

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
JUNE 2, 2014 - 7:00 P.M.**

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

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the June 2, 2014, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Pastor led the Pledge of Allegiance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Legislation

Mayor Brown commented on the assistance provided during the Legislative Session and Town Attorney Maggie Mooney-Portale noted the status of the legislation. Representative Jim Boyd gave an overview of the 2014 Legislative Session.

2. Proclamation for Flood and Hurricane Awareness Month June 2014

Mayor Brown read and presented the Flood and Hurricane Awareness Month proclamation to Fire Chief Paul Dezzi and Police Chief Pete Cumming. Chief Dezzi commented on the importance of preparation to reduce the risks of serious injury to individuals and residences and noted a Disaster Preparedness Public Outreach Seminar on June 19, 2014, in the Town Commission Chamber, 501 Bay Isles Road, from 3 p.m. to 5 p.m.

PUBLIC TO BE HEARD

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

APPROVAL OF MINUTES

4. May 5, 2014 Special Workshop (Meet and Greet); and May 5, 2014 Regular Meeting Minutes

There was consensus to approve the Minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

5. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance at the Manatee County Economic Development Corporation and advised of a large development being planned in Manatee County.

6. Sarasota County Special Liaison Report - No items were presented.

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

7. ManaSota League of Cities Report

A. Organizations

Vice Mayor Duncan noted his intent to attend the Florida League of Cities conference as a representative of ManaSota League of Cities.

8. Other Reports

A. Boards/Committees

Commr. Larson noted a meeting of the Finance Committee for the selection of a new auditor and reviewed issues discussed.

Town Manager Dave Bullock reviewed Resolution 2014-15 relating to the duties of the Finance Committee.

Subsequent to comments, there was consensus to discuss the Finance Committee meeting following Item 17 on the published agenda. (See Item later this meeting.)

CONSENT AGENDA

9. Cancellation of July and August Workshop Meetings and August Regular Meeting

As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider the possible cancellation of the July and August Workshops and the August Regular Meeting. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will cancel the July and August Workshop Meetings and the August Regular Meeting.

There was consensus to approve Consent Agenda Item 9 in accordance with Staff's report and recommendation.

ORDINANCES - FIRST READING

10. Ordinance 2014-24, Amending Chapter 38, Purchasing Procedures

At the May 19, 2014, Regular Workshop Meeting the Town Commission considered Town staff and Town Attorney recommended changes to the Town's purchasing procedures. There was consensus to forward Ordinance 2014-24 to the June 2, 2014, Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward to the July 7, 2014, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-24 on record for first reading by title only.

Commr. Larson moved to pass Ordinance 2014-24 on first reading and to forward to the July 7, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Subsequent to comments, the motion carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Pastor, aye; Younger, aye; Duncan, aye; Brown, aye; Gans, aye.

ORDINANCES - FIRST READING AND PUBLIC HEARING

11. Ordinance 2014-23, Amending the FY 2013-2014 Budget to Account for Related Revenue and Expenditure for West Coast Inland Navigation District (WCIND) Grant

At the May 22, 2014, Special Workshop Meeting the Town Commission forwarded Ordinance 2014-23 to the June 2, 2014, Regular Meeting for first reading and public hearing. The Ordinance provides for an amendment to the FY 2013-2014 Budget to provide for equal adjustments to the revenue and expenditure line items for WCIND grant funds. Recommended Action: Pending first reading and public hearing, forward to the July 7, 2014, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-23 on record for first reading and public hearing by title only.

Commr. Gans moved to pass Ordinance 2014-23 on first reading and public hearing and to forward to the July 7, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Upon inquiry, Town Manager Dave Bullock advised that new boat engines would be purchased in lieu of repair.

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

Subsequent to comments, the motion carried by a 7-0 roll call vote, as follows: Gans, aye; Pastor, aye; Zunz, aye; Larson, aye; Younger, aye; Duncan, aye; Brown, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

12. 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 June 2, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-08.

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

Commr. Pastor moved to adopt Ordinance 2014-08 on second reading and public hearing. The motion was seconded by Commr. Zunz.

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

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

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

13. Ordinance 2014-14, Site Plan Approval Authority

At their April 10, 2014, Regular Meeting the Planning & Zoning (P&Z) Board considered proposed Ordinance 2014-14 which would place final site plan approval authority with the P&Z Board. Ordinance 2014-14 was forwarded to the April 21, 2014, Regular Workshop Meeting for Commission discussion; May 5, 2014, Regular Meeting for first reading and public hearing; and to the June 2, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-14.

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

Commr. Larson moved to adopt Ordinance 2014-14 on second reading and public hearing. The motion was seconded by Commr. Zunz.

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

Subsequent to comments, the motion carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Brown, aye; Gans, aye; Younger, aye; Duncan, aye; Pastor, aye.

RESOLUTIONS

14. Resolution 2014-12, Providing for Emergency Authorization for Town Manager

Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Resolution 2014-12 provides methods to obtain a quorum or gives the Town Manager authority to expend funds and take emergency action in the event a quorum of the Commission is not available. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-12.

Town Clerk Trish Granger placed Resolution 2014-12 on record by title only.

Commr. Pastor moved to pass Resolution 2014-12. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Gans, aye; Brown, aye; Duncan, aye; Larson, aye; Younger, aye.

15. Resolution 2014-18, Annual Beach Funding Resolution

The State of Florida Beach Management Funding Assistance Program (formerly the Beach Erosion Control Program) has been a recurring source of funding for the Town's beach erosion/nourishment projects. Each year the Town Commission passes a beach funding resolution in order to remain eligible for State grants. Resolution 2014-18 must accompany applications for beach project funding submitted to the Florida Department of Environmental Protection. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-18.

15. Resolution 2014-18, Annual Beach Funding Resolution- Continued

Town Clerk Trish Granger placed Resolution 2014-18 on record by title only.

Commr. Zunz moved to pass Resolution 2014-18. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Younger, aye; Pastor, aye; Larson, aye; Duncan, aye; Brown, aye.

16. Resolution 2014-19, Longboat Pass Maintenance Dredging and Beneficial Sediment Use Project

Resolution 2014-19 is a request to the State of Florida to fund improvements the Town may undertake on its own that are strictly related to the Inlet Management Plan Study. The funding under this category has a potential reimbursement of 50-75%. A separate application and funding resolution is required for this funding request. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-19.

Town Clerk Trish Granger placed Resolution 2014-19 on record by title only.

Commr. Zunz moved to pass Resolution 2014-19. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Duncan, aye; Brown, aye; Larson, aye; Younger, aye; Pastor, aye.

17. Resolution 2014-20, Comprehensive Inlet Management Plan – North End Structures

The Town submitted an original application for State grant funding related to the future maintenance of Longboat Pass in 2013. A funding request will be submitted this year and a funding resolution must accompany the joint application. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-20.

Town Clerk Trish Granger placed Resolution 2014-20 on record by title only.

Commr. Pastor moved to pass Resolution 2014-20. The motion was seconded by Commr. Zunz.

Mayor Brown noted that no speaker forms had been submitted on the item. The motion carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye.

8. Other Reports - Continued

A. Boards and Committees - Continued

Town Manager Bullock noted the duties of the Finance Committee as outlined in Resolution 2014-15. Discussion ensued on the following topics/issues:

- composition of the Committee
- withdrawal by Commr. Younger from the Committee
- development of the Finance Committee
- perception of the Finance Committee being weighted with elected officials

8. Other Reports - Continued

A. Boards and Committees - Continued

- Resolution requirements for three Commissioners
- discretion of Finance Committee to appoint two citizen representatives.

Commr. Younger noted he would remain on the Finance Committee at the current time.

TOWN COMMISSION COMMENTS

A. Franchise Services

Commr. Zunz requested consideration to continue discussion of the Florida Power and Light (FPL) underground wiring as an agenda item on June 16, 2014. Discussion ensued on the following topics/issues:

- figures provided by FPL relating to overhead versus underground service
- aesthetic values
- lack of improvement to electrical service
- impact on property values
- replacement of poles with above ground boxes
- lack of economic feasibility
- estimates provided by FPL representatives
- recently converted communities in Florida
- installation in residential areas versus along Gulf of Mexico Drive.

There was majority consensus to not schedule further discussion on the issue.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney Maggie Mooney-Portale commented on the Advanced Property Litigation case and noted the Town prevailed on the Motion for Summary Judgment, advising that the ruling is subject to appeal.

B. Town Attorney

Mayor Brown commented on the resignation of the Town Attorney and requested that the Town Attorney consider rescinding her resignation.

Town Attorney Maggie Mooney-Portale advised that she would consider the request and noted that she would like to meet with each Commissioner individually prior to rescinding.

There was majority consensus that Town Attorney Mooney-Portale proceed with setting up individual meetings with Commissioners.

TOWN MANAGER COMMENTS

A. Legislation

Town Manager Dave Bullock commented on funding allocated in the State's budget for Longboat Key in the amount of \$2,000,000.00 for beach projects.

TOWN MANAGER COMMENTS - Continued

B. Public Works

Town Manager Dave Bullock noted distribution of an e-mail relating to a proposed sand truck haul project on the South end of Longboat Key, in the area of L 'Ambiance, Pierre, Sanctuary, and Longboat Towers. Discussion ensued with Town Manager Bullock and Public Works Director Juan Florensa on the following topics/issues:

- opinion of coastal engineering firms
- previous placement of sand in 2005-2006 in the area
- impact of Tropical Storm Debby
- lack of sand flowing to the area
- funding source for the project
- permitting status of New Pass Dredging Project.

There was consensus to proceed with the design, permitting, and bid estimates to obtain actual costs for a truck haul project.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the June 2, 2014, Regular Meeting at 8:32 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 WORKSHOP MEETING
JUNE 16, 2014 - 1:00 P.M.**

Present: Mayor Jim Brown, 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

CALL TO ORDER

Mayor Brown called the June 16, 2014, Regular Workshop Meeting to order at 1:01 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Zunz led the Pledge of Allegiance.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

Mayor Brown advised Ms. Ann Arsenault and Ms. Doreen Dupont that they would be called to speak when the agenda item they wished to speak on was being considered.

A. Public Works

Mr. Tom Freiwald, Spanish Drive, commented on the Florida Power and Light (FPL) pole hardening project.

Upon inquiry, Town Manager Dave Bullock advised that FPL had not provided a photograph of the type of pole to be installed.

B. Planning, Zoning, and Building

Mr. George Spoll, Harbourside Drive, commented on the percentage of underground power service lines reported by Florida Power and Light (FPL) and noted items raised in the Urban Land Institute (ULI) Report relating to beautification along Gulf of Mexico Drive.

Individual comments followed on the time frame for the project to begin, previous consideration of the issue, options for Gulf of Mexico Drive, costs of proposal for underground service and ability of homeowner to pay for underground service, and option to request postponement of the project. Discussion ensued on estimated costs, financial constraints in current and upcoming fiscal year, and impact if the project was postponed.

There was majority consensus to not continue discussion of the FPL hardening project.

COMMITTEE REPORTS AND COMMUNICATIONS

2. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance at the Manatee County Tourist Development Council meeting and reviewed the issues discussed.

B. Governmental Agencies

Commr. Zunz noted a meeting with Manatee County School Board Superintendent Mills relating to Pre-K services and reviewed the issues discussed.

3. Sarasota County Special Liaison Report

A. Governmental Agencies

Commr. Pastor noted meetings with Sarasota County elected officials in an effort to establish and maintain working relationships with the county.

4. ManaSota League of Cities Report

A. Legislation

Vice Mayor Duncan reported on legislation passed relating to rental units during the 2014 Legislative session.

Vice Mayor Duncan inquired and Town Attorney Maggie Mooney-Portale advised that she has not received word regarding the Governor's action on SB374 relating to the Town's referendum process outlined in the Charter and noted she will advise the Commission as soon as action is taken.

5. Other Reports

A. Public Comment

Commr. Larson inquired as to providing citizens the ability to speak during Public Comment advising that one individual had not been called forward.

PUBLIC TO BE HEARD - CONTINUED

1. Opportunity for Public to Address Town Commission - Continued

C. Planning, Zoning, and Building

Mr. Doreen Dupont, Ranger Lane, commented on the canal view from her property and the lack of Zoning Codes that regulate those views within the Town.

Mayor Brown advised Ms. Dupont that he will review her concerns and provide information to her.

CONSENT AGENDA

6. Consideration of Request for Temporary Closure of Bay Isles Road for July 4, 2014 Freedom Fest

The Longboat Key Chamber of Commerce has requested Commission consideration for temporary closure of Bay Isles Road on July 4th between the hours of 8:30 and 11:30 AM to hold the annual Freedom Fest parade and festivities scheduled to begin at 9:00 AM. Recommended Action: Approval of the Consent Agenda will forward this item to the June 16, 2014, Special Meeting for formal action.

7. Proposed Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance

At the May 22, 2014, Special Workshop Meeting the Town Manager requested Commission authorization to seek bids for employee health insurance, and the Town's property and casualty insurance. Our current provider for these insurances, PRM, requires notification of seeking bids by Resolution from the governing body. Resolution 2014-22 will provide the required notification to PRM. Recommended Action: Approval of the Consent Agenda will forward Resolution 2014-22 to the June 16, 2014, Special Meeting for formal action.

CONSENT AGENDA - Continued

6. Consideration of Request for Temporary Closure of Bay Isles Road for July 4, 2014 Freedom Fest - Continued

7. Proposed Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance - Continued

Vice Mayor Duncan requested and Mayor Brown noted that Item 7 will be removed from the Consent Agenda and be considered after Item 18, later this meeting.

DISCUSSION ITEMS

8. Manatee County and Sarasota County Emergency Operations Chiefs Update for 2014 Hurricane Season

Mr. Don Hermey, Manatee County Emergency Operations Chief, and Mr. Edward McCrane, Sarasota County Emergency Operations Chief will discuss preparation and coordination efforts for the 2014 Hurricane Season. Recommended Action: None, informational only.

Manatee County Emergency Operations Chief Don Hermey and Sarasota County Emergency Operations Chief Edward McCrane gave a joint PowerPoint presentation on the collaboration of the Emergency Operations functions. Discussions were held with Mr. McCrane and Town Manager Dave Bullock on the following topics/issues:

- process for re-entry from Sarasota County
- citizen's documentation of residency (drivers' license, utility bill, written designation of representative for property owner)
- re-entry challenges navigating through County and other municipal boundaries.

Town Manager Bullock thanked Mr. Hermey and Mr. McCrane for their cooperation and assistance in the Town's disaster planning process.

9. Status Report on Sarasota County Proposal to Provide Dispatch Services

Sarasota County Public Safety Communications Manager Jerry Wheeler and Town staff will provide a status report regarding the on-going feasibility study of Sarasota County's proposed consolidation of dispatch services, Venice and North Port service integration, anticipated schedule for Longboat Key, including a decision-making timeline for the Town Commission. Recommended Action: None, informational only.

Assistant Town Manager Anne Ross and General Manager of Sarasota County Public Safety and Communications Jerry Wheeler gave a PowerPoint presentation on the status of the dispatch consolidation.

Following comments, Town Manager Dave Bullock advised that an update will be presented after the Commission's summer hiatus.

10. Canal Funding Report

At the December 11, 2013, Regular Workshop Meeting the Town Commission heard a staff presentation on the background and current conditions of the Town's canals. The Commission requested further review and an evaluation of funding methodology used to fund the 2002-2003 project. Recommended Action: Pending discussion, provide direction to Manager.

10. Canal Funding Report - Continued

Town Manager Dave Bullock gave a PowerPoint presentation on Canal Dredging Funding Options. Discussions were held on the following topics/issues:

- options for consideration of current process
- hybrid option outlined
- estimated ad valorem amounts
- comparison of beach versus canal dredge funding
- benefit/value of properties on the Gulf and/or canal front
- previous dredging project/public versus private
- impact of riparian rights
- anticipated action that will need to be taken/estimated costs
- funding options/ad valorem versus non-ad valorem assessments.

Following comments, there was majority consensus to investigate and report on the proposed hybrid funding option with a combination of ad valorem and special district assessments.

There was consensus to utilize the Canal Dredging Fund for the associated expenses to research the hybrid funding option.

RECESS: 2:27 p.m. - 2:40 p.m.

11. Bayfront Park Update

Town staff will present an update on efforts to develop a concept plan, amenities, and general layout for the Bayfront Park property. This item is placed on the June 16, 2014, Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted the attendance of Sarasota County Parks and Recreation Director Carolyn Brown and Parks and Recreation Staff, Ms. Kim Heuberger and Mr. Mike Sosadeeter. Assistant Town Manager Anne Ross gave a PowerPoint presentation providing an update on the efforts for the development of Bayfront Park. Discussions were held on the following topics/issues:

- limited parking depicted
- lack of input from the Urban Land Institute (ULI) Implementation Advisory Committee
- inclusion of a dog park
- continuation of roadway to combine property
- lack of a Community Center depicted on the proposed Concept Plan
- lack of input from public
- limited access to areas of the park from parking area
- determination of construction period/time frame
- option to hold a public meeting in the fall
- submittal to the Sarasota County Commission.

Sarasota County Parks and Recreation Director Carolyn Brown commented on the time frame for presentation to the Sarasota County Park Advisory Board. Individual comments followed on the collaboration of services between the County and Longboat Key staff.

11. Bayfront Park Update - Continued

Discussion ensued on review of the Concept Plan by the ULI Implementation Advisory Committee.

Ms. Beverly Shapiro, Gulf of Mexico Drive, commented on the proposed Concept Plan.

There was consensus to forward the proposal to the Sarasota County Park Advisory Board and to hold a public meeting for citizen input in October, 2014.

12. Proposed Ordinance 2014-21, Providing for a 7-Year Franchise Agreement with Waste Management to Provide Solid Waste Collection Services

At the March 17, 2014, Regular Workshop Meeting the Town Commission established the level of service for solid waste collection. The Town Manager has negotiated a franchise agreement with Waste Management Inc. of Florida. Ordinance 2014-21 provides for approval and adoption of the Solid Waste Collection Franchise Agreement. Recommended Action: Pending discussion, forward Ordinance 2014-21 to June 16, 2014, Special Meeting for first reading.

Public Works Director Juan Florensa gave a PowerPoint presentation on the Solid Waste Franchise Agreement with Waste Management of Florida. Discussions were held on the following topics/issues:

- length of time the reduced rate would be effective
- removal of large items through special pick-up arrangements by resident
- termination clause of 120 days (for convenience) versus termination for cause

There was consensus to forward Ordinance 2014-21 to the June 16, 2014, Special Meeting for first reading.

13. Ordinance 2013-26, Amending the Comprehensive Plan, Personal Wireless Service Facilities

On October 7, 2013, the Town Commission held first reading and public hearing of Ordinance 2013-26, amending the Comprehensive Plan related to personal wireless service facilities. The Commission directed staff to revise the Ordinance and bring back for second reading and public hearing. As a result of proposed revisions to the Telecommunication ordinance, and the importance of Comprehensive Plan protections for the community, staff no longer supports adoption of Ordinance 2013-26. Recommended Action: None, informational only. (Ordinance 2013-26 is advertised for second reading and public hearing at the June 30, 2014, Special Meeting.)

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2013-26 and noted Staff's recommendation to not adopt Ordinance 2013-26 based on the other actions being considered by the Town Commission.

Following clarification on the action requested by Staff relating to the Ordinance, Ms. Anne Arsenault, Gulf of Mexico Drive, commented on Ordinance 2013-26.

14. Proposed Ordinance 2013-20, Amending Chapter 158, Outline Development Plan and Planned Unit Development Process

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended approval and forwarded Ordinance 2013-20 to the Town Commission's June 16, 2014, Regular Workshop Meeting for consideration. Ordinance 2013-20 amends the Town's Land Development Code to address issues in the Town's process for approval of Outline Development Plans (ODP) and Planned Unit Developments (PUD). Recommended Action: Pending discussion, forward Ordinance 2013-20 to the June 16, 2014, Special Meeting for first reading and public hearing.

Planning, Zoning, and Building Department Director Alaina Ray provided background information on consideration of Ordinance 2013-20 and introduced Mr. Bill Spikowski, Spikowski Planning Associates, who gave a PowerPoint presentation on the proposed Zoning Code amendments.

The following individuals commented on proposed Ordinance 2013-20. Discussions were held throughout the speaker presentations:

- Mr. Mark Walsh, Delray Beach, FL
- Mr. Ken Metcalf, Tallahassee, FL (submitted written comments).

Ms. Ray commented on the expiration dates proposed by Ocean Properties for the development of a PUD.

Upon inquiry, Mr. Spikowski noted that he could not identify a zoning code that reflected a 10-year build-out (site plan approval) advising that most developments reflected a five-year completion build-out (Section 158067(H), Length of approval). Discussion ensued on the following topics/issues:

- inability of the Town to modify any updated codes during a 10-year period
- provisions for requesting additional time to complete project
- preference of Ocean Properties for a vested position/option to develop additional criteria in exchange for project vesting.

The following individuals commented on proposed Ordinance 2013-20. Discussions were held throughout the speaker presentations:

- Mr. Bob White, L' Ambiance Drive, representing Islandside Property Owners Coalition (IPOC, submitted written comments)
- Mr. Larry Grossman, St. Judes Drive North (submitted written comments).

RECESS: 4:30 p.m. - 4:40 p.m.

Discussion ensued with Mr. Spikowski, Ms. Ray, and Assistant Town Attorney Kelly Fernandez on the following topics/issues:

- the requested "open-ended" extension from Ocean Properties
 - Staff recommendation to retain 10 year period

14. Proposed Ordinance 2013-20, Amending Chapter 158, Outline Development Plan and Planned Unit Development Process - Continued

- revisions requested by Mr. White:
 - non-support of the density restrictions (table included in written comments/Section 8 of the Ordinance)
 - effect of including the golf course land in ratio determination (Section 15 of the Ordinance)
 - inclusion of acreage of the Chart House Restaurant property
 - shifting of roadway
 - impact of changing proposed MUC-2 district setback versus setbacks for MUC-1 district (Section 16 of the Ordinance)
 - process for assignment of unapproved units (Section 8(L) of the Ordinance)
 - § Staff request to review language to clarify intent prior to first reading
 - retention of the requirement to make written “findings of fact” (Section 10 of the Ordinance, Section 158.067(C), Standards for approval or disapproval of applications)
 - language proposed relating to departures (Section 10 of the Ordinance, Section 158.067(D), Standards for approval or disapproval of departures)
 - provisions relating to maximum floor area, living space, and open space ratios (Section 15 of the Ordinance, Section 158.102{C})
 - controls for multifamily residential or tourism uses/use of the term “mandatory” and providing for exceptions for waiver (Section 16 of the Ordinance, Section 158.102(L), Supplemental controls for multifamily residential or tourism uses).

Upon inquiry, Mr. Walsh commented on the proposed phasing of the Key Club project and the lease extended for the Chart House Restaurant. Discussion ensued with Mr. Spikowski and Ms. Ray on the following topics/issues:

- time extension for phasing/modifying ten year site plan approval/build-out (Section 158.067{H})
- utilization of the terminology “evolution in harmony” in Section 158.067(C)(9) (page 15 of the Ordinance)/subjectiveness of the phrase/alternative language to be developed prior to first reading of the Ordinance
- intent of language to provide Commission ability to make determination of compatibility.

Attorney John Patterson, Sarasota, FL, representing Ocean Properties, and Mr. Metcalf commented on the terminology included and discussed compatibility language/issues. Upon inquiry, Attorney Patterson commented on the history of the Key Club development.

Vice Mayor Duncan submitted and discussion ensued on the following proposed language modifications to Section 158.067(C)(9) of the proposed Ordinance (additions shown as double underlined text/deletions shown as ~~strikethrough~~ text):

For the MUC-1 and MUC-2 zoning districts only, whether the plan’s assignment and placement of the permitted uses listed in section 158.125 either matches the

14. Proposed Ordinance 2013-20, Amending Chapter 158, Outline Development Plan and Planned Unit Development Process - Continued

~~historic land-use pattern in that district or is a evolution in harmony with that pattern, versus being an intrusive or incompatible change in pattern. The plan's assignment of uses shall be consistent with the principles and percentages set forth in section 158.009(L). all permitted uses as listed in Section 158-145 for each district are considered generally to be compatible uses in the MUC districts based on the intent to encourage mixed use and clustering at varying scales and intensity. Compatibility shall be achieved at specific locations by implementing compatibility techniques, such as those listed in this section as appropriate to the context:~~

Subsequent to discussion on the option to include the phrase "including but not limited to," individual comments followed on the development and historical data of the property.

There was consensus to forward Ordinance 2013-20, with Staff direction to develop language relating to phasing and inclusion of the language suggested by Vice Mayor Duncan, to the June 16, 2014, Special Meeting for first reading and public hearing.

15. Proposed Ordinance 2014-25, Amending Chapter 33, Establishing Procedures for Public Hearings

The Planning and Zoning Board and the Zoning Board of Adjustment routinely hold quasi-judicial hearings for items within their jurisdiction. However, the Town Code does not establish procedures specific to input from applicants or the public. At their May 19, 2014, Regular Workshop Meeting the Town Commission directed staff to draft procedures related to public hearings to clarify expectations and provide guidance for the Boards. Recommended Action: Pending discussion, forward Ordinance 2014-25 to June 16, 2014, Special Meeting for first reading.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on proposed Ordinance 2014-25. Discussion ensued with Ms. Ray, Town Attorney Maggie Mooney-Portale, and Town Manager Dave Bullock on the following topics/issues:

- language suggested for submittal of documentation to be considered by the Boards
- imposition of deadlines for filing material to be considered.

There was consensus to forward Ordinance 2014-25 to the June 16, 2014, Special Meeting for first reading.

16. Proposed Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees

The Town currently administers pension plans for its three employee groups separately. Proposed Ordinance 2014-26 provides for the three plans to be administered by a single Retirement System Board of Trustees. Recommended Action: Pending discussion, forward Ordinance 2014-26 to the July 7, 2014, Regular Meeting for first reading.

16. Proposed Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees - Continued

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith and Attorney Jim Linn gave a PowerPoint presentation on the consolidation of the Town's three retirement system board of trustees into one board. Discussion ensued on the following topics/issues:

- determination of accounting companies/vendors
- commingled funds/transition of three funds to one fund
- separate accounting of assets and liabilities for each retirement group
- time provided for consolidation of contract services
- procurement process for selection of professional firms to be utilized.

Mr. Michael Seamon, Norton Street, commented on the proposed consolidation of the three retirement plans.

There was consensus to forward Ordinance 2014-26 to the July 7, 2014, Regular Meeting for first reading.

17. Proposed Resolution 2014-21, Transferring Phase II Infrastructure Surtax Residual Balances to Phase III for the Purpose of Purchasing Police Vehicles and Fire Department Equipment in Accordance with the FY 2015 – FY 2019 Capital Improvement Plan

An internal audit performed in September 2013 revealed an unused portion of Phase II monies and accrued interest totaling \$297,168. Proposed Resolution 2014-21 provides for the additional allocation of those project funds to the Public Safety category for purchase of police vehicles and fire equipment in Fiscal Years 2015 through 2019 in accordance with the 5-year Capital Improvement Plan. Recommended Action: Pending discussion, forward Resolution 2014-21 to the July 7, 2014, Regular Meeting for formal action.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith gave a PowerPoint presentation on proposed Resolution 2014-21.

There was consensus to forward Resolution 2014-21 to the July 7, 2014, Regular Meeting for public hearing.

18. Commemoration of Service Honoring Former Police Chief Wayne C. McCammon

Police Chief Pete Cumming will present for Commission consideration a commemoration honoring former Police Chief McCammon's years of service as a former Police Chief and community leader. Recommended Action: Pending discussion, provide direction to Manager.

Police Chief Pete Cumming noted a proposed plaque in memory of former Police Chief Wayne C. McCammon's to be placed in the Police Department.

There was consensus to approve the memorial plaque.

7. Proposed Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance - Continued

At the May 22, 2014, Special Workshop Meeting the Town Manager requested Commission authorization to seek bids for employee health insurance, and the Town's property and casualty insurance. Our current provider for these insurances, PRM, requires notification of seeking bids by Resolution from the governing body. Resolution 2014-22 will provide the required notification to PRM. Recommended Action: Approval of the Consent Agenda will forward Resolution 2014-22 to the July 7, 2014, Regular Meeting for formal action.

Town Manager Dave Bullock provided an overview of PRM and the services they provide to the Town for employee health, property, casualty, and liability insurance.

There was consensus to forward Resolution 2014-22 to the July 7, 2014, Regular Meeting for formal action.

PUBLIC TO BE HEARD

19. Opportunity for Public to Address Town Commission - No items were presented. Town Code Section 30.01.1(B) requires that an additional public comment period be provided at the conclusion of a Workshop Meeting when a Special Meeting immediately follows the Workshop.

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS - No items were presented.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown noted there was a Special Meeting scheduled immediately following the Workshop, advised that the Commission would take a ten minute break between the meetings, and adjourned the June 16, 2014, Regular Workshop Meeting at 6:22 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
JUNE 16, 2014 - 6:30 P.M.**

Present: Mayor Jim Brown, Vice Mayor Jack Duncan, Commrs. Terry Gans, Lynn Larson, Irwin Pastor, 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 June 16, 2014, Special Meeting to order at 6:30 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.

ORDINANCES – FIRST READING

2. Ordinance 2014-21, Providing for a 7-Year Franchise Agreement with Waste Management to Provide Solid Waste Collection Services

At the March 17, 2014, Regular Workshop Meeting the Town Commission established the level of service for solid waste collection. The Town Manager has negotiated a franchise agreement with Waste Management Inc. of Florida and prepared Ordinance 2014-21, which provides for approval and adoption of the Solid Waste Collection Franchise Agreement. Ordinance 2014-21 was forwarded from the June 16, 2014, Regular Workshop Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-21 to the June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-21 on record by title only.

Commr. Zunz moved to pass Ordinance 2014-21 on first reading and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Following comments by Town Manager Dave Bullock, the motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Larson, aye; Pastor, aye; Gans, aye; Duncan, aye; Brown, aye.

3. Ordinance 2014-25, Amending Chapter 33, Establishing Procedures for Public Hearings

The Planning and Zoning Board (P&Z) and the Zoning Board of Adjustment (ZBA) routinely hold quasi-judicial hearings for items within their jurisdiction. However, the Town Code does not establish procedures specific to input from applicants or the public. At their May 19, 2014, Regular Workshop Meeting the Town Commission directed staff to draft procedures related to public hearings to clarify expectations and provide guidance for the Boards. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-25 to the July 7, 2014, Regular Meeting for second reading and public hearing.

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

3. Ordinance 2014-25, Amending Chapter 33, Establishing Procedures for Public Hearings - Continued

Town Clerk Trish Granger placed Ordinance 2014-25 on record by title only.

Commr. Larson moved to pass Ordinance 2014-25 on first reading and to forward to the July 7, 2014, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Duncan, aye; Gans, aye; Pastor, aye; Brown, aye; Younger, aye.

ORDINANCES – FIRST READING AND PUBLIC HEARING

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications

At their November 13, 2013, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded Ordinance 2013-18 to the Town Commission for consideration. The Commission requested revisions to Ordinance 2013-18, which amends Chapter 158, Telecommunications. The Ordinance was considered by the Commission at the June 16, 2014, Regular Workshop Meeting and forwarded to the June 16, 2014, Special Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing and discussion, forward to the June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-18 on record by title only.

Commr. Zunz moved to pass Ordinance 2013-18 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Gans.

Mayor Brown opened the public hearing.

Mr. Gus Sclafani, Gulf of Mexico Drive, commented on the proposed rooftop antenna height outlined in Ordinance 2013-18.

Upon inquiry, Planning, Zoning, and Building Department Director Alaina Ray noted the recommendation by the Planning and Zoning Board, opined that the proposed 30-foot height of a rooftop antenna may be out of scale, noted Staff's recommendation for a 15-foot height restriction, and requested inclusion of an additional definition relating to electromagnetic interference. Discussion ensued on the following topics/issues:

- possible locations on a building for an antenna/co-location options
- maximum height recommended by Staff.

Commr. Zunz moved to amend Ordinance 2013-18, Section 158.201(A)(2)(c), to reflect a maximum 15-foot height restriction and definition for electromagnetic interference and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Brown, aye; Duncan, aye; Larson, aye; Younger, aye; Pastor, aye.

Mayor Brown closed the public hearing.

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications - Continued

The motion to pass Ordinance 2013-18, as amended, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Larson, aye; Younger, aye; Pastor, aye; Brown, aye; Duncan, aye.

5. Ordinance 2013-20, Amending Chapter 158, Outline Development Plan/Planned Unit Development Process

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended approval and forwarded Ordinance 2013-20 to the Town Commission's June 16, 2014, Regular Workshop Meeting for consideration. Ordinance 2013-20 amends the Town's Land Development Code to address issues in the Town's process for approval of Outline Development Plans and Planned Unit Developments. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2013-20 to the June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-20 on record by title only.

Commr. Zunz moved to pass Ordinance 2013-20 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Duncan.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray and Assistant Town Attorney Kelly Fernandez noted that Staff had worked with representatives of Ocean Properties and requested consideration to amend Ordinance 2013-20 to reflect the following modifications:

• 158.067(C)(9) - Delete the entire sentence and incorporate the following language (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

~~(9) For the MUC-1 and MUC-2 zoning districts only, whether the plan's assignment and placement of the permitted uses listed in section 158.125 either matches the historic land-use pattern in that district or is a evolution in harmony with that pattern, versus being an intrusive or incompatible change in pattern. The plan's assignment of uses shall be consistent with the principles and percentages set forth in section 158.009(L).~~

(9) For the MUC-1 and MUC-2 zoning districts only, all permitted uses as listed in Section 158.145 for each district are considered *generally* to be compatible uses in the MUC districts based on the intent to encourage mixed use and clustering at varying scales and intensity. Compatibility shall be achieved at *specific* locations by implementing compatibility techniques, such as those listed in this section as appropriate to the context:

(a) Tourism uses and restaurants shall be designed to minimize noise from outdoor activities, such as outdoor music;

(b) Loading areas and parking at grade shall be screened and landscaped to minimize impacts to residential uses and adjacent rights of way/private roads;

5. Ordinance 2013-20, Amending Chapter 158, Outline Development Plan/Planned Unit Development Process - Continued

- (c) Anti-glare glass shall be utilized in all windows that could potentially reflect toward another residential use; and
- (d) Lighting shall be designed to minimize impacts to residential units and adjacent public rights of way/private roads.
- (e) Additional compatibility techniques shall be employed wherever a proposed structure exceeding four stories is located within 500' of another structure that is substantially lower in height. "Substantially lower" means there is a difference of four stories or more between the proposed structure and the structure within 500'. For the purpose of this provision, acceptable compatibility techniques include, but are not limited to, perimeter berms, landscaping buffers, building orientation, building design and architectural treatments.
- (f) This section does not apply to the compatibility of uses within a proposed PUD development site, as permitted uses are deemed internally compatible.

- 158.067(H)(2) - Amend as follows (additions shown as underlined text):

- (2) For planned unit developments in the MUC-1 and MUC-2 zoning districts, this period shall be increased to ten calendar years₂ or for an approved period longer than ten years₂ for a specific future phase delineated on the final site development plan, provided the developer meets at least two of the following criteria:

- 158.009(L), 2nd paragraph - Amend as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

The approval of units on any parcel beyond ~~these~~ the 892 units in MUC-2 and 1,267 units in MUC-1 authorized by resolution or ordinance prior to January 1, 2014, can be requested through the ODP/PUD process. Approval of additional units is not guaranteed, and in no case may the number of additional units cause the overall density for the entire MUC district to be exceeded.

As no one wished to speak, Mayor Brown closed the public hearing.

Commr. Younger moved to amend Ordinance 2013-20 to incorporate the modifications recommended by Staff. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye; Pastor, aye; Larson, aye.

The motion to pass Ordinance 2013-20, as amended, carried by a 7-0 roll call vote, as follows: Zunz, aye; Duncan, aye; Pastor, aye; Larson, aye; Brown, aye; Younger, aye; Pastor, aye.

6. Ordinance 2014-17, Small Scale Comprehensive Plan Amendment, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-17 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 5440-5442 Gulf of Mexico Drive. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2014-17 to June 30, 2014, Special Meeting for second reading and public hearing.

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

Commr. Larson moved to pass Ordinance 2014-17 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale noted that the issue under consideration was an amendment to the Comprehensive Plan and was legislative in nature.

As no one wished to speak, Mayor Brown closed the public hearing.

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

7. Quasi-Judicial Public Hearing on Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-18 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a change of zoning for 5440 Gulf of Mexico Drive from Limited Commercial (C1) to Medium Density Mixed Residential (R-4-MX) and for the front fifty feet of 5442 Gulf of Mexico Drive from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX), limited to 4 dwelling units. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2014-18 to June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-18 on record by title only.

Town Attorney Maggie Mooney-Portale advised that the public hearing was quasi-judicial and inquired as to any conflict of interest or ex-parte communication.

Commr. Larson noted that a neighbor of the property had contacted her regarding the rezoning and upon inquiry, confirmed that the conversation would not affect her impartiality on the consideration of the request. Upon inquiry, no additional ex-parte communication or conflicts were noted.

7. Quasi-Judicial Public Hearing on Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property) - Continued

Town Clerk Trish Granger administered the oath to all those wishing to testify.

Commr. Zunz moved to pass Ordinance 2014-18 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested rezoning.

Mr. Peter Dailey, duly sworn, representing the property owner, advised that he has received confirmation that the property has a deeded beach access.

As no others wished to provide testimony, the public hearing was closed.

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

8. Ordinance 2014-19, Small Scale Comprehensive Plan Amendment, 521 Broadway (First American Bank Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-19 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 521 Broadway. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2014-19 to June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-19 on record by title only.

Town Attorney Maggie Mooney-Portale noted that the issue under consideration was an amendment to the Comprehensive Plan and was legislative in nature.

Commr. Zunz moved to pass Ordinance 2014-19 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Mayor Brown opened the public hearing. As no one wished to speak, Mayor Brown closed the public hearing.

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

9. Quasi-Judicial Public Hearing on Ordinance 2014-20, Request for Change of Zoning, 521 Broadway (First American Bank Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-20 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a change in zoning for 521 Broadway from Limited Commercial (C1) to Single-Family High-Density Residential (R-6SF), limited to two dwelling units. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2014-20 to June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-20 on record by title only.

Town Attorney Maggie Mooney-Portale advised that the public hearing was quasi-judicial and inquired as to any conflict of interest or ex-parte communication, with no ex-parte communication or conflicts noted.

Commr. Zunz moved to pass Ordinance 2014-20 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested rezoning.

As no others wished to provide testimony, the public hearing was closed.

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

NEW BUSINESS

10. Consideration of Request for Temporary Closure of Bay Isles Road for the July 4, 2014, Freedom Fest

The Longboat Key Chamber of Commerce has requested Commission consideration for temporary closure of Bay Isles Road on July 4th between the hours of 8:30 and 11:30 a.m. to hold the annual Freedom Fest parade and festivities scheduled to begin at 9:00 a.m. Recommended Action: Pending discussion, approve the request for the temporary closure of Bay Isles Road on July 4, 2014.

Following comments, Commr. Gans moved to approve the request for the temporary closure of Bay Isles Road for the July 4, 2014, Freedom Fest. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Pastor, aye; Brown, aye; Duncan, aye; Younger, aye; Larson, aye.

ADJOURNMENT

Mayor Brown adjourned the June 16, 2014, Special Meeting at 7:18 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL WORKSHOP MEETING
JUNE 30, 2014 - 10:00 A.M.**

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

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

CALL TO ORDER

Mayor Brown called the June 30, 2014, Special Workshop Meeting to order at 10:00 a.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Pastor led the Pledge of Allegiance.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building/Public Works

Dr. Doreen Dupont, Ranger Lane, commented on canal view preservation and nuisance animals and requested consideration to have the Town's regulations amended to preserve canal views.

Mayor Brown noted current Code compliance and advised that the Commission will refer the regulations to the Planning and Zoning Board for review and consideration. Following individual comments and upon inquiry, Town Manager Dave Bullock advised that animal control/nuisance animals are under the jurisdiction of the Counties.

DISCUSSION ITEMS

2. Fiscal Year (FY) 2014-2015 Capital Funds, Enterprise Funds, Beach Fund, Special Revenue Fund, and Debt Service Funds

The Town Manager and Finance Director will provide and discuss a summary of the Capital Funds, Enterprise Funds, Beach Fund, Special Revenue Fund, and Debt Service Funds as well as a recommended budget for each fund. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock gave an overview and PowerPoint presentation on the proposed FY 2014-2015 Capital, Enterprise, Beach, Special Revenue, and Debt Service Funds. Discussions were held on the following topics/issues:

- amount of funds received from the Aria development
- limited flexibility of County to reallocate/distribution of Tourist Development Tax (TDT) funds/statutory restrictions
- determination of population by the Bureau of Economic and Business Research (BEBR) organization
- anticipated receipt of funds for the reconstruction of the Hilton Hotel
- Parks and Recreation Fund/Land Acquisition Fund

2. FY 2014-2015 Capital Funds, Enterprise Funds, Beach Fund, Special Revenue Fund, and Debt Service Funds- Continued

- fund balances
- wastewater subaqueous force main replacement project
- wastewater pipe replacement/removal
- utility rate review/pass-through rates from Manatee County
- request for slip lining and lift station project updates at a future workshop
- inclusion of an additional full-time administrative position in Building Fund
- \$50,000 Contingency in Building Fund to provide for contract workers, if necessary
- transfers relating to the Infrastructure Surtax Fund
- reduction in the anticipated revenue fund in the TDT Fund
- Commission direction for staff to provide factual accounting of revenue funds received.**
- distribution of funds on the collection of the TDT revenues
- Tennis Center Fund
- reduction in anticipated revenue for sales at the Tennis Center
- opportunity to seek grants for the Tennis Center
- opportunity to seek private donations in return for naming of facility after donor/development of process to utilize.

RECESS: 11:28 a.m. - 11:34 a.m.

2. FY 2014-2015 Capital Funds, Enterprise Funds, Beach Fund, Special Revenue Fund, and Debt Service Funds- Continued

Discussions continued on the following topics/issues:

- large beach area indicated on South end of Longboat (due to groin at Key Club)
- options for funding from the U.S. Army Corps of Engineers if any portion of beach is designated as a Federal beach area
- Florida Department of Environmental Protection (FDEP) grant funds
- anticipated reimbursement funds from FEMA (Federal Emergency Management Agency)
- Erosion Control Line (ECL) public hearing scheduled for 6:00 PM, July 8, 2014, in Town Hall Commission Chamber
- utilization of existing sand for distribution on mid-Key/other areas on Longboat/permitting requirements/accretion of sand.

Town Manager Bullock noted Staff's recommendation to proceed with borrowing the voter authorized \$16,000,000.00 in FY 2014-2015 and to assess the appropriate millage to fund the borrowing.

Commr. Younger requested that Staff provide the exact parameters of the shoreline changes that are reflected on page 21 of the PowerPoint presentation. Subsequent to additional comments, Mayor Brown requested that Commr. Younger meet with Staff after the meeting to discuss the information requested.

3. Consideration of Contract Extension with the Town's Financial Advisor, PFM Asset Management LLC

PFM Asset Management LLC has been contracted as the Town's Financial Advisor since 2007 with the contract expiring on June 30, 2014. As there are still significant projects in progress, the Town Manager recommends a contract extension for a period of one year. This item is placed on the June 30, 2014, Special Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, forward the contract extension with PFM Asset Management, LLC, to the June 30, 2014, Special Meeting for formal action.

Following an overview by Town Manager Dave Bullock, there was consensus to forward the contract extension with PFM Asset Management, LLC, to the June 30, 2014, Special Meeting for formal action.

ADJOURNMENT

Mayor Brown adjourned the June 30, 2014, Special Workshop Meeting at 12:22 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
JUNE 30, 2014 - 1:00 P.M.**

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

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

CALL TO ORDER

Mayor Brown called the June 30, 2014, Special 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.

ORDINANCES – FIRST READING AND PUBLIC HEARING

2. Quasi-judicial - Ordinance 2014-16, Request for Vacation of Longbeach Village Alley
At their May 27, 2014 Regular Meeting the Planning & Zoning (P&Z) Board considered a petition requesting the Town to close and discontinue a ten (10) foot wide right-of-way of an unnamed alley located in Block 11 of the revised Longbeach Subdivision. The P&Z Board recommended denial of the petition and forwarded the request for first reading and public hearing at the June 30, 2014 Special Meeting. Recommended Action: The Town Commission will base their decision on competent substantial evidence presented at this public hearing.

Following comments by Mayor Brown on the quasi-judicial hearing process, Town Clerk Trish Granger administered the oath to all individuals wishing to provide testimony.

Upon inquiry by Assistant Town Attorney Kelly Fernandez, no ex-parte communication disclosures or conflicts of interest were noted by Commissioners.

Town Clerk Granger placed Ordinance 2014-16 on record for first reading and quasi-judicial public hearing by title only.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested alley vacation.

Mr. Michael Riter, Hibiscus Way, representing Mr. and Mrs. Allan Luke, provided an overview of the request, opined that the Standards of Review had been met, reviewed previous street/alley vacations in the area, and supported approval of the petition. Discussion ensued with Mr. Riter and Ms. Ray on the following topics/issues:

- access to properties abutting the alleyway
- lot sizes
- concerns on limiting property access to future owners
- utilization of alley by some residents (corner residents)

2. Quasi-judicial - Ordinance 2014-16, Longbeach Village Alley Vacation - Continued

- existing Commission policy to provide that impassible alleys remain impassible
- ability to install fence on revised property lines if vacation is granted based on current Town Code
- previous Commission action in 2000 to grant the request.

Ms. Jill Nemeth, Cedar Street, commented on the request to vacate the alley. Ms. Nemeth noted that she does have a fence on the back portion of her property.

Mayor Brown closed the public hearing.

Commr. Zunz moved to deny Ordinance 2014-16. The motion, seconded by Comr. Younger, carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye; Pastor, aye.

ORDINANCES – SECOND READING AND PUBLIC HEARING

3. Ordinance 2013-26, Amending Comprehensive Plan, Personal Wireless Service Facilities

On October 7, 2013, the Town Commission held first reading and public hearing of Ordinance 2013-26, amending the Comprehensive Plan related to personal wireless service facilities. The Commission directed staff to revise the Ordinance and place on a future meeting for second reading and public hearing. As a result of proposed revisions to the telecommunication ordinance, and the importance of Comprehensive Plan protections for the community, staff and the Planning & Zoning Board, no longer support adoption of Ordinance 2013-26. Recommended Action: Pending second reading, public hearing and discussion, deny Ordinance 2013-26.

Town Clerk Trish Granger placed Ordinance 2013-26 on record for second reading and public hearing by title only.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2013-26.

As no one wished to speak, Mayor Brown closed the public hearing.

Commr. Zunz moved to deny Ordinance 2013-26. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Gans, aye; Larson, aye; Younger, aye; Duncan, aye; Brown, aye.

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications

At their November 13, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded Ordinance 2013-18 to the Town Commission for consideration. The Commission requested revisions to Ordinance 2013-18, which amends Chapter 158, Telecommunications. The Ordinance was considered by the Commission at the June 16, 2014 Regular Workshop Meeting, with first reading and public hearing held at the June 16, 2014 Special Meeting. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-18.

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications - Continued

Town Clerk Trish Granger placed Ordinance 2013-18 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-18. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2013-18.

As no one wished to speak, Mayor Brown closed the public hearing.

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

Individual comments followed on signage relating to cell towers on Gulf of Mexico Drive.

5. Ordinance 2013-20, Amending Chapters 33, Boards and Commissions; Chapter 157, Subdivision Regulations; and Chapter 158, Zoning Code

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended approval and forwarded Ordinance 2013-20 to the Town Commission's June 16, 2014 Regular Workshop Meeting for consideration, with first reading and public hearing following at the June 16, 2014, Special Meeting. Ordinance 2013-20 amends the Town's Land Development Code to address issues in the Town's process for approval of Outline Development Plans and Planned Unit Developments. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-20.

Town Clerk Trish Granger placed Ordinance 2013-20 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2013-20. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2013-20. Discussions were held on the following topics/issues:

- number of units available in the MUC-2 and MUC-1 districts
- compromise on number of years for an approved development.

As no one wished to speak, Mayor Brown closed the public hearing.

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

6. Ordinance 2014-21, Providing for a 7-Year Franchise Agreement with Waste Management to Provide Solid Waste Collection Services

At the March 17, 2014, Regular Workshop Meeting the Town Commission established the level of service for solid waste collection. The Town Manager has negotiated a franchise agreement with Waste Management, Inc. Ordinance 2014-21 provides for approval and adoption of the Solid Waste Collection Franchise Agreement and was forwarded from the June 16, 2014, Special Meeting following first reading. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-21.

Town Clerk Trish Granger placed Ordinance 2014-21 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-21. The motion was seconded by Vice Mayor Duncan.

Public Works Department Director Juan Florensa provided background information on the development of the Franchise Agreement and reviewed the collection service schedule and rates. Upon inquiry, Mr. Florensa confirmed that there will be single-stream recycling with one bin in lieu of the current blue and red bins.

Town Manager Dave Bullock noted that there will be two solar powered compactors that will be installed on Longboat Key at no charge as provided for in the Franchise Agreement.

Mayor Brown opened the public hearing. As no one wished to speak, Mayor Brown closed the public hearing.

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

7. Ordinance 2014-17, Small Scale Comprehensive Plan Amendment, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-17 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 5440-5442 Gulf of Mexico Drive. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-17.

Town Clerk Trish Granger placed Ordinance 2014-17 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-17. The motion was seconded by Commr. Younger.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2014-17. Discussions were held on the following topics/issues:

7. Ordinance 2014-17, Small Scale Comprehensive Plan Amendment, 5440-5442 Gulf of Mexico Drive (Levine Property) - Continued

- RH-6 requested versus RM-4 zoning district recommended by the Planning & Zoning (P&Z) Board
- the P&Z Board's vote on the proposed amendment
- applicant's request for RH-6 and agreement for RM-4 if four units could be built
- the zoning designation referendum passed by the voters.

Mr. Peter Dailey, representing property owner Mr. Victor Levine, commented on Ordinance 2014-17, requested that his testimony apply to the subsequent public hearing on Ordinance 2014-19 (Item 9), and confirmed the applicant would stipulate to a maximum of four units on the parcels.

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

Commr. Zunz moved to amend Ordinance 2014-17, modifying the approved zoning district to RM-4. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye.

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

8. Quasi-judicial - Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their May 27, 2014 Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-18 to the June 16, 2014 Special Meeting for first reading and public hearing. The Ordinance provides for a change of zoning for 5440 Gulf of Mexico Drive from Limited Commercial (C1) to Medium Density Mixed Residential (R-4-MX) and for the front fifty feet of 5442 Gulf of Mexico Drive from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX), limited to 4 dwelling units. This item was forwarded to the June 30, 2014 Special Meeting for second reading and public hearing. Recommended Action: The Town Commission will base their decision on competent substantial evidence presented at this public hearing.

Following comments by Mayor Brown on the quasi-judicial hearing process, Town Clerk Trish Granger administered the oath to all wishing to provide public testimony.

Upon inquiry by Assistant Town Attorney Kelly Fernandez, no ex-parte communication disclosures were noted by Commissioners.

Town Clerk Granger placed Ordinance 2014-18 on record for first reading and quasi-judicial public hearing by title only.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested zoning change. Upon inquiry, Ms. Ray noted the zoning of the remaining parcel.

8. Quasi-judicial - Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property)

Mr. Peter Dailey, representing property owner Mr. Victor Levine and duly sworn, commented on the proposed zoning change and supported approval.

As no others wished to speak, the public hearing was closed.

Upon inquiry, Ms. Ray advised that the Ordinance reflects a maximum of four units for the parcel.

Commr. Larson moved to adopt Ordinance 2014-18. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Duncan, aye; Gans, aye; Younger, aye; Pastor, aye; Brown, aye.

RECESS: 2:47 p.m. - 2:55 p.m.

9. Ordinance 2014-19, Small Scale Comprehensive Plan Amendment, 521 Broadway (First America Bank Property)

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-19 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 521 Broadway. This item was forwarded to the June 30, 2014, Special Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-19.

Town Clerk Trish Granger placed Ordinance 2014-19 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-19. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2014-19. Upon inquiry, Ms. Ray commented on the impact on Overlay District if the Comprehensive Plan is approved.

Mr. Peter Dailey, representing property owner First America Bank, commented on Ordinance 2014-19 and supported approval.

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

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

10. Quasi-judicial - Ordinance 2014-20, Request for Change of Zoning, 521 Broadway (First America Bank Property)

At their May 27, 2014 Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-20 to the June 16, 2014 Special Meeting for first reading and public hearing. The Ordinance provides for a change in zoning for 521 Broadway from Limited Commercial (C1) to Single-Family High-Density Residential (R-6SF), limited to two dwelling units. This item was forwarded to the June 30, 2014 Special Meeting for second reading and public hearing. Recommended Action: The Town Commission will base their decision on competent substantial evidence presented at this public hearing.

Following comments by Mayor Brown on the quasi-judicial hearing process, Assistant Town Attorney Kelly Fernandez inquired and no ex-parte communication disclosures were noted by Commissioners.

Town Clerk Granger placed Ordinance 2014-20 on record for first reading and quasi-judicial public hearing by title only. Town Attorney Fernandez noted that the speakers had been previously sworn during consideration of Item 8.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested zoning change.

Mr. Peter Dailey, representing property owner First America Bank and duly sworn, commented on the proposed zoning change and supported approval.

As no others wished to speak, the public hearing was closed.

Commr. Zunz moved to adopt Ordinance 2014-20. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Zunz, aye; Larson, aye; Brown, aye; Duncan, aye; Younger, aye; Pastor, aye; Gans, aye.

NEW BUSINESS

11. Consideration of Contract Extension with the Town's Financial Advisor, PFM Asset Management LLC

PFM Asset Management LLC has been contracted as the Town's Financial Advisor since 2007 with the contract expiring on June 30, 2014. As there are still significant projects in progress, the Town Manager recommends a contract extension for a period of one year. This item was presented for consideration at the June 30, 2014 Special Workshop Meeting and forwarded for Commission action at the June 30, 2014 Special Meeting. Recommended Action: Pending discussion, approve contract extension with PFM Asset Management LLC.

Commr. Gans moved to approve a Contract extension with PFM Asset Management, LLC. The motion was seconded by Commr. Larson.

Commr. Larson noted that the issue had not been discussed by the Finance Committee and requested that further extensions be discussed prior to approval.

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

12. Other Business

A. Advisory Boards/Committees

Town Manager Dave Bullock noted that the Town Attorney and Town Clerk's offices had scheduled a Sunshine Law and Public Records presentation on September 29, 2014 at Town Hall, 501 Bay Isles Road. Town Manager Bullock noted that a request to extend the 90-day period to provide the education session for those individuals reappointed in May 2014 would be included on the July 7, 2014 Regular Meeting agenda.

Vice Mayor Duncan noted recent legislation requiring Commissioners to attend annual educational sessions beginning in 2015.

Public Works

Mayor Brown noted receipt of e-mails from Mr. Bob Gault on the Florida Power and Light Company hardening project and requested consideration of a discussion item on the July 7, 2014 Regular Meeting agenda relating to underground electric lines on Gulf of Mexico Drive. Discussion ensued on the following topics/issues:

- utilizing an outside vendor to perform the study
- costs to perform a study
- issuance of a referendum for voters to consider
- questions to be included in the study
- time frame for consideration and deadlines to confirm a referendum issue
- estimated cost per mile for underground service
- option to have a consultant address the Commission on July 7, 2014
- time constraints
- impact on tax bills.

There was consensus to schedule a discussion of underground electric service lines on Gulf of Mexico Drive.

ADJOURNMENT

Mayor Brown adjourned the June 30, 2014, Special Meeting at 3:37 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

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

Present: Mayor Jim Brown, 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

CALL TO ORDER

Mayor Brown called the July 7, 2014, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Gans led the Pledge of Allegiance.

Mayor Brown noted the attendance of Manatee County Commissioner John Chappie.

PUBLIC TO BE HEARD

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

APPROVAL OF MINUTES

2. May 19, 2014 Regular Workshop Meeting; May 22, 2014 Special Workshop Meeting; May 28, 2014 Special Meeting (Colony); June 16, 2014 Special Workshop Meeting.

There was consensus to approve the minutes of the meetings, as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

3. Manatee County Special Liaison Report - No items were presented.

4. Sarasota County Special Liaison Report - No items were presented.

5. ManaSota League of Cities Report

A. Organizations

Vice Mayor Duncan commented on the upcoming ManaSota League of Cities meeting, noting the guests/speakers that would be in attendance, and reviewed the items to be considered.

6. Other Reports - No items were presented.

ORDINANCES - FIRST READING

7. Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees

The Town currently administers pension plans for its three employee groups separately. Ordinance 2014-26 provides for the three plans to be administered by a single Retirement System Board of Trustees. This item was forwarded from the June 16, 2014, Regular Workshop Meeting for first reading. Recommended Action: Pending discussion, forward Ordinance 2014-26 to the September 8, 2014, Regular Meeting for second reading and public hearing.

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

7. Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees - Continued

Town Clerk Trish Granger placed Ordinance 2014-26 on record for first reading by title only.

Commr. Zunz moved to pass Ordinance 2014-26 on first reading and to forward to the September 8, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith and Attorney Jim Linn gave a PowerPoint presentation on Ordinance 2014-26 relating to the consolidation of the retirement boards. Discussions were held on the following topics/issues:

- basis for Commission approval of various aspects of the new Investment Policy
- amendments made to the Ordinance following Regular Workshop consideration
- procedure for election of employee Trustees/requested modification to hold election in August in lieu of Commission developing policy
- technical change concerning employee Trustees to clarify they are current or vested former members of the existing Plan
- separate valuations for the plan year to comply with statutory requirements relating to previous acceptance of Chapter 175 and 185 funds
- timeframe for selection of consultants
- utilization of former/vested members as employee elected trustees in lieu of a new employee with no interest in the existing Plans
- new policy responsibility placed upon Commission relating to professionals to be considered
- utilization of new Trustees on the evaluation of Requests for Proposals (RFP) submissions
- length of time that the fund will have to remain active based on existing beneficiaries
- option to close the frozen Plans and purchase of annuities for vested members
- timeliness in the selection of an actuarial firm/review of work performed by new actuarial firm.

Mr. Michael Seamon, Norton Street, commented on the unfunded liability of the existing Plans and the process utilized by actuarial firms.

Town Manager Bullock inquired, and there was consensus to incorporate the modifications to Ordinance 2014-26 as outlined by Staff.

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

8. Ordinance 2014-23, Amending the FY 2013-2014 Budget to Account for Related Revenue and Expenditure for West Coast Inland Navigation District (WCIND) Grant

At the May 22, 2014, Special Workshop Meeting, the Town Commission forwarded Ordinance 2014-23 to the June 2, 2014, Regular Meeting for first reading and public hearing. The Ordinance provides for an amendment to the Fiscal Year (FY) 2013-2014 Budget to provide for equal adjustments to the revenue and expenditure line items for

8. Ordinance 2014-23, Amending the FY 2013-2014 Budget to Account for Related Revenue and Expenditure for WCIND Grant - Continued

WCIND grant funds. This item was forwarded to the July 7, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-23.

Town Clerk Trish Granger placed Ordinance 2014-23 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2014-23 on second reading and public hearing. The motion was seconded by Commr. Zunz.

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: Gans, aye; Zunz, aye; Younger, aye; Larson, aye; Duncan, aye; Pastor, aye; Brown, aye.

9. Ordinance 2014-24, Amending Chapter 38, Purchasing Procedures

At the May 19, 2014, Regular Workshop Meeting the Town Commission considered Town staff and Town Attorney recommended changes to the Town's purchasing procedures. First reading of Ordinance 2014-24 was held at the June 2, 2014, Regular Meeting. The Ordinance was forwarded to the July 7, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-24.

Town Clerk Trish Granger placed Ordinance 2014-24 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-24 on second reading and public hearing. The motion was seconded by Commr. Gans.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on Ordinance 2014-24 to amend the Purchasing Code.

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: Pastor, aye; Gans, aye; Duncan, aye; Brown, aye; Larson, aye; Younger, aye; Zunz, aye.

10. Ordinance 2014-25, Amending Chapter 33, Boards and Commissions, Regarding Public Hearing Procedures

The Planning and Zoning Board (P&Z) and the Zoning Board of Adjustment (ZBA) routinely hold quasi-judicial hearings for items within their jurisdiction. However, the Town Code does not establish procedures specific to input from applicants or the public. At their May 19, 2014, Regular Workshop Meeting, the Town Commission directed staff to draft procedures related to public hearings to clarify expectations and provide guidance for the Boards. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-25.

10. Ordinance 2014-25, Amending Chapter 33, Boards and Commissions, Regarding Public Hearing Procedures - Continued

Town Clerk Trish Granger placed Ordinance 2014-25 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2014-25 on second reading and public hearing. The motion was seconded by Commr. Pastor.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2014-25.

Upon inquiry, Ms. Ray advised that if voluminous materials were submitted during the public hearings held by either the P&Z Board or the ZBA, the hearing could be postponed. Town Attorney Maggie Mooney-Portale advised of the various options that the Boards will have in postponing/continuing a public hearing and the notice requirements for the various scenarios. Discussion ensued on the issues encountered at previous meetings relating to time limits and submission of documents and postponement versus continuance.

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: Zunz, aye; Pastor, aye; Gans, aye; Younger, aye; Duncan, aye; Brown, aye; Larson, aye.

RESOLUTIONS AND PUBLIC HEARING

11. Resolution 2014-21, Transferring Phase II Infrastructure Surtax Residual Balances to Phase III for the Purpose of Purchasing Police Vehicles and Fire Department Equipment in Accordance with the FY 2015 – FY 2019 Capital Improvement Plan

An internal audit performed in September 2013 revealed an unused portion of Phase II monies and accrued interest totaling \$297,168. Resolution 2014-21 provides for the additional allocation of those project funds to the Public Safety category for purchase of police vehicles and fire equipment in Fiscal Years 2015 through 2019 in accordance with the 5-year Capital Improvement Plan. Recommended Action: Pending discussion, pass Resolution 2014-21.

Town Clerk Trish Granger placed Resolution 2014-21 on record for public hearing by title only.

Commr. Pastor moved to pass Resolution 2014-21. The motion was seconded by Commr. Gans.

Finance Director Sue Smith gave a PowerPoint presentation and overview of Resolution 2014-21.

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

11. Resolution 2014-21, Transferring Phase II Infrastructure Surtax Residual Balances to Phase III for the Purpose of Purchasing Police Vehicles and Fire Department Equipment in Accordance with the FY 2015 – FY 2019 Capital Improvement Plan - Continued

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

RESOLUTIONS

12. Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance

At the May 22, 2014, Special Workshop Meeting the Town Manager requested Commission authorization to seek bids for employee health insurance, and the Town's property and casualty insurance. Our current provider for these insurances, PRM, requires a Resolution providing notification of seeking bids from the governing body. Resolution 2014-22 will provide the required notification to PRM. Recommended Action: Pending discussion, pass Resolution 2014-22.

Town Clerk Trish Granger placed Resolution 2014-22 on record by title only.

Commr. Younger moved to pass Resolution 2014-22. The motion was seconded by Commr. Zunz. Following comments, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Pastor, aye; Gans, aye; Brown, aye; Larson, aye; Duncan, aye.

NEW BUSINESS

13. Discussion Regarding Florida Power & Light (FPL) Undergrounding Power Lines

At the June 30, 2014, Special Meeting there was Commission consensus to schedule discussion at the July 7, 2014, Regular Meeting regarding a cost study for underground power lines along Gulf of Mexico Drive (GMD). The Town Manager will present information and seek direction regarding options on how to proceed with the study. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on undergrounding utility lines. Discussions were held on the following topics/issues:

- source of information on overhead versus underground services
- assessment of neighborhoods that elect to convert to underground services
- easement requirements/associated costs
- anticipated timeframe for establishing a cost
- referendum timeframe (ballot language/election process)
- estimated costs for all phases of the work, including reinstatement of street lighting on GMD
- policy decisions to be determined by the Commission (mandatory new construction to have underground lines for all areas versus a voluntary program)
- funding source utilized by Jupiter Island (ad valorem tax)
- benefit rendered to residents on GMD if all taxpayers are assessed for the costs of the underground project versus a district tax for voluntary neighborhood installations
- costs of Jupiter Island project

13. Discussion Regarding FPL Undergrounding Power Lines - Continued

- additional costs for inclusion of other service providers and required restoration (estimated in Palm Beach to be an additional 50%)
- recommended steps to move forward
- estimated cost of study/timeframe for procurement process
- funding a portion (\$12,000) of the study from Commission Contingency in current year's budget and a reduction in the Commission Contingency balance for Fiscal Year (FY) 2014-2015 to fund the balance of the study.

RECESS: 8:40 p.m. - 8:53 p.m.

13. Discussion Regarding FPL Undergrounding Power Lines - Continued

Mr. Tom Aposporos, Anna Maria, Florida, gave a PowerPoint presentation prepared by Mr. Tom Freiwald on the proposed undergrounding of power services. Upon inquiry, FPL Representative Rae Dowling advised that the new poles to be installed on GMD would be approximately 3 feet higher and advised that no additional automated switching poles would be installed over the existing count. FPL Representative Don Sayre commented on the intent of FPL to have consistency in their installations.

Mr. David Brenner, Gulf of Mexico Drive, commented on the proposal to install underground utility service.

Discussion ensued with Ms. Dowling and Mr. Sayre on the following topics/issues:

- proposed hardening project on GMD and possible delays in the project
- easement requirements for overhead versus underground facilities
- poles that would be required on GMD to feed lateral roads
- areas that would be required to retain the existing poles
- FPL's consideration on delay of project and commitment to provide excellent customer service
- power outages experienced by residents of the North end of Longboat
- intent of Town to work in concert with FPL for the benefit of the citizens of Longboat.

Commr. Zunz moved to direct Staff to move forward with the procurement of a consultant to prepare a study at a cost not to exceed \$50,000.00. The motion was seconded by Commr. Younger.

Upon inquiry, Town Manager Bullock advised that FPL could provide a component of the study relating to costs for their services, noted that other utility providers would need to be contacted, and reviewed the process to develop the entire project costs. Discussion ensued with Mr. Sayre on the process and options for completion of an underground project.

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

13. Discussion Regarding FPL Undergrounding Power Lines - Continued

Town Manager Bullock requested authorization to utilize the balance of funds in the Commission Contingency budget for FY 2013-2014 (\$12,000) towards the cost of the study and a reduction in the FY 2014-2015 Contingency balance to fund the remainder of the study.

Commr. Younger moved to authorize the Town Manager's request for the funding of the cost of the study. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye; Pastor, aye.

14. Appointment of Town Auditor

Pursuant to the Town Charter, Article V, Section 12, the Town Commission will select a new Town Auditor for the required annual audit. The Finance Committee has forwarded their recommendation following a thorough process that included issuing a Request for Presentations (RFP), interviews, reviewing presentations, and reaching consensus for the top 3 ranked firms to be forwarded for Commission consideration. The recommendations are made in order of preference, with the recommendation of the firm, Mauldin and Jenkins to serve as the Town's auditor for the next three consecutive fiscal year audits beginning with the September 30, 2014, financial statements. Recommended Action: Pending discussion, appoint new Town Auditor.

Following comments and upon inquiry, Town Manager Dave Bullock advised that the contract agreement would include a termination clause.

Commr. Pastor moved to appoint the firm of Mauldin and Jenkins to serve as the Town's auditor for the next three consecutive fiscal year audits beginning with the September 30, 2014, financial statements. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Pastor, aye; Larson, aye; Zunz, aye; Gans, aye; Younger, aye; Duncan, aye; Brown, aye.

15. Commission Appointments to Town Boards and Committees – Request for Extension of Time for Compliance with Training Requirement

Following the Commission's annual citizen appointments to Town Boards and Committees all appointed and reappointed members are required to attend a mandatory educational class pertaining to Sunshine, Public Records, and Ethics laws within 90 days of appointment. The Town Commission is requested to provide an extension of time for compliance to September 29, 2014, due to availability of free training through the Manatee County Attorney's Office. Recommended Action: Pending discussion, grant extension of time for compliance to September 29, 2014.

Town Manager Dave Bullock provided an overview of the request to extend the deadline for compliance to September 29, 2014, for the mandatory educational classes for the Town's Board and Committee member appointees.

Commr. Zunz moved to approve the request as submitted. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Duncan, aye; Brown, aye; Pastor, aye; Gans, aye; Larson, aye.

16. Setting of Maximum Millage Rate

In accordance with Florida Statutes the Town must establish a proposed maximum millage rate by July so that it can be included in the Notice of Proposed Property Taxes mailed in August by each County. Although it can be reduced in later budget hearings, these millage rates cannot be increased. Based on Town Commission direction from the June 16, 2014, and June 30, 2014, Special Workshop Meetings the proposed tentative maximum millage rates are:

	Operating Millage	G. O. Debt Service Millage	Beach Bond Millage	Total Millage
District A	2.1763	0.0605	0.8500	3.0868
District B	2.1763	0.0605	0.2125	2.4493

Recommended Action: Set Maximum Millage Rates and forward ordinances to adopt millage rates and budget based on these tentative rates to September 8, 2014, Regular Meeting for first reading and public hearing.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith gave a PowerPoint presentation and reviewed previous Commission consideration of the proposed Fiscal Year 2014-2015 Budget, noted receipt of the certified property values from the Manatee and Sarasota County Property Appraisers, and provided the rolled-back rate and the proposed maximum millage rates.

Town Manager Bullock commented on the beach millage and noted the maximum millage rate of 2.1763 for operating millage, 0.0605 for general obligation debt service millage, and the beach bond millage of 0.8500 for District A and 0.2125 and for District B. Ms. Smith continued the PowerPoint presentation outlining the total taxpayer impacts and upon inquiry, Town Manager Bullock restated the property values

Commr. Zunz moved to set the maximum millage rate for District A as 2.1763 Operating Millage, 0.0605 General Obligation Debt Service, and 0.8500 Beach Bond Millage for a maximum millage of 3.0868, and for District B as 2.1763 Operating Millage, 0.0605 General Obligation Debt Service, and 0.2125 Beach Bond Millage for a maximum millage of 2.4493 for Fiscal Year 2014-2015. The motion was seconded by Commr. Pastor.

Following comments, the motion to set the maximum millage rate carried by a 7-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Gans, aye; Brown, aye; Duncan, aye; Larson, aye; Younger, aye.

TOWN COMMISSION COMMENTS

A. Organizations

Commr. Younger noted that he would be unable to attend the July 28, 2014, meeting of the Metropolitan Planning Organization and inquired as to other Commissioner's interest in representing Longboat Key at the meeting.

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

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney Maggie Mooney-Portale commented on the status of Advanced Properties litigation advising that the Court granted the Town's Summary Judgment motion and advised that there is a 30-day appeal process available to Advanced Properties.

Town Attorney Mooney-Portale commented on the status of the Islandside Property Owners Coalition (IPOC) litigation, noted that with the legislative action taken in 2014 the basis for the case has been resolved, and requested authorization to withdraw the case with each party bearing their own legal fees.

Commr. Pastor moved to authorize withdrawal of the court action as requested by the Town Attorney.

Following inquiry and verification that no conflict existed for Commr. Pastor, the motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Pastor, aye; Larson, aye; Gans, aye; Younger, aye; Zunz, aye; Duncan, aye; Brown, aye.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock noted the public workshop and public hearing to re-establish the Erosion Control Line (ECL) scheduled by the Florida Department of Environmental Protection would be held in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, on July 8, 2014, beginning at 5 p.m.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the July 7, 2014, Regular Meeting at 10:00 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

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End of Agenda Item