

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
APRIL 7, 2008 - 7:00 P.M.**

**Present:** Mayor Hal Lenobel, Vice Mayor Robert Siekmann, Commrs. Randall Clair, Peter O Connor, Lee Rothenberg, George Spoll, Joan M. Webster

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

**CALL TO ORDER**

The Regular Meeting of the Longboat Key Town Commission was called to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

**1. Approval of Minutes**

**There was consensus to approve the minutes of the February 21, 2008, Regular Workshop Meeting; the March 3, 2008, Regular Meeting; the March 10, 2008, Special Workshop Meeting; the March 19, 2008, Special Workshop Meeting; and the March 24, 2008, Statutory Meeting.**

**PLEDGE OF ALLEGIANCE**

Mayor Lenobel requested and Vice Mayor Siekmann led the Pledge of Allegiance.

**COMMITTEE REPORTS AND COMMUNICATIONS**

**A. Conferences**

Commr. Clair noted attendance at the Hurricane Conference and reviewed the forecast on the number of projected storms.

**B. Conferences**

Commr. Rothenberg noted attendance at the Hurricane Conference and advised of the recommendation for adequate budget reserves.

**C. State Agencies**

Vice Mayor Siekmann commented on the plans of the Florida Department of Transportation (FDOT) on the Anna Maria Island/State Road 64 Bridge, advising that the FDOT is seeking public input on the issue.

**D. Conferences**

Commr. Spoll noted attendance at the Hurricane Conference and commented on the discussions held at an insurance seminar relating to losses incurred and the necessity to carry adequate flood insurance to protect against loss attributed to storm surge/flooding.  
(1-0202)

**E. Conferences**

Commr. O'Connor noted attendance at the Hurricane Conference in Orlando and the need for strong building codes and land use policies and reviewed discussions held on mitigation/retro fit.  
(1-0238)

14. Planning & Zoning (P&Z) Board Referenda Subcommittee Update

**Mayor Lenobel requested, and there was consensus to reorder the Agenda to consider Item 14, P&Z Board Referenda Subcommittee Update on the implementation of referendum questions (1 and 2) approved by the electors on March 18, 2008.**

Town Manager Bruce St. Denis commented on the establishment of the P&Z Board Referenda Subcommittee and advised that future reports will be considered at the beginning of each agenda.

P&Z Board Referenda Subcommittee Chairman David Brenner presented an overview on the implementation process, noting the proposed meeting schedule and the process for future consideration.

(1-0325)

2. Public to Address Town Commission

A. Ordinances

The following individuals commented on the over abundance of peacocks, opined of health issues attributed to the excess birds in the flock, and requested consideration to amend the existing peafowl ordinance to provided for the prohibition of feeding peacocks and assistance in the cost of removal of excess peacocks:

Mr. Michael Drake, 6821 Longboat Drive South  
Mr. Ben Feole 640 Linley (President of Longbeach Village Association)  
Ms. Gail Wyer, 741 Fox Street  
Ms. Celia Nadin, 750 Fox Street  
Ms. Joyce Kessler, 690 Fox Street.

Vice Mayor Siekmann inquired, and Mr. Drake opined that more birds need to be removed from the existing flock (approximately 30 birds).

Commr. Webster noted options for control of the birds, and Mr. Feole commented on the removal costs and the importance of prohibiting the feeding of the peacocks with appropriate signs posted.

Commr. Webster suggested that both sides of the issue provide information on the pros/cons of retaining or removing the birds and Commr. Clair requested that Town Attorney research the past consideration of the issue.

Following comments, Town Manager Bruce St. Denis advised that the issue will be placed on the April 17, 2008, Regular Workshop Meeting Agenda for additional discussion.

**TOWN MANAGER COMMENTS****A. Municipalities**

Town Manager Bruce St. Denis acknowledged that Bradenton Beach Vice Mayor Chappie was in attendance this date.

**CLOSING AND ACTION ON CONSENT AGENDA****3. Commission Appointments to Committees Named in Town Code and to Outside Agencies**

Approved the appointments to committees named in the Town Code, or as required by outside agencies, and as noted at the March 27, 2008, Regular Workshop meeting, as follows:

<b>Committee/Agency</b>	<b>Appointee Information</b>	<b>2007 Appointee</b>	<b>2008 Selection</b>
Investment Advisory Committee	Three or more members of Town Commission	Vice Mayor Spoll, Commrs. Clair and Siekmann	Vice Mayor Siekmann, Commrs. Clair and Spoll
Salary Savings Committee	Mayor + One Commissioner	Mayor Whatmough and Commr. Rothenberg	Mayor Lenobel and Commr. Rothenberg
<b>Outside Agencies</b>	<b>Appointee Information</b>	<b>2007 Appointee</b>	<b>2008 Selection</b>
Coalition of Barrier Island Elected Officials	Mayor	Mayor Whatmough	Mayor Lenobel Alternate: Vice Mayor Siekmann
Manatee County Council of Governments	Mayor	Mayor Whatmough	Mayor Lenobel Alternate: Vice Mayor Siekmann
Sarasota County Council of Governments	Mayor	Mayor Whatmough	Mayor Lenobel Alternate: Vice Mayor Siekmann
Special Liaison to Manatee County	Any Commr.	Commr. Siekmann	Vice Mayor Siekmann
Special Liaison to Sarasota County	Any Commr.	Vice Mayor Spoll	Commr. Spoll
Manasota League of Cities	Any Commr.	Commr. Clair Alternate Commr. O Connor	Commr. Clair Alternate: Commr. O Connor

**CLOSING AND ACTION ON CONSENT AGENDA** - Continued**3. Commission Appointments to Committees Named in Town Code and to Outside Agencies - Continued**

Metropolitan Planning Organization	Any Commr.	Commr. Rothenberg	Commr. Rothenberg
Sarasota Co. Tourism & Economic Development Board (TEDB) *This is a Sarasota County Advisory Board.	Any Commr.	Commr. Webster Alternates: All other Commissioners	Commr. Webster Alternates: All other Commissioners
Economic Development Corporation of Sarasota County (EDC). *This is a private sector Board.	Any Commr.	Commr. Webster Alternates: All other Commissioners	Commr. Webster Alternates: All other Commissioners
Water Alliance Board	Any Commr.	Commr. O Connor	Commr. O Connor
Island Transportation Planning Organization (ITPO)	Honorary - LBK not part of the Interlocal Agreement	Commr. Siekmann	<b>To be determined, as needed, based on agenda items.</b>
Manatee County Transportation Disadvantaged Coordinating Board (MPO Sub-committee)	Any Commr.	Mayor Whatmough	<b>No appointment required.</b>
Sarasota Bay Estuary Program Board of Directors	Any Commr.	Commr. Clair	Commr. Clair
<b>Florida League of Cities Legislative Councils</b>	<b>Appointee Information</b>	<b>2007 Appointee</b>	<b>2008</b>
Fiscal Stewardship	Any Commr.	Commr. Siekmann	Vice Mayor Siekmann
Home Rule Administration	Any Commr.	Vice Mayor Spoll	Commr. Spoll
Municipal Service Delivery	Any Commr.	Commr. Rothenberg	Commr. Rothenberg
Urban Planning	Any Commr.	Commr. Clair	Commr. Clair

**CLOSING AND ACTION ON CONSENT AGENDA** - Continued

**4. Request to Change Time of April Regular Workshop Meeting from 10:00 AM to 11:00 AM**

Approved the change of the starting time of the March 27, 2008, Regular Workshop Meeting from 10:00 a.m. to 11:00 a.m.

**Following comments, Commr. Spoll moved to close and approve Consent Items 3 and 4 in accordance with Staff's report and recommended action. The motion, seconded by Vice Mayor Siekmann, carried by a 7-0 voice vote.**

(1-0940)

**ORDINANCES - FIRST READING**

**5. Ordinance 2008-04, Fertilizer Use**

First reading to consider proposed Ordinance 2008-04, amending the Code of Ordinances by adding Title 9, General Regulations, Chapter 102, Fertilizer Management, to regulate fertilizer applications as part of a multi-regional effort to reduce excess nutrients from runoff into Sarasota Bay and its environs.

**Interim Town Clerk Trish Granger placed Ordinance 2008-04 on record for first reading by title only.**

**Commr. Clair moved to pass Ordinance 2008-04, in accordance with Staff's recommendation to forward to the May 5, 2008, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Siekmann.**

**Commr. Clair moved to amend the motion to incorporate the amendment for enforcement as submitted by Town Attorney David Persson, to delay enforcement to October 1, 2008. The motion was seconded by Vice Mayor Siekmann.**

Discussion ensued with Town Manager Bruce St. Denis and Town Attorney David Persson on the following topics/issues:

- obligation for educating applicators
- intended public information
- anticipated enforcement method through the Code Enforcement Process.

(1-1048)

Mr. Rusty Chinnis, 7091 Longboat Drive East, commented on the need to provide an education program for residents.

Mr. Michael Drake, 6821 Longboat Drive South, commended the Commission for moving forward with the Ordinance and supported a public education program for citizens.

5. Ordinance 2008-04, Fertilizer Use - Continued

**Subsequent to discussion, the amendment to the motion carried by a 6-1 roll call vote, as follows: Clair, aye; Siekmann, aye; Rothenberg, no; Spoll, aye; O Connor, aye; Webster, aye; Lenobel, aye.**

**The main motion to pass Ordinance 2008-04, as amended, carried by a 6-1 roll call vote, as follows: Clair, aye; Siekmann, aye; Webster, aye; O Connor, aye; Spoll, aye; Lenobel, aye; Rothenberg, no.**

6. Ordinance 2008-07, Disposal of Grass Clippings

First reading to consider proposed Ordinance 2008-07, amending the Town Code, Chapter 95, Garbage, Rubbish, Junk and Recycling, Section 95.16, Unlawful Deposits, by adding Subsection (B) relating to the disposal of grass clipping.

**Interim Town Clerk Trish Granger placed Ordinance 2008-07 on record for first reading by title only.**

**Commr. Clair moved to pass Ordinance 2008-07, in accordance with Staff's recommendation to forward to the May 5, 2008, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Spoll.**

(1-1183)

Commr. Rothenberg commented on enforcement issues and advised that it would be difficult for existing Staff to perform timely enforcement. Commr. O'Connor commented on the definitions included in the Code and noted concern with enforcement as written.

**Subsequent to comments, the motion carried by a 4-3 roll call vote, as follows: Clair, aye; Spoll aye; O'Connor, no; Webster, no; Rothenberg, no; Lenobel, aye; Siekmann, aye.**

(1-1304)

7. Ordinance 2008-08, Amending Chapter 30.01(D) Changing the Start Time for Regular Workshop Meetings from 10:00 AM to 11:00 AM

First reading to consider proposed Ordinance 2008-08, to amend Chapter 30, Section 30.01(D), to modify the start time for future Workshop meetings.

**Interim Town Clerk Trish Granger placed Ordinance 2008-08 on record for first reading by title only.**

**Commr. Spoll moved to pass Ordinance 2008-08, in accordance with Staff's recommendation to forward to the May 5, 2008, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Webster, carried by a 7-0 roll call vote, as follows: Spoll, aye; Webster, aye; Lenobel, aye; Siekmann, aye; Clair, aye; Rothenberg, aye; O'Connor, aye.**

(1-1357)

**ORDINANCES - FIRST READING AND PUBLIC HEARING**

**8. Quasi-judicial - Ordinance 2008-06, Longboat Key Moorings**

Public hearing and first reading on proposed Ordinance 2008-06, to amend Resolution 75-27, as amended, a request from LFL Marina, LLC, represented by Attorney Brenda Patten, to amend the Outline Development Plan for the Longboat Key Moorings Marina, located at 2600 Harbourside Drive, Longboat Key, to increase the number of boat slips authorized at the Marina from 278 slips to 291 slips and to continue the departure from the off-street parking requirements outlined in Town Code Section 158.128(D) from 287 parking spaces to 149 parking spaces on the site. The Planning and Zoning (P&Z) Board recommended approval of the amendment with conditions.

**Interim Town Clerk Trish Granger placed Ordinance 2008-06 on record for first reading and public hearing by title only and administered the oath.**

Mayor Lenobel advised that materials distributed or presented for the hearing must be filed with the Town Clerk.

Town Attorney David Persson commented on the requirements of a quasi-judicial hearing and noted the requirement to disclose any ex-parte communications on the issue.

**Mayor Lenobel opened the public hearing.**

Planning, Zoning, and Building Department Town Planner Steve Schield presented an overview of Staff's report, noting a scrivener's error in the project summary advising that the ODP for the Bay Isles Planned Unit Development (PUD) was approved by Resolution No. 75-27, and reviewed the request of LFL Marina, LLC, to consider an amendment to the approving Resolution, as amended, to increase the permitted number of boat slips from 278 to 291. Mr. Schield noted the Planning and Zoning (P&Z) Board's recommendation for approval with conditions and advised that Staff had no objection to the request.

Discussions were held with Mr. Schield and Town Attorney Persson on the following topics/issues:

- Condition 4, Exhibit C, included in Ordinance versus recommendation from the Planning and Zoning Board hearing
- discussion of Condition 4 by the P&Z Board/direction of P&Z Board to clarify the intent of Condition 4
- ownership of the Marina versus the condominium ownership
- concerns of impact on approval and parking requirements for Marina and existing restaurant on Condominium residents
- defining/clarifying the definition of a liveaboard
- existing code and previous prohibition of liveaboards

8. Quasi-judicial - Ordinance 2008-06, Longboat Key Moorings - Continued

- consideration of the crew living/maintaining the vessel
- public health issues relating to waste products.

(1-2203)

Attorney Brenda Patten, representing LFL Marina, LLC, presented an overview of the request and distributed the following documents for the record:

- site plan entitled "Longboat Key Moorings Marina, SB-2,"
- Local Places of Residence of Owners of Slips at Longboat Key Moorings Marina
- Owners Owning More Than One Boat Slip at The Longboat Key Mooring Marina
- correspondence from the Longboat Key Marina Condominium Association.

Attorney Patten noted the ownership of the slips, consideration of Parcel P, and the support of the Longboat Key Marina Condominium Association, Inc., for the assessment of parking needs at the end of one year. Attorney Patten noted existing code requirements prohibiting liveaboards, the condition included in the proposed Ordinance relating to a prohibition of a liveaboard, and reviewed the Declaration of Covenants for the property pertaining to liveaboards outlined in Exhibit C, Condition 4.

(1-3031)

Discussions were held with Attorney Patten and Mr. Michael Welly on the following topics/issues:

- ownership of the public facilities (restrooms and laundry) at the Marina
- parking issues and future impact of restaurant on Marina
- agreement to allow condominium/boat slip owners to utilize public facilities
- pump-out facilities/pump-out vessel utilized
- intent of future restaurant to be a private facility for owners and members
- existing easement relating to parking.

(1-3400)

Mr. Richard Levine, 2550 Harbourside Drive, advised that his questions were answered during the presentation.

**Mayor Lenobel closed the public hearing.**

Discussion ensued with Mr. Schield on the following topics/issues:

- concerns on liveaboards impact to emergency services
- the requirements for review of parking requirements
- the impact of reopening a restaurant/private club
- the option to stipulate parking requirements
- impact of private versus public restaurant.

8. Quasi-judicial - Ordinance 2008-06, Longboat Key Moorings - Continued

**Vice Mayor Siekmann moved to pass Ordinance 2008-06 and to forward to the May 5, 2008, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Webster.**

Commr. Spoll inquired, and Mr. Schield advised that the parking requirements would be reviewed.

**Subsequent to comments, the motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Webster, aye; O Connor, aye; Spoll, aye; Rothenberg, aye; Clair, aye; Lenobel, aye.**

**RECESS:** 8:36 p.m. - 8:46 p.m.  
(2-0199)

2. Public to Address Town Commission - Continued

Mr. Sandy Gilbert, representing S.T.A.R.T. (Solutions To Avoid Red Tide), noted a preview of the film, Guardians of the Gulf, and invited Commissioners to attend the screening on April 8, 2008.  
(2-0242)

**RESOLUTIONS**

9. Resolution 2008-12, Authorization for Town Manager to Execute Purchasing Card Application

To consider proposed Resolution 2008-12 providing authorization for the Town Manager to execute a purchasing card agreement through Bank of America that provides a continuation to allow the Town to piggyback on the State contract for a purchasing card vendor for optimal pricing and utilization of existing software.

**Interim Town Clerk Trish Granger placed Resolution 2008-12 on record by title only.**

**Commr. Webster moved to pass Resolution 2008-12. The motion, seconded by Commr. Spoll, carried by a 7-0 roll call vote, as follows: Webster, aye; Spoll, aye; Clair, aye; Rothenberg, aye; O Connor, aye; Siekmann, aye; Lenobel, aye.**

10. Resolution 2008-13, Waste Management Annual CPI and Fuel Rate Increases

To consider proposed Resolution 2008-13, providing for an annual CPI (Consumer Price Index) increase for Waste Management, Inc, for a residential rate increase, effective April 1, 2008, increasing base rates from \$16.69 to \$17.49, in accordance with the existing franchise agreement.

10. Resolution 2008-13, Waste Management Annual CPI/Fuel Rate Increases - Continued

**Interim Town Clerk Trish Granger placed Resolution 2008-13 on record by title only.**

**Commr. Webster moved to pass Resolution 2008-13. The motion was seconded by Commr. O Connor.**

Upon inquiry by Commr. Clair, Finance Director Thomas Kelley confirmed review of the figures and the process for the increase.

**The motion carried by a 7-0 roll call vote, as follows: Webster, aye; O Connor, aye; Spoll, aye; Lenobel, aye; Siekmann, aye; Rothenberg, aye; Clair, aye.**

11. Resolution 2008-14, Review of Current Ad Hoc Committees

To consider proposed Resolution 2008-14, pursuant to Resolution 2000-05, as amended, to annually review ad hoc committees for determination of continuation or sunset. The Charter Review Committee is the only active Ad Hoc Committee at this time. Resolution 2008-14 will sunset the Charter Review Committee.

**Interim Town Clerk Trish Granger placed Resolution 2008-14 on record by title only.**

**Vice Mayor Siekmann moved to pass Resolution 2008-14. The motion, seconded by Commr. Rothenberg, carried by a 7-0 roll call vote, as follows: Siekmann, aye; Rothenberg, aye; Clair, aye; O Connor, aye; Webster, aye; Spoll, aye; Lenobel, aye.**

12. Resolution 2008-15, Authorizing Execution of Highway Maintenance Agreement with the Florida Department of Transportation (FDOT)

To consider proposed Resolution 2008-15, authorizing the execution of a Highway Maintenance Agreement with the Florida Department of Transportation (FDOT) for highway maintenance of Gulf of Mexico Drive.

**Interim Town Clerk Trish Granger placed Resolution 2008-15 on record by title only.**

**Vice Mayor Siekmann moved to pass Resolution 2008-15. The motion was seconded by Commr. Webster.**

Commr. O'Connor commented on the requirements for grass clippings outlined on page 30 of the Maintenance Agreement with FDOT.

12. Resolution 2008-15, Highway Maintenance Agreement with the FDOT - Continued  
**The motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Webster, aye; O Connor, aye; Clair, aye; Spoll, aye; Rothenberg, aye; Lenobel, aye.**

13. Resolution 2008-16, Budget Transfer in the Amount of \$10,000 from Commission Contingency for Town Commission Travel/Conference/Training

To consider proposed Resolution 2008-16, a budget transfer in the amount of \$10,000.00 from the Commission Contingency fund to the Commission Travel/Conference/Training fund for FY 2007-08.

**Interim Town Clerk Trish Granger placed Resolution 2008-16 on record by title only.**

**Commr. O Connor moved to pass Resolution 2008-16. The motion, seconded by Commr. Rothenberg, carried by a 7-0 roll call vote, as follows: O Connor, aye; Rothenberg, aye; Webster, aye; Spoll, aye; Clair, aye; Lenobel, aye; Siekmann, aye. (2-0478)**

### **TOWN COMMISSION COMMENTS**

#### **A. Public Safety/Public Works**

Commr. Clair inquired as to the status of the gas station and concerns relating to water pollution and visual improvements on the property.

Town Manager Bruce St. Denis advised that a report will be submitted by Wednesday (April 9, 2008).  
(2-0512)

#### **B. Planning, Zoning, and Building/Code Enforcement**

Vice Mayor Siekmann inquired as to the restrictions relating to the height of hedges (6-foot) and enforcement issues and suggested that the issue be reviewed if enforcement is not required.

Town Manager St. Denis advised that he will investigate the matter and Town Attorney David Persson commented on code requirements, enforcement, and the code enforcement procedure, opined that the hedge height has been an issue for consideration in the determination of hedge versus tree distinction, and noted staffing limitations.

Town Manager St. Denis advised that the area in question has historically maintained hedges higher than provided for in the Code and noted that the issue will be reviewed and he will report back.

**TOWN COMMISSION COMMENTS** - Continued

**C. Organizations**

Commr. Spoll noted an the Federation of Condominiums meeting on April 19, 2008, at 9:30 a.m., and advised that a presentation will be made by the City of Sarasota relating to the connectivity issue for the Downtown/Bayfront area (see item later this meeting).

**D. Planning, Zoning, and Building**

Commr. Webster commented on issues being referred to Code Enforcement for review, noted budget constraints, and suggested the issue/option of job sharing to assist the existing Code Enforcement Officer.

Town Manager St. Denis commented on the training and certification requirements. Commr. Rothenberg noted that code enforcement is driven by a complaint process and suggested that consideration be given to reinstate a budget position in the Code Enforcement area.

**TOWN ATTORNEY COMMENTS**

**A. Town Commission**

Town Attorney David Persson advised that he would not be in attendance at the Goals and Objectives meetings on April 9, 2008.

**TOWN COMMISSION COMMENTS** - Continued

**C. Organizations - Continued**

Town Manager Bruce St. Denis advised that the Federation of Condominiums meeting in April would be held at Longboat Harbour (see item earlier this meeting).

**TOWN MANAGER COMMENTS**

**A. Budget**

Town Manager St. Denis commented on the schedule for budget meetings, advised that complete information has not been received to date, and suggested that an interim meeting be scheduled on May 5 or May 6, 2008, for consideration of policy questions in the development and delivery of document on May 22, 2008.

Commr. Clair inquired and Town Manager St. Denis advised that he will verify the distribution of the Comprehensive Annual Financial Report (CAFR) for FY 2006/07 and the time frame for consideration of the proposed Budget by the Commission.

**B. Meeting Schedule**

Upon inquiry, Town Manager Bruce St. Denis and Assistant to the Town Manager Susan Phillips provided the schedule for the Goals and Objectives meetings on April 9, 2008.

**TOWN MANAGER COMMENTS** - Continued

**B. Meeting Schedule** - Continued

**Following comments, there was consensus to not schedule a lunch in between the morning and afternoon sessions.**

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

**ADJOURNMENT**

**Mayor Lenobel adjourned the April 7, 2008, Regular Meeting at 9:04 p.m.  
(2-0850)**

/s/ Trish Granger  
Trish Granger, Interim Town Clerk

/s/ Hal Lenobel  
Hal Lenobel, Mayor

Minutes Approved: 05/05/2008