

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

NOVEMBER 15, 2011

The regular meeting of the Planning and Zoning Board was called to order at 9:00 AM.

Members Present: Chair BJ Webb, Vice Chair Allen Hixon, Secretary John Wild, Members Phineas Alpers, Jack Daly, Leonard Garner, Laurin Goldner, Walter Hackett, George Symanski

Also Present: David Persson, Town Attorney; Steve Schield, Planner; Ric Hartman, Planner; Donna Chipman, Office Manager

All those testifying were sworn at this time.

AGENDA ITEM #1
CEDARS EAST TENNIS CLUB
SPECIAL EXCEPTION

Pursuant to published notice, the public hearing was opened.

David Persson, Town Attorney, asked if there were any conflicts to disclose regarding the Cedars East project. Mr. Wild noted that he had owned a unit at Cedars East since 2003, and lived in the unit from 2004-2010. He mentioned that he had communication with Attorney Persson and Chair Webb requesting additional information be brought forward for the hearing. Attorney Persson asked if his unit was within 500 feet of the snack bar. Mr. Wild replied no; it was approximately 1/4 mile from the subject site. Attorney Persson asked if he believed he could provide a fair and objective decision. Mr. Wild responded he believed he could be fair and objective. Attorney Persson asked if anyone had any objections to Mr. Wild participating to which no objections were noted. He commented that he believed Mr. Wild had a legal right to participate in the hearing. He questioned Mr. Wild related to his communication with Attorney Persson and Chair Webb. Mr. Wild explained that he was requesting additional information related to the original approval ordinances.

Mr. Hixon mentioned that he had visited the site. Attorney Persson asked if Mr. Hixon had discussed the project with anyone. Mr. Hixon replied no.

Ric Hartman, Planner, reviewed the staff report noting the applicant was requesting a special exception for outdoor dining. The applicant was requesting approval to be allowed to have outdoor dining, food and drink service provided at six tables with a

maximum of 24 seats located adjacent to the snack bar area under the roof overhang. This would also include an additional 14 bar stools located at the pool cabana, which was located 30-40 feet from the other outdoor dining area. The applicant had previously received approval for tables and chairs located outside the snack bar, but they were only approved for casual seating. The pool cabana did not include any seating when approved, but he understood there was a code violation brought to the owner's attention, and he was attempting to bring the outdoor seating into compliance with the Zoning Code. The applicant had redesigned the interior of the building approximately one year ago under a Site Plan Exemption. Mr. Hartman mentioned that the owner was proposing to move some of the allowable interior seats to the outside, which would not require a parking analysis. There was evidence of a larger amount of seating allowed in the early 1990s, but the applicant was proposing to use the total of 58 seats (20 inside and 38 outside). The applicant agreed to comply with all the subsections of the code, with the exception of a condition that staff was recommending related to music and amplified voices (condition 10 on page 4 of the staff report). He pointed out that it was brought to staff's attention that music was played outside in the pool area; however, under the outdoor dining ordinance, no music or amplified voices were allowed. Staff was revising the condition and proposing that no music or amplified voices be allowed in the outdoor dining area or any other outdoor location on the Cedars Tennis Club property. Special events, permitted by a special event permit, would be allowed to have music, but as part of the day-to-day operation, it would not be allowed.

Mr. Hackett questioned the distance in feet in order to be in accordance with Section 130.02. Mr. Hartman responded there was no defined limit. The noise ordinance would come into play also, and if it was audible within 50 feet and there was a complaint, then it was considered a police department matter. Mr. Hackett asked if a special event would override that requirement. Mr. Hartman replied yes.

Ms. Goldner asked if Cedars East had a tennis tournament, would they be required to obtain a special events permit. Mr. Hartman explained they would need a permit if they were going to have music or amplified voices. Ms. Goldner asked if a chair for a tennis match would not be able to use a microphone and call the match. Mr. Hartman replied that was correct, without a special event permit.

Mr. Daly referred to condition 10, which referenced "on the Cedars Tennis Club property," and asked if that was referring to the common elements. Mr. Hartman noted it was confined to the tennis club itself, and not into the residential area. Chair Webb asked if when referring to the tennis facility, were they referring to the snack bar. Mr. Hartman commented they were referring to the tennis club itself. Mr. Wild asked if it would be appropriate to identify that as Commercial Unit 1, which was how it was designated in the indentures; it separates the commercial unit from the homeowners' association. The commercial unit consisted of the pool, tennis courts, inside the clubhouse and the barn.

Mr. Alpers asked if he was understanding that currently, at the existing tables around the bar and outside the clubhouse, people could eat there as long as it was self-service. Mr. Hartman replied yes.

Mr. Daly referred to condition 12 and the language concerning the outdoor dining area not being visible from adjacent properties and asked if staff confirmed that information. Mr. Hartman responded yes; the applicant had stated it was not visible from adjacent properties, and staff have confirmed that information.

Randy Langley, owner of Cedars Tennis Club, referred to the letter that was submitted to the Town and included with the staff report noting the writer was the only family to ever have their membership revoked. Concerning the 'brawl' that was referenced in the letter, he explained that it had begun in a condominium unit adjacent to the pool area. The unit was rented out by the owner, who was also a former board member, and who had numerous complaints filed against them.

Mr. Langley explained that he had addressed the board in 2010 to be part of an application to allow advertising as a restaurant, because a 'snack bar' was undefined in the code. He was wishing to allow people from off-island to come to the facility, but without obtaining a membership. The P&Z Board, at that time, agreed that he should be reclassified as a restaurant, but when he went before the Town Commission, they denied that change. He was now requesting to be allowed to have outdoor dining at the snack bar as a restaurant. He was allowed to have 340 memberships, but was limited to 58 seats. He agreed with the majority of the conditions in the staff report, with the exception of condition 10, because the snack bar was in the clubhouse building, which flowed out to the patio and then to the pool deck where the tiki bar was located. He pointed out that it was a fairly common occurrence that at a resort-type facility there would be music in the background. He mentioned they did have live music on Friday nights from 4:00 pm to 9:00 pm, but it was only a gentleman with an acoustic guitar. He reiterated that he was trying to create a resort-type atmosphere.

Mr. Hartman noted that one of the items that he would like the board to consider was to include the limit of 58 seats in the special exception order, Exhibit 'A'. He explained that Condition 1 should be amended to reference 20 seats inside and 24 seats for the six tables outside, along with the 14 bar stools at the pool cabana. Attorney Persson suggested that the total amount of seating for the accessory snack bar shall be 58 seats and then delineate those seats between the outdoor and indoor seating. Mr. Hartman commented the condition would be revised to include language, which stated, "allow outdoor dining at six tables with a maximum of 24 seats outside the snack bar and allowing for outdoor dining at 14 bar stools at the pool cabana."

Mr. Hixon asked if staff was concerned where the 58 seats were located, or was referring only to 58 seats being adequate. Mr. Hartman explained the number of seats was 58, and there was an approved site plan showing specific locations of the seating, which had been done in the past for other restaurants and they were held to that layout. Chair Webb believed Mr. Hixon's comment was valid and asked if it was a good use of staff time to walk around and count how many seats were inside or outside; was the Town concerned as long as it did not exceed what was a reasonable number of seats to occupy the space. Mr. Hartman responded it assisted with enforcement, but the board had the authority to determine the seating. Mr. Wild believed 58 seats should be approved and allow the applicant to decide the location of those seats.

Mr. Daly referred to condition 10 and asked if staff had thoughts, in terms of compromise, to include some type of music. Mr. Hartman commented that staff was open to suggestions from the board, but they could adhere to the current code requirement that it not be allowed in the outdoor dining area. Mr. Daly questioned why staff would not recommend it. Mr. Hartman explained that the facility was very close to a residential area, and the projection of music into those areas was what the code was attempting to prohibit. The board could allow music a certain distance from the outdoor dining area; the noise ordinance restricts it to not be audible more than 50 feet away.

Mr. Garner asked if the request was for an additional six tables or 24 seats. Mr. Hartman pointed out that the six tables were currently approved for casual seating, but they were not allowed to have dining service. Mr. Garner disagreed with the thought to allow the 58 seats in any location, because at this time, the Town restricted the dining service to indoors. He believed the issue being addressed was a request for the six approved tables outside to be allowed to have dining service.

Mr. Hixon referred back to the issue of the prohibition of music. Mr. Hartman explained it was a prohibition of music within the outdoor dining area, and the site plan would indicate the location of the outdoor dining areas. Mr. Wild asked if at the other end of the pool, which was some distance from the dining area, was allowed to have music; or was it still considered part of the outdoor dining area. He knew that all the units on that side of the clubhouse were not full residential; they were rental units. Mr. Hartman replied that was correct.

Mr. Alpers referred to condition 10 in Special Exception Order 2011-02, which addressed screening, and noted that no wall was shown on the site plan. Mr. Hartman responded that was language from the Town Code referencing screening from commercial properties. The proposed site was currently screened and not visible from the adjoining properties. Mr. Garner asked how the site was currently screened. Mr. Hartman commented it was totally screened, on the south by buildings and structures, and along the property line. Mr. Garner asked if Mr. Hartman was stating that what existed was adequate. Mr. Hartman replied yes.

Mr. Hackett asked if the cabana was a serving station along with cabana seating. Mr. Hartman noted it was not approved as a service area, but the applicant was being cited for serving customers at the pool cabana, which was one of the issues that would be brought into compliance with this request.

Roy Bellas, Jungle Queen Way, was sworn. He voiced concern with amplified music as several weeks ago there was loud music from the facility that could be heard through his windows. He objected to music being allowed for this establishment.

No one else wished to be heard, and the hearing was closed.

MR. WILD MOVED APPROVAL OF SPECIAL EXCEPTION ORDER 2011-02 FOR CEDARS EAST TENNIS CLUB. MR. HIXON SECONDED THE MOTION.

Mr. Symanski asked if the motion included the amendment by staff. Chair Webb replied no. Mr. Hartman commented that he was drafting the proposed amended language, but there seemed to be discussion as to whether it should be tied to the site plan approval or just allow 58 seats in general. Mr. Wild noted his intent was to allow a total of 58 seats in general. Mr. Hixon concurred.

MR. WILD MOVED APPROVAL OF SPECIAL EXCEPTION ORDER 2011-02 FOR CEDARS EAST TENNIS CLUB WITH THE AMENDMENT TO ALLOW A TOTAL OF 58 SEATS IN GENERAL. MR. HIXON SECONDED THE MOTION.

Mr. Langley questioned if the motion included condition 12 related to the music. Mr. Wild believed condition 12 was a separate discussion. He was only speaking to the issue of seats. Mr. Garner believed the motion included condition 12, which was part of the Order, and it also requested a maximum of 24 seats and 14 bar stools.

Attorney Persson pointed out the flexibility on the seating was fine, but they needed to ensure that the Fire Marshal could approve what was being proposed. He suggested the board state the number of seats, but subject to approval of the Fire Marshal.

Mr. Hackett believed the 58 seats, in general, should be defined inside and outside. Mr. Wild explained his intent was to move the item forward with the 58 seat maximum, and within the staff recommendation, the locations of those seats were laid out.

Mr. Garner discussed condition 12 noting it was reasonably clear it allowed music, as long as it complied with the Town Codes. Mr. Langley responded it was his understanding that condition 12 prohibited music. Mr. Garner suggested a modification to condition 12 to allow music as long as it was in compliance with Town Code. The word 'no' should be removed and condition 12 in the first sentence should be modified to read, "*Music or amplified voices shall be allowed in the outdoor dining area, or in any other outdoor location on the Cedars Tennis Club property.*"

MR. WILD ACCEPTED MR. GARNER'S MODIFICATION AS A FRIENDLY AMENDMENT.

Mr. Hixon did not accept the friendly amendment as he believed it was against the regulations.

Mr. Hartman suggested the language be modified to read, "No music or amplified voices shall be allowed in the outdoor dining area." The outdoor dining area was strictly the pool cabana area, and the area under the roof overhang. The music would still be allowed outside those areas around the pool. Attorney Persson provided two options: 1) state "No amplified music or amplified voices;" or 2) deletion of the first sentence.

Mr. Wild asked if they defined the area as adjacent to the pool and tiki bar, would any music at the other end of the pool be addressed by the noise ordinance. He would like to limit it to the area being discussed, since the other end of the pool was allowed to have music. Mr. Garner commented he was suggesting following the existing ordinances. Mr. Symanski believed an anomaly was pointed out that a restaurant could

not have music, and this was not a restaurant, but a snack bar, which should be addressed. Mr. Hartman noted Mr. Langley had outdoor music playing adjacent to or near the outdoor dining area; it was not the snack bar / restaurant. Mr. Symanski asked if the same rules could be applied to this facility, even if he was not a restaurant; or was that an issue that needed to be addressed. Mr. Hartman noted that staff was applying the same rules as a restaurant, because there was not a definition for snack bar. Mr. Symanski believed it should note the facility should be treated the same as a restaurant. Mr. Garner agreed.

Mr. Daly asked if they eliminated the first sentence in condition 12, what type of music would be permitted. Mr. Hartman responded any type of music would be allowed, as long as it was not audible more than 50 feet away. Mr. Daly asked why that would not make sense. Mr. Hartman explained that because the outdoor dining area was defined, and it was a very small defined space, they could stay within the code and still not impact the music around the pool, as it was outside the outdoor dining area. Mr. Wild noted that was his desire. Mr. Daly commented if the sentence was eliminated, then it would permit music throughout the entire area, in accordance with the code. Mr. Hartman replied yes; it would allow outdoor music in the outdoor dining and cabana area.

Mr. Hixon believed the deletion clarified the statement, and he would support that modification if Mr. Wild wished to change his motion. Mr. Wild agreed.

MR. WILD MOVED APPROVAL OF SPECIAL EXCEPTION ORDER 2011-02 FOR CEDARS EAST TENNIS CLUB WITH THE AMENDMENT TO ALLOW A TOTAL OF 58 SEATS IN GENERAL; AND TO MODIFY CONDITION 12 TO DELETE THE FIRST SENTENCE. MR. HIXON SECONDED THE MOTION.

Mr. Symanski asked if, for purpose of condition 12 and the issue of music, the board could treat the facility the same as a restaurant. Mr. Wild commented he did not have a problem with that suggestion. Mr. Garner was not sure how that could be accomplished without changing the approval ordinances and designation. Mr. Symanski explained it could simply be done through a condition that the noise ordinance shall be applied to the facility as a restaurant.

MOTION ON AMENDMENT RELATED TO THE MUSIC CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

MOTION ON AMENDMENT RELATED TO THE SEATING CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

MOTION ON ORIGINAL MOTION, AS AMENDED, CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

The board recessed from 10:07 am – 10:16 am

AGENDA ITEM #2
ORDINANCE 2011-16
COMMERCIAL SITE PLAN REVIEW STANDARDS FOR LANDSCAPE BUFFERS

Pursuant to published notice, the public hearing was opened.

Ric Hartman, planner, reviewed the staff report noting this discussion was raised during the transition yards requirement for a ten foot landscape buffer between non-residential and residential districts and uses, and between multi-family and single-family districts and uses. He commented that at the last meeting the board directed staff to go back and create some type of waiver system that would allow the Town Commission "leeway" on what would be required between these types of uses. Staff had originally proposed allowing fencing and walls, of a certain opacity level, to be used in place of the ten foot landscape buffer. The proposed ordinance provided a waiver system for the Town Commission when reviewing these types of landscape buffer requests for standards that they could review and find that other forms of buffering would meet the intent of the code and to allow for that. The ordinance would also allow for buffer exemptions based on specific findings of fact.

Mr. Symanski discussed the original idea which was to allow someone to come in with a different type of buffer; however, the current ordinance was totally different than he believed they had previously discussed. He asked why the ordinance would reference wanting to preserve existing landscaping to the greatest extent possible. Mr. Hartman pointed out that one of the issues was cost, but one of the issues the board discussed was to allow the Town Commission flexibility. Mr. Symanski commented that the ordinance was including a requirement to keep the existing landscaping, rather than allowing the owner to decide what they wished to maintain. Mr. Hartman explained the language was included in the current code under the flexibilities for revitalization, and it allowed the owner to keep the current landscaping. Mr. Symanski pointed out that the current code "allowed" it, but the proposed ordinance required it.

Concerning buffering exemptions, Mr. Symanski referred to (C)(1) and (4) in the ordinance, and questioned the meaning of the words, "reasonable design." He did not understand why that language was in this ordinance as he believed it was variance language. Mr. Hartman responded there were instances where the application of the provisions have caused the adjacent property owner (non-residential) to redesign their property that might not be reasonable. Discussion ensued concerning the Mar Vista Restaurant property and the ten foot buffer with Mr. Symanski noting that there was a provision that Mar Vista could do a wall without including the ten feet. He asked how they were giving the property owner reasonable design and use of their property. Mr. Hartman commented staff was directed by the board to include exemptions and waivers, and allow the Town Commission to have flexibility to consider other alternatives.

Mr. Hixon left the meeting at 10:27 am.

Mr. Garner discussed the burden of the buffer should be on the property that caused the issue. Mr. Hartman commented that was the way the ordinance was written. Subsection (A) was from the clear direction from the board that the burden was not to be placed on the property that was not changing. Mr. Garner noted it was not clear. Chair Webb concurred. Discussion ensued on the rezoning of Moore's Stone Crab Restaurant and the Mar Vista Restaurant landscaping. Mr. Garner commented if there were two adjacent non-conforming properties (residential and commercial), then there had to be a buffer. Mr. Symanski disagreed; he believed it was up to the owner. Mr. Alpers referred to page 3 of the ordinance, last paragraph under (A). Mr. Hartman responded that was the key paragraph to Mr. Garner's question, and he wished to point out when the adjacent commercial property came back in with a site plan amendment, or was redeveloped as such that a site plan was required to be submitted, at that time they would be required to install some type of buffer. Mr. Garner noted the main emphasis of his comments was, not only for the property owners, but for Longboat Key as a municipality. He commented if the Town allowed discretion as far as buffers between commercial and residential, there would be some development where that would just be existing, and he did not wish to see that anywhere. It was incumbent on the community to ensure that the commercial areas were buffered from the residential areas.

No one else wished to be heard, and the hearing was closed.

MR. WILD MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2011-16 AS WRITTEN. MS. GOLDNER SECONDED THE MOTION.

MR. SYMANSKI OFFERED A FRIENDLY AMENDMENT TO DELETE (B)(4) ON PAGE 4 OF THE ORDINANCE. MR. WILD AND MS. GOLDNER ACCEPTED THE AMENDMENT.

MR. SYMANSKI OFFERED ANOTHER FRIENDLY AMENDMENT TO DELETE (C)(1) AND (4).

Mr. Wild asked why that language was included. Mr. Hartman explained that the board requested waiver and exemption standards, and staff had relied on some of the language in the revitalization ordinance. He believed the board's direction was for the Town Commission to have broad discretion.

MR. WILD AND MS. GOLDNER ACCEPTED THE AMENDMENT.

As a result of the amendments, Chair Webb requested the word 'and' be eliminated at the end of the sentence in (C)(3) and renumber the remainder.

MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

AGENDA ITEM #6
ORDINANCE 2011-21
LANDSCAPING CODE ENFORCEMENT CLAUSE

Pursuant to published notice, the public hearing was opened.

Ric Hartman, Planner, reviewed the staff report noting that the Town Commission adopted Ordinance 2011-10, which revised regulations for the screening of certain through lots along Gulf of Mexico Drive (GMD). The Town Commission was concerned that a property owner could be cited for one or more code violations for noncompliant landscaping that did not result from voluntary actions, without a sufficient amount of time to correct the problem. The proposed ordinance would include a six-month time period for property owners whose required landscaping was involuntarily damaged or destroyed to bring their landscaping back into compliance with the code.

Mr. Symanski questioned what would happen if a buffer was destroyed involuntarily; would the owner be in immediate violation. Mr. Hartman discussed the process noting the owner would have six months to replace the buffer with the proposed ordinance whereas at this time they would be in immediate violation. Mr. Symanski asked who would be prosecuting the owner. Mr. Hartman replied the Code Enforcement Department. Attorney Persson explained that the Code Enforcement Department had standard operating procedures, and one of those procedures was if the respondent was making a good faith effort to come into compliance, then they would not bring forth a code action. Mr. Symanski did not support the ordinance as he believed it was not needed.

Mr. Garner did not understand Mr. Symanski's concern, because if there was something that was required, and it had to be replaced, the owner had six months to replace; however, the Code Enforcement Department had latitude in the enforcement. He asked if the requirement was not in the code, how the violation would be addressed. Mr. Symanski explained that his point was for every provision in the Zoning Code there would have to be a timeframe for compliance if a disaster hits the town.

No one else wished to be heard, and the hearing was closed.

MR. GARNER MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2011-21 AS WRITTEN. MR. WILD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; SYMANSKI, NO; WEBB, AYE; WILD, NO.

AGENDA ITEM #7
TELECOMMUNICATIONS

Steve Schield, Planner, explained that the Planning and Zoning Board had addressed the issue of telecommunications and requested the Town Commission to authorize public hearings to discuss the issue as it relates to the Comprehensive Plan. He pointed out that the Town Commission had authorized the hearings, but also requested a Request for Qualifications (RFQ) be placed requesting a telecommunication expert to

evaluate the town and provide a report with recommendations on what changes should or should not be made. Staff was requesting that the board defer action on this issue until such time as the report was submitted to the town in order for the board to make an informed decision. He noted that the RFQs submitted would be opened on December 7, 2011, and then a contract would be negotiated to the company that was awarded the RFQ. He did not expect the report until sometime in February or March 2012. At that time, staff would schedule the issue for a meeting and provide the background information and staff recommendations.

Chair Webb noted that this issue was not related to the applications submitted by the Longboat Island Chapel and only related to changes in the Town's Comprehensive Plan.

Mr. Garner asked how the RFQ differed from the attorney that had provided a presentation to the board. Mr. Schield pointed out that the previous presentation was a general overview of the telecommunication issue, and this would be a specific study of the island and would provide specific recommendations. Mr. Garner asked if it was a physical analysis of the use of towers for the benefit of cell phones. Mr. Schield responded it would include review of other technology, as well as offer options. Chair Webb pointed out that they could not determine what the reports would state until they were completed.

Mr. Symanski believed the issue referenced ordinance amendments. Mr. Schield noted that there might be amendments that were drafted as a result of the study. Mr. Symanski pointed out that a definition of 'essential services' did not include cell phones. Mr. Schield explained that he did not believe the study would address that aspect of the code. Attorney Persson discussed that this study was requested by the Town Commission 2-3 years ago to determine what was necessary in the Zoning Code to achieve better than adequate wireless communication. He did not believe they should focus on towers; it was an issue of wireless communication and what was needed. Mr. Symanski asked if the board would be hearing the applications for the Longboat Island Chapel. Attorney Persson responded the board would hear the applications once staff had a chance to review the materials submitted and deem them complete. He noted that, as a result of the ZBA determination on the appeal, the ODP application would also be coming back to the P&Z Board for discussion. Discussion ensued on the issue with Attorney Persson noting that when the Longboat Island Chapel came forward, the board would be applying rules that were in existence at the time of application; and, there was no time clock on the applications at this point following the decision by the ZBA to grant the appeal that was filed; the applications would go back to staff for a completeness determination, and once that was determined, the clock would restart.

Mr. Daly questioned if the study would evaluate the quality of cell service. Mr. Schield replied yes. Mr. Garner commented he would like the board to have an opportunity to include a wish list of what they would like included in the study. Mr. Schield noted that the RFQ was comprehensive, and he believed the board's questions would be addressed. Chair Webb requested that if any members had issues they would like to have addressed to please email Mr. Schield.

Gene Jaleski, Cedar Street, discussed coverage issues, alternative technology, and wi-fi service. Chair Webb noted that the purpose of the discussion was to defer the issue until such time that the Town had the expert reports. The issue of the Longboat Island Chapel applications was not before the board and could not be discussed at this time.

Charlie Bailey, attorney with Williams Parker Law Firm, appreciated the proposal being requested by the Town for analysis of needs. He discussed items that he would encourage be included, such as: quality of coverage; what needed to be done to improve the quality of coverage in terms of technology available or anticipated in the future; and, recommendation of regulations to implement the technology. He hoped the Town would review ways to solve the coverage issues.

AGENDA ITEM #5
CONSENT AGENDA

MR. WILD MOVED APPROVAL OF THE MINUTES OF THE MAY 5, 2011 SPECIAL MEETING, JUNE 14, 2011 SPECIAL MEETING, JUNE 21, 2011 REGULAR MEETING, JULY 19, 2011 SPECIAL MEETING, AUGUST 16, 2011 SPECIAL MEETING, SEPTEMBER 1, 2011 SPECIAL MEETING, AND SEPTEMBER 13, 2011 SPECIAL MEETING AND SETTING THE FUTURE MEETING DATE FOR DECEMBER 13, 2011. MR. ALPERS SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

STAFF COMMENTS

Attorney Persson discussed a letter he provided related to public records and the Sunshine Law. He wished to ensure that everyone was complying with the requirements.

Mr. Schield informed the board that the Publix applications would be reviewed at the board's December 13, 2011, meeting. He also noted that depending upon when the applicant for Longboat Island Chapel reapplied, the earliest those applications would be heard would be at the January 17, 2012, meeting.

ADJOURNMENT

The meeting was adjourned at 11:10 pm.

John Wild, Secretary
Planning and Zoning Board