

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
APRIL 19, 2012 - 2:00 P.M.**

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

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 2:00 p.m. and Commr. Zunz led the Pledge of Allegiance.

COMMITTEE REPORTS AND COMMUNICATIONS

1. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz and Vice Mayor Brenner advised of their attendance at the Manatee County Tourist Development Council (TDC) meeting. Vice Mayor Brenner noted that Manatee County was accepting applications for the appointment of a Municipal Elected Official as a voting member of the TDC, and commented on the additional issues discussed.

3. Other Reports

A. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Economic Development Board meeting and reviewed the issues discussed.

B. Organizations

Vice Mayor Brenner noted the conflict between the meeting schedules for the Town's Workshops and the Sarasota County Tourist Development Council (TDC) and advised that the issue was being discussed this date at the TDC meeting.

2. Sarasota County Special Liaison Report - No items were presented.

3. Other Reports - Continued

C. Town Commission

Commr. Duncan requested that Agenda Item 11 be advanced to the first discussion item following consent due to the anticipated length of the other presentations.

There was consensus to consider Item 11 following the Consent Agenda.

4. Employee Service Awards

A. Donna Chipman, 25 Years of Service

Planning, Zoning, and Building Department Town Planner Steve Schield commented on Ms. Chipman's service to the Town and Mayor Brown presented Ms. Chipman with her 25-Year Service Award.

4. Employee Service Awards - Continued

B. Sandy Moutoux, 25 Years of Service

Finance Director Tom Kelley commented on Ms. Moutoux's service to the Town and Mayor Brown presented Ms. Moutoux with her 25-Year Service Award.

5. Proclamation – April 2012 - National Landscape Architecture Month

Mayor Brown presented and Planning, Zoning, and Building Department Town Planner Steve Schield accepted and read the proclamation designating April 2012 as National Landscape Architecture Month.

PUBLIC TO BE HEARD

6. Opportunity for Public to Address Town Commission

A. Town Commission

Mr. Peter Dailey distributed a copy of the legal description of two properties, one on Broadway Street and one on Gulf of Mexico Drive, and requested consideration to approve the placement of referendum questions on the next ballot (Primary Election on August 2012), and discussed that a delay in ballot placement would incur costs for the Town.

Discussion was held on the intent of the request, additional information, location of the parcel in a proposed overlay district on the North portion of Island, and upon inquiry, Town Attorney David Persson commented on the Town's Referendum process.

Following comments by Vice Mayor Brenner, there was consensus to request that Mr. Dailey provide a written request to be scheduled for discussion at a future meeting.

CONSENT ITEMS

7. Proposed Resolution 2012-08, Solid Waste, Yard Trash and Recycling Annual CPI and Fuel Adjustments

Section 6 of Ordinance 06-24, the Town's franchise agreement with Waste Management Inc. of Florida, provides for an annual consumer price increase (CPI) and fuel adjustment for collection and disposal of solid waste, recyclable materials and yard trash. The annual rate increase is effective as of April 1, 2012. The net change in the base rates result in an increase of \$0.83 from \$18.37 to \$19.20. Recommended Action: Approval of the Consent Agenda will forward Resolution 2012-08 to the May 7, 2012 Regular Meeting for formal action.

8. Proposed Resolution 2012-09, Annual Review and Continuation of Ad Hoc Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at either a special workshop, or the first regular workshop, following the annual General Municipal Election each March for determination of which ad hoc committees shall be continued. This item is placed on the April 19, 2012 Regular Workshop Consent Agenda for continuation of the Finance Committee. Proposed Resolution 2012-09 provides for continuation of the Finance Committee. Recommended Action: Approval of the Consent Agenda will forward Resolution 2012-09 to the May 7, 2012 Regular Meeting for formal action.

CONSENT ITEMS - Continued

Commr. Duncan inquired and Vice Mayor Brenner noted the proposed Resolution (Item 8) was to continue the process currently utilized, advising that a Charter Amendment would be required to combine the Finance Committee with the Investment Advisory Board.

There was consensus to approve the Consent Agenda in accordance with Staff's reports and recommendations.

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

11. Discussion Regarding Side Yard Hedge Height

At the March 15, 2012 Regular Workshop Meeting the Town Commission directed staff to research and report on the issue of side yard hedge heights, including known areas of concern. This information will be presented to the Town Commission at the April 19, 2012 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

PZB Town Planner Steve Schield commented on past Commission action amending the restrictions relating to hedge heights in side and rear yards, reviewed the requirements of surrounding jurisdictions, and the issues that would arise if amendments were made to regulate side and rear yards. Discussions were held with Mr. Schield and Town Manager Dave Bullock, and Town Attorney David Persson on the following topics/issues:

- existing Town Code relating to hedge heights
- responses to complaints relating to the height of hedges on the waterfront
- proposed enforcement method if the Code was amended
- issues of selective enforcement.

The following individuals commented on consideration to reinstate side and rear yard height restrictions:

- Mr. Michael Freed, Harbourside Drive, supported height restrictions.
- Ms. Marie Watts, Harbourside Drive, supported height restrictions.
- Ms. Joan Lieberman, Harbourside Drive, supported height restrictions.
- Mr. Morris Kertzer, Juan Anasco Drive, supported height restrictions.

Mayor Brown noted consideration of the issue during his tenure on the Planning and Zoning Board and discussion ensued on the enforcement issues to be considered.

Subsequent to discussion, there was consensus to forward the issue to the Planning and Zoning Board for review and recommendation.

9. Discussion Regarding Phasing of Proposed Bayfront Park Site Development

At the March 15, 2012 Regular Workshop Meeting the Town Commission discussed a proposed concept for development of a Community Center at Bayfront Park. The concept plan included park amenities for the site as well as a community center building. There was consensus for staff to develop a concept plan that provided for construction of park amenities phased prior to development of a community center for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

9. Phasing of Proposed Bayfront Park Site Development - Continued

Public Works Director Juan Florensa gave a PowerPoint presentation on the option to develop the Bayfront property without the construction of a new Community Center, reviewed the costs associated with phasing the development of the property, and anticipated ADA (American with Disabilities Act) required compliance for the existing building. Discussions were held on the following topics/issues:

- estimated cost differential for phasing the project
- anticipated costs for the permitting fees, impact fees, required road work, and renovations of existing building if retained
- deceleration lanes on Gulf of Mexico Drive
- estimated annual maintenance of the completed park land
- anticipated cost for maintenance and improvements to the existing building
- costs of required improvements to meet ADA requirements.

Ms. Madelyn Spoll, Harbourside Drive, supported the development of the Bayfront Recreation Center in accordance with the original plan with a new Community Center.

Mr. George Spoll, Harbourside Drive, supported the development of the Bayfront Recreation Center as a complete project in lieu of phasing.

Mayor Brown noted support for the development of the property and recommended that an Advisory Committee be appointed with four to five members, allowing representatives from various community organizations to participate, and that the Town Manager be authorized to develop a survey, with the assistance of the Advisory Committee, to obtain input from the Town's citizens. Discussion ensued on the following topics/issues:

- information to be provided to the citizens
- anticipated cost for development with a new Community Center
- passive versus active park designation
- need to bring existing facility up to current building codes
- identification of activities/use for a new Community Center
- opportunities to develop a fund raising program
- options to hold a referendum to determine if voters support the construction of a new Community Center
- actions taken in the past versus proposed future actions to determine community support.

There was majority consensus to move forward as recommended by Mayor Brown to establish a committee and develop a survey for community input.

RECESS: 3:25 p.m. - 3:335 p.m.

10. TE Connectivity Telecommunication Study Report

At the April 19, 2012 Regular Workshop Meeting TE Connectivity will present the results of their analysis to date which will include information on signal strength and quality, suggested solutions, results of propagation studies of alternative solutions, cost estimates, and information on emerging technology. Recommended Action: Pending discussion, provide direction to Manager.

10. TE Connectivity Telecommunication Study Report - Continued

Town Manager Dave Bullock gave an overview of Commission direction on the study undertaken relating to cellular phone service, noted the services performed by TE Connectivity, and introduced Mr. Scott Weirson, with TE Connectivity.

TE Connectivity Representative Scott Weirson gave a PowerPoint presentation entitled "Wireless Services Assessment Analysis, Presentation to Town Commission, April 19, 2012." Discussions were held on the following topics/issues:

- preferred industry standard for coverage (indoor versus outdoor usage)
- restrictions on cell tower heights in the flight zone
- responses of AT&T users on the Telecommunications Survey
- types of phones utilized/issues that could be caused by faulty or outdated phones (*288-Verizon)
- satisfaction of Verizon customers with service provided on Longboat Key
- DAS (Distributed Antenna System) cost and current fiber optic lines available
- cost adjustment if existing lines are utilized
- anticipated cost assessment (to Town or to provider).

The following individuals commented on the telecommunications presentation:

Mr. Kevin Barile, Verizon Industries, Tampa
Mr. Jim Eatrdes, Gulf of Mexico Drive
Attorney Charlie Bailey, representing Grand Mariner
Mr. Ronald Platt, Gulf of Mexico Drive (gave a PowerPoint Presentation)
Mr. Rusty Monroe, consultant on behalf of Mr. Gus Sclafani (responded to questions during his presentation)
Attorney Michael Furen, representing Mr. Sclafani

Upon inquiry, Town Manager Dave Bullock noted the intent to quantify the perceived problems, review potential solutions, and to increase the Commission's and community's knowledge on the results obtained from the study. Town Manager Bullock suggested that the results of the study be forwarded to cell phone providers to determine their willingness to enter into discussions with the Town seeking their input and possible solutions. Discussion ensued on the following topics/issues:

- recommendations received and follow up actions relating to amendments required to the Comprehensive Plan
- required Staff work prior to consideration of the items by the Planning and Zoning (P&Z) Board
- issues to consider in an effort to solve the cellular reception problems of a small portion of users
- funds expended by Verizon Services for installation of fiber optic lines and Comcast Cable for installation of cable lines
- private versus public sector resolving cellular issues.

RECESS: 5:25 p.m. - 5:37 p.m.

12. Discussion Regarding Manatee County Tourist Development Council (TDC) Opening
Manatee County advertised an opening on their Tourist Development Council and is soliciting applications from elected officials who are registered voters within Manatee County. The Town Commission will consider whether to support an application of a qualified Longboat Key Commissioner for the opening. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Brown noted and there was consensus to support Commr. Lenobel's application for appointment to the Manatee County Tourist Development Council.

13. Commission Appointments to Committees Named in Town Code and to Outside Agencies

Each year at this time the Town Commission considers appointments of its members to committees named in the Town Code or as required by outside agencies. A list of last year's appointments is provided for review and consideration for appointment or reappointment. Recommended Action: Pending discussion, forward Commissioner appointments to the May 7, 2012 Regular Meeting Consent Agenda for formal action.

Following comments, there was consensus for all Commissioners to retain their current appointments for the next year and to forward the appointments to the May 7, 2012 Regular Meeting for formal action:

14. Preliminary Budget Discussion

The Town Manager will explain the status of the current year's budget and preliminary budget information regarding the Fiscal Year (FY) 2012-13 budgeting process. Recommended Action: None, informational only.

Town Manager Dave Bullock commented on the preparation of the budget noting an anticipated three percent (3%) reduction in current revenues, reviewed significant issues that will affect the FY 2011-2012 Budget, and discussed the development of the FY 2012-2013 Budget. Town Manager Bullock advised of his direction to Staff to seek opportunities to improve the business models/functions of the Town to deliver services to citizens including sharing services with other governmental agencies. Discussions were held on the following topics/issues:

- significant shortfalls in revenue/alternative revenue sources to pursue
- \$1,000,000 stipulated to offset the pension fund deficit
- reported increase in tourism and impact on sales tax and tourist tax collections
- additional revenue options to be considered.
- consideration of utilizing cost allocation methods for utility expenses/rates charged
- proposed Budget Workshop in the first half to mid-May.

Mr. George Spoll, Harbourside Drive, commented on the utilization of revenue sources advising that non ad valorem taxes are not an income tax deductible expense for citizens.

15. Consideration of Settlement Agreement with James Armstrong

A Settlement Agreement providing for inspection and permits for work done on the Armstrong property, compliance with Flood regulations, and Zoning requirements, is placed on the April 19, 2012 Regular Workshop Meeting for Town Commission consideration. Mr. Armstrong has signed the Agreement. Recommended Action: Pending discussion, forward to April 19, 2012 Special Meeting for formal action.

Mayor Brown inquired and Town Attorney David Persson advised of the necessity to workshop the agreement and to hold a Special Meeting to take any formal action.

Town Manager Dave Bullock commented on his review of the Code Enforcement case relating to Mr. James Armstrong and opined that the settlement proposed will resolve the issues relating to enforcement of the Building, Flood, and Zoning codes. Discussion ensued with Town Manager Bullock and Town Attorney Persson on the following topics/issues:

- estimated legal fees incurred to date of \$25,000.00
- legal actions taken to date
- education gained to avoid similar types of cases
- impact of settling this case on future cases that may be filed
- determination of liens/fines assessed and impact of bankruptcy proceedings
- steps to be taken if Mr. Armstrong does not meet the obligations of the agreement
- legal standing on Town's lien in bankruptcy and/or foreclosure proceedings
- total amount of liens to be forgiven.

Subsequent to individual comments, there was consensus to forward the Settlement Agreement to the Special Meeting immediately following the Regular Workshop Meeting this date.

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson noted distribution of correspondence with a status report on the Longboat Key Club litigation.

TOWN MANAGER COMMENTS

A. Planning, Zoning, and Building

Town Manager Dave Bullock advised that he had approved an extension for the work hours on the Publix parcel. (See item later this meeting.)

B. Planning, Zoning, and Building

Town Manager Dave Bullock advised that his office had received a request from the Revitalization Committee to schedule a presentation on the North End Charette and to invite the Planning and Zoning (P&Z) Board to attend the presentation.

TOWN MANAGER COMMENTS

A. Planning, Zoning, and Building - Continued

Commr. Duncan noted concerns with the lack of security on the Publix construction site and Town Manager Bullock advised that he would discuss the issues with the Contractor's representatives.

C. Public Works

Town Manager Dave Bullock noted receipt of a request for canal dredging and advised that he would include the issue in the Budget discussions for Fiscal Year 2012-2013.

D. Town Commission

Town Manager Dave Bullock advised that a Resolution to establish Community Center Advisory Committee will be on the May 7, 2012, Regular Meeting agenda for formal action and that a Scope of Work would be developed for Commission consideration.

PRESS TO BE HEARD

A. Longboat Key News

Mr. Steve Reid inquired as to the necessity to have non-voting Workshops versus scheduling all meetings were formal action can be taken.

Town Attorney David Persson advised that the requirement to discuss issues prior to formal action on a subsequent agenda is required by the Town's Charter.

ADJOURNMENT

Mayor Brown adjourned the April 19, 2012, Regular Workshop Meeting at 6:22 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____