

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
April 18, 2016 - 1:00 P.M.**

**Present:** Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, Armando Linde, Irwin Pastor, Phill Younger, Ed Zunz

**Also:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale,  
**Present:** Town Clerk Trish Granger

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Duncan called the April 18, 2016, Regular Workshop to order at 1:00 p.m., at Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Zunz led the Pledge of Allegiance.

Mayor Duncan noted the Civility Policy and read the Pledge of Public Conduct.

**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 - No items were presented.

4. Manasota League of Cities Report - No items were presented.

5. Other Reports - No items were presented.

**DISCUSSION ITEMS**

6. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15)

At the March 23, 2016, Regular Workshop Meeting the Town Commission directed staff to provide additional information and data as it related to the specific causes of marine turtle disorientations, a comparison of ordinances of surrounding jurisdictions compared to the Town's current and proposed ordinance, additional historical data to illustrate trends in marine turtle nesting and disorientations, and the number of volunteers involved in marine turtle conservation efforts. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided an overview of the services provided by Mote Marine relating to the on-going beach nourishment project.

Police Department Code Enforcement Officer Chris Elbon provided an overview of proposed amendments to Chapter 100, Marine Turtle Protection. Discussions were held with Mr. Elbon, Mote Marine Senior Biologist Kristen Mazzearella, U.S. Fish and Wildlife Service Regional Sea Turtle Coordinator Anne Marie Lauritsen, and Florida Fish and Wildlife Conservation Commission Biologist Tonya Long on the following topics/issues:

6. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15) - Continued

- United States Fish and Wildlife Services (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC)
- enforcement difficulties in identifying violators/process for removal of furniture on beach
- validity of statistics reflected in causes for disorientations/process for gathering data
- marine turtle population/number of hatchlings reaching the water
- determination on the number of disoriented hatchlings
- number of volunteers tracking/reporting data on Longboat Key versus other areas
- available reports by sections (established monuments)/geographic areas on Longboat Key.

**Following comments, there was consensus to discontinue the discussion of individual statistics.**

Discussions continued on the nesting areas (within 20 kilometer area) year to year and the estimated number of times a turtle returns to the nesting area during its' life cycle.

**RECESS:** 2:14 p.m. – 2:24 p.m.

Mr. Elbon noted the steps/process to proceed with the proposed Ordinance and the anticipated improvements to the program. Subsequent to comments on comparison of data, the following individuals commented on proposed amendments to Chapter 100:

Ms. Tonya Long, with the FFWCC (submitted FWC Technical Report)  
Mr. Richard Ballerand, Gulf of Mexico Drive  
Ms. Kristen Mazzearella, Mote Marine  
Mr. Larry Grossman, St. Judes Drive North  
Ms. Ann Marie Lauritsen, with the USFWS.

Discussion ensued on the following topics/issues:

- financial impact to property owners (existing properties) to implement requirements outlined in the proposed amendments
- lack of similar data comparisons in reports presented
- balance of efforts to protect marine turtles versus property rights
- determination on "cumulatively illuminated" areas/definition and/or determination of area
- compliance outlined in the Ordinance that would be easily accomplished
- enforcement efforts of Sarasota County staff
- staffing needs to enforce provisions of proposed amendments
- process for documentation/issuance of violations
- lack of identification of specific lumen measurement.

6. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15) - Continued

**There was consensus to not forward proposed Ordinance 2016-15 to first reading on May 2, 2016.**

Subsequent to individual comments, Town Manager Bullock noted the following direction to staff and confirmed further discussion at a future Workshop:

- balance between property owners' rights and turtle protection
- lighting (interior)
- specific measure of lumens identified/cumulative illumination
- option to modify language (one or more of the following)
- timing and/or effectiveness of ordinance (implementation date)
- analysis on number and nature of complaints filed/inclusion of Sarasota County's experience.

7. Presentation Regarding Sidewalk Extension from Broadway to Longboat Pass Bridge and Related Crosswalk

At the March 23, 2016, Regular Workshop Meeting L.K. Nandam and David Wheeler, Florida Department of Transportation (FDOT) presented information regarding a sidewalk extension from Broadway to Longboat Pass Bridge and related crosswalk. The Town Manager was asked to bring this item back for additional consideration by the Town Commission. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on previous discussions relating to the sidewalk extension on the North end of Longboat Key. Discussions were held on the following topics/issues:

- option to move cross walk further south of North Shore Road
- reduced speed option coming over/to Longboat Pass bridge
- time frame for response from FDOT.

**There was consensus to request a 35-mile per hour speed limit to/from Longboat Pass bridge to North Shore Road.**

Discussion ensued on the existing crosswalks, safety concerns associated with them, and individual preference to remove newly installed crosswalks if FDOT will not reduce speed limits in the areas of crosswalks.

**There was consensus to request that FDOT change the color of lights on the crosswalk signs from yellow to red and review for improved compliance.**

**Following comments, there was majority consensus to request that FDOT remove all the existing crosswalks (setting aside previous consensus).**

**RECESS: 4:17 p.m. – 4:27 p.m.**

7. Presentation Regarding Sidewalk Extension from Broadway to Longboat Pass Bridge and Related Crosswalk - Continued

Commr. Pastor recommended that Country Club Shores be notified as to the Commissions' discussions. Individual comments followed.

Mr. Larry Grossman, St. Judes Drive North, commented on the utilization of crosswalks.

**Subsequent to comments, Mayor Duncan noted consensus to request a 35-mile per hour speed limit from the Longboat Pass bridge to Broadway and to eliminate all crosswalks as currently installed.**

**Following comments by Town Manager Bullock, there was consensus to schedule formal action at the next Regular Meeting (May 2, 2016) relating to the issues discussed.**

**Subsequent to additional discussion, there was consensus to request that FDOT continue with the construction of a sidewalk at the North end of the Town.**

8 Presentation Regarding Town Processes for Density Referendums, Comprehensive Plan Amendments, Rezoning, and Site Plans

The Town has recently received several requests for referendums regarding potential density increases. A presentation will be provided to explain the Density Referendum and Land Development processes. Recommended Action: None, informational only.

Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, and Planning, Zoning, and Building Department Director Alaina Ray provided an overview of the processes for density referendums, Comprehensive Plan amendments, rezoning, and site plans. Discussions were held on the following topics/issues:

- Charter provisions relating to petition signatures
- discretionary ability of Commission to waive petition signature requirements.

The following individuals commented on the Town processes:

Mr. Larry Grossman, St. Judes Drive North  
Mr. George Spoll, Harbourside Drive.

9. Request for Referendum from Mr. Charles H. Ball, Esq., for Property Located at 4134 Gulf of Mexico Drive (Harbour Square)

Mr. Charles H. Ball, Esq., representing Mr. Oscar R. Parsons, Trustee and Owner of Harbour Square Office Complex located at 4134 Gulf of Mexico Drive, has submitted a request for a referendum to allow the Town to consider conversion of property to allow residential density not to exceed 3 units per acre. Mr. Ball requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building Department Director Alaina Ray provided an overview of the request for referendum for property located at 4134 Gulf of Mexico Drive, known as Harbour Square. Discussions were held on the following topics/issues:

9. Request for Referendum from Mr. Charles H. Ball, Esq., for Property Located at 4134 Gulf of Mexico Drive (Harbour Square) - Continued

- maximum density prior to removal of non-conformance (accessory residential component)
- existing non-conforming residential until at Patti-Georges' Restaurant.

Attorney Robert Turffs, representing Mr. Oscar Parsons, commented on the request.

Upon inquiry, Ms. Ray noted the property, as well as Patti-Georges' Restaurant was originally conforming property and advised that the earliest ballot date would be November, 2016.

**Subsequent to comments, there was consensus to:**

- **approve the request to waive the petition process for a voter referendum to consider conversion of the property known as Harbour Square Office Complex located at 4134 Gulf of Mexico Drive to allow residential density not to exceed 3 units per acre;**
- **direct Staff and the Town Attorney to work with the applicant to draft a proposed Ordinance with referendum language in accordance with Article 7, Section 1-C, of the Town Charter;**
- **forward the Ordinance to the May 2, 2016, Regular Meeting for first reading;**
- **direct the Town Clerk's office to contact the Supervisor of Elections offices to determine the election date for a special referendum election.**

10. Proposed Ordinance 2016-17, Providing for Referendum for Certain Properties Located Along Gulf of Mexico Drive (Whitney Plaza)

Mr. Ryan Snyder, Esq., representative for Whitney Plaza, LLC., submitted a request for a referendum to be placed before the electors of the Town of Longboat Key to allow the Town to consider conversion of the property commonly known as Whitney Plaza, 6810 Gulf of Mexico Drive, to Residential Use with a maximum density not to exceed six (6) units per acre. Mr. Snyder requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building Department Director Alaina Ray provided an overview of the request for referendum for property located at 6810 Gulf of Mexico Drive, known as Whitney Plaza. Upon inquiry, Ms. Ray noted the kayak launch reflected on the preliminary drawings would be for the private use of the residents on the property.

Attorney Patricia Pettruff, representing Mr. Snyder, commented on the request and proposed future development of the property.

Mr. Larry Grossman, St. Judes Drive North, commented on the request.

**Subsequent to comments, there was consensus to:**

10. Proposed Ordinance 2016-17, Providing for Referendum for Certain Properties Located Along Gulf of Mexico Drive (Whitney Plaza) - Continued

- **approve the request to waive the petition process for a voter referendum to consider conversion of the property commonly known as Whitney Plaza, 6810 Gulf of Mexico Drive, to Residential Use with a maximum density not to exceed six (6) units per acre;**
- **forward the Ordinance to the May 2, 2016, Regular Meeting for first reading; and**
- **direct the Town Clerk's office to contact the Supervisor of Elections offices to determine the election date for a special referendum election.**

Mayor Duncan encouraged Floridays representatives to collaborate with the Whitney Plaza, LLC representatives relating to the development of the properties if the referendums are successful.

11. Proposed Ordinance 2016-16, Amending the FY 2015-2016 Adopted Budget and Establishing a Neighborhood Undergrounding Utilities Capital Project Fund and Budget

On March 15, 2016, the Town's electors voted to authorize the Town's borrowing of up to \$23,850,000 for the undergrounding of utilities and street lighting in neighborhoods and side streets. Proposed Ordinance 2016-16 establishes a new capital fund and budget to account for all revenue sources and expenditures associated with this new capital project. Recommended Action: Pending discussion, forward Ordinance 2016-16 to the May 2, 2016 Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock provided an overview of proposed Ordinance 2016-16.

**Subsequent to comments, there was consensus to forward Ordinance 2016-16 to the May 2, 2016, Regular meeting for first reading and public hearing.**

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

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

**TOWN MANAGER COMMENTS**

A. Public Works

Town Manager Dave Bullock noted Commission direction to research the cost of portable sanitary facilities and advised that the monthly rate was \$90 per unit.

B. Public Works

Town Manager Dave Bullock advised on the number of peafowl trapped and removed from the Village area and noted that capture/removal of additional peafowl will require the use of tranquilizers.

**There was consensus to authorize the use of tranquilizers to aid in the removal of additional peafowl.**

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

**ADJOURNMENT**

Mayor Duncan adjourned the April 18, 2016, Regular Workshop at 5:40 p.m.



Trish Granger, Town Clerk



Jack G. Duncan, Mayor

Minutes Approved: 5-2-16

