

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
MARCH 5, 2012 - 7:00 P.M.**

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

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

Absent: Commr. Phillip Younger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 7:00 p.m. and Commr. Duncan led the Pledge of Allegiance.

5. Other Business

Mayor Brown noted Charter requirements relating to Commissioner attendance at scheduled meetings and requested that the matter be added to the agenda for discussion.

Vice Mayor Brenner moved to add the item to the agenda. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Brenner, aye; Duncan, aye; Larson, aye; Zunz, aye; Lenobel, aye; Brown, aye.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Sarasota County School Superintendent Lori White and Manatee County School Superintendent Tim McGonegal - Presentation Regarding County School Systems
Sarasota County School Superintendent Lori White gave a PowerPoint presentation on the Sarasota County School system. Vice Mayor Brenner commented on the number of students enrolled and the amount of property taxes paid and Ms. White commended the residents of Longboat Key for their support of the educational system by supporting additional taxes placed on referendums.

Manatee County School Superintendent Tim McGonegal provided an overview of the Manatee County School system. Discussions were held on the following topics/issues:

- number of students enrolled in the Manatee County School district (60)
- current pension funding (through Florida Retirement System {FRS})
- State funding per student.

Upon inquiry, Ms. White noted the State funding per student for Sarasota County.

APPROVAL OF MINUTES

2. January 9, 2012 Regular Meeting; and January 19, 2012 Regular Workshop Meeting Minutes

There was consensus to approve the January 9 and January 19, 2012 meeting minutes.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Town Commission/Committees

Vice Mayor Brenner noted a recent meeting of the Finance Subcommittee and commented on the audit performed and the results received.

PUBLIC TO BE HEARD

3. Opportunity for Public to Address Town Commission

A. Public Property

Mr. Bob Craft, Emerald Drive, commented on Commr. Younger's absence and return, noted a previous appearance before the Town Commission on the "green space" abutting Emerald Harbor and requested that the Town initiate a property rezoning for the property.

Commr. Larson inquired, and Town Attorney David Persson commented on the past history of the property and suggested that Staff review the parcel's ownership and the steps needed to be taken to change the parcel to Open Space category. Town Attorney Persson noted that the property could not be used for any purpose other than open space unless sold by the Town.

Commr. Larson requested that the issue be added to the next workshop agenda for additional discussion, with no objection stated.

B. Public Property

Ms. Pat Mankes, Binnacle Point, commented on the property abutting Emerald Harbor and requested Commission action on the property.

C. Public Works/Animal Control

Mr. Ed Mankes, Binnacle Point, commented on the raccoon population in Emerald Harbor and requested that the Town handle the issue.

Mayor Brown noted previous Commission discussion and noted that Longboat Key does not have an animal control department and does not remove the animals. Mr. Mankes opined that it is a public safety issue and noted concern that the Town does not handle the removal.

Vice Mayor Brenner noted the development of a handout and suggested that the pamphlet be distributed to residents.

Commr. Larson requested that the Town Manager arrange to have the Open Space parcel cleared of underbrush to assist with the animal control issue, with no objection stated.

NEW BUSINESS

4. Public Hearing for Status of The Colony Redevelopment Efforts per Resolution 2011-17

At the May 2, 2011, Regular Meeting the Town Commission passed Resolution 2011-17 providing for an extension of the non-conforming uses and structures at The Colony Beach & Tennis Resort. Section 3 of the Resolution provides for a public hearing to be held at the March 5, 2012 Regular Meeting to provide an update to the Commission regarding efforts toward redevelopment of the property. Recommended Action: None, informational only.

Town Attorney David Persson commented on the Commission action on May 2, 2011, and advised that Resolution 2011-17 required the public hearing for representatives of the Colony Beach and Tennis Resort to provide a status report of actions taken subsequent to the approval of the extension of the non-conforming uses on the Colony property (1620 Gulf of Mexico Drive).

Mayor Brown noted a request from Mr. Yablon for a 30-minute PowerPoint presentation and noted the intent of the public hearing was to receive a status report on the efforts of the parties to reach an agreement for redevelopment.

Mr. Jay Yablon presented an overview of the issues to date, advised of collaboration with Club Holdings, and introduced the remaining speakers. The following individuals commented on the proposed redevelopment of the Colony property:

Mr. Glenn Miller, Club Holdings Ventures Manager, Windemere, Florida

Mr. Scott Anderson, Telluride, Colorado

Ms. Stacy Miller, Launchpad Development, Orlando (initiated a PowerPoint presentation on the proposed development)

Following comments by Mayor Brown on the intent of the hearing for a status report, Commr. Larson noted a meeting with Mr. Yablon in December and the information provided to her relating to the options to be considered by the property owners.

Mayor Brown indicated that the presentation be limited to the status of the efforts of the parties to reach an agreement on the redevelopment of the property.

Upon inquiry by Mr. Miller, Mayor Brown noted that review of an architectural proposal and site plan was premature at the current time and advised that he was requesting that the presenters provide information on the actions taken and future activities to resolve the issues.

Mr. Yablon noted a proposed meeting with the owners in April to present the development proposals and future application to the Town for the property. Discussions were held on the following topics/issues:

- progress since May 2011 between the parties in the application for an extension of the grandfathering zoning
- lack of agreements reached to date

4. Public Hearing - Status of The Colony Redevelopment Efforts - Continued

- meetings held to date with Association members (December 2011)
- required 75% approval of owners on a redevelopment plan.

Mayor Brown noted that there are additional parties to the original petition for a time extension and requested comments from any additional parties.

Attorney Charles Bartlett, representing Dr. Murf Klauber, noted Dr. Klauber's holdings on the property, recent court ruling on the partnership dispute and appeal by the Association, statements made relating to the redevelopment and issues not addressed, lack of ability to move forward without the participation of all parties, and lack of on-going mediation.

Upon inquiry, Attorney Bartlett opined on the process needed to bring the stakeholders to resolution and noted the number of parties involved in the property.

Attorney David Siegal, with Assof and Siegal, Attorneys at Law, commented on his client's (Breakpoint) interest in the property, advised that the Longboat Key Observer had reported on his testimony in the bankruptcy trial on April 29, 2010, and requested information on the comments in the article on the resolution of issues.

Commr. Larson inquired, and Mayor Brown and Town Attorney Persson confirmed the purpose of the public hearing on the status of the resolution of the litigation.

Mr. Bill Maloney, Court Appointed Bankruptcy Trustee, advised that Attorney Bartlett stated the correct facts and advised that he would support a resolution of a redevelopment agreement and timeframe for consideration. Upon inquiry, Mr. Maloney advised that the litigation could continue for several years if the parties could not reach an agreement.

RECESS: 8:37 p.m. - 8:52 p.m.

4. Public Hearing - Status of The Colony Redevelopment Efforts - Continued

Attorney Jeffrey Warren, with Bush/Russ Attorneys at Law and representing the Colony Association, noted the efforts to date, the expectation of all parties trying to obtain personal objectives, upcoming court hearings, and the continuing outstanding issues.

Mayor Brown encouraged the parties to work together in order to maintain current zoning in lieu of a reduced density on the parcel if the grandfathering expires. Following individual comments, Mayor Brown advised that the extension is valid until December 2012 and noted the importance of resolving the outstanding issues.

Vice Mayor Brenner noted the disrepair on the property, his position on additional extensions, and the importance of resolving the outstanding issues. Commr. Duncan noted the lack of progress and his position on granting a request for an additional extension.

4. Public Hearing - Status of The Colony Redevelopment Efforts - Continued

Town Attorney Persson noted that the opinions stated this date were based on the information presented this date and that any future application/petition would be based on the evidence presented at the appropriate hearing for that application.

Commr. Larson noted the impact of the current condition of the property on values throughout the Town. Commr. Zunz opined that there appeared to be a lack of interest by all parties to maintain the current zoning by resolving the issues.

Town Attorney Persson clarified that if a future petition is presented for a quasi-judicial proceeding that the determination will be made based on the evidence presented at that time.

5. Other Business/Town Commission - Continued

Mayor Brown noted Charter provisions relating to Commissioner attendance at scheduled meetings, commented on Commr. Younger's recent absence related to a medical condition, and advised that the Commission needed to take action pertaining to the absence.

Commr. Duncan moved to excuse Commr. Younger's absence as required by the Town Charter for the months of Feb. and March. The motion, seconded by Commr. Larson, carried by a 6-0 roll call vote, as follows: Duncan, aye; Larson, aye; Zunz, aye; Lenobel, aye; Brenner, aye; Brown, aye.

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock noted the presentation schedule by TE Communications, the telecommunications consultant, at Christ Church on March 16, 2012, from 3:00 p.m. to 7:00 p.m. and a future meeting to be held in the Commission Chamber at Town Hall on April 4, 2012, from at Town Hall from 3:00 p.m. to 7:00 p.m., advised that the information was on the Town's website, and noted that advertisements are scheduled in the Longboat Key Observer and the Longboat Key News.

B. Public Works

Town Manager Dave Bullock noted receipt of correspondence relating to the Port Dolphin project and advised that a one-year extension has been granted for the project and the Town's new deadline to extract sand is June 2014.

C. Public Works

Town Manager Dave Bullock noted past consideration in November 2011 on the Inlet Management Plan and Commission consensus to move forward with the permitting process for the North end structures. (See item later this meeting.)

TOWN MANAGER COMMENTS - Continued

D. Elections

Town Manager Dave Bullock noted the early voting schedule from March 10-16, 2012, and the General Election date and precinct sites for the March 20, 2012, election.

C. Public Works - Continued

Discussions were held on the following topics/issues:

- permitting of three groins
- phasing and location of proposed groins
- intent to submit permit with latitude on location and timing
- options to request open-ended permits that allow for extensions.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the March 5, 2012, Regular Meeting at 9:20 p.m.

Trish Granger

Trish Granger, Town Clerk

James L. Brown

James L. Brown, Mayor

Minutes Approved: 05-07-2012