

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
NOVEMBER 7, 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 November 7, 2016, Regular Meeting to order at 7:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Vice Mayor Gans led the Pledge of Allegiance.

Mayor Duncan noted the Town's 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. Alan Fishbein, Gulf of Mexico Drive, commented on the removal of dead fish from the canals of the Bay Harbour Condominiums and requested equal treatment for non-commercial canals. Town Manager Dave Bullock noted discussions with Mr. Fishbein. Discussions were held on the following topics/issues:

- type of canal mooring
- not-for-profit association
- accommodation of homeowners, not for commercial rental
- previously cleaned area
- amount of dead fish in Bay Harbour canal
- ownership of canals
- number of canals cleaned in a day by Town staff.

Commr. Pastor moved to, pending approval of Bay Harbour Condominiums, provide clean-up of the Bay Harbour canal with reimbursement to the Town and to workshop the issue at a future meeting. The motion was seconded by Commr. Younger.

Upon inquiry, Town Attorney Maggie Mooney-Portale commented on the ability to enter into a contract with Bay Harbour Condominiums for reimbursement to the Town for the utilization of the Town's contractor.

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

Town Manager Bullock requested and received confirmation that the policy relating to the removal of dead fish from marinas had not been altered.

APPROVAL OF MINUTES

2. July 5, 2016 Regular Meeting; September 12, 2016 Special Workshop Meeting; and September 12, 2016 Regular Meeting Minutes

There was consensus to approve the Minutes as presented.

COMMITTEE REPORTS AND COMMUNICATIONS

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

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

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

6. Other Reports

A. Presentation by Resort at Longboat Key Club/Ocean Properties

Mr. Jeff Mayer, with Ocean Properties and the Longboat Key Club, presented the Town with a \$10,000.00 check resulting from participation in a recent charity event to be utilized for Bayfront Park enhancements.

CLOSING AND ACTION ON CONSENT AGENDA

7. Amended Interlocal Agreement Between Manatee County and the Town of Longboat Key for Renewal of CDBG/HOME/ESG Cooperation Agreement with Manatee County

At the June 20, 2016 Special Meeting the Town Commission approved an Interlocal agreement with Manatee County for Renewal of CDBG/HOME Cooperation Agreement and Emergency Solutions Grant (ESG). Since that time the Department of Housing and Urban Development has advised of a necessary amendment to that Interlocal agreement. Due to our size and demographic the Town of Longboat Key is not eligible to apply for CDBG or HOME grant funds. However, through Interlocal agreements beginning in 2001, the Town assigned its population to Manatee County to make application for, and receive, CDBG, HOME and ESG funds directly for the County's eligible residents. This item is placed on the November 7, 2016 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will authorize the Town Manager to sign the amended Interlocal Agreement between Manatee County and the Town of Longboat Key.

8. Adopting the Town's 2017 Legislative Priorities

Each year the Town establishes legislative priorities for submittal to the Sarasota County Legislative Delegation, Manatee County Legislative Delegation, and the ManaSota League of Cities. The Town Manager will seek Commission direction regarding issues to be brought forward for consideration during the upcoming legislative session. The Legislative Priorities were discussed at the October 17, 2016 Regular Workshop Meeting and forwarded to the November 7, 2016 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will formalize the Town's 2017 Legislative Priorities.

9. Approving a Plat for a Lot Line Adjustment Between Lot 2 and Lot 3 of the Landwirth Subdivision, Located at 570 and 580 Broadway Street

Mason Martin, LLC, owner of property located at 570 and 580 Broadway Street (Lot 2 and Lot 3 of the Landwirth Subdivision), has applied for a minor lot line modification between the two lots. Both lots are currently conforming to Chapter 157: Subdivision

9. Approving a Plat for a Lot Line Adjustment Between Lot 2 and Lot 3 of the Landwirth Subdivision, Located at 570 and 580 Broadway Street - Continued

Regulations of the Town's Land Development Code; however, the owner desires to move the existing lot line to the east. The new configuration will be in compliance with the Town's Subdivision Code and all applicable provisions within the Zoning Code. Recommended Action: Approval of the Consent Agenda will approve the Plat for a Lot Line Adjustment between Lot 2 and Lot 3 of the Landwirth Subdivision, located at 570 and 580 Broadway Street.

10. Confirmation of Continued Support of Longboat Key Kiwanis Club Gourmet Lawn Party

Each year the Commission reaffirms the Town's support of this annual charitable fund raising event. The Town has traditionally assisted the Longboat Key Kiwanis Club organizers by providing limited staffing of Public Works employees for the delivery and set-up of tents and small generators. This item is placed on the Consent Agenda for the Commission to consider continuation of their annual support. Recommended Action: Approval of the Consent Agenda will confirm the Town's continued support of this annual event.

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

ORDINANCES - FIRST READING

11. Ordinance 2016-26, Providing for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)

Mr. Charles Whittall, representing Unicorp National Developments, Inc., and The Colony Beach and Tennis Club Association, has submitted a request for a referendum to allow the Town to consider an increase in density of 180 residential units, over and above the 237 existing tourism units on the property located at 1620 Gulf of Mexico Drive. The Town Commission considered the request at their Regular Workshop on September 26, 2016, and directed Staff to work with the applicant to develop an ordinance to forward to the November 7, 2016, Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2016-26 to the December 5, 2016, Regular Meeting for second reading, public hearing, and discussion.

Town Clerk Trish Granger placed Ordinance 2016-26 on record for first reading by title only.

Commr. Pastor moved to pass Ordinance 2016-26 on first reading and to forward to the December 5, 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 provided a PowerPoint presentation on Ordinance 2016-26. Discussions were held on the following topics/issues:

- current Future Land Use Designation, existing language in Comprehensive Plan
- inclusion of additional units in the referendum question (Option 1)

11. Ordinance 2016-26, Providing for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)- Continued

- inclusion of the word “potential” in Option 2
- clarification of density of 24.11 units per acre.

Commr. Younger moved to amend the motion to pass Ordinance 2016-26 to incorporate Referendum Question Option 2 in the Ordinance. The motion was seconded by Commr. Zunz.

Discussion ensued on the referendum question options and presenting clear language to the electorate.

Commr. Younger withdrew his motion to amend Ordinance 2016-26, without objection.

Discussion ensued on the options to clarify the language to ensure voter understanding on the potential total number of units that may be requested for the property at a future time.

Commr. Younger suggested the following language amendment to Option 1 outlined in Staff’s report (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

May the Town allow The Colony property ~~located~~ at 1620 Gulf of Mexico Drive (~~comprising~~ approximately 17.3 acres), ~~currently~~ zoned as T-6 district (allowing a maximum of six [6] units per acre) but having a non-conforming density for tourism uses of 13.6 units per acre and 237 tourism units, be allowed to increase density to add ~~an additional~~ 180 additional residential units at a density of 24.1 potential units per acre (417 units total)?

Following comments, Mayor Duncan advised that he would provide a ten-minute recess to allow time for the Town Attorney and Staff to draft Ordinance language.

RECESS: 8:02 p.m. - 8:15 p.m.

Upon inquiry, Town Attorney Mooney-Portale noted the following language for consideration:

May the Town allow The Colony property at 1620 Gulf of Mexico Drive (approximately 17.3 acres), zoned T-6 but having a non-conforming density for tourism uses of 13.6 units per acre and 237 tourism units, be allowed to increase density to add 180 additional residential units for a potential density of 24.11 units per acre (417 total units)?

Town Attorney Mooney-Portale advised that the applicant proposed the following language as Option 3:

11. Ordinance 2016-26, Providing for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)- Continued

May the Town allow the density of the Colony property located at 1620 Gulf of Mexico Drive (comprising of 17.3 acres), to be increased by 180 residential condominium units to the existing 237 tourism units for a maximum density of 24.11 units per acre in order to consider the development of a new luxury residential/hotel resort?

Commr. Younger moved to amend Ordinance 2016-26 to incorporate the Town's language as provided by Town Attorney Mooney-Portale. The motion was seconded by Vice Mayor Gans.

Commr. Zunz requested consideration to include the phrase (allowing 6 units per acre) into the referendum language. Following comments, Commr. Younger and Vice Mayor Gans agreed to incorporate the addition as part of the motion.

Ms. Amy Schuemann, Unicorp National Developments, Inc., Orlando, Florida, commented on the proposed referendum language.

Mr. Chuck Whittall, Unicorp National Developments, Inc., Orlando, Florida, commented on the proposed referendum language. Upon inquiry, Mr. Whittall noted the definition of "luxury."

Discussion ensued on the referendum language options.

Mr. George Spoll, Harbourside Drive, commented on the proposed referendum language.

The motion to amend Ordinance 2016-26 passed by a 4-3 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Pastor, no; Daly, aye; Linde, no; Duncan, no.

Commr. Zunz inquired, and Mr. Whittall advised on the status of the votes received to date, on-going negotiations with Mr. Andy Adams, and the time frame for the return of the remaining votes.

Discussion ensued on the development of the property if the referendum is unsuccessful, the lack of a closing date on the return of the owner's votes, and future requirements to seek Planning and Zoning Board and Town Commission approval

Town Manager Bullock advised of amendments to Sections 2 and 5 of Ordinance 2016-26, relating to the payment of costs associated with the election and clarifying that there are no obligations placed on the Town to approve any future development plans for the property.

Vice Mayor Gans moved to amend Ordinance 2016-26 to incorporate the language to Sections 2 and 5 of the Ordinance. The motion, seconded by Commr. Daly, carried by a 7-0 roll call vote, as follows: Gans, aye; Daly, aye; Zunz, aye; Pastor, aye; Linde, aye; Younger, aye; Duncan, aye.

11. Ordinance 2016-26, Providing for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)- Continued

The motion to pass Ordinance 2016-26, as amended, and to forward to the December 5, 2016, Regular Meeting for second reading and public hearing carried by a 7-0 roll call vote, as follows: Pastor, aye; Gans, aye; Linde, aye; Younger, aye; Duncan, aye; Daly, aye; Zunz, aye.

12. Ordinance 2016-30, Moratorium on Cannabis Dispensaries and Treatment Centers

On November 8, 2016, Florida voters will consider Amendment 2, which would fully legalize the medical use of marijuana throughout the State for individuals with specified “debilitating” conditions. Approval of Amendment 2 would authorize cultivation, processing, distribution, and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers”. Proposed Ordinance 2016-30 would impose a 12 month moratorium on the establishment of marijuana dispensing organizations and medical marijuana treatment centers with the jurisdiction of the Town. Recommended Action: Pending first reading and discussion, forward Ordinance 2016-30 to the December 5, 2016 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-30 on record for first reading by title only.

Commr. Pastor moved to pass Ordinance 2016-30 on first reading and to forward to the December 5, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Gans.

Town Manager Dave Bullock gave an overview of Ordinance 2016-30.

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

13. Ordinance 2016-31, Establishing the Dates for the 2017 Preliminary and General Municipal Elections and the Early Voting Schedule

The Town’s Charter establishes the date for the Town’s General Election as the third Tuesday in March but provides an option to align the Town’s election dates with any other County administered election. The Sarasota County Supervisor of Election has established the Town’s election to coincide with the City of Sarasota’s March 14, 2017 General Election. In compliance with the Charter, the 2017 Preliminary Election, if required, would be January 31, 2017. Proposed Ordinance 2016-31 provides for the Town’s General Municipal Election dates, and is presented for Commission consideration at the October 17, 2016 Regular Workshop Meeting. Recommended Action: Pending first reading and discussion, forward Ordinance 2016-31 to the December 5, 2016 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-31 on record for first reading by title only.

13. Ordinance 2016-31, Establishing the Dates for the 2017 Preliminary and General Municipal Elections and the Early Voting Schedule

Commr. Zunz moved to pass Ordinance 2016-31 on first reading and to forward to the December 5, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Gans.

Town Manager Dave Bullock gave an overview of Ordinance 2016-31.

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

ORDINANCES - FIRST READING AND PUBLIC HEARING

14. Ordinance 2016-28, Beach General Obligation Debt Service Bond, Year End Budget Transfer

The Town Manager requests a budget transfer from unappropriated fund balance in the amount of \$47,085 to cover the interfund transfer to the Beach Capital Project Fund. The amount of the transfer is equal to the collections for the millage imposed in the prior fiscal year. An Ordinance is required by Town Charter to cover the overages in the budget. Ordinance 2016-28 provides for the necessary transfers and was placed on the October 17, 2016 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2016-28 to the December 5, 2016 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-28 on record for first reading and public hearing by title only.

Commr. Linde moved to pass Ordinance 2016-28 on first reading and public hearing and to forward to the December 5, 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 advised that an overview of Item 15 (Ordinance 2016-29) , Item 18 (Resolution 2016-21) and Item 19 (Resolution 2016-22) was also included in Staff's presentation on Ordinance 2016-28.

There was consensus to proceed with the presentation on the four items.

Finance Department Budget Analyst Sandi Henley gave a PowerPoint presentation on Ordinances 2016-28 and 2016-29 and Resolutions 2016-21 and 2016-22.

Town Manager Bullock commented on the year end budget process and responded to inquiry relating to the auditor recommendations relating to the financial limit on budget transfers by the Town Manager.

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

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

15. Ordinance 2016-29, Beach Capital Fund, Year End Budget Transfer

The Town Manager requests a budget transfer from unappropriated fund balance in the amount of \$83,396 for the Beach Capital Project Fund to cover additional expenses associated with wages, memberships, travel, monitoring protected species, bond closing costs and legal expenses. An Ordinance is required by Town Charter to cover this transfer. Ordinance 2016-29 amends the FY 2015-2016 Beach Capital Fund Budget to provide for an appropriation from fund balance in the amount of \$83,396. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2016-29 to the December 5, 2016 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-29 on record for first reading and public hearing by title only.

Commr. Pastor moved to pass Ordinance 2016-29 on first reading and public hearing and to forward to the December 5, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Gans.

Mayor Duncan opened the public hearing.

Finance Department Budget Analyst Sandi Henley affirmed her testimony on Ordinance 2016-29.

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

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

Commr. Younger requested, and there was consensus to advance consideration of Items 18 (Resolution 2016-21) and 19 (Resolution 2016-22) prior to consideration of Item 16.

18. Resolution 2016-21, General Fund, Year End Budget Transfers

Town Charter requires that sufficient budgets are available in each General Ledger account to cover eligible expenditures. The Town Manager has the authority to transfer up to \$10,000 within a department program, however the Town Commission must authorize, by resolution, transfers exceeding \$10,000 and transfers across departments. Resolution 2016-21, provides preliminary estimates of the necessary transfers within the General Fund for compliance with the Town Charter. Attachment A provides details for each required transfer. Recommended Action: Pending discussion, pass Resolution 2016-21.

Town Clerk Trish Granger placed Resolution 2016-21 on record by title only.

Commr. Younger moved to pass Resolution 2016-21. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Younger, aye; Pastor, aye; Duncan, aye; Gans, aye; Linde, aye; Daly, aye; Zunz, aye.

19. Resolution 2016-22, Tennis Fund, Year End Budget Transfer

Town Charter requires that sufficient budgets are available in each General Ledger account to cover eligible expenditures. The Town Manager has the authority to transfer up to \$10,000 within a department program, however the Town Commission must authorize, by resolution, transfers exceeding \$10,000 and transfers across departments. Resolution 2016-22, provides preliminary estimates of the necessary transfers within the Tennis Fund for compliance with the Town Charter. Attachment A provides details for each required transfer. Recommended Action: Pending discussion, pass Resolution 2016-22.

Town Clerk Trish Granger placed Resolution 2016-22 on record by title only.

Commr. Pastor moved to pass Resolution 2016-22. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Pastor, aye; Younger, aye; Gans, aye; Zunz, aye; Daly, aye; Linde, aye; Duncan, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

16. Ordinance 2016-25, Providing for Referendum from Mr. Bruce E. Franklin, Land Resource Strategies, LLC., for Property Located at 5630 Gulf of Mexico Drive

Mr. Bruce E. Franklin, representing Brista Homes, Inc., purchaser of property located at 5630 Gulf of Mexico Drive, submitted a request for a referendum to allow the Town to consider an increase in density of six (6) residential units per acre for a maximum of 10 residential units on the property. There is currently no density on the property. First reading for Ordinance 2016-25 was held at the October 4, 2016 Regular Meeting. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2016-25.

Town Clerk Trish Granger placed Ordinance 2016-25 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2016-25. The motion was seconded by Commr. Zunz.

Mayor Duncan opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray provided an overview of Ordinance 2016-25.

Mr. Bruce Franklin, representing Brista Homes, commented on the Ordinance.

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

RESOLUTIONS

17. Quasi-Judicial - Resolution 2016-19, Chase Bank, 545 Bay Isles Parkway, Parcel "A", Site Plan Amendment

The Planning and Zoning Board recommended approval of Resolution 2016-19, which provides for site plan amendment for the Shoppes of Bay Isles, as outlined by staff. Resolution 2016-19 was forwarded to the November 7, 2016 Town Commission Regular Meeting for public hearing and formal action.

17. Quasi-Judicial - Resolution 2016-19, Chase Bank, 545 Bay Isles Parkway, Parcel "A", Site Plan Amendment

Recommended Action: The Commission will base their decision on competent and substantial evidence submitted at the November 7, 2016 Regular Meeting.

Mayor Duncan noted the procedures for quasi-judicial hearings.

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

Town Attorney Maggie Mooney-Portale reviewed and inquired as to ex-parte communication and conflicts with no disclosures submitted by individual Commissioners.

Town Clerk Granger placed Resolution 2016-19 on record for the quasi-judicial public hearing by title only.

Mayor Duncan opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray provided an overview of Resolution 2016-19, advising compliance with applicable Town codes.

Mr. Matthew Campo, Campo Engineering, duly sworn, commented on the project.

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

Commr. Younger moved to pass Resolution 2016-19. The motion, seconded by Commr. Linde, carried by a 7-0 roll call vote, as follows: Younger, aye; Linde, aye; Gans, aye; Duncan, aye; Pastor, aye; Zunz, aye; Daly, aye.

20. Resolution 2016-23, Supporting Non-Transport Advanced Life Support for West Manatee Fire and Rescue

The Town of Longboat Key relies on West Manatee Fire and Rescue District as a primary provider of automatic and mutual aid fire and rescue services. The importance of their having advance life support (ALS), non-transport services is consistent with the ALS services provided by the Town's Fire Rescue staff. Having paramedics on their staff would supplement our staff in the event of a large emergency or during periods when they are responding to calls on Longboat Key. Recommended Action: Pending discussion, pass Resolution 2016-23.

Town Clerk Trish Granger placed Resolution 2016-23 on record by title only.

Commr. Younger moved to pass Resolution 2016-23. The motion was seconded by Commr. Linde.

Town Manager Dave Bullock provided an overview of Resolution 2016-23 and discussed the Manatee County position on the issue.

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

NEW BUSINESS

21. Request for Consideration of Code Enforcement Lien Reduction

Mr. James R. Mann requested Town Commission consideration of a lien reduction for Code Enforcement Board levied fines for violations at 549 Hornblower Lane, Longboat Key, FL. The Town Commission referred the item to the Code Enforcement Board for review and a recommendation. At their Monday, October 10, 2016 Code Enforcement Board Meeting the Board voted to uphold the imposed lien, which included the fines, fees, and administrative costs of the Town. The Town Commission has the option of reducing, dismissing, or upholding the liens against the property. This item is placed on the November 7, 2016 Regular Meeting for formal action. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided an overview of the request. Upon inquiry, Town Manager Bullock noted the previous amount of fines for various properties over the past ten years.

Following comments, Commr. Younger moved to reduce the lien amount to \$15,000.00. The motion was seconded by Commr. Linde.

Subsequent to individual comments, Commr. Younger withdrew his motion.

Following comments by Commr. Zunz, Town Attorney Maggie Mooney-Portale commented on Florida Statutes and the governing bodies authority to act on a lien reduction.

Commr. Zunz moved to deny the request due to lack of standing for the Commission to reduce the lien amount. The motion failed for lack of a second.

Commr. Younger moved to deny the request for a lien reduction. The motion was seconded by Vice Mayor Gans.

Upon inquiry, Town Attorney Mooney-Portale advised that the motion would result in the full lien amount would remain on the record.

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.

Commr. Zunz noted the exemplary job done by the Code Enforcement Officer and Code Enforcement Board on the cases. Mayor Duncan thanked the Code Enforcement Board for their dedication.

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Public Agencies/Public Works

Town Manager Bullock commented on the following items:

- Sarasota County School Board Convocation scheduled for January 20, 2017
- Red tide clean-up by Town staff.

Commr. Younger commended staff on their clean-up efforts and commented on the removal of peacocks on the North end of Longboat.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the November 7, 2016, Regular Meeting at 10:22 p.m.

Trish Granger, Town Clerk

Terry A. Gans, Mayor

Minutes Approved: _____

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

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
NOVEMBER 14, 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: Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale,
Present: Town Clerk Trish Granger

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Duncan called the November 14, 2016, Regular Workshop to order at 1:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Younger led the Pledge of Allegiance.

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

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building

Ms. Lynn Larson, Yardarm Lane, commented on height restrictions on single family homes and requested consideration to institute a moratorium on allowing additional height for elevator shafts/mechanical equipment.

Subsequent to discussion, there was consensus to direct the Planning and Zoning (P&Z) Board to review the Code and to make recommendations to the Commission following their review.

B. Organizations

Mayor Duncan noted and thanked Ms. Rose Quin-Bare with Waste Management, Inc., for the pen set for all Commissioners.

C. Town Manager

Mayor Duncan noted that November 14th was Town Manager Dave Bullock's birthday.

D. Town of Longboat Key

Mayor Duncan noted that November 14th was the Town of Longboat Key's 61st birthday.

COMMITTEE REPORTS AND COMMUNICATIONS

2. Manatee County Special Liaison Report

A. Organizations

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

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

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

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

4. ManaSota League of Cities Report

A. State Agencies

Commr. Pastor noted discussions at the ManaSota League of Cities regarding the State's Constitution Revision Commission, a State Board to review the State's Constitution and requested consideration to issue correspondence in support of the appointment of Florida League of Cities President Susan Haynie to represent the municipalities on the CRC.

Subsequent to comments, there was consensus to support the appointment of Ms. Susan Haynie to State Board and to direct staff to prepare the appropriate documentation for formal action at the December 5, 2016, Regular Meeting.

5. Other Reports - No items were presented.

DISCUSSION ITEMS

6. Beach Projects Update

In 2016 the Town completed several beach nourishment projects at a cost of approximately \$18 million. Olsen Associates Inc. (OAI) will attend the November 14, 2016 Town Commission Regular Workshop to present a summary of these projects. They will also discuss the next steps as the Town moves forward on future coastal projects. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted attendance of Mr. Al Browder with Olsen Associates, Inc. and advised that Mr. Browder would be making the presentation. Mr. Browder gave a PowerPoint presentation entitle "Beach Project Update." Discussions were held on the following topics/issues:

- estimated cost per lineal foot
- closure of New Pass Channel by forces of nature
- need to continue maintenance dredging to retain navigable waterway
- options for Beach Management Plan update
- synopsis of the North end groins functionality
- objectives of the beach area in the North end area/determination of Commission's intent/primary objectives for groins
- sand source issue/process for future options of sand sources and alternatives for existing sources
- Florida Department of Environmental Protections' (FDEP) position on maintaining West coast beaches in the future
- determination of "depth of closure"/estimated depth of closure on East coast
- lack of inclination on FDEP's role in sand management/lack of State strategic plan for beach management
- options for future consideration of sand types by Commission
- examination of the function of the North end groins
- intent to adjust groins/slow down erosion
- option to develop long term strategic plan for Longboat Key.

Mr. Bob Bunting, North Shore Road, commented on the beach erosion.

6. Beach Projects Update - Continued

Ms. Pat Zunz, Lands End Drive, commented on the North end groins.

Town Manager Bullock noted the time period and actions required prior to application to FDEP for a terminal groin.

RECESS: 2:48 p.m. – 3:15 p.m.

7. Discussion Regarding Code Enforcement Board

At the May 16, 2016, Regular Workshop Meeting the Town Commission discussed the role and alternatives to the Code Enforcement Board. There was consensus to retain the Board and to process citations within the Town with appeals being heard before the Code Enforcement Board. At the October 17, 2016, Regular Workshop Meeting the Commission expressed interest in further discussion of the role and alternatives to a Code Enforcement Board. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Police Department Code Enforcement Officer Chris Elbon gave a PowerPoint presentation on the role and alternatives to the Code Enforcement Board. Discussions were held with Mr. Elbon and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- interface between Special Magistrate and Code Enforcement Board
- ability of Special Magistrate to assess fines and impose lien
- current need to retain Code Enforcement Board until a charter amendment was processed successfully relating to the requirement to maintain a permanent Code Enforcement Board
- ability to share roles between Special Magistrate and Code Enforcement Board
- option to enact term limits for Code Enforcement Board members
- identification of Town Attorney as the Code Enforcement Board's attorney, not staff attorney
- options for use of Special Magistrate/Code Enforcement Board make-up
- limiting use of volunteers/citizen participation on advisory boards
- lack of formal training for new appointees
- gap in cases being heard
- alternatives utilizing a citation process in conjunction with the Code Enforcement Board.

Mr. George Spoll, Harbourside Drive, commented on the issue.

Following individual comments, Town Attorney Mooney-Portale commented on statutory restrictions.

Following additional discussion, there was majority consensus to begin the process to establish a Special Magistrate process, evaluate the blend with the existing Board and provide information on the implementation process, and to establish the citation process.

8. Discussion Regarding Charter Review Process

The Town Manager and Town Attorney will discuss the process regarding the Town's Charter Review requirements, background on previous Charter Review Committees, and seek direction to move forward with the Charter Review. Recommended Action: Pending discussion, provide direction to Manager.

Assistant Town Manager Mike Hein provided a PowerPoint presentation on the Charter Review process. Discussions were held on the items to consider in the composition of the Charter Review Committee.

Ms. Pat Zunz, Lands End Drive, commented on the composition of the committee.

Following individual comments on the process to proceed,  Mr. George Spoll, Harbourside Drive, commented on the option to seek volunteers.

There was consensus to place advertisement seeking volunteers and to schedule discussion on the January, 2017 Workshop Agenda.

9. Proposed Ordinance 2016-34, Amending Chapter 157, Subdivision Code, Section 157.03, Definitions and Section 157.32, Lot Line Adjustments

Chapter 157 of the Town's Land Development Code regulates the subdivision of land within the Town. Section 157.03 defines "subdivisions" and Section 157.32 allows approval of lot line adjustments to be performed administratively when the revision results in two conforming lots. However, certain provisions within these two sections are in conflict with Florida Statutes. Proposed Ordinance 2016-34 conforms the Town Subdivision Code to applicable Florida Law by revising the definition of "subdivision" and providing a revised administrative approval process for minor lot reconfigurations. Recommended Action: Pending recommendation from the Planning and Zoning Board, forward Ordinance 2016-34 to the Town Commission's December 5, 2016 Regular Meeting for first reading.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-34. Discussions were held with Town Attorney Maggie Mooney-Portale on previous approvals.

There was consensus to forward Ordinance 2016-34 to the December 5, 2016, Regular Meeting for first reading.

10. Annual Evaluation of Town Attorney

A provision of the Town Attorney's contract calls for an annual review and job performance evaluation by the Town Commission. This item is placed on the November 14, 2016 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Town Attorney.

11. Annual Evaluation of Town Manager

A provision of the Town Manager's employment agreement calls for a review and job performance evaluation by the Town Commission at least once annually. The agreement also states that the Commission shall define the goals and objectives of the Town Manager at least annually. This item is placed on the November 14, 2016, Regular Workshop Meeting for Commission consideration. Recommended Action: Pending

11. Annual Evaluation of Town Manager - Continued discussion, provide direction to Manager.

Mayor Duncan suggested combining the evaluations and requested that Commissioners discuss any issues individually with the Town Attorney and Town Manager.

TOWN COMMISSION COMMENTS

A. Finance:

Mayor Duncan requested that the quarterly reports previously requested be provided to the Commission.

B. Public Works

Mayor Duncan commented on the issue of Sea Level Rise and suggested that Town staff become involved in the issue. (See item later this meeting.)

TOWN ATTORNEY COMMENTS

A. Legislative Priorities

Town Attorney Mooney-Portale commented on a scheduled meeting with State Representative Boyd in December and noted the Manatee Legislative Delegation Meeting on December 20, 2016, at 8:30 a.m. in the Manatee County Administration Center, Commission Chamber.

B. Legislation

Town Attorney Mooney-Portale noted her recent presentation to ManaSota League of Cities relating to noise regulations on waterways.

C. Ethics

Town Attorney Mooney-Portale advised that the pen set received from Waste Management complied with the gift regulations established by the State of Florida.

TOWN COMMISSION COMMENTS - Continued

B. Public Works

Mayor Duncan requested and there was consensus to schedule a Joint Workshop with the City of Sarasota on the issue of sea level rise.

TOWN MANAGER COMMENTS - No items were presented.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the November 14, 2016, Regular Workshop at 5:05 p.m.

Trish Granger, Town Clerk

Terry A. Gans, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
DECEMBER 5, 2016 - 7:00 P.M.**

Present: Vice Mayor Terry Gans, Comms. 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

Vice Mayor Gans called the December 5, 2016, Regular Meeting to order at 7:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Pastor led the Pledge of Allegiance.

Vice Mayor Gans noted the Town's Civility Policy and read the Pledge of Public Conduct.

Vice Mayor Gans commented on the artwork in the Chamber, noting it was all work by former Mayor Ron Johnson, advising that it was in tribute to Mr. Johnson and his contributions to the community.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Gene Jaleski, Cedar Street, commented on erosion on the North end of the island (Greer Island also known as Beer Can Island).

OTHER BUSINESS: COMMISSION ADDITION TO AGENDA

17. Appointment to Fill Vacancy of District 2 Town Commission Seat Due to Resignation of Mayor Duncan

On December 1, 2016, Mayor Jack Duncan submitted a letter of resignation for the At-Large Commission Seat effective immediately. The Town Charter Article II, Section 8 provides options to fill the Commission vacancy. Section 10 provides for selection of Mayor and Vice-Mayor. The Town Commission will consider the appointment of a District 2 Commissioner, the selection of a Mayor, and the selection of a Vice Mayor.

Vice Mayor Gans noted and read the letter of resignation of Mayor Jack Duncan from the Commission and noted the process for filling a vacancy on the Town Commission and the election of a Mayor and Vice Mayor.

Vice Mayor Gans opened the floor for nominations to fill the District 2 seat.

Commr. Younger nominated Mr. George Spoll.

As no further nominations were stated, Vice Mayor Gans closed the nominations.

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

17. Appointment to Fill Vacancy of District 2 Town Commission Seat Due to Resignation of Mayor Duncan - Continued

The nomination to appoint Mr. George Spoll to fill the vacancy for the Commission District 2 seat passed unanimously by a 6-0 roll call vote, as follows: Gans, aye; Younger, aye; Linde, aye; Daly, aye; Zunz, aye; Pastor, aye.

Town Clerk Trish Granger administered the Oath of Office to Mr. George Spoll for Commission District 2.

Vice Mayor Gans noted the requirement for the election of Mayor and opened the floor for nominations.

Commr. Pastor nominated Vice Mayor Gans. Commr. Linde nominated Commr. Spoll.

As no further nominations were presented, Vice Mayor Gans closed the nominations.

Commr. Spoll thanked Commr. Linde and declined the nomination.

Vice Mayor Gans was elected to serve as Mayor effective through March 2017 by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Daly, aye; Linde, aye; Younger, aye; Spoll, Gans, aye.

Mayor Gans opened the floor for nominations for Vice Mayor.

Commr. Zunz nominated Commr. Younger. Mayor Gans nominated Commr. Pastor.

Following a vote on the nominations, Commr. Younger was elected to serve as Vice Mayor through March 2017.

Town Clerk Granger administered the Oath of Office for Mayor and Vice Mayor to Commr. Gans and Commr. Younger respectively.

APPROVAL OF MINUTES

2. September 12, 2016 Special Workshop Meeting; September 26, 2016 Regular Workshop Meeting; September 26, 2016 Special Meeting; October 4, 2016 Regular Meeting; October 17, 2016 Regular Workshop Meeting; and October 26, 2016 Joint Meeting with Sarasota County Commission Minutes

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

COMMITTEE REPORTS AND COMMUNICATIONS

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

CONSENT AGENDA

7. Certification of Special Referenda Election Results

The Town Commission adopted Ordinance 2016-17 and Ordinance 2016-18, on June 6, 2016, each to allow placement of a referendum question on the November 8, 2016 General Election Ballot. Ordinance 2016-17 provided for the question for contiguous properties currently zoned with no density to increase density to R-6MX to allow a maximum of six units per acre (Failed: Against, 3,096 / In Favor, 2,023). Ordinance 2016-18, provided for the question for an increase in residential units from zero to a maximum of three residential units per acre (Failed: Against, 3,033 / In Favor, 1,989). In accordance with the Town Charter, Article II, Section 6, Canvass of returns; certification of election, the Town Clerk is required to forward the results of any election to the Town Commission following certification of the election by each Supervisor of Elections Office. The Town Commission is charged with canvassing the returns and declaring the result of the election for the record. Recommended Action: Approval of the Consent Agenda will fulfill the requirement for the certification of the November 8, 2016 General Election by the Town Commission.

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

ORDINANCES - FIRST READING

8. Ordinance 2016-34, Amending Chapter 157, Subdivisions, Section 157.03, Definitions and Section 157.32, Lot Line Adjustments

Chapter 157 of the Town's Land Development Code regulates the subdivision of land within the Town. Florida Statutes Chapter 177 regulates the subdivision of lands within local jurisdictional boundaries. Currently, the Town's existing subdivision regulations conflict with Florida Statutes. Ordinance 2016-34 was presented to the Town Commission at their November 14, 2016, Regular Workshop Meeting. The Planning & Zoning Board considered Ordinance 2016-34 at their November 15, 2016, Regular Meeting then forwarded a recommendation of approval to the Town Commission's December 5, 2016 Regular Meeting. Recommended Action: Pending first reading and discussion, forward to the January 9, 2017 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2016-34 on record for first reading by title only.

Comm. Linde moved to pass Ordinance 2016-34 on first reading and to forward to the January 9, 2017, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-34.

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

9. Ordinance 2016-26, Providing for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)

Mr. Charles Whittall, representing Unicorp National Developments, Inc., and The Colony Beach and Tennis Club Association, submitted a request for a referendum to allow the Town to consider an increase in density of 180 residential units, over and above the 237 existing tourism units on the property located at 1620 Gulf of Mexico Drive. The Town Commission conducted first reading of Ordinance 2016-26, to establish the referendum language, and forwarded the ordinance to their December 5, 2016, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-26.

Town Clerk Trish Granger placed Ordinance 2016-26 on record for second reading and public hearing by title only.

Comm. Pastor moved to adopt Ordinance 2016-26 on second reading and public hearing. The motion was seconded by Commr. Linde.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-26.

The following individuals commented on Ordinance 2016-26. Discussions were held throughout speaker presentations:

- Ms. Amy Schuemann, Unicorp National Developments, Inc., Orlando, Florida
- Mr. Chuck Whittall (submitted e-mail from Mr. Adams)
- Mr. John Rutledge, Gulf of Mexico Drive
- Mr. Gene Jaleski, Cedar Street
- Ms. Pat Zunz, Lands End Drive
- Attorney Jeffrey Warren, Tampa, Florida
- Mr. Bill Cook, Gunwale Lane
- Attorney Brenda Patten, representing Unicorp National Developments, Inc.
- Mr. Larry Grossman, St. Judes Drive North

Town Attorney Maggie Mooney-Portale commented on the Commission's discretion, existing grandfathering of non-conformity on the property, and the approval/denial for the current or future applicant for development.

Attorney Donald Hemke, representing the Colony Association, commented on Ordinance 2016-26.

Mr. Whittall offered rebuttal comments relating to public comments.

Discussions were held on the following topics/issues:

- property ownership/standing to request referendum
- ballot language "add 180 additional residential units" when no residential units currently exist
- process for granting ballot referendum questions.

9. Ordinance 2016-26, Providing for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club) - Continued

Subsequent to inquiry, Town Attorney Mooney-Portale commented on the documentation provided relating to ownership, representation, and ability of Unicorp Development to request the referendum.

Subsequent to individual comments, Commr. Spoll moved to amend Ordinance 2016-26, to strike the word “additional” in the referendum question. The motion, seconded by Mayor Gans, carried by a 7-0 roll call vote, as follows: Spoll, aye; Gans, aye; Younger, aye; Linde, aye; Daly, aye; Zunz, aye; Pastor, aye.

The motion to adopt Ordinance 2016-26, as amended, carried by a 5-2 roll call vote, as follows: Pastor, aye; Linde, aye; Daly, aye; Zunz, no; Younger, no; Spoll, aye; Gans, aye.

Mayor Gans advised that Mr. Whittall requested to show a rendering of the proposed Colony redevelopment which would be held until the end of the agenda items.

RECESS: 8:53 p.m. – 9:05 p.m.

10. Ordinance 2016-10, Comprehensive Plan Mobility Element

Ordinance 2016-10 converts the Town’s Transportation Element of the Comprehensive Plan into a new Mobility Element, which addresses vehicular, pedestrian, and bicycle usage. The Town Commission held first reading and public hearing of Ordinance 2016-10 at their October 4, 2016 Regular Meeting. Ordinance 2016-10 was then forwarded to the Florida Department of Economic Opportunity for review and comment. Staff will provide information regarding comments received at the December 5, 2016 Regular Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-10.

Town Clerk Trish Granger placed Ordinance 2016-10 on record for second reading and public hearing by title only.

Vice Mayor Younger moved to adopt Ordinance 2016-10 on second reading. The motion was seconded by Commr. Pastor.

Mayor Gans opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-10, noting that minor modifications were made based on State comments and the changes requested by the Florida Department of Transportation were not incorporated.

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

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

11. Ordinance 2016-30, Moratorium on Cannabis Dispensaries and Treatment Centers

On November 8, 2016, Florida voters approved Amendment 2, which fully legalized the medical use of marijuana throughout the State for individuals with specified “debilitating” conditions. Approval of Amendment 2 authorizes cultivation, processing, distribution, and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers”. Ordinance 2016-30 would impose a 12-month moratorium on the establishment of marijuana dispensing organizations and medical marijuana treatment centers within the jurisdiction of the Town. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-30.

Town Clerk Trish Granger placed Ordinance 2016-10 on record for second reading and public hearing by title only.

Commr. Spoll moved to adopt Ordinance 2016-10 on second reading. The motion was seconded by Commr. Pastor.

Mayor Gans opened the public hearing.

Town Manager Dave Bullock commented on Ordinance 2016-10 and Town Attorney Maggie Mooney Portale commented on the timeframe for the moratorium and the lack of challenges to recent moratoriums enacted.

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

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

12. Ordinance 2016-31, Establishing the Dates for the 2017 Preliminary and General Municipal Elections and the Early Voting Schedule

The Town’s Charter establishes the date for the Town’s General Election as the third Tuesday in March but provides an option to align the Town’s election dates with any other County administered election. The Sarasota County Supervisor of Election has established the Town’s election to coincide with the City of Sarasota’s March 14, 2017 General Election. In compliance with the Charter, the 2017 Preliminary Election, if required, would be January 31, 2017. Ordinance 2016-31 provides for the Town’s General Municipal Election dates, and was presented for first reading at the November 7, 2016 Regular Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-31.

Town Clerk Trish Granger placed Ordinance 2016-31 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2016-31 on second reading. The motion was seconded by Commr. Linde.

Mayor Gans opened the public hearing.

Town Manager Dave Bullock commented on Ordinance 2016-31 and noted staff was available to answer any questions relating to the Ordinance.

12. Ordinance 2016-31, Establishing the Dates for the 2017 Preliminary and General Municipal Elections and the Early Voting Schedule - Continued

The following individuals commented on Ordinance 2016-31:

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

Mayor Gans closed the public hearing.

Following individual comments and upon inquiry, Town Attorney Maggie Mooney-Portale advised that there are statutory restrictions on the use of public funds in the electoral process and noted she would report back on the issue of sponsoring debates.

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

13. Ordinance 2016-28, Beach General Obligation Debt Service Bond, Year End Budget Transfer:

The Town Manager requests a budget transfer from unappropriated fund balance in the amount of \$47,085 to cover the Interfund transfer to the Beach Capital Project Fund. The amount of the transfer is equal to the collections for the millage imposed in the prior fiscal year. An Ordinance is required by Town Charter to cover the overages in the budget. Ordinance 2016-28 provides for the necessary transfers and was placed on the October 17, 2016 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2016-28.

14. Ordinance 2016-29, Beach Capital Fund, Year End Budget Transfer

The Town Manager requests a budget transfer from unappropriated fund balance in the amount of \$83,396 for the Beach Capital Project Fund to cover additional expenses associated with wages, memberships, travel, monitoring protected species, bond closing costs and legal expenses. An Ordinance is required by Town Charter to cover this transfer. Ordinance 2016-29 amends the FY 2015-2016 Beach Capital Fund Budget to provide for an appropriation from fund balance in the amount of \$83,396. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2016-29.

Town Manager Dave Bullock advised that the Staff presentation included review of Ordinance 2016-29 (Item 14).

Town Clerk Trish Granger placed Ordinance 2016-28 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2016-28 on second reading. The motion was seconded by Commr. Younger.

Mayor Gans opened the public hearing on Ordinance 2016-28.

Finance Director Sue Smith gave a PowerPoint presentation on Ordinances 2016-28 and 2016-29.

13. Ordinance 2016-28, Beach General Obligation Debt Service Bond, Year End Budget Transfer - Continued

14. Ordinance 2016-29, Beach Capital Fund, Year End Budget Transfer - Continued

Mayor Gans closed the public hearing on Ordinance 2016-28.

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

Town Clerk Trish Granger placed Ordinance 2016-29 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2016-29 on second reading. The motion was seconded by Commr. Spoll.

Mayor Gans opened the public hearing.

Finance Director Sue Smith commented on Ordinance 2016-29, reaffirming her testimony provided earlier in the presentation.

Mayor Gans closed the public hearing on Ordinance 2016-29.

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

PUBLIC HEARING

15. Quasi-Judicial - Developer Agreement, Zota Beach Resort, 4711 Gulf of Mexico Drive Oprock Longboat Fee, LLC, is in the process of expanding the hotel located at 4711 Gulf of Mexico Drive, formerly known as the Hilton. The development required improvements to public infrastructure and also requires a significant increase in water and wastewater capacity under the Manatee County Facility Investment Fee Ordinance. The Development Agreement established the fee required to be paid to the Town and the water and wastewater services the Town will provide, subject to the conditions contained within the Agreement. Recommended Action: The Town Commission will base their decision on competent and substantial evidence presented at this meeting.

Mayor Gans noted the process for a quasi-judicial public hearing and Town Clerk Trish Granger administered the oath to those wishing to speak.

Town Attorney Maggie Mooney-Portal inquired, and no conflicts or ex-parte communications were disclosed by Commissioners.

Mayor Gans opened the public hearing.

Following comments, Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave an overview on the Developer Agreement with Oprock Longboat Fee, LLC.

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

15. Quasi-Judicial - Developer Agreement, Zota Beach Resort, 4711 Gulf of Mexico Drive - Continued

Commr. Spoll moved to approve the Developer Agreement with Oprock Longboat Fee, LLC. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Spoll, aye; Pastor, aye; Zunz, aye; Daly, aye; Linde, aye; Younger, aye; Gans, aye.

RESOLUTIONS

16. Resolution 2016-25, Expressing Town Commission Support for Boca Raton Mayor Susan Haynie for Appointment to Constitution Revision Commission

At the November 14, 2016 Regular Meeting, Commissioner Pastor requested support for Boca Raton Mayor Susan Haynie's appointment to the Constitution Revision Commission. There was consensus for the Town Clerk to prepare Resolution 2016-24 for Commission action expressing the Town's support of Mayor Haynie for appointment. Recommended Action: Pending discussion, pass Resolution 2016-24.

Town Clerk Trish Granger placed Resolution 2016-24 on record by title only.

Commr. Pastor moved to pass Resolution 2016-24. The motion was seconded by Commr. Linde. Subsequent to comments by Town Manager Dave Bullock, the motion carried by a 7-0 roll call vote, as follows: Pastor, aye; Linde, aye; Younger, aye; Gans, aye; Spoll, aye; Zunz, aye; Daly, aye.

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Commr. Linde requested and discussion ensued on the previous direction to remand the height issue on buildings back to the Planning and Zoning (P&Z) Board and future Commission consideration.

B. Public Works/Beach Nourishment

Commr. Daly inquired as to a scheduling a presentation relating to the beach renourishment programs and Town Manager Dave Bullock noted that the Town's submission for funding would be considered in the 2017-2018 U.S. Army Corps of Engineers' budget.

C. Planning, Zoning, and Building

Mayor Gans noted that Mr. Whittall had left and would not be making a presentation later this date.

D. Town Commission

Mayor Gans thanked Commissioners for their confidence in selecting him as Mayor.

TOWN ATTORNEY COMMENTS

A. Legislation

Town Attorney Maggie Mooney-Portale noted distribution of policy changes in the legislature as reported by the Town's lobbyist.

TOWN MANAGER COMMENTS

A. Government Agencies

Town Manager Dave Bullock noted the presentation to the Manatee County Commission by the Island Mayors.

B. Town Commission/Budgets

Town Manager Dave Bullock commented on the items to be considered at the December 12, 2016, Regular Workshop.

C. Town Manager

Town Manager Dave Bullock commented on the relationship between the Commission and staff.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Gans adjourned the December 5, 2016, Regular Meeting at 10:04 p.m.

Trish Granger, Town Clerk

Terry A. Gans, Mayor

Minutes Approved: _____

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



End of Agenda Item