

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
NOVEMBER 17, 2011 - 3:00 P.M.**

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

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

CALL TO ORDER

Mayor Brown called the meeting to order at 3:00 p.m.

RESOLUTIONS

1. Resolution 2011-26, Comprehensive Plan Amendments

The Town Commission held Special Workshop meetings on October 3, 17, and November 4, 2011 regarding proposed Comprehensive Plan Amendments. Resolution 2011-26 provides for transmittal of changes to the Town's Comprehensive Plan related to the Future Land Use Element, Transportation Element, Recreation and Open Space Element, Infrastructure Element – Stormwater Sub-element, Intergovernmental Coordination Element, Capital Improvement Element, and related Data and Analysis to the State land planning agency and other regulatory agencies. Recommended Action: Pending public hearing and discussion, pass Resolution 2011-26.

Town Clerk Trish Granger placed Resolution 2011-26 on record for public hearing by title only.

Commr. Zunz moved to pass Resolution 2011-26. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Attorney Nancy Stroud presented an overview of issues relating to height of structures, and uses to be permitted in the Town Center Overlay District relating to the types of residential uses to be allowed. Discussions were held on the following topics/issues:

- language outlined in Policy 1.6.1.
- age restrictions for inclusion of independent living communities
- assisted living facility versus nursing home facility
- licensed versus personal care services.

Subsequent to discussions with Attorney Stroud and Town Attorney David Persson on proposed language for Policy 1.6.1, Commr. Larson moved to modify Policy 1.6.1, as follows (additions shown as double underlined text/deletions shown as double ~~strikethrough~~ text):

Residential uses are limited to predominantly senior living communities including but not limited to age-restricted, independent living senior communities. ~~and assisted living facilities, but shall not include nursing home facilities licensed under Chapter 464, part I, Florida Statutes.~~

1. Resolution 2011-26, Comprehensive Plan Amendments - Continued

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

Mr. Jeremy Whatmough, Gulf of Mexico Drive, requested clarification on the height limitation for antennae (Policy 1.1.10).

Mr. Mitchell Rhodes, Dream Island Road, commented on height restrictions for cellular towers.

Attorney Charlie Bailey, with the law firm of Williams, Parker, Harrison, Dietz, and Getzen, noted concern relating to the language pertaining to heights of antennae. Upon inquiry, Attorney Bailey opined that proposed amendments to the Comprehensive Plan included in Resolution 2011-26 should not apply to current applications.

Attorney Michael Furen, representing Gus Sclafani and Doreen Erickson, reviewed portions of the existing Comprehensive Plan Goals and discussed Policy 1.1.10.

Attorney Stroud opined that the Town Commission has authority to amend recommendations of the Planning and Zoning Board and the regulation of cell towers as determined in the Land Development Regulations and Town Attorney Persson noted the Land Development Regulations provide the Commission authority on height restrictions.

Attorney Furen commented on the existing Policies and suggested that the process be slowed down to provide adequate consideration of the proposed amendments.

Discussion ensued on statutory provisions relating to review of comprehensive plan amendments, an existing pending application, and a RFQ (Request for Quote) relating to the needs for improved cellular service.

Upon inquiry, Planning, Zoning, and Building Department Planner Steve Schield noted the recent ruling of the Zoning Board of Adjustment and the status of the application for a cell tower.

Town Attorney Persson noted the steps to be accomplished for final consideration of the application and Mr. Schield noted other issues under consideration on the application. Upon inquiry, Town Attorney Persson noted the interpretation of the word "shall" versus "will."

Attorney Stroud commented on the option to eliminate Policy 1.1.10 and the intent of the language to clarify the existing Comprehensive Plan. Discussion ensued with Attorney Stroud, Town Attorney Persson, and Town Manager Dave Bullock on the following topics/issues:

- the issues relating to wireless communication service facilities
- items to be reviewed in consideration of cellular towers

1. Resolution 2011-26, Comprehensive Plan Amendments - Continued

- the recommendation to place restrictions in the Comprehensive Plan versus the Land Development Regulations
- time frame for acceptance, review, and award of the RFQ
- time frame for vendor to provide a final report.

The motion to pass Resolution 2011-26, as amended, carried by a 5-2 roll call vote, as follows: Zunz, aye; Larson, aye; Younger, aye; Lenobel, no; Duncan, no; Brenner, aye; Brown, aye.

RECESS: 4:30 p.m. - 4:40 p.m.

2. Resolution 2011-28, Comprehensive Plan Amendments – Capital Improvements Element

Resolution 2011-28 provides for transmittal of changes to the Town's Comprehensive Plan, related to the required annual review of the Capital Improvements Element and related Data and Analysis, to the State land planning agency and other regulatory agencies. Recommended Action: Pending public hearing and discussion, pass Resolution 2011-28.

Town Clerk Trish Granger placed Resolution 2011-28 on record by title only.

Commr. Younger moved to pass Resolution 2011-28. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Lenobel, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye.

3. Resolution 2011-34, Fiscal Year 2010-2011 Year End Budget Transfer

End of Fiscal Year 2010-11 budget transfers are being proposed for various General Ledger line items. Resolution 2011-34 provides for the necessary budget transfers to be made for compliance with the Town Charter. Recommended Action: Pending discussion, pass Resolution 2011-34.

Town Clerk Trish Granger placed Resolution 2011-34 on record by title only.

Commr. Duncan moved to pass Resolution 2011-34. The motion was seconded by Commr. Younger.

Commr. Larson inquired and Finance Director Thomas Kelley advised that Staff was researching the issue of the 401K match for former Town Manager Bruce St. Denis.

Upon inquiry, Town Attorney David Persson advised that he had not had adequate time to review the circumstances or time frame for the contribution match, reviewed the intent of the severance agreement, and noted he would report back on the matter.

Discussion ensued with Finance Director Kelley, Town Attorney Persson, and Town Manager Dave Bullock on removing the line item transfer for the 401K match and the process required to be reimbursed for the payment.

3. Resolution 2011-34, Fiscal Year 2010-2011 Year End Budget Transfer - Continued
Commr. Larson moved to delete the line item transfer for the 401K match from Resolution 2011-34.

Upon inquiry, Finance Director Kelley advised that the expenditure was for Fiscal Year 2010-2011.

Following comments, Commr. Larson withdrew the motion to delete the 401K line item transfer.

The motion to pass Resolution 2011-34 carried by a 7-0 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Zunz, aye; Brenner, aye; Lenobel, aye; Brown, aye.

ORDINANCES - FIRST READING

4. Proposed Ordinance 2011-34, Budget Amendment for the Purchase of Property located at 4110 Gulf of Mexico Drive

At the November 7, 2011, Regular Meeting, the Town Commission approved the purchase of property located at 4110 Gulf of Mexico Drive (adjacent to Bayfront Park Recreation Center). A budget amendment is necessary to transfer the funds out of the Town's Land Acquisition Fund for the agreed upon purchase price of \$452,500.00 and any additional closing costs that may be applicable to the purchase. Proposed Ordinance 2011-34 will provide the necessary fund transfer for the property. Recommended Action: Pending first reading and discussion, forward Proposed Ordinance 2011-34 to the December 5, 2011, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-34 on record by title only.

Commr. Zunz moved to pass Ordinance 2011-34 on first reading and to forward to the December 5, 2011, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote as follows: Zunz, aye; Duncan, aye; Lenobel, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye.

5. Proposed Ordinance 2011-35, Budget Transfer

At the May 13, 2011, Special Meeting, the Town Commission directed that a Request for Proposal (RFP) for a consultant to develop a prospectus for a new Community Center at the Bayfront Park Recreation Center / Albritton Property. There was consensus to provide a maximum of \$25,000.00 for the award of the RFP to a consultant in the fiscal year 2011-12 Budget. The adopted budget provides \$10,000.00 for the project. A transfer of \$15,000.00 is necessary to provide for the contract with the consultant in an amount not to exceed \$25,000.00. Proposed Ordinance 2011-35 will provide the necessary transfer. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-35 to the December 5, 2011, Regular Meeting for second reading and public hearing.

5. Proposed Ordinance 2011-35, Budget Transfer - Continued

Town Clerk Trish Granger placed Ordinance 2011-35 on record by title only.

Commr. Zunz moved to pass Ordinance 2011-35 and to forward to the December 5, 2011, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Upon inquiry, Finance Director Thomas Kelley advised that the transfer was not included in the adopted budget.

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

NEW BUSINESS

6. Finance Committee's Recommendation for the Selection of the Town's Auditor

The Finance Committee has completed a thorough process to make a recommendation to the Town Commission for the selection of a new Town auditor. Subsequent to interviewing and reviewing the presentations of three firms, the Finance Committee, in accordance with State Statute, reached consensus and is forwarding the names of three firms in order of preference, with a recommendation of the firm of Carr, Riggs, and Ingram to serve as the Town's auditor. Recommended Action: Following discussion, appoint Carr, Riggs, and Ingram as the Town's auditing firm.

Vice Mayor Brenner noted inclusion of a memorandum outlining the process utilized by the Committee, thanked the citizen members of the Committee, Mr. Lou Levy and Mr. Lee Riley, for their volunteer service, and noted the Committee recommendation to appoint Carr, Riggs, and Ingram.

Vice Mayor Brenner moved to approve the selection of Carr, Riggs, and Ingram as the Town's auditing firm. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Brenner, aye; Larson, aye; Duncan, aye; Lenobel, aye; Zunz, aye; Brown, aye; Younger, aye.

OTHER BUSINESS

A. Planning, Zoning, and Building Department

Commr. Younger commented on the purchase of the property at 4110 Gulf of Mexico Drive and inquired as to the need to prepare zoning amendments for the property.

Town Attorney David Persson advised that the closing date was scheduled for December 7, 2011, and noted that Planning, Zoning, and Building Department Staff will begin the process for the zoning change.

B. Personnel

Town Manager Dave Bullock commented on meetings held with citizens and organizations over the past several weeks and noted the comments received relating to Town services and Town employees.

OTHER BUSINESS- Continued

B. Personnel - Continued

Town Manager Bullock noted Staff's dedication to the Town and the services they provide, commented on budget constraints to provide annual salary increases, requested consideration for approval of a one-time payment of \$1,000 for full time employees and a pro-rated one-time payment for part-time employees, and advised that no increase to base salaries or other benefits would be incurred.

Commr. Younger moved to approve the one-time payment as outlined by Town Manager Bullock. The motion was seconded by Commr. Zunz.

Upon inquiry, Town Manager Bullock advised that it had been three years since the last pay increase for employees and would be for those employed during the previous twelve months.

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

ADJOURNMENT

Mayor Brown wished everyone a safe holiday and adjourned the November 17, 2011, Special Meeting at 5:07 p.m.

Trish Granger

Trish Granger, Town Clerk

James L. Brown

James L. Brown, Mayor

Minutes Approved: 01/09/2012