

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING

JUNE 16, 2015

The regular meeting of the Planning and Zoning Board was called to order at 9:00 AM by Maggie Mooney-Portale, Town Attorney.

Members Present: Chair Jim Brown; Vice Chair BJ Bishop; Members Andrew Aitken, Leonard Garner; Stephen Madva; George Symanski

Absent: Secretary Ken Schneier

Also Present: Maggie Mooney-Portale, Town Attorney; Alaina Ray, Planning, Zoning & Building Director; Annie Ross, Assistant Town Manager; Steve Schield, Planner; Maika Arnold, Planner; Donna Chipman, Office Manager

Alaina Ray, Planning, Zoning & Building Director, informed the Board that member Ken Schneier had sent an email to staff noting he had a family commitment out of state and was unable to attend this hearing. He also mentioned he would be willing to serve in any capacity that the Board wished, with the exception of Chair.

Election of Officers

Chair

MR. SYMANSKI MOVED TO NOMINATE JIM BROWN AS CHAIR OF THE PLANNING AND ZONING BOARD. MS. BISHOP SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION TO APPOINT JIM BROWN AS CHAIR CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SYMANSKI, AYE.

Vice Chair

MS. BISHOP MOVED TO NOMINATE KEN SCHNEIER AS VICE CHAIR OF THE PLANNING AND ZONING BOARD. MR. AITKEN SECONDED THE MOTION.

MR. SYMANSKI MOVED TO NOMINATE BJ BISHOP AS VICE CHAIR OF THE PLANNING AND ZONING BOARD. MR. GARNER SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION TO APPOINT BJ BISHOP AS VICE CHAIR CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SYMANSKI, AYE.

Secretary

MS. BISHOP MOVED TO NOMINATE KEN SCHNEIER AS SECRETARY OF THE PLANNING AND ZONING BOARD. MR. SYMANSKI SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION TO APPOINT KEN SCHNEIER AS SECRETARY CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SYMANSKI, AYE.

PUBLIC TO BE HEARD
Opportunity for Public to Address Planning and Zoning Board

No one wished to address the board.

AGENDA ITEM 1
ORDINANCE 2015-20, COMPREHENSIVE PLAN AMENDMENT
INFRASTRUCTURE ELEMENT

Alaina Ray, Planning, Zoning & Building Director, reviewed the ordinance noting:

- Every jurisdiction in the State was required to go through a major analysis and update of their Comprehensive Plan every ten years
- The last Town update was in 2004
- Staff have attempted to clarify the plan, clarify the language, reduce the redundancies, and break it out into a more meaningful Goals, Objectives and Strategies format
- Reviewed the draft 'Results Neutral Crosswalk' chart, which provides an easier format to follow

Mr. Garner commented that what was being proposed, on the sufficient and safe supply of water, more than adequately directs the goals and requirements that the Town had, and suggested the Board agree to the revisions and move forward to the next item.

Ms. Ray reviewed pages 17-18 noting they were the two pages that would be sent to the state for review. Mr. Madva asked if there were substantive changes to the elements. Ms. Ray replied no. Mr. Aitken pointed out that it looked as if the level of service has increased. Ms. Ray explained there were a few minor revisions and referred to page 12 of 43, noting that within Policy 1.1.3 there was a change from '110 gallons per capita per day,' to '120 gallons per capita per day.' The same change would be made on page 17 of 43 within the same policy.

Jerry Murphy, University of Florida Resilient Communities Initiative, discussed pages 17-18 and asked if there was anything the Board wished to review or make changes. He believed they had encapsulated everything within the document. Ms. Ray commented that Juan Florensa, Town Public Works Director, and Anne Ross, Assistant Town Manager, have reviewed the document, along with their counterparts at Manatee County and the Town's engineering consultant. All agreed with the language as written.

Mr. Garner noted that he had discussions with the Town's Public Works Director and was informed the reason for the 120 gallons was to negotiate a capacity provision for the Town, and they want it high as possible, because the higher the more Manatee County will have for Longboat Key's needs. Ms. Ray replied that was correct.

Mr. Aitken discussed the current usage, commenting that Mr. Garner had noted the current usage was 70-80 gallons per person per day, and asked if that was the direction the Town was going or were they wishing to go further than that. Assistant Manager Ross discussed the water usage did fluctuate from year to year, and they have changed what to compare it against. They could set a goal, but the only regulatory boundary was 150 gallons. She noted that when the gallons per capita reached that figure, then the Southwest Florida Water Management District (SWFWMD) wants to see the Town's conservation plans.

- Water usage
- The current rate structure and whether the Town charged residents more than necessary for the program to run as an 'enterprise' fund; staff replied no, as the Town was not making a profit

Ms. Ray discussed pages 28-33 of the Solid Waste sub-element mentioning there were no changes to the element. Mr. Aitken questioned the level of service at 4.5 pounds. Assistant Manager Ross responded she would have to research that figure and would send an explanation through email to the Board. Ms. Ray continued with discussing the Wastewater Element, Pages 42 and 43, noting a minor change on Page 43 in Policy 1.2.1. The word 'mainland' should be changed to 'main island' of Longboat. In Policy 1.2.2, the word 'islands' change to 'Jewfish Key;' remove the end of the sentence; and change 'Sarasota County Health Department' to 'the appropriate jurisdictional authority.'

Mr. Aitken suggested educating the public about what can be placed in the Wastewater system through this policy. Mr. Murphy believed the best way to handle was directly through Public Works through the Wastewater Master Plan. He would not want to include it in the Land Development Regulations

Gene Boles, University of Florida, commented that a public information program would be an action and would fit within the notation of a strategy. Ms. Ray responded if they wished to include an educational program, it could be included as a strategy under Objective 1.2, and state, "The Town will develop and maintain an educational program that would be implemented through the master plan (Policy 1.1.4).

MR. AITKEN MOVED TO INCLUDE AN EDUCATIONAL COMPONENT TO THE STRATEGY. MR. GARNER SECONDED THE MOTION.

Mr. Symanski asked if the Public Works Department could provide the educational program without including it in the Comprehensive Plan. Ms. Bishop agreed; the Comprehensive Plan was an overriding plan of what the Town was accomplishing, and when they begin to include 'action plans,' it distracts from what was a Comprehensive Plan.

Assistant Manager Ross discussed it was not very often, but at the beginning of the season the Public Works Department included a note on the water bills. They have also conducted targeted programs in a community where there was a problem with the wastewater. She commented she has taken note of the comments to include it in the master plan for Public Works.

MOTION FAILED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, NO; BROWN NO; GARNER, NO; MADVA, NO; SYMANSKI, NO.

Ms. Ray commented if the Board was comfortable with minor revisions, then they should make a recommendation to the Town Commission.

MS. BISHOP MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2015-20 WITH THE MINOR REVISIONS AS OUTLINED BY STAFF. MR. GARNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN AYE; GARNER, AYE; MADVA, AYE; SYMANSKI, AYE.

Ms. Ray distributed a copy of *'The Citizen's Guide to Planning 4th Edition'* to the board and briefly discussed it.

Chair Brown noted he had a copy of the *'University of Florida Planning Officials Handbook'* and asked how the courses were taught. Mr. Murphy commented it was a course that could be brought to the board, and they were currently providing it in Manatee County. He explained it was a six hour course, and Manatee County had asked them to provide it in two hour increments at the end of their P&Z Board meetings. They have encouraged local governments to have all the boards participate. Chair Brown noted he would look into it and see how they would like to proceed.

Mr. Symanski questioned the plan moving forward. Ms. Ray noted it was not on the agenda for this meeting, but Commr. Younger had questions that staff had been addressing with him, and the results of that would be brought back to the P&Z Board and Town Commission during their joint workshop in September. She asked if anyone had questions, to please contact her. Mr. Murphy discussed Ordinance 2015-10 and commented the direction from the P&Z Board and Town Commission has been to conform the properties as close as possible within the range they currently existed. He asked, in terms of the Results Neutral Process, if the board was comfortable with the process noting there would be substantive changes in the future workshops. Mr. Madva

addressed the format commenting it was easy to follow, but he would like to see the substantive changes with more highlighting or emphasis.

Mr. Symanski asked whether the correspondence between Commr. Younger and staff could be emailed to the board, specifically the letter discussing the process. Ms. Ray responded that Commr. Younger had noticed discrepancies between the tables; however, she has discussed those with Commr. Younger, and he was aware staff was going through and making changes, and the 'tweaked' information would be provided to the P&Z Board and Town Commission. Mr. Murphy pointed out that it was staff's intent in providing that information to get direction from the board. They were attempting to keep it from moving from a legislative process to a quasi-judicial process where they were discussing each property. They did not want to get into anything that could be a Sunshine Law violation.

Regarding communications, Attorney Mooney-Portale reminded the Board they were meeting in a "unique way" with the Town Commission in the capacity of revising the Comprehensive Plan and Zoning Code. She discouraged members from engaging in communications that lend itself to a quick and easy 'Reply All;' do not hit 'Reply All' when replying to an email. Discussion ensued on the Sunshine Law.

The board recessed from 10:06 AM – 10:15 AM

NEW BUSINESS
FLORIDA SUNSHINE LAW AND ETHICS CODE REVIEW

The Board viewed a video on the Florida Sunshine Law and Ethics Code from 10:16 AM – 10:42 AM

Attorney Mooney-Portale explained that the attorney in the video was speaking generally about Sunshine Law and articulated the general rule that they can speak to the Town Commission about matters; however, the general rule does not apply in the context of the land development code or Comprehensive Plan changes being undertaken because the P&Z Board and Town Commission were meeting collective as a board. Discussion ensued on samples of Sunshine Law violations.

CONSENT AGENDA

MR. GARNER MOVED APPROVAL OF THE MINUTES OF THE APRIL 21, 2015, MEETING AND SETTING THE FUTURE MEETING DATE FOR SEPTEMBER 15, 2015, AS A JOINT WORKSHOP WITH THE TOWN COMMISSION. MR. AITKEN SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN AYE; GARNER, AYE; MADVA, AYE; SYMANSKI, AYE.

STAFF UPDATE

Attorney Mooney-Portale commented that she had talked with Mr. Murphy concerning the Planning Officials training in Manatee County. She noted that Mr. Murphy had

commented that they have completed two out of the three training sessions, and the remaining session was in August. The last segment concerned the decision making function of a planning commission. She asked if the board was interested in attending, she would reach out to the county attorney, and Mr. Murphy would ask Manatee County, whether it could be open to the board members. She believed the date was August 13th. Chair Brown asked that Attorney Mooney-Portale and Mr. Murphy make those contacts and provide notice to the P&Z Board members.

ADJOURNMENT

The meeting was adjourned at 10:50 a.m.

Ken Schneier, Secretary
Planning and Zoning Board