

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
SEPTEMBER 24, 2012 - 9:00 A.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, 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 9:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Vice Mayor Brenner led the Pledge of Allegiance.

RESOLUTIONS

1. Quasi-judicial – Resolution 2012-07, Request from the Colony Beach and Tennis Club Association, Inc. (Colony) for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures

Chapter 158.138(B)(8)(b) of the Town's Zoning Code provides for property owners to file a petition to the Town Commission seeking a time extension for the legally nonconforming land use/structures. A nonconforming use not used for a period of one year is considered an abandonment of the legally nonconforming use. At the May 2, 2011 Regular Meeting the Commission adopted Resolution 2011-17 providing the Colony Beach and Tennis Club Association, Inc. an extension of time to comply with regulations governing nonconforming uses and structures. On July 27, 2012, the Colony Beach and Tennis Club Association, Inc. petitioned the Town Commission to extend the time from December 31, 2012 through June 30, 2014. Discussion of this request was continued from the September 4, 2012 Regular Meeting. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Town Clerk Trish Granger placed Resolution 2012-07 on record for public hearing by title only and administered the oath to all those wishing to speak.

Town Attorney David Persson inquired and Commr. Larson noted that she has spoken to unit owners and that it would not present a conflict in consideration of the petition. Town Attorney Person inquired, and no questions were raised for Commr. Larson from the petitioner.

Commr. Duncan noted a site visit to the Aquarius Club to get a view of the Colony from the abutting property and the nature of the conversations, and advised that it would not present a conflict in consideration of the petition. Town Attorney Person inquired, and no questions were raised for Commr. Duncan from the petitioner.

Commr. Gans noted that he did speak with Dr. Murf Klauber at a local restaurant and advised that no discussions were held regarding the Colony property. Town Attorney Person inquired, and no questions were raised for Commr. Gans from the petitioner.

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued
Vice Mayor Brenner noted discussions with Dr. Murf Klauber and scheduled a meeting between Dr. Klauber and Town Manager Dave Bullock and advised that he did not participate in the meeting. Town Attorney Person inquired, and no questions were raised for Vice Mayor Brenner from the petitioner.

Mayor Brown opened the public hearing.

Town Manager Dave Bullock provided an overview of the Town's position and concerns relating to property ownership.

Upon inquiry, Town Manager Bullock commented on the Code Enforcement issues to be addressed, the intent to be diligent on future Code enforcement action, and the basis for the non-aggressive enforcement of violations to date advising that many issues were not visible from the main entrance.

Mr. Jay Yablon, duly sworn, 910 Northumberland Drive, New York, introduced the presentation team

Attorney Don Hemke, representing The Colony Beach and Tennis Club Association and duly sworn, commented on the following efforts to date:

- clearing of the property of debris and yard waste, to be done on a continuing basis
- hiring of a firm to maintain the beach area
- security issues advising that the property will be patrolled on a regular basis
- diligent efforts to address concerns raised noting that he receives e-mails sent to the Commission regarding the property and takes action on issues raised
- development of a timeline for the resolution of issues and redevelopment proposal
- noted no objection to the conditions outlined in the Resolution and to the required bond of \$50,000.

Attorney Hemke noted concern with the timeline of December 31, 2013, and requested consideration to extend the time frame to June 30, 2014.

Mayor Brown commended the efforts expended subsequent to the last public hearing.

Discussions were held with Attorney Hemke on the following topics/issues:

- Condition 4 of Resolution 2012-07 relating to the requirements for quarterly progress reports
- time frame for development of a project scope and submission to the owners for a required vote.

Town Attorney Persson commented on the requirements for the Owners to vote on the proposal to proceed. Discussions were held on the following topics/issues:

- requirements for owners to vote and approve any redevelopment/rehabilitation
- total acreage under consideration for rehabilitation of the property

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued

- confirmation that the Resolution developed is for the entire Colony parcel and not specifically addressing the property ownership
- required approval rate of unit owners for project to move forward
- lack of commitment from unit owners on project proposals
- laws governing condominium associations and by-laws outlining voting requirements
- Commission's option to preserve existing grandfathering density or to deny the request
- impact of denying the request and options for the Colony representatives to apply for the additional tourism density available through previous referendums.

Mr. Larry Grossman, St. Judes Drive, duly sworn, noted that correspondence that he has submitted and commented on allowing the continuance of a non-conforming use.

Town Attorney Persson commented on the intent of non-conforming properties, the ability to rebuild for voluntary and involuntary destruction of the existing structures, options to consider for the property under consideration, and the effect of the 1984 Comprehensive Plan.

Mr. Phillip Scott, Bristol Bay Drive, duly sworn, commented on the property and suggested that the buildings are a public nuisance.

Mr. Greg VanHowe, Gulf of Mexico Drive, duly sworn, commented on the request noting concern with the timeline for project development.

Mr. George Spoll, Harbourside Drive, duly sworn and representing the Revitalization Committee, commented on the request, the need to establish credibility and the past actions of the parties, and the time frame outlined by the Colony Association.

Attorney Charles Bartlett, representing Dr. Murf Klauber and duly sworn, noting concern with the timeline presented and the issues to be addressed regarding the property.

Mayor Brown closed the public hearing. Following comments, Mayor Brown reopened the public hearing.

Attorney Hemke commented on the work performed on the property, the timeline presented and the requirement for quarterly reports, and the legal constraints impacting the property.

Mr. Dean Feltham, duly sworn, advised that the front entrance area will be addressed.

Mayor Brown closed the public hearing.

Discussions were held with Town Attorney Persson on the following topics/issues:

- impact to various parties if the extension is not granted
- credibility issues

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued

- identification of the parties receiving the extension
- granting the extension to the property/responsible party to meet the conditions outlined in the Resolution
- options to consider a rezoning petition for the property
- determination of Commission's position on development/redevelopment of properties throughout the Town
- intent for Town to award a Planning Request For Quote (RFQ) to address issues facing the Town relating to property zonings
- existing court rulings related to the property ownership.

Vice Mayor Brenner suggested that the Commission consider Option 4 outlined in the Town Manager's report and inclusion of portions of Option 3 relating to the time frame for redevelopment, and within 30 days of a court ruling to require the parties to meet with Town staff with the time line determined at that time.

Town Manager Bullock read Options 3 and 4 for the benefit of the members of the public. Discussions were held on the following topics/issues:

- option to combine Options 3 and 4 for the property
- conditions outlined in Resolution 2012-07
- unintended consequences of rushing
- consideration for Staff to amend the document to address comments to combine options
- concern relating to compliance with Federal Codes and requirements to meet all existing Federal, State, and Town Codes.

RECESS: 10:35 a.m. - 10:47 a.m.

Mayor Brown inquired and discussion ensued on the following topics/issues:

- property ownership issues
- requiring reports to the Town Commission relating to negotiating efforts
- options for the Commission to appoint a liaison between the parties to ensure on-going discussions are taking place
- Option 3 requirements for quarterly reporting
- time frame to bring revisions to Town Commission
- timeline for redevelopment versus rebuilding
- intent to pursue additional tourism units for the Colony.

Attorney Hemke advised that he would work with Town Staff to revise the documents, requested consideration to not require full attendance by all parties, and commented on the total acreage.

Upon inquiry, Town Manager Bullock advised that the Resolution applies to the entire parcel and commented on the notice requirements for Code violations.

1. Resolution 2012-07, Request from the Colony for Extension of Time: Continued
Town Attorney Persson requested and Commr. Duncan moved to continue the public hearing to October 1, 2012, at 7:00 p.m., to be held in Commission Chamber at 501 Bay Isles Road. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Duncan, aye; Larson, aye; Gans, aye; Younger, aye; Zunz, aye; Brenner, aye; Brown, aye.

Town Manager Bullock inquired and there was consensus to retain time frame outlined in the Resolution.

Commr. Larson inquired as to the requirements for securing the buildings and Mayor Brown advised that they will have to submit documentation to the Building Department for permits before any work can begin.

ADJOURNMENT

Mayor Brown adjourned the September 24, 2012, Special Meeting at 11:00 a.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____