

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
JANUARY 22, 2013 - 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.

**COMMITTEE REPORTS AND COMMUNICATIONS**

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

3. Sarasota County Special Liaison Report

A. Organizations

Commr. Duncan reviewed the discussion held on the Sunshine Law at the recent ManaSota League of Cities (MSLC) meeting and advised that MSLC President Tom Jones remains in the hospital and wished him a speedy recovery.

B. Governmental Agencies

Commr. Duncan noted attendance at the Sarasota County Commission meeting pertaining to consideration of revisions to the County's cell tower ordinance and advised of the issues discussed.

4. Other Reports

A. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Tourist Development Council meeting and reviewed the issues discussed and noted that he would be conferring with the Town Clerk's office in order to provide information on volunteer opportunities throughout the County.

B. Organizations

Vice Mayor Brenner noted that Mr. Tom Aposporos attended the Manatee County Economic Development Corporation on behalf of the Town and reviewed issues discussed.

C. Governmental Agencies

Mayor Brown noted attendance at the Sarasota County School Board Convocation of Governments meeting on January 18, 2013, and reviewed the issues discussed.

**DISCUSSION ITEMS**

**5. Proposed Ordinance 2012-27, Annual Update to the Capital Improvements Element of the Comprehensive Plan**

At their November 20, 2012 meeting, the Planning and Zoning (P&Z) Board recommended approval of Ordinance 2012-27 as written and forwarded to the January 22, 2013 Regular Workshop Meeting for Commission consideration. The Ordinance provides for adoption of the annual update to the Town's Capital Improvements Element of the Comprehensive Plan. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Robin Meyer gave a PowerPoint presentation on the annual update to the Town's Capital Improvements Element of the Comprehensive Plan. Discussions were held with Mr. Meyer, Assistant Town Manager Anne Ross, and Town Manager Bullock on the following topics/issues:

- requirements to send to the State for review and comment
- Longboat Pass water main line (under water)/protection against storm damage
- connection of water line to the Cortez Bridge
- vulnerability of line to wave action.

**There was consensus to forward Ordinance 2012-27 for first reading and public hearing at the February 4, 2013, Regular Meeting.**

**6. Proposed Ordinance 2013-07, Amending Chapter 158.180, Distribution of 250 Tourism Units**

At the January 15, 2013 Planning & Zoning Board (P&Z) Board Meeting discussion was held regarding amendments to Chapter 158.180, which provides for distribution of 250 tourism units. The P&Z Board forwarded Ordinance 2013-07 to the January 22, 2013 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock and Planning, Zoning, and Building Department Director Robin Meyer, Town Manager Bullock noted the extent of the contract with Mr. Spikowski.

Mr. Bill Spikowski of Spikowski and Associates, Inc., presented an overview of Ordinance 2013-07 amending Chapter 158 of the Town Code. Discussions were held on the following topics/issues:

- determination of "spot" zoning
- identification of "T-6" units and ability for other property owners to request tourism units
- timeframes outlined in the Code pertaining to submission of site plan and complete applications
- page 2 of Ordinance 2013-07, Section (B)(2) to include option to require property owners that merge/co-joining parcels to rezone the property to create a conforming use
- conforming versus non-conforming properties/process for property owners to request additional tourism units

6. Proposed Ordinance 2013-07, Amending Chapter 158.180, Distribution of 250 Tourism Units - Continued

- page 4 of Ordinance 2013-07, Section (E)(2)(a), definition of the term "liner buildings"
- utilization of valet parking/restriction on use for valet parking area
- application of regulations on properties requesting additional tourism units only.

Mr. Gene Jaleski, Cedar Street, commented on the proposed Ordinance.

Mr. Larry Grossman, St. Judes Drive North, noted transmittal of e-mail correspondence on Ordinance 2013-07 and commented on the proposed Ordinance.

Mr. Spikowski commented on the planning process and current Code requirements. Individual comments followed on the voter approval of the Referendum, consideration/impact of postponing the process.

**There was consensus to forward Ordinance 2013-07 for first reading and public hearing.**

**Upon inquiry and following discussion, there was consensus to provide a detailed presentation/overview for the public hearing.**

7. Discussion Regarding Selection Process for Town Attorney

At the December 2, 2013 Regular Meeting Town Attorney David Persson announced his resignation as Town Attorney effective no later than June 2013. The Town Manager will outline a proposed selection process for hiring a Town Attorney and seek Commission direction. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided an overview of options to consider the hiring of a new Town Attorney. Discussions were held with Town Manager Bullock and Assistant Town Attorney Kelly Fernandez on the following topics/issues:

- in-house versus contract attorney
- existing standards for smaller municipalities (contract services)
- options to contract with Sarasota County for legal services
- options to develop a hybrid program (in-house/contract services combined)
- discussions held with Sarasota County Attorney/process to determine available services
- costs/personnel needed to support an in-house legal staff
- current process for determination of when additional contract attorneys were needed
- anticipated services provided for in-house attorney
- level of expertise needed for the varied duties required to be accomplished by an in-house attorney
- past practice utilizing the Town Attorney services for management issues
- negotiation process for hiring an in-house attorney
- services provided by in-house versus contracted attorney
- existing pool of firms that represent municipal governments

7. Discussion Regarding Selection Process for Town Attorney

- firms specializing in governmental laws/complexity of local government and the need for the ability to utilize a staff of attorneys through a contract firm.

Mr. Gene Jaleski, Cedar Street, commented on the selection process for hiring a new Town Attorney.

Following comments, Town Manager Bullock noted the average range of salaries for Assistant County Attorneys at Sarasota County Government.

**There was majority consensus to pursue an outside contract attorney.**

Upon inquiry, Town Manager Bullock noted that State law and the Town Code provide governmental entities latitude for procuring legal services, advised of his recommendation to issue a Request For Proposal (RFP) and the subsequent procedures to narrow the respondents to an interview process, and suggested continued discussion of the preferred interview process by the Town Commission at the next Commission meeting.

**RECESS:** 2:46 p.m. - 2:54 p.m.

8. Discussion Regarding Selection of Planning Consultant

On December 10, 2012 two firms were interviewed for Planning Services for the Town's long-range planning needs, as well as amendments to the Zoning Code and Comprehensive Plan . Staff has continued discussion with both firms to determine if a contract can be reached that addresses the Town's needs. The Town Manager will discuss this effort and seek Commission direction on how to proceed in selection of a Planning Consultant. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the timeframe for the selection of a Planning Consultant, the steps accomplished to date, and the options to consider in the selection of the applicants that were interviewed. Discussions were held on the following topics/issues:

- options to consider the Urban Land Institute (ULI) and process to interview the firm
- Joint Workshop of the Town Commission and Planning and Zoning (P&Z) Board with ULI present
- option to modify the RFP (Request For Proposal) process and reissue simultaneously
- services provided by ULI.

Mr. Gene Jaleski, Cedars Street, advised that he had no comments.

Mr. Larry Grossman, St. Judes Drive North, commented on the RFP that was issued and the varied components of the Scope of Work outlined.

Ms. B.J. Webb, Chair of the P&Z Board, concurred with a Joint Meeting and opined of the necessity to proceed with the revisions to the Zoning Code and Comprehensive Plan.

8. Discussion Regarding Selection of Planning Consultant

**There was consensus to direct the Town Manager to contact ULI regarding their participation in the process.**

Upon inquiry, Town Manager Bullock confirmed that he is abiding by the Town Procurement Code in the current process and advised of the timeframe for consideration/scheduling the discussion with ULI.

**PUBLIC TO BE HEARD**

9. Opportunity for Public to Address Town Commission

Section 30.01.1(B) provides that when the Town Commission conducts a Workshop Meeting wherein a Special Meeting immediately follows, the floor shall be opened for the public to be heard at the conclusion of the Workshop Meeting.

A. Public Works

Mr. Samir Ragheb, Bayside Drive, commented on previous consideration of dogs on the beach and options to support the maintenance of the beach through increased licensing fees for dogs,

Town Manager Dave Bullock requested consideration to postpone the discussion of dogs on the beach until April 2013, without objection.

B. Organizations

Mr. John Wild, representing the Longboat Key Kiwanis Club, provided an overview of the success of the annual Garden Party, noted the donations made to local entities, invited Commissioners to participate in the Kiwanis Valentine's night event (February 14, 2013), and offered an open invitation for Commissioners to attend the regular Kiwanis meetings every Thursday morning at 7:30 a.m..

Mr. Wild commended Mr. James Linkogle for his services to the annual Garden Party and the community.

**TOWN COMMISSION COMMENTS**

A. Organizations

Commr. Duncan noted that the 2013 ManaSota League of Cities (MSLC) Legislative Priorities list has been completed, advised he will be attending the "Fast Fly-In," in Washington D.C., due to the absence of MSLC President Tom Jones.

B. Organizations

Commr. Zunz noted attendance at a meeting with Ms. Mary Solik and Mr. Kevin Barile to receive their input on future Zoning amendments to the telecommunications code and advised that she abstained from talking about cell towers.

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

**TOWN MANAGER COMMENTS**

A. Government Agencies

Town Manager Dave Bullock thanked Congressman Vern Buchanan for his Congressional inquiry into the permit status from the Army Corps of Engineers and advised that a draft permit has been received relating to the beach renourishment.

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

**ADJOURNMENT**

**Mayor Brown adjourned the January 22, 2013, Regular Workshop Meeting at 3:31 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: 02/04/2013