

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JUNE 17, 2013**

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

**Also Present:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Deputy Town Clerk Jo Ann Mixon

**CALL TO ORDER**

**Mayor Brown called the Special Meeting to order at 4:04 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

**ORDINANCES – FIRST READING AND PUBLIC HEARING**

1. Ordinance 2012-26, Establishing Town Code Chapter 140, Property Maintenance Code  
Ordinance 2012-26 will create a new Chapter 104 in the Town Code establishing minimum standards governing the condition and maintenance of all property throughout the Town. The Town Commission considered Ordinance 2012-26 at their May 20, 2013 Regular Workshop Meeting and forwarded it to the June 17, 2013, Special Meeting for first reading and public hearing. Recommended Action: Pending first reading and discussion, forward Ordinance 2012-26 to the July 1, 2013 Regular Meeting for second reading and public hearing.

Deputy Town Clerk Jo Ann Mixon placed Ordinance 2012-26 on record for first reading and public hearing by title only.

**Commr. Duncan moved to pass Ordinance 2012-26 on first reading and public hearing. The motion was seconded by Commr. Zunz.**

**Mayor Brown opened the public hearing.**

Town Manager Dave Bullock commented on previous consideration and public hearings on the Ordinance and advised that a PowerPoint presentation was included in the agenda material.

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

Discussions were held on the following topics/issues:

- amending the ordinance after adoption
- testimony/public comment during Planning and Zoning Board public hearings
- regulations/ordinance enforcement/timeframe regarding violation notice
- trailer/boat subcommittee meeting schedule
- current Code Enforcement efforts/compliance.

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

**ORDINANCES – SECOND READING AND PUBLIC HEARING**

**2. Ordinance 2013-19, Amending the Town of Longboat Key Comprehensive Plan**

Ordinance 2013-19 provides for adoption of amendments to Comprehensive Plan Policies 1.1.10, 1.1.11, and Table 1 of the Future Land Use Element, to allow an additional story of height through the final site plan approval process for TRC-6 properties that are granted additional tourism units through Section 158.180 of the Land Development Code; and amending related Section IV.D., of the Supplemental Data and Analysis for the future land use element. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-19.

Deputy Town Clerk Jo Ann Mixon placed Ordinance 2013-19 on record for second reading and public hearing by title only.

**Commr. Gans moved to adopt Ordinance 2013-19. The motion was seconded by Commr. Zunz.**

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

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

**3. Ordinance 2013-10, Amending Chapter 158.145, Schedule of Lot, Yard, and Bulk Regulations**

At their May 21, 2013, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Ordinance 2013-10, providing for policy changes to the Future Land Use Element's Policies 1.1.10, 1.1.11 and Table 1 regarding allowance of an additional story and 15 feet of additional building height for the site plan proposals utilizing tourism units, as allowed in Section 158.180. First reading and public hearing of Ordinance 2013-10 was held at the June 3, 2013 Regular Meeting and forwarded to the June 17, 2013 Special Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-10.

Deputy Town Clerk Jo Ann Mixon placed Ordinance 2013-10 on record for second reading and public hearing by title only.

**Commr. Younger moved to adopt Ordinance 2013-10. The motion was seconded by Commr. Zunz.**

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

**Subsequent to discussion on the additional 15 feet and/or additional story (maximum building height 65 feet), the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Gans, aye; Duncan, aye; Brenner, aye; Larson, aye; Brown, aye.**

## **RESOLUTIONS**

### **4. Resolution 2013-21, Supporting the Metropolitan Planning Organization (MPO) Membership Reapportionment Plan**

Federal and State Statutes require the MPO to adopt a Membership Apportionment Plan following each decennial census, which establishes membership composition of local governments on the MPO Board. In addition, Florida Statutes require resolutions of support from the MPO member local governments. Resolution 2013-21 confirms the Town's support of the MPO Membership Reapportionment Plan. Recommended Action: Pending discussion pass Resolution 2013-21.

Deputy Town Clerk Jo Ann Mixon placed Resolution 2013-21 on record by title only.

**Commr. Younger moved to pass Resolution 2013-21. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Brown, aye; Larson, aye; Zunz, aye; Brenner, aye; Gans, aye.**

## **NEW BUSINESS**

### **5. Urban Land Institute (ULI) – Proposed Contract and Draft Questions**

At the June 3, 2013, Special Meeting the Town Commission considered draft questions and discussed the focus of the ULI study. The Commission established a work group which conducted work sessions on June 10 and 14, 2013 in order to refine the draft questions. The Commission considered the work group's recommended questions and the proposed contract at the June 17, 2013 Regular Workshop Meeting and forwarded to the June 17, 2013, Special Meeting for formal action. Recommended Action: Pending discussion approve the ULI contract and questions.

Town Manager Dave Bullock gave a PowerPoint presentation on the proposed questions to be submitted to the ULI for the study to be accomplished later this year.

**Vice Mayor Brenner moved to approve the draft questions and the Urban Land Institute (ULI) Contract. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Brenner, aye; Gans, aye; Younger, aye; Brown, aye; Larson, aye; Duncan, aye; Zunz, aye.**

### **6. Request to Close Bay Isles Road for July 4<sup>th</sup> Freedom Fest Parade Between the Hours of 8:30 AM and 11:30 AM**

The Longboat Key Chamber of Commerce has requested that the Town Commission consider closing Bay Isles Road on July 4, 2013 between the hours of 8:30 and 11:30 AM in order to hold the July 4<sup>th</sup> parade and festivities scheduled to begin at 9:00 AM. Recommended Action: Pending discussion, approve the request for July 4, 2013 temporary closure of Bay Isles Road.

**Commr. Larson moved to approve the request to close Bay Isles Road for July 4<sup>th</sup> Freedom Fest Parade. The motion, seconded by Commr. Gans, carried by a 6-1 roll call vote, as follows: Larson, no; Gans, aye; Duncan, aye; Zunz, aye; Younger, aye; Brown, aye; Brenner, aye. Commr. Larson amended her vote to aye making the roll call vote 7-0 unanimously.**

7. Consideration of Easement Agreement Regarding Seawall Construction and Maintenance on Town's Right of Way Adjacent to 6600 Bayou Hammock Road

The Town Commission will consider a Grant of a Non-Exclusive Easement between the Town of Longboat Key and Michael L. Morris and Michelle G. Morris for construction, maintenance, repair, and replacement of a seawall on the Town's right-of-way on the property adjacent to 6600 Bayou Hammock Road. The costs associated with the seawall construction and perpetual maintenance will be at the Grantee's sole cost and expense. Recommended Action: Pending discussion approve the easement agreement.

Town Manager Dave Bullock presented an overview of the Easement Agreement with Michael and Michelle Morris for a seawall on the Town's right-of-way adjacent to 6600 Bayou Hammock Road.

Discussions were held on the following topics/issues:

- insurance/liability
- seawall location on Town owned property
- enforcement of required maintenance
- Town performed annual inspection
- the history of the seawall, davits, and concrete pad
- past and current permitting process
- the replacement of the previous seawall
- ownership of the replaced seawall
- Jackson Way right-of-way and the 20-foot wide easement
- cost of maintenance, repair, and/or future replacement of the seawall
- non-exclusive perpetual easement
- covenants running with the land for ingress and egress
- adding a termination clause to the easement agreement
- ability of the general public to use the seawall located on Town property
- Town's responsibility to maintain the public right-of-way
- development of the site and Town's requirement to obtain consent from grantee.

**Commr. Larson moved to add a termination clause with reasonable notice to the proposed easement. The motion was seconded by Commr. Duncan.**

Discussions were held on the following topics/issues:

- whether the Town should transfer (give away) property
- Town error in issuance of the permit
- restricting the Town's ability for future development of the right-of-way.

**The motion to add a termination clause carried by a 5-2 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, no; Gans, no; Younger, aye; Brenner, aye; Brown, aye.**

**Commr. Duncan moved to authorize the Town Attorney to negotiate with the Grantee's Attorney to add a termination clause to the Easement Agreement with a notice time frame between one and five years. The motion was seconded by Commr. Gans.**

7. Consideration of Easement Agreement Regarding Seawall Construction and Maintenance on Town's Right of Way Adjacent to 6600 Bayou Hammock Rd - Continued

Discussions were held on the following topics/issues:

- previous owner's knowledge of right-of-way ownership by the Town
- termination clause language
- five-year time frame for notice of termination of easement.

**Mayor Brown moved to amend the motion to provide the Town Attorney flexibility in negotiating the termination clause pertaining to the time frame for notice. The motion, seconded by Commr. Younger, carried by a 6-1 roll call vote, as follows: Brown, aye; Younger, aye; Brenner, aye; Larson, aye; Duncan, aye; Zunz, no; Gans, aye.**

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

**ADJOURNMENT**

**Mayor Brown adjourned the June 17, 2013, Special Meeting at 5:17 p.m.**

Minutes Approved: 09-03-2013