

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
MAY 20, 2013 - 1:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

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

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**Mayor Brown called the Regular Workshop Meeting to order at 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Younger led the Pledge of Allegiance.**

**PUBLIC TO BE HEARD**

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

**A. Planning, Zoning, and Building**

Mayor Brown noted that Mr. Ed Chiles, Applicant, has submitted a request for rehearing on the Mar Vista Restaurant Site Plan Amendment issue and noted that a public hearing would be scheduled for a future date.

**B. Planning, Zoning, and Building**

The following individuals commented on the Mar Vista Restaurant Site Plan Application:

Mr. Gene Jaleski  
Mr. David Myers  
Ms. Shirley Myers  
Ms. Janet Kelley  
Mr. Richard Kelley  
Ms. Cheryl Fraser  
Mr. McCord Fraser  
Ms. Ruth Gray  
Mr. Robert Gray  
Ms. Lynne Hayden  
Mr. Joe Mazza  
Ms. Verna Ritter  
Ms. Peggy Watkins  
Ms. Carol Weiss  
Brian Feeney  
Ms. Mary Mazza  
Ms. Corinne Silver Ragheb  
Mr. Samir Ragheb  
Ms. Tama Traberman  
Mr. Luke Magliaro  
Mr. Howard Raczkiwicz  
Mr. Pete Rowan  
Ms. Carla Rowan

1. Opportunity for Public to Address Town Commission - Continued

B. Planning, Zoning, and Building - Continued

**Mayor Brown noted that residential lots in the area of Mar Vista cannot be utilized for commercial parking areas.**

Public comment continued with the following individuals commenting on the Mar Vista Restaurant Site Plan Application:

Mr. Tom Barnum  
Mr. William Ball  
Ms. Lillian Sands

**Mayor Brown requested that the notification process be reviewed by staff.**

Commr. Zunz advised that she had completed and submitted Form 8B, Memorandum of Voting Conflict, pertaining to the item.

**RECESS:** 1:55 p.m. - 2:03 p.m.

**COMMITTEE REPORTS AND COMMUNICATIONS**

2. Manatee County Special Liaison Report

A. Organizations

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

B. Organizations

Vice Mayor Brenner noted attendance at the following meetings and reviewed issues discussed: Manatee County Council of Governments, Bradenton Area Economic Development Corporation, Manatee County Chamber of Commerce Luncheon, and the Sarasota County Tourist Development Council.

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

4. Other Reports - Planning & Zoning (P&Z) Board Report – B.J. Webb, Chair

P&Z Board Chair B.J. Webb commented on the Board's review of the Property Maintenance Code and requested consideration for a Town Commissioner to be appointed to a Committee to review the boat trailer/storage issues.

**Mayor Brown noted that Commr. Zunz had volunteered. Commr. Larson noted an interest by Country Club Shores residents and volunteered to serve.**

**Mayor Brown requested that Chair Webb contact the Commissioners to schedule their attendance.**

5. Proclamation – National Public Works Week - May 19-25, **Because of Public Works**

Vice Mayor Brenner read and presented a proclamation for National Public Works Week to Public Works Director Juan Florensa. Mr. Florensa accepted the proclamation and thanked the Commission and residents for their support.

6. Employee Awards

A. Mr. Brad Sicard - Public Works Employee of the Year

Mr. Florensa noted that Public Works staff members, excluding management personnel, elect a Public Works Team Member of the Year and presented Mr. Brad Sicard as Team Member of the Year.

B. Mr. Daniel Shtuka - 15 years of Service

Vice Mayor Brenner and Management Information Services Director Kathi Pletzke provided employment accomplishments and presented a 15-Year Service Award to Mr. Daniel Shtuka, Management Information Services.

Mr. Shtuka thanked the Commission for the opportunity to serve the Town's residents.

**CONSENT AGENDA**

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

As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider the possible cancellation of the July and August Workshops and the August Regular Meeting. Recommended Action: Approval of the Consent Agenda will forward this item to the June 3, 2013, Regular Meeting for formal action.

8. Redistricting Commission District Boundaries

In accordance with the Town Charter, Article II, Section 1, Commission Districts, an update and audit of the Town's registered voters has been completed to determine whether the number of registered voters in any Commission district exceeds the number of registered voters in any other district by 20%. The audit reveals that redistricting is not required for the current year. Recommended Action: None, informational only.

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

**DISCUSSION ITEMS**

9. Proposed Ordinance 2013-13, Amending Chapter 34, Employment Policies

Proposed Ordinance 2013-13, amends Chapter 34, Employment Policies and provides for a freeze of the Firefighters' Retirement System defined benefit plan effective September 30, 2013. Current and future firefighters will be enrolled in the Florida Retirement System (FRS). Recommended Action: Pending discussion, forward Ordinance 2013-13 to the May 20, 2013 Special Meeting for first reading.

Town Manager Dave Bullock noted the ratification of the Collective Bargaining Agreement in February 2013 and the resulting action to freeze the existing Firefighters' Retirement System Plan.

9. Proposed Ordinance 2013-13, Amending Chapter 34, Employment Policies - Continued  
Upon inquiry, Town Manager Bullock confirmed that calculations for employees that would be transferring to the FRS program would be based on the salaries at the time of the transfer.

**There was consensus to forward Ordinance 2013-13 to the May 20, 2013 Special Meeting for first reading.**

10. Proposed Emergency Ordinance 2013-21, Providing for the Town of Longboat Key to Withdraw from Participation Under Chapter 175, Florida Statutes

Through Collective Bargaining the Town is enrolling all future firefighters in the Florida Retirement System (FRS) and withdrawing participation under Chapter 175. Proposed Ordinance 2013-21, withdraws the Town from participation under Chapter 175 and from all previously adopted ordinances and resolution imposing the premium tax authorized by F.S., Section 175.101. Recommended Action: Pending discussion, forward Ordinance 2013-21 to the May 20, 2013 Special Meeting for formal action.

Town Manager Dave Bullock provided an overview of the nature of the issue and advised that one newly appointed Board Member elected not to participate in the meeting.

**There was consensus to forward Emergency Ordinance 2013-21 to the May 20, 2013 Special Meeting for first reading.**

11. Proposed Ordinance 2013-14, Amending Chapter 34, Section 34.75, Composition of General Employees' Retirement System Board of Trustees

Proposed Ordinance 2013-14 provides for a change to the composition of the current General Employees' Retirement System Board of Trustees. The Commission will consider this Ordinance and the proposed membership and structure of the Board of Trustees at the May 20, 2013 Regular Workshop Meeting. Recommended Action: Pending discussion, forward Ordinance 2013-14 to the May 20, 2013 Special Meeting for first reading.

Town Manager Dave Bullock noted the Ordinance restructures the General Employees Pension Board similar to the restructure of the Firefighters Retirement System Board of Trustees. Discussions were held on combining the Board of Trustees for the three Pension Funds and representation of non-union employees by union representatives.

**There was consensus to forward Ordinance 2013-14 to the May 20, 2013 Special Meeting for first reading.**

12. Proposed Ordinance 2013-15, Amending Chapter 34, Employment Policies

Proposed Ordinance 2013-15, provides for a freeze of the General Employees' Retirement System defined benefit plan effective September 30, 2013. Current and future employees will be enrolled in a defined contribution plan administered by ICMA-RC (International City Management Association Retirement Corporation). Recommended Action: Pending discussion, forward Ordinance 2013-15 to the May 20, 2013 Special Meeting for first reading.

12. Proposed Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

Town Manager Dave Bullock provided an overview of the proposed Ordinance. Upon inquiry, Town Manager Bullock advised that ICMA-RC representatives are and will be available to assist employees in the transition.

Mr. Steve Schield, Chair of the General Employees Retirement System Board of Trustees and resident of Longboat Key, commented on the costs to freeze the General Employees Retirement Plan and requested consideration for long-term employees to enter the Deferred Retirement Option Plan (DROP) as granted to the firefighters.

Commr. Larson suggested that Mr. Schield discuss the issues with Town Manager Bullock and noted that benefits for General employees differ from those of Police and Fire employees.

Mr. Shield noted that the DROP plan has been included in all three plans and requested consideration to offer the DROP to General Employees.

**There was consensus to forward Ordinance 2013-15 to the May 20, 2013 Special Meeting for first reading.**

13. Proposed Ordinance 2012-26, Property Maintenance Code

At their March 19, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded proposed Ordinance 2012-26 to the Town Commission for consideration at their May 20, 2013 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building (PZB) Department Planner Steve Schield gave a PowerPoint presentation on the proposed Ordinance 2012-26, Property Maintenance Code. Discussions were held with Mr. Schield, Subcommittee Member Jack Daly, PZB Director Robin Meyer, and Fire Chief Paul Dezzi on the following topics/issues:

- edits suggested by the Subcommittee relating to aesthetics to protect property values
- impact on residents relating to "aesthetics"/determination of definition
- historical issues relating to maintenance of structures
- requirements for maintenance of fences/sea walls
- removal of proposed Section 104.14(O), Doors
- impact of enforcement issues on current staffing levels
- budget impacts to ensure compliance
- removal of the fire safety requirements.

Upon inquiry, Fire Chief Paul Dezzi confirmed that the fire safety codes are outlined in the Florida Fire Prevention and Life Safety Code.

**Commr. Duncan requested that the fire safety codes be forwarded to him. Commr. Zunz requested that the section of the Code relating to fences be forwarded to her.**

13. Proposed Ordinance 2012-26, Property Maintenance Code - Continued

**There was consensus to forward Ordinance 2012-26 to the June 17, 2013 Special Meeting for first reading.**

**RECESS:** 3:02 p.m. - 3:13 p.m.

14. Proposed Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications

At their April 16, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Resolution 2013-09 as written. The Resolution authorizes transmittal of proposed Comprehensive Plan amendments to the Future Land Use Element policies 1.1.10 and 1.6.4 regarding personal wireless facilities. This item was forwarded to the May 20, 2013 Regular Workshop Meeting for Town Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock regarding the intent of the Resolution to transmit a Comprehensive Plan Amendment, Planning, Zoning, and Building Department Director Robin Meyer gave a PowerPoint presentation on proposed Resolution 2013-09. Discussions were held with Mr. Meyer and Town Manager Bullock on the following topics/issues:

- options to request formal/informal responses from carriers to resolve coverage issues
- hierarchy outlined in the proposal
- study conducted and results provided by T.E. Connectivity
- meetings held with service providers
- associated costs.

Mr. Jeremy Whatmough, Gulf of Mexico Drive, read a prepared statement from Mr. Ronald Platt on proposed Resolution 2013-09.

Mr. Gene Jaleski, Cedar Street, commented on alternative options and displayed photographic copies of various types of cell towers.

Attorney Charlie Bailey commented on the proposed Resolution. Upon inquiry, Attorney Bailey noted he has been participating in the Longboat Key hearings/public meetings relating to cell tower issues beginning in October 2011.

Following comments by Attorney Bailey on restrictions imposed by Federal and State laws, Assistant Town Attorney Maggie Mooney-Portale noted that she will provide the Commission with additional information on the existing regulations.

Attorney Michael Furen, representing Mr. Gus Sclafani, provided information on the Telecommunications Act, commented on the Town Commission policy relating to cellular transmission towers, and requested consideration to amend the proposed Comprehensive Plan Amendment.

14. Proposed Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications - Continued

Discussion ensued on the results of the T.E. Connectivity Study.

**There was consensus to forward Resolution 2013-09 to the June 3, 2013 Regular Meeting for public hearing and formal action.**

15. Process for Town Commission to Declare Conditions Exist for Condemnation

At the April 24, 2013 Special Workshop Meeting the Town Commission requested the Town Attorney and staff to prepare information regarding the process of declaring condemnation of a nuisance or dangerous property. The Town Attorney and staff will outline the required steps for a condemnation process under provisions of the Town Code and Florida Statutes.

- a. Pursuant to Town Code, Sections 150.21 and 150.22
- b. Pursuant to Florida Statutes, Sections 166.401 and 166.411

Recommended Action: None, discussion only.

Assistant Town Manager Anne Ross presented a PowerPoint presentation on the process to declare conditions exist for condemnation. Following comments on existing conditions on some parcels located at 1620 Gulf of Mexico Drive, Town Attorney Maggie Mooney-Portale provided background information on statutory restrictions relating to a municipalities authority to condemn properties. Discussion ensued on the following topics/issues:

- condemnation authority versus eminent domain authority
- anticipated Commission direction on this issue
- owners' ability to resolve issues/recourse to condemnation.

Mr. Gene Jaleski, Cedar Street, commented on the conditions at the Colony.

16. Referendum to Redistribute Colony Tourism Units

At the May 6, 2013, Regular Meeting, the Longboat Key Revitalization Task Force submitted a recommendation to allow the extension granted to the Colony property to expire, allowing the non-conforming tourism units (134) to be considered for inclusion in the tourism units "pool" passed by voter referendum. The Revitalization Task Force suggested that a referendum vote be scheduled for the registered voters of Longboat Key to determine if this would be a viable use of any units lost by the expiration of the Commission granted "grandfathering" extension. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on the suggestion to allow the grandfathering extension granted to the Colony property to expire and to initiate a referendum to include the 134 units at the Colony to be added to the Tourism Units Pool. Discussions were held on the following topics/issues:

- timeframe to consider the additional tourism units if the extension is allowed to sunset.

16. Referendum to Redistribute Colony Tourism Units - Continued

- option to schedule a referendum prior to expiration of the extension on the grandfathered units
- timeframe to cancel an election versus cancelling an issue on a ballot.

Mr. George Spoll, representing the Longboat Key Revitalization Task Force, commented on the request to add tourism units to the existing units available.

Discussion ensued on the following topics/issues:

- distribution of tourism units
- non-conforming properties/Town's action in 1984 making properties non-conforming
- review of issues by the Urban Land Institute (ULI) in the fall
- impact of Colony property owners' inaction.

Mr. Larry Grossman, St. Judes Drive North, commented on the lack of action by the owners.

Attorney Don Hemke, representing the Colony Association, opined that the extension is effective until December 31, 2013, and that any referendum action prior to that date would not be appropriate.

Commr. Gans noted that no information was received from the proposed developer as requested following the discussions at the May 6, 2013, Regular Commission meeting.

Individual comments followed on the time provided to the Colony owners to date.

**RECESS:** 4:47 p.m. - 4:57 p.m.

17. Fiscal Year (FY) 2013-2014 Preliminary Budget Discussion

The Town Commission scheduled a May 20, 2013, Special Workshop Meeting to discuss the FY 2013-2014 Preliminary Budget. This item serves as a placeholder in the event Commissioners request supplemental information or wish to have additional discussion regarding the FY 2013-2014 Preliminary Budget. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock advised that the item was a placeholder to discuss any items resulting from Commission direction at the Budget Workshop earlier this date and noted no additional discussion was required at the current time.

18. Urban Land Institute (ULI) – Scope of Work and Proposed Contract

At the February 19, 2013 Regular Workshop Meeting the Town Commission directed staff to proceed with contract negotiations with ULI. The Town Manager and Town Attorney have developed a scope of work and proposed contract for Commission consideration at the May 20, 2013 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

18. Urban Land Institute (ULI) – Scope of Work and Proposed Contract- Continued

Following comments on the review of the draft questions, discussion ensued on the time frame for submission of the Town's information and the significance of the issue and the questions to be asked.

**Following comments, there was consensus to have a single-subject workshop on the issue.**

Mr. Larry Grossman, St. Judes Drive North, commented on the ULI process.

19. Review of Proposed Contract with Town Attorney

At the May 6, 2013, Regular Meeting, the Town Commission selected Attorney Maggie Mooney-Portale with the firm of Persson and Cohen, P.A., to serve as the Town Attorney and directed the Town Manager to draft a contract for Commission consideration at the May 20, 2013 Regular Workshop Meeting. Recommendation: Pending discussion, forward the proposed Town Attorney Contract to the May 20, 2013 Special Meeting for formal action.

Following comments by Town Manager Dave Bullock, discussion ensued on the following topics/issues:

- terms for contract extension for a maximum of three to five years for new contract negotiations
- insurance coverage amounts outlined in the Request for Proposal and options to increase the coverage amount.

**There was consensus to include a renewal limitation of five years, to further review insurance requirements/amount of coverage, and to forward the Contract to the June 3, 2013 Regular Meeting for formal action.**

**PUBLIC TO BE HEARD**

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

Town Code Section 30.01.1(B) provides that when the Town Commission conducts a Workshop Meeting wherein a Special Meeting immediately follows, the floor shall be opened for the public to be heard at the conclusion of the Workshop Meeting.

**TOWN COMMISSION COMMENTS**

A. Town Attorney

Vice Mayor Brenner suggested that an appropriate recognition for Town Attorney David Persson's service to the Town be considered and noted that Attorney Persson resigned from the position of Town Attorney contrary to statements being made by some individuals.

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

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

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

**ADJOURNMENT**

**Mayor Brown adjourned the May 20, 2013 Regular Workshop Meeting at 5:15 p.m.**

Minutes Approved: 07-01-2013