

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
DECEMBER 11, 2013 - 4:34 P.M.**

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

**Also:** Town Manager Dave Bullock, Town Attorney David Persson,  
**Present:** Town Clerk Trish Granger

**CALL TO ORDER**

**Mayor Brown called the Regular Workshop Meeting to order at 4:34 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

**PUBLIC TO BE HEARD**

1. Opportunity for Public to Address Town Commission - No items were presented.

**NEW BUSINESS**

**Mayor Brown requested consideration to reorder the Agenda, advancing Item 6, without objection.**

Town Manager Dave Bullock requested consideration to hear Item 2 following Item 6, advised that Item 5 was deferred to the Regular Meeting on January 6, 2014, at 7:00 p.m., and distributed information relating to Items 3 (Quasi-Judicial) and 4 (Legislative), noting that the Building Official's report will be considered during Item 4.

**5. Resolution 2013-41, Modifying the Town Board and Committee E-Mail Policy**

As part of the Town's continued diligence in ensuring observance of State Sunshine Laws and Public Records Laws Resolution 2013-41 was presented for Commission consideration at the December 11, 2013, Regular Meeting and forwarded to the December 11, 2013, Special Meeting for formal action. The Resolution strengthens and reinforces the e-mail policy for Town Boards and Committees. Recommended Action: Pending discussion, pass Resolution 2013-41.

**Note: This item was deferred to the January 6, 2014, Regular Meeting during consideration of the Resolution at the December 11, 2013, Regular Workshop Meeting.**

**6. Request to Close Portions of Roadways Within the Village for a Holiday Parade From 3:30 P.M. to 4:00 P.M.**

The Town has received correspondence from Mr. Michael Drake requesting that the Town Commission consider closing various roadways on December 14, 2014, between the hours of 3:30 p.m. and 4:00 p.m. in order to hold a Holiday Parade within the Village. The roadways identified by Mr. Drake include Broadway Street, Longboat Drive North, Longboat Court, Longboat Drive East, Russell Street, and Bayside Drive. Recommended Action: Pending discussion, approve the request for December 14, 2013, temporary road closures within the Village.

Minutes in draft form and are not official until approved by the Town Commission.

6. Request to Close Portions of Roadways Within the Village for a Holiday Parade From 3:30 P.M. to 4:00 P.M. - Continued

**Following comments, Commr. Zunz moved to approve the temporary road closures as outlined in the request from Mr. Michael Drake. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Zunz, aye; Larson, aye; Younger, aye; Gans, aye; Duncan, aye; Brenner, aye; Brown, aye.**

**ORDINANCE – FIRST READING**

2. Ordinance 2014-02, Amending Chapter 34, Composition of Police Officers' Retirement System Board of Trustees

Ordinance 2014-02 provides for a change to the composition of the current Police Officers' Retirement System Board of Trustees. The Commission considered Ordinance 2014-02 and the proposed membership and structure of the Board of Trustees at the December 11, 2013 Regular Workshop Meeting and forwarded the Ordinance to the December 11, 2013 Special Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-02 to the January 6, 2014 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-02 on record for first reading by title only.

**Commr. Larson moved to pass Ordinance 2014-02 and to forward to the January 6, 2014, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Zunz, aye; Brenner, aye; Brown, aye; Duncan, aye; Younger, aye.**

4. Resolution 2013-40, Providing for Public Hearing Date to Determine Whether a Public Nuisance Exists on Property Located at 1620 Gulf of Mexico Drive, Longboat Key, Florida  
Chapter 150.22(A) provides procedures for setting a public hearing date to determine whether a public nuisance exists on property located at 1620 Gulf of Mexico Drive. Resolution 2013-40 provides for a date for public hearing as provided for in Section 150.22(D). Recommended Action: Pending discussion, pass Resolution 2013-40.

Town Clerk Trish Granger placed Resolution 2013-40 on record by title only.

**Commr. Zunz moved to pass Resolution 2013-40. The motion was seconded by Commr. Younger.**

Town Manager Dave Bullock provided an overview of the restructuring of the agenda order, noting that the Building Official's report was pulled from Item 3 and would be considered during this item.

Assistant Town Manager Anne Ross gave a PowerPoint presentation outlining the issues to be discussed relating to the setting of a public hearing at a later date. Planning, Zoning, and Building Department Building Official Wayne Thorne gave a PowerPoint presentation on the building deficiencies on the Colony property. Discussions were held throughout the presentation with Town Manager Bullock, Assistant Town Manager Ross, Building Official Thorne, and Town Attorney David Persson on the following topics/issues:

4. Resolution 2013-40, Providing for Public Hearing Date to Determine Whether a Public Nuisance Exists on Property Located at 1620 Gulf of Mexico Drive, Longboat Key, Florida  
- Continued

- intent of the report to depict condition of buildings and evidence to support setting a public hearing to determine whether a public nuisance exists on property
- Building Official's Findings
- 177 serious items not qualified as public nuisance
- Town Code process requirements
- property owner notice requirements
- action that may be required by the Town Commission during the public hearing
- items to be considered by the Commission at the current time
- impacts to abutting property owners for unanticipated weather events or acts of nature.

Mr. Robert Lesser, Sand Points Road, commented on Resolution 2013-40.

**There was consensus to set the public hearing date on March 4, 2014, at 9:00 a.m.,**

**The motion to pass Resolution 2013-40 establishing a public hearing on March 4, 2014, at 9 a.m. to determine whether a public nuisance exists on property located at 1620 Gulf of Mexico Drive, carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye; Gans, aye.**

**QUASI-JUDICIAL RESOLUTION AND PUBLIC HEARING**

**3. Quasi-judicial – Resolution 2013-39, Request from the Colony Beach and Tennis Club Association, Inc. for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures**

Chapter 158.138(B)(8)(b) of the Town's Zoning Code provides for property owners to file a petition with the Town Commission seeking a time extension for legally nonconforming land use and structures. A nonconforming use or structure not used for a period of one year is considered abandoned unless an extension is granted by the Town Commission. At the September 24, 2012, Special Meeting, the Commission adopted Resolution 2012-07 providing the Colony Beach and Tennis Club Association, Inc., with an extension of time until December 31, 2013, regarding its nonconforming uses and structures. On November 17, 2013, the Colony Beach and Tennis Club Association, Inc. petitioned the Town Commission to extend the deadline from December 31, 2013 through September 30, 2014. Discussion of this request, and consideration of Resolution 2013-39, is scheduled for the December 11, 2013 Special Meeting. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Town Clerk Trish Granger placed Resolution 2013-39 on record by title only and administered the Oath to those presenting testimony.

Town Attorney David Persson inquired as to any ex-parte communications or identified conflicts in proceeding with the hearing.

**3. Quasi-judicial – Resolution 2013-39, Request from the Colony Beach and Tennis Club Association, Inc. for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures - Continued**

Commr. Larson advised of a luncheon meeting and reviewed the issues discussed relating to the bankruptcy hearings.

Town Manager Dave Bullock provided an overview of the Staff report and requested Commission action. Discussions were held with Town Manager Bullock and Town Attorney Persson on the following topics/issues:

- Town's liability if conditions on the property endanger surrounding property owners
- time frame for consideration of public nuisance determination
- information provided to judge in bankruptcy proceedings relating to demolition of the buildings
- correspondence received alleging refusal to issue permits and/or sleeping at the site
- Commission options to consider this date and proposed amount of cash bond.

Attorney Don Hemke, representing the Colony Beach and Tennis Club Association, advised that hearing notices will be provided to the Clerk, opined that legal constraints are justification for the extension requested, requested that the agenda packet for Item 13 (regarding the Comprehensive Plan and Land Development Code) from the December 11, 2013, Regular Workshop Meeting be made a part of this hearing record, and discussed the conditions outlined relating to the demolition of the buildings on the property.

Attorney Jeffrey Warren, representing the Colony Association, provided an overview of the bankruptcy proceedings and the status on resolving the outstanding items. Following comments by Commr. Younger, Attorney Warren commented on the terms of the proposed settlement agreement.

Upon inquiry, Attorney Hemke and Attorney Warren confirmed that they had viewed the site and condition of the buildings and noted the intent to bring the outstanding issues to resolution. Upon inquiry, Attorney Warren confirmed that the owners have seen the photographs of the condition of the buildings and are negotiating for property redevelopment.

**RECESS:** 6:27 p.m. - 6:47 p.m.

The following individuals, duly sworn, commented on the proposed extension. Discussions were held throughout the public comments:

Mr. Joseph Jacobson, Gulf of Mexico Drive  
Mr. Larry Grossman, St. Judes Drive North  
Mr. Ralph Radtke, of the MW Group, Sarasota  
Mr. George Spoll, Harbourside Drive  
Dr. Murf Klauber, Gulf of Mexico Drive

Individual comments followed.

**3. Quasi-judicial – Resolution 2013-39, Request from the Colony Beach and Tennis Club Association, Inc. for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures - Continued**

Upon inquiry, Town Manager Bullock commented on the options for Commission consideration this date pertaining to an extension of time for compliance.

**Following individual comments, Commr. Larson moved to pass Resolution 2013-39, proceed with the condemnation hearings scheduled for March 2014, and to grant an extension of time until April 1, 2014.**

**Following individual comments on options for the Commission to consider, Vice Mayor Brenner moved to amend the motion to have staff proceed with remedies for the most critical of the code enforcement issues, to remove the demolition clause from Resolution 2013-39, to hold a public hearing in March, and to extend the compliance time for the property from December 31, 2013, until February 3, 2014. The motion was seconded by Commr. Younger**

Subsequent to discussion on the lack of progress relating to code enforcement issues, the time frame for parties to file appeal of any decision, and a realistic date to schedule a public hearing, Town Attorney Persson commented on the issues for consideration, supported an extension to April 30, 2014, and proffered the following language amendments to Resolution 2013-39 (additions shown as underlined text/deletions shown as strikethrough text):

~~SECTION 3. An extension of time to develop the Colony property as a tourism use of 237 grandfathered tourism units is granted until April 30, 2014, subject to the conditions herein. ~~under the condition that during the time between enactment of this Resolution and April 30, 2014, the Association shall enter into a binding contract for the demolition of all or substantially all of the structures, as defined in Town Code Section 158.006, on the Association property (the "Demolition Contract"). An original or true copy of the Demolition Contract shall be provided to the Town Manager prior to April 30, 2014. The Demolition Contract shall require complete demolition and removal of the structures no later than July 30, 2014. If a Demolition Contract is not entered into or is not provided to the Town Manager prior to April 30, 2014, this extension shall terminate on May 1, 2014. If the Demolition Contract is executed but the buildings are not demolished and removed by July 30, 2014, this extension shall terminate on July 31, 2014. If the buildings are demolished and removed in accordance with this condition, this extension shall terminate on December 31, 2016.~~~~

~~The Association and the Owners of the Out Parcels, by availing themselves of the benefits of the extension provided herein and as a condition for granting the extensions provided herein, shall not bring any suit or cause of action in any court of law or in equity, regarding any matter or issue whatsoever related to or arising out of this grant of extension under this resolution.~~

SECTION 4. The Colony shall:

- 1) Maintain vermin and pest control programs reviewed and approved administratively by the Town;
- 2) Secure and maintain the structures and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations;

**3. Quasi-judicial – Resolution 2013-39, Request from the Colony Beach and Tennis Club Association, Inc. for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures - Continued**

- 3) In anticipation of structure demolition, decommission and secure the potable water and wastewater system to the satisfaction of the Town.
- 4) Restore and maintain the landscaping, irrigation, and property on the portions of its property that are visible to the public and neighbors in a pre-shutdown condition; and
- 5) The Colony shall maintain with the Town a cash bond in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00) ~~One Hundred Thousand Dollars (\$100,000.00)~~, approved by the Bankruptcy Court, if necessary, in a form acceptable to the Town, guaranteeing the performance of conditions 1 through 4 above.

Discussion ensued on a proposed date to extend the nonconforming use for the property.

**Following comments, Commr. Larson restated her motion to pass Resolution 2013-39, to proceed with the public hearing on March 4, 2014, and to grant an extension to the grandfathering of units until April 30, 2014.**

**Commr. Younger withdrew his second to Vice Mayor Brenner's motion and seconded the motion by Commr. Larson.**

Town Manager Bullock presented a revised Resolution incorporating the recommended language as suggested by Town Attorney Persson. Discussion ensued with Town Manager Bullock and Town Attorney Persson on the following topics/issues:

- options to modify Resolution 2013-39 as suggested by the Town Attorney
- the purpose and suggested amount of the cash bond
- inclusion of hold harmless terms/clauses to protect the Town from any liability for the conditions on the property.

**There was consensus to incorporate the modifications to the language in Sections 3 and 4 of Resolution 2013-39.**

Attorney Warren noted disagreement with the increase to the cash bond. Town Manager Bullock noted the difficulties in obtaining compliance on items that were to be remedied under the past agreements/Resolutions passed. Discussion ensued with Attorney Warren on the proposed bond amount, condition of the property and buildings, and the lack of progress in reaching any agreements between the parties relating to a redevelopment plan.

Mayor Brown requested and Town Clerk Granger restated the motion under consideration, as follows:

**Commr. Larson moved to pass Resolution 2013-39, amending Sections 3 and 4 as proffered by the Town and Attorney and further outlined by the Town Manager, and to proceed with a public hearing on March 4, 2014, to determine if a public nuisance exists on the property. The motion was seconded by Commr. Younger.**

**3. Quasi-judicial – Resolution 2013-39, Request from the Colony Beach and Tennis Club Association, Inc. for Extension of Time to Comply with Regulations Governing Nonconforming Uses and Structures - Continued**

**Following comments on the proposed date of the extension (April 30, 2014) and the public hearing date, the motion carried by a 6-1 roll call vote, as follows: Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brenner, no; Brown, aye.**

**ADJOURNMENT**

**Mayor Brown adjourned the December 11, 2013, Special Meeting at 7:57 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
JANUARY 6, 2014 - 7:00 P.M.**

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

**Also:** Town Manager Dave Bullock, Assistant Town Attorney Kelly Fernandez,  
**Present:** Town Attorney David Persson, Town Clerk Trish Granger

**Not Present:** Mayor Jim Brown

**CALL TO ORDER**

**Vice Mayor Brenner called the Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and noted that Mayor Brown would not be in attendance due to illness. Commr. Duncan led the Pledge of Allegiance.**

**PROCLAMATIONS AND SPECIAL PRESENTATIONS** - No items were presented.

**13. Other Business**

**A. Town Commission**

**Vice Mayor Brenner requested and there was consensus to consider Agenda Item 11 following Item 3.**

**PUBLIC TO BE HEARD**

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

**A. Planning, Zoning, and Building**

Mr. Gene Jaleski, Cedar Street, commented on the ULI report and suggested public input be solicited before moving forward with any recommendations.

**B. Planning, Zoning, and Building**

Mr. Ed Krepela, representing the Longboat Key Wireless Workgroup, presented the group's mission statement. Upon inquiry, Mr. Krepela noted the next scheduled meeting and advised that a date to submit a report was undetermined at this time.

Vice Mayor Brenner requested that Mr. Krepela contact Town Manager Dave Bullock when the group is prepared to provide their findings and recommendations.

**APPROVAL OF MINUTES**

**2. November 13, 2013 Regular Workshop Meeting; November 13, 2013 Special Meeting; November 18, 2013 Special Workshop Meeting; November 18, 2013 Special Meeting Minutes**

**Vice Mayor Brenner noted two scrivener's errors were corrected on the minutes and there was consensus to approve the minutes as amended.**

Minutes in draft form and are not official until approved by the Town Commission.

### **COMMITTEE REPORTS AND COMMUNICATIONS**

#### **3.ULI Implementation Advisory Committee Status Update**

Planning, Zoning, and Building Department Interim Director Alaina Ray provided an overview of the Committee actions and recommendations.

**Vice Mayor Brenner inquired, and Town Manager Dave Bullock suggested that the recommendations be included on the January 21, 2014, Regular Workshop Meeting Agenda, without objection.**

Vice Mayor Brenner requested that the issue of property ownership and control be addressed and included in the item's paperwork.

#### **13. Other Business - Continued**

##### **B. Government Agencies**

Vice Mayor Brenner noted the attendance of Manatee County Commr. John Chappie at the meeting.

##### **C. Boards/Committees**

Vice Mayor Brenner noted the resignation of Mr. Lou Levy from the Finance Committee.

##### **D. Organizations**

Vice Mayor Brenner noted attendance at the Sarasota County Economic Development Corporation meeting and reviewed issues discussed.

### **QUASI-JUDICIAL - RESOLUTION AND PUBLIC HEARING**

#### **11. Quasi-judicial - Resolution 2014-02, Site Plan Amendment for Hilton Hotel, 4711 Gulf of Mexico Drive**

At their December 17, 2013 Regular Meeting the Planning & Zoning Board (P&Z) Board recommended approval of the site plan amendment application subject to an additional condition that a deceleration/tapered lane be constructed at the Southbound entrance of the hotel. Resolution 2014-02, was modified to include provisions for the additional condition and is presented for Commission consideration at the January 6, 2014 Regular Meeting. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this meeting.

Town Clerk Trish Granger administered the Oath to all individuals who wished to present testimony.

**Vice Mayor Brenner opened the public hearing.**

Planning, Zoning, and Building Department Planner Steve Schield, duly sworn, gave a PowerPoint presentation on the Site Plan Amendment request for the Hilton Hotel. Discussions were held on the recommended language modification to proposed Condition 36.

Vice Mayor Brenner noted the time provided to the applicant and public speakers and Town Attorney Kelly Fernandez inquired as to ex-parte communication with no disclosures presented.

11. Quasi-judicial - Resolution 2014-02, Site Plan Amendment for Hilton Hotel, 4711 Gulf of Mexico Drive - Continued

Commr. Zunz inquired and Mr. Schield noted the type of connection between the existing tower and lobby would be a covered breezeway.

Town Clerk Trish Granger placed Resolution 2014-02 on record for public hearing by title only.

Town Attorney Fernandez noted that all previous testimony of Mr. Schield was incorporated into the hearing.

Attorney John Patterson, duly sworn, advised that the certified mail cards had been submitted to the Town Clerk prior to the meeting and discussed Condition 33 relating to the sidewalk and requested consideration to include the phrase "subject to approval by the FDOT (Florida Department of Transportation) and Condition 36, relating to construction of a turn (deceleration) lane and requested the Town's cooperation/assistance in obtaining approval from FDOT.

Architect of Record Jim Wurst, duly sworn, gave a PowerPoint presentation on the proposed addition and remodel of the Hilton Hotel. Discussions were held on the following topics/issues:

- location and shading of pool
- sign lighting versus ingress/egress lighting during evening/early morning hours.

Mr. Richard Stiles, duly sworn, commented on the deceleration lane recommended for the parcel. Discussions were held on the following topics/issues:

- time frame of the study regarding the need for a deceleration lane
- peak hours of the roadway
- estimating trip generations for various land uses.

The following individuals, duly sworn, commented on the proposed Site Plan Amendment:

Mr. Gene Jaleski, Cedar Street, duly sworn

Mr. Larry Grossman, St. Judes Drive North, duly sworn (noted submission of e-mail correspondence to the Town Commission)

Following comments by Attorney Patterson, Planning, Zoning, and Building Department Interim Director Alaina Ray, duly sworn, noted that no complaints had been received from neighboring property owners. Mr. Schield advised that the "Sun and Sea" parcel was shaded by large trees and was a T-6 zoned property.

Discussions were held on the lack of a crosswalk in the area of the Hilton Hotel and sidewalks on the west side of Gulf of Mexico Drive.

Attorney Patterson noted that he would have the traffic consultants address the issue of pedestrian traffic crossing Gulf of Mexico Drive.

11. Quasi-judicial - Resolution 2014-02, Site Plan Amendment for Hilton Hotel, 4711 Gulf of Mexico Drive - Continued

Commr. Younger suggested that the Town Manager explore options with FDOT on pedestrian crossings.

Ms. Beverly Shapiro, duly sworn, commented on the proposed Site Plan Amendment.

Attorney Patterson advised that the crosswalk issue and ingress/egress lighting would be taken under consideration and responded to inquiry on the timeframe for the improvements. Discussions were held with Attorney Patterson and Mr. Mark Adler, duly sworn, and Town Manager Bullock on the following topics issues:

- stabilization of existing beach access easement
- lack of parking area for the beach access
- beach jurisdiction established by the Erosion Control Line (ECL)
- code enforcement monitoring to ensure that the Hilton property does not encroach or restrict access to the public access areas.

**Vice Mayor Brenner closed the public hearing.**

**Following individual comments, Commr. Larson moved to approve Resolution 2014-02. The motion was seconded by Commr. Zunz.**

**Assistant Town Attorney Fernandez inquired, and Commrs. Larson and Zunz noted agreement to incorporate the requested amendments to Conditions 33 and 36 in the motion.**

**The motion to pass Resolution 2014-02, as amended, carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, aye; Duncan, aye.**

Vice Mayor Brenner commented on the construction schedule and impact to the tourism uses, requested that staff maintain and update statistics during the project, and requested that a workshop discussion be scheduled relating to the Site Plan Approval Process.

**RECESS: 8:42 p.m. - 8:55 p.m.**

Note: Assistant Town Attorney Fernandez left the meeting and Town Attorney David Persson arrived at 8:42 p.m.

**ORDINANCES - FIRST READING**

**4. Ordinance 2013-03, Amending Chapter 72, Section 72.06, Restrictions on Parking and Use of Travel Trailers**

At the November 13, 2013 Regular Workshop Meeting the Town Commission directed staff to remove language contained within proposed Ordinance 2013-03 that addresses boat and boat trailer parking. The revised Ordinance was forwarded to the January 6, 2014 Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-03 to the February 3, 2014 Regular Meeting for second reading and public hearing.

4. Ordinance 2013-03, Amending Chapter 72, Section 72.06, Restrictions on Parking and Use of Travel Trailers- Continued

Town Clerk Trish Granger placed Ordinance 2013-03 on record for first reading by title only.

**Commr. Younger moved to pass Ordinance 2013-03 on first reading and to forward to the February 4, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Gans.**

Planning, Zoning, and Building Department Planner Steve Schield gave a PowerPoint presentation on the Ordinance and upon inquiry, advised that storage trailers will have a restriction on the amount of time they can remain on the property.

**The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Larson, aye; Brenner, aye.**

5. Ordinance 2014-03, Amending Chapter 34, Employment Policies

Ordinance 2013-15, provides for a freeze of the Police Officers' Retirement System defined benefit plan effective January 25, 2014. Current and future employees will be enrolled in a defined contribution plan administered by ICMA. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-03 to the January 21, 2014 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-03 on record for first reading by title only.

**Commr. Larson moved to pass Ordinance 2014-03 on first reading and to forward to the January 21, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.**

Town Manager Dave Bullock presented an overview on Ordinance 2014-03 and confirmed that one Police Officer was eligible to participate in the Deferred Retirement Option Plan (DROP).

**The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Younger, aye; Duncan, aye; Brenner, aye; Gans, aye.**

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

6. Ordinance 2013-25, Amending Chapter 154, Flood Control

Adoption of the 2010 Florida Statewide Building Code and the Federal Emergency Management Agency (FEMA) flood map modernization process, communities who participate in the National Flood Insurance Program (NFIP) are required to review and update their local Flood Control ordinances for compliance with Florida Building Code, Code of Federal Regulations, and FEMA and NFIP regulations. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-25.

Town Clerk Trish Granger placed Ordinance 2013-25 on record for second reading and public hearing by title only.

6. Ordinance 2013-25, Amending Chapter 154, Flood Control - Continued

**Commr. Duncan moved to adopt Ordinance 2013-25 on second reading and public hearing. The motion was seconded by Commr. Gans.**

**Vice Mayor Brenner opened the public hearing.**

Commr. Zunz inquired and Town Attorney David Persson commented on Section 154.101E advising that the language was provided by the State of Florida and provides rights under the Ordinance or no other rights would be granted.

Commr. Duncan noted correspondence was received from Attorney Michael Furen dated January 3, 2014, and Town Attorney Persson noted that the Ordinance, as proposed, complies with State regulations and advised that changes to the Zoning Board of Adjustment is at the Commission's discretion.

**The motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Gans, aye; Larson, aye; Zunz, aye; Younger, aye; Brenner, aye.**

7. Ordinance 2014-01, Providing for the Town of Longboat Key to Withdraw from Participation Under Chapter 185, Florida Statutes

Through collective bargaining the Town will be freezing the current Chapter 185 pension plan for police officers and enrolling all current and future police officers in a defined contribution retirement plan. By freezing the current police pension plan and establishing a defined contribution plan for police officers, the current pension plan will no longer be eligible for premium tax revenues under Chapter 185. Ordinance 2014-01, withdraws the Town from participation under Chapter 185 and from all previously adopted ordinances and resolutions imposing the premium tax authorized by Chapter 185. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-01.

Town Clerk Trish Granger placed Ordinance 2014-01 on record for second reading and public hearing by title only.

**Commr. Larson moved to adopt Ordinance 2014-01 on second reading and public hearing. The motion was seconded by Commr. Zunz.**

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

**The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, aye; Duncan, aye.**

8. Ordinance 2014-02, Amending Chapter 34, Composition of Police Officers' Retirement System Board of Trustees

Ordinance 2014-02 provides for a change to the composition of the current Police Officers' Retirement System Board of Trustees. The Commission considered this Ordinance and the membership and structure of the Board of Trustees at the December 11, 2013 Regular Workshop Meeting and held first reading at the December 11, 2013 Special Meeting. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-02.

8. Ordinance 2014-02, Amending Chapter 34, Composition of Police Officers' Retirement System Board of Trustees - Continued

Town Clerk Trish Granger placed Ordinance 2014-02 on record for second reading and public hearing by title only.

**Commr. Larson moved to adopt Ordinance 2014-02 on second reading and public hearing. The motion was seconded by Commr. Duncan.**

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

**The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Duncan, aye; Younger, aye; Brenner, aye; Gans, aye; Zunz, aye.**

9. Ordinance 2014-04, Establishing the Date for the 2014 General Municipal Election and Early Voting Schedule

At the November 13, 2013 Regular Workshop Meeting the Commission considered establishing March 25, 2014 as the General Municipal Election date and discussed options for early voting. The Commission confirmed March 25, 2014 as the General Municipal Election date and confirmed an early voting schedule at the December 2, 2013 Regular Meeting. Ordinance 2014-04 was forwarded to the January 6, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-04.

Town Clerk Trish Granger placed Ordinance 2014-04 on record for second reading and public hearing by title only.

**Commr. Duncan moved to adopt Ordinance 2014-04 on second reading and public hearing. The motion was seconded by Commr. Younger.**

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

**The motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Younger, aye; Zunz, aye; Larson, aye; Brenner, aye; Gans.**

(See additional discussion of this item later this meeting.)

10. Ordinance 2014-05, Providing for Referendum Question for a Charter Amendment Regarding the Requirement to Maintain the Zoning Board of Adjustment as a Permanent Town Board

Pursuant to Commission direction, the Town Clerk developed Ordinance 2014-05 to place a referendum question on the March 2014 General Municipal Election ballot addressing the existing Charter requirement for the Town to maintain a Zoning Board of Adjustment as a permanent Town Board. The Town Commission held first reading and discussion at the December 2, 2013 Regular Meeting and forwarded to January 6, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-05.

10. Ordinance 2014-05, Providing for Referendum Question for a Charter Amendment Regarding the Requirement to Maintain the Zoning Board of Adjustment as a Permanent Town Board - Continued

Town Manager Dave Bullock noted that the Sarasota Supervisor of Elections advised this date that the referendum question could not be placed on the March 2014 ballot.

Discussion ensued on the time frame for further consideration of the referendum and placement of the issue on the August 2014 or postponing to a later date. (See additional discussion of this item later this meeting.)

9. Ordinance 2014-04, Establishing the Date for the 2014 General Municipal Election and Early Voting Schedule - Continued

Town Manager Dave Bullock noted the process to reconsider adoption of Ordinance 2014-04. Town Clerk Trish Granger advised that Ordinance 2014-04 would be amended striking the reference to the referendum question in Section 4, Ballot Presentation.

**Commr. Younger moved to reconsider the adoption of Ordinance 2014-04. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Younger, aye; Duncan, aye; Brenner, aye; Larson, aye; Gans, aye; Zunz, aye.**

**Commr. Younger moved to adopt Ordinance 2014-04, as amended. The motion was seconded by Commr. The motion was seconded by Commr. Gans.**

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

**Following comments by Commr. Gans, the motion carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brenner, aye; Larson, aye.**

10. Ordinance 2014-05, Providing for Referendum Question for a Charter Amendment Regarding the Requirement to Maintain the Zoning Board of Adjustment as a Permanent Town Board - Continued

**Commr. Younger moved to remove Ordinance 2014-05 from consideration this date and to reschedule on a future agenda for discussion. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Younger, aye; Duncan, aye; Gans, aye; Zunz, aye; Larson, aye; Brenner, aye.**

## **RESOLUTIONS**

12. Resolution 2013-41, Modifying the Town Board and Committee E-Mail Policy

As part of the Town's continued diligence in ensuring observance of State Sunshine Laws and Public Records Laws, Resolution 2013-41 was presented for Commission consideration at the December 11, 2013 Regular Workshop Meeting and forwarded to the January 6, 2014 Regular Meeting for formal action. The Resolution strengthens and reinforces the e-mail policy for Town Boards and Committees. Recommended Action: Pending discussion, pass Resolution 2013-41.

Town Clerk Trish Granger placed Resolution 2013-41 on record by title only.

12. Resolution 2013-41, Modifying the Town Board and Committee E-Mail Policy - Continued

**Commr. Zunz moved to pass Resolution 2013-41. The motion was seconded by Commr. Gans.**

Town Manager Dave Bullock advised that there was a modification to the Resolution following the discussions held at the December 11, 2013, Regular Workshop Meeting, noting that it will make it mandatory for Board and Committee members to utilize their assigned Town e-mail account for all Town related business.

**The motion carried by a 6-0 roll call vote, as follows: Zunz, aye; Gans, aye; Younger, aye; Larson, aye; Brenner, aye; Duncan, aye.**

**NEW BUSINESS** - No items were presented.

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

**TOWN ATTORNEY COMMENTS**

**A. Litigation**

Town Attorney David Persson noted distribution of the Court filing in the IPOC v. Town of Longboat Key, Case No. 2010-CA-7913-NC seeking to amend the Amended Final Judgment due to Florida legislative changes in 2013 which prohibits referenda issues in certain circumstances. Town Attorney Persson advised he will continue to update the Commission as the Case proceeds.

**TOWN MANAGER COMMENTS**

**A. Legislation**

Town Manager Dave Bullock distributed correspondence to State Senator Jeff Brandes supporting flood insurance reform and requested authorization for the Mayor to execute and forward to Senator Brandes.

**Following individual comments, there was consensus to authorize execution and distribution.**

Commr. Duncan inquired and Town Manager Bullock advised that it was a recent legislative bill filed and that the Florida League of Cities supports the bill filed but has not taken official action on the issue.

**B. Public Works**

Town Manager Dave Bullock advised that the Florida Department of Transportation (FDOT) is beginning the design process for the crosswalks as a result of the July 2013 report and noted that Staff will contact FDOT to discuss the issues raised in the area of the Hilton Hotel.

**C. Planning, Zoning, and Building**

Town Manager Dave Bullock noted that he and the Mayor had met with representatives of Publix Supermarkets relating to the Town Center concept.

**TOWN MANAGER COMMENTS** - Continued

**D. Public Works**

Town Manager Dave Bullock commented on the Request For Proposal (RFP) for solid waste services noting the submissions from vendors were re-evaluated, advised that he has rejected the recommendation of the Evaluation Committee, and noted that the RFP will be reissued in approximately two weeks.

**E. Budgets**

Town Manager Dave Bullock advised that Finance Director Sue Smith has submitted the quarterly revenue reports noting that the revenues are below the estimated budget and that the issue will be scheduled for discussion in the coming months.

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

**ADJOURNMENT**

Vice Mayor Brenner adjourned the January 6, 2014, Regular Meeting at 9:31 p.m.

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING – ATTORNEY-CLIENT SESSION  
JANUARY 17, 2014 - 3:00 P.M.**

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

**Also:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Special Litigation Counsel Deborah Getzoff, Deputy Town Clerk Jo Ann Mixon

**Call to Order**

Mayor Brown called the Special Meeting to order at 3:02 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

**1. Litigation**

The Commission will consider a request by the Town's Legal Counsels' to hold an Attorney-Client Session as provided by Florida law to obtain Commission direction relating to pending litigation in the Joseph McClash and Manatee-Sarasota Sierra Club, Inc. vs. Town of Longboat Key and Department of Environmental Protection, DOAH Case No. 13-4279.

Town Attorney Maggie Mooney-Portale provided an overview of the limitations on the issues to be discussed, noted the estimated length of time of the Attorney-Client session, introduced participants in the Attorney-Client session, and addressed the scope of the meeting.

**There was consensus to approve the Legal Counsels' request to hold an Attorney-Client Session pursuant to Florida Statutes Section 286.011(8).**

**RECESS:** 3:05 p.m. - 4:33 p.m.

**Mayor Brown reconvened the Special Meeting at 4:33 p.m.**

**Commr. Younger moved to accept the terms of the proposed settlement. The motion was seconded by Commr. Duncan.**

Discussions were held on the process afforded individuals challenging the State permitting process and costs to the Town and options to reduce the number of groins to be constructed/process to submit a modification to the permit.

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

**ADJOURNMENT**

**Mayor Brown adjourned the January 17, 2014, Special Meeting at 4:36 p.m.**

\_\_\_\_\_  
Jo Ann Mixon, Deputy Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
JANUARY 21, 2014 - 1:00 P.M.**

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

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

**CALL TO ORDER**

Mayor Brown called the Regular Meeting to order at 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Vice Mayor Brenner led the Pledge of Allegiance.

**PUBLIC TO BE HEARD**

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

**A. Organizations**

Ms. Madelyn Spoll, Harbourside Drive, thanked the Commissioners who attended the Garden Club's Arbor Day event at the Bicentennial Park and the Public Works Department for their assistance with the event, noted the donation of a tree by the Garden Club to the Town to be planted on Gulf of Mexico Drive, and invited the Commissioners to participate in the Garden Club's Taste of the Key Fashion Show.

**B. Regional Study**

Mr. Gene Jaleski, Cedar Street, commented on and suggested the Town participate in regional studies of beach issues. Mayor Brown noted recent attempts to collaborate with local governmental entities and advised that Staff is aware of regional projects that the Town could participate in.

**COMMITTEE REPORTS AND COMMUNICATIONS**

**2. Manatee County Special Liaison Report**

**A. School Board**

Commr. Zunz noted attendance at the Manatee County School Board meeting and reviewed the issues discussed.

Commr. Larson commented on the fine assessed by the State and suggested that the Commission forward correspondence to the State regarding the fine levied. Vice Mayor Brenner commented on Commr. Zunz's attendance and the taxes paid by Longboat Key homeowners.

**B. Organizations**

Vice Mayor Brenner noted that Commr. Zunz, Town Manager Bullock, and he attended the Manatee County Council of Governments meeting on January 7, 2014, and reviewed the issues discussed.

Minutes in draft form and are not official until approved by the Town Commission.

**COMMITTEE REPORTS AND COMMUNICATIONS**- Continued

**2. Manatee County Special Liaison Report - Continued**

**C. Organizations**

Vice Mayor Brenner noted that Commr. Zunz and he attended the Manatee County Economic Development Corporation ribbon cutting for Air Products, located near Port Manatee, in Manatee County.

**3. Sarasota County Special Liaison Report**

**A. Boards/Committees**

Vice Mayor Brenner noted a meeting of the Finance Committee and reviewed the issues discussed. Commr. Larson commented on the inability to issue Pension Bonds as Tax Free Bonds.

**4. Other Reports**

**A. ULI Implementation Advisory Committee Report** - See item later this meeting.

**B. Organizations**

Commr. Duncan requested that a ManaSota League of Cities report be included as a standing Agenda item and reviewed the issues relating to legislative priorities and advocating efforts on various legislative issues.

**CONSENT ITEMS**

**5. Endorsement of Gulf of Mexico Drive Sidewalk – Broadway Street to Longboat Pass Bridge**

Staff will seek Town Commission endorsement to submit a Transportation Alternative Grant application to the Metropolitan Planning Organization (MPO) to construct a 1,500-foot sidewalk on the east side of Gulf of Mexico Drive from Broadway Street to Longboat Pass Bridge. Recommended Action: Pending approval of the Consent Agenda, this item will be provided to the MPO with a certified copy of the January 21, 2014 Workshop Meeting Minutes.

Commr. Younger commented on the map included in the Staff report and suggested that the sidewalk be extended to the bridge. Following comments, Town Manager Dave Bullock confirmed that the extension could be included in the request.

Following comments by Commr. Larson, Town Manager Bullock advised that Staff could also include the portion of the West side of the road from Broadway Street to Firehouse Road in the request.

**Commr. Younger requested to pull Item 5 for discussion, without objection.**

Commr. Younger commented on the request for the continuance of the sidewalk on the West side of the road and the additional costs that may be incurred and suggested that the project be limited in order to receive approval on the request.

**CONSENT ITEMS** - Continued

**5. Endorsement of Gulf of Mexico Drive Sidewalk – Broadway Street to Longboat Pass Bridge - Continued**

Upon inquiry, Commr. Younger noted that he could discuss the issues with the MPO Staff and Town Manager Bullock advised they could submit the documentation as two projects.

**There was consensus to approve the endorsement to submit a Transportation Alternative Grant application to the Metropolitan Planning Organization (MPO).**

**DISCUSSION ITEMS**

**6. Update on the Town's Beach Program**

The Town Manager, along with Kevin Bodge and Albert Browder of Olsen Associates, Inc., will update the Town Commission on the Town's beach program. A PowerPoint presentation will be used to illustrate the coastal engineers' findings and recommendations for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the efforts relating to the Town's Beach Program and advised that Olsen Associates, Inc., would provide an update on the state of the beach.

Dr. Al Browder, Senior Engineer with Olsen Associates, Inc., gave a PowerPoint presentation entitled "Beach Project Update." Discussions were held with Dr. Browder and Dr. Kevin Bodge, Senior Engineer with Olsen Associates, Inc., and Town Manager Dave Bullock on the following topics/issues:

- Slide R-44 to R-29, "Post Debby" depiction
- date depicted on slide entitled "Current Shoreline Position"
- slide entitled "Future Shoreline Position (assuming current trends continue)"
- estimated sand yardage/volumetric requirements for the North end of Longboat Key
- locations of the F-2 and B-3 sites
- projected time frame to permit sand removal from New Pass
- utilization of sand that has excreted to other areas along the shoreline
- slide entitled "Preliminary Opinion of Project Cost" (page 32)
- Scenario C options - estimated number of trucks per hour
- basis relating to structures to be built on North end
- slide entitled "Potential Funding Sources" (page 33) relating to FEMA (Federal Emergency Management Agency) reimbursement
- placement of additional structures in lieu of continuance sand placement
- knowledge and investment requirements to engage in dredging business
- use of seawall versus utilization of a groin
- previous depictions on the use of groins
- impact resulting from the use of a series of groins along the beach line
- impediments to removing the seawall at 6633 Gulf of Mexico Drive (GMD)
- recent approvals for the rebuilding of the seawall at 6633 GMD/eminent domain process.

**RECESS: 2:42 p.m. - 2:52 p.m.**

6. Update on the Town's Beach Program - Continued

Discussions continued on the following topics/issues with Dr. Browder, Dr. Bodge, and Town Manager Bullock on the following topics/issues:

- utilization of sand by-pass systems
- review of groins in Breezy Point, New York
- permitting amendments for the North end of Longboat Key/consideration to possibly relocate the remaining two structures
- targeting areas requiring nourishment versus nourishment of entire beach area
- locating suitable sand sources
- identification of new technology/structures that may be viable sources/methods
- approach being utilized in the confirmation of the Town's Comprehensive Beach Management Plan
- investigation of existing and future sand sources/possible depletion of existing sand supply/volume change analysis
- determination of a "dry" beach line.

Mr. Bob Appel, Gulf of Mexico Drive, commented on erosion issues on the North end of Longboat Key.

Town Manager Bullock commented on the funding requirements for the North end structures, the available funding for beach projects, and FEMA reimbursement options.

Upon inquiry, Mr. Appel noted his preference to begin and complete the project approved.

Following comments by Commr. Duncan, Town Manager Bullock commented on the process for the permitting and construction of two permeable groins and/or the process to apply for a permit for a terminal groin on the North end of Longboat Key, and the original permit approval conditions.

Mr. Herman Kruesle, Gulf of Mexico Drive, commented on erosion issues on the North end of Longboat Key.

Town Manager Bullock noted the assignment given to Olsen and Associates, Inc., was directed to presume that the North end project would be proceeding.

Mr. Gene Jaleski, Cedar Street, commented on erosion issues on the North end of Longboat Key.

Ms. Barbara Wood, Gulf of Mexico Drive, commented on erosion issues on the North end of Longboat Key.

Town Manager Bullock commented on the Manatee County permitting process for the Longboat Pass navigational channel and the historical dredging process.

Ms. Wood continued her comments on issues relating to beach nourishment options.

6. Update on the Town's Beach Program - Continued

Town Manager Bullock commented on the existing Beach Districts, project funding, and the funding formula for providing beach access areas. Discussions were held on the agreement relating to the Port Dolphin pipeline.

Ms. Karyn Erickson, representing Longbeach Condominium, commented on erosion issues on the North end of Longboat Key.

Mr. Richard Wood, Gulf of Mexico Drive, commented on erosion issues on the North end of Longboat Key.

Discussions were held with Town Manager Bullock on the following topics/issues:

- the issuance of the permits for the North end structure project from the Florida Department of Environmental Protection and the Federal permit
- the estimated time frame for mobilization to begin the project after the issuance of the permits
- identification of "Beer Can" (Greer) Island as a Manatee County park
- Federal permitting process
- originally filed challenges to the permit (McClash, Jaleski, Longbeach Condominium).

Ms. Becky Jones, Gulf of Mexico Drive, commented on the conditions existing at the Longbeach Condominiums. Discussions were held on the permitting process during Ms. Jones' comments.

Ms. Erickson, representing Longbeach Condominium, commented on existing conditions on the property.

**Mayor Brown closed the public comment portion.**

Following comments on at-risk properties on the North end of Longboat Key, Town Manager Bullock commented on the Olsen Associates report and future steps that will be taken addressing recommendations outlined within the report.

Commr. Zunz requested that the location of the permeable groins be verified. Discussion ensued on the intent of the permeable groins to protect the Longbeach Condominiums, 360 North, and North Shore Road, the emergency construction of the seawall to protect the erosion impacting North Shore Road, the existing policy to utilize beaches to protect upland properties, and the property owner versus public duty to protect private property.

**There was consensus to authorize the Town Manager to develop a contract for an update to the Town's Beach Management Plan.**

4. Other Reports - ULI Implementation Advisory Committee Report

7. Urban Land Institute (ULI) Implementation - Staff Report

Town staff will discuss their efforts toward implementation of the focus area initiatives based on the ULI study recommendations. The presentation will include a progress update of the proposed Bayfront Park improvements, Gulf of Mexico Drive corridor enhancements, the Town Center concept and other initiatives. Recommended Action: Pending discussion, provide direction to Manager.

4. Other Reports - ULI Implementation Advisory Committee Report - Continued

7. Urban Land Institute (ULI) Implementation - Staff Report - Continued

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building (PZB) Department Director Alaina Ray provided an update on the recommendations of the ULI Implementation Advisory Committee and noted the upcoming meeting schedule of the Committee.

Following comments by Town Manager Bullock, Public Works Director Juan Florensa provided an overview of the Gulf of Mexico Drive Pedestrian Crossings. Discussions were held on the following topics/issues:

- lack of a proposed crosswalk at Broadway and Gulf of Mexico Drive
- deeded beach access for Country Club Shores property owners and lack of a proposed crosswalk in the area
- timeline for pedestrian study during anticipated height of tourist season (March 2013)
- criteria needed to warrant a crosswalk installation
- reconsideration of recommendations by the Florida Department of Transportation (FDOT)
- ability for Town to perform a warrant (engineering) analysis to determine necessity for areas that are requesting crosswalks
- requirements for traffic to stop when pedestrian is present at crosswalks
- **request for Staff to provide the previous report submitted by FDOT, without objection**
- option to request a reduced speed limit on Gulf of Mexico Drive
- submission of two sidewalk grant applications to the Metropolitan Planning Organization (MPO)
- previous review of costs for sidewalk construction for public versus private contracts
- FDOT control of sidewalks (right-of-ways) and compliance requirements on State roadways
- lack of State funding for landscaping improvements on Gulf of Mexico Drive (GMD)

**RECESS:** 5:07 p.m. - 5:15 p.m.

Town Manager Dave Bullock commented on the concept of the Town Center and reviewed discussions to date and previous considerations of a Town Center Concept during the initial Arvida Development Plan.

PZB Director Ray provided an overview of steps required to amend the Land Development Code revisions to provide for a suggested Town Center and Town Manager Bullock noted options for review by Urban Land Planners. Upon inquiry, Town Manager Bullock noted the numerous activities that have to be coordinated.

Discussion ensued on the level of authority to grant to the Town Manager to continue to explore the Town Center Concept.

Town Manager Bullock provided an overview of steps taken relating to Bayfront Park improvements, noting that the Sarasota County Commission adopted a Resolution relating to development of neighborhood park land, and advised that he would be discussing options with Sarasota County administrators. Discussion ensued on previous plans developed for the Bayfront Park property.

4. Other Reports - ULI Implementation Advisory Committee Report - Continued

7. Urban Land Institute (ULI) Implementation - Staff Report - Continued

Following comments by Town Manager Bullock, PZB Director Ray provided an overview of items being addressed in the Comprehensive Plan and Land Development Codes and the time frame for consideration. Discussions were held with Town Manager Bullock on the following topics/issues:

- options to fast-track the processes
- anticipated costs for consultants if fast-track is approved
- options to utilize the University of Florida planning group
- anticipated additional funding requirements for the Planning Department
- amendments required resulting from the Islandside litigation case.

Assistant Town Manager Anne Ross provided an overview of the efforts relating to the Digital Communications recommendations suggested by the ULI Review Group.

Town Manager Bullock commented on the integration of the ULI Implementation Advisory Committee and the Town Commission utilizing the recommendations of the ULI Focus Group.

Discussions were held on the role of the ULI Implementation Advisory Committee and coordination with Staff and Commission direction.

Town Manager Bullock provided an overview of planning and building issues currently not addressed. Individual comments followed on the Town Center Concept Plan and public vetting opportunities.

Upon inquiry, PZB Director Ray advised that the final ULI report is anticipated to be delivered within 2 weeks.

Individual comments followed on the Gulf of Mexico Drive lighting issues and consideration by the Metropolitan Planning Organization.

**PUBLIC TO BE HEARD**

8. Opportunity for Public to Address Town Commission - No items were presented.

**TOWN COMMISSION COMMENTS**

A. Town Commission

Mayor Brown thanked Vice Mayor Brenner for presiding over the January 6, 2014, Regular Meeting due to his absence.

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

**TOWN MANAGER COMMENTS**

A. Budgets

Town Manager Dave Bullock advised that the 5-Year Budget Feature demonstration would be provided at a future meeting a distributed the Revenue Report provided to the Investment Advisory/Finance Committee.

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

**ADJOURNMENT**

**Mayor Brown adjourned the January 21, 2014, Regular Meeting at 6:00 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JANUARY 21, 2014 - 6:09 P.M.**

**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, Town Clerk Trish Granger

**CALL TO ORDER**

Mayor Brown called the Regular Meeting to order at 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

**PUBLIC TO BE HEARD**

1. Opportunity for Public to Address Town Commission - No items were presented.

**ORDINANCE – SECOND READING AND PUBLIC HEARING**

2. Ordinance 2014-03, Amending Chapter 34, Employment Policies

Ordinance 2013-15, provides for a freeze of the Police Officers' Retirement System defined benefit plan effective January 25, 2014. Current and future employees will be enrolled in a defined contribution plan administered by ICMA. First reading of Ordinance 2014-03 was held at the January 6, 2014 Regular Meeting and forwarded to the January 21, 2014 Special Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-15.

Town Clerk Trish Granger placed Ordinance 2014-03 on record for second reading and public hearing by title only.

Commr. Larson moved to adopt Ordinance 2014-03 on second reading and public hearing. The motion was seconded by Commr. Gans.

Mayor Brown 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: Larson, aye; Gans, aye; Younger, aye; Brenner, aye; Brown, aye; Duncan, aye; Zunz, aye.

**ADJOURNMENT**

Mayor Brown adjourned the January 21, 2014, Special Meeting at 6:12 p.m.

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JANUARY 31, 2014 - 3:30 P.M.**

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

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

**CALL TO ORDER**

**Mayor Brown called the Special Meeting to order at 3:30 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

1. Public Comment - No items were presented.

2. Consideration of Land Acquisition at 6541 Gulf of Mexico Drive, Longboat Key, Florida:  
The Town Manager will discuss a proposal for land acquisition at 6541 Gulf of Mexico Drive, Longboat Key. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted that Staff identified the property proceeding to foreclosure at 6541 Gulf of Mexico Drive (GMD), reviewed Staff's due diligence to research the public benefit in a possible acquisition and funding review, and the process required for a governmental agency to purchase private land. Town Manager Bullock gave a PowerPoint presentation on the possible acquisition of the property. Discussions were held with Town Manager Bullock, Attorney Michael Hankin, and Public Works Director Juan Florensa on the following topics/issues:

- ownership of property East of the home identified as 6541 GMD
- easement ownership/conveyance of easement in a transfer of ownership/status of easement if residential property no longer exists
- estimated savings in sand placement versus loss of tax revenue to Longboat Key of approximately \$1,800 per year
- mitigation area/renourishment history (hot spot determination)
- extent of sand placement in previous nourishment (2005-2006).

Planning, Zoning, and Building (PZB) Director Alaina Ray continued the PowerPoint presentation providing existing zoning designation for the property. Discussions were held with Ms. Ray, Town Manager Bullock, and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- State designation of the Erosion Control Line (ECL)
- lack of inquiries directed to the PZB Department regarding existing restrictions in redevelopment of the property
- bidding process on foreclosure properties
- required setbacks from the ECL.

2. Consideration of Land Acquisition at 6541 Gulf of Mexico Drive, Longboat Key, Florida  
- Continued

Town Manager Bullock continued with the PowerPoint presentation and discussions were held with Town Manager Bullock and Attorney Hankin on the following topics/issues:

- Federal Tax liens that may exist on the property
- minimum starting bid of \$100 on foreclosure sales
- lack of response from lending institution to determine bid maximum
- estimated value of existing structure/current rental activity
- anticipated cost of removing structure/sea wall.

Town Manager Bullock reviewed Staff's recommendations relating to the land acquisition and process to be followed.

Mr. Larry Grossman, St. Judes Drive North, commented on the proposed purchase and inquired as to the foreclosure bidding process.

Attorney Hankin noted the limited time frame for bid submittal and the system process to increase the Town's bid in increments against other bidders and governmental exemptions for various taxes (documentary stamp taxes).

Mr. Steve Reid, Longboat Key News, inquired and Town Manager Bullock reviewed the engineering determination on anticipated savings in the future placement of sand and/or erosion rates.

Town Attorney Mooney-Portale reviewed the action required by the Town this date and future actions to be considered at the February 3, 2014, Regular Meeting.

Following comments by Commr. Younger, discussions were held with Town Manager Bullock and Attorney Hankin on the following topics/issues:

- erosion on south side of the "Yonkers" property
- zoning restrictions for reconstruction on property
- lack of value of property if existing structure is removed
- efforts to engage lender/legal representative on record for the property
- action required this date.

**Commr. Larson moved to pursue the land acquisition of the property located at 6541 Gulfside Road. The motion was seconded by Commr. Zunz.**

**Subsequent to individual comments, Commr. Larson requested that Ms. Ray provide information on demolition costs, without objection.**

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

**Commr. Larson moved to forward the issue to the February 3, 2014, Regular Meeting for formal action. The motion was seconded by Commr. Zunz.**

2. Consideration of Land Acquisition at 6541 Gulf of Mexico Drive, Longboat Key, Florida - Continued

**Following comments, the motion carried by a 6-1 roll call vote, as follows: Larson, aye; Zunz, aye; Duncan, aye; Brown, aye; Younger, aye; Gans, aye; Brenner, aye.**

Individual comments followed.

3. Other Business

A. Town Commission

Town Attorney Maggie Mooney-Portale requested consideration to schedule an Attorney-Client session in regards to the Colony litigation on the cash bond challenge and noted possible dates for consideration.

Town Manager Dave Bullock advised that the meeting date and time would be coordinated with the Commissioners' individual schedule.

ADJOURNMENT

**Mayor Brown noted a Special Workshop on Monday, February 3, 2014, at 6:00 p.m. to meet the individuals who have submitted applications to be appointed to the Police Officers' Retirement System Board of Trustees.**

**Mayor Brown adjourned the January 31, 2014, Special Meeting at 5:03 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

Minutes in draft form and are not official until approved by the Town Commission.



**End of Agenda Item**