

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
DECEMBER 15, 2011 - 2:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Hal Lenobel, Phillip 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. Duncan led the Pledge of Allegiance.

**COMMITTEE REPORTS AND COMMUNICATIONS**

1. Manatee County Special Liaison Report - No items were presented.

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

3. Other Reports

A. Town Commission/Committees

Vice Mayor Brenner noted a meeting of the Finance Committee with the new auditing firm of Carr, Riggs, & Ingram (CRI) and reviewed the issues discussed.

B. Organizations

Vice Mayor Brenner noted the meetings of the Sarasota County Economic Development Corporation (EDC), the Tiger Bay organization, and the Manatee County EDC and reviewed the issues discussed.

C. Organizations

Commr. Younger noted attendance at the Metropolitan Planning Organization meeting and reviewed the issues discussed.

D. Organizations

Commr. Duncan commented on the Manatee County Tourist Development Council (TDC) meeting and reviewed the issues discussed.

**PUBLIC TO BE HEARD**

4. 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.

**CONSENT ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION**

5. Proposed Ordinance 2012-03, Amending Chapter 30.01(D) Workshop Meetings

At the December 5, 2011 Regular Meeting, Mayor Brown proposed the amending the Town Code to provide for future workshop meetings to begin at 2:00 PM in order to avoid conflict with outside meetings in which the Commission participates. Town staff was

5. Proposed Ordinance 2012-03, Amending Chapter 30.01(D) Workshop Meetings - Continued

directed to draft Ordinance 2012-03 for consideration at the December 15, 2011, Regular Workshop Meeting. Recommended Action: Approval of the Consent Agenda will forward Ordinance 2012-03 to the January 9, 2012, Regular Meeting for first reading.

6. Establishing the Date for the Town of Longboat Key General Municipal Election

The Town's Charter provides for the General Election to be held on the third Tuesday in March unless the Commission chooses to align with another scheduled election in either Sarasota or Manatee County. This item is placed on the December 15, 2011, Regular Workshop Meeting to establish the Town's General Municipal Election date for 2012. Recommended Action: Approval of the Consent Agenda will authorize staff to draft a Resolution establishing March 20, 2012, as the Town's General Municipal Election.

Mayor Brown inquired and Town Clerk Trish Granger provided details pertaining to the cost of the last three Town elections.

**Following comments, Mayor Brown noted consensus to approve the Consent Agenda as submitted and in accordance with Staff's recommendations.**

**DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION**

7. Proposed Ordinance 2011-16, Amending Chapter 158, Screening and Landscaping Regulations for Transition Yards

At their November 15, 2011, Regular Meeting, the Planning & Zoning Board recommended approval, and forwarded, proposed Ordinance 2011-16 to the Town Commission for consideration. Ordinance 2011-16 amends the Zoning Code to provide for alternative methods to meet Code requirements for landscape buffers in transition yards. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building Department Planner Ric Hartman presented an overview of the proposed amendments to Chapter 158. Discussions were held with Mr. Hartman and Town Attorney David Persson on the following topics/issues:

- provisions of revision to have a wall versus landscape buffer
- party responsible for installation of buffers between commercial and residential properties
- ability to utilize combination of landscaping and wall to provide buffer
- provisions prohibiting blockage of waterfront yard views and consideration of street corridor view
- properties currently impacted
- no requirement for residential use to install buffer or for commercially zoned property to install buffer if abutting property owner elects to rezone to residential use unless a site plan amendment is applied for
- authority for Commission to include buffer requirements in a rezoning request
- impact on existing commercial properties when a rezoning is granted
- three foot versus six foot setback.

**There was consensus to utilize the three foot setback as discussed.**

7. Proposed Ordinance 2011-16, Amending Chapter 158, Screening and Landscaping Regulations for Transition Yards - Continued

**Following comments, there was consensus to require the applicant requesting a change/modification to be responsible for the installation of any buffer that may be required.**

Mr. George Spoll, Harbourside Drive, commented on the proposed height of walls and the potential for blocking of views by construction of a wall.

Mr. Hartman noted current restrictions relating to fence/wall and landscape buffer heights.

**There was consensus to forward proposed Ordinance 2011-16 for first reading and public hearing.**

Subsequent to confirmation, Mr. Hartman noted the proposed Ordinance would be revised based on Commission direction for first reading on the Ordinance in January 2012.

8. Proposed Ordinance 2011-21, Amending Chapter 158.006, Landscaping Required

At the June 6, 2011, Regular Meeting the Town Commission adopted Ordinance 2011-10, amending Section 158.152 of the Town Code. Commissioner Younger asked that provisions of Section 158.152 be reviewed pertaining to the time frame for replacement of non-compliant hedges. Pursuant to the Town Code, the Planning & Zoning Board reviewed the issue and forwarded proposed Ordinance 2011-21 to the Town Commission for consideration. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building Department Planner Ric Hartman presented an overview of the proposed Ordinance and the current requirements to replace existing landscaping for non-voluntary removal and advised that the grace period to replace the landscaping was suggested as a six-month period. Discussions were held with Mr. Hartman and Planning, Zoning, and Building Department Planner Steve Schield on the following topics/issues:

- proposed six-month replacement period
- current process to refrain from Code Enforcement proceedings if there are structural issues to be addressed before landscaping is replanted
- impact to homeowner if they postpone plantings until the six month time period expires
- time frame for Code Enforcement proceedings if property owner remains non-compliant
- determination of when the six-month period begins.

**There was consensus to forward proposed Ordinance 2011-21 as presented for first reading and public hearing.**

9. Proposed Resolution 2012-02, Pension Study Funding Resolution

On January 3, 2011, the Town Commission authorized funding for a pension plan study to analyze costs for alternatives going forward for both General Employees' and Police Officers' pension plans. Proposed Resolution 2012-02 provides additional funding to expand the pension plan study to include the Firefighters pension plan. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided information on the request to include the Firefighters' Retirement System Pension plan in the approved study in addition to the Police Officers' and General Employees' plans.

Upon inquiry, Town Manager Bullock noted the purpose of including the Firefighters' Plan.

**There was consensus to include the Firefighters' Pension Plan in the study and to forward Resolution 2012-02 to the January 9, 2012, Regular Meeting for formal action.**

10. Proposed Resolution 2012-03, Opposing Florida HB 4025 and Florida SB 760 to Repeal Florida Statutes Chapter 205 (Business Tax Receipts)

Florida Statutes, Chapter 205 currently provides for a Business Tax Receipt program from which the Town derives approximately \$165,000 in annual revenue. The Florida House and Senate are currently considering bills that would eliminate Chapter 205 and thereby would terminate the Town's business tax receipt program. Proposed Resolution 2012-03 is placed on the December 15, 2011, Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Clerk Trish Granger provided background information on the Town's Business Tax Receipt (BTR) program, the amount of revenue received into the General Fund resulting from the BTR's levied. Discussions were held with Town Clerk Granger on the following topics/issues:

- proposed distribution of Resolution and cover letter
- average cost of BTR assessed
- number of realtors/businesses in various categories
- Home Rule issue of repealing Chapter 205
- anticipated increase to millage if BTR system were deleted
- breakdown of categories and associated fees assessed.

Finance Director Thomas Kelley advised of the amount of anticipated millage increase (0.035 mils) if the BTR program were rescinded.

Commr. Younger noted that a private homeowner is responsible for operating a business (residential rental) under the current program.

**There was consensus to forward Resolution 2012-03 to the January 9, 2012, Regular Meeting for formal action.** (See item later this meeting.)

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

**TOWN MANAGER COMMENTS**

A. Public Property

Town Manger Dave Bullock noted direction to review the availability of property in the Town Center not owned by Publix, noted the process required to move forward, and requested Commission authorization to secure an appraisal if there is continued interest in purchasing.

Upon inquiry, Town Attorney David Persson advised that he would report back on the anticipated cost of an appraisal. (See item later this meeting.)

10. Resolution 2012-03, Opposing Repeal of FS Chapter 205 (BTR Program) - Continued  
Mr. Kelley advised that the proposed tax increase for property owners if the BTR Program is eliminated would be approximately \$17.00 to \$18.00 on a \$500,000.00 assessment.

**TOWN MANAGER COMMENTS** - Continued

B. Finance/Contracts

Town Manager Dave Bullock noted a RFQ (Request For Qualifications) had been issued for a telecommunications consultant, advised that the evaluation of the proposals had been completed, and noted the recommendation for award to TE Connectivity in accordance with the RFQ work scope.

Discussions were held with Town Manager Bullock on the following topics/issues:

- quote amounts received from the firms responding
- expertise of the Technical Consultant from Manatee County sitting on the Evaluation Committee and experience of other Committee members
- location of home office of TE Connectivity and locations where they have performed consulting services.

Commr. Younger commended Town Manager Bullock for leveraging resources from Manatee County staff by utilizing their expertise on the Committee.

C. Planning, Zoning, and Building

Town Manager Dave Bullock advised that he would be posting the Planning, Zoning, and Building Department Director's position and noted the location of the advertisements to be placed.

A. Public Property - Continued

Town Attorney David Persson advised that two appraisals were completed on the property located at 4110 Gulf of Mexico Drive (Two Huts) and noted the total cost of both appraisals was \$2,000.00.

**TOWN MANAGER COMMENTS** - Continued

A. Public Property - Continued

**There was consensus to move forward with the appraisal on the property discussed.**

D. Town Commission

Town Manager Dave Bullock noted that the iPad use for agenda packets and advised that Commissioners should advise Assistant to Town Manager Susan Phillips on their preference to receive a paper copy of the agenda packet.

**TOWN COMMISSION COMMENTS**

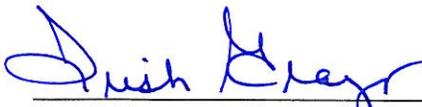
A. Town Commission

Vice Mayor David Brenner commented on the funding for the filming and live streaming of Commission meetings would expire in April 2012, noted that there was a possible opportunity to explore advertising on the live streaming version, and advised of his intent to explore the ability to offer advertising to offset filming costs.

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

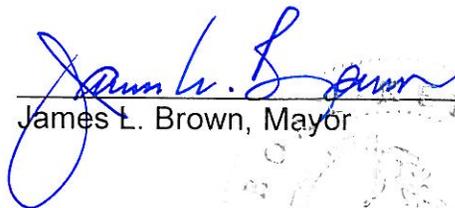
**ADJOURNMENT**

**Mayor Brown offered holiday greetings and adjourned the December 15, 2011, Regular Workshop Meeting at 3:05 p.m.**



Trish Granger, Town Clerk

Minutes Approved: 2-6-12



James L. Brown, Mayor

