be considered by the P&Z Board.

ORDINANCES - FIRST READING

6. Ordinance 2012-30, Amending Chapter 74, Parking Schedules

At the September 24, 2012 Regular Workshop Meeting the Town Commission considered a request from owners of Mar Vista and Moore's Stone Crab Restaurants to amend the parking hours on Broadway, between Lois Avenue and Bayside Drive, to provide an additional 2 hours to accommodate evening diners. Staff was directed to draft an ordinance to formalize the amendment and to meet with adjacent property owners. Recommended Action: Pending first reading and discussion, forward to December 3, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-30 on record for first reading by title only.

Commr. Gans moved to pass Ordinance 2012-30 on first reading and to forward the Ordinance to the December 3, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brenner.

Planning, Zoning, and Building Department Planner Steve Schield presented an overview of the proposed amendments to Chapter 74 and noted additional public meetings to provide an overview to Community members. Upon inquiry, Mr. Schield reviewed the responses received from the presentations and discussions held with Community members.

Mr. Alan Moore, representing Moore's Stone Crab Restaurant, spoke in favor of the proposed amendments and the issues created by purported illegal rentals on Jewfish Key. Mr. Moore commented on the hours of operation of his restaurant and commented on the rentals on Jewfish Key. Discussion ensued on the activities occurring on Jewfish Key.

Mr. Gene Jaleski, Cedar Street, requested consideration to postpone action on the parking issue until the winter residents return and/or the opportunity to present to the Community is accomplished.

Mr. Samir Ragheb, Bayside Drive, commented on the proposed Ordinance, submitted a document relating to the history of the restaurant service, and displayed photos of the current parking issues encountered on the roadway.

Ms. Corinne Silver Ragheb, Bayside Drive, commented on the proposed Ordinance and noted concern with extending the parking hours on the roadways and the activities on Jewfish Key.

Upon inquiry, Police Chief Pete Cumming commented on the existing parking/street access and his knowledge of the area relating to impediment of emergency vehicles in the area.

Following comments by Commr. Duncan on the requested input from the community, Mr. Ragheb commented on the continual parking of a van on a side street by a resident of Jewfish Key.

6. Ordinance 2012-30, Amending Chapter 74, Parking Schedules - Continued

Following comments on the hours the public boat ramp is open versus hours for permitted street parking, Commr. Larson moved to approve the parking hours on Broadway to 11:00 p.m. and to continue to receive public input prior to the second reading and final action on the Ordinance. Mayor Brown advised that there was a motion on the floor to pass the Ordinance providing for the 11:00 p.m. parking hours.

Subsequent to discussion on options to forward the Ordinance to the February 4, 2013, Regular Meeting, Commr. Larson moved to allow a temporary parking approval on Broadway Street until 11:00 p.m.

Town Attorney David Persson advised that the Ordinance under consideration could be amended this date to include a sunset clause or could be adopted as submitted and repealed at a future meeting.

The motion died for lack of a second.

Commr. Larson moved to amend Ordinance 2012-30 to provide for a temporary extension of parking hours on Broadway to coincide with permitted hours at other Town facilities (until 11:00 p.m.) and to provide for a sunset date no later than April 30, 2013. Mayor Brown seconded the motion.

Following comments, Commr. Duncan suggested a shorter sunset period and moved to amend the first amendment to the main motion to sunset the Ordinance on February 28, 2013. The amendment was seconded by Commr. Larson.

Following clarification on the motions on the floor, the motion to amend the first amendment to the sunset date carried by a 5-1 roll call vote, as follows: Duncan, aye; Larson, aye; Brown, aye; Brenner, aye; Younger, no; Gans, aye.

Following clarification on the intent of the motion, the first amendment to the motion to incorporate a sunset date, as amended, carried by a 5-1 roll call vote, as follows: Larson, aye; Brown, aye; Duncan, aye; Gans, aye; Younger, no; Brenner, aye.

Individual comments followed on the issues raised relating to police coverage (overnight parking, vehicle break-ins) and purported code enforcement violations concerning property rentals on Jewfish Key.

Following clarification of the motion on the floor, the main motion to pass Ordinance 2012-30, as amended, carried by a 6-0 roll call vote, as follows: Gans, aye; Brenner, aye; Larson, aye; Duncan, aye; Younger, aye; Brown, aye.

10. Other Business

A. Organizations

Vice Mayor Brenner noted that Mr. Jeff Mayers, recently appointed General Manager of the Longboat Key Club, was in attendance at the meeting.

RECESS: 8:47 p.m. - 8:55 p.m.

ORDINANCES - FIRST READING AND PUBLIC HEARING

7. Ordinance 2012-28, Budget Transfer in the Amount of \$40,000 for Completion of Linley Street Boat Ramp

The Linley Street public boat ramp is a 30-year old Town-owned facility and is the only public boat ramp located within the Town. The Town submitted for, and received, \$31,000 in West Coast Inland Navigation District (WCIND) grant funding for the boat ramp replacement project. The lowest bid received was \$76,670. Staff has requested, but is not guaranteed, additional funding assistance from WCIND. In order to ensure completion of the project a budget transfer in the amount of \$40,000 is requested. Proposed Ordinance 2012-28 provides for the required budget transfer. Recommended Action: Pending first reading, public hearing, and discussion, forward to December 3, 2012, for second reading, public hearing and discussion.

Town Clerk Trish Granger placed Ordinance 2012-28 on record for first reading and public hearing by title only.

Commr. Larson moved to pass Ordinance 2012-28 and to forward to the December 3, 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 speak, the public hearing was closed.

Mayor Brown commended Staff for the map details included in the Staff report.

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

RESOLUTIONS

9. Resolution 2012-19, Providing for Transmittal of a 10-year Water Supply Plan

Florida Statutes require the Town to maintain a 10-year potable water supply work plan which must be updated every five years by the Town in conjunction with the update by the Southwest Florida Water Management District. Resolution 2012-19 has been forwarded from the September 18, 2012 Planning & Zoning (P&Z) Board Meeting with approval unanimously recommended. The Resolution provides for transmittal of the updated Infrastructure Element and supplemental Data and Analysis (D&A) to the Department of Economic Opportunity, other regulatory agencies, and local governments for review and comment. Recommended Action: Pending discussion, pass Resolution 2012-19.

Town Clerk Trish Granger placed Resolution 2012-19 on record by title only.

Commr. Gans moved to pass Resolution 2012-19. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Gans, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye.

TOWN COMMISSION COMMENTS

A. Budgets

Vice Mayor Brenner commented on the approval of the Kiwanis event and noted that discussions were held on developing a grant application process.

Following individual comments, there was consensus to discuss a grant application process, to include in-kind services, at a future Workshop.

B. Organizations

Vice Mayor Brenner noted that a vacancy exists on the Sarasota County Tourist Development Council and requested that correspondence be drafted supporting the appointment of Mr. Jeff Mayers, General Manager of the Longboat Key Club.

There was consensus to prepare a letter of support for Mr. Mayers appointment.

C. Resolutions

Vice Mayor Brenner noted that the first thirty day compliance period had passed relating to the Colony property on the grandfathering extension granted and inquired as to the status of compliance by the parties.

Town Manager Dave Bullock noted that he and Town Attorney David Persson had a recent discussion with the Attorney for the Colony property owners and that they were awaiting the submission of documents relating to the landscaping/maintenance, pest control requirements, the cash bond requirement, and the proposal to address the ingress/egress of the buildings on the property.

Discussion ensued on the following topics/issues:

- clean up entry area on Gulf of Mexico Drive (existing conditions not acceptable)
- existing blank sign
- inclusion of issue on the November 12, 2012, Regular Workshop Agenda regarding items that are required to be addressed within thirty days
- requirements for reopening/compliance with FEMA (Federal Emergency Management Agency), Town, and State building codes
- issues to be considered and authority to address issues to be completed
- timeframe for repairs based on recent court ruling and impact for the initiation of work.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Legislation

Town Manager Dave Bullock commented on the RESTORE (Resources and Ecosystems Sustainability, Tourist Opportunity, and Revived Economies of the Gulf States Act of 2011) Act and noted four potential projects to be considered for funding for Longboat Key, as follows:

TOWN MANAGER COMMENTS - Continued

A. Legislation - Continued

- wastewater collection subaqueous force main across Sarasota Bay
- Longboat Pass Inlet and surrounding shoreline improvements
- community center
- canal dredging projects.

Upon inquiry, Town Manager Bullock commented on the process for distribution of funds and the approval criteria that will need to be met.

B. Public Works

Town Manager Dave Bullock advised that he would provide a telecommunications update at the November 12, 2012, Regular Workshop Meeting.

C. Planning, Zoning, and Building

Town Manager Dave Bullock inquired, and following comments, advised that he will schedule a discussion item on a future agenda relating to the Village issues raised this date.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the November 5, 2012, Regular Meeting at 9:22 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 WORKSHOP MEETING
NOVEMBER 12, 2012 - 1:00 P.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 Attorney David Persson, Town Clerk Trish Granger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 1:05 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Vice Mayor Brenner led the Pledge of Allegiance.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building Department

Mr. Larry Grossman, St. Judes Drive North, commented on the reopening of the remodeled Publix and the lack of bicycle racks at the CVS Pharmacy, the queuing bays designed for ingress to the shopping center, and noted concern with the vegetation blocking the view. (See Item 1 later this meeting.)

COMMITTEE REPORTS AND COMMUNICATIONS

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

3. Sarasota County Special Liaison Report

A. Organizations

Commr. Duncan commented on the issues discussed at the ManaSota League of Cities meeting, noted that Commr. Sandra Haas-Marteen was defeated in the recent City of Holmes Beach election, and advised that the ManaSota League of Cities would be holding an election to seat a new Chair.

4. Other Reports

B. Organizations

Vice Mayor Brenner noted attendance at the Tampa Bay Partnership meeting and reviewed the issues discussed. Upon inquiry, Town Manager Dave Bullock and Vice Mayor Brenner commented on the utilization of volunteers within the school system, other government agencies, organized boards, and committees. Individual comments followed.

C. Organizations

Commr. Larson noted that tickets were still available for the Longboat Key Kiwanis Garden Party on November 17, 2012.

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

4. Other Reports - Continued

A. Employee Service Award

Mayor Brown noted the Employee Service Award presentation to Lieutenant Pete Collandra, Fire Department, for 25 years of Service was pulled from consideration.

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

5. National Flood Insurance Program (NFIP) Update

The Town participates in the National Flood Insurance Program (NFIP) Community Rating System (CRS) which is administered by the Insurances Services Office. Based on the Town's preparedness, mitigation and community awareness activities citizens who purchase NFIP flood insurance qualify for a 20% discount on their flood insurance rates. This item is placed on the November 12, 2012 Regular Workshop Consent Agenda to provide an update on the NFIP program. Recommended Action: None, informational only.

Following comments by Town Manager Dave Bullock, Public Works Project Manager James Linkogle presented an overview of the National Flood Insurance Program (NFIP). Discussions were held on the following topics/issues:

- correspondence included in the Staff report from Ms. Sandra Knight relating to zone districts
- standing water in low lying areas, especially during high tides
- program required to earn the 4500 score rating/updated CRS scoring manual anticipated in early 2013
- opportunities to reach the 25% scoring discount
- Repetitive Loss/Severe Repetitive Loss Funding Programs
- requirements to carry flood insurance if loan is federally funded
- identification of discount on flood insurance premiums.

Town Manager Bullock commended Mr. Linkogle on his and the Public Works' departmental efforts.

6. Property Maintenance Codes - Proposed Ordinance 2012-26, Creating Chapter 104, Property Maintenance Code, Amending Chapter 96, Health and Sanitation Code, and Amending Chapter 150, Buildings

At the September 22, 2011 Regular Workshop and October 6, 2012 Special Workshop Meetings the Town Commission discussed issues relating to property maintenance and enforcement of existing Town Codes. Staff was directed to conduct meetings seeking community input, review property maintenance issues throughout the island, and develop a recommendation for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building (PZB) Department Planner Steve Schield presented an overview the International Property Maintenance Code (IPMC) and proposed Ordinance 2012-26 which would establish Chapter 104 and amend Chapters 96 and 150 of the Town Code.

6. Property Maintenance Codes - Proposed Ordinance 2012-26 - Continued

Discussions were held with Mr. Schield, PZB Department Code Enforcement Officer Amanda Nemoytin, and Town Attorney David Persson on the following topics/issues:

- number of the public who attended the Public Outreach meeting in January 2012
- Town's "Welcome" signs
- exterior storage concerns
- adopt the International Property Maintenance Code or develop a Code for Longboat Key
- allowing a registered boat in setback or yard versus driveway
- determination of an "approved" parking area/process to identify an approved parking area/requirement for a Zoning Exemption to designate an approved parking area
- number of boats allowed on a property
- number of complaints/violations identified per year
- number of communities similar to Longboat Key that have adopted or incorporated the IPMC and enforcement issues
- consideration of aging structures on Longboat Key
- lack of enforcement for dumpsters at restaurants/other facilities
- Core Value included in the Vision/Mission/Core Value Statement relating to well-designed and well-maintained neighborhoods, communities, and commercial areas to protect way of life and property values
- integration of codes and land uses for long-term planning
- utilization of by-laws for developments versus the Zoning Code
- current allowances provided for storage trailers/boat trailers on property
- inclusion of time provisions to allow current uses to be sunset
- lack of enforcement staffing for current Code and needs (staffing) for a higher level of enforcement
- consideration of long-term planning efforts/integrated Codes
- vacant residential properties versus vacant commercial properties
- process to be utilized to inform the community
- on-going review and modifications to existing Codes
- phasing options to incorporate portions of the IPMC
- community acceptance
- options to levy additional fees on abandoned property
- current Code Enforcement process and lien structure
- impact of foreclosure processes on property conditions.

There was consensus to direct Staff to develop a Property Maintenance Code in accordance with issues discussed this date for inclusion in the Town's Code of Ordinances and to schedule the matter on a future agenda for further consideration.

RECESS: 2:40 p.m. - 2:50 p.m.

7. Proposed Ordinance 2012-23, Amending Chapter 30, Meetings

At the November 5, 2012 Regular Meeting the Town Commission adopted the 2013 Town Commission Meeting Schedule. Staff was directed to prepare Ordinance 2012-23, amending Chapter 30 to provide for the change to scheduled workshop meetings.

7. Proposed Ordinance 2012-23, Amending Chapter 30, Meetings - Continued

Proposed Ordinance 2012-23 also incorporates amendments to the agenda material preparation requirements and clarifies addressing the Commission. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided an overview of the proposed amendments to Chapter 30 relating to the scheduled workshop meetings, agenda material preparation, and addressing the Commission.

Subsequent to discussion on Charter versus Code requirements for Commission Workshop meetings, there was consensus to forward Ordinance 2012-23 to the December 3, 2012, Regular Meeting for first reading.

8. Proposed Ordinance 2012-25, Amending Chapter 158.153, Height Regulations

At their October 16, 2012 meeting the Planning & Zoning (P&Z) Board unanimously recommended Commission approval of Ordinance 2012-25, which amends the Zoning Code to provide consistency with the Town's Comprehensive Plan regarding maximum heights for certain structures. The Ordinance also clarifies the maximum heights allowed for structures that are excepted from the maximum building heights set for the underlying zoning district. This item is placed on the November 12, 2012 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building (PZB) Department Planner Ric Hartman presented an overview of proposed Ordinance 2012-25 to amend Chapter 158 of the Zoning Code. Discussions were held with Mr. Hartman and PZB Director Robin Meyer on the following topics/issues:

- height restrictions/allowable heights for House of Worship, Appurtenance
- existing parapet wall height allowance
- steeple versus parapet wall/existing facilities with ten foot parapet walls
- House of Worship height restrictions not incorporated
- height limitations for cellular towers based upon set-back requirements
- height restrictions outlined in the Zoning Code.

There was consensus to direct Staff to review the heights permitted for parapets and to schedule on a future agenda for discussion.

9. Town Manager's Annual Performance Evaluation

A provision of the Town Manager's employment agreement is for the Commission to review and evaluate the job performance of the Town Manager at least once, annually, for each year of the employment agreement. The agreement also states that the Town Commission shall define the goals and objectives of the Town Manager at least annually. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Mayor Brown, discussions were held on the following topics/issues:

9. Town Manager's Annual Performance Evaluation - Continued

- utilization of the existing form/format
- option for Human Resources Manager to review processes used by other governmental entities
- restrictions on developing a process by the Town Commission outside of a formal meeting
- regular feedback to Town Manager by individual Commissioners
- subjectiveness of existing rating system.

1. Opportunity for Public to Address Town Commission - Continued

B. Franchises

Ms. Cathy Grippi, Lyons Lane, commented on the installation of "smart" meters by Florida Power and Light Company.

TOWN COMMISSION COMMENTS

A. Tennis Center

Vice Mayor Brenner requested that Commission comments be deferred until later this meeting.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Government Agencies

Town Manager Dave Bullock noted the Convocation of Governments meeting on January 18, 2013, and reviewed the issues to be discussed.

B. Advisory Boards/Committees

Town Manager Dave Bullock advised he was working with the Mayor to schedule a Sunshine Law/Public Records seminar refresher in late December 2012 or January 2013 for all Advisory and Committee Board members and requested consideration for Commissioners attendance.

C. Planning, Zoning, and Building

Town Manager Dave Bullock thanked Publix representatives for extending the sidewalk to the Tennis Center during the property redevelopment.

D. Town Commission

Town Manager Dave Bullock advised that microphone switches would be added to the dais in the near future.

E. Planning, Zoning, and Building

Town Manager Dave Bullock advised that draft language relating to telecommunications services at the Comprehensive Plan level has been developed for review.

TOWN COMMISSION COMMENTS - Continued

A. Tennis Center - Continued

Vice Mayor Brenner inquired and Tennis Center Manager Kay Thayer reviewed proposed user fee increases for 2013. Discussions were held with Ms. Thayer and Town Manager Dave Bullock on the following topics/issues:

- the proposed membership fees charged to residents versus non-residents
- revenue sources
- options for tier rates
- intent to have self-sustainable facility to cover anticipated Capital Improvements.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the November 12, 2012, Regular Workshop Meeting at 3:52 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
DECEMBER 3, 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 Present: Town Manager Dave Bullock, Town Attorney David Persson, 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. Larson led the Pledge of Allegiance.

Mayor Brown noted that Manatee County Commission Chairman John Chappie was in attendance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS - No items were presented.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson provided an overview of the recent ruling in the lawsuit relating to the Longboat Key Club development and a historical overview of the mechanisms in the Town Code relating to departures on property development, the recent interpretation by the Courts, and on previous Commissions and their vision for the future of the Town.

Town Attorney Persson reviewed referendums approved by the voters and the determination/clarification/issues to be addressed in order to move forward with the Town Commission's current vision for redevelopment on Longboat Key.

B. Town Attorney

Town Attorney David Persson noted he had tendered his resignation to Town Clerk Trish Granger effective no later than June 30, 2013, if not sooner.

Town Attorney Persson advised of his decision and basis for the resignation, commended Mayor Brown for his leadership over the past two years, and thanked the Commission for his tenure with the Town of Longboat Key.

Mayor Brown commented on Town Attorney Persson's service to the Town and thanked him for his dedication to the Commission and the citizens of Longboat Key. Individual Commissioner comments followed thanking Town Attorney Persson for his service.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Ms. Lauren Goldner, Winslow Place, provided an overview of the LBK-9 Coalition and the work accomplished to date relating to permitting dogs on the beaches of Longboat Key.

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

1. Opportunity for Public to Address Town Commission - Continued

A. Public Works - Continued

Ms. Goldner noted distribution of a report compiled by the LBK-9 Coalition for Commission consideration.

Mayor Brown noted he had requested Ms. Goldner to speak during Public Comment, requested that the documentation be placed on the Town's website, and requested Commission input on the issue of placing the item on a future agenda.

Subsequent to individual comments, there was majority consensus to schedule the item for discussion on the February 2013 Workshop agenda and Ms. Goldner noted agreement to postpone consideration until February 2013.

B. Public Works

Mr. Richard Perlman, Sandhamn Place, advised that he was a LBK-9 Coalition Committee member, commented on the report submitted, noting that not all Committee members were in favor of moving the issue forward, and opined that the report did not contain all the issues discussed. Vice Mayor Brenner commended the Committee members efforts. (See item later this meeting.)

C. Planning, Zoning, and Building

Ms. B.J. Webb, Mistletoe Lane, commented on recent newspaper articles relating to discussions held at the Planning and Zoning (P&Z) Board meeting and advised of the inaccuracies in the articles. Ms. Webb advised that the P&Z Board members were dedicated to the Town's goals.

Ms. Webb noted regret for the resignation of Town Attorney David Persson and thanked him for all of his efforts in his service to Longboat Key.

B. Public Works - Continued

Ms. Goldner noted that Ms. Cyndi Seaman was not present and expressed concern that Mr. Perlman had offered her position on the LBK-9 Coalition research and report submitted.

APPROVAL OF MINUTES

2. October 1, 2012 Joint Meeting with Sarasota County

Upon inquiry, with no comments presented, Mayor Brown noted consensus to approve the Minutes as submitted.

Vice Mayor Brenner requested that the Town Manager provide an update on the issues discussed at the Joint Meeting with Sarasota County at a future meeting.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Commr. Duncan noted the legislative advocacy issues supported by the ManaSota League of Cities and advised he would be attending the "fly-in" to Washington, D.C., in February 2013.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Planning, Zoning, and Building

Commr. Zunz noted a recent meeting with Mr. Mike Aldred representing the owner of the vacant Chevron gasoline station on the North end of Longboat Key and reviewed the issues discussed, noting that Mr. Aldred would get in touch with the Town on options for improvements. (See item later this meeting.)

C. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Tourist Development Council Strategic Planning Workshop on November 15, 2012, and reviewed the issues discussed and the future "mini" workshops to be held.

D. Organizations

Vice Mayor Brenner noted attendance, with Town Manager Dave Bullock, at the Manatee County Economic Development Corporation "Branding Kick-Off" event.

E. Organizations

Commr. Larson noted attendance at a Joint Management Board Meeting of the Sarasota Bay Estuary Program with the Tampa Bay Estuary Program and the Charlotte Harbor National Estuary Program organizations and reviewed the issues discussed relating to funding from the BP Oil Company fines.

F. Town Commission

Commr. Larson thanked the Commission and the community for their support of the recent Kiwanis sponsored event held in November 2012.

B. Planning, Zoning, and Building - Continued

Commr. Duncan commented on the efforts of Commr. Zunz and suggested that the Town Manager pursue meetings between property owners and Town staff that might not be specific Code violations but would improve the visual impact to the community.

Commr. Zunz noted that Vice Mayor Brenner made initial contact with the property owner's representative.

CONSENT AGENDA

3. Election Results of Special Referenda

On July 2, 2012, the Town Commission adopted Ordinances 2012-14 and 2012-15 to allow for the placement of two referendum questions on the November 6, 2012, General Election Ballot for the purpose of determining whether the Town's Comprehensive Plan may be amended to allow for changes in density and intensity for two properties. Ordinance 2012-14 provided for residential uses with a maximum of six residential dwelling units per acre at 5440 Gulf of Mexico Drive. Ordinance 2012-15 provided for residential uses with a maximum of six residential dwelling units per acre at 521 Broadway Street.

CONSENT AGENDA - Continued

3. Election Results of Special Referenda - Continued

Both Manatee and Sarasota County Supervisors of Election have certified the election results as follows: Referendum 1 for 5440 Gulf of Mexico Drive: In favor: 2,999 votes, Opposed: 1,559 votes; Referendum 2 for 521 Broadway Street: In favor: 3,039 votes, Opposed: 1,531 votes. Both referendum questions were passed by the registered electors who voted on the issues. Recommended Action: Approval of the Consent Agenda will confirm the Commission's canvassing of the returns and declaring the results of the election as submitted by the Supervisor of Elections offices.

There was consensus to approve the Consent Agenda in accordance with Staff's report and recommendation as presented.

ORDINANCES - FIRST READING

4. Ordinance 2012-23, Amending Chapter 30, Meetings

At the November 5, 2012, Regular Meeting, the Town Commission adopted the 2013 Town Commission Meeting Schedule. Ordinance 2012-23, amending Chapter 30 to provide for the change to scheduled workshop meetings was considered at the November 12, 2012, Regular Workshop Meeting and forwarded to the December 3, 2012, Regular Meeting for first reading. Ordinance 2012-23 also incorporates amendments to the agenda material preparation requirements and clarifies addressing the Commission. Recommended Action: Pending first reading, and discussion, forward to January 7, 2013, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-23 on record by title only.

Commr. Zunz moved to pass Ordinance 2012-23 on first reading and to forward to the January 7, 2013, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger. Following comments, the motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Gans, aye; Larson, aye; Duncan, aye; Brenner, aye; Brown, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

5. Ordinance 2012-28, Budget Transfer in the Amount of \$40,000 for Completion of Linley Street Boat Ramp

The Linley Street public boat ramp is a 30-year old Town-owned facility and is the only public boat ramp located within the Town. The Town submitted for, and received, \$31,000 in West Coast Inland Navigation District (WCIND) grant funding for the boat ramp replacement project. The lowest bid received was \$76,670. Staff requested and was granted, additional WCIND project funding assistance in the amount of \$20,000. Ordinance 2012-28 provides for the required budget transfer to amend the FY 2012-13 Budget and appropriately fund the boat ramp project. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-28.

Town Clerk Trish Granger placed Ordinance 2012-28 on record for second reading and public hearing by title only.

5. Ordinance 2012-28, Budget Transfer in the Amount of \$40,000 for Completion of Linley Street Boat Ramp - Continued

Commr. Larson moved to adopt Ordinance 2012-28. 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.

Commr. Zunz noted that the budget transfer was for \$40,000.00 and that the Town would be receiving additional funding from WCIND in the amount of \$20,000.00. Town Manager Dave Bullock provided an overview of the project costs and funding awarded from WCIND.

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

7. Longbeach Village Association Meeting - Topics of Concern to Residents

Town staff attended the November 7, 2012 Longbeach Village Association Meeting to address Village parking issues and to seek input regarding other topics Town staff and officials may not be aware of. Police Chief Pete Cumming, Planning, Zoning & Building Director Robin Meyer, Public Works Director Juan Florensa, and Town Engineer Anne Ross attended the meeting and will be present at the December 3, 2012 Regular Meeting to discuss their findings with the Town Commission. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building (PZB) Department Director Robin Meyer provided an overview of Staff's report relating to the input received from members of the Longbeach Village Association who participated in the public meeting. Discussions were held with Mr. Meyer, Fire Chief Paul Dezzi, and Town Manager Dave Bullock on the following topics:

- the impact of the proposed Mar Vista expansion
- Mar Vista expansion application status
- emergency vehicle access
- rental issues/dock usage on Jewfish Key.

Police Chief Pete Cumming provided an overview on parking incidents, noise complaints, and police incidents (burglaries) received and investigated in the area from 2009 forward.

Public Works Director Juan Florensa provided an overview of the storm drain maintenance performed and repairs in the area, and reviewed the white fly issue raised and treatment method options. Upon inquiry, Mr. Florensa advised that information will be provided to Town residents via the Town's website and discussed the timing of the traffic light signal at the intersection of Bay Isles Parkway and Gulf of Mexico Drive.

Town Manager Bullock commented on the anticipated process to proceed and Mayor Brown suggested that the meeting, when scheduled, be held in the Village area if possible.

6. Ordinance 2012-30, Amending Chapter 74, Parking Schedules

At the September 24, 2012, Regular Workshop Meeting the Town Commission considered a request from owners of Mar Vista and Moore's Stone Crab Restaurants to amend the parking hours on Broadway, between Lois Avenue and Bayside Drive, to provide an additional 2 hours to accommodate evening diners. First reading of Ordinance 2012-30 was held on November 5, 2012 to formalize extended parking hours through February 28, 2013. Staff was directed to seek public input regarding the proposed change from affected residents in Longbeach Village. The Ordinance was forwarded for second reading and public hearing at the December 3, 2012 Regular Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-30.

Town Clerk Trish Granger placed Ordinance 2012-30 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2012-30. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Mr. Alan Moore, Moore's Stone Crab Restaurant, commented on the Ordinance and requested consideration to extend the sunset date through Easter.

Mayor Brown inquired and Mr. Moore advised that he would be willing to post signs requesting patrons to be aware of neighborhood/residential surroundings.

Upon inquiry, Town Manager Dave Bullock noted that Easter fell on March 31, 2013.

Commr. Larson moved to amend the sunset date to May 1, 2013. The motion failed for lack of a second.

Commr. Gans noted that there was some opposition to the expanded parking and the intent to be able to reconsider the issue when additional residents had returned to Town.

Upon inquiry, Planning, Zoning, and Building Department Planner Steve Schield presented an overview of the amendments made to the Ordinance during the first reading of the Ordinance. Discussion ensued on the issues raised at the Village Association meeting and additional information to be brought forward.

Commr. Duncan moved to amend Ordinance 2012-30 to delete the sunset date. The motion was seconded by Commr. Larson.

Town Attorney David Persson advised that if the sunset date was deleted, the Ordinance would need to be readvertised due to the previous Commission direction providing that the extension of the parking hours was to be on a temporary basis.

Commr. Duncan moved to amend his motion on Ordinance 2012-30 to modify the sunset date to May 1, 2013. The motion was seconded by Commr. Younger.

Following comments on the parking issues raised, the motion carried by a 6-1 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Gans, no; Zunz, aye.

Mayor Brown closed the public hearing.

The motion to adopt Ordinance 2012-30, as amended, carried by a 7-0 roll call vote, as follows: Gans, aye; Larson, aye; Younger, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye.

Upon inquiry, Town Manager Bullock advised that the previous parking restrictions would go into effect after the sunset date of May 1, 2013.

Following comments, there was consensus to reconsider future revisions to the parking restrictions at the February 2013 Regular Workshop meeting.

TOWN COMMISSION COMMENTS

A. Emergency Management

Commr. Duncan noted discussions with Fire Chief Paul Dezzi and requested consideration for an in-depth assessment of Longboat Key as it relates to emergency access to properties.

Town Manager Dave Bullock commented on the Town Code for new construction relating to property access and advised that existing construction is not addressed.

Fire Chief Paul Dezzi noted that his staff has begun an assessment and anticipated that it will be completed by December 31, 2012. Commr. Duncan suggested that the Condominium Associations be contacted regarding an assessment process seeking approval to access the property. Upon inquiry, Fire Chief Dezzi noted that access is gained to higher floors through the stairwells/elevators.

B. Planning, Zoning, and Building

Vice Mayor Brenner inquired and Town Manager Dave Bullock commented on the process to be followed relating to the compliance of the Colony property in accordance with the extension granted by the Town and the remedies afforded to the Town.

Commr. Zunz commented on an e-mail received from Mrs. Elsie Kearns and an upcoming meeting relating to the development of the property. Town Manager Bullock advised that any proposals would have to be reviewed by the Town prior to making any determination on the use of the property as tourism units.

Individual comments followed.

TOWN COMMISSION COMMENTS- Continued

C. Town Attorney

Commr. Larson commented on the resignation of Town Attorney David Persson and thanked him for his service to the Town.

TOWN ATTORNEY COMMENTS - Continued: No additional items were presented.

TOWN MANAGER COMMENTS

A. Legislation

Town Manager Dave Bullock noted that the Mayor will be attending the Legislative Delegation meetings on December 7, 2012 (Manatee County) and December 10, 2012 (Sarasota County) and commented on the opportunity to address public pension plans.

B. Litigation/Planning, Zoning, and Building

Town Manager Dave Bullock commented on the court ruling in the Longboat Key Club litigation and the impact on the Town's existing Code relating to departures and advised that he has requested that the Town Attorney work with a specialist in zoning codes.

Upon inquiry, Town Manager Bullock reviewed the steps to be taken in addressing the issues and options. Town Attorney David Persson reviewed the process to amend the Zoning Code and the issues to be considered relating to the departures and non-conforming uses versus the variance process.

C. Planning, Zoning, and Building

Town Manager Dave Bullock noted the presentations to be made on December 11, 2012, relating to the Planning RFP (Request For Proposals) that was in process.

D. Legal Services

Town Manager Dave Bullock requested consideration to issue a Request For Proposal (RFP) for legal services.

Mayor Brown suggested that the item be scheduled on the December 10, 2012, Regular Workshop Agenda.

PUBLIC TO BE HEARD - Continued

1. Opportunity for Public to Address Town Commission - Continued

D. Tennis Center

Ms. Beverly Shapiro, Gulf of Mexico Drive, noted attendance at the Longboat Key Public Tennis Center tournament and advised of the comments received from visitors and participants in the tournament.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the December 3, 2012, Regular Meeting at 8:54 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 WORKSHOP MEETING
DECEMBER 10, 2012 - 1:00 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, Town Clerk
Present: Trish Granger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 1:02 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Younger led the Pledge of Allegiance.

PUBLIC TO BE HEARD

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

COMMITTEE REPORTS AND COMMUNICATIONS

2. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance with Vice Mayor Brenner at the Manatee County Tourist Development Council (TDC) meeting and reviewed the items discussed.

3. Sarasota County Special Liaison Report - No items were presented.

4. Other Reports

A. Budgets

Vice Mayor Brenner commented on the Manatee County Tourist Development Council (TDC) meeting and advised that the amount of "bed tax" (resort tax) collected has risen and requested that staff work with Manatee County to increase the amount returned to Longboat Key.

B. Organizations

Vice Mayor Brenner inquired and Town Clerk Trish Granger advised that the Sarasota County Economic Development Corporation (EDC) could contact the Town Clerk's office to schedule their meeting in the Commission Chamber at Town Hall.

CLOSING AND ACTION ON CONSENT AGENDA

5. Proposed Resolution 2013-02, Budget Transfers for FY 2011-2012 Year End Reconciliation

The Town Charter requires that sufficient budgets are available in each general ledger account to cover expenditures charged to the account. Each year staff prepares the required budget transfer documentation to balance surplus accounts and those with shortfalls. Proposed Resolution 2013-02, provides a complete listing of recommended transfers for individual accounts, as well as the reason for surplus or shortfall, and is presented for Commission consideration. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-02 to the January 7, 2013 Regular Meeting for formal action.

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

CLOSING AND ACTION ON CONSENT AGENDA - Continued

6. Proposed Resolution 2013-04, Expressing Town Commission Support for Police and Firefighter Pension Reform

At the December 3, 2012 Regular Meeting the Town Commission expressed support for a Resolution expressing Town Commission support for police and firefighter pension reform. Resolution 2013-04 is presented for Commission consideration. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-04 to the January 7, 2013 Regular Meeting for formal action.

There was consensus to approve the Consent Agenda, Items 5 and 6, in accordance with Staff's reports and recommendations.

Vice Mayor Brenner requested that staff provide a mid-year budget status report to the Town Commission on large transfer items. Town Manager Dave Bullock commented on the process for year-end budget transfers and advised that Staff will work on a reporting format to provide information to the Commission.

Commr. Duncan inquired as to previous Commission direction and Town Manager Bullock advised he would discuss with Finance Director Tom Kelley relating to providing notations on the Budget document for variances identified.

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

7. Florida Power and Light Presentation Regarding Overhead to Underground Conversions

Ms. Rae Dowling, Florida Power and Light (FP&L) Governmental Affairs Coordinator will present information regarding conversion from overhead to underground power at the December 10, 2012, Regular Workshop Meeting. Recommended Action: None, informational only.

FP&L Governmental Affairs Coordinator Rae Dowling gave a PowerPoint presentation entitled "Overhead to Underground Conversions."

Mr. Don Sayre, FPL Governmental Account Manager, commented on the process to secure easements. Discussions were held with Ms. Dowling and Mr. Sayre on the following topics/issues:

- additional cost for homeowners to run power lines from the pole to the home estimated to average \$1,000 per home (replacing pavers and/or landscaping could escalate costs)
- options to convert lines on Gulf of Mexico Drive (GMD) and not within the neighborhoods
- known issues with underground services (uprooting by fallen trees, water intrusion)
- higher maintenance costs for underground versus overhead lines
- less impact from wind conditions/more impact from flooding for underground
- equipment switching requirements (junction/switch boxes versus poles) lines
- approximately 4-5 junction boxes required for every 10 poles replaced
- restoration times for overhead versus underground (longer repair time for underground if flooding conditions exist/more difficult to locate cause of outages for underground)
- requirement to obtain easements from property owners

7. FP&L Presentation Regarding Overhead to Underground Conversions - Continued

- estimated total cost for underground service (\$10 million for GMD right-of-way only/\$21 million for GMD right-of-way and lateral streets).

Upon inquiry, Town Manager Dave Bullock noted the process to consider bonding for a project.

Upon inquiry by Public Works Director Juan Florensa, Mr. Sayre advised that landscaping around the switch (junction) boxes can be accomplished while still providing a large clearance area for workers' access.

8. Discussion Regarding Changes to Existing Homestead Exemption for Qualifying Seniors and Consideration of Additional Exemption for Qualifying Low Income Seniors

A recent change to Florida Statutes Section 196.075(2) provides an additional Senior Homestead Exemption as a "flat" amount of \$50,000. The current Town Code provides for a \$25,000 exemption which now conflicts with Florida Statutes. Local property tax officials advise that the Town must amend our local ordinance to provide for a \$50,000 senior homestead exemption for consistency with Florida Statutes if the Town Commission wishes to preserve our senior homestead exemption. An amendment that allows local governments to grant an additional homestead exemption to low-income seniors was approved in the November 6, 2012 election. Staff will seek Commission direction regarding whether to provide for this additional exemption in the Town Code. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided an overview of the legislative effect and Finance Director Tom Kelley reviewed the number of residents currently receiving the exemption. Discussions were held with Town Manager Bullock and Finance Director Kelley on the following topics/issues:

- anticipated number of additional residents who may become eligible
- impact to property owners for establishment of the exemptions on School District and/or County taxes
- steps to proceed with exemption
- requirements of Amendment 11 adopts a new exemption for long-term resident low-income seniors if their property's just value is less than \$250,000, the owner has resided on the property for at least 25 years, and the total household income does not exceed \$20,000.

There was consensus to have staff draft proposed Ordinances and forward to the January 7, 2013, Regular Meeting relating to the additional homestead exemption provisions for Commission consideration.

Upon inquiry, Town Manager Bullock advised that at the current time, staff was unable to predict the impact of enacting the \$250,000 low-income seniors exemption.

9. Establishing the Date for the 2013 General Municipal Election and Early Voting Schedule

The Town's Charter establishes the date for the Town's General Municipal Election as the third Tuesday in March but provides for an option to align the Town's election with any other County administered election. This item is placed on the December 10, 2012 Regular Workshop Meeting to seek Commission direction regarding establishing the General Municipal Election date and associated early voting dates. The appropriate document will be drafted and presented at the January 7, 2013 Regular Meeting pursuant to Commission direction. Recommended Action; Pending discussion, provide direction to Manager

Town Clerk Trish Granger presented an overview of the Charter and Code provisions relating to scheduling the General Municipal Election date and the request from Sarasota County Supervisor of Elections Kathy Dent to align the Town's General Municipal Election with a scheduled election on March 12, 2013. Discussions were held with Town Clerk Granger on the following topics/issues:

- early voting at County locations off-island
- comparison of early voting participation when held off-island versus at Town Hall
- cost of early voting for both Counties
- higher participation of voters when early voting is held on Longboat Key
- realignment of other Manatee County municipalities' elections with State and Federal election dates to reduce operating costs
- proposed date of March 12, 2013 for the Town's General Municipal Election date
- proposed alignment with a scheduled City of Sarasota election (no County issues on ballot)
- estimated cost savings for aligning election date with City of Sarasota
- retaining early voting on Longboat Key.

There was consensus to establish the General Municipal Election date as March 12, 2013 and to maintain early voting on Longboat Key.

Town Clerk Granger advised that an Ordinance would be presented at the January 7, 2013, Regular Meeting for first reading, noted that the Statutory Meeting date would be amended to comply with the Charter/Code requirements, reviewed the early voting dates, and noted approximately \$100 in cost savings for shared election advertising.

10. Proposed Ordinance 2013-01, Budget Transfer in the Amount of \$25,000 for Street Lighting Modifications along Gulf of Mexico Drive (GMD)

Each year during sea turtle nesting season the Town turns off most of the street lights along Gulf of Mexico Drive (GMD). Many citizens lodge complaints that public safety is compromised due to darkened intersections and stretches of road and they request that lights be turned on. Staff is conducting a comprehensive review to determine which lights may need modification in order to stay on during future turtle seasons. Proposed Ordinance 2013-01 provides funding to retrofit non-compliant lights prior to May 1, 2013. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the number of street lights turned off during turtle nesting season, advised that Staff has been directed to perform a comprehensive

10. Proposed Ordinance 2013-01, Budget Transfer-\$25,000 for Street Lighting Modifications along GMD - Continued

review of the lights that may potentially impact the nesting season, and noted that a final report may amend the total cost. Discussions were held with Town Manager Bullock and Public Works Director Juan Florensa on the following topics/issues:

- North side of Town Hall building darkened during turtle season
- review of the lighting at Town Hall
- criteria for placement of street lights
- determination of areas that need additional lighting.

Town Manager Bullock advised that Staff can review areas that may require additional lighting and report back.

There was consensus to forward Ordinance 2013-01 to the January 7, 2013, Regular Meeting for first reading.

Upon inquiry, Town Manager Bullock requested clarification on review of areas for additional lighting. Commr. Zunz noted Florida Department of Transportation's (FDOT) future review of safety issues on GMD and Mr. Florensa advised that he will contact FDOT to include lighting review in the scope of work for the review project.

11. Proposed Resolution 2013-01, Budget Transfer in the Amount of \$23,000 for Planning Consultant

The Town has contracted with Spikowski Planning Associates to provide consulting services for short term and long term changes to the Town Code. Proposed Resolution 2013-01, provides for a budget transfer of \$23,000 from Commission Contingency to replenish the Planning & Zoning Professional Services account. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided an overview of the request, noting that the funding was not included in the Planning, Zoning, & Building Departmental budget for the current fiscal year. Discussions were held on the method for reviewing 250 tourism units and the Outline Development Plan process.

There was consensus to forward Resolution 2013-01 for formal action.

12. Proposed Resolution 2013-03, Budget Transfer for Tennis Center in the Amount of \$67,470 for Fiscal Year 2011-2012 Year End Reconciliation

The Town Charter requires that sufficient budgets are available in each general ledger account to cover expenditures charged to the account. Each year staff prepares the required budget transfer documentation to balance surplus accounts and those with shortfalls. Proposed Resolution 2013, 03, provides for a budget transfer to bring the Tennis Center budget into compliance and includes a complete listing of recommended transfers for individual accounts within the Tennis Center. Recommended Action: Pending discussion, provide direction to Manager.

Finance Director Tom Kelley provided an overview of the requested budget transfer.

12. Proposed Resolution 2013-03, Budget Transfer for Tennis Center-\$67,470 for Fiscal Year 2011-2012 Year End Reconciliation - Continued

Town Manager Dave Bullock advised that the pension costs have been shifted to the cost centers and Mr. Kelley noted that additional operating costs will also be allocated.

There was consensus to forward Resolution 2013-03 for formal action.

TOWN COMMISSION COMMENTS

A. Town Commission

Vice Mayor Brenner commented on the change in the National Flood Insurance Program (NFIP) and suggested that the information be advertised and provided to homeowners. Town Manager Dave Bullock noted that staff will research and prepare information for dissemination to Commissioners and the public.

TOWN ATTORNEY COMMENTS

A. Town Commission

Town Attorney David Persson wished the Commission, citizens, and staff a safe and happy holiday season.

TOWN MANAGER COMMENTS

A. Town Attorney

Town Manager Dave Bullock commented on the Town Attorney's responsibilities and distributed the Charter/Code provisions relating to his duties to the Town Commission, advising that a discussion on the process for selecting a new attorney will be scheduled in the near future.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the December 10, 2012, Regular Workshop Meeting at 2:17 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