

MINUTES
LONGBOAT KEY TOWN COMMISSION
CONVOCATION of GOVERNMENTS JOINT MEETING - JANUARY 17, 2014
INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING
SARASOTA COUNTY TECHNICAL INSTITUTE CONFERENCE CENTER
4748 BENEVA ROAD, SARASOTA, FLORIDA

Town of Longboat Key

Present: Mayor Jim Brown, Vice Mayor Dave Brenner, Commrs. Lynn Larson, Jack Duncan, and Terry Gans

Absent: Commrs. Phillip Younger and Patricia Zunz

Also Present: Town Manager Dave Bullock, Assistant Town Manager Anne Ross, Deputy Town Clerk Jo Ann Mixon

Note: The Town Commission participated in the Sarasota County School Board Convocation of Governments meeting with members of the following governmental entities: Sarasota County School Board, Sarasota County Commission, Cities of North Port, Sarasota, and Venice.

1. Welcome / Introductions

2. Convocation Goals and Agenda

Sarasota County School Board Chairman Jane Goodwin provided opening remarks and an overview of the meeting schedule.

3. Workforce Development

Sarasota County Schools of Career, Technical and Adult Education Executive Director Dr. Todd Bowden and Career Edge Executive Director Mireya Eavey provided a review of the school programs held at the Sarasota County Technical Institute (SCTI), highlighting the Career Edge Program, Precision Machining Program, and summarized the activities.

Individual comments followed regarding the following topics/issues:

- job seekers
- cost to attend SCTI (\$2.50 for an hour of education)
- maintenance
- machinery (skill levels).

4. Technical Institute for North Port, with a Possible Joint-Use Public Library

Sarasota County School Board Long Range Planning Director Ken Marsh discussed long range goals. Dr. Bowden identified the need for a technical institute in the North Port area, and possible development opportunities.

Sarasota County Director of Libraries and Historical Resources Sarabeth Kalajian discussed the concept of a combined school media center/public library and noted the service model had been successfully implemented in other jurisdictions.

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

4. Technical Institute for North Port, with a Possible Joint-Use Public Library – Continued

Discussions were held on the following topics/issues:

- funding from surtax
- South County Public Library usage
- youth programs
- legislative issues
- impact fees used to purchase possible building sites
- role of the Sarasota County Commission
- 5-year Capital Improvement Plan
- City/County owned property sites
- construction costs/planned phased approach
- Town of Longboat Key voting support regarding education
- City of North Port growth potential
- joint efforts and sharing expenses (County/Cities/School Board)
- changing the Convocation of Governments Joint Meeting to September.

5. Other Business

Lamarque Elementary, 3415 Lamarque Avenue, North Port

Discussion ensued regarding the construction in 2007, lift station and campus analysis, health issue of school staff and students, and the performance of a dry wall analysis.

6. Open to the Public

Comments were made by the following individuals:

- Career Edge Executive Director Mireya Eavey (transportation issues/vehicles)
- Peter Straw (SCTI machinery program/workforce)

7. Announcements

Chairman Goodwin commended the participation of the entities present and advised that the next Convocation was scheduled for January 16, 2015 from 9:00 a.m. to 11:00 a.m., with the location to be determined at a later date.

ADJOURNMENT

Chairman Goodwin adjourned the January 17, 2014, Convocation Meeting at 10:51 a.m.

Jo Ann Mixon, Deputy Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL WORKSHOP
FEBRUARY 3, 2014 - 6:00 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 Clerk Trish Granger

Call to Order

Mayor Brown called the February 3, 2014, Special Workshop to order at 6:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, FL.

1. Meet and Greet with Citizens Interested in Serving on the Police Officers' Retirement System Board of Trustees

At the direction of the Town Commission, the Town Clerk's office advertised for interested citizens to serve on the Police Officers' Retirement System Board of Trustees. The Commission requested that a Special Workshop be held to provide the opportunity for the Town Commissioners to meet the applicants prior to making formal appointments.

Following opening remarks by Mayor Brown, the following applicants provided background information on their credentials and identified an interest in appointment to the Police Officers' Retirement System Board of Trustees:

Mr. Franklin Cona
Mr. Frank DiMarino
Rabbi Peter Kasdan
Mr. Ed Krepela
Mr. Michael Seamon

Mayor Brown noted that Ms. Nancy Woodley had notified the Clerk's office of a previous commitment and could not attend and advised that appointments to the Board would be accomplished at the Regular Meeting scheduled for 7:00 p.m. this date.

Mayor Brown thanked the applicants present, reviewed the composition of the Board and appointment process, and noted the appointments would be made at the Regular Meeting later this date.

Town Manager Dave Bullock noted the timeframe for consolidation of the three Retirement Boards and advised of his intent to appoint two police officers. Mayor Brown noted the final composition of a combined Board was undetermined at the current time.

Public to be Heard

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

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

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Adjournment

Mayor Brown adjourned the Special Workshop meeting at 6:13 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

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**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
FEBRUARY 3, 2014 - 7:00 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 meeting to order in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, at 7:00 p.m. and Commr. Larson led the Pledge of Allegiance.

8. Town Commission

Mayor Brown noted the Commission held a Special Meeting on Friday, January 31, 2014, to discuss a pending foreclosure on property located at 6541 Gulfside Road on Longboat Key, options for consideration in property acquisition, advised that Staff had been directed to forward the item to this Regular Meeting Agenda, and noted the Town Code requires a majority consent of the Commission for the item to be added for discussion.

Vice Mayor Brenner moved to add an agenda item to consider options for a land acquisition at 6541 Gulfside Road, Longboat Key, Florida. The motion was seconded by Commr. Larson. Following comments by Commr. Younger, the motion carried by a 7-0 roll call vote, as follows: Brenner, aye; Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye.

6. Appointments to Police Officers' Retirement System Board of Trustees

Commr. Larson requested, and there was consensus to advance consideration of Item 6 to the beginning of the Agenda. (See item later this meeting.)

Proclamations and Special Presentations

1. Benderson Rowing Center Presentation - Paul Blackketter

Mr. Paul Blackketter provided historical information on the development of Benderson Park and gave a PowerPoint presentation entitled "SANCA: Past, Present, and Future, Building the Bridge to World Class, Nathan Benderson Park, Executive Summary Business Plan for 2014-2017" and presented additional information on the Benderson Rowing Center. Individual comments followed.

Public to be Heard

2. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Bob Appel, Gulf of Mexico Drive, President of Longbeach Condominium, thanked Commr. Zunz, Town Manager Dave Bullock, and Public Works Director Juan Florensa for their continued efforts relating to the North end erosion issues and noted concerns relating to the erosion and timeframe to obtain permit approval for the planned projects.

2. Opportunity for Public to Address Town Commission - Continued

A. Public Works

Town Manager Bullock noted the intent to continue to work with the Longbeach Condominium on the issues raised.

B. Town Commission

Mr. Gene Jaleski, Cedar Street, commented on Town Code requirements pertaining to holding Special Meetings and statutory requirements relating to scheduling Emergency Meetings.

Town Attorney Maggie Mooney-Portale commented on the Town Commission's authority relating to scheduling Special Meetings, inclusion of items on meeting agendas, and the efforts to provide as much public notice as possible.

Commr. Younger inquired, and Town Attorney Mooney-Portale advised that the meeting held on January 31, 2014, was a Special Meeting not an Emergency Meeting.

6. Appointments to Police Officers' Retirement System Board of Trustees - Continued

Ordinance 2014-02 was adopted at the January 6, 2014 Regular Meeting and provides for a change in the composition of Police Officers' Retirement System Board of Trustees. The Commission will consider appointment of 5 members, which includes the Chair and Vice-Chair, at the February 3, 2014 Regular Meeting. The Town Manager will appoint the remaining two members. Recommended Action: Pending discussion, appoint members to Police Officers' Retirement System Board of Trustees.

Town Clerk Trish Granger proceeded with a roll call vote, for Seat 1, Chair, as follows:

- Commr. Gans cast a ballot for Mr. Ed Krepela.**
- Commr. Zunz cast a ballot for Mr. Frank Cona.**
- Commr. Duncan cast a ballot for Mr. Frank Cona.**
- Mayor Brown cast a ballot for Mr. Frank Cona.**
- Vice Mayor Brenner cast a ballot for Mr. Frank Cona.**
- Commr. Larson cast a ballot for Mr. Frank Cona.**
- Commr. Younger cast a ballot for Mr. Frank Cona.**

Mr. Frank Cona was appointed to Seat 1 and to serve as Chair for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 2, Vice Chair, as follows:

- Commr. Zunz cast a ballot for Mr. Ed Krepela.**
- Commr. Duncan cast a ballot for Mr. Frank DiMarino.**
- Mayor Brown cast a ballot for Mr. Frank DiMarino.**
- Vice Mayor Brenner cast a ballot for Mr. Michael Seamon.**
- Commr. Larson cast a ballot for Mr. Michael Seamon.**
- Commr. Younger cast a ballot for Mr. Frank DiMarino.**
- Commr. Gans cast a ballot for Mr. Frank DiMarino.**

Mr. Frank Cona was appointed to Seat 2 and to serve as Vice Chair for a term to expire on May 14, 2014.

6. Appointments to Police Officers' Retirement System Board of Trustees - Continued
Town Clerk Granger proceeded with a roll call vote, for Seat 3, as follows:

**Commr. Duncan cast a ballot for Mr. Ed Krepela.
Mayor Brown cast a ballot for Mr. Ed Krepela.
Vice Mayor Brenner cast a ballot for Mr. Michael Seamon.
Commr. Larson cast a ballot for Mr. Michael Seamon.
Commr. Younger cast a ballot for Mr. Ed Krepela.
Commr. Gans cast a ballot for Mr. Ed Krepela.
Commr. Zunz cast a ballot for Mr. Ed Krepela.**

Mr. Ed Krepela was appointed to Seat 3 for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 4, as follows:

**Mayor Brown cast a ballot for Mr. Michael Seamon.
Vice Mayor Brenner cast a ballot for Mr. Michael Seamon.
Commr. Larson cast a ballot for Mr. Michael Seamon.
Commr. Younger cast a ballot for Mr. Michael Seamon.
Commr. Gans cast a ballot for Mr. Michael Seamon.
Commr. Zunz cast a ballot for Mr. Michael Seamon.
Commr. Duncan cast a ballot for Mr. Michael Seamon.**

Mr. Michael Seamon was appointed to Seat 4 for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 5, as follows:

**Vice Mayor Brenner cast a ballot for Ms. Nancy Woodley.
Commr. Larson cast a ballot for Rabbi Peter Kasdan.
Commr. Younger cast a ballot for Ms. Nancy Woodley.
Commr. Gans cast a ballot for Rabbi Peter Kasdan.
Commr. Zunz cast a ballot for Ms. Nancy Woodley.
Commr. Duncan cast a ballot for Ms. Nancy Woodley.
Mayor Brown cast a ballot for Ms. Nancy Woodley.**

Ms. Nancy Woodley was appointed to Seat 5 for a term to expire on May 14, 2014.

Approval of Minutes

3. December 2, 2013 Regular Meeting; December 11, 2013 Regular Workshop Meeting Minutes

There was consensus to approve the Minutes as submitted.

Committee Reports and Communications

4. A. ULI Implementation Advisory Committee Update

Planning, Zoning, and Building Department Director Alaina Ray provided an update on the activities of the ULI Implementation Advisory Committee. Discussions were held on the following topics/issues:

Committee Reports and Communications- Continued

4. A. ULI Implementation Advisory Committee Update - Continued

- collaboration of timelines with Sarasota County relating to the development of Bayfront Park and with the Florida Department of Transportation relating to the Gulf of Mexico Drive Corridor Plan
- status of receiving the ULI final report/option to request an electronic file
- options for distribution of surveys.

There was consensus for the Committee to proceed with the process outlined.

Ordinances - Second Reading and Public Hearing

5. 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 second reading, public hearing, and discussion, adopt Ordinance 2013-03.

Town Clerk Trish Granger placed Ordinance 2013-03 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-03. The motion was seconded by Commr. Duncan.

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

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

Committee Reports and Communications- Continued

4. Other Reports - Continued

B. Organizations/Legislation

Vice Mayor Brenner noted attendance and reviewed the issues discussed at the following meetings:

- Sarasota County Tourist Development Council
- Legislative Breakfast
- Bradenton Area Economic Development Corporation.

C. Organizations

Commr. Duncan noted the upcoming ManaSota League of Cities FAST fly-in to Washington D.C. and reviewed the legislative issues to be discussed.

Committee Reports and Communications- Continued

4. Other Reports - Continued

D. Organizations

Commr. Younger noted attendance at the Metropolitan Planning Organization meeting and reviewed issues discussed.

E. Elections

Mayor Brown noted that the voter registration deadline was February 24, 2014, to participate in the March 25, 2014, General Election.

F. Ordinances

Town Manager Dave Bullock advised that the Sarasota County Commission will consider an Ordinance on March 18, 2014, to modify the return to the Town of Tourist Development Tax monies.

New Business

7. Fiscal Year 2013-2014 Budget Update

The Town Manager and Finance Director will provide an update on the status of the Fiscal Year 2013-2014 Budget. Recommended Action: None, informational only.

Town Manager Dave Bullock and Finance Director Sue Smith gave a PowerPoint presentation on the status of the budget. Discussions were held on the following topics/issues:

- reauthorization of previous year purchase order carry-over
- correction of procedure for revenue reporting (11 month period versus 12 month period)
- transfer of Surtax funds into the General Fund in lieu of paying directly out of Surtax monies
- utilization of a highly customized computer system versus available products with additional modules
- past practices utilized in the accounting process
- length of time utilizing current auditors
- revenue variances between slides
- overall deficiency totals provided (budgeted versus actual)
- identification of accounting irregularities/lack of written procedures and/or policies
- lack of reports from auditing firm identifying irregularities
- reserves for the Utility Funds.

Individual comments followed.

RECESS: 8:37 p.m. - 8:47 p.m.

8. Consideration of Land Acquisition at 6541 Gulfside Road, Longboat Key, FL

At a Special Meeting held on January 31, 2014 the Town Commission considered a proposal for land acquisition at 6541 Gulfside Road, Longboat Key, FL. The Commission forwarded the item to the February 3, 2014 Regular Meeting for further consideration. Recommended Action: Pending discussion, provide direction to Manager.

8. Consideration of Land Acquisition at 6541 Gulfside Road, Longboat Key, FL - Continued

Town Manager Dave Bullock gave a PowerPoint presentation on the property located at 6541 Gulfside Road. Discussions were held with Town Manager Bullock and Attorney Michael Hankin on the following topics/issues:

- restricted benefit of an easement/lack of ability to expand conditions
- reduced value due to easement restrictions
- building improvements limited to existing structure/no increase in footprint
- opportunity for considerable improvements to the structure without increasing footprint
- option to remove a non-conforming structure
- proposed bid amount
- exemptions for governmentally owned properties from taxation by other government agencies.

Town Clerk Trish Granger placed Resolution 2014-05 on record by title only.

The following individuals commented on the proposal:

Mr. Larry Grossman, St. Judes Drive North
Mr. Gene Jaleski, Cedar Street
Mr. George Spoll, Harbourside Drive

Subsequent to discussion on the utilization of the property and restrictions on the use of the easement, Commr. Younger moved to table the issue. The motion failed for lack of a second.

Commr. Duncan moved to authorize the Town Manager to proceed with a bid on the foreclosure sale. The motion was seconded by Commr. Zunz.

Following clarification on the number of votes required to pass a motion and the maximum bid amount to be authorized, Commr. Duncan amended the motion to include a maximum bid of \$1.00. Commr. Zunz withdrew her second to the motion.

Commr. Younger seconded the amended motion. Following comments, the amended motion failed by a 6-1 roll call vote, as follows: Duncan, no; Younger, no; Gans, no; Zunz, no; Larson, no; Brenner, aye; Brown, no.

Commr. Duncan commended Staff for their diligence and efforts in bringing forward the issue for consideration. Individual comments followed.

Town Commission Comments

A. Planning, Zoning, and Building

Commr. Gans inquired as to the status of the Colony property and options for redevelopment of the Colony.

Town Commission Comments - Continued

A. Planning, Zoning, and Building - Continued

Vice Mayor Brenner commented on the funding issues faced by the Town. Discussion ensued on the processes being undertaken relating to planning review, land development codes, zoning codes, options to develop overlay districts, and property owner buy-in.

Town Attorney Comments

A. Town Commission

Town Attorney Maggie Mooney-Portale noted the deadline to file a response to the Colony litigation relating to the bond amount, advised that the Town will seek an extension, and requested authorization to schedule an Attorney-Client session relating to the litigation on either February 19, 2014, February 20, 2014, or February 26, 2014.

There was consensus to schedule the meeting.

Town Manager Comments - No items were presented.

Press to be Heard - No items were presented.

Adjournment

Mayor Brown adjourned the February 3, 2014, Regular Meeting at 9:57 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
FEBRUARY 18, 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, Assistant Town Attorney Kelly Fernandez,
Present: Town Attorney David Persson, 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 noted that Mayor Brown would not be in attendance due to illness. Commr. Younger led the Pledge of Allegiance.

21. PRESENTATIONS

Commr. Duncan commented on his trip to Washington, DC, representing the ManaSota League of Cities, and the difficulty he encountered in obtaining a return flight, and thanked Town Clerk Trish Granger for her efforts to obtain airline flights.

PUBLIC TO BE HEARD

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

COMMITTEE REPORTS AND COMMUNICATIONS

2. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz commented on attendance at the February 5, 2014, Manatee County Leadership Luncheon and reviewed the issues discussed.

B. School Board

Commr. Zunz noted a special meeting held by the Manatee County School Board and advised of the issues discussed and suggested the subject should be added for future Regular Workshop discussion regarding the issues facing the Manatee County School Board.

3. Sarasota County Special Liaison Report

A. Organizations

Vice Mayor Brenner noted a meeting of the Sarasota County Economic Development Corporation (EDC) and reviewed the issues discussed.

B. School Board

Vice Mayor Brenner commented on the taxing authority of the Manatee and Sarasota County School Boards and noted the funding provided to each school system.

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COMMITTEE REPORTS AND COMMUNICATIONS - Continued

4. ManaSota League of Cities Report

Commr. Duncan commented on the "FAST Fly-In" in Washington, DC, the previous week and reviewed the issues discussed with the Senators, Congressman, and FEMA (Federal Emergency Management Agency) representatives, and noted the assistance provided by Congressman Vern Buchanan's aide relating to the Town's permitting application.

5. ULI Implementation Advisory Committee Update

Planning, Zoning, and Building Department Director Alaina Ray provided an update on the work of the ULI Implementation Advisory Committee and noted the future meeting schedule.

6. Other Reports - No items were presented.

DISCUSSION ITEMS

7. Automated License Plate Recognition System Update

The Police Chief will provide an update on the Automated License Plate Recognition (ALPR) System that has been in service since August 2013. The system's usefulness as an investigative tool and its crime prevention benefits will be reviewed. Recommended Action: None, informational only.

Following comments by Town Manager Dave Bullock, Police Chief Pete Cumming gave a PowerPoint presentation entitled "Automated License Plate Recognition System." Discussions were held on the following topics/issues:

- ability for ALPR to maintain a traffic count during specific time periods
- timeframe between dispatch to patrol officers and actual stop if needed
- number of "hits" that are misidentified by system (approximately 10%).

Mr. Steve Reid, Longboat Key News, inquired as to the ability to integrate the ALPR system if the dispatch services are moved to Sarasota County. Police Chief Cumming noted the various processes utilized by other law enforcement agencies.

Town Manager Bullock noted the issue is included in the discussions with Sarasota County Sheriff's Office on the consolidation issue and the in-car programs.

Police Chief Cumming introduced Administrative Police Captain Frank Rubino and Police Dispatch Supervisor Tina Gohl.

Mayor Brown noted recent action by a patrol officer when he was traveling on Gulf of Mexico Drive.

8. Proposed Interlocal Agreement With Manatee County for Solid Waste Disposal

The current Interlocal Agreement with Manatee County for Solid Waste Disposal expired January 17, 2014. Manatee County is honoring the terms and conditions of this agreement until the proposed agreement is effective. Manatee County and Town staffs propose a new twenty-year contract that also provides for one additional ten-year extension. Recommended Action: Pending discussion, provide direction to Manager.

8. Proposed Interlocal Agreement With Manatee County for Solid Waste Disposal - Continued

Town Manager Dave Bullock noted the previous Interlocal Agreement advising that all solid waste from Longboat Key is accepted by Manatee County and noted the terms of the Agreement.

There was consensus to forward the Interlocal Agreement to the March 3, 2014, Regular Meeting for formal action.

9. Update on Planning Schedules and Outline Development Plan (ODP) Public Workshop Planning, Zoning, and Building (PZB) Department Director Alaina Ray will provide an overview on the planning schedules for updates to the Town's Land Development Code (LDC) and ODP processes. The PZB Director will also discuss the ODP Public Workshop held on February 13, 2014. Recommended Action: None, informational only.

PZB Department Director Alaina Ray gave an overview of the public workshop held on February 13, 2014, the timeframe for consideration of amendments to the Land Development Regulations, and consideration of recommendations outlined in the Urban Land Institute (ULI) report. Discussions were held on the following topics/issues:

- timeframe for future public meetings
- low number of public participation/ability to target local organizations/attendees
- written philosophy of the intent for the review and possible amendments to the Town Code/anticipated results to align the zoning with community wishes/historic uses
- site specific versus general amendments (Island-wide nonconforming uses).

There was consensus for PZB Staff to move forward as outlined.

10. Proposed Ordinance 2014-06, Comprehensive Plan Amendment, Annual Capital Improvements Element (CIE) Update

At their January 21, 2014 Regular Meeting, the Planning & Zoning (P&Z) Board recommended Town Commission approval and forwarded proposed Ordinance 2014-06 to the February 18, 2014, Regular Workshop for Commission consideration. Proposed Ordinance 2014-06 provides for adoption of the required annual update to the five-year schedule of Capital Improvements Elements of the Town of Longboat Key Comprehensive Plan. Recommended Action: Pending discussion, forward Ordinance 2014-06 to the March 3, 2014, Regular Meeting for first reading and public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation relating to the required annual review of the Comprehensive Plan Capital Improvement Element. Discussions were held with Assistant Town Manager Anne Ross and Town Manager Dave Bullock on the following topics/issues:

- delay in the water distribution rehabilitation project from 2017 to 2018
- rehabilitation of water distribution system to date and forecasting additional work to a later date
- page 72, Goals and Objectives, relating to Public School Facilities

There was consensus to forward Ordinance 2014-06 to the March 3, 2014, Regular Meeting for first reading and public hearing.

11. Proposed Ordinance 2014-07, Amending Chapter 158, Special Exception Expirations:
At their January 21, 2014, Regular Meeting, the Planning & Zoning (P&Z) Board recommended Town Commission approval and forwarded proposed Ordinance 2014-07 to the February 18, 2014, Regular Workshop for Commission consideration. Proposed Ordinance 2014-07 amends Chapter 158 to modify the expiration date for special exception uses. Recommended Action: Pending discussion, forward Ordinance 2014-07 to the March 3, 2014, Regular Meeting for first reading and public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation relating to the existing regulations on the expiration of Special Exception uses and noted Staff's recommendation to extend the expiration time period from a 12-month period to a 24-month period and a further extension available through an appeal process to the Town Commission. Discussions were held with Ms. Ray and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- ability to separate construction versus non-construction related use
- any perceived disadvantage to extend the timeframe
- requirement to comply with a site plan/modification of the beginning date of the special exception use tied to the approval date of a site plan.

There was consensus to forward Ordinance 2014-07, as amended, to the March 3, 2014, Regular Meeting for first reading and public hearing.

12. Proposed Ordinance 2014-08, Restructuring Zoning Board of Adjustment (ZBA) Powers and Authority, Assigning Certain Powers to Planning & Zoning (P&Z) Board

At their January 21, 2014, Regular Meeting, the Planning & Zoning (P&Z) Board recommended Town Commission approval and forwarded proposed Ordinance 2014-08 to the February 18, 2014, Regular Workshop for Commission consideration. The Ordinance provides for restructuring of the ZBA powers and authority and assigns certain powers to the P&Z Board in the event there is a lack of a ZBA quorum. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building (PZB) Department Director Alaina Ray gave a PowerPoint presentation on the existing Zoning Board of Adjustment duties, the issues relating to assembling a quorum the ZBA to consider applications, and Staff's versus the Planning and Zoning (P&Z) Board recommendation. Discussions were held with Ms. Ray and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- appeal of decisions made by administrative officials relating to the Zoning Code
- recommendation of the P&Z Board
- option to reduce number of ZBA membership.

Mr. Ben Feole, former Chair of the ZBA, commented on options relating to the changes to the ZBA duties and authority and urged the Commission to take an active role in engaging citizens to volunteer to serve the Town.

12. Proposed Ordinance 2014-08, Restructuring Zoning Board of Adjustment (ZBA) Powers and Authority, Assigning Certain Powers to Planning & Zoning (P&Z) Board

Discussion ensued on the lack of volunteer participation, inability to fill the vacancies, Staff versus P&Z recommendation, and options to modify the membership number and provide knowledge to applicants of the requirement to attend the scheduled meetings.

There was majority consensus to forward Ordinance 2014-08, with Staff recommendations, to the March 3, 2014, Regular Meeting for first reading and public hearing.

Discussion ensued on the importance of the volunteers to understand the obligation which was sought, impact of postponement of hearings due to quorum issues, timeframe for forwarding an application to the P&Z Board,

Mr. Feole noted Staff's efforts to accommodate members and options to reduce current Board membership numbers.

Mr. George Spoll, Harbourside Drive, commented on previous staffing issues in the PZB Department and the newly enacted appointment of the Director and suggested that additional time be provided under the new department leadership.

Individual comments followed on the Staff and public comment recommendations.

RECESS: 2:33 p.m. - 2:43 p.m.

Commr. Younger inquired as to modifying the membership and there was consensus to reduce the number of members from seven (7) to five (5).

13. Proposed Ordinance 2014-09, Amending the Fiscal Year (FY) 2013-2014 Budget to Eliminate Infrastructure Surtax Funds from General Fund

Following an internal audit of the Infrastructure Surtax Fund, the Finance Director recommends a change in accounting practice to reduce revenue and expenditures within the General Fund and create appropriations within the Infrastructure Surtax Fund. Proposed Ordinance 2014-09 will amend the FY 2013-14 Budget to eliminate Infrastructure Surtax Funds from the General Fund. Recommended Action: Pending discussion, forward Ordinance 2014-09 to the March 3, 2014, Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock noted consolidation of consideration of proposed Budget amendments and fund transfers on Agenda Items 13 through 19 and Finance Director Sue Smith gave a PowerPoint presentation on the proposed Resolutions and Ordinances to be considered. Discussions were held with Town Manager Bullock, Ms. Smith, on the following topics/issues:

- accountability for the Infrastructure Surtax Fund revenues and expenditures (Ordinance 2014-09, Agenda Item 13)
- transfer from Contingency to the Planning, Zoning, and Building Department Budget - restrictions on use of Building Department funds inspection and enforcement purposes versus planning and zoning purposes (Resolution 2014-06, Agenda Item 17)

13. Proposed Ordinance 2014-09, Amending the Fiscal Year (FY) 2013-2014 Budget to Eliminate Infrastructure Surtax Funds from General Fund

- responsible Department to receive Code Enforcement complaints (Resolution 2014-07, Agenda Item 18)
- transfer from Public Works Department for solid waste services (Resolution 2014-08, Agenda Item 19)
- anticipated reduction in solid waste fees to residents
- cost of challenge to North end structures (\$150,000) filed by Joseph McClash (Ordinance 2014-12, Agenda Item 16).

Following inquiry, Town Manager Bullock confirmed that the Infrastructure Surtax Fund will contain those expenditures and revenues only.

There was consensus to forward to the March 3, 2014, Regular Meeting for first reading and public hearing.

14. Proposed Ordinance 2014-10, Amending the Fiscal Year (FY) 2013-2014 Budget in the Amount of \$296,000 for Expenses Related to The Colony and Other Professional Services

The Planning, Zoning, and Building Department is requesting additional funding for contracted services relating to expenses associated with the building code enforcement related to The Colony property and additional departmental funding for contracted building inspection services and staff training to secure additional licensing for current staffing. Proposed Ordinance 2014-10 will amend the FY 2013-2014 Budget to provide for an appropriation from the Building Fund, unappropriated fund balance. Recommended Action: Pending discussion, forward Ordinance 2014-10 to the March 3, 2014, Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock noted that the inspection and code enforcement costs associated with the Colony property were permitted expenditures from the Building Fund. Upon inquiry, Town Manager Bullock noted that Staff will review the expenses for deduction from the Colony cash bond.

Planning, Zoning, and Building Department Director Alaina Ray provided an overview of the anticipated commercial contracts moving forward through the inspection process, noted limited Staff certifications to perform all the required inspections, and noted that contract services would be required to fulfill the Department's inspection requirements.

There was consensus to forward Ordinance 2014-10 to the March 3, 2014, Regular Meeting for first reading and public hearing.

15. Proposed Ordinance 2014-11, Budget Transfer, Amending the Fiscal Year (FY) 2013-2014 Budget, in the Amount of \$300,000 from Utility Commission Contingency and Utility Unallocated Unrestricted Reserve Fund Balance for Rehabilitation of Lift Station E

Improvements to Lift Station E, which are part of the Public Works 5-year Capital Improvement Plan, were competitively bid in January 2014. The engineering design, construction, and engineering construction observation costs are higher than the available budget. Proposed Ordinance 2014-11 will amend the FY 2013-2014 Budget, transferring \$300,000 from the Utility Commission Contingency and the Utility Unallocated Unrestricted

15. Proposed Ordinance 2014-11, Budget Transfer, Amending the Fiscal Year (FY) 2013-2014 Budget, in the Amount of \$300,000 from Utility Commission Contingency and Utility Unallocated Unrestricted Reserve Fund Balance for Rehabilitation of Lift Station E - Continued

Reserve Fund Balance to the Lift Station E budget. Recommended Action: Pending discussion, forward Ordinance 2014-11 to the March 3, 2014, Regular Meeting for first reading and public hearing.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross noted the unanticipated cost to replace the generator, tank, and pumps for Lift Station E rehabilitation. Town Manager Bullock confirmed that additional costs are built into the enterprise fund.

There was consensus to forward Ordinance 2014-11 to the March 3, 2014, Regular Meeting for first reading and public hearing.

16. Proposed Ordinance 2014-12, Budget Transfer, Amending the Fiscal Year (FY) 2013-2014 Budget, in the Amount of \$250,000, from the Beach Fund to Provide for Legal Costs for Administrative Hearing

During the defense of a third party challenge associated with the North End Structures, additional funding for the legal services and expert testimony at the administrative hearings is required. Proposed Ordinance 2014-12 will amend the FY 2013-2014 Budget, transferring the required funding from the Beach Fund to provide for the associated costs for the administrative hearing. Recommended Action: Pending discussion, forward Ordinance 2014-12 to the March 3, 2014, Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock confirmed the individuals/organizations who challenged the Town's permit for the North end structures.

Following individual comments on the cost of the litigation defense, there was consensus to forward Ordinance 2014-12 to the March 3, 2014, Regular Meeting for first reading and public hearing.

17. Proposed Resolution 2014-06, Budget Transfer in the Amount of \$200,000 from Commission Contingency for Planning and Zoning Expenses

Proposed Resolution 2014-06 provides for a budget transfer of \$200,000 from Commission Contingency to provide funds for planning services related to developing the Town Center concept and for consulting services to amend the Town's Zoning Code. Recommended Action: Pending discussion, forward Resolution 2014-06 to the March 3, 2014, Regular Meeting for formal action.

Following comments by Town Manager Dave Bullock and Planning, Zoning, and Building Department Director Alaina Ray, discussion ensued on the following topics/issues:

- consideration of reducing the amount of the proposed transfer
- anticipated of workload to be accomplished utilizing the funds

17. Proposed Resolution 2014-06, Budget Transfer in the Amount of \$200,000 from Commission Contingency for Planning and Zoning Expenses - Continued

- option to have Staff briefed in lieu of paying consultants to attend all the public hearings
- attendance of experienced consultants/experts to address issues raised during the meetings.

There was consensus to forward Resolution 2014-06 to the March 3, 2014, Regular Meeting for formal action.

18. Proposed Resolution 2014-07, Budget Transfer in the Amount of \$37,885 from Planning, Zoning and Building Department to Police Department for Transfer of Code Enforcement Officer

A new full-time Code Enforcement Officer was recently hired and the position now is placed within the Police Department. Proposed Resolution 2014-07 provides for the funding allocated for this position be transferred from the Planning, Zoning, and Building Department to the Police Department. Recommended Action: Pending discussion, forward Resolution 2014-07 to the March 3, 2014, Regular Meeting for formal action.

Following comments, there was consensus to forward Resolution 2014-07 to the March 3, 2014, Regular Meeting for formal action.

19. Proposed Resolution 2014-08, Budget Transfer in the Amount of \$13,000 from Town Commission Contingency to Public Works Professional Services, Other, for Consulting Services for Solid Waste Services Bid (Kessler)

Proposed Resolution 2014-08 provides for a budget transfer of \$13,000 from Commission Contingency to provide funds for consulting services related to the Requests for Proposals (RFP) for Solid Waste Services for the Town. Recommended Action: Pending discussion, forward Resolution 2014-08 to the March 3, 2014, Regular Meeting for formal action.

Town Manager Dave Bullock on the associated costs for the RFP process and advised he would provide information on the bids submitted.

There was consensus to forward Resolution 2014-08 to the March 3, 2014, Regular Meeting for formal action.

Town Manager Bullock inquired as to the presentation process to utilize for future issues and there was consensus to consider items in the manner presented this date.

20. Pension Discussion

The Town Manager will provide an update on the status of the pension issues. Recommended Action: None, informational only.

Following comments by Town Manager Dave Bullock, Finance Department Director Sue Smith gave a PowerPoint presentation on the pension reporting process. Discussions were held with Town Manager Bullock, Finance Department Director Sue Smith, and Finance Department Budget Analyst Sandi Henley on the following topics/issues:

20. Pension Discussion - Continued

- Rate of Returns (Fire at 8%, General Employees at 7.75%, and Police at 7.5%)
- existing Rate of Return on the various pension plans
- State of Florida, Division of Retirement's verbal indication on an acceptable rate of return for Longboat Key versus other municipalities throughout the State
- role of Town Commission versus Pension Boards in determination on a Rate of Return
- ability of State to withhold other revenue sharing funds due to the Town
- development of a formal action plan to reduce the current Rate of Return assumption
- current market rate of return versus assumed rate of return
- option to view additional past years of earnings
- combined cost of new and old pension funds
- costs expended on the proposed Town Center
- anticipated impact on current Fiscal Year (FY) 2013-2014 and FY 2014-2015 budgets and future millage rates
- consideration of valuation reports by the Pension Boards
- impact of reduced rate of return for the General Employees' pension.

Mr. Armando Linde, Cutter Lane, commented on the rate of return.

Discussion ensued on the assumed rate of return, the increased unfunded liability, range of assumption analysis, and public information to be addressed.

There was consensus to accept the report and to authorize the Town Manager to continue with the process.

TOWN COMMISSION COMMENTS- No items were presented.

TOWN ATTORNEY COMMENTS

A. Town Commission

Town Attorney Maggie Mooney-Portale noted the Attorney-Client session scheduled for February 20, 2014, at 3:30 p.m. to be held in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

TOWN MANAGER COMMENTS

A. Community Open House

Town Manager Dave Bullock noted that Town Staff would be hosting a Community Open House on March 8, 2014, at the Public Safety Complex (North Fire Station/Police Station), from 10:00 a.m. to 1:00 p.m. and advised of the information to be provided.

B. Public Works

Town Manager Dave Bullock noted meetings held with the United States Army Corps of Engineers (USACE) representatives relating to beach projects and reviewed the issues discussed.

TOWN MANAGER COMMENTS - Continued

B. Public Works - Continued

Discussion ensued on Federal funding options/conditions relating to a Federal project and previous position of Town residents on seeking Federal funding versus resident funding.

There was consensus for Staff to continue investigating Federal project options.

Individual comments followed.

Town Manager Bullock commented on Lido Beach Restoration Project and efforts of Staff to develop agreements on sand sharing.

C. Demonstration of New Agenda Download Process

Following comments by Town Manager Dave Bullock, Information Technology Director Kathi Pletzke advised of and assisted Commissioners with the new procedure relating to the iPad download process.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Vice Mayor Brenner adjourned the February 18, 2014, Regular Workshop Meeting at 4:55 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
FEBRUARY 20, 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 of the Town Commission to order at 3:30 p.m. in the Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

1. Litigation

The Commission will consider a request from Town's Legal Counsels' to hold an Attorney-Client Meeting relating to pending litigation in the matter of *Colony Beach & Tennis Association, Inc. vs. Town of Longboat Key*, Case No. 2014 CA 000181 NC, pending in the Circuit Court of the Twelfth Judicial Circuit in and for Sarasota County, Florida.

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

Following comments, Commr. Larson moved to approve the request to hold an Attorney-Client Session. The motion was seconded by Commr. Gans.

Commr. Duncan inquired as to the logic of a "Shade" Meeting, with a public record made.

Town Attorney Mooney-Portale noted the public record is withheld until the conclusion of the litigation.

The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Younger, aye.

Mayor Brown noted the session would be limited to discussion of the item referenced by the Town Attorney and would be approximately one to two hours long, and advised that the following individuals would be in attendance:

Jim Brown, Mayor
Dave Brenner, Vice Mayor
Jack Duncan, Commissioner
Terry Gans, Commissioner
Lynn Larson, Commissioner
Phill Younger, Commissioner
Pat Zunz, Commissioner
Dave Bullock, Town Manager
Maggie Mooney-Portale, Town Attorney

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1. Litigation - Continued

David Persson, Esq. – Litigation Counsel
Certified Court Reporter (Note: A transcript of the meeting will be made and will become available as a public record upon conclusion of the litigation.)

Mayor Brown noted that at the conclusion of the Attorney-Client Session, the Special Meeting would be reconvened.

Mayor Brown recessed the meeting at 3:35 p.m.

Mayor Brown reconvened the meeting at 4:25 p.m.

ADJOURNMENT

Mayor Brown adjourned the February 20, 2014, Attorney-Client Session at 4:25 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