

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
OCTOBER 15, 2012 - 1:00 P.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, Town Clerk  
**Present:** Trish Granger

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Brown called the meeting to order at 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Zunz led the Pledge of Allegiance.

**PUBLIC TO BE HEARD**

1. Opportunity for Public to Address Town Commission - No items were presented. At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

**COMMITTEE REPORTS AND COMMUNICATIONS**

2. Manatee County Special Liaison Report

Commr. Zunz noted that she and Vice Mayor Brenner attended the Manatee County Tiger Bay meeting which included a debate between District 71 candidates and commented on the civility held and maintained by the candidates during the debate.

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

4. Other Reports

A. Organizations

Vice Mayor Brenner noted attendance at the Manatee Economic Development Council meeting and noted the issues discussed.

B. Organizations

Vice Mayor Brenner noted attendance at the Manatee Tourist Development Council with Commr. Zunz and noted the issues discussed.

C. Organizations

Vice Mayor Brenner noted attendance at the Manatee Council of Governments meeting and noted the issues discussed.

Commr. Duncan inquired as to the "branding" program initiated by Manatee County and Mayor Brown advised that he intended to request the issue be addressed at a future workshop.

4. Other Reports - Continued

C. Organizations - Continued

Mayor Brown noted issues that need to be addressed and discussed jointly with the Manatee County Commission.

Vice Mayor Brenner noted that several other entities were not included in the "branding" program and that they expressed disappointment on lack of inclusion.

5. Fredrick "Rick" J. Piccolo, A.A.E., President, Chief Executive Officer, Sarasota Manatee Airport Authority

Mr. Frederick Piccolo gave a PowerPoint presentation entitled "Do You SRQ? - Your Town, Your Airport" providing information on the services of the airport and economic impact the services provide to the Sarasota-Bradenton area. Mr. Piccolo requested the Commission's support for the SRQ Advocate Pledge.

Commr. Gans suggested that an annual report be provided to the Commission. Discussions were held on the following topics/issues:

- departure of Southwest Airlines
- premium ticket prices/options to take advantage of pricing opportunities
- marketing efforts with emphasis on convenience and reduced taxi/parking fees
- options to create a "cell phone" lot.

Mr. Andrew Aitken, Emerald Harbor, commented on the departure paths and the intent to limit the environmental impact to the barrier islands and noted inconsistencies in compliance with the established departure path.

Mr. Piccolo noted previous meetings with Mr. Aitken regarding the compliance with the departure paths.

Mr. Aitken advised that Mr. Piccolo has been assisting him and that he has spoken with the Federal Aviation Authority (FAA) and noted the responses he has received.

Discussions were held on the efforts to draw additional attention to the issues and steps the Commission can take to assist Mr. Aitken on the departure paths.

Mr. Gene Jaleski, Cedar Street, commented on the departure paths and the impact of noise pollution on the Town's residents and visitors and suggested the Town Commission send correspondence to the appropriate agencies regarding enforcement of the departure paths.

**CONSENT ITEMS**

6. Proposed Resolution 2012-19, Providing Transmittal of a 10-year Water Supply Plan  
Florida Statutes require the Town to maintain a 10-year potable water supply work plan which must be updated every five years by the Town in conjunction with the update by the Southwest Florida Water Management District. Resolution 2012-19 has been forwarded from the September 18, 2012 Planning & Zoning (P&Z) Board Meeting with approval unanimously recommended. The Resolution provides for transmittal of the updated Infrastructure Element and supplemental Data and Analysis (D&A) to the Department of Economic Opportunity, other regulatory agencies, and local governments for review and comment.

**CONSENT ITEMS** - Continued

**6. Proposed Resolution 2012-19, Providing Transmittal of a 10-year Water Supply Plan - Continued**

Recommended Action: Approval of the Consent Agenda will forward Resolution 2012-19 to the November 5, 2012 Regular Meeting for public hearing and formal action.

**7. Proposed 2013 Town Commission Meeting Schedule**

Each year the Town Commission establishes their annual meeting schedule for the upcoming calendar year. The proposed 2013 Town Commission Meeting Schedule is being forwarded for consideration at the October 15, 2012 Regular Workshop Meeting.

Recommended Action: Approval of the Consent Agenda will forward this item to the November 5, 2012 Regular Meeting Consent Agenda for formal action.

**Commr. Duncan requested that Item 7 be removed from the Consent Agenda and Mayor Brown noted Item 7 would be discussed at the end of the scheduled agenda items.**

**There was consensus to approve Item 6 in accordance with Staff's report and recommendation.**

**DISCUSSION ITEMS**

**8. Update Regarding Telecommunications Study Report**

At the April 19, 2012 Regular Workshop Meeting TE Connectivity presented the results of their telecommunications study which included information on signal strength and quality, results of propagation studies, alternative solutions, cost estimates, and information on emerging technology. The Town Commission directed staff to follow up with service providers regarding solutions they may propose, review the Town's legal obligations, and conduct a review of the Town Code as related to telecommunications. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Brown noted receipt of requests to extend the public input portion to allow additional time and explained that the purpose of the discussion was to receive an update and to deliberate on policy direction to Staff.

Town Manager Dave Bullock noted the intent to address policy issues and advised that Public Works Project Manager James Linkogle, Planning, Zoning, and Building (PZB) Department Director Robin Meyer, and Assistant Town Attorney Kelly Fernandez would be assisting in the presentation.

Assistant Town Attorney Fernandez provided an overview of legal considerations in the development of a policy relating to cellular (cell) towers regarding Federal and State Laws. Discussions were held with Town Manager Bullock, Assistant Town Attorney Fernandez, Mr. Linkogle, and Mr. Meyer on the following topics/issues:

- the legal consideration relating to a written final decision based on substantial evidence requirements by Federal law
- local governmental issues that are permitted in the consideration of a cell tower petition
- permissible gaps in service under the Federal law

8. Update Regarding Telecommunications Study Report - Continued

- determination of height considerations/collapse zone distance restrictions
- design of tower with consideration of a collapse zone
- antennae allowance of 10 feet above tallest portion of structure
- process for determination of MHz ranges for voice signal strengths/defined coverage range quality
- recommendations reached by TE Connectivity relating to the use of a Distributed Antenna System (DAS)
- options to optimize current facilities
- extent of TE Connectivity studies and buildings reviewed
- regulations in other jurisdictions prohibiting cell towers in residential districts
- regulations currently in place within the City of Sanibel
- research performed on impact on location of a cell tower near residential property value
- maximum heights included in the Codes from other jurisdictions
- restrictions in the Town's existing Code relating to placement of an antenna in a church/religious facility steeple.

Upon inquiry, Mr. Gus Sclafani advised that he had installed a booster system at his personal residence and opined that he receives excellent signal strength and the estimated cost of installation of the system.

**RECESS:** 2:42 p.m. - 2:50 p.m.

8. Update Regarding Telecommunications Study Report - Continued

Attorney Mary Solik, representing Riden Industries, commented on cellular service on Longboat Key and existing regulations relating to cell towers and supported Code amendments to provide adequate cell service to the island. Discussions were held with Attorney Solik on the following topics/issues:

- breakdown of 9-1-1 calls that may have been impacted by current service
- non-support of DAS by cellular carriers
- utilization of property in residential zoning designations
- lack of studies on impact of poor cell service on value of property.

Following comments by Mayor Brown, Mr. Gene Jaleski, Cedar Street, commented that cellular carriers had to have certification by 2011 and gave a PowerPoint presentation entitled "No Island for Old Cell Towers." Mr. Jaleski requested consideration to include provisions for data consumption and, upon inquiry, discussed the LTE terminology in cellular usage. Discussions were held on the terminology utilized and future advancements in the cellular field.

Upon inquiry, Town Manager Bullock commented on the correspondence from Mr. Thomas Giacomo and noted that the providers were asked if future cellular system advancements would negate the need for additional towers. Discussions were held on policy decisions that will be considered by the Town Commission.

8. Update Regarding Telecommunications Study Report - Continued

Mr. Ronald Platt, Gulf of Mexico Drive, gave a PowerPoint presentation entitled "3 Minutes of Suggestions and Pictures."

Attorney Charlie Bailey, representing Grand Mariner, commented on the Town's existing Codes, compatibility issues with construction of cell towers, and State and Federal regulations providing latitude to local governments.

Mr. Larry Grossman, St. Judes Drive North, commented on the determination of public necessity and Commission policy. Discussion ensued with Assistant Town Attorney Fernandez on compliance with Federal and State legislation relating to the placement of cell towers.

Attorney Michael Furen, representing Mr. Gus Sclafani and Ms. Doreen Erickson, commented on the authority of local governments in the regulation of cell towers.

Mr. Rusty Monroe, Consultant for the Center for Municipal Solutions, commented on the placement of towers and wireless facilities and noted that many options are available in consideration of policy decisions. Commr. Younger inquired and Mr. Monroe advised he would provide information on the information he discussed.

Mr. Tom Aposporos, representing the Longboat Key Chamber of Commerce, commented on cell service on Longboat Key.

**RECESS:** 4:12 p.m. - 4:20 p.m.

8. Update Regarding Telecommunications Study Report - Continued

Mayor Brown suggested that the starting point include the hierarchy example (page 23 of PowerPoint presentation) outlined by Staff and to consider the utilization of a consultant. Discussion ensued on the following topics/issues:

- identification of the problems and possible solutions
- establishing a timeframe for action
- identification and elimination of properties for utilization by cellular service providers
- Staff recommendations outlined (page 22 of PowerPoint presentation) relating to "best options"
- cellular transformation through "4G" service
- existing service deficiencies
- development of policies to consider future petitions
- ranking of hierarchy examples
- policy determinations to be made.

Town Manager Bullock reviewed the broad objectives outlined and the hierarchy examples presented and outlined his understanding of the Town Commission's direction to proceed with a Comprehensive (Comp) Plan Policy, development of Zoning Code amendments, compilation of possible Code requirements in one section of the Code, clarification on Commission policy, and a follow-up workshop to determine if Staff was moving in the preferred direction.

8. Update Regarding Telecommunications Study Report - Continued

Discussion ensued with Town Manager Bullock and Assistant Town Attorney Fernandez on the process to proceed with Comp Plan policies and the timeline for consideration and enactment of policies developed.

**There was consensus to direct Staff to present recommended Comp Plan language and a support statement and to develop a hierarchy, as adjusted this date.**

Vice Mayor Brenner suggested that each workshop include a telecommunications topic update.

**There was consensus to have the Town Manager provide a monthly update on the process.**

9. Community Center Update

At the May 24, 2012 Regular Workshop Meeting the Town Commission directed staff to begin an effort for collection of data relating to the community's needs as related to development of a new community center. Public Works staff has researched potential users if a new community center is built. Research results will be presented at the October 15, 2012 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock and Public Works Engineer Anne Ross, Public Works Facilities and Recreations Manager Mark Richardson gave a PowerPoint presentation on potential users of a new community center and provided an overview of the responses received.

Town Manager Bullock noted that no formal commitments were sought from the entities that might utilize the facility. Discussions were held on the following topics/issues:

- identification to condominium associations offering as meeting locations
- clarification on the proposed concept building design configuration
- intent to divide the rooms to accommodate various activities
- classes being offered by various organizations.

Mr. Gene Jaleski, Cedar Street, inquired as to creating direct competition to local business by offering similar classes and suggested that the issue should be taken to the voters.

Mr. Larry Grossman, St. Judes Drive N., commented on the classes currently offered on Longboat Key advising that he travels off-island for classes and opined that the design should meet the needs of the citizens.

Ms. Beverly Shapiro, Gulf of Mexico Drive, commented on previous consideration of a community center and the purpose of the building to serve the community.

Town Manager Bullock noted that the Commission, at a future date, would need to provide direction on how staff was to proceed.

10. Proposed Ordinance 2012-28, Budget Transfer in the Amount of \$40,000 for Completion of Linley Street Boat Ramp

The Linley Street public boat ramp is a 30-year old Town-owned facility and is the only public boat ramp located within the Town. The Town submitted for, and received, \$31,000 in West Coast Inland Navigation District (WCIND) grant funding for the boat ramp replacement project. The lowest bid received was \$76,670. Staff has requested, but is not guaranteed, additional funding assistance from WCIND. In order to ensure completion of the project a budget transfer in the amount of \$40,000 is requested. Proposed Ordinance 2012-28 provides for the required budget transfer. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted the intent to seek additional WCIND funds for the project and requested Commission direction on moving forward or postponing the project until funding is identified.

Finance Director Thomas Kelley advised that the funding was from the Parks and Recreation Capital Projects fund.

Vice Mayor Brenner inquired and Town Manager Bullock advised that the funding is from Manatee County and a boat ramp at Bay Front Park would be in Sarasota County.

Upon inquiry, Public Works Project Manager James Linkogle provided an overview of the project.

Mayor Brown requested that future reports include map locations for Town facilities and inquired as to the volume of usage. Discussion ensued on the following topics/issues:

- anticipated usage and issues that may result if use increases
- restricted parking areas/existing parking
- current condition of boat ramp
- distance to Coquina boat ramp
- identification of funding sources for contract overage
- \$600,000 Parks and Recreation Capital Fund.

**There was consensus to forward Ordinance 2012-28 for first reading.**

7. Proposed 2013 Town Commission Meeting Schedule - Continued

Each year the Town Commission establishes their annual meeting schedule for the upcoming calendar year. The proposed 2013 Town Commission Meeting Schedule is being forwarded for consideration at the October 15, 2012 Regular Workshop Meeting. Recommended Action: Approval of the Consent Agenda will forward this item to the November 5, 2012 Regular Meeting Consent Agenda for formal action.

Commr. Duncan inquired as to modifying the November and December 2013 meeting dates to provide additional time for Commissioner travel over the holidays.

Commr. Gans requested and Assistant to Town Manager Susan Phillips confirm the Statutory Meeting date in March 2013.

7. Proposed 2013 Town Commission Meeting Schedule - Continued

**Following discussion, there was consensus to amend the proposed calendar to reflect November 13, 2013 and December 11, 2013 for the Regular Workshop Meetings in 2013.**

**TOWN COMMISSION COMMENTS**

A. Police Department

Vice Mayor Brenner complimented Police Chief Pete Cumming on his recent newspaper article relating to policing issues on Longboat Key.

B. Planning, Zoning, and Building Department

Vice Mayor Brenner commented on the abandoned property (gas station) at the North end of Longboat Key.

Town Manager Dave Bullock commented on private property rights relating to property appearance that is not addressed in the Town Code and advised that the Town Commission will be considering an Ordinance relating to property standards at the November Regular Workshop Meeting.

C. Planning, Zoning, and Building Department

Commr. Gans inquired as to the status of removal of the palm tree located in front of the Colony property. Town Manager Dave Bullock advised that he will contact the Colony representatives.

**TOWN ATTORNEY COMMENTS** - No items were presented.

**TOWN MANAGER COMMENTS**

A. Government Agencies

Town Manager Dave Bullock noted receipt of correspondence from the Sarasota County School Board relating to a scheduled Convocation of Governments meeting for School Facility Planning, advised that the School Board has indicated that no new facilities are being planned, and requested consensus on cancelation of the January 18, 2013, joint meeting.

**There was consensus to cancel the Convocation of Governments meeting scheduled for January 18, 2013.**

**PRESS TO BE HEARD** - No items were presented.

**ADJOURNMENT**

**Mayor Brown adjourned the October 15, 2012, Regular Workshop Meeting at 5:57 p.m.**



Trish Granger, Town Clerk



James L. Brown, Mayor

Minutes Approved: 1-7-13