

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

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger

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

**Not Present:** Commr. Pat Zunz

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**Mayor Brown called the meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Duncan led the Pledge of Allegiance.**

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. Demonstration of New Town of Longboat Key Website**

Following comments by Town Manager Dave Bullock, Information Technology (IT) Director Kathi Pletzke provided an overview of the Town's newly reformatted website. Individual comments followed.

**PUBLIC TO BE HEARD**

**2. Opportunity for Public to Address Town Commission**

**A. Planning, Zoning, and Building**

Ms. Edna Bogoff, Gulf of Mexico Drive, commented on the overgrowth on neighboring property noting safety concerns if the underbrush should catch fire.

**B. Public Works**

Ms. Madelyn Spoll, Harbourside Drive, commented on the loss of services on Longboat Key, sporadic cellular service, and opportunities for redevelopment.

Upon inquiry, Town Manager Dave Bullock advised that no cellular providers or vendors have offered to install DAS (Distributed Antenna System) at no charge on Longboat Key.

**COMMITTEE REPORTS AND COMMUNICATIONS**

**A. Organizations**

Vice Mayor Brenner noted attendance at the following meetings and reviewed the issues discussed: Sarasota County Economic Development Corporation (EDC), the joint meeting of the Sarasota County Tourist Development Council (TDC) and Sarasota Board of County Commission (BOCC), and the regular meeting of the Sarasota County TDC.

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**8. Ordinance 2012-19, Amending Chapter 158.152, Maximum Hedge Height**

At the October 1, 2012 Regular Meeting the Town Commission held first reading and public hearing on Ordinance 2012-19. The Ordinance was forwarded to the November 5 2012, Regular Meeting for second reading and public hearing. At their June 19, 2012 Planning and Zoning (P&Z) Board Meeting, the Board recommended denial of Ordinance 2012-19 (previously numbered 2012-15) due to a number of conflicting areas and issues that need to be addressed. Recommended Action: Pending second reading, public hearing, and discussion, adopt, or provide direction to Manager.

Commr. Larson requested consideration to continue the public hearing on Agenda Item 8, Ordinance 2012-19, relating to hedge heights, due to the absence of Commr. Zunz.

Upon inquiry, Town Attorney David Persson advised that the Commission could advance consideration of Agenda Item 8 and then resume to the regular order of the agenda.

**There was consensus to advance consideration of Agenda Item 8.** (See item later this meeting.)

**COMMITTEE REPORTS AND COMMUNICATIONS-** Continued

**B. Organizations**

Mayor Brown noted recent sporting events held on Longboat Key and advised of the favorable comments received regarding the community.

**APPROVAL OF MINUTES**

**3. September 4, 2012 Special Workshop Meeting; September 4, 2012 Regular Meeting; September 24, 2012 Special Meeting (Colony); and September 24, 2012 Special Meeting (Budget) Minutes**

**There was consensus to approve the minutes as submitted**

**CONSENT AGENDA**

**4. 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 was discussed at the October 15, 2012 Regular Workshop Meeting and forwarded to the November 5, 2012 Regular Meeting for adoption. Recommended Action: Approval of the Consent Agenda will forward adopt the 2013 Town Commission Meeting Schedule.

**5. 2012 Longboat Key Gourmet Lawn Party (F/K/A St. Jude's Gourmet Luncheon)**

Over the past three years the Longboat Key St. Jude's Gourmet Luncheon has evolved into an event that may require reconsideration of the Town's active and financial participation. A brief report is presented regarding the current level of Town staffing and participation. Recommended Action: Approval of Consent Agenda confirms approval for continuing Town support of this event.

**There was consensus to approve Agenda Items 4 and 5 as submitted and in accordance with Staff's recommendations.**

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**8. Ordinance 2012-19, Amending Chapter 158.152, Maximum Hedge Height - Continued**  
At the October 1, 2012 Regular Meeting the Town Commission held first reading and public hearing on Ordinance 2012-19. The Ordinance was forwarded to the November 5 2012, Regular Meeting for second reading and public hearing. At their June 19, 2012 Planning and Zoning (P&Z) Board Meeting, the Board recommended denial of Ordinance 2012-19 (previously numbered 2012-15) due to a number of conflicting areas and issues that need to be addressed. Recommended Action: Pending second reading, public hearing, and discussion, adopt, or provide direction to Manager.

Town Clerk Trish Granger placed Ordinance 2012-19 on record for second reading and public hearing by title only.

Discussion ensued on the following topics/issues:

- the previous public hearing and discussions held at that meeting
- option to continue the public hearing to ensure that the winter residents have the ability to discuss the issue
- intent to consider the Ordinance at a later date versus denying the Ordinance this date
- the importance of protecting the water view throughout the community
- lack of requirements for arbitration between parties
- determination of various types of shrubbery/hedges
- respect for private property rights
- issues to be considered on additional properties throughout the Town.

**Commr. Younger moved to postpone consideration of the Ordinance until the January or February Regular Meeting and to remand the Ordinance for further review to the Planning and Zoning (P&Z) Board. The motion was seconded by Commr. Duncan.**

Following clarification by Town Attorney David Persson, discussion ensued on the following topics/issues:

- option to hold a joint meeting with the P&Z Board
- amendments that may be recommended by the P&Z Board
- reconsideration of the issue by the P&Z Board.

**The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Duncan, aye; Gans, aye; Larson, aye; Brenner, aye; Brown, aye.**

Town Manager Dave Bullock commended the parties (Harbor Court and Marina Bay) in the resolution of hedge dispute and confirmed the issues to be considered by the P&Z Board.

**ORDINANCES - FIRST READING**

**6. Ordinance 2012-30, Amending Chapter 74, Parking Schedules**

At the September 24, 2012 Regular Workshop Meeting the Town Commission considered a request from owners of Mar Vista and Moore's Stone Crab Restaurants to amend the parking hours on Broadway, between Lois Avenue and Bayside Drive, to provide an additional 2 hours to accommodate evening diners. Staff was directed to draft an ordinance to formalize the amendment and to meet with adjacent property owners. Recommended Action: Pending first reading and discussion, forward to December 3, 2012 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-30 on record for first reading by title only.

**Commr. Gans moved to pass Ordinance 2012-30 on first reading and to forward the Ordinance to the December 3, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brenner.**

Planning, Zoning, and Building Department Planner Steve Schield presented an overview of the proposed amendments to Chapter 74 and noted additional public meetings to provide an overview to Community members. Upon inquiry, Mr. Schield reviewed the responses received from the presentations and discussions held with Community members.

Mr. Alan Moore, representing Moore's Stone Crab Restaurant, spoke in favor of the proposed amendments and the issues created by purported illegal rentals on Jewfish Key. Mr. Moore commented on the hours of operation of his restaurant and commented on the rentals on Jewfish Key. Discussion ensued on the activities occurring on Jewfish Key.

Mr. Gene Jaleski, Cedar Street, requested consideration to postpone action on the parking issue until the winter residents return and/or the opportunity to present to the Community is accomplished.

Mr. Samir Ragheb, Bayside Drive, commented on the proposed Ordinance, submitted a document relating to the history of the restaurant service, and displayed photos of the current parking issues encountered on the roadway.

Ms. Corinne Silver Ragheb, Bayside Drive, commented on the proposed Ordinance and noted concern with extending the parking hours on the roadways and the activities on Jewfish Key.

Upon inquiry, Police Chief Pete Cumming commented on the existing parking/street access and his knowledge of the area relating to impediment of emergency vehicles in the area.

Following comments by Commr. Duncan on the requested input from the community, Mr. Ragheb commented on the continual parking of a van on a side street by a resident of Jewfish Key.

**6. Ordinance 2012-30, Amending Chapter 74, Parking Schedules - Continued**

**Following comments on the hours the public boat ramp is open versus hours for permitted street parking, Commr. Larson moved to approve the parking hours on Broadway to 11:00 p.m. and to continue to receive public input prior to the second reading and final action on the Ordinance.**

Mayor Brown advised that there was a motion on the floor to pass the Ordinance providing for the 11:00 p.m. parking hours.

**Subsequent to discussion on options to forward the Ordinance to the February 4, 2013, Regular Meeting, Commr. Larson moved to allow a temporary parking approval on Broadway Street until 11:00 p.m.**

Town Attorney David Persson advised that the Ordinance under consideration could be amended this date to include a sunset clause or could be adopted as submitted and repealed at a future meeting.

**The motion died for lack of a second.**

**Commr. Larson moved to amend Ordinance 2012-30 to provide for a temporary extension of parking hours on Broadway to coincide with permitted hours at other Town facilities (until 11:00 p.m.) and to provide for a sunset date no later than April 30, 2013. Mayor Brown seconded the motion.**

**Following comments, Commr. Duncan suggested a shorter sunset period and moved to amend the first amendment to the main motion to sunset the Ordinance on February 28, 2013. The amendment was seconded by Commr. Larson.**

**Following clarification on the motions on the floor, the motion to amend the sunset date carried by a 5-1 roll call vote, as follows: Duncan, aye; Larson, aye; Brown, aye; Brenner, aye; Younger, no; Gans, aye.**

**Following clarification on the intent of the motion, the first amendment to the motion to incorporate a sunset date, as amended, carried by a 5-1 roll call vote, as follows: Larson, aye; Brown, aye; Duncan, aye; Gans, aye; Younger, no; Brenner, aye.**

Individual comments followed on the issues raised relating to police coverage (overnight parking, vehicle break-ins) and purported code enforcement violations concerning property rentals on Jewfish Key.

**Following clarification of the motion on the floor, the main motion to pass Ordinance 2012-30, as amended, carried by a 6-0 roll call vote, as follows: Gans, aye; Brenner, aye; Larson, aye; Duncan, aye; Younger, aye; Brown, aye.**

10. Other Business

A. Organizations

Vice Mayor Brenner noted that Mr. Jeff Mayers, recently appointed General Manager of the Longboat Key Club, was in attendance at the meeting.

**RECESS:** 8:47 p.m. - 8:55 p.m.

**ORDINANCES - FIRST READING AND PUBLIC HEARING**

**7. 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 first reading, public hearing, and discussion, forward to December 3, 2012, for second reading, public hearing and discussion.

Town Clerk Trish Granger placed Ordinance 2012-28 on record for first reading and public hearing by title only.

**Commr. Larson moved to pass Ordinance 2012-28 and to forward to the December 3, 2012, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.**

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

Mayor Brown commended Staff for the map details included in the Staff report.

**The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Younger, aye; Brenner, aye; Brown, aye; Duncan, aye; Gans, aye.**

**RESOLUTIONS**

**9. Resolution 2012-19, Providing for 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. Recommended Action: Pending discussion, pass Resolution 2012-19.

9. Resolution 2012-19, Transmittal of a 10-year Water Supply Plan - Continued  
Town Clerk Trish Granger placed Resolution 2012-19 on record by title only.

**Commr. Gans moved to pass Resolution 2012-19. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Gans, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye.**

### **TOWN COMMISSION COMMENTS**

#### **A. Budgets**

Vice Mayor Brenner commented on the approval of the Kiwanis event and noted that discussions were held on developing a grant application process.

**Following individual comments, there was consensus to discuss a grant application process, to include in-kind services, at a future Workshop.**

#### **B. Organizations**

Vice Mayor Brenner noted that a vacancy exists on the Sarasota County Tourist Development Council and requested that correspondence be drafted supporting the appointment of Mr. Jeff Mayers, General Manager of the Longboat Key Club.

**There was consensus to prepare a letter of support for Mr. Mayers appointment.**

#### **C. Resolutions**

Vice Mayor Brenner noted that the first thirty day compliance period had passed relating to the Colony property on the grandfathering extension granted and inquired as to the status of compliance by the parties.

Town Manager Dave Bullock noted that he and Town Attorney David Persson had a recent discussion with the Attorney for the Colony property owners and that they were awaiting the submission of documents relating to the landscaping/maintenance, pest control requirements, the cash bond requirement, and the proposal to address the ingress/egress of the buildings on the property.

Discussion ensued on the following topics/issues:

- clean up entry area on Gulf of Mexico Drive (existing conditions not acceptable)
- existing blank sign
- inclusion of issue on the November 12, 2012, Regular Workshop Agenda regarding items that are required to be addressed within thirty days
- requirements for reopening/compliance with FEMA (Federal Emergency Management Agency), Town, and State building codes
- issues to be considered and authority to address issues to be completed
- timeframe for repairs based on recent court ruling and impact for the initiation of work.

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

**TOWN MANAGER COMMENTS**

**A. Legislation**

Town Manager Dave Bullock commented on the RESTORE (Resources and Ecosystems Sustainability, Tourist Opportunity, and Revived Economies of the Gulf States Act of 2011) Act and noted four potential projects to be considered for funding for Longboat Key, as follows:

- wastewater collection subaqueous force main across Sarasota Bay
- Longboat Pass Inlet and surrounding shoreline improvements
- community center
- canal dredging projects.

Upon inquiry, Town Manager Bullock commented on the process for distribution of funds and the approval criteria that will need to be met.

**B. Public Works**

Town Manager Dave Bullock advised that he would provide a telecommunications update at the November 12, 2012, Regular Workshop Meeting.

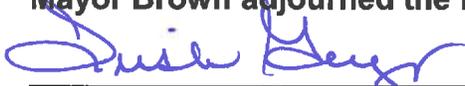
**C. Planning, Zoning, and Building**

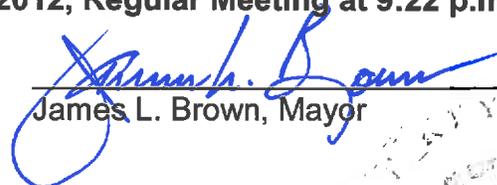
Town Manager Dave Bullock inquired, and following comments, advised that he will schedule a discussion item on a future agenda relating to the Village issues raised this date.

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

**ADJOURNMENT**

Mayor Brown adjourned the November 5, 2012, Regular Meeting at 9:22 p.m.

  
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Trish Granger, Town Clerk

  
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James L. Brown, Mayor

Minutes Approved: 1-7-13

