

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
March 7, 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: Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale,
Present: Town Clerk Trish Granger

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

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

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Calvin LeBuffe, Kavanaugh Court, Sarasota, Florida, submitted correspondence from the Florida Department of Environmental Protection (FDEP) relating to the Saltwater Catch Basin and showed a short video on beach renourishment.

B. Town Commission

Mr. Samir Ragheb, Bayside Drive, commented on the Town's Civility Policy.

C. Public Works

Ms. Madelyn Spoll, Harbourside Drive, commented on the lack of progress on the development of Bayfront Park Recreation Center.

Upon inquiry, Town Manager Dave Bullock provided an update on the status of the development of Bayfront Park.

D. Organizations

Mr. Dave Brenner, Gulf of Mexico Drive, commented on the Longboat Key Foundation and their progress in securing the opening of a medical facility and invited the Town Commission to attend the "Meet the Doctors" community event. Individual comments followed on the efforts and accomplishments of the Foundation.

APPROVAL OF MINUTES

2. January 15, 2016, Joint Meeting, Convocation of Governments; January 19, 2016, Regular Workshop; January 19, 2016, Special Meeting; February 1, 2016, Regular Meeting; February 16, 2016, Special Meeting; February 16, 2016, Regular Workshop; and February 22, 2016, Special Meeting

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

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

COMMITTEE REPORTS AND COMMUNICATIONS

3. Manatee County Special Liaison Report

A. Town Commission

Mayor Duncan commented on the service, involvement, and productivity of Commrs. Zunz and Larson to the Town of Longboat Key on the various appointed Boards they served on and noted that they will be missed on the Town Commission.

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

5. ManaSota League of Cities Report

A. Organizations

Commr. Larson noted the meeting of the Sarasota Bay Estuary Program Policy Board on March 14, 2016, and requested consideration for an additional Commissioner to attend with her to become acquainted with the Board. (See later this meeting.)

B. Organizations

Commr. Larson noted the ManaSota League of Cities would be meeting in the Commission Chamber, 501 Bay Isles Road, on March 10, 2016, at 10:00 a.m.

A. Organizations - Continued

Commr. Larson noted that additional funds from the BP Settlement have been released and suggested that the Commission be given a briefing.

6. Other Reports - No items were presented.

CLOSING AND ACTION ON CONSENT AGENDA

7. Authorization for Mayor to Execute 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. This item was forwarded from the February 16, 2016 Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will authorize the Mayor to execute WCIND Project #S-295 Subgrant Agreement.

8. Authorization for Town Manager to Execute Agreements Implementing Collection of Non-Ad Valorem Assessments for Undergrounding Projects

Resolution 2015-31 has been forwarded to the Sarasota and Manatee County Property Appraisers and Tax Collectors. The Property Appraisers and Tax Collectors require the execution of Interlocal agreements with their respective offices to implement the non-ad valorem assessments related to the undergrounding projects. The Town Manager is requesting authority to execute any such agreements with Sarasota and Manatee County Property Appraiser and/or Tax Collector, or other agency as needed, to implement the non-ad valorem assessments related to the undergrounding projects. Recommended Action: Approval of the Consent Agenda will authorize the Town Manager to execute agreements necessary for implementing collection of non-ad valorem assessments for Utility Underground Projects.

CLOSING AND ACTION ON CONSENT AGENDA - Continued

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

8. Authorization for Town Manager to Execute Agreements Implementing Collection of Non-Ad Valorem Assessments for Undergrounding Projects - Continued

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

ORDINANCES - FIRST READING

9. Ordinance 2016-11, Providing for Referendum for Properties Located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive (GMD) and 6931, 6927, and 6919 Palm Drive
At the December 14, 2015, Regular Workshop Meeting the Town Commission heard a request for referendum from Floridays' representative Mr. James Brearley seeking density increase of certain properties located on Gulf of Mexico Drive and Palm Drive. Staff was directed to work with Mr. Brearley to develop Ordinance language to set forth the full text of the proposed referendum for consideration. Recommended Action: Pending first reading, forward Ordinance 2016-11 to the April 4, 2016, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-11 on record for first reading by title only.

Commr. Zunz moved to pass Ordinance 2016-11 on first reading and to forward to the April 4, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Gans.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-11.

Mr. James Brearley, representing Floridays Development Company, provided an overview of the proposed development. Mr. Angus Rogers, President and CEO of Floridays Development Company, commented on the experience of the company. Discussions were held with Ms. Ray, Mr. Brearley, and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- consideration of closing Palm Drive/required ingress and egress for parcel
- granting of a waiver of petition process
- selection of the August referendum date versus November General Election
- ballot language reflecting a density of 6 units per acre when proposed development is for 120 units
- requirement for Floridays to proceed through a rezoning process if referendum is successful
- notification requirements of neighboring properties for a rezoning request
- public information for the proposed August referendum to ensure citizens are aware of possible final density
- option to require a mail out to voting households with an explanation of intent and possible final density on the property

9. Ordinance 2016-11, Providing for Referendum for Properties Located at 6990, 6960, 6920, 6916, and 6910 GMD and 6931, 6927, and 6919 Palm Drive - Continued

- agreement of Floridays to fund the mailing
- ballot language proposals to provide additional information on increased density options
- consideration for expansion of tourism pool units.

Vice Mayor Gans moved to amend Ordinance 2016-11 to require the petitioner to do a mail out to voters (one per household) which would include clear and concise description of the proposed development (approximately 120 units) in “layman’s” language. The motion was seconded by Commr. Younger.

Discussion continued on the following topics/issues:

- competition for the existing tourism pool units
- possible misunderstanding of voters on the intent of developing a hotel property
- lack of concern when Hilton requested increased density
- option to postpone referendum until November General Election
- established election date of August.

Commr. Daly moved to amend Ordinance 2016-11 modifying the referendum language to include information that developers would be “eligible to apply for additional tourism units.” The motion was seconded by Commr. Larson.

The following individuals commented on proposed Ordinance 2016-11:

Mr. George Spoll, Harbourside Drive
Mr. Bob Appel, Gulf of Mexico Drive
Mr. Steve Reid, Owner and Editor of the Longboat Key News

Mr. Reid thanked Commrs. Larson and Zunz for their service to the Town.

The motion to amend Ordinance 2016-11 to include provisions to require a mailing to provide clear and concise language to each voters’ home carried by a 7-0 roll call vote, as follows: Gans, aye; Younger, aye; Larson, aye; Daly, aye; Zunz, aye; Pastor, aye; Duncan, aye.

The motion to amend Ordinance 2016-11 to modify the referendum language to include verbiage indicating that the owners would be eligible to apply for additional density carried by a 7-0 roll call vote, as follows: Daly, aye; Larson, aye; Younger, aye; Gans, aye; Duncan, aye; Pastor, aye; Zunz, aye.

The motion to pass Ordinance 2016-11, as amended, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Larson, aye; Pastor, aye; Duncan, aye; Younger, aye; Daly, aye.

RECESS: 8:40 p.m. - 8:52 p.m.

ORDINANCES - FIRST READING AND PUBLIC HEARING

10. 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 first reading, public hearing and discussion, forward Ordinance 2016-13 to the April 4, 2016, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-13 on record for first reading and public hearing by title only.

Commr. Younger moved to pass Ordinance 2016-13 on first reading and public hearing and to forward to the April 4, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Mayor Duncan opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-13. Discussions were held on the surety bond language in Section 158.138(B)(8)(c)2.

Commr. Daly suggested amending the language to state a “minimum of 50 percent.” (No action was taken.)

Mr. Chuck Whittal commented on Ordinance 2016-13. Discussion ensued on the Colony property (1660 Gulf of Mexico Drive).

Subsequent to comments, discussion ensued with Town Attorney Maggie Mooney-Portale and Ms. Ray on the following topics/issues:

- intent of Section 158.138(B)(8)(c) relating to the bond amount
- items that could be covered by the bond
- ability of property owner to negotiate a settlement of past due utility bills
- tax bill payment/sale process
- cost of a bond (normally 10%)
- special extension for continuance/period of time to be specified by the Town Commission.

Commr. Younger moved to amend Ordinance 2016-13, Section 158.138(B)(8)(c)2, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

The amount of the surety bond or security shall be established by the Town Commission at a public hearing up to an amount equal to ~~of~~ at least ~~50~~ 35 percent but not more than 100 percent of the total value . . .

The motion was seconded by Vice Mayor Gans.

10. Ordinance 2016-13, Amending Chapter 158, Zoning Code, Status of Nonconformities-Continued

Discussions continued on the following topics/issues:

- consideration and recommendation forwarded by the Planning and Zoning Board
- special extension provisions
- demolition costs versus bonding for assessed values
- Property Appraiser's assessment process.

The following individuals commented on the Ordinance:

Attorney Jeffrey Warren, legal counsel for the Colony Association
Mr. George Spoll, Harbourside Drive
Attorney Donald Hemke, representing the Colony Beach and Tennis Club Association, Inc.

Discussion ensued with Ms. Ray, Town Manager Dave Bullock, and Town Attorney Mooney-Portale on the following topics/issues:

- suggestion to remove the condition from the Code and to consider bond amounts during quasi-judicial hearings
- amount of bond/ability to set bond for work that needs to be accomplished
- Town's liability for any damage to other properties that might result if an event were to occur
- Town's responsibility to enforce the Code.

Subsequent to discussion, Commr. Younger withdrew his first motion to amend Ordinance 2016-13, and offered a substitute motion to amend Ordinance 2016-13, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

The amount of the surety bond or security shall be established by the Town Commission at a quasi-judicial public hearing up to an amount equal to at least 50 percent but not of no more than 100 percent of the total value of the property. . .

The motion was seconded by Commr. Pastor.

Mayor Duncan closed the public hearing.

The motion to amend Ordinance 2016-13 carried by a 6-1 roll call vote, as follows: Younger, aye; Pastor, aye; Gans, aye; Daly, aye; Zunz, no; Larson, aye; Duncan, aye.

The motion to pass Ordinance 2016-13, as amended, on first reading and public hearing and to forward to the April 4, 2016, Regular Meeting for second reading and public hearing carried by a 6-1 roll call vote, as follows: Younger, aye; Pastor, aye; Zunz, no; Larson, aye; Gans, aye; Duncan, aye; Daly, aye.

RESOLUTIONS

11. Resolution 2016-04, Adopting the Sarasota County Local Mitigation Strategy (LMS)

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. This item was forwarded from the February 16, 2016, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2016-04.

Town Clerk Trish Granger placed Resolution 2016-04 on record by title only.

Commr. Pastor moved to pass Resolution 2016-04. The motion was seconded by Vice Mayor Gans.

Town Manager Dave Bullock provided an overview of Resolution 2016-04.

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

NEW BUSINESS

12. Ratification of Contract and Memorandum of Understanding (MOU) between the Town of Longboat Key (Town) and the Southwest Florida Police Benevolent Association (PBA)

On February 25, 2016, the Town's Bargaining Unit and the PBA reached agreement for a 3 year contract effective October 1, 2016, through September 30, 2019. The Contract and MOU are being presented at the March 7, 2016, Regular Meeting for Town Commission ratification. Recommended Action: Pending discussion, ratify Contract and MOU between the Town and PBA.

Town Manager Dave Bullock provided an overview of the Contract and Memorandum of Understanding with the Southwest Florida Police Benevolent Association (SWFPBA).

Commr. Pastor moved to ratify the contract between the Town and the SWFPBA. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Larson, aye; Gans, aye; Younger, aye; Daly, aye; Duncan, aye.

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

TOWN COMMISSION COMMENTS

A. Town Commission

Individual comments were made thanking Commr. Larson and Commr. Zunz for their service on the Commission and to the Town.

Commr. Zunz and Commr. Larson thanked the Commissioners for their comments.

TOWN ATTORNEY COMMENTS

A. Town Commission

Town Attorney Maggie Mooney-Portale commented on the applicability of the Sunshine Law and interaction between the seated Commission and Commissioners-Elect.

Town Attorney Mooney-Portale thanked Commissioners Larson and Zunz for their support during their tenure on the Commission.

TOWN MANAGER COMMENTS

A. Town Commission

Town Manager Dave Bullock thanked Commissioners Larson and Zunz for their support during their tenure on the Commission.

B. Public Works

Town Manager Dave Bullock noted the status of the Requests for Proposals (RFP) for the New Pass and Longboat Pass dredging projects.

C. Public Works

Town Manager Dave Bullock noted that the Longboat Key Library lease was expiring and an extension would be presented to the Commission for consideration.

Following comments, there was consensus to forward a multi-year lease agreement for formal action with the Longboat Key Library.

D. Organizations

Town Manager Dave Bullock advised that he would be providing the Commission with a breakdown of the Town's costs relating to support of the Longboat Key Chamber of Commerce Concert Series.

E. Town Commission

Town Manager Dave Bullock noted the following upcoming events:

- Community Open House, March 12, 2016, at the Public Safety Complex
- Reception for local artists, March 22, 2016
- Election Day, March 15, 2016
- Undergrounding Information Session, March 9, 2016.

F. Emergency Management

Town Manager Dave Bullock noted the expansion of the Town's Code Red service to include weather warnings.

TOWN COMMISSION COMMENTS - Continued

B. Community Open House

Mayor Duncan commented on the Community Open House.

TOWN COMMISSION COMMENTS - Continued

C. Town Manager

Mayor Duncan commented on and thanked Staff for the efforts on public outreach relating to the Undergrounding Referendum.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the March 7, 2016, Regular Meeting at 10:48 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
MARCH 21, 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: Commr. Elect Armando Linde, Commr. Elect Ed Zunz, Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Town Clerk Trish Granger

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Duncan called the March 21, 2016, Special Meeting to order at 7:00 p.m., in the Town 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 requested a moment of silence in recognition of the passing of Mr. Tom Burgum.

Mayor Duncan noted the attendance of Manatee County Commissioner John Chappie and thanked Commissioner Chappie for his support of Longboat Key positions during his tenure on the Manatee Board of County Commissioners.

PUBLIC TO BE HEARD

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

ELECTION RESULTS

2. Results of the General Municipal and Referendum Election/Certification of Election

The Town Clerk will present the results of the General Municipal and Special Referendum Election for Town Commission canvassing and declaration of Election results.

Deputy Town Clerk Jo Ann Mixon noted the following Town Commission seats were designated for election on March 15, 2016:

Town Commission District At-Large, held by Commr. Irwin Pastor
Town Commission District 1, held by Commr. Lynn Larson
Town Commission District 3, held by Vice Mayor Terry Gans
Town Commission District 5, held by Commr. Pat Zunz.

Deputy Town Clerk Mixon advised that upon closing of the official qualifying deadline on November 16, 2015, the following individuals had qualified as sole candidates for the Districts noted:

Town Commission District At-Large: Candidate Irwin Pastor
Town Commission District 1: Candidate Armando Linde
Town Commission District 3: Candidate Terry Gans
Town Commission District 5: Candidate Edward Zunz.

2. Results of the General Municipal and Referendum Election/Certification of Election

Deputy Town Clerk Mixon noted in accordance with Florida Statutes, Chapter 101.151, those candidates were deemed to have voted for themselves and were elected for a term from March 2016 to March 2018, and advised that the March 15, 2016, ballot included the following Longboat Key Referendum question:

Shall Town of Longboat Key be authorized to issue revenue bonds/notes, in one or more series, not exceeding \$23,850,000, bearing interest not exceeding maximum legal rates, maturing not later than 30 years, to finance remaining undergrounding of electrical utilities in certain neighborhoods including street lighting installation, and communications/fiber optics utilities in certain neighborhoods, payable solely from special assessments imposed against real property throughout the Town and other non-ad valorem revenues if necessary?

Deputy Town Clerk Mixon advised that the referendum question was passed by the voters, with a total of 3,751 votes cast, with 2,061 in favor and 1,690 against the referendum.

Commr. Larson moved to certify the results of the March 15, 2016, General Municipal and Special Referendum Election. The motion, seconded by Vice Mayor Gans, carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Duncan, aye; Pastor, aye; Zunz, aye; Daly, aye; Younger, aye.

TOWN COMMISSION COMMENTS

3. Town Commissioner Remarks to Commissioner Larson and Commissioner Zunz

A. Town Commission

Individual comments were presented on the service to the citizens of Longboat Key by outgoing Commissioners Lynn Larson and Pat Zunz thanking them for their dedication to the Town and the residents.

Mayor Duncan noted that Assistant Town Manager Mike Hein was present on the dais this date.

CERTIFICATES OF ELECTION AND OATHS OF OFFICE

4. Certificates of Election / Administration of Oaths of Office for New Terms

Mayor Duncan read and presented the service plaques to Commissioners Lynn Larson and Pat Zunz.

Town Clerk Trish Granger read and presented the Certificates of Election and administered the Oaths of Office to Commr. Irwin Pastor, District At Large; Commr. Armando Linde, District 1; Commr. Terry Gans, District 3; Commr. Ed Zunz, District 5.

ELECTION AND OATH OF OFFICERS

5. Selection of Mayor

Mayor Duncan opened the floor for nominations for Mayor.

ELECTION AND OATH OF OFFICERS - Continued

5. Selection of Mayor - Continued

Commr. Pastor nominated Commr. Jack Duncan to serve as Mayor from March 2016 to March 2017. Commr. Younger nominated Commr. Terry Gans to serve as Mayor from March 2016 to March 2017. Commr. Gans declined the nomination.

As no other nominations were submitted, Mayor Duncan closed the nominations and was elected to serve as Mayor with unanimous nomination for the term of March 2016 to March 2017.

6. Selection of Vice Mayor

Mayor Duncan opened the floor for nominations for Vice Mayor.

Commr. Daly nominated Commr. Terry Gans to serve as Vice Mayor from March 2016 to March 2017.

As no other nominations were submitted, Mayor Duncan closed the nominations and noted Commr. Terry Gans was elected to serve as Vice Mayor with unanimous nomination for the term of March 2016 to March 2017.

7. Administration of Oaths of Office to Mayor and Vice-Mayor

Town Clerk Trish Granger administered the Oaths of Office to Mayor Elect Duncan and Vice Mayor Elect Gans.

TOWN COMMISSION COMMENTS

A. Town Commission

Mayor Duncan noted the reception for local artists scheduled for March 22, 2016.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Town Commission

Assistant Town Manager Mike Hein congratulated and welcomed the newly elected Commissioners.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the March 21, 2016, Statutory Meeting at 7:24 p.m.

Trish Granger, Town Clerk

Jack G. Duncan, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP
MARCH 23, 2016 - 1:00 P.M.**

Present: Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, Armando Linde, Irwin Pastor, Phill Younger, Ed Zunz

Also Present: Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Deputy Town Clerk Jo Ann Mixon

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Duncan called the March 23, 2016, Regular Workshop to order at 1:02 p.m. in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Younger led the Pledge of Allegiance.

Mayor Duncan explained the Civility Policy, read the Pledge of Public Conduct, and noted attendance by Florida Department of Transportation (FDOT) representatives David Wheeler and L.K. Nandem, Longboat Library representatives Ruth Strass, Mary Baker, and Hazel Steskal, and Assistant Town Attorney David Jackson.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. School Board

Former Commissioner Pat Zunz, Lands End, spoke in regard to the Campaign for Grade Level Reading.

B. Public Works

Mr. Larry Grossman, St. Judes Drive North, spoke in regard to the Manatee County portion of Longboat Key Neighborhood Undergrounding referendum results, and the St. Armands Circle proposed parking garage funding.

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. Public Works

Town Manager Dave Bullock reported the Florida Department of Transportation (FDOT) planned to install a sidewalk, at the north end of the Longboat Key, to connect the existing sidewalk to Longboat Pass Bridge, and a crosswalk installation.

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

COMMITTEE REPORTS AND COMMUNICATIONS- Continued

5. Other Reports- Continued

A. Longboat Key Sidewalk Project - Continued

Florida Department of Transportation (FDOT) representatives David Wheeler and L.K. Nandem displayed a PowerPoint presentation regarding the Longboat Key Sidewalk Project for Gulf of Mexico Drive/State Route 789. Discussions were held on the following topics/issues:

- pedestrian crosswalks along Gulf of Mexico Drive (GMD)
- Broadway Street pedestrian crosswalk/future roundabout
- oncoming vehicle traffic from the north end bridge (blind curb)
- GMD posted speed limit (Florida Department of Transportation study underway)
- early warning blinking light identifying upcoming traffic condition
- advanced notice signage.

Mr. Nandem reported on the pedestrian crosswalks, sidewalk continuance on the East side of GMD, existing guardrails, and possible future roundabout. Discussions were held on the following topics/issues:

- crosswalk signage and existing conditions
- red blinking light versus yellow blinking lights at the crosswalks/warning signs
- sidewalk on the West side of GMD (Broadway Street/GMD)
- wooden sidewalk versus concrete sidewalk
- uniqueness of Longboat Key pedestrians using the crosswalk
- recent St. Armand's Circle crossing guard exercise
- State Road 789 bridge infrastructure work scheduled to start April 2016 (Sarasota)
- Barrier Island Elected Officials (BIEO) meeting discussion regarding traffic issues (forthcoming municipal quick-fix suggestions for traffic improvement)
- create and distribute to the MPO (Metropolitan Planning Organization) a priority list for sidewalk continuance
- turn lane on GMD (Country Club Shores area)
- adding a third lane to GMD.

The following individuals commented on the Sidewalk Project:

- Mr. Larry Grossman, St. Jude's Drive North
- Mr. Gene Jaleski, Cedar Street

CONSENT ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

6. Annual Review of Current Ad Hoc Committees

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at either a special workshop, or the first regular workshop, following the annual General Municipal Election each March for determination of which ad hoc committees shall be continued. If no formal action is taken to continue the committee, the committee automatically sunsets. Committees for review and consideration are the Finance Committee and the Community Center Advisory Committee (CCAC). Recommended Action: Approval of the Consent Agenda will forward Resolution(s) for reconstituting the Finance Committee and/or sunsetting the CCAC to the April 4, 2016, Regular Meeting for formal action.

CONSENT ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION - Continued

6. Annual Review of Current Ad Hoc Committees - Continued

There was consensus to approve Consent Agenda Item 6 in accordance with Staff's report and recommendation.

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

7. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15)

As result of discussion at the April 20, 2016 Goals & Objectives Workshop, the Commission directed staff to explore options for expanded protections and enforcement of Town Codes related to marine turtles and other protected wildlife. Town staff has worked with stakeholder groups, Mote Marine, Florida Fish and Wildlife Conservation Commission (FWC), and other agencies to develop proposed amendments to Chapter 100, Marine Turtle Protection. Recent permit discussions also resulted in recommendations from regulatory agencies. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock discussed regulatory agencies improvements to Marine Turtle Protection ordinances, and available methods to distribute related public information materials.

Police Department Code Enforcement Officer Chris Elbon displayed a PowerPoint presentation highlighting the background and history of Town Code Chapter 100 - Sea Turtles, outside agencies participation in the development of the amendments, Florida Administrative Code Chapter 62B-55 lighting language recommendation, and issues not addressed in the current Town Code. Discussions were held on the following topics/issues:

- illumination solutions
- recreational equipment and beach furniture left on the beach
- disoriented turtle nests (adults and hatchlings for calendar years 2014 and 2015)
- data collection to determine the issues are/have improved
- actual number of adult and hatchling turtle that did not make it to the water
- definition of disorientation
- suggestive power (compare the less stringent and the most stringent)
- comparison to surrounding jurisdictions with respect to the least and most stringent of ordinances (obtain copies of municipal Sea Turtle ordinances).

RECESS: 2:50 p.m. – 3:02 p.m.

7. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15) – Continued

The following individuals commented on proposed Ordinance 2016-15:

- Ms. Tonya Long, Florida Fish and Wildlife Commission (FWC)
- Mr. Larry Grossman, St. Jude's Drive North

7. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15) - Continued

Discussions were held on the following topics/issues:

- process for calculating turtle nest disorientation data
- Permit Holders data collection/interior/exterior data collection
- current population of Marine Turtles
- disorientation data (reasons why Marine Turtles were disorientated)
- lighting disorientations versus beach furniture disorientations
- number of volunteers on Longboat Key beaches versus the other municipalities.

There was consensus to forward Ordinance 2016-15 to a future workshop for further discussion and to direct Staff to develop a chart showing an ordinance comparison for surrounding municipalities to the Town's ordinance, including disorientation data, the number of volunteers utilized in report development, and FWC report data.

8. Proposed Longboat Key Library Second Amendment to Lease

The current Longboat Key Library lease expires June 15, 2016. Town staff is recommending a five year extension with a provision for termination with one year's notice by either party. This item is placed on the March 23, 2016 Regular Meeting for Commission consideration. Recommended Action: Pending discussion, forward to April 4, 2016, Regular Meeting Consent Agenda for formal action.

Town Manager Dave Bullock reported the proposed second amendment to the existing lease would be a five-year Library lease extension containing a one-year notice prior to termination.

There was consensus to forward the Longboat Key Library Second Amendment to Lease to the April 4, 2016, Regular Meeting Consent Agenda for formal action.

9. Discussion Regarding Code Enforcement Board

At the January 4, 2016 Regular Meeting the Town Commission expressed interest in discussing the status and role of the Town's Code Enforcement Board (CEB). Staff has developed material that includes the current status of the CEB, Town Charter requirements, Town Code and Florida State Statute provisions, as well as how other communities handle code Enforcement. Recommended Action: Pending discussions, provide direction to Manager.

Town Manager Dave Bullock reported that while developing this presentation focus was placed on the practices of surrounding jurisdictions.

Police Department Code Enforcement Officer Chris Elbon displayed a PowerPoint presentation highlighting the process used by the surrounding jurisdictions, citations, and a comparison of Code Enforcement Board versus Special Magistrate.

Discussions were held on the following topics/issues:

- Code Enforcement Board (CEB) structure

9. Discussion Regarding Code Enforcement Board – Continued

- inconsistent fines being levied
- existing issues and possible solutions
- Special Magistrate options.

Town Attorney Maggie Mooney-Portale advised Florida Statutes authorizes a municipality to utilize three processes (code enforcement Board/Special Magistrate/a combination of a Code Enforcement Board and Special Magistrate) and explained a Charter amendment may be necessary, depending on Commission direction. Discussions were held on the following topics/issues:

- operating rules for a Special Magistrate
- low number of volunteers applying to serve on the CEB
- obtaining information on the economics of a CEB
- ability to issue citations/process for utilizing citations
- appeal process
- the need to partner with Manatee and Sarasota Clerks of the Circuit Courts
- Special Magistrate process
- fee schedule for code violations
- utilizing the CEB for appeals only
- utilizing a CEB and Special Magistrate.

Town Attorney Mooney-Portale advised that the City of North Port issued a Request for Qualifications (RFQ) to local attorneys, and the City selected a pool of attorneys to serve as Special Magistrate. Further discussion was held on the following topics/issues:

- exploring other means to handle code enforcement
- reducing the number of Board members (Florida Statutes require seven members based on population).

There was consensus to further discuss this issue at a future workshop with Staff direction to provide options regarding the operation of a Code Enforcement Board, economics (related costs/revenues), Special Magistrate selection process, and citation process.

There was consensus to request that the CEB Chairman attend the future workshop.

Ms. Beverly Shapiro, Gulf of Mexico Drive, spoke on this issue.

10. Proposed Ordinance 2016-14, Franchise Agreement with Peoples Gas System, A Division of Tampa Electric Company (TECO)

The Town's 30-year franchise agreement with Peoples Gas system expired on December 2, 2015. Ordinance 2016-14 incorporates the franchise agreement and provides for renewal, with a provision of a 2% increase in the franchise fee. Recommended Action: Pending discussion, forward Ordinance 2016-14 to the April 4, 2016 Regular Meeting for first reading.

10. Proposed Ordinance 2016-14, Franchise Agreement with Peoples Gas System, A Division of TECO- Continued

Town Manager Dave Bullock reported on the non-exclusive franchise agreement that expired December 2015, advising that the proposed non-exclusive franchise agreement contained a 6.0% franchise fee (increase of 2% over current fee). Discussions were held on the following topics/issues:

- Sections 13(A) and 13(B) - Insurance
- self-insurance (not from parent company)
- installation of gas lines into neighborhoods
- current contract operated on a self-insured policy
- 6.0% franchise fee consistent with other municipalities
- percentage of Florida municipalities who contract with TECO, that are self-insured
- identification (Section 14).

Assistant Town Attorney David Jackson advised on the minimum requirements of 13(A) and ability to self-insure 13(B).

TECO Gas Company representative Leroy Sullivan discussed the insurance options and explained a Certificate of Self Insurance could be issued in lieu of an insurance policy from an outside insurance carrier.

Mr. Larry Grossman, St. Jude's Drive North, spoke on this issue.

There was consensus to forward Ordinance 2016-14 to the April 4, 2016 Regular Meeting for first reading.

RECESS: 4:34 p.m. - 4:45 p.m.

11. Sign Code Update

At the September 28, 2015 Special Meeting the Town Attorney discussed the Supreme Court opinion regarding Clyde Reed, et al v. Town of Gilbert, Arizona and how that decision impacted sign codes across the Country, including Longboat Key. Staff will update the Commission on staff efforts to conduct a review and rewrite of the Town's existing Sign Code. Recommended Action: None, informational only.

Planning, Zoning, and Building Department Director Alaina Ray displayed a PowerPoint presentation highlighting the background and history of signs, content based signs, community signs (posted at the entrances of Longboat Key), and the engagement of sign law expert Dan Mandelker to conduct a review and rewrite of the Town's existing Sign Code.

12. Discussion Regarding Intent to Use Uniform Collection Method for the Neighborhood Undergrounding Assessment and Proposed Resolution 2016-05

At the December 7, 2015 Regular Meeting the Commission adopted Resolution 2015-31 establishing their intent to use a uniform method of collecting non-ad valorem assessments for the undergrounding utilities project for both the Gulf of Mexico Drive and Neighborhood utility undergrounding projects. The Sarasota and Manatee County Property Appraisers

12. Discussion Regarding Intent to Use Uniform Collection Method for the Neighborhood Undergrounding Assessment and Proposed Resolution 2016-05- Continued

request a separate resolution for each assessment project. The Town Attorney is working with legal counsels for the Property Appraisers to resolve this issue. In the event a separate resolution is needed to resolve the administrative issues, Resolution 2016-05 will be presented at a future meeting for formal action. Recommended Action: Pending discussion, provide direction to Town Attorney.

Town Manager Dave Bullock reported Manatee and Sarasota Counties resolved the administrative issue, and the existing resolution was satisfactory. No action was required nor requested regarding Resolution 2016-05

13. The Town Attorney Requests Commission Direction Relating to Legal Fees in the Matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-420 that was dismissed by Florida's Election Commission

The Town Attorney requests Commission discussion and direction relating to legal fees expended defending against the matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-420, that was dismissed by the State of Florida's Election Commission on February 24, 2016. Recommended Action: Pending discussion, provide direction to Town Attorney.

Town Attorney Maggie Mooney-Portale advised Mr. Jaleski filed two election complaints FEC 15-420 and FEC 15-445, both cases were dismissed by the State of Florida's Election Commission, and the Town may seek to recover attorney fees by filing a petition before March 25, 2016. Discussions were held on the following topics/issues:

- obligation to defend the Town's position
- attorney fee recovery
- cost to recover attorney fees.

Mr. Larry Grossman, St. Jude's Drive North, spoke on this issue.

Following discussion, there was consensus to forgo any action to collect attorney fees on the actions.

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

Each year following the General Municipal Election, the Town Commission considers appointments of its members to committees named in the Town Code or as required by outside agencies. A list of last year's appointments is provided for review and consideration for appointment or reappointment. This item is placed on the March 23, 2016 Regular Workshop Meeting for Commission nominations for appointment. Recommended Action: Pending discussion, forward to the April 4, 2016, Regular Meeting Consent Agenda for formal action.

14. Commission Appointments to Committees Named in Town Code and to Outside Agencies - Continued

Following consideration, there was consensus to forward the following appointments to the April 4, 2016, Regular Meeting Consent Agenda for formal action:

Committee/Agency	Appointee Information	2016 Appointments
Investment Advisory Committee	Three or more members of Town Commission	Commr. Linde Commr. Pastor Commr. Younger
Finance Subcommittee	Three members of Town Commission/ Two citizens	Commr. Linde Commr. Pastor Commr. Younger
Outside Agencies		
Coalition of Barrier Island Elected Officials (BIEO)	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Manatee County Council of Governments	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Sarasota County Council of Governments	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Special Liaison to Manatee County	Any Commr.	Commr. Zunz Alternate: Vice Mayor Gans
Special Liaison to Sarasota County	Any Commr.	Commr. Pastor Alternate: Commr. Younger
ManaSota League of Cities	Any Commr.	Commr. Pastor Alternate: Commr. Gans
Metropolitan Planning Organization	Any Commr.	Commr. Daly Alternate: All Other Commissioners
Economic Development Corporation of Sarasota County (EDC).	Any Commr.	Commr. Pastor Alternate: Commr. Younger
Sarasota County Tourist Development Council (TDC)	Any Commr.	Vice Mayor Gans Alternate: Commr. Pastor
Manatee County/Bradenton Tourist Development Council (TDC)	Non-voting seat.	Commr. Zunz
Manatee County Economic Development Corporation	Any Commr.	Commr. Zunz Alternate: Commr. Pastor
Water Alliance Board	Any Commr.	Commr. Younger

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14. Commission Appointments to Committees Named in Town Code and to Outside Agencies - Continued

Sarasota Bay Estuary Program Board of Directors	Any Commr.	Commr. Linde Alternate: Commr. Pastor
Criminal Justice Commission City-County Corrections Work Group	Any Commr.	Commr. Younger
West Coast Inland Navigation District (WCIND)	Any Commr.	Mayor Duncan Alternate: Vice Mayor Gans

15. Requesting Ratification and Consent for Designation of Jim Linn, Lewis Longman & Walker as Special Counsel to Provide Legal Counsel to the Town in Pension Matters Associated with Collective Bargaining Negotiations

The Town Attorney is requesting ratification and consent to the engagement of Jim Linn, Lewis Longman & Walker as Special Counsel on pension matters associated with collective bargaining negotiations with both Police and Fire bargaining units. Recommended Action: Pending discussion, forward Letter of Engagement to the April 4, 2016 Regular Meeting Consent Agenda for formal action.

Attorney Maggie Mooney-Portale requested the Commission ratify, approve, and consent to the engagement of Jim Linn with the law firm of Lewis, Longman & Walker to serve as Special Counsel in pension matters associated with collective bargaining, and advised Attorney Linn severed a previous relationship to respond to the Request for Proposals (RFP) issued by the Longboat Key Consolidated Retirement System, Board of Trustees.

Discussions were held on the paralegal fees, invoice payment timeline, and the 12% interest compounded daily.

There was consensus to forward the Ratification and Consent for Designation of Jim Linn as Special Counsel to provide legal counsel to the Town in pension matters associated with collective bargaining negotiations to the April 4, 2016 Regular Meeting Consent Agenda for formal action.

16. Requesting Consent for Designation of Ronald J. Cohen as Assistant Town Attorney to Provide Legal Counsel to the Town's Consolidated Retirement System Board of Trustees

The Town Attorney is requesting designation of Ronald J. Cohen as Assistant Town Attorney. A Request for Proposals (RFP) resulted in three firms responding, with the Selection Committee recommendation of Mr. Ronald J. Cohen forwarded to the Town Manager for approval. Mr. Cohen will provide legal counsel for the Town's Consolidated Retirement System Board of Trustees. Recommended Action: Pending discussion, forward Letter of Engagement to the April 4, 2016 Regular Meeting Consent Agenda for formal action

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16. Requesting Consent for Designation of Ronald J. Cohen as Assistant Town Attorney to Provide Legal Counsel to the Town's Consolidated Retirement System Board of Trustees - Continued

Town Attorney Maggie Mooney-Portale advised on the Consolidated Retirement System attorney role as legal counsel to the Board, the Charter reference to the review of all contracts by the Town Attorney, and the title of Assistant Town Attorney.

There was consensus to forward the Ratification and Consent of Ronald J. Cohen as Assistant Town Attorney to provide legal counsel to the Town's Consolidated Retirement System Board of Trustees to the April 4, 2016 Regular Meeting Consent Agenda for formal action.

TOWN COMMISSION COMMENTS

A. Local Government Law Seminar

Mayor Duncan announced the Manatee County Attorney's Office is hosting a Local Government Law Seminar on Monday, May 16, 2016, 8:30 a.m. at the Manatee County Commission Chamber, 1112 Manatee Avenue West (first floor) Bradenton, FL., and noted attendance at the seminar would satisfy the training requirement for public officials as required by Florida Statue 112.3142.

Town Manager Dave Bullock reported two meetings were scheduled on May 16, 2016 - a Special Workshop (Budget) and the Regular Workshop.

Following discussion there was consensus to change the time of the May 16, 2016 Regular Workshop to 2:00 p.m. to allow for Commission attendance at the seminar, and to reschedule the budget workshop to a later date.

B. Town Commission

Commr. Younger congratulated and welcomed Ed Zunz and Armando Linde to the Commission.

C. Public Works/Organizations

Commr. Daly suggested a workshop presentation by the United States Army Corps of Engineers (USACE) with respect to federal funding on beach renourishment projects. Town Manager Dave Bullock reported communication efforts with the USACE and proposed meetings date for their attendance to discuss the Shore Protection Program.

Commr. Linde suggested discussion on inlets.

Following discussion, there was consensus to schedule a workshop presentation by the USACE at a future workshop.

TOWN ATTORNEY COMMENTS

A. Town Attorney

Town Attorney Maggie Mooney-Portale advised on the following topics/issues:

TOWN ATTORNEY COMMENTS - Continued

A. Town Attorney - Continued

- North end concerned about boats anchoring by Jewfish Key
- sound regulation investigation update
- requesting an Attorney General opinion regarding Florida Statutes Vessel Regulations enforcement in the Intracostal Waterway.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock reported on the following topics/issues:

- Request for Proposals (RFP) to obtain bank loan for the beach projects (\$12 million)
- sand truck hauling starting April 5, 2016, Colony (1620 Gulf of Mexico Drive)
- pre-bid meeting held regarding pass dredging
- obtained private easements from the Longboat Key Club and L'Ambiance Condominium.

PRESS TO BE HEARD – No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the March 23, 2016 Regular Workshop at 5:50 p.m.

Jo Ann Mixon, Deputy Town Clerk

Jack G. Duncan, Mayor

Minutes Approved: _____

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End of Agenda Item