

***This meeting will be live-streamed via the Town's website***



**Town of Longboat Key Town Commission**  
Town Hall, 501 Bay Isles Road  
Longboat Key, FL 34228  
[WWW.LONGBOATKEY.ORG](http://WWW.LONGBOATKEY.ORG)

---

## **- AGENDA -**

### **REGULAR MEETING**

7:00 PM

November 7, 2016

#### Pledge of Public Conduct

- We may disagree, but we will be respectful of one another.
- We will direct all comments to issues.
- We will avoid personal attacks.
- Audience members wishing to speak must be recognized by the Chair.
- Speaking without being recognized will be considered as "Out of Order".

### **Call to Order and Pledge of Allegiance**

### **Public to be Heard**

#### 1. Opportunity for Public to Address Town Commission

At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

### **Approval of Minutes**

#### 2. July 5, 2106 Regular Meeting; September 12, 2016 Special Workshop Meeting; and September 12, 2016 Regular Meeting Minutes

### **Committee Reports and Communications**

3. Manatee County Special Liaison Report
4. Sarasota County Special Liaison Report
5. Manasota League of Cities Report
6. Other Reports – Presentation by Resort at Longboat Key Club/Ocean Properties

### **Closing and Action on Consent Agenda**

#### 7. Amended Interlocal Agreement Between Manatee County and the Town of Longboat Key for Renewal of CDBG/HOME/ESG Cooperation Agreement with Manatee County

At the June 20, 2016 Special Meeting the Town Commission approved an interlocal agreement with Manatee County for Renewal of CDBG/HOME Cooperation Agreement and Emergency Solutions Grant (ESG). Since that time the Department of Housing and Urban Development has advised of a necessary amendment to that interlocal agreement. Due to our size and demographic the Town of Longboat Key is not eligible to apply for CDBG or HOME grant funds. However, through interlocal agreements beginning in 2001, the Town assigned its population to Manatee County to make application for, and receive, CDBG, HOME and ESG funds directly for the County's eligible residents. This item is placed on the November 7, 2016 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will authorize the Town Manager to sign the amended Interlocal Agreement between Manatee County and the Town of Longboat Key.

---

Jack Duncan, Mayor; Terry Gans, Vice-Mayor;  
Armando Linde, District 1; Jack Daly, District 4; Ed Zunz, District 5;  
Phill Younger, At-Large; Irwin Pastor, At-Large

## 8. Adopting the Town's 2017 Legislative Priorities

Each year the Town establishes legislative priorities for submittal to the Sarasota County Legislative Delegation, Manatee County Legislative Delegation, and the Manasota League of Cities. The Town Manager will seek Commission direction regarding issues to be brought forward for consideration during the upcoming legislative session. The Legislative Priorities were discussed at the October 17, 2016 Regular Workshop Meeting and forwarded to the November 7, 2016 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will formalize the Town's 2017 Legislative Priorities.

## 9. Approving a Plat for a Lot Line Adjustment Between Lot 2 and Lot 3 of the Landwirth Subdivision, Located at 570 and 580 Broadway Street

Mason Martin, LLC, owner of property located at 570 and 580 Broadway Street (Lot 2 and Lot 3 of the Landwirth Subdivision), has applied for a minor lot line modification between the two lots. Both lots are currently conforming to Chapter 157: Subdivision Regulations of the Town's Land Development Code; however, the owner desires to move the existing lot line to the east. The new configuration will be in compliance with the Town's Subdivision Code and all applicable provisions within the Zoning Code. Recommended Action: Approval of the Consent Agenda will approve the Plat for a Lot Line Adjustment between Lot 2 and Lot 3 of the Landwirth Subdivision, located at 570 and 580 Broadway Street.

## 10. Confirmation of Continued Support of Longboat Key Kiwanis Club Gourmet Lawn Party

Each year the Commission reaffirms the Town's support of this annual charitable fund raising event. The Town has traditionally assisted the Longboat Key Kiwanis Club organizers by providing limited staffing of Public Works employees for the delivery and set-up of tents and small generators. This item is placed on the Consent Agenda for the Commission to consider continuation of their annual support. Recommended Action: Approval of the Consent Agenda will confirm the Town's continued support of this annual event.

The purpose of the Consent Agenda is to expedite those items on an agenda that appear to be of a routine nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Agenda by any member of the Town Commission without having to make a motion, receive a second, or submit to a vote; otherwise, all items on the Consent Agenda are voted upon in their totality by one action (motion, second and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda is a vote of confirmation to the action noted in each item.

### **Ordinances - First Reading**

## 11. Ordinance 2016-26, Providing for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)

Mr. Charles Whittall, representing Unicorp National Developments, Inc., and The Colony Beach and Tennis Club Association, has submitted a request for a referendum to allow the Town to consider an increase in density of 180 residential units, over and above the 237 existing tourism units on the property located at 1620 Gulf of Mexico Drive. The Town Commission considered the request at their Regular Workshop on September 26, 2016, and directed Staff to work with the applicant to develop an ordinance to forward to the November 7, 2016, Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2016-26 to the December 5, 2016, Regular Meeting for second reading, public hearing, and discussion.

## 12. Ordinance 2016-30, Moratorium on Cannabis Dispensaries and Treatment Centers

On November 8, 2016, Florida voters will consider Amendment 2, which would fully legalize the medical use of marijuana throughout the State for individuals with specified "debilitating" conditions. Approval of Amendment 2 would authorize cultivation, processing, distribution, and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers". Proposed Ordinance 2016-30 would impose a 12 month moratorium on the establishment of marijuana dispensing organizations and medical marijuana treatment centers with the jurisdiction of the Town. Recommended Action: Pending first reading and discussion, forward Ordinance 2016-30 to the December 5, 2016 Regular Meeting for second reading and public hearing.

### 13. Ordinance 2016-31, Establishing the Dates for the 2017 Preliminary and General Municipal Elections and the Early Voting Schedule

The Town's Charter establishes the date for the Town's General Election as the third Tuesday in March but provides an option to align the Town's election dates with any other County administered election. The Sarasota County Supervisor of Election has established the Town's election to coincide with the City of Sarasota's March 14, 2017 General Election. In compliance with the Charter, the 2017 Preliminary Election, if required, would be January 31, 2017. Proposed Ordinance 2016-31 provides for the Town's General Municipal Election dates, and is presented for Commission consideration at the October 17, 2016 Regular Workshop Meeting. Recommended Action: Pending first reading and discussion, forward Ordinance 2016-31 to the December 5, 2016 Regular Meeting for second reading and public hearing.

#### **Ordinances - First Reading and Public Hearing**

### 14. Ordinance 2016-28, Beach General Obligation Debt Service Bond, Year End Budget Transfer

The Town Manager requests a budget transfer from unappropriated fund balance in the amount of \$47,085 to cover the interfund transfer to the Beach Capital Project Fund. The amount of the transfer is equal to the collections for the millage imposed in the prior fiscal year. An Ordinance is required by Town Charter to cover the overages in the budget. Ordinance 2016-28 provides for the necessary transfers and was placed on the October 17, 2016 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2016-28 to the December 5, 2016 Regular Meeting for second reading and public hearing.

### 15. Ordinance 2016-29, Beach Capital Fund, Year End Budget Transfer

The Town Manager requests a budget transfer from unappropriated fund balance in the amount of \$83,396 for the Beach Capital Project Fund to cover additional expenses associated with wages, memberships, travel, monitoring protected species, bond closing costs and legal expenses. An Ordinance is required by Town Charter to cover this transfer. Ordinance 2016-29 amends the FY 2015-2016 Beach Capital Fund Budget to provide for an appropriation from fund balance in the amount of \$83,396. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2016-29 to the December 5, 2016 Regular Meeting for second reading and public hearing.

#### **Ordinances - Second Reading and Public Hearing**

### 16. Ordinance 2016-25, Providing for Referendum from Mr. Bruce E. Franklin, Land Resource Strategies, LLC., for Property Located at 5630 Gulf of Mexico Drive

Mr. Bruce E. Franklin, representing Brista Homes, Inc., purchaser of property located at 5630 Gulf of Mexico Drive, submitted a request for a referendum to allow the Town to consider an increase in density of six (6) residential units per acre for a maximum of 10 residential units on the property. There is currently no density on the property. First reading for Ordinance 2016-25 was held at the October 4, 2016 Regular Meeting. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2016-25.

#### **Resolutions**

### 17. Quasi-Judicial - Resolution 2016-19, Chase Bank, 545 Bay Isles Parkway, Parcel "A", Site Plan Amendment

The Planning and Zoning Board recommended approval of Resolution 2016-19, which provides for site plan amendment for the Shoppes of Bay Isles, as outlined by staff. Resolution 2016-19 was forwarded to the November 7, 2016 Town Commission Regular Meeting for public hearing and formal action. Recommended Action: The Commission will base their decision on competent and substantial evidence submitted at the November 7, 2016 Regular Meeting.

### 18. Resolution 2016-21, General Fund, Year End Budget Transfers

Town Charter requires that sufficient budgets are available in each General Ledger account to cover eligible expenditures. The Town Manager has the authority to transfer up to \$10,000 within a department

program, however the Town Commission must authorize, by resolution, transfers exceeding \$10,000 and transfers across departments. Resolution 2016-21, provides preliminary estimates of the necessary transfers within the General Fund for compliance with the Town Charter. Attachment A provides details for each required transfer. Recommended Action: Pending discussion, pass Resolution 2016-21.

#### 19. Resolution 2016-22, Tennis Fund, Year End Budget Transfer

Town Charter requires that sufficient budgets are available in each General Ledger account to cover eligible expenditures. The Town Manager has the authority to transfer up to \$10,000 within a department program, however the Town Commission must authorize, by resolution, transfers exceeding \$10,000 and transfers across departments. Resolution 2016-22, provides preliminary estimates of the necessary transfers within the Tennis Fund for compliance with the Town Charter. Attachment A provides details for each required transfer. Recommended Action: Pending discussion, pass Resolution 2016-22.

#### 20. Resolution 2016-23, Supporting Non-Transport Advanced Life Support for West Manatee Fire and Rescue

The Town of Longboat Key relies on West Manatee Fire and Rescue District as a primary provider of automatic and mutual aid fire and rescue services. The importance of their having advance life support (ALS), non-transport services is consistent with the ALS services provided by the Town's Fire Rescue staff. Having paramedics on their staff would supplement our staff in the event of a large emergency or during periods when they are responding to calls on Longboat Key. Recommended Action: Pending discussion, pass Resolution 2016-23.

<b>New Business</b>
---------------------

#### 21. Request for Consideration of Code Enforcement Lien Reduction

Mr. James R. Mann requested Town Commission consideration of a lien reduction for Code Enforcement Board levied fines for violations at 549 Hornblower Lane, Longboat Key, FL. The Town Commission referred the item to the Code Enforcement Board for review and a recommendation. At their Monday, October 10, 2016 Code Enforcement Board Meeting the Board voted to uphold the imposed lien, which included the fines, fees, and administrative costs of the Town. The Town Commission has the option of reducing, dismissing, or upholding the liens against the property. This item is placed on the November 7, 2016 Regular Meeting for formal action. Recommended Action: Pending discussion, provide direction to Manager.

<b>Town Commission Comments</b>
---------------------------------

<b>Town Attorney Comments</b>
-------------------------------

<b>Town Manager Comments</b>
------------------------------

<b>Press to be Heard</b>
--------------------------

<b>Adjournment</b>
--------------------

No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, Fla. Stat.).

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing a special accommodation to participate in this proceeding should contact the Town Clerk's office at 941-316-1999 forty-eight (48) hours in advance of this proceeding. If you are hearing impaired, please call 941-316-8719