

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
CONVOCATION OF GOVERNMENTS JOINT MEETING  
JANUARY 15, 2016  
SUNCOAST TECHNICAL COLLEGE CONFERENCE CENTER  
4748 BENEVA ROAD, SARASOTA, FLORIDA**

**Town of Longboat Key**

**Present:** Vice Mayor Terry Gans, Commissioner Irvin Pastor

**Absent:** Mayor Duncan, Commrs. Jack Daly, Lynn Larson, Phillip Younger, Patricia Zunz

**Also Present:** Town Manager Dave Bullock, Assistant Town Manager Mike Hines, Planning, Zoning, and Building Director Alaina Ray, Deputy Town Clerk Jo Ann Mixon

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

**1. Welcome/Introductions**

Sarasota County School Board Chairman Shirley Brown called the Joint Meeting to order at 9:10 a.m. and entities introductions of representatives followed.

**2. Convocation Goals and Agenda**

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

**3. Update on Suncoast Technical College, Joint Use Public Library, Conference Center Project**

Sarasota County Schools Executive Director Dr. Todd Bowden and Sarasota County Libraries and Historical Resources Director Sarabeth Kalajian provided an updated on the South Suncoast Technical College Campus (North Port).

Discussions were held on the following topics/issues:

- library Wi-Fi
- Industrial Maintenance and Carpentry Programs
- community meetings
- municipal support for grants (City of North Port)
- construction manager meetings (design/construction cost)
- 5-year plan
- possible future campus sites (Booker Elementary School area)
- library room available for community events/conference center/multi-purpose users
- CDL (Commercial Drivers' License) driving course (Phase 2).

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

4. Update on the Machinist Program

Sarasota County Schools Executive Director Dr. Todd Bowden provided an update on the Machinist Program, and identified the number of students who graduated from the program and noted 100% job placement was achieved.

Discussions were held on the following topics/issues:

- Haas Technical Education Center System
- National Institute of Metalworking skills
- construction job opportunities/lack of skilled workers
- community based program/internships
- uniformed services programs (police and fire departments)
- State College of Florida (police officer/firefighters certificate program)
- building and fire inspectors/shortage of qualified employment candidates.

5. Joint-Use Opportunities

Sarasota County Parks and Recreation Director Carolyn Brown and Sarasota County Schools Planning Department Director Kathie Ebaugh provided an update on the efforts for combined usage of schools and community parks.

Discussions were held on the following topics/issues:

- impact fees for parks
- funding opportunities
- maintenance to facilities when the schools were out of session.

6. City of Venice Mayor John Holic

City of Venice Mayor John Holic opened discussion of the following topics/issues:

- funding
- design short comings
- street signage and street lighting
- facilities designed for aging and youth programs.

7. Other Business: Establishing tentative meeting date

**Discussion ensued and consensus was reached to tentatively schedule the next Joint Meeting on January 20, 2017, at 9:00 a.m.**

8. Open to the Public

A. Facilities

North Port resident Nicholas Trolli thanked those present for the development of the Suncoast Technical College in North Port and suggested a government/private sector joint venture to develop an Aquatic Center in the City of North Port.

9. Adjournment

Sarasota County School Board Chairman Brown adjourned the January 15, 2016, Convocation Meeting at 11:06 a.m.

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

\_\_\_\_\_  
Terry Gans, Vice Mayor

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

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**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP  
JANUARY 19, 2016 - 1:00 P.M.**

**Present:** Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, 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 Duncan called the January 19, 2016, Regular Workshop to order at 1:02 p.m. in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Pastor led the Pledge of Allegiance.**

Following the Pledge of Allegiance, Mayor Duncan requested a moment of silence in remembrance of Manatee County residents Kate and Steven Wilson who lost their lives in the tornado event on Sunday, January 17, 2016.

Mayor Duncan noted the Civility Policy and read the Pledge of Public Conduct.

Mayor Duncan noted attendance by Waste Management, Inc., representatives Ms. Rose Quinn Barr and Mr. Brian Burriss, Florida Area District Operations Manager.

**PUBLIC TO BE HEARD**

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

**A. Organizations**

Mr. David Brenner, Gulf of Mexico Drive, noted an upcoming event entitled "Transportation Awareness Day" on January 26, 2016, to be held at the Longboat Island Chapel, Aging in Paradise Resource Center, 6200 Gulf of Mexico Drive, Longboat Key, Florida.

**12. Other Business**

**A. Public Works**

Mayor Duncan commented on a new public education opportunity called "WalkWise" sponsored by the Florida Department of Transportation relating to crosswalk safety. Town Manager Dave Bullock provided an overview of the "WalkWise" Program that the Town will be participating in and advised that presentations could be scheduled with any private organization/group that would like to participate.

Mayor Duncan noted that Staff is working on gathering information on the crosswalks and requested that the public direct any questions/comments to aid in the assessment of the crosswalks.

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

**B. Legislation**

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Mr. Larry Grossman, St. Judes Drive North, commented on the crosswalk location near Spanish Main, discussed Senate Bill No. 0306 relating to establishment of Pilot Programs to reduce the use of plastic bags, and requested Commission support of the legislation.

1. Opportunity for Public to Address Town Commission - Continued

C. Public Works/Legislation

Mr. Gene Jaleski, Cedar Street, commented on the crosswalk designs used in other areas, options for Publix to utilize biodegradable bags, and the removal of peacocks in the Village area.

D. Public Works

Mr. George Spoll, Harbourside Drive, commented on the utilization of crosswalks and drivers ignoring the flashing yellow/amber lights without regard for any pedestrians in the vicinity.

**COMMITTEE REPORTS AND COMMUNICATIONS**

2. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted that she and Mayor Duncan attended the Manatee County Council of Governments (COG) meeting and reviewed the issues discussed.

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

4. ManaSota League of Cities Report

A. Organizations

Commr. Larson noted the recent meeting of the ManaSota League of Cities and noted that the list of unfunded mandates from the State had been provided to the Commissioners.

5. Other Reports

A. Organizations

Commr. Larson noted an upcoming meeting of the Sarasota Bay Estuary Program Management Board and advised she would provide the meeting information to any Commissioner who may wish to attend.

B. Organizations

Commr. Daly commented on the status of the request to the Florida Department of Transportation through the Metropolitan Planning Organization (MPO) for the Barrier Island to Mainland Traffic Study.

**DISCUSSION ITEMS**

6. Follow-Up Discussion on Utility Undergrounding in Neighborhoods and Side Streets

At the January 4, 2016, Regular Meeting, the Town Commission adopted Ordinance 2016-05 and requested additional evaluation of the assessment methodology for Club Longboat, Spanish Main, Conrad Beach, Lands End, Longbeach Condominiums, Bayport

and Tangerine Bay. The Town Manager will present an update on those properties as requested. Recommended Action: Pending discussion, provide direction to Manager.

6. Follow-Up Discussion on Utility Undergrounding in Neighborhoods and Side Streets - Continued

Following comments by Mayor Duncan, Town Manager Dave Bullock gave a PowerPoint presentation on the Neighborhood and Side Streets Undergrounding Project. Discussions were held on the following topics/issues:

- options for utilization of Public Services Taxes
- impact of increase/decrease in property values on millage/revenue
- impression of a shifting of taxes/ad valorem versus non-ad valorem tax
- costs of undergrounding and impact on different areas/neighborhoods throughout the Town
- options to fairly share costs of undergrounding in all neighborhoods
- identified issues in the consultant's report
- intent of Workshop discussion to provide opportunity to explore funding options on the project
- anticipated impact on taxes using other revenue sources
- perceived inequities in costs for areas currently above ground
- development of schedule to reflect costs on various property taxes based on property value
- options to delay Capital Projects to "buy-down" debt of Neighborhood Project
- further review of methodologies utilized
- timing of Capital Projects and anticipated use in 2020 Fiscal Year
- maximum franchise fees permitted under Florida Statutes.

**RECESS:** 2:41 p.m. – 2:55 p.m.

Town Manager Bullock continued the PowerPoint presentation on the Neighborhood and Side Streets Undergrounding Project. Discussions were held with Town Manager Bullock and Mr. Danny Brannon, Brannon and Associates, on the following topics/issues:

- charges to be assessed to Lands End when property is already underground (range within 50 feet of an existing overhead line)
- requirement to loop some but not all existing underground power lines
- presumption that other areas are subsidizing the Village area
- review of assessment methodology for Club Longboat (5055 Gulf of Mexico Drive)
- process to review and provide direction to Staff
- option for additional review of methodology
- options for Club Longboat to bury line outside of the project
- ownership of property to the south of Club Longboat and the anticipated assessment for that property
- impact of providing exemptions to various properties
- consequences of changing assessments at the current time
- process required to repeal Ordinance establishing referendum.

**Discussion ensued on options to develop consensus on various aspects of the project, and following comments, there was consensus to proceed with the March 2016 referendum in lieu of postponing the vote to November 2016.**

6. Follow-Up Discussion on Utility Undergrounding in Neighborhoods and Side Streets - Continued

Mayor Duncan inquired as to consensus in directing the Town Manager to review all properties within the 50 foot rule that has placed multiple parcels into the overhead category and to provide recommendations.

**Subsequent to comments by Town Attorney Maggie Mooney-Portale on consensus and acceptance of public comment, Vice Mayor Gans requested postponement of consensus on his suggested review relating to the 50 foot rule, without objection.**

The following individuals commented on the Neighborhood Undergrounding Project, with discussions held throughout speaker presentations:

- Mr. Andrew Aitken, Emerald Harbor Drive
- Mr. Tom Freiwald, representing Spanish Main
- Mr. Dan Whelan, Firehouse Court
- Ms. Shannon Gault, Ranger Lane
- Mr. Ronald Lee, Birdie Lane/Halyard Lane
- Mr. Lenny Landau, Fair Oaks Lane
- Mr. George Spoll, Harbourside Drive
- Ms. Susan McAnany, Hornblower Lane.

Mayor Duncan noted the following items for consideration:

- direction to Town Manager on the six properties discussed
- fund methodology
- "hidden" parcel issue raised by Mr. Landau
- 50-foot rule on other parcels.

Discussion ensued on the following topics/issues:

- provide recommendations on six properties discussed this date that are impacted by the 50 foot element
- inclusion of other properties that are impacted by the 50 foot element
- timeframe to provide public information sessions.

**There was majority consensus for Staff to provide recommendations on the six properties reviewed this date and further review of other properties that may be impacted by the 50 foot element.**

**There was majority consensus to maintain the current funding methodology.**

Discussion ensued on the consideration of multiple units (on a parcel) versus consideration of the property as one parcel under a single parcel identification number.

Upon inquiry, Town Attorney Mooney-Portale advised that Bond Counsel would need to be consulted on modifying the assessment method utilized.

6. Follow-Up Discussion on Utility Undergrounding in Neighborhoods and Side Streets - Continued

Commr. Daly inquired and Mr. Brannon commented on the consideration of the assessment process for a multiple unit parcel. Discussion ensued on the assessment process for multi-unit/family categories.

**Mayor Duncan inquired and Town Manager Bullock confirmed his understanding of the direction provided.**

**RECESS:** 4:50 p.m. - 5:00 p.m.

6. Follow-Up Discussion on Utility Undergrounding in Neighborhoods and Side Streets - Continued

**Following comments, Mayor Duncan noted consensus to further review “hidden parcels” that may be impacted by the 50 foot rule.**

7. Fiber Optic Presentation and Discussion

The voter approved Gulf of Mexico Drive Utility Undergrounding Project includes a fiber optic backbone of dark fiber. The Town retained Magellan Advisors to help us develop a build out plan and review business models and potential uses for the fiber network. Courtney Violette of Magellan will provide a PowerPoint presentation at the January 19, 2016 Regular Workshop Meeting. Recommended Action: None, informational only.

Following comments, Mr. Courtney Violette of Magellan Advisors, gave a PowerPoint presentation on the Broadband Study. Discussions were held on the following topics/issues:

- gigabyte speed feeding to old system
- inclusion of dark fiber on second referendum (approximate footage)
- existing fiber optic offered by Verizon.

Mayor Duncan called on individuals who had submitted a speaker request, with no responses from the audience.

Town Manager Dave Bullock advised that Staff will be presenting additional information on the fiber optic at a future meeting. Individual comments followed.

8. Proposed Ordinance 2016-06, Amending Chapter 57, Rights-of-Way Use; Establishing a New Chapter 58, Undergrounding of Utilities; and Amending Chapter 98, Trees

The voter approved Gulf of Mexico Drive Utility Undergrounding Project requires amendments to Town Code Chapters 57 and 98, and establishing a new Code Chapter 58 to establish regulations for underground utilities on Longboat Key. Proposed Ordinance 2016-06 provides for the appropriate revisions and additions to the Code for compliance and regulatory issues. Recommended Action: Pending discussion, forward Ordinance 2016-06 to the February 1, 2016 Regular Meeting for first reading.

8. Proposed Ordinance 2016-06, Amending Chapter 57, Rights-of-Way Use; Establishing a New Chapter 58, Undergrounding of Utilities; and Amending Chapter 98, Trees- Continued

Planning, Zoning, and Building Department Director Alaina Ray noted a revision to Ordinance 2016-06 (page 4, definitions) advising that the word “ballast” had been changed to “bollard” and gave a PowerPoint presentation on Ordinance 2016-06.

Town Attorney Maggie Mooney-Portale advised of the Town Code provision for all subdivisions to be undergrounded and the Ordinance extends the requirements to other development.

**There was consensus to forward Ordinance 2016-06 to the February 1, 2016, Regular Meeting for first reading.**

9. Proposed Ordinance 2016-08, Amending Chapter 151, Shoreline Construction

As part of the ongoing effort to evaluate the Town’s existing Codes, Staff has identified provisions within Chapter 151: Shoreline Construction, which conflict with other Town Codes, are problematic regarding implementation, permitting, and/or are in need of general revisions for compliance with other Town Codes. Proposed Ordinance 2016-08 provides recommended revisions to address these identified inconsistencies within the Code. Recommended Action: Pending discussion, forward Ordinance 2016-08 to the February 1, 2016, Regular Meeting for first reading.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-08. Discussions were held on the following topics/issues:

- impact of adding a seawall where one had not previously existed
- limitation on number of replacement seawalls that can be placed
- review of navigable water in canals when seawalls are replaced
- removal versus reshoring existing seawall
- inability of owner to build seawall if none existed
- consideration to modify the Town’s Environmental Policy issues
- height of seawalls/option to cap at 4.5 feet.

**There was majority consensus to limit the height of seawalls to 4.5 feet.**

**There was consensus to forward Ordinance 2016-08, as amended, to the February 1, 2016, Regular Meeting for first reading.**

10. Update on Dispatch Consolidation with Sarasota County

The Town Commission will be provided with an update on the status and timeline on the consolidation of all Police and Fire/Rescue dispatch operations with Sarasota County. Fire Chief Paul Dezzi will present an update to the Commission and answer any questions they may have regarding the Sarasota County Dispatch Center and our consolidation efforts. Recommended Action: None, informational only.

**Mayor Duncan noted the facility tour earlier this date and Town Manager Dave Bullock advised that the update was for informational purposes and could be postponed, without objection.**

**11. Proposed Resolution 2015-29, Amending the FY 2015-2016 General Fund Budget to Use Commission Contingency for Expense Related to Hiring of Assistant Town Manager**

The Town Manager is requesting a General Fund budget amendment in the amount of \$42,436 to provide funding for the new Assistant Town Manager, Mike Hein. The previous Assistant Town Manager's salary was split between the Town Manager's budget and the Utility Enterprise Fund whereas the new hire is funded entirely from the Town Manager's budget. Proposed Resolution 2015-29 provides for the necessary budget amendment and is placed on the January 19, 2016 Regular Workshop Meeting for consideration. Recommended Action: Pending discussion, forward Resolution 2015-29 to the January 19, 2016 Special Meeting for formal action.

Following comments by Town Manager Dave Bullock, discussion ensued on the inability to charge the Utility Enterprise Fund for a portion of the Assistant Town Manager's salary and benefits.

**There was consensus to forward Resolution 2015-29 to the January 19, 2016, Special Meeting for formal action.**

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

**TOWN ATTORNEY COMMENTS**

**A. Litigation**

Town Attorney Maggie Mooney-Portale noted the Florida Attorney General Pam Bondi had participated in a multistate lawsuit in the matter of United States of America et al. ex rel. Perez v. Stericycle, Inc. and had notified the Town of a negotiated settlement in the amount of \$4,772.70.

**Following comments, there was consensus to forward the Settlement Agreement to the February 1, 2016, Regular Meeting for formal action.**

**B. Litigation**

Town Attorney Maggie Mooney-Portale advised that the Validation Complaint has been filed.

Upon inquiry, Town Attorney Mooney-Portale advised of the process for public notification dictated by Florida Statutes.

**TOWN MANAGER COMMENTS**

**A. State Agencies**

Town Manager Dave Bullock advised that the Florida Department of Transportation has indicated that an additional pedestrian count in the Broadway Street area would be conducted in March 2016.

**TOWN MANAGER COMMENTS** - Continued

**A. State Agencies** - Continued

Upon inquiry, Town Manager Bullock advised that information will be provided to the Town's lobbyist in response to Representative Boyd's request for information on the crosswalks.

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

**ADJOURNMENT**

**Mayor Duncan adjourned the January 19, 2016, Regular Workshop at 6:18 p.m.**

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

\_\_\_\_\_  
Jack G. Duncan, Mayor

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

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

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JANUARY 19, 2016 - 6:18 P.M.**

**Present:** Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, 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 Duncan called the January 19, 2016, Special Meeting to order at 6:18 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and noted the Civility Policy and Pledge of Public Conduct.

**PUBLIC TO BE HEARD**

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

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

**ORDINANCES – FIRST READING**

2. Ordinance 2016-07, Establishing Town Code Section 37.05, Interfund Loan Authorization for Unrestricted Funds

Ordinance 2016-07 adds Section 37.05, Interfund Loan Authorization for Unrestricted Funds, to the Town Code and specifically authorizes the adoption of a specific policy by Resolution. This item was considered at the January 4, 2016 Regular Meeting under “New Business” and was forwarded to the January 19 2016 Special Meeting for first reading. Recommended Action: Pending discussion, forward to February 1, 2016 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-07 on record for first reading by title only.

**Commr. Zunz moved to pass Ordinance 2016-07 on first reading and to forward to the February 1, 2016, 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 gave a PowerPoint presentation on Ordinance 2016-07. Discussions were held on the following topics/issues:

- moving monies from fund to fund
- previous restrictions for a fund balance account not to go below zero balance
- transparency on account funds.

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

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3. Resolution 2015-29, Amending the FY 2015-2016 General Fund Budget to Use Commission Contingency for Expense Related to Hiring of Assistant Town Manager

The Town Manager is requesting a General Fund budget amendment in the amount of \$42,436 to provide funding for the new Assistant Town Manager, Mike Hein. The previous Assistant Town Manager's salary was split between the Town Manager's budget and the Utility Enterprise Fund whereas the new hire is funded entirely from the Town Manager's budget. Resolution 2015-29 provides for the necessary budget amendment and was discussed at the January 19, 2016 Regular Workshop Meeting and forwarded to the January 19, 2016 Special Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2015-29.

Town Clerk Trish Granger placed Resolution 2015-29 on record by title only.

**Commr. Pastor moved to pass Resolution 2015-29. The motion was seconded by Vice Mayor Gans.**

Town Manager Dave Bullock noted previous discussion of the Resolution at the January 19, 2016, Regular Workshop Meeting.

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

**NEW BUSINESS**

4. Placeholder for Utility Undergrounding in Neighborhoods

This item is placed on the January 19, 2016, Special Meeting in the event that any Neighborhood Undergrounding items require Town Commission formal action. Recommended Action: Pending discussion.

Town Manager Dave Bullock advised that no discussion was necessary following the direction provided to him at the January 19, 2016, Regular Workshop Meeting earlier this date.

**ADJOURNMENT**

**Mayor Duncan adjourned the January 19, 2016, Special Meeting at 6:40 p.m.**

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Trish Granger, Town Clerk

\_\_\_\_\_  
Jack G. Duncan, Mayor

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

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
FEBRUARY 1, 2016 - 7:00 P.M.**

**Present:** Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, 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/PLEDGE OF ALLEGIANCE**

**Mayor Duncan called the February 1, 2016, Regular Meeting to order at 7:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Zunz led the Pledge of Allegiance.**

Mayor Duncan noted the Civility Policy and read the Pledge of Public Conduct.

Mayor Duncan noted the attendance of Mr. Len Garner, Planning and Zoning Board Member, and Manatee County Commissioner John Chappie.

**PUBLIC TO BE HEARD**

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

**A. Organizations**

Town Manager Dave Bullock provided an overview of a Memorandum of Understanding for an Arts, Culture, and Education Center and Ms. Cheryl Loeffler, Chair of the Ringling College Board of Trustees, commented on the potential project and partnership with the Town.

**B. Town Commission**

Mr. Samir Ragheb, Bayside Drive, inquired as to a statement made relating to subsidizing neighborhoods on the undergrounding project. Individual comments followed.

**C. Emergency Management**

Mr. George Spoll, Harbourside Drive, commented on the recent tornado/storm event that impacted Siesta Key in January and recommended that sirens be installed in the Town for the safety of the Town's residents and visitors.

**D. Public Works**

Mr. Gene Jaleski, Cedar Street, commented on the removal of peacocks from the Village.

**E. Public Works**

Mr. Steve Reid, Longboat Key News, inquired as to the costs of the undergrounding project and costs to be paid by residents living on the North end.

Individual comments followed.

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**APPROVAL OF MINUTES**

2. January 4, 2016 Regular Meeting Minutes

**There was consensus to approve the January 4, 2016, Regular Meeting Minutes as presented.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

3. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance at the Bradenton Area Economic Development Corporation meeting and reviewed the issues discussed.

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

5. Manasota League of Cities Report - No items were presented.

6. Other Reports

A. Organizations

Commr. Larson noted an upcoming meeting of the Sarasota Bay Estuary Program Board of Directors.

B. Organizations

Commr. Daly noted attendance at the Metropolitan Planning Organization (MPO) meeting and reviewed the issues discussed. Individual comments followed.

11. Appointment to Code Enforcement Board

Due to the resignation of Mr. Jack Brill, one vacancy exists on the Code Enforcement Board. Advertisements were placed in the Longboat Key Observer and Longboat Key News seeking interested applicants to fill the position. Mr. Neal Colton has submitted an application for consideration and has indicated availability for meetings based on his full-time residency. Recommended Action: Pending discussion, appoint member to Code Enforcement Board.

Mayor Duncan noted that Commissioners had the opportunity to speak to Mr. Colton individually prior to the meeting. Individual comments followed on the composition of the Code Enforcement Board.

**Mayor Duncan noted the appointment process and Commr. Pastor moved to appoint Mr. Neal Colton to the Code Enforcement Board for a term to expire in May 2017. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Gans, aye; Duncan, aye; Younger, aye; Larson, aye; Daly, aye.**

**ORDINANCES - FIRST READING**

**7. Ordinance 2016-06, Amending Chapter 57, Rights-of-Way Use; Establishing a New Chapter 58, Undergrounding of Utilities; and Amending Chapter 98, Trees**

Anticipated implementation of the voter approved Gulf of Mexico Drive Utility Undergrounding Project prompts amendments to Town Code Chapters 57 and 98, and creation of a new Code Chapter 58 to establish regulations for underground utilities on Longboat Key. Ordinance 2016-06 provides for the appropriate revisions and additions to the Code for compliance and regulatory issues. Recommended Action: Pending discussion, forward Ordinance 2016-06 to the March 7, 2016, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-06 on record for first reading by title only.

**Commr. Pastor moved to pass Ordinance 2016-06 on first reading and to forward to the March 7, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.**

Following comments by Town Manager Dave Bullock on the requested action and forwarding the Ordinance to the April Regular Meeting pending the results of the March Referendum, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-06. Discussions were held on the following topics/issues:

- applicability to Gulf of Mexico Drive (GMD) undergrounding project
- establishing second reading and public hearing date of April 4, 2016.

**Following comments by Town Attorney Maggie Mooney-Portale, Mayor Duncan noted consensus to forward Ordinance 2016-06 to the April 4, 2016, Regular Meeting for second reading and public hearing.**

Upon inquiry, Ms. Ray noted existing Code provisions relating to undergrounding developments.

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

**8. Ordinance 2016-08, Amending Chapter 151, Shoreline Construction**

As part of the ongoing effort to evaluate existing Town Codes, Staff has identified provisions within Chapter 151, Shoreline Construction, which are problematic regarding implementation, and permitting. Ordinance 2016-08 provides for recommended revisions to address these identified provisions. Recommended Action: Pending discussion, forward Ordinance 2016-08 to the March 7, 2016, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-08 on record for first reading by title only.

8. Ordinance 2016-08, Amending Chapter 151, Shoreline Construction - Continued  
**Vice Mayor Gans moved to pass Ordinance 2016-08 on first reading and to forward to the March 7, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.**

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-08. Discussions were held on the following topics/issues:

- notification of all canal property owners
- notifying adjacent property owners versus all property owners on the canal.

**There was consensus to amend the language to require notification to all canal property owners.**

Commr. Younger inquired and Ms. Ray commented on Section 151.03(B)(2) and noted preference for additional staff review before removing the language “and such seawalls about the subject property at the shared property lines.”

Following comments, Town Attorney Maggie Mooney-Portale advised that Staff will review and provide recommendations at the second reading and public hearing regarding the language requested for removal.

Discussions were held on the following topics/issues:

- restrictions for new properties on construction of a seawall
- Staff’s preference on restricting seawall construction
- existing mangroves in canal areas
- available departures in the existing Town Code
- existing Policy embedded in the Town Code
- options available for property owners who do not have a seawall
- impact of sea level rise
- effect on existing Commission Policy if language modifications are made.

**There was consensus to review the Policy Statement outlined in the Town Code.**

**Following comments, Commr. Younger requested and Vice Mayor Gans withdrew his motion to pass Ordinance 2016-08, with consensus.**

Mr. Gene Jaleski, Cedar Street, commented on the proposed Ordinance.

Individual comments followed on seawalls on the Gulf side of the island, regulations for new seawalls on canals only, State and/or Federal regulations, and the sand placement at the North end.

**RECESS:** 8:38 p.m. -8:50 p.m.

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**9. Ordinance 2016-07, Establishing Town Code Section 37.05, Interfund Loan Authorization for Unrestricted Funds**

Ordinance 2016-07 adds Section 37.05, Interfund Loan Authorization for Unrestricted Funds, to the Town Code and specifically authorizes the adoption of an Interfund Policy by Resolution. This item was considered at the January 4, 2016 Regular Meeting under “New Business” and was forwarded to the January 19, 2016 Special Meeting for first reading. Ordinance 2016-07 is placed on the February 1, 2016 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2016-07.

Town Clerk Trish Granger placed Ordinance 2016-07 on record for second reading and public hearing by title only.

**Commr. Pastor moved to adopt Ordinance 2016-07 on second reading and public hearing. The motion was seconded by Vice Mayor Gans.**

**Mayor Duncan opened the public hearing.**

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith gave a PowerPoint presentation on Ordinance 2016-07. Discussions were held on the following topics/issues:

- past practices when faced with “negative equity”
- impacts (down-side) in providing for interfund loans
- quarterly report requirement to Town Commission
- interest allocation to the lending fund
- short-term loan timeframes between funds
- similarities with spending during emergency situations.

**As no one wished to be heard, Mayor Duncan closed the public hearing.**

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

**RESOLUTIONS**

**10. Resolution 2015-27, Establishing a Policy for Interfund Loans**

Resolution 2015-27 implements and provides for the formal adoption of a Financial Policy related to Interfund Loans, which is specifically authorized in Ordinance 2016-07. Resolution 2015-27 can only be considered following adoption of Ordinance 2016-07. Assuming Ordinance 2016-07 is adopted, Resolution 2015-27 is presented for formal action at the February 1, 2016 Regular Meeting. This item was considered at the January 4, 2016 Regular Meeting under “New Business” for the purpose of workshop discussion. Recommended Action: Pending discussion, pass Resolution 2015-27.

Town Clerk Trish Granger placed Resolution 2015-27 on record by title only.

10. Resolution 2015-27, Establishing a Policy for Interfund Loans- Continued

**Commr. Pastor moved to pass Resolution 2015-27. The motion was seconded by Commr. Zunz.**

**Following review of the Interfund Loan Policy by Town Manager Dave Bullock, the motion carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Larson, aye; Duncan, aye; Gans, aye; Daly, aye; Younger, aye.**

**NEW BUSINESS**

12. Update on Utility Undergrounding for Neighborhoods and Side Streets

The Town Manager will provide an update on the status of the utility undergrounding for neighborhoods and side streets. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock presented an overview of previous Commission direction relating to the review of areas. Discussions were held on the following topics/issues:

- identification of the Moorings property
- violations that may exist with individuals living at the Moorings property.

Mr. Steve Kerner, Twin Shores Boulevard, commented on the utility undergrounding project.

Commr. Larson inquired and Town Manager Bullock commented on the draft assessments available.

**Commr. Larson moved to post the proposed assessments on the Town's website. The motion was seconded by Commr. Younger. Following comments, Commr. Larson withdrew the motion.**

Mr. Gene Jaleski, Cedars Street, commented on the utility undergrounding project.

Individual comments followed.

13. Consideration of Lawsuit Settlement Offer Negotiated by Florida Attorney General Bondi in the Matter of United States of America et al. ex rel. Perez v. Stericycle, Inc.

A multistate lawsuit was prosecuted by several States' Attorney General, including Florida Attorney General Bondi, against Stericycle, Inc. The settlement is the result of a False Claims Act lawsuit which alleged Stericycle, Inc., may have overcharged many governmental customers through the use of impermissible fuel and energy surcharges. A settlement agreement was reached by the Florida Attorney General and an allocation of the settlement proceeds has been forwarded to the Town for consideration. The suggested pro rata settlement distribution to the Town is an amount totaling \$4,772.70 and, if accepted, the payment will release Stericycle, Inc. from any claims the Town could bring under the False Claim Act. The deadline to accept the settlement is February 15, 2016. If the Town chooses not to accept the offered amount, the Town forfeits the settlement proceeds. Recommended Action: Pending discussion, provide direction to Town Attorney and Town Manager on the acceptance or rejection of the offer.

13. Consideration of Lawsuit Settlement Offer Negotiated by Florida Attorney General Bondi in the Matter of United States of America et al. ex rel. Perez v. Stericycle, (Stericycle) Inc.- Continued

Town Attorney Maggie Mooney-Portale provided an overview of the proposed settlement relating to Stericycle, Inc.

**Following comments, Commr. Larson moved to accept the settlement offer negotiated in the Stericycle, Inc. case in the amount of \$4,772.70. The motion, seconded by Vice Mayor Gans, carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Younger, aye; Daly, aye; Zunz, aye; Pastor, aye; Duncan, aye.**

**TOWN COMMISSION COMMENTS**

A. Litigation

Commr. Zunz requested consideration to have the validation complaint and link to Florida Statutes placed on the Town's website.

**Following comments, Commr. Zunz moved to have the validation complaint and a link to Florida Statutes Chapter 75 posted to the Town's website. The motion was seconded by Commr. Younger.**

Subsequent to comments on the complaint filed, Attorney Chris Roe, with Bryant, Miller, and Olive, commented on the required language in the validation complaint.

Following individual comments, Town Attorney Maggie Mooney-Portale commented on options to place links to the Florida Statutes and to the Clerk of the Courts websites for public access. Discussion ensued on the purpose of the validation process and providing public access to the process.

**The motion failed by a 2-5 roll call vote, as follows: Zunz, aye; Younger, aye; Gans, no; Duncan, no; Pastor, no; Daly, no; Larson, no.**

**Vice Mayor Gans moved to include the date, time, and location of the validation complaint on the Town's website. The motion was seconded by Commr. Younger.**

**Following comments, Commr. Younger moved to amend the motion to also include a link to the Sarasota County Clerk of the Courts case website be placed on the Town's website. The motion, as amended and seconded by Commr. Daly, carried by a 4-3 roll call vote, as follows: Younger, aye; Daly, aye; Zunz, aye; Pastor, no; Duncan, aye; Gans, no; Larson, no.**

**The main motion, as amended, carried by a 5-2 roll call vote, as follows: Gans, aye; Younger, aye; Larson, no; Daly, aye; Zunz, aye; Pastor, no; Duncan, aye.**

B. State Agencies

Mayor Duncan noted utilization of the newly installed crosswalks advising of the difficulty in determining when to cross and opined of the dangerous situation in the use of the systems

B. State Agencies - Continued

installed by the Florida Department of Transportation (FDOT). Individual comments followed on options to make pedestrian safety improvements to the crosswalk areas.

Town Manager Dave Bullock advised that he would forward correspondence to FDOT representatives regarding the issues raised this date.

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

**TOWN MANAGER COMMENTS**

A. Public Works

Town Manager Dave Bullock provided an update on the sand trucking project.

Upon inquiry, Town Manager Bullock reviewed the timeframe for the truck haul and the remaining beach projects.

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

**ADJOURNMENT: 10:25 P.M.**

**Mayor Duncan adjourned the February 1, 2016, Regular Meeting at 10:25 p.m.**

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

\_\_\_\_\_  
Jack G. Duncan, Mayor

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

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

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
FEBRUARY 16, 2016 - 8:30 A.M.**

**Present:** Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, 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/PLEDGE OF ALLEGIANCE**

Mayor Duncan called the February 16, 2016, Special Meeting to order at 8:30 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Mayor Duncan noted that Commr. Larson would not be present for the introduction of Item 1.

**REQUEST FOR SHADE MEETING**

1. The Town Attorney requests Town Commission direction relating to pending litigation in the matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-420, currently pending before the State of Florida's Election Commission

If the Town's Legal Counsels' request is granted pursuant to Section 286.011(8) Florida Statutes, the Attorney-Client Session shall occur immediately thereafter in the Town's Antechamber. The subject of the Attorney-Client Session meeting shall be confined to the topics allowed by Florida Statutes 286.011(8). It is anticipated that the Attorney-Client Session will last approximately 30 minutes.

Town Attorney Maggie Mooney-Portale advised that the agenda had been amended to reflect attendance of Attorney Chris Roe in lieu of Attorney Alan Zimmet, provided information on the limitations of items to be discussed, addressed the scope of the meeting, noted that the Attorney-Client Session was estimated to take one-half hour, and announced participation to include the following named persons:

Jack Duncan, Mayor  
Terry Gans, Vice Mayor  
Lynn Larson, Commissioner  
Phill Younger, Commissioner  
Pat Zunz, Commissioner  
Irwin Pastor, Commissioner  
Jack Daly, Commissioner  
Dave Bullock, Town Manager  
Maggie Mooney-Portale, Town Attorney  
Christopher Roe, Esq. – Special Litigation Counsel (Bryant Miller Olive)  
Certified Court Reporter

**Following comments, Commr. Younger moved to grant the Town Attorney's request to hold an Attorney-Client Session pursuant to Section 286.011(8) Florida Statutes. The motion, seconded by Vice Mayor Gans, carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Duncan, aye; Pastor, aye; Zunz, aye; Daly, aye.**

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

1. The Town Attorney requests Town Commission direction relating to pending litigation in the matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-420, currently pending before the State of Florida's Election Commission- Continued

**Mayor Duncan advised that Commr. Larson had arrived and would be participating in the Attorney-Client Session in the Commission Ante-Chamber and recessed the Special Meeting at 8:34 a.m.**

**RECESS:** 8:34 a.m. - 9:12 a.m.

**Mayor Duncan requested and Commr. Younger moved to reconvene the Special Meeting at 9:12 a.m. The motion, seconded by Vice Mayor Gans, carried by a 7-0 roll call vote, as follows: Younger, aye; Gans, aye; Larson, aye; Daly, aye; Zunz, aye; Pastor, aye; Duncan, aye.**

Mayor Duncan noted the Town's Civility Policy and read the Pledge of Public Comment.

**PUBLIC TO BE HEARD**

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

**A. Public Works**

Mr. Larry Grossman, St. Judes Drive North, commented on the location of crosswalks.

**B. Public Works**

Mr. Ronald Lee, Birdie Lane, commented on the crosswalks on Gulf of Mexico Drive.

**DISCUSSION ITEMS**

**3. The Town Attorney Requests Commission Direction Relating to Pursuit of Recovery of Legal Fees in the Matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-445 that was dismissed by Florida's Election Commission**

The Town Attorney requests Commission discussion and direction relating to the pursuit of the recovery of legal fees expended defending against the matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-445, that was dismissed by the State of Florida's Election Commission on January 29, 2016. Recommended Action: Pending discussion, provide direction to Town Attorney.

Town Attorney Maggie Mooney-Portale provided an overview of the request noting a 30-day deadline to determine the pursuit on recovery of legal fees in the case.

**Commr. Larson moved to postpone a decision on recovery of legal fees. The motion was seconded by Commr. Younger.**

The following individuals commented on the issue:

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

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

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

4. Discussion Regarding Utility Undergrounding for Neighborhoods and Side Streets

At the February 1, 2016, Regular Meeting the Town Manager provided a status of the utility undergrounding for neighborhoods and side streets. Additional information will be presented for Commission consideration at the February 16, 2016, Special Meeting. Materials for this item will be distributed to Commissioners, and placed on the Town website, as soon as they are available. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock gave a PowerPoint presentation on the Neighborhood and Side Streets Undergrounding Project. Discussions were held with Town Manager Bullock on the following topics/issues:

- taxable units versus one property as a whole (Spanish Main)/location of some parcels further than 55 foot range/application to a platted property
- criteria applied to single family homes, vacant land, and condominiums
- economic impact to Club Longboat for the cost to bury one line (approximately \$50,000 through Florida Power and Light) versus the proposed assessment of \$300,000 in the Neighborhood Project
- option for Club Longboat residents to self-fund the burial of the line/impact on proposed assessments to other parcels if Club Longboat assessment was removed from the project scope
- impact on overall project if all platted properties decided to self-fund.

**Commr. Larson moved to remove Club Longboat from the Neighborhood Underground Project Assessments to allow self-funding. The motion died for lack of a second.**

Discussions were held with Town Manager Bullock and Attorney Chris Roe with Bryant, Miller, Olive, on the following topics/issues:

- methodology utilized for Gulf of Mexico Drive
- incentivizing removal of specific parcels with a set contribution in lieu of methodology established
- methodology assessment for Gulf of Mexico Drive versus Neighborhood/Side Streets projects
- inclusion of vacant parcels in the assessment.

**RECESS:** 10:40 a.m. – 10:55 a.m.

Mayor Duncan noted the voter registration deadline of 5:00 p.m. this date in order to participate in the March election.

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

- costs for looping/inclusion of costs in assessment
- assessment utilized for Bayport A and B
- consideration of capital contribution from utility services/impact on rates.

4. Discussion Regarding Utility Undergrounding for Neighborhoods and Side Streets - Continued

**Commr. Larson moved to allocate an amount from the Capital Utilities Fund for the project. The motion was seconded by Vice Mayor Gans.**

Discussion ensued on the anticipated amount of a contribution from the Utilities Capital Fund and inclusion of the contribution amount during budget process.

**Commr. Younger moved to table the motion. The motion was seconded by Commr. Pastor.**

**Following comments, Commr. Younger withdrew the motion to table, without objection.**

**Subsequent to clarification on the motion, Commr. Larson moved to amend her motion to direct the Town Manager to provide an amount to be allocated from the Capital Utility Fund for the benefit that the utilities would receive from the project. The motion was seconded by Commr. Pastor. Following comments, the motion carried by a 6-1 roll call vote, as follows: Larson, aye; Pastor, aye; Zunz, aye; Daly, aye; Younger, no; Gans, aye; Duncan, aye.**

The following individuals commented on the Neighborhood Underground Project, with discussions held throughout speaker presentations:

- Ms. Karen Feeney, Broadway Street
- Mr. Peter Walker, Longboat Drive East
- Mr. Tom Freiwald, Spanish Drive North, Spanish Main

Discussions were held on the following topics/issues:

- notice requirements to both Counties to present final tax roll
- conveyance of timeframe for “opting out” (self-funding)
- setting of assessment role prior to bond funding/maximum bonding amount
- anticipated timeframe for collection of assessments
- cut-off dates for requests/notices from entities/condominium groups who may be considering an “opt out” (self-funding).

The following individuals commented on the Neighborhood Underground Project, with discussions held throughout speaker presentations:

- Mr. Steve Reid, Longboat Key News
- Mr. Jim Whitman, Norton Street
- Mr. Pete Rowan, Broadway Street
- Mr. Gene Jaleski, Cedar Street
- Mr. Bob Bunting, North Shore Road
- Mr. Lenny Landau, Fair Oaks Lane
- Mr. Ed Zunz, Lands End Drive

4. Discussion Regarding Utility Undergrounding for Neighborhoods and Side Streets - Continued

Town Manager Bullock commented on upcoming community meetings and requested direction on the assessment methodology.

**Commr. Pastor moved to direct the Town Manager to continue on the current path with no deviation on the funding mechanism. The motion, seconded by Commr. Larson, carried by a 6-1 roll call vote, as follows: Pastor, aye; Larson, aye; Daly, aye; Younger, aye; Gans, aye; Duncan, aye; Zunz, no.**

Town Manager Bullock noted the assessment role will be posted on the Town's website.

5. Discussion Regarding Options for Build Out of Dark Fiber

At the January 19, 2016, Regular Workshop Meeting the Town Commission heard a presentation from the Town's consultants, Magellan Advisors regarding build out options, build out models, and potential uses for the fiber network. A representative of Magellan Advisors will attend the February 16, 2016, Special Meeting to discuss more detailed options for the build out of a dark fiber network. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Bullock advised that the discussion was detailed and suggested the Commission recess for a lunch break.

**Mayor Duncan recessed the Special Meeting until 1:00 p.m.**

**RECESS:** 12:13 p.m. - 1:00 p.m.

6. Other Business

**Mayor Duncan advised that Longboat Key Observer Editor Kurt Schultheis was leaving the employment of the Observer, and presented him with a Certificate of Appreciation from the Town.**

Mr. Schultheis thanked the Commission for their recognition.

5. Discussion Regarding Options for Build Out of Dark Fiber - Continued

**Note: Commr. Larson left the meeting for the remainder of the day.**

Mayor Duncan advised that the Regular Workshop scheduled for 1:00 p.m. this date would immediately follow adjournment of the Special Meeting.

Following comments by Town Manager Bullock, Mr. Kyle Hollifield of Magellan Advisors noted distribution of the printed report and gave a PowerPoint presentation on the Broadband Infrastructure Assessment. Discussions were held on the following topics/issues:

- anticipated revenue generated for the Town (approximately 10-12%)
- market share of fiber optic services/existing fiber services available on the island
- public/private partnership options
- Magellan's relationship with fiber optic services (not a provider)

5. Discussion Regarding Options for Build Out of Dark Fiber - Continued

- average age of population/available products for healthcare services/tele-medicine
- opportunity for improved cellular services
- control over providers.

Town Manager Bullock noted the importance to consider a Gulf of Mexico Drive corridor and/or inclusion of the neighborhood/side streets. Following individual comments, discussion ensued on the following topics/issues:

- the benefits of incorporating information on the dark fiber options with the Neighborhood Undergrounding/Side Street Project presentations
- reduced benefit if the second referendum is unsuccessful (no undergrounding in neighborhoods resulting in a smaller benefit area for dark fiber)
- Verizon FIOS (Fiber Optic Service) service available within the Town
- costs associated with placing fiber optic during undergrounding project.

The following individuals commented on the fiber optic option:

Mr. Gene Jaleski, Cedar Street  
Mr. Lenny Landau, Fair Oaks Lane

Town Manager Bullock commented on options/steps to proceed with black fiber Town-wide. Individual comments followed.

Following comments, Mr. Hollifield commented on the installation of conduit and/or fiber and the necessity of having a well-developed plan.

Discussion ensued on the reference to fiber optic service included in the referendum question.

**ADJOURNMENT**

**Mayor Duncan noted the Regular Workshop Meeting would be convened at 2:10 p.m. and adjourned the February 16, 2016, Special Meeting at 2:03 p.m.**

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

\_\_\_\_\_  
Jack G. Duncan, Mayor

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

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

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP  
FEBRUARY 16, 2016 - 1:00 P.M.**

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

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

**Absent:** Commr. Lynn Larson

**CALL TO ORDER**

**Mayor Duncan called the February 16, 2016, Regular Workshop Meeting to order at 2:11 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Daly led the Pledge of Allegiance.**

Mayor Duncan noted the Town's Civility Policy, read the Pledge of Public Conduct, and advised that Commr. Larson was not in attendance due to illness.

**PUBLIC TO BE HEARD**

1. Opportunity for Public to Address Town Commission - No items were presented.  
At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

**COMMITTEE REPORTS AND COMMUNICATIONS**

2. Manatee County Special Liaison Report - No items were presented.
3. Sarasota County Special Liaison Report - No items were presented.
4. ManaSota League of Cities Report - No items were presented.
5. Other Reports

**A. State Agencies**

Commr. Younger noted receipt of a call from Florida Department of Transportation (FDOT) District Traffic Engineer L. K. Nandam relating to the crosswalks and advised that he requested information on the status of the sidewalks on the North end of Town.

**CONSENT AGENDA**

6. Proposed Resolution 2016-04, Providing for Adoption of Sarasota County Local Mitigation Strategy

The Town participates in both Sarasota and Manatee County Local Mitigation Strategy (LMS) Work Groups. The focus is to reduce risks associated with all types of disaster events and to ensure the Town is eligible for post-disaster mitigation grant funds. Resolution 2016-04 formally adopts the most current revised and FEMA approved version of the Sarasota County LMS. Recommended Action: Approval of the Consent Agenda will forward Resolution 2016-04 to the March 7, 2016, Regular Meeting for formal action.

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

**CONSENT AGENDA**- Continued

**7. Authorization for Mayor to Execute Sarasota County Subgrant Agreement for West Coast Inland Navigation District (WCIND) Project #S-295 Award for Town of Longboat Key Bayfront Park Living Shoreline Improvements**

The Town Commission is requested to authorize the Mayor to execute a subgrant agreement with Sarasota County to provide \$50,000 in WCIND grant award funding for development of Bayfront Park improvements. Recommended Action: Approval of the Consent Agenda will forward this subgrant agreement to the March 7, 2016, Regular Commission Meeting Consent Agenda for formal action.

**There was consensus to approve the Consent Agenda items in accordance with Staff reports and recommendations.**

**DISCUSSION ITEMS**

**8. Proposed Ordinance 2016-13, Amending Chapter 158, Zoning Code, Status of Nonconformities**

At their January 19, 2016, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of proposed Ordinance 2016-13, with amendments. The Ordinance amends Zoning Code Section 158.138, Status of nonconformities, regarding extensions of nonconformities and the requirements regarding surety bonds or other security for properties granted extensions by the Town Commission. Recommended Action: Pending discussion, forward Ordinance 2016-13 to the March 7, 2016, Regular Meeting for first reading and public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building, Department Director Alaina Ray provided a PowerPoint presentation on proposed Ordinance 2016-13. Discussions were held on the following topics/issues:

- change "to be specified" to "for a period to be specified"
- total value of structure – to include "gross"
- amount of surety bond (100% of the value with a minimum of 50%)
- Planning and Zoning (P&Z) Board recommendations
- determination of surety bond percentage determined by the Commission
- process for owner to obtain a surety bond/cost to owner
- inclusion of recommendations submitted by the P&Z Board.

Upon inquiry, Ms. Ray advised that Floridays has amended their original request to include the gas station property.

**There was consensus to forward Ordinance 2016-13 to the March 7, 2016, Regular Meeting for first reading and public hearing.**

Upon inquiry, Ms. Ray provided an update on the Request for Proposal responses for consultant services on the review/rewrite of the Zoning Code.

Commr. Younger commented on the composition and work of the P&Z Board.

9. South Fire Station - Building and Facility Analysis

The South Fire Station, 2162 Gulf of Mexico Drive, has undergone several upgrades and renovations over the past fifteen years but continues to need major renovations warranting the need for a comprehensive analysis of the building which the Commission authorized in 2015. Architect Todd Sweet, of Sweet Sparkman Architects, will present the analysis of the South Fire Station building and will outline their recommendations. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Fire Chief Paul Dezzi commented on the analysis of the South Fire Station. Public Works Director Juan Florensa commented on the study and analysis and gave a PowerPoint presentation on the South Fire Station and introduced Architect Todd Sweet who continued the PowerPoint presentation. Discussions were held on the following topics/issues:

- cost of construction of the Sarasota County fire station on Bee Ridge Road in Sarasota
- cost comparisons for recently constructed/remodeled fire stations
- costs for new versus renovation of structure
- age of structure
- anticipated direction to Town Manager
- previous maintenance done/code related items to address
- two versus three bays on facility.

Mr. Ed Zunz commented on the need for a third bay for vehicles.

Fire Chief Dezzi commented on the storage of vehicles and impact of weather on condition of vehicles.

Town Manager Bullock noted intent for review of the assessment and advised Staff would work on a phasing and funding plan.

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

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

**TOWN MANAGER COMMENTS**

A. Public Works

Town Manager Dave Bullock advised that Staff would post assessment information on the Town's website and provide information to the Commission identifying a date for a self-undergrounding options.

B. Public Works

**Following comments by Town Manager Dave Bullock on the expiration of the Longboat Key Library lease, there was consensus to present a one-year extension for formal action at the next Regular Meeting.**

**PRESS TO BE HEARD**

**A. Longboat Observer**

Mayor Duncan congratulated Longboat Key Observer Senior Editor Kurt Schultheis on his new position with R&L Carriers in Ocala and thanked Mr. Schultheis for his dedication to the Town of Longboat Key during his 10 years of service with the newspaper.

**ADJOURNMENT**

**Mayor Duncan adjourned the February 16, 2016, Regular Workshop at 3:39 p.m.**

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

\_\_\_\_\_  
Jack G. Duncan, Mayor

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

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

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
FEBRUARY 22, 2016 - 9:00 A.M.**

**Present:** Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, 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/PLEDGE OF ALLEGIANCE**

**Mayor Duncan called the February 22, 2016, Special Meeting to order at 9:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, noted the Town's Civility Code, and read the Pledge of Public Conduct.**

**Vice Mayor Gans led the Pledge of Allegiance.**

**PUBLIC TO BE HEARD**

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

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

**DISCUSSION ITEMS**

**2. Utility Undergrounding for Neighborhoods**

At the February 1, 2016, Regular Meeting, the Town Manager provided a status of the utility undergrounding for neighborhoods and side streets. Additional information was presented for Commission consideration at the February 16, 2016, Special Meeting. Materials for this item will be distributed to Commissioners, and placed on the Town website, as soon as they are available. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock gave a PowerPoint presentation on the Neighborhood Undergrounding Project, Self-Undergrounding. Discussions were held with Town Manager Bullock, Attorney Chris Roe, with Bryant, Miller, and Olive, and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- recovery of "soft costs" from parcels that enter into self-undergrounding agreements
- amount of assessment if paid "upfront" versus the annual 30-year assessment
- timing for the determination of 30-year annual assessment
- impact of interest rate on bonds in determination of assessment amount/options to shorten term of bonds or reduce assessments
- previous determination that all neighborhoods must participate in lieu of offering "self-funding" process
- public's understanding of estimated cost provided/impact of changing the program causing a possible increase in assessment

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

2. Utility Undergrounding for Neighborhoods- Continued

- intent for individual parcel/property owner to enter into contract individually versus contracting with a condominium association(condo)/homeowners' association (HOA)
- statutory requirements for a majority vote by a condo/HOA to approve an assessed expense
- personal opinions on the accuracy of the Willdan Report/possible legal challenges
- impact on votes cast by absentee ballot when changing the process/procedure
- anticipated contract terms/parameters/approval process
- inability of parcel/property owners to comply with timeline outlined by Staff
- intent to provide transparency to voters
- property owners responsibility to underground all utilities in addition to power lines
- 50-foot parameter creating issues with the assessments
- assessment information provided to the public
- option to require a performance bond as a condition of the contract.

**Vice Mayor Gans moved to proceed with Option 1 as follows:**

**Option 1: Move forward with project based on parcel configuration snapshot as it exists on May 9 snapshot.**

**The motion was seconded by Mayor Duncan.**

Discussion ensued on the following topics/issues:

- intent of the motion to assess properties based on what exists on the property as of May 9, 2016
- proposed process for individual contracts with each property owner.

**RECESS:** 10:26 a.m. - 10:41 a.m.

The following individuals commented on the self-undergrounding option:

Mr. Gene Jaleski, Cedar Street  
Mr. Don Lewin, representing Club Longboat, 5055 Gulf of Mexico Drive  
Mr. Larry Grossman, St. Judes Drive North  
Ms. Carla Rowan, Broadway Street  
Mr. Lenny Landau, Fair Oaks Lane  
Mr. Steve Reid, Longboat Key News

**Subsequent to discussion, the motion carried by a 5-2 roll call vote, as follows:  
Gans, aye; Duncan, aye; Younger no; Larson, aye; Daly, no; Zunz, aye; Pastor, aye.**

3. Other Business

A. Press Comments

Mayor Duncan noted the attendance and welcomed Mr. Jack Short, with the Longboat Key Observer. Mr. Short introduced himself and commented on his experience as a journalist.

2. Utility Undergrounding for Neighborhoods- Continued

Vice Mayor Gans thanked Staff for their efforts on developing options for self-undergrounding.

**ADJOURNMENT**

**Mayor Duncan adjourned the February 22, 2016, Special Meeting at 11:05 a.m.**

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

\_\_\_\_\_  
Jack G. Duncan, Mayor

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

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



**End of Agenda Item**