

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
JUNE 4, 2012 - 7:00 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 7:00 p.m. and Vice Mayor Brenner led the Pledge of Allegiance.**

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

1. Proclamation – June 2012 Designated Flood and Hurricane Awareness Month  
Vice Mayor Brenner read and presented the Proclamation designating June 2012 as Flood and Hurricane Awareness Month to Public Works Director Juan Florensa.

Mr. Florensa noted that a Public Outreach Seminar on Hurricane Awareness will be held in the Town Commission Chamber on June 15, 2012, from 9:00 a.m. to noon.

**APPROVAL OF MINUTES**

2. April 19, 2012, Regular Workshop Meeting Minutes  
**Mayor Brown noted consensus to approve the April 19, 2012, Regular Workshop Minutes as submitted.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

A. Finance Committee

Commr. Duncan noted a meeting of the Finance Committee and reported on the issues reviewed and discussed. Commr. Larson commented on the meeting date and time.

**PUBLIC TO BE HEARD**

3. Opportunity for Public to Address Town Commission

A. Public Works/Town Commission

Mr. Tom Aposporos, President of the Longboat Key, Lido Key, and St. Armands Key (LLSA) Chamber of Commerce, commented on the Freedom Fest scheduled for July 4, 2012, noted that the Chamber has submitted the required Public Forum request, and invited Commission and citizen participation. Mr. Aposporos advised that the Commission will be receiving a request to close a portion of Bay Isles Road in order for the parade to be held on July 4, 2012.

B. Planning, Zoning, and Building Department

Mr. Craig Walters, Hibiscus Way, gave a PowerPoint presentation on the Pine Avenue Restoration on Anna Maria Island and suggested that a similar plan could be initiated for the Whitney Beach area.

3. Opportunity for Public to Address Town Commission - Continued

B. Planning, Zoning, and Building Department - Continued

Mr. Ed Chiles, Pine Avenue (Anna Maria), commented on the project developed and the success of the improvements on Pine Avenue. Upon inquiry, Mr. Chiles reviewed the process to obtain the needed property and the steps taken with the Anna Maria City Council on the approval process.

Mr. Michael Miller, Maple Avenue (Anna Maria), commented on the Pine Avenue Project and options to consider for a Whitney Beach Overlay area.

C. Planning, Zoning, and Building

Mr. Gene Jaleski, Cedar Street, requested consideration to advance the consideration of Agenda Item 10.

B. Planning, Zoning, and Building Department - Continued

Upon inquiry, Mr. Walters commented on options for an Overlay District.

**CLOSING AND ACTION ON CONSENT AGENDA**

4. Cancellation of July and August Workshop Meetings and August Regular Meeting

As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider the possible cancellation of the July and August Workshops and the August Regular Meeting. Recommended Action: Approval of the Consent Agenda will cancel the July and August Workshop Meetings and August Regular Meeting.

5. Renewal of Medical Director Contract with Steven R. Newman, M.D. for Longboat Key Fire-Rescue Emergency Medical Services

The Town's paramedics work under the license of the Town's Medical Director. The contract with Dr. Steven Newman, Medical Director for the Town of Longboat Key, will expire on September 30, 2012. The Town Commission will consider extending Dr. Newman's services for an additional three years. Recommended Action: Approval of the Consent Agenda will approve renewal of the Medical Director's Contract.

**Commr. Larson requested that Item 5 be pulled from the Consent Agenda.**

**Mayor Brown noted consensus to close and approve Consent Agenda, Item 4, in accordance with Staff's reports and recommendations.**

**ORDINANCES - FIRST READING**

6. Ordinance 2012-12, Amend Chapter 111, Business Tax Receipts (BTR)

The Florida Legislature has amended Florida Statutes Chapter 205 to provide an exemption for Real Estate Associates and Broker Associates. Ordinance 2012-12 amends Chapter 111 to align the Town Code with Florida Statutes. The Ordinance was forwarded from the May 24, 2012 Regular Workshop Meeting Consent Agenda for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance to July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-12 on record by title only.

6. Ordinance 2012-12, Amend Chapter 111, BTR - Continued

**Commr. Younger moved to pass Ordinance 2012-12 on first reading. The motion was seconded by Commr. Duncan.**

Vice Mayor Brenner requested that a review of the Business Tax Program be performed for alternative options for collection of taxes and Commr. Duncan suggested that review of licensing fees that might be imposed be further researched.

**The motion carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Zunz, aye; Lenobel, aye; Larson, aye; Brenner, aye; Brown, aye.**

7. Ordinance 2012-14, Providing for a Referendum Regarding Change of Density for Property Located at 5440 Gulf of Mexico Drive

Ordinance 2012-14 provides for a referendum as requested by the property owner to change density of property located at 5440 Gulf of Mexico Drive. The Ordinance is presented for Town Commission consideration. Recommended Action: Pending discussion, forward Ordinance 2012-14 to July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-14 on record by title only.

**Commr. Younger moved to pass Ordinance 2012-14 on first reading. The motion was seconded by Vice Mayor Brenner.**

**Following comments, the motion carried by a 6-1 roll call vote, as follows: Younger, aye; Brenner, aye; Brown, aye; Duncan, aye; Zunz, no; Lenobel, aye; Larson, aye.**

8. Ordinance 2012-15, Providing for a Referendum Regarding Change of Density for Property Located at 521 Broadway

Ordinance 2012-15 provides for a referendum as requested by the property owner to change density of property located at 521 Broadway. The Ordinance is presented for Town Commission consideration. Recommended Action: Pending discussion, forward Ordinance 2012-14 to July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-15 on record by title only.

**Commr. Duncan moved to pass Ordinance 2012-15 on first reading and to forward to the July 2, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Lenobel.**

Commr. Zunz noted concern with providing approval pending a decision on an Overlay District in the Whitney Beach area. Planning, Zoning, and Building Department Director Robin Meyer commented on the impact of an overlay district on the property under consideration.

8. Ordinance 2012-15, Providing for a Referendum Regarding Change of Density for Property Located at 521 Broadway

Town Manager Dave Bullock noted that the Ordinance provides the ability to place the issue on a ballot for the voters to consider and was not approving any zoning amendments for the property.

Discussion ensued on the location of the property in relation to a possible Overlay District.

**Following comments, the motion carried by a 6-1 roll call vote, as follows: Duncan, aye; Lenobel, aye; Younger, aye; Zunz, no; Larson, aye; Brown, aye; Brenner, aye.**

**ORDINANCES - FIRST READING AND PUBLIC HEARING**

9. Ordinance 2012-08, Amendments to Chapter 158, Zoning Code

At their May 1, 2012 Regular Meeting the Planning & Zoning (P&Z) Board voted to recommend Commission approval of Ordinance 2012-08 which amends Chapter 158, the Town's Zoning Code. Ordinance 2012-08 was forwarded by the P&Z Board to the June 4, 2012 Regular Meeting for Town Commission consideration. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2012-08 to the July 2, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-08 on record for first reading and public hearing by title only.

**Commr. Zunz moved to pass Ordinance 2012-08 on first reading and public hearing and to forward to the July 2, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brenner.**

**Mayor Brown opened the public hearing.**

Attorney John Patterson noted Staff's report included in the agenda packet and the intent of the Ordinance to clarify the Town Code and supported approval.

**As no others wished to be heard, the public hearing was closed.**

**The motion carried by a 6-1 roll call vote, as follows: Zunz, aye; Brenner, aye; Larson, aye; Lenobel, no; Younger, aye; Duncan, aye; Brown, aye.**

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

10. Ordinance 2012-06, Comprehensive Plan Amendments

First reading and public hearing of Ordinance 2012-06 was held at the Town Commission's May 7, 2012 Regular Meeting. Staff was directed to amend the Ordinance and forward to the June 4, 2012 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2012-06.

Town Clerk Trish Granger placed Ordinance 2012-06 on record for second reading and public hearing by title only.

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued

**Commr. Larson moved to adopt Ordinance 2012-06 on second reading and public hearing. The motion was seconded by Vice Mayor Brenner.**

**Mayor Brown opened the public hearing.**

Ms. Phoebe Shaw, Bayou Hammock Road, read correspondence from Ms. Ann Roth of Lands End, in relation to a proposed Overlay District for the Whitney Beach area.

Ms. Madelyn Spoll, Harbourside Drive, commented on the Garden Club's participation in the scheduled Freedom Fest and the inclusion of a Whitney Beach Overlay Plan in the Comprehensive Plan.

Mr. Richard Juliani, owner of Whitney Beach Plaza, advised that he would be available for questions, if needed.

Mr. Richard Estrin, Bayou Hammock Road, commented on a proposed Overlay District for the Whitney Beach area.

Mr. Gene Jaleski, Cedar Street, commented on a proposed Overlay District for the Whitney Beach area.

Ms. Alison Estrin, Bayou Hammock Road, commented on a proposed Overlay District for the Whitney Beach area.

Mr. Larry Grossman, St. Judes Drive, commented on the deletion of a Whitney Beach Overlay District following the first reading and opined on the steps needed to consider an Overlay District.

Commr. Younger inquired and Town Attorney David Persson commented on the advertising which is sufficient to modify the Ordinance under consideration this date or could be continued to a future meeting.

Mr. Joe Mazza, Poinsettia Avenue, commented on a proposed Overlay District for the Whitney Beach area.

Ms. Mary Mazza, Poinsettia Avenue, commented on a proposed Overlay District for the Whitney Beach area.

Attorney Dan Bailey, Orange Avenue, Sarasota, commented on the advertising requirements and opined that the hearing should be continued to provide additional public notice.

Mr. Dick Pelton, representing Public Interest Committee (PIC), read a prepared statement on the proposed Overlay District for the Whitney Beach area.

**RECESS:** 8:40 p.m. - 8:50 p.m.

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued

Mr. Samir Ragheb, Bayside Drive, commented on allowing individuals to read prepared statements in lieu of appearing in person and opined on a proposed Overlay District for the Whitney Beach area.

Mr. Peter Dailey, Runners Circle, Sarasota, commented on Agenda Items 7 and 8 and noted that the property owners were not opposed to mixed uses in the Whitney Beach area.

Mr. George Spoll, Harbourside Drive, commented on the work of the Revitalization Committee, the attempt to retain the existing height restrictions in the Whitney Beach area, and the intent to have innovative solutions for the area.

Mr. Jim Gardner, representing Bayou Hammock Property Owners Association, commented on a proposed Overlay District for the Whitney Beach area.

**Mayor Brown closed the public hearing.**

Planning, Zoning, and Building (PZB) Department Planner Ric Hartman gave a PowerPoint presentation outlining the consideration of Ordinance 2012-06, amending the Comprehensive Plan and the time frame for resubmission to the State of Florida.

Individual comments followed on the following topics/issues:

- intent and work of the Revitalization Committee
- existing condition of Whitney Plaza
- under-utilization of Whitney Plaza

**Commr. Larson moved to table the motion to adopt Ordinance 2012-06. The motion died for lack of a second.**

Commr. Larson requested consideration to include an Overlay District with a height not to exceed 40 feet over the floodplain.

PZB Department Director Robin Meyer commented on the terminology utilized and reviewed the height restrictions.

Attorney Persson requested clarification on the impact of the request and Mr. Meyer advised that mixed use would not exceed 40 feet.

Town Attorney Persson advised that any properties currently restricted to 30 feet would be permitted to increase height by 10 feet. Discussion ensued on the restrictions on the property with the current underlying zoning.

Town Attorney Persson requested, and Mr. Hartman displayed the previous language and proposed modifications. Discussions were held on the following topics/issues:

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued

- confirmation that a proposed Overlay District provides mixed use opportunity
- restriction on residential use in a mixed use project.

**Commr. Larson moved to incorporate the Whitney Beach Overlay category, deleting the phrase "and up to a total of 4 stories (55 feet) may be allowed" and to postpone final action this date.**

Vice Mayor Brenner inquired on the option to continue the public hearing and suggested that representatives of opposing views be brought together to discuss possibilities for development.

**Commr. Larson clarified that her motion would amend the main motion to adopt Ordinance 2012-06 incorporating the Whitney Beach Overlay, striking the phrase relating to 4 stories, and postponing a final vote until June 21, 2012.**

Town Attorney Persson commented on the legal notice provided and suggested that the Commission make any additional amendments they deemed necessary, and reopen the public hearing to allow for a continuance to provide additional public notice of the final hearing. Discussion ensued on options to amend the Ordinance and timeframe to take formal action.

**Following comments, Vice Mayor Brenner seconded the motion.**

Upon inquiry, Town Clerk Granger noted for the record the motion under consideration, as follows:

Commr. Larson moved to amend the main motion to adopt Ordinance 2012-06 by reinserting the Whitney Beach Overlay with deletion of the phrase "and up to a total of 4 stories (55 feet) may be allowed" as previously presented (Objective 1.1, Policy 1.1.10.11), and to reopen the public hearing to consider a continuance.

**Commr. Larson confirmed the motion as presented.**

**Town Attorney Persson suggested that the issue of a continuance be considered separately from the motion, without objection.**

PZB Director Meyer advised that other references to the Whitney Beach Overlay were deleted from the Ordinance as presented at the first public hearing on May 7, 2012.

**Town Attorney Persson inquired and Commr. Larson confirmed that all other references, previously deleted (with the exception of the 4 story reference) were to be reinserted in the Ordinance.**

Commr. Younger inquired as to the impact on the Overlay if there is voter approval of any referendum issues. Town Attorney Persson commented on the referendum process and subsequent actions that would be required to make a zoning change.

10. Ordinance 2012-06, Comprehensive Plan Amendments - Continued  
Discussion ensued on the impact of subsequent zoning amendments.

**The motion to amend Ordinance 2012-06 carried by a 6-1 roll call vote, as follows: Larson, aye; Brenner, aye; Younger, aye; Zunz, aye; Duncan, aye; Lenobel, no; Brown, aye.**

**Following comments by Town Attorney Persson, Mayor Brown reopened the public hearing.**

**Subsequent to comments by Town Manager Dave Bullock, Commr. Larson moved to continue the public hearing to June 21, 2012, at 2:00 p.m. The motion, seconded by Vice Mayor Brenner, carried by a 5-2 roll call vote, as follows: Larson, aye; Brenner, aye; Lenobel, no; Younger, aye; Brown, aye; Duncan, aye; Zunz, no.**

Commr. Duncan suggested that individuals discussing the issues relating to a Whitney Beach Overlay provide accurate information in lieu of exaggerations and false representations.

**RESOLUTIONS**

11. Resolution 2012-11, Providing for Emergency Authorization for Town Manager  
Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Resolution 2012-11 provides methods to obtain a quorum or gives the Town Manager authority to expend funds and take emergency action in the event a quorum of the Commission is not available. Recommended Action: Pending discussion, pass Resolution 2012-11.

Town Clerk Trish Granger placed Resolution 2012-11 on record by title only.

**Commr. Duncan moved to pass Resolution 2012-11. The motion was seconded by Commr. Younger.**

Town Attorney David Persson commented on a previous Attorney General's opinion relating to attendance in the event of an emergency.

**The motion carried by a 7-0 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Lenobel, aye; Zunz, aye; Brenner, aye; Brown, aye.**

12. Resolution 2012-12, Providing Authorization to Process Letters of Support for Countywide Justice Assistance Grants (JAG) Administratively

At the May 7, 2012 Regular Meeting there was consensus for the Town Manager to draft a resolution providing for administrative processing of JAG Countywide/Edward F Byrne Memorial grant funding letters of support. Resolution 2012-12 provides that pending review of requests, these letters will be prepared by staff for the Mayor's signature. Recommended Action: Pending discussion, pass Resolution 2012-12.

Town Clerk Trish Granger placed Resolution 2012-12 on record by title only.

12. Resolution 2012-12, Providing Authorization to Process Letters of Support for Countywide JAG Administratively - Continued

**Commr. Larson moved to pass Resolution 2012-12. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, aye; Lenobel, aye; Younger, aye; Brown, aye; Brenner, aye.**

13. Resolution 2012-13, Budget Transfer in the Amount of \$60,000 to Fund Pension Studies

Resolution 2012-13, provides for a budget transfer in the amount of \$60,000 to fund pension studies for the General Employees' and Police Officers' employee groups. The transfer will be from Town Commission Contingency to Professional Services Other. Recommended Action: Pending discussion, pass Resolution 2012-13.

Town Clerk Trish Granger placed Resolution 2012-13 on record by title only.

**Commr. Larson moved to pass Resolution 2012-12. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, aye; Lenobel, aye; Younger, aye; Brown, aye; Brenner, aye.**

**RESOLUTIONS AND PUBLIC HEARING**

14. Resolution 2012-14, Providing for Reallocation of Infrastructure Surtax Funds

The Town is required to provide an Infrastructure Surtax (IST) Fund Project List designating allocation of the anticipated revenue to the Town of Sarasota County IST collections. Resolution 2012-14 provides for reallocation of the Town's Infrastructure Surtax Project List. Recommended Action: Pending discussion, pass Resolution 2012-14.

Town Clerk Trish Granger placed Resolution 2012-14 on record for public hearing by title only.

**Commr. Larson moved to pass Resolution 2012-14. The motion was seconded by Commr. Lenobel.**

**Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.**

**The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Lenobel, aye; Younger, aye; Duncan, aye; Brenner, aye; Brown, aye; Zunz, aye.**

5. Renewal of Medical Director Contract with Steven R. Newman, M.D. for Longboat Key Fire-Rescue Emergency Medical Services - Continued

The Town's paramedics work under the license of the Town's Medical Director. The contract with Dr. Steven Newman, Medical Director for the Town of Longboat Key, will expire on September 30, 2012. The Town Commission will consider extending Dr. Newman's services for an additional three years. Recommended Action: Approval of the Consent Agenda will approve renewal of the Medical Director's Contract.

Commr. Larson commented on a prior event relating to an "unwitnessed event."

5. Renewal of Medical Director Contract with Steven R. Newman, M.D. for Longboat Key Fire-Rescue Emergency Medical Services - Continued

Fire Chief Paul Dezzi noted discussions with Commr. Larson and offered an explanation of a witnessed versus an unwitnessed event. Upon inquiry, Chief Dezzi noted that there is a protocol and process utilized throughout various agencies and confirmed they are regional in development and reviewed every two years; and commented on the value received for Dr. Newman's services including safety training with no additional charges.

**Following individual comments, Vice Mayor Brenner moved to approve the renewal of the contract with Medical Director Dr. Steven R. Newman. The motion was seconded by Commr. Zunz.**

Mr. Bob Craft, Binnacle Point Drive, commended the services of the Fire Department relating to a recent incident.

**The motion carried by a 7-0 roll call vote, as follows: Brenner, aye; Zunz, aye; Lenobel, aye; Duncan, aye; Younger, aye; Larson, aye; Brown, aye.**

**NEW BUSINESS** - No items were presented.

**TOWN COMMISSION COMMENTS**

A. Town Commission

Vice Mayor Brenner thanked Commr. Duncan for his comments earlier this meeting (see Item 10).

**TOWN ATTORNEY COMMENTS**

A. Litigation

Town Attorney David Persson advised that oral arguments were scheduled for June 5, 2012, relating to the Longboat Key Club litigation.

**TOWN MANAGER COMMENTS**

A. Planning, Zoning, and Building

Town Manager Dave Bullock noted receipt of a request from Mr. Eric Hammersand for the Commission to schedule a Special Meeting to consider a Site Plan Amendment for the Dry Dock Restaurant.

**Following discussion on advertising requirements and the restrictions for hearing amendments in the months of July and August, there was consensus to authorize forwarding the advertisement to the newspaper in advance of the Planning and Zoning Board public hearing and to schedule a Special Meeting prior to the end of June 2012.**

**TOWN MANAGER COMMENTS** - Continued

**B. Town Commission**

Town Manager Dave Bullock noted distribution of a proposed schedule of modified meetings and advised that the schedule has been amended to accommodate specific religious holidays.

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

**ADJOURNMENT**

**Mayor Brown adjourned the June 4, 2012, Regular Meeting at 10:40 p.m.**

*Trish Granger*

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Trish Granger, Town Clerk

*James L. Brown*

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James L. Brown, Mayor

Minutes Approved: 09-04-2012