

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
MAY 20, 2010 - 5:01 P.M.**

Present: Mayor George Spoll, Vice Mayor Jim Brown, Commrs. David Brenner, Gene Jaleski, Lynn Larson, Hal Lenobel, Robert Siekmann

Also Present: Town Manager Bruce St. Denis, Town Attorney David Persson,
Town Clerk Trish Granger

CALL TO ORDER

Mayor Spoll called the Special Meeting of the Longboat Key Town Commission to order at 9:01 a.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

RESOLUTIONS

1. Resolution 2010-25, Budget Transfer in the Amount of \$150,000 From Commission Contingency to Town Attorney; Transfer of Funds Within the Town Attorney Budget in the Amount of \$15,000 from Professional Services – Other to Contractual Services

At the May 5, 2010 Special Workshop, the Finance Director discussed the Town Attorney Budget and recommended a transfer of \$150,000 from Commission Contingency to amend the budget to cover the overage. Proposed Resolution 2010-25 transfers \$150,000 from Commission Contingency and reallocates budgeted funds in the amount of \$15,000 from Town Attorney, Professional Services- Other to Town Attorney, Contractual Services. Recommended Action: Pending discussion, pass Resolution 2010-25.

Town Clerk Trish Granger placed Resolution 2010-25 on record by title only.

Commr. Siekmann moved to pass Resolution 2010-25. The motion was seconded by Vice Mayor Brown.

Following inquiry by Mayor Spoll on public input, the motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Brown, aye; Spoll, aye; Lenobel, aye; Brenner, aye; Larson, aye; Jaleski, aye.

2. Proposed Resolution 2010-26, Reallocation of Phase II Infrastructure Surtax Funds from Utility to Beach Functional Area

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified and there was consensus to forward a series of budget transfers to facilitate funding of the beach projects to the May 20, 2010 Regular Workshop Meeting. Recommended Action: Pending discussion, pass Resolution 2010-26.

Mayor Spoll noted that proposed Resolution 2010-26 was pulled from consideration pending a required public hearing.

3. Proposed Resolution 2010-27, Reallocation of Funds – Beach Projects in the Amount of \$2,700,000

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified and there was consensus to forward a series of budget transfers to facilitate funding of the beach projects to the May 20, 2010 Regular Workshop Meeting. Recommended Action: Pending discussion, pass Resolution 2010-27.

Town Clerk Trish Granger placed Resolution 2010-27 on record by title only.

Commr. Jaleski moved to pass Resolution 2010-27. The motion was seconded by Vice Mayor Brown.

Following inquiry by Mayor Spoll, Commr. Brenner noted discussion and direction to review additional options for funding beach projects. Town Manager Bruce St. Denis advised that staff would review options on future projects.

Commr. Larson inquired and Town Manager Bruce St. Denis advised that due to the status of the project parallel review of additional options would not be timely for this project and would result in a delay in sand placement based on the time frame for permitting review and requirements.

The motion carried by a 7-0 roll call vote, as follows: Jaleski, aye; Brown, aye; Larson, aye; Brenner, aye; Siekmann, aye; Lenobel, aye; Spoll, aye.

ORDINANCES – FIRST READING

4. Ordinance 2010-24, Budget Transfer in the Amount of \$800,000 from Phase II Infrastructure Surtax Funds to Beach Capital Projects Fund

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified and there was consensus to forward a series of budget transfers to facilitate funding of the beach projects to the May 20, 2010 Regular Workshop Meeting. Recommended Action: Pending first reading and discussion, forward Ordinance 2010-24 to the June 7, 2010 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2010-24 on record for first reading by title only.

Commr. Larson moved to pass Ordinance 2010-24 and to forward to the June 7, 2010, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Jaleski.

4. Ordinance 2010-24, Budget Transfer - Continued

Following inquiry by Mayor Spoll on public input, the motion carried by a 7-0 roll call vote, as follows: Larson, aye; Jaleski, aye; Brenner, aye; Brown, aye; Siekmann, aye; Spoll, aye; Lenobel, aye.

5. Ordinance 2010-25, Budget Transfer in the Amount of \$1,500,000 from Unbudgeted Unallocated Funds in the Beach Capital Projects Fund to the North End JCP Interim Beach Nourishment Project Account

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified and there was consensus to forward a series of budget transfers to facilitate funding of the beach projects to the May 20, 2010 Regular Workshop Meeting. Recommended Action: Pending first reading and discussion, forward Ordinance 2010-25 to the June 7, 2010 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2010-25 on record for first reading by title only.

Commr. Jaleski moved to pass Ordinance 2010-25 and to forward to the June 7, 2010, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

Following inquiry by Mayor Spoll on public input, the motion carried by a 7-0 roll call vote, as follows: Jaleski, aye; Larson, aye; Lenobel, aye; Brown, aye; Siekmann, aye; Spoll, aye; Brenner, aye.

Commr. Jaleski commended Town Manager Bruce St. Denis on the actions taken relating to the erosion impacts on the North end of town.

ORDINANCES – SECOND READING AND PUBLIC HEARING

6. Ordinance 2010-16, Amending Chapter 158, Zoning Code of the Town of Longboat Key

Public hearing to consider Ordinance 2010-16 to amend Chapter 158, the Zoning Code of the Code of Ordinances

At the May 3, 2010 Special Meeting the Town Commission held first reading, public hearing, and discussion on Ordinance 2010-16. The Ordinance was forwarded to a Special Meeting scheduled for May 20, 2010 at 5:01 PM for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2010-16.

Town Clerk Trish Granger placed Ordinance 2010-16 on record for second reading and public hearing by title only.

6. Ordinance 2010-16, Amending Chapter 158, Zoning Code of the Town of Longboat Key - Continued

Commr. Brenner moved to adopt Ordinance 2010-16 on second reading and public hearing. The motion was seconded by Vice Mayor Brown.

Mayor Spoll opened the public hearing.

Planning, Zoning, and Building Department Director Monica Simpson noted the Ordinance under consideration reflects the Commission direction and action taken at the May 3, 2010, Special Meeting.

The following individuals commented on Ordinance 2010-16:

Mr. Jim Greer, 2016 Harbourside Drive
Mr. Alexander Wilhelm, 601 Longboat Club Road
Ms. Sandy Finnegan, 3040 Grand Bay
Mr. Patrick Mellett, 3440 Bayou Sound
Mr. Ron Johnson, 6485 Gulf of Mexico Drive

Attorney Michael Furen, representing the Islandside Property Owners Coalition (IPOC), commented on Ordinance 2010-16 and the process utilized to initiate a Code amendment and opined that it does not reflect previous Commission policy.

As no others wished to speak, Mayor Spoll closed the public hearing.

Commr. Jaleski opined that adoption of the Ordinance would create additional conflicts in the Zoning Code and reviewed specific areas of the Code that would be impacted.

Following comments on the submission of a revised plan, Ms. Simpson confirmed receipt of a revised packet.

Attorney John Patterson noted submission of a revised plan and noted that the petitioner would request consideration of the existing proposed project under the revised Zoning Code if the Ordinance was adopted.

Ms. Simpson noted the recommendation by staff on the determination of the measurement of the length of buildings (preferred centered versus through) and the performance standards for site and development (page 4, Section 6, of Ordinance 2010-16).

Attorney Furen commented on the consideration of the Ordinance and opined that the pending application should be reviewed under the Code existing at the time of the original submission or the application should be remanded back to the Planning and Zoning Board if it is permitted to be considered under the revised Code by adoption of Ordinance 2010-16.

6. Ordinance 2010-16, Amending Chapter 158, Zoning Code of the Town of Longboat Key - Continued

Town Attorney David Persson commented on the consideration of the revised submission and the process to be considered pertaining to the application pending. Discussion ensued with Town Attorney Persson on the following topics/issues:

- time frame for consideration of the pending application
- the time required to consider a reapplication with a revised plan
- no recourse to the Town if Ordinance 2010-16 is not adopted
- the process followed if an Administrative Appeal is filed by Attorney Furen.

Upon inquiry, Attorney Furen commented on the Town Commission's action, action that may be taken by IPOC, and consideration of the Comprehensive Plan by the Town Commission.

Town Attorney Persson noted the action today would clarify and both expand and restrict authority of the Town Commission on consideration of future applications pertaining to departures. Discussion ensued with Town Attorney Persson on the following topics/issues:

- items under consideration
- various outcomes that may result based on actions of others
- options to modify the effective date of the Ordinance
- ability to deny (not adopt) Ordinance 2010-16
- available administrative action to opposing parties
- explanation of the "Harris Act" ruling and impact on land use applications
- lack of recourse if Ordinance 2010-16 is not adopted
- impact of a State agency's (Florida Department of Community Affairs-FDCA) ruling on an Administrative Appeal filed
- affect on the Comprehensive Plan if Zoning Code is amended
- lack of procedural processes to conduct a referendum question on the application.

The motion to adopt Ordinance 2010-16 carried by a 4-3 roll call vote, as follows: Brenner, aye; Brown, aye; Lenobel, no; Spoll, aye; Siekmann, no; Jaleski, no; Larson, aye.

7. Other Business - Public Works

Town Manager Bruce St. Denis inquired on providing information to citizens relating to the preferred sand type, noted that information could be placed on the website for citizen response, and offered options to do an unofficial survey of the residents responding.

There was consensus to provide options for public input on the preferred sand type.

7. Other Business - Public Works

Commr. Larson requested that the press provide information to the public on the availability for citizens to provide input on the issue.

ADJOURNMENT

Mayor Spoll adjourned the May 20, 2010, Special Meeting at 6:01 p.m.

s/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 09/13/2010