

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
May 2, 2016 - 7:00 P.M.**

Present: Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, Armando Linde, Irwin Pastor, Phill Younger, Ed 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 May 2, 2016, Regular Meeting to order at 7:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Daly 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. Organizations

Mr. David Brenner, Gulf of Mexico Drive, and Mr. Jack Rozance, Grand Bay Boulevard, provided an overview of the AllCare Medical Facility that recently opened in the Centre Shops on Longboat Key and responded to inquiries relating to the establishment of the facility.

B. Planning, Zoning, and Building

Mr. Steve Madva, Bowsprit Lane, requested consideration for the Town to adopt a Uniform Building Maintenance Code to address aging buildings on Longboat Key.

13. Other Business

A. Town Commission

Mayor Duncan noted that Manatee County Commissioner John Chappie was in attendance.

APPROVAL OF MINUTES

2. April 4, 2016 Regular Meeting; April 18, 2016 Special Workshop Meeting - Goals and Objectives; and April 18, 2016 Regular Workshop Meeting Minutes

There was consensus to approve the minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

3. Manatee County Special Liaison Report

A. Organizations

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

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

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

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

6. Other Reports – Proclamation – Municipal Clerk’s Week, May 1 – 7, 2016

A. Proclamations

Mayor Duncan read and presented the Proclamation for Municipal Clerk’s Week to Town Clerk Trish Granger and Deputy Town Clerk Jo Ann Mixon.

Town Clerk Granger commented on the services provided by the Clerk’s office.

B. Organizations

Commr. Daly reported on the funding for the Regional Traffic Study as discussed at the Metropolitan Planning Organization’s recent meeting.

ORDINANCES - FIRST READING

7. Ordinance 2016-17, Providing for Referendum for Certain Properties Located Along Gulf of Mexico Drive (Whitney Plaza)

Mr. Ryan Snyder, Esq., representative for Whitney Plaza, LLC., submitted a request for a referendum to be placed before the electors of the Town of Longboat Key to allow the Town to consider conversion of the property commonly known as Whitney Plaza to Residential Use with a maximum density not to exceed six (6) units per acre. Mr. Snyder requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter. Ordinance 2016-17 was forwarded from the April 18, 2016 Regular Workshop Meeting for first reading. Recommended Action: Pending first reading and discussion, forward to June 6, 2016, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-17 on record by title only.

Commr. Younger moved to pass Ordinance 2016-17 on first reading and to forward to the June 6, 2016 Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Planning, Zoning, and Building Department Director Alaina Ray provided a PowerPoint presentation on Ordinance 2016-17.

Attorney Patricia Petruff, representing Whitney Plaza, LLC, responded to inquiry regarding the intent of the owner pertaining to the development of the property.

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

8. Ordinance 2016-18, Providing for Referendum from Mr. Charles H. Ball, Esq., for Property Located at 4134 Gulf of Mexico Drive (Harbour Square)

Mr. Charles H. Ball, Esq., representing Mr. Oscar R. Parsons, Trustee and Owner of Harbour Square Office Complex located at 4134 Gulf of Mexico Drive, has submitted a request for a referendum to allow the Town to consider conversion of property to allow residential density not to exceed 3 units per acre. Mr. Ball requests that the Commission place the item before the electors and waive the requirement for signatures as provided for

8. Ordinance 2016-18, Providing for Referendum from Mr. Charles H. Ball, Esq., for Property Located at 4134 Gulf of Mexico Drive (Harbour Square) - Continued in the Town Charter. At the April 18, 2016 Regular Workshop Meeting, Town staff was directed to work with the applicant to prepare Ordinance 2016-18 for first reading at the May 2, 2016 Regular Meeting. Recommended Action: Pending first reading and discussion, forward to June 6, 2016, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-18 on record by title only.

Commr. Younger moved to pass Ordinance 2016-18 on first reading and to forward to the June 6, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Linde.

Planning, Zoning, and Building Department Director Alaina Ray provided a PowerPoint presentation on Ordinance 2016-18.

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

ORDINANCES - FIRST READING AND PUBLIC HEARING

9. Ordinance 2016-16, Amending the FY 2015-2016 Adopted Budget and Establishing a Neighborhood Undergrounding Utilities Capital Project Fund and Budget

On March 15, 2016, the Town's electors voted to authorize the Town's borrowing of up to \$23,850,000 for the undergrounding of utilities and street lighting in neighborhoods and side streets. Ordinance 2016-16 establishes a new capital fund and budget to account for all revenue sources and expenditures associated with this new capital project. Ordinance 2016-16 was forwarded from the April 18, 2016 Regular Workshop Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing and discussion, forward to June 6, 2016, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-16 on record for first reading and public hearing by title only.

Commr. Pastor moved to pass Ordinance 2016-16 on first reading and public hearing and to forward to the June 6, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Gans.

Mayor Duncan opened the public hearing.

Town Manager Dave Bullock provided an overview of Ordinance 2016-16. Upon inquiry, Town Manager Bullock advised on managing line item budgets through competitive procurement processes and amendments to the proposed budget.

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

9. Ordinance 2016-16, Amending the FY 2015-2016 Adopted Budget and Establishing a Neighborhood Undergrounding Utilities Capital Project Fund and Budget - Continued

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

10. 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. This item was considered at the March 23, 2016 Regular Workshop Meeting and forwarded to the April 4, 2016 Regular Meeting for first reading. Ordinance 2016-14 is placed on the May 2, 2016 Regular Meeting for second reading, public hearing and discussion. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2016-14.

Town Clerk Trish Granger placed Ordinance 2016-14 on record for second reading and public hearing.

Commr. Pastor moved to adopt Ordinance 2016-14. The motion was seconded by Commr. Younger.

Mayor Duncan opened the public hearing.

Town Manager Dave Bullock provided an overview of Ordinance 2016-14 and the Franchise Agreement.

Commr. Zunz noted his previous comments regarding insurance provisions in the document.

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

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

NEW BUSINESS

11. Gulf of Mexico Drive (SR 789) Pedestrian Crosswalk Update

At the April 18, 2016 Regular Workshop Meeting the Town Commission held discussion regarding the proposed sidewalk extension from Broadway to Longboat Pass Bridge and a related crosswalk. During that discussion, the recently installed crosswalks in other locations of the island were discussed. The Town Manager was asked to place this subject on the May 2, 2016 Regular Meeting for further discussion and formal action if appropriate. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock gave a PowerPoint presentation on the Pedestrian Crosswalks. Discussions were held on the following topics/issues:

- consideration of reduction of speed limit on South end of Longboat Key

11. Gulf of Mexico Drive (SR 789) Pedestrian Crosswalk Update - Continued

- Florida Department of Transportation's (FDOT) response on reduction in speed limit on North end of Longboat Key
- status on the location of the sidewalk on the North end of Longboat Key
- types of crosswalk utilized in various areas
- impact on construction of sidewalk on North end
- option for Town to continue construction of sidewalk/process required/estimated costs
- FDOT's design/approval process.

Commr. Younger moved to pursue the course of action with the construction of the sidewalk by FDOT at the North end of Longboat Key. The motion was seconded by Commr. Daly.

The following individuals commented on the North end sidewalk and the existing crosswalks:

- Mr. William Cook, Gunwale Lane
- Mr. Frank Ward, Cutter Lane
- Ms. Linde Ward, Cutter Lane
- Ms. Lynn Larson, Yardarm Lane.

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

Discussions were held on the following topics/issues:

- reduction of speed limits in 45-mile hour zone when approaching crosswalks
- FDOT statistics in bicycle/pedestrian fatalities
- FDOT request to provide additional time for utilization/evaluation of crosswalks
- distance between 45-mile per hour zone to crosswalk
- option to request reduction in speed limit.

Vice Mayor Gans moved to request review of the 35-mile per hour speed limit from the South end bridge being continued to the Country Club Shores crosswalk. The motion was seconded by Commr. Pastor.

Discussion ensued on the following topics/issues:

- previous requests to FDOT for improvements/modifications to Country Club Shores crosswalk
- option to install traffic control device at the intersection on Gulf of Mexico Drive at the North exit of Longboat Club Road (Country Club Shores area)
- impact of traffic on Longboat Key from surrounding areas.

RECESS: 9:15 p.m. - 9:25 p.m.

11. Gulf of Mexico Drive (SR 789) Pedestrian Crosswalk Update - Continued

Vice Mayor Gans noted, and following individual comments, Commr. Pastor withdrew his second on the motion.

Commr. Zunz moved to ask FDOT if they would consider reducing the speed limit throughout the island to 35 miles per hour. The motion was seconded by Commr. Linde. The motion, as amended, carried by a 5-2 roll call vote, as follows: Zunz, aye; Linde, aye; Younger, no; Gans, no; Duncan, aye; Pastor, aye; Daly, aye.

Subsequent to comments, discussion ensued on the following topics/issues:

- provide adequate time for FDOT to evaluate usage
- alternative locations for placement of crosswalks
- language to present to FDOT regarding speed limit.

12. Appointments to Town Boards and Committees

Appointments for the expiring or open seats on Town Boards and Committees (Planning and Zoning Board, Citizens Tax Oversight Committee, Code Enforcement Board, and Zoning Board of Adjustment) will be considered at the May 2, 2016 Regular Meeting. Recommended Action: Pending discussion, appoint members to Town Boards and Committees.

Commr. Younger inquired and Town Attorney Maggie Mooney-Portale commented on the ability for individuals to serve on more than one advisory board/committee.

Following comments by Mayor Duncan on the appointment process, Commr. Zunz moved to reappoint Mr. Thomas Jones to Seat 2 on the Code Enforcement Board for a three year term effective through May 8, 2019. The motion, seconded by Commr. Linde, carried by a 7-0 roll call vote, as follows: Zunz, aye; Linde, aye; Daly, aye; Pastor, aye; Younger, aye; Gans, aye; Duncan, aye.

Town Clerk Trish Granger proceeded with a roll call vote for appointment to the Citizens Tax Oversight Committee, Seat 1, with a term expiration of May 13, 2020, as follows:

- Mayor Duncan cast a ballot for Ms. Cheryl Loeffler;**
- Vice Mayor Gans cast a ballot for Ms. Cheryl Loeffler;**
- Commr. Younger cast a ballot for Ms. Cheryl Loeffler;**
- Commr. Linde cast a ballot for Ms. Cheryl Loeffler;**
- Commr. Daly cast a ballot for Mr. Robert Krosney;**
- Commr. Zunz cast a ballot for Ms. Cheryl Loeffler;**
- Commr. Pastor cast a ballot for Ms. Cheryl Loeffler.**

Commr. Younger moved to direct the Town Clerk's office to readvertise for the remaining two vacancies on the Citizens Tax Oversight Committee. The motion, seconded by Vice Mayor Gans, carried by a 7-0 roll call vote, as follows: Younger, aye; Gans, aye; Linde, aye; Daly, aye; Zunz, aye; Pastor, aye; Duncan, aye.

12. Appointments to Town Boards and Committees- Continued

Following comments on the vacancies for the Zoning Board of Adjustment, there was unanimous reappointment of Mr. Larry Linhart, Seat 1, with a term expiration of May 8, 2019. Town Clerk Granger advised that the Clerk's office will readvertise for the remaining vacancy.

Town Clerk Granger reviewed the vacancies on the Planning and Zoning (P&Z) Board.

Following comments, Town Clerk Granger proceeded with a roll call vote for appointment to the P&Z Board, Seat 6, with a term expiration of May 8, 2019, as follows:

**Mayor Duncan cast a ballot for Mr. Leonard Garner;
Vice Mayor Gans cast a ballot for Mr. Leonard Garner;
Commr. Younger cast a ballot for Mr. Leonard Garner;
Commr. Linde cast a ballot for Mr. Leonard Garner;
Commr. Daly cast a ballot for Mr. Leonard Garner;
Commr. Zunz cast a ballot for Mr. Leonard Garner;
Commr. Pastor cast a ballot for Mr. Leonard Garner.**

Following comments, Commr. Younger moved to direct the Town Clerk's office to readvertise the remaining vacancy on the P&Z Board. The motion, seconded by Vice Mayor Gans, carried by a 7-0 roll call vote, as follows: Younger, aye; Gans, aye; Daly, aye; Pastor, aye; Linde, aye; Duncan, aye; Zunz, aye.

TOWN COMMISSION COMMENTS

A. Elections

Commr. Zunz commented on the bond validation complaint for the Gulf of Mexico Drive undergrounding referendum and requested consideration to include discussion on a future workshop for the Town to provide legal counsel to residents in the bond validation process.

Subsequent to individual comments, Town Attorney Maggie Mooney-Portale commented on statutory requirements relating to bond validations, hiring of legal counsel for Town citizens,

Commr. Zunz moved to schedule a discussion on options to provide legal counsel to the defendants to be paid out of bond proceeds. The motion died for lack of a second.

TOWN ATTORNEY COMMENTS

A. Ordinances

Town Attorney Maggie Mooney-Portale commented of the status of proposed amendments to the Town's noise ordinance, noted that the Florida Fish and Wildlife Commission has commented favorably on the regulations, and advised that an opinion request has been prepared to be submitted to the Florida Attorney General's office relating to the Town's enforcement of ordinances on anchored vessels in the shoals and waterways of the Town. Discussion ensued.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock provided updates on the following items:

- status of the sand truck haul/beach renourishment project
- terminated bids on New Pass dredging
- need for Special Workshops/Meetings relating to the Neighborhood Undergrounding Project.

B. Organizations

Following comments by Commr. Zunz on a vacancy on the Manatee County Tourist Development Council, Town Manager Dave Bullock advised that the Commission could forward a letter of support for the appointment of Commr. Zunz.

Commr. Younger moved to authorize correspondence to the Manatee Board of County Commission supporting the application and appointment of Commr. Zunz. The motion was seconded by Vice Mayor Gans. Following comments by Mayor Duncan, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Gans, aye; Duncan, aye; Pastor, aye; Zunz, aye; Daly, aye; Linde, aye.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the May 2, 2016, Regular Meeting at 10:47 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.



End of Agenda Item