

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
DECEMBER 3, 2012 - 7:00 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 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Larson led the Pledge of Allegiance.

Mayor Brown noted that Manatee County Commission Chairman John Chappie was in attendance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS - No items were presented.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson provided an overview of the recent ruling in the lawsuit relating to the Longboat Key Club development and a historical overview of the mechanisms in the Town Code relating to departures on property development, the recent interpretation by the Courts, and on previous Commissions and their vision for the future of the Town.

Town Attorney Persson reviewed referendums approved by the voters and the determination/clarification/issues to be addressed in order to move forward with the Town Commission's current vision for redevelopment on Longboat Key.

B. Town Attorney

Town Attorney David Persson noted he had tendered his resignation to Town Clerk Trish Granger effective no later than June 30, 2013, if not sooner.

Town Attorney Persson advised of his decision and basis for the resignation, commended Mayor Brown for his leadership over the past two years, and thanked the Commission for his tenure with the Town of Longboat Key.

Mayor Brown commented on Town Attorney Persson's service to the Town and thanked him for his dedication to the Commission and the citizens of Longboat Key. Individual Commissioner comments followed thanking Town Attorney Persson for his service.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Ms. Lauren Goldner, Winslow Place, provided an overview of the LBK-9 Coalition and the work accomplished to date relating to permitting dogs on the beaches of Longboat Key.

1. Opportunity for Public to Address Town Commission - Continued

A. Public Works - Continued

Ms. Goldner noted distribution of a report compiled by the LBK-9 Coalition for Commission consideration.

Mayor Brown noted he had requested Ms. Goldner to speak during Public Comment, requested that the documentation be placed on the Town's website, and requested Commission input on the issue of placing the item on a future agenda.

Subsequent to individual comments, there was majority consensus to schedule the item for discussion on the February 2013 Workshop agenda and Ms. Goldner noted agreement to postpone consideration until February 2013.

B. Public Works

Mr. Richard Perlman, Sandhamn Place, advised that he was a LBK-9 Coalition Committee member, commented on the report submitted, noting that not all Committee members were in favor of moving the issue forward, and opined that the report did not contain all the issues discussed. Vice Mayor Brenner commended the Committee members efforts. (See item later this meeting.)

C. Planning, Zoning, and Building

Ms. B.J. Webb, Mistletoe Lane, commented on recent newspaper articles relating to discussions held at the Planning and Zoning (P&Z) Board meeting and advised of the inaccuracies in the articles. Ms. Webb advised that the P&Z Board members were dedicated to the Town's goals.

Ms. Webb noted regret for the resignation of Town Attorney David Persson and thanked him for all of his efforts in his service to Longboat Key.

B. Public Works - Continued

Ms. Goldner noted that Ms. Cyndi Seaman was not present and expressed concern that Mr. Perlman had offered her position on the LBK-9 Coalition research and report submitted.

APPROVAL OF MINUTES

2. October 1, 2012 Joint Meeting with Sarasota County

Upon inquiry, with no comments presented, Mayor Brown noted consensus to approve the Minutes as submitted.

Vice Mayor Brenner requested that the Town Manager provide an update on the issues discussed at the Joint Meeting with Sarasota County at a future meeting.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Commr. Duncan noted the legislative advocacy issues supported by the Manasota League of Cities and advised he would be attending the "fly-in" to Washington, D.C., in February 2013.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Planning, Zoning, and Building

Commr. Zunz noted a recent meeting with Mr. Mike Aldred representing the owner of the vacant Chevron gasoline station on the North end of Longboat Key and reviewed the issues discussed, noting that Mr. Aldred would get in touch with the Town on options for improvements. (See item later this meeting.)

C. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Tourist Development Council Strategic Planning Workshop on November 15, 2012, and reviewed the issues discussed and the future "mini" workshops to be held.

D. Organizations

Vice Mayor Brenner noted attendance, with Town Manager Dave Bullock, at the Manatee County Economic Development Corporation "Branding Kick-Off" event.

E. Organizations

Commr. Larson noted attendance at a Joint Management Board Meeting of the Sarasota Bay Estuary Program with the Tampa Bay Estuary Program and the Charlotte Harbor National Estuary Program organizations and reviewed the issues discussed relating to funding from the BP Oil Company fines.

F. Town Commission

Commr. Larson thanked the Commission and the community for their support of the recent Kiwanis sponsored event held in November 2012.

B. Planning, Zoning, and Building - Continued

Commr. Duncan commented on the efforts of Commr. Zunz and suggested that the Town Manager pursue meetings between property owners and Town staff that might not be specific Code violations but would improve the visual impact to the community.

Commr. Zunz noted that Vice Mayor Brenner made initial contact with the property owner's representative.

CONSENT AGENDA

3. Election Results of Special Referenda

On July 2, 2012, the Town Commission adopted Ordinances 2012-14 and 2012-15 to allow for the placement of two referendum questions on the November 6, 2012, General Election Ballot for the purpose of determining whether the Town's Comprehensive Plan may be amended to allow for changes in density and intensity for two properties. Ordinance 2012-14 provided for residential uses with a maximum of six residential dwelling units per acre at 5440 Gulf of Mexico Drive. Ordinance 2012-15 provided for residential uses with a maximum of six residential dwelling units per acre at 521 Broadway Street.

CONSENT AGENDA - Continued

3. Election Results of Special Referenda - Continued

Both Manatee and Sarasota County Supervisors of Election have certified the election results as follows: Referendum 1 for 5440 Gulf of Mexico Drive: In favor: 2,999 votes, Opposed: 1,559 votes; Referendum 2 for 521 Broadway Street: In favor: 3,039 votes, Opposed: 1,531 votes. Both referendum questions were passed by the registered electors who voted on the issues. Recommended Action: Approval of the Consent Agenda will confirm the Commission's canvassing of the returns and declaring the results of the election as submitted by the Supervisor of Elections offices.

There was consensus to approve the Consent Agenda in accordance with Staff's report and recommendation as presented.

ORDINANCES - FIRST READING

4. Ordinance 2012-23, Amending Chapter 30, Meetings

At the November 5, 2012, Regular Meeting, the Town Commission adopted the 2013 Town Commission Meeting Schedule. Ordinance 2012-23, amending Chapter 30 to provide for the change to scheduled workshop meetings was considered at the November 12, 2012, Regular Workshop Meeting and forwarded to the December 3, 2012, Regular Meeting for first reading. Ordinance 2012-23 also incorporates amendments to the agenda material preparation requirements and clarifies addressing the Commission. Recommended Action: Pending first reading, and discussion, forward to January 7, 2013, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-23 on record by title only.

Commr. Zunz moved to pass Ordinance 2012-23 on first reading and to forward to the January 7, 2013, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger. Following comments, the motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Gans, aye; Larson, aye; Duncan, aye; Brenner, aye; Brown, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

5. 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 requested and was granted, additional WCIND project funding assistance in the amount of \$20,000. Ordinance 2012-28 provides for the required budget transfer to amend the FY 2012-13 Budget and appropriately fund the boat ramp project. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-28.

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

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

Commr. Larson moved to adopt Ordinance 2012-28. The motion was seconded by Commr. Zunz.

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

Commr. Zunz noted that the budget transfer was for \$40,000.00 and that the Town would be receiving additional funding from WCIND in the amount of \$20,000.00. Town Manager Dave Bullock provided an overview of the project costs and funding awarded from WCIND.

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

7. Longbeach Village Association Meeting - Topics of Concern to Residents

Town staff attended the November 7, 2012 Longbeach Village Association Meeting to address Village parking issues and to seek input regarding other topics Town staff and officials may not be aware of. Police Chief Pete Cumming, Planning, Zoning & Building Director Robin Meyer, Public Works Director Juan Florensa, and Town Engineer Anne Ross attended the meeting and will be present at the December 3, 2012 Regular Meeting to discuss their findings with the Town Commission. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building (PZB) Department Director Robin Meyer provided an overview of Staff's report relating to the input received from members of the Longbeach Village Association who participated in the public meeting. Discussions were held with Mr. Meyer, Fire Chief Paul Dezzi, and Town Manager Dave Bullock on the following topics:

- the impact of the proposed Mar Vista expansion
- Mar Vista expansion application status
- emergency vehicle access
- rental issues/dock usage on Jewfish Key.

Police Chief Pete Cumming provided an overview on parking incidents, noise complaints, and police incidents (burglaries) received and investigated in the area from 2009 forward.

Public Works Director Juan Florensa provided an overview of the storm drain maintenance performed and repairs in the area, and reviewed the white fly issue raised and treatment method options. Upon inquiry, Mr. Florensa advised that information will be provided to Town residents via the Town's website and discussed the timing of the traffic light signal at the intersection of Bay Isles Parkway and Gulf of Mexico Drive.

Town Manager Bullock commented on the anticipated process to proceed and Mayor Brown suggested that the meeting, when scheduled, be held in the Village area if possible.

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. First reading of Ordinance 2012-30 was held on November 5, 2012 to formalize extended parking hours through February 28, 2013. Staff was directed to seek public input regarding the proposed change from affected residents in Longbeach Village. The Ordinance was forwarded for second reading and public hearing at the December 3, 2012 Regular Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-30.

Town Clerk Trish Granger placed Ordinance 2012-30 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2012-30. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Mr. Alan Moore, Moore's Stone Crab Restaurant, commented on the Ordinance and requested consideration to extend the sunset date through Easter.

Mayor Brown inquired and Mr. Moore advised that he would be willing to post signs requesting patrons to be aware of neighborhood/residential surroundings.

Upon inquiry, Town Manager Dave Bullock noted that Easter fell on March 31, 2013.

Commr. Larson moved to amend the sunset date to May 1, 2013. The motion failed for lack of a second.

Commr. Gans noted that there was some opposition to the expanded parking and the intent to be able to reconsider the issue when additional residents had returned to Town.

Upon inquiry, Planning, Zoning, and Building Department Planner Steve Schield presented an overview of the amendments made to the Ordinance during the first reading of the Ordinance. Discussion ensued on the issues raised at the Village Association meeting and additional information to be brought forward.

Commr. Duncan moved to amend Ordinance 2012-30 to delete the sunset date. The motion was seconded by Commr. Larson.

Town Attorney David Persson advised that if the sunset date was deleted, the Ordinance would need to be readvertised due to the previous Commission direction providing that the extension of the parking hours was to be on a temporary basis.

Commr. Duncan moved to amend his motion on Ordinance 2012-30 to modify the sunset date to May 1, 2013. The motion was seconded by Commr. Younger.

Following comments on the parking issues raised, the motion carried by a 6-1 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Gans, no; Zunz, aye.

Mayor Brown closed the public hearing.

The motion to adopt Ordinance 2012-30, as amended, carried by a 7-0 roll call vote, as follows: Gans, aye; Larson, aye; Younger, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye.

Upon inquiry, Town Manager Bullock advised that the previous parking restrictions would go into effect after the sunset date of May 1, 2013.

Following comments, there was consensus to reconsider future revisions to the parking restrictions at the February 2013 Regular Workshop meeting.

TOWN COMMISSION COMMENTS

A. Emergency Management

Commr. Duncan noted discussions with Fire Chief Paul Dezzi and requested consideration for an in-depth assessment of Longboat Key as it relates to emergency access to properties.

Town Manager Dave Bullock commented on the Town Code for new construction relating to property access and advised that existing construction is not addressed.

Fire Chief Paul Dezzi noted that his staff has begun an assessment and anticipated that it will be completed by December 31, 2012. Commr. Duncan suggested that the Condominium Associations be contacted regarding an assessment process seeking approval to access the property. Upon inquiry, Fire Chief Dezzi noted that access is gained to higher floors through the stairwells/elevators.

B. Planning, Zoning, and Building

Vice Mayor Brenner inquired and Town Manager Dave Bullock commented on the process to be followed relating to the compliance of the Colony property in accordance with the extension granted by the Town and the remedies afforded to the Town.

Commr. Zunz commented on an e-mail received from Mrs. Elsie Kearns and an upcoming meeting relating to the development of the property. Town Manager Bullock advised that any proposals would have to be reviewed by the Town prior to making any determination on the use of the property as tourism units.

Individual comments followed.

TOWN COMMISSION COMMENTS- Continued

C. Town Attorney

Commr. Larson commented on the resignation of Town Attorney David Persson and thanked him for his service to the Town.

TOWN ATTORNEY COMMENTS - Continued: No additional items were presented.

TOWN MANAGER COMMENTS

A. Legislation

Town Manager Dave Bullock noted that the Mayor will be attending the Legislative Delegation meetings on December 7, 2012 (Manatee County) and December 10, 2012 (Sarasota County) and commented on the opportunity to address public pension plans.

B. Litigation/Planning, Zoning, and Building

Town Manager Dave Bullock commented on the court ruling in the Longboat Key Club litigation and the impact on the Town's existing Code relating to departures and advised that he has requested that the Town Attorney work with a specialist in zoning codes.

Upon inquiry, Town Manager Bullock reviewed the steps to be taken in addressing the issues and options. Town Attorney David Persson reviewed the process to amend the Zoning Code and the issues to be considered relating to the departures and non-conforming uses versus the variance process.

C. Planning, Zoning, and Building

Town Manager Dave Bullock noted the presentations to be made on December 11, 2012, relating to the Planning RFP (Request For Proposals) that was in process.

D. Legal Services

Town Manager Dave Bullock requested consideration to issue a Request For Proposal (RFP) for legal services.

Mayor Brown suggested that the item be scheduled on the December 10, 2012, Regular Workshop Agenda.

PUBLIC TO BE HEARD - Continued

1. Opportunity for Public to Address Town Commission - Continued

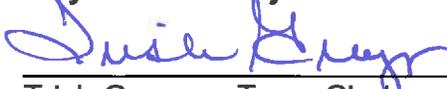
D. Tennis Center

Ms. Beverly Shapiro, Gulf of Mexico Drive, noted attendance at the Longboat Key Public Tennis Center tournament and advised of the comments received from visitors and participants in the tournament.

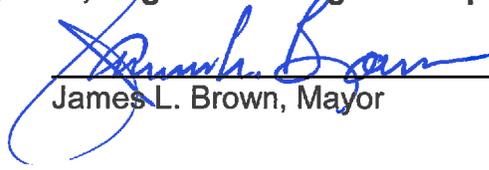
PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the December 3, 2012, Regular Meeting at 8:54 p.m.



Trish Granger, Town Clerk



James L. Brown, Mayor

Minutes Approved: 1-7-13

