

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL WORKSHOP
MAY 5, 2014 - 3:00 P.M.**

Present: Vice Mayor Jack Duncan, Commrs. Terry Gans, Lynn Larson, Irwin Pastor, Phill Younger, Pat Zunz

Absent: Mayor Jim Brown

Also:

Present Town Manager Dave Bullock, Deputy Town Clerk Jo Ann Mixon

Call to Order

Vice Mayor Duncan called the May 5, 2014, Special Workshop to order at 3:00 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 Town's Boards and Committees

The Town Clerk's Office has received applications from citizens interested in serving on the Planning and Zoning Board, the Zoning Board of Adjustment, the Code Enforcement Board, the Citizen's Tax Oversight Committee, the Firefighters' Retirement System Board of Trustees, and the General Employees' Retirement System Board of Trustees. The Mayor requested that a Special Workshop be held to provide the opportunity for the Town Commissioners to meet the applicants prior to making formal appointments.

Vice Mayor Duncan provided opening remarks.

The following applicants provided background information on their credentials and identified an interest in appointment to the Planning & Zoning (P&Z) Board, Zoning Board of Adjustment (ZBA), Code Enforcement Board (CEB), Citizens Tax Oversight Committee, Firefighters' Retirement System Board of Trustees, and the General Employees' Retirement System Board of Trustees.

Mr. Allen Hixon
Ms. Beverly Shapiro
Mr. Armando Linde
Mr. Jered Whitehead
Mr. Robert (Steve) Branham
Mr. Walter Hackett, Jr.
Ms. Ann (Jean) White
Mr. Russell Gervais
Mr. Jack Brill
Mr. Gerald Feder
Ms. Lyn Haycock.

Discussion was held on the types of cases that came before the Code Enforcement Board, pension debt, and consolidation of the three retirement boards.

1. Meet and Greet with Citizens Interested in Serving on the Town's Boards and Committees - Continued

Assistant Town Manager Anne Ross advised on the anticipated consolidation (October or November 2014) of the three retirement boards, and further policy discussion at a Town Commission Workshop.

Vice Mayor Duncan thanked the applicants and stated the appointments would be made at the May 5, 2014, Regular Meeting, at 7:00 p.m., and noted refreshments were available in the Ante Chamber.

Public to be Heard

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

Adjournment

Vice Mayor Duncan adjourned the Special Workshop meeting at 3:29 p.m.

Jo Ann Mixon, Deputy Town Clerk

Jack Duncan, Vice Mayor

Minutes Approved: _____

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

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
MAY 5, 2014 - 7:00 P.M.**

Present: Vice Mayor Jack Duncan, Commrs. Terry Gans, Lynn Larson, Irwin Pastor, Phill Younger, Pat Zunz

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

Absent: Mayor Jim Brown

CALL TO ORDER

Vice Mayor Duncan called the May 5, 2014, Regular Meeting to order at 7:01 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Larson led the Pledge of Allegiance.

Vice Mayor Duncan advised that Mayor Brown would not be in attendance this date and noted the attendance of Florida Power and Light Company Representative Rae Dowling and Waste Management of Florida Representative Rose Quinn-Barr.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Proclamation: National Public Works Week - May 18 – 21, 2014

Vice Mayor Duncan read and presented Public Works Director Juan Florensa with the proclamation for National Public Works Week. Mr. Florensa commented on the services provided by the Public Works Department to the citizens of Longboat Key.

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission

A. Boards and Committees

Mr. Jerry Whitehead, Gunwale Lane, commented on the duties/responsibilities tasked to the ULI (Urban Land Institute) Implementation Advisory Committee.

APPROVAL OF MINUTES

3 March 3, 2014 Regular Meeting; March 4, 2014 Special Meeting; March 17, 2014 Regular Workshop Meeting; March 31, 2014 Statutory Meeting; April 7, 2014 Special Meeting; April 7, 2014 Special Workshop Meeting; April 7, 2014 Regular Meeting; April 21, 2014 Special Workshop Meeting for Goals & Objectives; April 21, 2014 Regular Workshop Meeting; and April 21, 2014 Special Meeting Minutes

There was consensus to approve the Minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Commr. Zunz noted a meeting with Sharon Hillstrom of the Manatee County Economic Development Corporation advising of the intent of the meeting regarding support to the Manatee County School System and advised of conversations with the Anna Maria Elementary School Parent-Teacher Organization President relating to the Pre-K program.

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

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Organizations

Commr. Younger noted attendance at the Metropolitan Planning Organization (MPO) meeting and reviewed the items discussed relating to traffic issues on the barrier islands.

CONSENT AGENDA

4. Commission Appointments to Committees Named in Town Code and to Outside Agencies

Each year following the General Municipal Election the Town Commission considers appointments of its members to committees named in the Town Code or as required by outside agencies. At the April 21, 2014 Regular Workshop Meeting there was consensus for appointments to be placed on the May 5, 2014 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will approve Commission appointments to committees and outside agencies.

There was consensus to approve the Consent Agenda in accordance with Staff's report and recommendation.

NEW BUSINESS

15. Appointments to Town Boards and Committees

Appointments for the expiring or open seats on Town Boards and Committees (Planning & Zoning Board, Code Enforcement Board, Zoning Board of Adjustment, Firefighters' Retirement System Board of Trustees, General Employees' Retirement System Board and Citizens' Tax Oversight Committee) will be considered at the May 5, 2014 Regular Meeting. Recommended Action: Pending discussion, appoint members to Town Boards and Committees.

Vice Mayor Duncan requested and there was consensus to advance the consideration of Item 15.

Following comments on the appointment process, Town Clerk Trish Granger proceeded with a roll call vote on the Board vacancies, as follows:

Planning and Zoning (P&Z) Board, Seat 4: Following individual voice votes, there was unanimous appointment of Mr. John Daly to serve on the P&Z Board, Seat 4, for a term effective through May 10, 2017.

P&Z Board, Seat 5: Following individual voice votes, there was unanimous appointment of Mr. Allen Hixon to serve on the P&Z Board, Seat 5, for a term effective through May 10, 2017.

P&Z Board, Seat 6: Following individual voice votes, there was unanimous appointment of Mr. Walter Hackett to serve on the P&Z Board, Seat 6, for a term effective through May 10, 2017.

15. Appointments to Town Boards and Committees - Continued

Zoning Board of Adjustment (ZBA), Seat 2: Following individual voice votes, there was unanimous appointment of Ms. Jean White to serve on the ZBA, Seat 2, for a term effective through May 10, 2017.

ZBA, Seat 3: Following individual voice votes, Ms. Ann Roth was appointed to serve on the ZBA, Seat 3, for a term effective through May 10, 2017, by a 4-2 roll call vote with Commrs. Zunz, Younger, Gans and Vice Mayor Duncan nominating Ms. Roth, and Commrs. Pastor and Larson nominating Mr. Jered Whitehead.

Code Enforcement Board (CEB), Seat 3: Following individual voice votes, there was unanimous appointment of Mr. Joel Mangel to serve on the CEB, Seat 3, for a term effective through May 10, 2017.

CEB, Seat 4: Following individual voice votes, there was unanimous appointment of Ms. Beverly Shapiro to serve on the CEB, Seat 4, for a term effective through May 10, 2017.

CEB, Seat 5: Following individual voice votes, there was unanimous appointment of Mr. Jack Brill to serve on the CEB, Seat 5, for a term effective through May 10, 2017.

Citizens' Tax Oversight Committee (CTOC), Seat 5: Following individual voice votes, there was unanimous appointment of Ms. Beverly Shapiro to serve on the CTOC, Seat 5, for a term effective through May 8, 2018.

CTOC, Seat 6: Following individual voice votes, there was unanimous appointment of Mr. Leonard Garner to serve on the CTOC, Seat 6, for a term effective through May 8, 2018.

Firefighters' Retirement System Board of Trustees (FFRSBT), Seat 1 (Chair): Following individual voice votes, Mr. Gerald Feder was appointed to serve on the FFRSBT, Seat 1 (serving as Chair) for a term effective through May 13, 2015, by a 5-1 roll call vote, with Commrs. Zunz, Pastor, Younger, Larson, and Gans nominating Mr. Feder, and Vice Mayor Duncan nominating Mr. Armando Linde.

FFRSBT, Seat 2 (Vice Chair): Following individual voice votes, there was unanimous appointment of Mr. Armando Linde to serve on the FFRSBT, Seat 2 (serving as Vice Chair), for a term effective through May 13, 2015.

FFRSBT, Seat 5: Following individual voice votes, there was unanimous appointment of Mr. Lee Riley to serve on the FFRSBT, Seat 5, for a term effective through May 13, 2015.

General Employees' Retirement System Board of Trustees (GERSBT), Seat 1 (Chair): Following individual voice votes, there was unanimous appointment of Mr. Robert (Steve) Branham to serve on the GERSBT, Seat 1 (serving as Chair), for a term effective through May 13, 2015.

15. Appointments to Town Boards and Committees - Continued

GERSBT, Seat 2 (Vice Chair): Following individual voice votes, there was unanimous appointment of Mr. Lou Levy to serve on the GERSBT, Seat 2 (serving as Vice Chair), for a term effective through May 13, 2015.

GERSBT, Seat 3: Following individual voice votes, there was unanimous appointment of Mr. Ken Gorman to serve on the GERSBT, Seat 3, for a term effective through May 13, 2015.

GERSBT, Seat 4: Following individual voice votes, there was unanimous appointment of Ms. Lyn Haycock to serve on the GERSBT, Seat 4, for a term effective through May 13, 2015.

Following discussion of the open seats on the CTOC, Town Clerk Granger proceeded with a roll call vote on the Board vacancies, as follows:

CTOC, Seat 4: Following individual voice votes, Mr. Jered Whitehead was appointed to serve on the CTOC, Seat 4 for a term effective through May 8, 2018, by a 4-2 roll call vote, with Commrs. Gans, Zunz, Pastor, and Larson, nominating Mr. Whitehead, and Vice Mayor Duncan and Commr. Younger nominating Mr. Russell Gervais.

CTOC, Seat 7: Following individual voice votes, there was unanimous appointment of Mr. Russell Gervais to serve on the CTOC, Seat 7, for a term effective through May 8, 2018.

ORDINANCES - FIRST READING AND PUBLIC HEARING

5. Ordinance 2014-08, Amending Chapter 158, Establishing Procedures for Zoning Board of Adjustment (ZBA) Petitions to be Heard

At the February 18, 2014 Regular Workshop Meeting the Town Commission considered Ordinance 2014-08, amending Chapter 158, Zoning Code, 158.026, Zoning Board of Adjustment to provide a method for petitions to be heard in the event a quorum cannot be reached, to reduce the number of members from seven to five and to update the provision regarding serving concurrently on other Town boards. Ordinance 2014-08 is placed on the May 5, 2014 Regular Meeting for first reading and public hearing. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-08 to the June 2, 2014 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger place Ordinance 2014-08 on record for first reading and public hearing by title only.

Commr. Zunz moved to pass Ordinance 2014-08 and to forward to the June 2, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

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

5. Ordinance 2014-08, Amending Chapter 158, Establishing Procedures for ZBA Petitions to be Heard - Continued

Following comments by Commr. Younger, Town Manager Dave Bullock noted the modifications to the attendance requirements for ZBA Members and Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2014-08, noting a recommended amendment to the language in Section 158.026(A)(2).

Commr. Larson moved to amend Ordinance 2014-08 to include the language as submitted by Staff. The motion was seconded by Commr. Younger.

Commr. Younger moved to strike the transfer of duties from the ZBA to the Planning and Zoning Board {Section 158.026(G)}. The motion was seconded by Commr. Larson.

Discussions were held on the option to reduce the membership from seven to five members and to retain all duties as currently assigned to the ZBA.

The motion to amend Ordinance 2014-08 to modify Section 158.026(A)(2) carried by a 6-0 roll call vote, as follows: Larson, aye; Younger, aye; Duncan, aye; Gans, aye; Zunz, aye; Pastor, aye.

The motion to strike Section 158.026(G) carried by a 6-0 roll call vote, as follows: Younger, aye; Larson, aye; Pastor, aye; Zunz, aye; Gans, aye; Duncan, aye.

The motion to pass Ordinance 2014-08, as amended, carried by a 6-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Younger, aye; Gans, aye; Larson, aye; Duncan, aye.

6. Ordinance 2014-14, Amending Chapter 158, Site Plan Approval Authority

At their April 15, 2014 Regular Meeting the Planning & Zoning (P&Z) Board considered proposed Ordinance 2014-14, amending Chapter 158.099 and Section 158.02. The amendments would place final site plan approval authority with the P&Z Board. Town Commission consideration of Ordinance 2014-14 was held at the April 21, 2014 Regular Workshop Meeting and was forwarded to the May 5, 2014 Regular Meeting for first reading, public hearing, and discussion. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2014-14 to the June 2, 2014 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger place Ordinance 2014-14 on record for first reading and public hearing by title only.

Commr. Larson moved to pass Ordinance 2014-14 and to forward to the June 2, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2014-08.

6. Ordinance 2014-14, Amending Chapter 158, Site Plan Approval Authority - Continued
Vice Mayor Duncan opened the public hearing.

Mr. Larry Grossman, St. Judes Drive North, commented on Ordinance 2014-14.

Town Attorney Maggie Mooney-Portale commented on prior Town Commission policy to retain the authority on waivers and/or hardships for multi-family properties. Discussions were held on the following topics/issues:

- final site plans versus preliminary site plans
- authority being granted to the Planning and Zoning Board relating to site plan approvals.

Ms. Ray noted the difference between a waiver (for a specific site plan) versus a variance (runs with the land).

As no others wished to speak, Vice Mayor Duncan closed the public hearing.

Subsequent to comments, the motion carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Younger, aye; Duncan, aye; Pastor, aye; Gans, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

7. Ordinance 2014-12, Budget Transfer in the Amount of \$100,000 for Revisions to Beach District Ordinances

At the April 7, 2014 Regular Meeting the Town Commission considered Ordinance 2014-12, Budget Transfer in the Amount of \$250,000 from the Beach Fund to Provide for Legal Costs for Administrative Hearing and Revisions to the Beach District Ordinances. The Commission approved the transfer of \$150,000 for Administrative Hearing costs but continued the public hearing and discussion of the \$100,000 for Beach District Ordinances to the May 5, 2014 Regular Meeting. Staff has placed second reading and public hearing of the budget transfer of \$100,000 for Beach District Ordinance revisions on the May 5, 2014 Regular Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-12.

Town Clerk Trish Granger place Ordinance 2014-12 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2014-12. The motion was seconded by Commr. Zunz.

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

Discussion ensued on the following topics/issues:

- simplicity of the original Ordinances for Beach Districts A and B
- State legislation relating to Special Districts
- assignment of work to outside counsel.

7. Ordinance 2014-12, Budget Transfer in the Amount of \$100,000 for Revisions to Beach District Ordinances - Continued

- cost to conduct a study of the 80/20% split for taxing Districts A and B
- issues raised relating to the validation of bonds under the current Ordinance structure
- inability to enact a "pay as you go" funding method under current Ordinances
- intent to strengthen the Ordinances to reduce the likelihood of legal challenges

Upon inquiry, Town Manager Bullock commented on the process for funding a study and the policy issues to be considered and determined by the Town Commission. Discussion ensued on the intent to provide a specific basis for future taxes levy authority, the historical records which established the current ratio and legal challenges that could be raised pertaining to the current rate structure.

Commr. Younger moved to postpone formal adoption, to schedule for Workshop discussion, to divide the Ordinance into separate questions to further review and discuss the issues, and to direct Staff to review the historical activities and actions of other communities. The motion was seconded by Commr. Larson.

Subsequent to individual comments, the motion to postpone formal adoption failed by a 2-4 roll call vote, as follows: Younger, aye; Larson, aye; Gans, no; Zunz, no; Pastor, no; Duncan, no.

The motion to adopt Ordinance 2014-12 carried by a 4-2 roll call vote, as follows: Gans, aye; Zunz, aye; Larson, no; Pastor, aye; Duncan, aye; Younger, no.

RECESS: 8:30 p.m. - 8:40 p.m.

8. Ordinance 2014-13, Florida Power & Light (FPL) Franchise Agreement

The 30-year Franchise Agreement between the Town of Longboat Key and Florida Power & Light (FPL) will expire on May 29, 2014. For the past several months representatives of the Town and FPL have been negotiating a new Franchise Agreement which was considered by the Town Commission at their March 17, 2014 Regular Workshop Meeting with first reading at the April 21, 2014 Special Meeting. Ordinance 2014-13 provides for adoption of the Franchise Agreement and is placed of the May 5, 2014 Regular Meeting for second reading, public hearing, and discussion. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-13.

Town Clerk Trish Granger place Ordinance 2014-13 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-13. The motion was seconded by Commr. Zunz.

Vice Mayor Duncan opened the public hearing.

Ms. Rae Dowling, representing Florida Power and Light Company, supported adoption of the Ordinance.

8. Ordinance 2014-13, Florida Power & Light (FPL) Franchise Agreement - Continued
As no others wished to speak, Vice Mayor Duncan closed the public hearing.

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

9. Ordinance 2014-15, Establishing Fees for Lien Search Services

The Town Clerk and Finance Director receive numerous requests for lien searches on properties located within the Town's municipal boundaries. In an effort to establish a procedure to accommodate these requests staff developed a system and recommended fee structure for Commission consideration at their March 17, 2014 Regular Workshop Meeting. Ordinance 2014-15 establishes a fee structure for lien searches that is consistent with other governmental agencies. First reading and discussion was held at the April 7, 2014 Regular Meeting with the Ordinance forwarded to the May 5, 2014 Regular Meeting for second reading, public hearing, and discussion. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-15.

Town Clerk Trish Granger place Ordinance 2014-15 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2014-15. The motion was seconded by Commr. Gans.

Vice Mayor Duncan 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: Zunz, aye; Gans, aye; Duncan, aye; Pastor, aye; Younger, aye; Larson, aye.

RESOLUTIONS

10. Resolution 2014-09, Authorization to Execute Florida Department of Transportation (FDOT) Agreement BDX69 with for Gulf of Mexico Drive (GMD) Rights-of-Way Mowing and Litter Collection

Gulf of Mexico Drive right-of-way enhanced maintenance, including mowing and litter removal, is funded in part through an agreement with FDOT. Resolution 2014-09 provides for the execution of Agreement BDX69 for these services beginning June 1, 2014 for a period of three years with an option to renew for an additional three years. Recommended Action: Pending discussion, pass Resolution 2014-09.

Town Clerk Trish Granger placed Resolution 2014-09 on record by title only.

Commr. Larson moved to pass Resolution 2014-09. The motion was seconded by Commr. Zunz.

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

11. Resolution 2014-15, Providing for Continuation of the Finance Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the April 21, 2014, Regular Workshop

11. Resolution 2014-15, Providing for Continuation of the Finance Committee - Continued Meeting there was consensus for continuation of the Finance Committee. Resolution 2014-15 provides for continuation of the Finance Committee and is placed on the May 5, 2014 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2014-15.

Town Clerk Trish Granger placed Resolution 2014-15 on record by title only.

Commr. Larson moved to pass Resolution 2014-15. The motion, seconded by Commr. Pastor, carried by a 6-0 roll call vote, as follows: Larson, aye; Pastor, aye; Younger, aye; Gans, aye; Duncan, aye; Zunz, aye.

12. Resolution 2014-16, Providing for Continuation of the Community Center Advisory Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the April 21, 2014 Regular Workshop Meeting there was consensus for continuation of the Finance Committee. Resolution 2014-16 provides for continuation of the Community Center Advisory Committee and is placed on the May 5, 2014 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2014-16.

Town Clerk Trish Granger placed Resolution 2014-16 on record by title only.

Commr. Zunz moved to pass Resolution 2014-16. The motion was seconded by Commr. Younger.

Upon inquiry, Town Clerk Granger advised that the Town Commission had elected to maintain the Committee without appointing individuals at the current time.

Following comments, Town Manager Dave Bullock advised of the Commission's authority to establish ad-hoc committees and the ability to postpone appointments until such time as the Commission determines that the committee would be required to serve.

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

13. Resolution 2014-17, Providing for Continuation of the Urban Land Institute (ULI) Implementation Advisory Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the April 21, 2014 Regular Workshop Meeting there was consensus for continuation of the Urban Land Institution (ULI) Implementation Advisory Committee. Resolution 2014-17 provides for continuation of the Urban Land Institution (ULI) Implementation Advisory Committee and is placed on the May 5, 2014 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2014-17.

13. Resolution 2014-17, Providing for Continuation of the Urban Land Institute (ULI) Implementation Advisory Committee

Town Clerk Trish Granger placed Resolution 2014-17 on record by title only.

Commr. Larson moved to pass Resolution 2014-17. The motion was seconded by Commr. Zunz.

Following discussion on the intent and purpose of the Committee, Commr. Larson moved to amend the motion to pass Resolution 2014-17 continuing the Committee until the Commission's Regular Meeting in July 2014. The amended motion was seconded by Commr. Younger.

Subsequent to comments, the amendment to the motion failed by a 3-3 roll call vote, as follows: Larson, aye; Younger, aye; Pastor, aye; Zunz, no; Gans, no; Duncan, no.

Commr. Larson withdrew her motion to pass Resolution 2014-17.

Commr. Gans moved to pass Resolution 2014-17 providing for the continuation of the ULI Implementation Advisory Committee. The motion, seconded by Commr. Pastor, carried by a 5-1 roll call vote, as follows: Gans, aye; Pastor, aye; Zunz, aye; Younger, no; Larson, aye; Duncan, aye.

NEW BUSINESS

14. Interlocal Agreement (ILA) Between the Town and West Coast Inland Navigation District (WCIND) for Longboat Pass Flood Shoal Sand Traps Project

The Town Commission will consider an Interlocal Agreement between the Town of Longboat Key and WCIND for a sand placement project on the North end of Longboat Key. WCIND has contracted for placement of up to 100,000 cy of sand for \$828,105. WCIND has allocated \$500,000 for this project. The Town will make up the remaining contract cost of up to \$350,000. The Interlocal Agreement between the Town of Longboat Key and WCIND is placed on the May 5, 2014 Regular Meeting for formal action. Recommended Action: Pending discussion, approve Interlocal Agreement.

Town Manager Dave Bullock presented an overview of the Interlocal Agreement with WCIND for the Longboat Pass Flood Shoal Sand Traps Project, noted that the North Shore Beach Access will be closing in the next several weeks and upon inquiry, advised that the Public Works Department will be providing information to the local papers regarding the project.

Town Attorney Maggie Mooney-Portale advised of a scrivener's error on page 2 of the Interlocal Agreement and noted the amount should reflect \$350,000.00 in lieu of \$400,000.00.

Commr. Larson moved to approve and authorize execution of the Interlocal Agreement with WCIND, as amended. The motion, seconded by Commr. Zunz, carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Duncan, aye; Younger, aye; Gans, aye; Pastor, aye.

Commr. Zunz thanked staff for their efforts on the project and the support of WCIND.

14. ILA Between the Town and WCIND for Longboat Pass Flood Shoal Sand Traps Project - Continued

Town Manager Bullock reviewed the schedule for the construction of the structures and commented on the status of the South end (New Pass) dredging project.

16. Engagement of Special Counsel Relating to Colony Public Nuisance Hearings

The Town Attorney will seek Commission direction regarding engagement of Special Counsel relating the upcoming Colony Public Nuisance Hearings scheduled for May 28, possibly extending through May 30. Recommended Action: Pending discussion, provide direction to Town Manager and Town Attorney.

Town Attorney Maggie Mooney-Portale commented on the notice requirements for the quasi-judicial public hearing on the Colony property on May 28, 2014, and the options to be considered and future steps to be taken, and noted inclusion of a resume from Attorney Arthur Hardy and the benefit of utilizing the counsel during the public hearing process to obtain full benefit of their expertise. Discussion ensued on the following topics/issues:

- lack of costs until work is undertaken on May 28, 2014
- hourly cost for litigation expertise
- scenarios that may be considered on May 28, 2014
- estimated cost and actions that would cause the charges to no longer accrue.

Commr. Zunz to authorize the Town Attorney to proceed with the engagement of Special Litigation Counsel for the upcoming Colony property public nuisance hearings. The motion, seconded by Commr. Pastor, carried by a 5-1 roll call vote, as follows: Zunz, aye; Pastor, aye; Younger, aye; Gans, aye; Duncan, aye; Larson, no.

17. Interlocal Agreement Between the Town of Longboat Key and Sarasota County Providing for Tourist Development Tax Disbursements to the Town of Longboat Key

On September 10, 2008 Sarasota County approved Tourist Tax Development (TDT) allocation for the Town's collection of 1/3 of the 3% TDT Levy, which had been in effect for ten fiscal years (1998 – 2008), for continuation through fiscal year 2018. The allocation is required to be used for beach renourishment purposes as the County does not provide funding for the Town's beach renourishment activities. The Town Commission will consider an Interlocal Agreement providing for an additional disbursement of the Town's collection of 20% of the first additional 1% TDT Levy for beach maintenance, effective as of FY 2014. Recommended Action: Pending discussion, approve Interlocal Agreement.

Town Manager Dave Bullock reviewed the previous agreements with Sarasota County relating to the Tourist Development Tax disbursements and the changes made by the County relating to the ability to pay for beach renourishment activities and noted the additional \$65,000 anticipated revenue.

Commr. Pastor to adopt an Interlocal Agreement with Sarasota County, providing for the annual disbursement to the Town of the Town's annual actual TDT collections of 50% of the initial two percent levy through September 30, 2018, allocated for Beach Renourishment and, commencing October 1 2013, an annual disbursement to the Town of the Town's annual actual TDT collections of 20% of the first additional 1% TDT levy allocated for Beach Maintenance for as long as the Beach Maintenance allocation is in effect and superseding Sarasota County Contract No. 2008-425.

17. Interlocal Agreement Between the Town of Longboat Key and Sarasota County Providing for Tourist Development Tax Disbursements to the Town of Longboat Key

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

TOWN COMMISSION COMMENTS

A. Town Attorney

Commr. Larson congratulated Town Attorney Maggie Mooney Portale on her upcoming employment anniversary in June and requested that the Town Attorney's evaluation be scheduled on a future workshop.

Following comments, there was consensus to schedule the evaluation in June.

B. Legislation

Commr. Gans commended staff/lobbyist on the legislative success.

Subsequent to individual comments, there was consensus to schedule discussion of lobbyist services on a future agenda.

TOWN ATTORNEY COMMENTS

A. Legislation

Town Attorney Maggie Mooney-Portale commented on the legislative session, availability of Mr. David Ramba, Lobbyist, to meet with individual Commissioners, and the beach funding allocation for Longboat Key in the State budget.

TOWN MANAGER COMMENTS

A. Legislation/Public Property/Elections/Organizations/Contracts

Town Manager Dave Bullock commented on the following items:

letters of appreciation for legislative support
beach nourishment funding
land purchase completed
election ballot deadline for August and November 2014 election dates
Council of Governments (COG) meeting
status of the solid waste contract negotiations.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Vice Mayor Duncan adjourned the May 5, 2014, Regular Meeting at 9:56 p.m.

Trish Granger, Town Clerk

Jack G. Duncan, Vice Mayor

Minutes Approved: _____



End of Agenda Item