

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
JUNE 7, 2010 - 7:00 P.M.**

Present: Mayor George Spoll, Vice Mayor Jim Brown, Commrs. David Brenner, Lynn Larson, Hal Lenobel, Robert Siekmann, Phillip Younger

Also Present: Town Manager Bruce St. Denis, Town Attorney David Persson, Town Clerk Trish Granger

CALL TO ORDER

The Regular Meeting of the Longboat Key Town Commission was called to order at 7:01 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

PLEDGE OF ALLEGIANCE

Mayor Spoll requested and Commr. Larson led the Pledge of Allegiance.

APPROVAL OF MINUTES

1. January 20, 2010 Special Meeting; January 29, 2010 Special Meeting; and February 1, 2010 Statutory Meeting Minutes

There was consensus to approve the Minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

2. Representative Bill Galvano – Annual Legislative Update

Mayor Spoll introduced Representative Bill Galvano. Representative Galvano noted he was in his last term of office, thanked the Town of Longboat for their support, and provided an overview of the annual legislative session.

Mayor Spoll commended Representative Galvano's service to the Town and District.

A. Government Agencies

Mayor Spoll recognized the attendance of Manatee County Commissioners Carol Whitmore and John Chappie.

B. Public Works

Public Works Director Juan Florensa provided an update on the Deepwater Horizon oil spill and reviewed the status of the oil spill and the impact on the Gulf of Mexico coastal cities.

Commr. Brenner requested that the Town provide updates for the citizens. Town Manager Bruce St. Denis advised that the information can be provided to the press, noted Mr. Florensa was appointed as the Incident Commander for the Town, and confirmed that Staff was monitoring the situation. (See Item later this meeting.)

C. Town Commission

Mayor Spoll noted the selection of Mr. Phillip Younger to fill the vacancy on the Town Commission created by the resignation of Commr. Gene Jaleski on May 25, 2010.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Public Works - Continued

Commr. Siekmann noted concern on a response for the oil spill and Town Manager St. Denis advised that Staff was monitoring the situation and was keeping abreast of the status of the oil movement.

Commr. Siekmann noted agreement with Commr. Brenner's suggestion to provide additional public information.

17. Other Business

Commr. Larson requested consideration to add an agenda item for consideration of an appointment to the Planning and Zoning (P&Z) Board.

Subsequent to comments on the availability of candidates and a list of current applicants, Planning, Zoning, and Building Department Planner Ric Hartman noted the next scheduled meeting of the P&Z Board and items that may be considered.

Following discussion with Town Clerk Trish Granger on the availability of a applicant list and previous advertising dates, Commr. Larson moved to add the appointment to the P&Z Board to the agenda. The motion, seconded by Commr. Younger, carried by a 5-2 roll call vote, as follows: Larson, aye; Younger, aye; Brown, aye; Lenobel, no; Siekmann, no; Brenner, aye; Spoll, aye.

Mayor Spoll noted it would be included as the last item on the meeting agenda. (See Item later this meeting.)

PUBLIC TO BE HEARD

3. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building Department

Ms. Doreen Dupont, Ranger Lane, requested consideration for a Zoning Code Amendment to address canal yard setback and heights and submitted copies of photos of existing conditions and current regulations.

Vice Mayor Brown commented on previous amendments to the Zoning Code relating to canal yard setback and vegetative overhang.

Town Attorney David Persson commented on current Code requirements for navigable canals and advised he would report back on the issue.

B. Organizations

Mr. Tom Aposporos, Longboat Key, Lido Key, St. Armands Key (LLSA) Chamber, submitted a written request to close a portion of Bay Isles Road on July 4, 2010, for the Freedom Fest Parade.

PUBLIC TO BE HEARD - Continued

3. Opportunity for Public to Address Town Commission - Continued

B. Organizations - Continued

Commr. Siekmann moved to grant authorization to close a portion of Bay Isles Road on July 4, 2010, for the Freedom Fest. The motion, seconded by Vice Mayor Brown, carried unanimously on voice vote.

OTHER PUBLIC HEARINGS

12. Resolution 2010-26, Reallocation of Phase II Infrastructure Surtax Funds from Utility to Beach Functional Area

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified. Recommended Action: Pending public hearing and discussion, pass Resolution 2010-26.

Mayor Spoll noted that Agenda Item 12 is required to be heard prior to the consideration of the Budget Ordinances (Items 9 and 10) and requested consensus to reorder the Agenda to hold the public hearing on Item 12 immediately following the Consent Agenda.

There was consensus to reorder the agenda items.

CLOSING AND ACTION ON CONSENT AGENDA

4. Manatee County School Facilities Planning Interlocal Agreement (ILA)

The Manatee County local governments and School Board adopted the State required Interlocal Agreement for School Facilities Planning in 2008. Since its adoption, several amendments to the existing Interlocal Agreement have been suggested and agreed upon by the staff representing the various local governments and the School Board of Manatee County. Recommended Action: Approval of the Consent Agenda will authorize renewal of the Manatee County School Facilities Planning Interlocal Agreement.

5. Commission Pre-Authorization for Expenditures for Storm and/or Environmental Cleanup

Each year the Town Commission sets aside funding from Town Commission Contingency to be used for cleanup in the event the Town experiences a red tide or storm event. This year the Town Manager recommends modifying the authorization to provide for environmental cleanup as a result of the potential for oil spill impacts that could affect Longboat Key. Recommended Action: Approval of the Consent Agenda will provide the Town Manager pre-authorization for expenditures for storm and/or environmental cleanup.

6. Cancellation of July and August Workshop Meetings and August Regular Meeting

As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider cancellation of the July and August Workshops and the August Regular Meeting. Recommended Action: Approval of the Consent Agenda will cancel the July and August Workshop Meetings and the August Regular Meeting.

CLOSING AND ACTION ON CONSENT AGENDA - Continued

7. Authorization to Execute Fleet Maintenance Agreement with Sarasota County

Interim Fire Chief Dezzi has been working with Sarasota County to develop and negotiate a fleet maintenance agreement for the Longboat Key Fire/Rescue Department vehicles. Recommended Action: Approval of the Consent Agenda will authorize execution of the Fleet Maintenance Agreement with Sarasota County.

Commr. Siekmann inquired as to the requirement to hold a regular meeting in July and Town Manager Bruce St. Denis confirmed the necessity for a July Regular Meeting (see Item 6) in order to adopt a maximum millage rate for the upcoming fiscal year.

Commr. Siekmann moved to close and approve the Consent Agenda, Items 4 through 7, in accordance with Staff reports and recommendations. The motion, seconded by Commr. Lenobel, carried unanimously on voice vote.

OTHER PUBLIC HEARINGS

12. Resolution 2010-26, Reallocation of Phase II Infrastructure Surtax Funds from Utility to Beach Functional Area

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified. Recommended Action: Pending public hearing and discussion, pass Resolution 2010-26.

Town Clerk Trish Granger placed Resolution 2010-26 on record by title only for public hearing.

Commr. Siekmann moved to pass Resolution 2010-26. The motion was seconded by Commr. Larson.

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

Commr. Brenner inquired, and Town Manager Bruce St. Denis reviewed the estimated costs for the project.

The motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Larson, aye; Younger, aye; Lenobel, aye; Brenner, aye; Brown, aye; Spoll, aye.

ORDINANCES - FIRST READING

8. Ordinance 2010-21, Change of Start Time for Regular Workshop Meetings from 2:00 PM to 1:00 PM

At the May 3, 2010 Regular Meeting the Commission directed staff to prepare Ordinance 2010-21 to formalize changing all future Regular Workshop Meeting times from 2:00 PM to 1:00 PM. Ordinance 2010-21 was forwarded from the May 20, 2010 Regular Workshop Meeting Consent Agenda to the June 7, 2010 Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2010-21 to the July 12, 2010 Regular Meeting for second reading and public hearing.

8. Ordinance 2010-21, Change of Start Time Regular Workshop Meetings - Continued
Town Clerk Trish Granger placed Ordinance 2010-21 on record for first reading by title only.

Commr. Brenner moved to pass Ordinance 2010-21 on first reading and to forward to the July 12, 2010, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brown.

The motion carried by a 7-0 roll call vote, as follows: Brenner, aye; Brown, aye; Lenobel, aye; Siekmann, aye; Larson, aye; Younger, aye; Spoll, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

9. Ordinance 2010-24, Budget Transfer in the Amount of \$800,000 from Phase II Infrastructure Surtax Funds to Beach Capital Projects Fund

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2010-24.

Town Clerk Trish Granger placed Ordinance 2010-24 on record by title only for second reading and public hearing.

Commr. Siekmann moved to adopt Ordinance 2010-24 on second reading and public hearing. The motion was seconded by Commr. Larson.

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

The motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Larson, aye; Younger, aye; Brown, aye; Spoll, aye; Lenobel, aye; Brenner.

10. Ordinance 2010-25, Budget Transfer in the Amount of \$1,500,000 from Unbudgeted Unallocated Funds in the Beach Capital Projects Fund to the North End JCP Interim Beach Nourishment Project Account

At the May 5, 2010 Special Workshop Meeting the Town Manager updated the Commission on the Town's effort to obtain a Joint Coastal Permit (JCP) to address erosion impacts on the North end of Longboat Key. As part of that discussion, the need to reallocate funding to beach related accounts was identified. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2010-25.

Town Clerk Trish Granger placed Ordinance 2010-25 on record by title only for second reading and public hearing.

Commr. Siekmann moved to adopt Ordinance 2010-25 on second reading and public hearing. The motion was seconded by Vice Mayor Brown.

10. Ordinance 2010-25, Budget Transfer in the Amount of \$1,500,000 - Continued

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

The motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Brown, aye; Larson, aye; Brenner, aye; Lenobel, aye; Spoll, aye; Younger, aye.

RESOLUTIONS

11. Resolution 2010-24, Providing for Emergency Authorization for Town Manager

Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Resolution 2010-24 provides methods to obtain a quorum and gives the Town Manager authority to expend funds and take emergency action in the event a quorum of the Commission is not available. Recommended Action: Pending discussion, pass Resolution 2010-24.

Town Clerk Trish Granger placed Resolution 2010-24 on record by title only.

Commr. Larson moved to pass Resolution 2010-24. The motion was seconded by Commr. Brenner.

Upon inquiry, Town Manager Bruce St. Denis noted the intent and authority provided under the passage of the Resolution and advised that the Resolution does provide for action relating to the Deepwater Horizon Oil Spill.

The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Brenner, aye; Siekmann, aye; Lenobel, aye; Spoll, aye; Younger, aye; Brown, aye.

NEW BUSINESS

13. Interim Sand Search Results and Implications for Island Wide Beach Nourishment

Tom Campbell, Beau Suthard, and Doug Mann of Coastal Planning & Engineering, Inc. (CP&E) attended the May 20, 2010 Regular Workshop Meeting to discuss interim results of their sand search efforts for the upcoming beach nourishment project and to seek Commission direction regarding sand options. The Commission asked staff to post information on the Town's website seeking citizen input and forwarded the item to the June 7, 2010 Regular Meeting for formal action. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Bruce St. Denis provided an overview of the sand search results and advised of residents participation through a survey on the Town's website.

Mr. Beau Suthard, CP&E, commented on the selection of all-white (Munsell 8 sand) and advised this might extend the schedule for renourishment.

Discussion ensued with Town Manager St. Denis and Mr. Suthard on the following topics/issues:

- time frame for removal of sand from the Port Dolphin Pipeline route
- responses received from citizens on their preference

13. Interim Sand Search Results and Implications for Island Wide Beach Nourishment - Continued

- the difference between Munsell 7 and Munsell 8
- use of all white with limited resource or possibility to lose the resource (Port Dolphin Pipeline)
- costs estimates for Beach District A and Beach District B
- lack of State funding sources
- public information options
- impact of Port Dolphin Pipeline Construction timeline
- time frame for renourishment project.

Mr. Todd Stern, Sands Point Road, supported the selection of white sand.

Mr. Bob White, Longboat Key Club Road, supported the selection of white sand and commented on the associated costs, and impact of Port Dolphin project.

Town Manager St. Denis commented on the previous renourishment and type of sand utilized. Discussion ensued on the following topics/issues:

- the placement for the various types of sand and associated costs
- the sand resources (Borrow Area 6 - Port Dolphin Pipeline route)
- reimbursement agreement from Port Dolphin
- the possibility of losing a borrow area if Port Dolphin moves forward.

Mr. Jeremy Whatmough, Gulf of Mexico Drive, commented on the type of sand and layer options to be utilized.

Upon inquiry, Mr. White opined on the difference between the sand color and inquired on the cost differential for beachside versus bayside residents for Munsell 7 versus Munsell 8.

Commr. Larson inquired and Mr. Stern commented on his preferred sand type.

Subsequent to discussion on the type of preferred sand and type of sand mix previously used, Commr. Larson moved to approve the use of Munsell 8 (0.18mm Island-wide fine grained white) sand for the next beach nourishment project (Option C on Staff's memo dated June 2, 2010). The motion was seconded by Commr. Lenobel. Following clarification on the motion, the motion failed by a 5-2 roll call vote, as follows: Larson, aye; Lenobel, no; Spoll, aye; Siekmann, no; Brown, no; Brenner, no; Younger, no.

Commr. Siekmann moved to approve the use of fine grained white sand supplemented with Port Dolphin Sand (Option B of Staff's memo dated June 2, 2010). The motion was seconded by Vice Mayor Brown.

13. Interim Sand Search Results and Implications for Island Wide Beach Nourishment - Continued

Town Manager St. Denis commented on the type of sand for high erosion areas with Munsell 7 (Port Dolphin Sand) from Greer Island south to close to Yonkers, from Bayport North, and from Portobello to the south end of the Island. Discussion ensued on the following topics/issues:

- intent to utilize the Port Dolphin sand and reimbursement
- areas where the sand would be utilized
- volume of sand in high erosion areas/areas of concern
- estimated sand volume for renourishment project
- time frame for beach nourishment project
- type of sand in Longboat Pass (Munsell 8 with higher shell content).

Town Manager St. Denis suggested that the motion be modified to incorporate an option for utilization of the 0.21 Munsell 7 to the degree necessary to qualify for the Port Dolphin reimbursement in areas identified by engineers or to utilize in high erosion areas that were dual-layered during the last renourishment. Discussion ensued.

Commr. Siekmann moved to incorporate the recommendation from Town Manager St. Denis to utilize the .21 Munsell 7 to qualify for the Port Dolphin reimbursement in areas identified by the engineers and trucked in sand in the area of Gulfside Road area, without objection.

Mr. Suthard noted that Option B includes the utilization of 0.18 Munsell 8 sand Island-wide supplemented by 0.21 Port Dolphin sand to maximize reimbursement (approximately 300,000 cubic yards) to be placed at the high erosion areas.

Town Manager St. Denis indicated that Option A was designed for use of Port Dolphin sand only.

The motion to approve Option B (as clarified by Mr. Suthard) carried by a 5-2 roll call vote, as follows: Siekmann, aye; Brown, aye; Larson, aye; Lenobel, aye; Spoll, no; Younger, aye; Brenner, no.

RECESS: 9:00 p.m. - 9:11 p.m.

14. Appointments to Town Boards and Committees

Appointments for the open seats on the Code Enforcement Board and the Citizens Tax Oversight Committee will be considered at the June 7, 2010 Regular Meeting. Recommended Action: Pending discussion, make appointments to the Code Enforcement Board and the Citizens Tax Oversight Committee.

Mayor Spoll noted a previous "Meet and Greet" to benefit the Commission and applicants prior to appointments being made and advised that this was not done for the current appointments being considered.

14. Appointments to Town Boards and Committees - Continued

Discussion ensued on the lack of holding an interview process and appointments to the vacancies on the Code Enforcement Board, the Citizens Tax Oversight Committee, and the Planning and Zoning Board.

Commr. Larson moved to fill one seat and to schedule a "Meet and Greet" for the remaining applicants. The motion died for lack of a second.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 1, on the Code Enforcement Board (CEB) for a term expiring on May 8, 2013, as follows:

Commr. Lenobel cast a ballot for Leonard Garner.

Mayor Spoll cast a ballot for Leonard Garner.

Commr. Siekmann cast a ballot for Ray Rajewski.

Vice Mayor Brown cast a ballot for Leonard Garner.

Commr. Brenner cast a ballot for Leonard Garner.

Commr. Younger cast a ballot for Susan Landau.

Commr. Larson cast a ballot for Leonard Garner.

Mr. Leonard Garner was appointed to serve on the CEB, Seat 1, with a term expiration of May 8, 2013.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 2, on the Code Enforcement Board (CEB) for a term expiring on May 8, 2013, as follows:

Mayor Spoll cast a ballot for Susan Landau.

Commr. Siekmann cast a ballot for Ray Rajewski.

Vice Mayor Brown cast a ballot for Susan Landau.

Commr. Brenner cast a ballot for Susan Landau.

Commr. Younger cast a ballot for Susan Landau.

Commr. Larson cast a ballot for Susan Landau.

Commr. Lenobel cast a ballot for Ray Rajewski.

Ms. Susan Landau was appointed to serve on the CEB, Seat 2, with a term expiration of May 8, 2013.

Following comments, Commr. Brenner moved to appoint Leonard Garner to Seat 6 and Ray Rajewski to Seat 7 on the Citizens Tax Oversight Committee (CTOC) for a term expiring on May 14, 2014. The motion, seconded by Commr. Siekmann, carried by a unanimous voice vote.

15. Selection of Two Commissioners to Serve on Vision Plan Implementation Subcommittee

At the May 20, 2010 Regular Workshop Meeting there was Town Commission consensus to establish a subcommittee to review and develop implementation strategies for the Vision Plan. The Commission directed that the selection of two Commission members be placed on the June 7, 2010 Regular Meeting for formal action. Recommended Action: Appoint two Commission members to serve on the Vision Plan Implementation Subcommittee.

15. Selection of Two Commissioners to Serve on Vision Plan Implementation Subcommittee - Continued

Following comments, Commr. Larson nominated Vice Mayor Brown and Commr. Brenner to serve on the Vision Plan Implementation Subcommittee. The nominations, seconded by Commr. Siekmann, carried unanimously.

16. Commission Appointments to Committees Named in Town Code and to Outside Agencies – Reassignment of Appointments Due to Resignation of Gene Jaleski

At the April 5, 2010 Regular Meeting the Town Commission formalized appointments of its members to committees named in the Town Code or as required by outside agencies. Due to the resignation of Gene Jaleski this item is placed on the June 7, 2010 Regular Meeting to reassign his appointments. Recommended Action: Pending discussion, make appointments to Investment Advisory Committee, Alternate Special Liaison to Manatee County, Alternate Liaison to WCIND Board, and Commission Subcommittee.

Mayor Spoll noted the vacancies on Town Boards and Outside Agencies due to the resignation of Commr. Gene Jaleski and opened the floor for nominations/appointments.

Following comments, there was consensus to make the following appointments:

**Investment Advisory Committee - Commr. Larson
Alternate Special Liaison to Manatee County - Commr. Lenobel
Alternate Liaison to West Coast Inland Navigation District - Commr. Younger.**

Commr. Brenner suggested that Town Manager Bruce St. Denis serve on the Town's Organizational Subcommittee in lieu of Commr. Jaleski to draft the Mission Statement.

There was consensus to appoint Town Manager St. Denis to the Town's Organizational Subcommittee for the purpose of drafting the Mission Statement.

17. Other Business - Continued

Mayor Spoll noted the addition of an Item to the Agenda relating to the appointment of an individual to serve on the Planning and Zoning (P&Z) Board to fill the vacancy created by the appointment of Phillip Younger to the Town Commission earlier this date. (See the Minutes from the June 7, 2010, Special Meeting.)

Commr. Siekmann inquired and Town Clerk Trish Granger advised that Ms. Laurin Goldner had requested to be placed back in the applicant pool for appointment to the P&Z Board.

Upon inquiry, Town Attorney David Persson advised there was no legal prohibition for making an appointment to the P&Z Board at the current time.

Town Clerk Trish Granger proceeded with a roll call for the appointment to fill an unexpired term on the P&Z Board, Seat 2, for a term expiring on May 8, 2013, as follows:

Vice Mayor Brown cast a ballot for Laurin Goldner.

17. Other Business - Continued

**Commr. Younger cast a ballot for Laurin Goldner.
Commr. Larson cast a ballot for Laurin Goldner.
Commr. Brenner cast a ballot for Laurin Goldner.
Commr. Siekmann cast a ballot for Sally Boynton.
Commr. Lenobel cast a ballot for George Noble.
Mayor Spoll cast a ballot for Laurin Goldner.**

Ms. Laurin Goldner was appointed to serve on the P&Z Board, Seat 2, with a term expiration of May 8, 2013.

Town Clerk Granger advised that an advertisement would be run seeking candidates for appointment to the Zoning Board of Adjustment (ZBA) to fill the vacancy created by the appointment of Ms. Goldner to the P&Z Board.

Following comments on the ZBA meeting schedule, Mayor Spoll noted the appointment would be done in September or October of 2010.

TOWN COMMISSION COMMENTS

A. State Agencies

Vice Mayor Brown inquired and Town Manager Bruce St. Denis advised that the Florida Department of Transportation (FDOT) would be meeting with Staff pertaining to the status of the Wayfinding and Welcome Signs.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Organizations

Town Manager Bruce St. Denis advised that the Juvenile Services Program has requested a letter of support for a grant in the amount of \$169,749 from the (Edward) Byrne Grant Fund, noted that the Town is not eligible for any of the grant funding, and requested consideration to authorize the Mayor to sign correspondence in support of the grant request.

There was consensus to authorize the Mayor to sign correspondence in support of the grant request.

PRESS TO BE HEARD

A. Longboat Key News

Commr. Brenner requested that Longboat Key News Editor Steve Reid provide an opportunity for Commissioners to meet editorial commentator Dan Dowd.

ADJOURNMENT

Mayor Spoll requested that Commissioners remain in the Chamber after adjournment for a updated Commission photo and adjourned the June 7, 2010, Regular Meeting at 9:30 p.m.

s/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 09/13/2010