

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
NOVEMBER 13, 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: Town Manager Dave Bullock, Town Attorney David Persson,
Present: Town Clerk Trish Granger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the 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 - No items were presented.

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

COMMITTEE REPORTS AND COMMUNICATIONS

2. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance with Vice Mayor Brenner at the Manatee Tiger Bay luncheon and reviewed the issues discussed.

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

4. Other Reports - No items were presented.

CONSENT ITEMS

5. Proposed Ordinance 2013-25, Amending Chapter 154, Flood Control

Adoption of the 2010 Florida Statewide Building Code and the Federal Emergency Management Agency (FEMA) flood map modernization process, communities who participate in the National Flood Insurance Program (NFIP) are required to review and update their local Flood Control ordinances for compliance with Florida Building Code, Code of Federal Regulations and FEMA and NFIP regulations. Recommended Action: Approval of the Consent Agenda will forward Ordinance 2013-25 to the December 2, 2013 Regular Meeting for first reading.

6. Proposed Resolution 2013-37, Establishing Police Officers' Defined Contribution Plan through ICMA-RC

Through collective bargaining the Town will be taking actions to freeze the current Chapter 185 pension plan for police officers and enrolling all current and future police officers in a defined contribution retirement plan. Resolution 2013-37 authorizes establishment of the Police Officers' Defined Contribution Plan through ICMA-RC. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-37 to the November 13, 2013 Special Meeting for formal action.

CONSENT ITEMS- Continued

5. Proposed Ordinance 2013-25, Amending Chapter 154, Flood Control- Continued

6. Proposed Resolution 2013-37, Establishing Police Officers' Defined Contribution Plan through ICMA-RC- Continued

Commr. Duncan commented on the FEMA (Federal Emergency Management Agency) correspondence in the agenda packet (Item 5) advising of a discrepancy to the recipient and requested confirmation that the ICMA plan proposed for the Police Department Bargaining Unit was comparable to that offered to the General Employees.

Town Manager Dave Bullock advised that the ICMA Plan was equitable with the General Employees Plan with the contributions to be provided in accordance with the Collective Bargaining Agreement ratified.

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

DISCUSSION ITEMS

8. Proposed Ordinance 2013-18, Amending Chapter 158, Zoning Code, Personal Wireless Service Facilities

At their September 17, 2013 Regular Meeting the Planning & Zoning (P&Z) Board held a public hearing on Ordinance 2013-18 which amends Chapter 158, Zoning Code relating to personal wireless service facilities. Ordinance 2013-18 was forwarded to the November 13, 2013 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, forward to December 2, 2013 Regular Meeting for first reading and public hearing.

Mayor Brown noted an emergency situation that required that Planning, Zoning, and Building Department Interim Director Alaina Ray to leave the meeting early and advised that Item 8 was being advanced on the agenda.

Town Manager Dave Bullock noted that corrections were made to the presentation and that a paper copy had been provided to the Commission and the Town's website had been updated to reflect the revised presentation.

Planning, Zoning, and Building Department Interim Director Alaina Ray gave a PowerPoint presentation on proposed Ordinance 2013-18.

Town Manager Bullock noted Staff's recommendations, reviewed the efforts to date to compile data relating to the issue and proposed future actions, and requested consideration to postpone action on the proposed Ordinance until January 2014. Discussions were held with Town Manager Bullock and Town Attorney David Persson on the following topics/issues:

- the TE Connectivity report and recommendations and the Urban Land Institute (ULI) recommendations relating to cellular towers
- deferral of consideration versus permanent removal from consideration
- impact of Federal and State regulations on prohibiting cellular towers
- preferred hierarchy regulating personal wireless service facilities
- Commission's consensus on action to be taken

8. Proposed Ordinance 2013-18, Amending Chapter 158, Zoning Code, Personal Wireless Service Facilities

There was majority consensus that the Town Commission does not prefer a cellular tower for the method of advancing wireless service and communications.

Discussions continued on the following topics/issues:

- providing residents and visitors with viable wireless connectivity
- available options for providing adequate levels of wireless connectivity
- impact of determining a prohibition on cellular towers
- options to be considered to provide viable wireless connectivity
- size/height of cellular towers to meet the needs of the Island
- options to develop a long-range communications strategy to address technological advances
- Town's Vision Plan and Core Values intended to protect property values and the visual impact on the community.

Town Manager Bullock reviewed the direction provided by the Commission, noted a legal review of policies relating to cellular towers, and

The following individuals commented on proposed Ordinance 2013-18:

Mr. Tom Myers, Spanish Main Yacht Club
Attorney Michael Furen, 2033 Main Street, Sarasota
Mr. Ronald Platt declined to speak.

Attorney Furen responded to inquiry opining that the existing Town Code recognizes the utilization of cellular towers and issues to be addressed in the Town's Comprehensive Plan.

Upon inquiry, Commr. Larson requested consideration to engage experts in the cellular tower field to assist the Town with resolving the issues. Following comments, Town Manager Bullock noted that Staff has been reviewing qualified parties and would provide a contract for Commission consideration for the assistance of outside experts.

7. Proposed Ordinance 2013-03, Amending Chapter 72, Section 72.06, Restrictions on Parking and Use of Travel Trailers

At their September 17, 2013 Regular Meeting the Planning & Zoning (P&Z) Board forwarded proposed Ordinance 2013-03 to the November 13, 2013 Regular Workshop Meeting for Commission consideration. The Ordinance allows the parking of trailers and boat trailers within side or rear yards that are screened from view. Trailers or boat trailers will be allowed to continue to be temporarily parked on public streets during the day and can be parked in driveways located in street yards up to five days in a 30 day period. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Planner Steve Schield gave a PowerPoint presentation on proposed Ordinance 2013-03. Discussions were held with Mr. Schield, Town Manager Bullock, and Town Attorney David Persson on the following topics/issues:

7. Proposed Ordinance 2013-03, Amending Chapter 72, Section 72.06, Restrictions on Parking and Use of Travel Trailers - Continued

- pictures depicted when discussing travel trailers
- Commr. Larson's inability to attend Committee meetings due to illness
- need to have same provisions in all areas
- option to have discretion in the Town Code to act upon complaints of surrounding property owners
- required equal protection under the Town Code for enforcement provisions
- deed versus non-deed restricted properties
- determination of the depth of the issue
- loss of control by individual community associations pertaining to covenants, by-laws, and restrictions in private communities due to modifications of state regulations.

The following individuals commented on proposed Ordinance 2013-03:

Mr. Paul Moore, Pine Street
Ms. Virginia Luke, Longboat Drive South
Mr. Alan Luke, Longboat Drive South
Mr. Greene Tussey, Longboat Drive South
Ms. Chris Tussey, Longboat Drive South
Mr. Tom Freiwald, Spanish Drive North
Mr. Craig Walters, Hibiscus Way
Mr. Jered Whitehead, Gunwale Lane

Mr. Whitehead responded to inquiries regarding the covenants and expiration of the covenants in the Country Club Shores development.

Commr. Larson disclosed that she resides in Country Club Shores IV and commented on the legislation that created the lapse or sunseting of covenants and restrictions. Commr. Younger noted the process that was required to extend the covenants by timely filing and/or required participation by home/property owners.

The following individuals commented on proposed Ordinance 2013-03:

Mr. Joseph Iannello, Bayview Drive
Mr. Michael Drake, Longboat Drive South
Mr. Steve Gould, Bayview Drive
Mr. Randall Clair, Bogey Lane

Mr. Clair responded to inquiries regarding the option for establishing overlay districts.

RECESS: 2:40 p.m. - 2:50 p.m.

Following comments, Mr. Gould suggested that the proposed Ordinance be remanded to the Committee to consider the suggestions offered this date.

7. Proposed Ordinance 2013-03, Amending Chapter 72, Section 72.06, Restrictions on Parking and Use of Travel Trailers - Continued

Individual comments followed relating to the boat/boat trailer parking and storage versus the remaining items outlined in the proposed Ordinance (trailers, portable storage units, recreational vehicles). Discussion ensued with Mr. Schield, Town Attorney Persson, and Town Manager Bullock on the following topics/issues:

- areas that are not connected through a homeowners organization
- difficulty in identifying areas to apply the rule
- percentage of homeowners that would have to agree to an overlay district
- guidelines that associations/organizations would follow in petitioning for an overlay district
- enforcement issues for providing for numerous and varied overlay restrictions
- length of time a construction trailer/temporary storage units allowed to be on property
- length of time for parking of recreational vehicles on properties.

Commr. Younger inquired and there was majority consensus to exclude boats and boat trailers from proposed Ordinance 2013-03.

Discussion ensued on the following topics/issues:

- options to remand the issue relating to boats and boat trailers to the future ULI (Urban Land Institute) Implementation Committee
- options to allow additional public input
- fact-finding option to notify property owners on the purpose of overlay districts
- disadvantages of scattered overlay districts relating to enforcement matters
- unintended consequences on eliminating/excluding various developments.

Mr. Schield advised that he would revise the Ordinance and forward it to a future Commission meeting for first reading.

9. Discussion Regarding the Town's Noise Ordinance

At the October 7, 2013 Regular Meeting the Town Commission directed staff to investigate how other communities regulate the noise level associated with lawn maintenance equipment. Staff will present an analysis of the Town's current noise ordinance and discuss objective criteria used by other municipalities for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Interim Director Alaina Ray gave a PowerPoint presentation on enforcement of noise control. Discussions were held with Town Manager Bullock and Ms. Ray on the following topics/issues:

- exemption of certain types of power tools
- application of an Ordinance to marine vehicles anchored off/on-shore of the land boundaries of Longboat Key
- options to achieve reduced noise levels through discussion with groups impacted if new regulations are adopted.

9. Discussion Regarding the Town's Noise Ordinance - Continued

Town Manager Bullock advised that Staff would attempt to schedule a meeting with the targeted industries to reach agreement on issues discussed.

10. Discussion Regarding Special Exception Expirations

Conflict has been found within the Town's Zoning Code between the expiration of Special Exceptions provided for in Chapter 158.126(B) and Site Plan Expiration dates in Chapter 158.099(F)(3). The Town Commission will consider options to reconcile conflicts and determine whether a revision to the Town Code is advisable. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Interim Director Alaina Ray gave a PowerPoint presentation on options to allow an extension of a granted Special Exception. Discussions were held with Town Attorney David Persson on past historical issues relating to providing the discretion to staff.

There was consensus to move forward with the Staff recommendations to revise Section 158.126 to allow 24 months before a Special Exception use expires if a building permit has not been granted by that time and to allow a Special Exception to remain valid if determined that an applicant is actively pursuing a Site Plan approval, building permits, or is under construction to accommodate the uses granted by the Special Exception.

11. Discussion Regarding Options for Zoning Board of Adjustment (ZBA) Membership and Obtaining a Quorum for Meetings

At the September 3, 2013 Regular Meeting the Town Manager noted the difficulty in obtaining a quorum for ZBA Meetings. The Commission requested the Manager to investigate options for Commission consideration. This item is placed on the November 13, 2013 Regular Workshop Meeting for discussion. Recommended Action: Pending discussion, provide direction to Manager.

Planning, Zoning, and Building Department Interim Director Alaina Ray gave a PowerPoint presentation on the duties of the ZBA. Discussions were held on the following topics/issues:

- option to allow ZBA to hear the petition if a quorum can be reached otherwise it would default to the Planning and Zoning (P&Z) Board
- Charter requirements for a ZBA
- Commission's ability to set the duties of the Board
- process delay if the ZBA cannot meet and it defaults to the P&Z Board
- required Charter amendment to eliminate ZBA
- attendance record of current appointed members

There was consensus to draft a Charter Amendment to eliminate the requirement from the Charter to have a permanent Zoning Board of Adjustment (ZBA) and to authorize the Town Attorney to research the legality of the Planning and Zoning Board hearing cases that were under the purview of the ZBA.

12. Authorization for Mayor to Execute Sovereignty Submerged Lands Easement 41558 for the Town's Subaqueous Water Main

Authorization for the execution of Florida Department of Environmental Protection Easement 41558, Permit Exemption 41-0316192-001, is a requirement for the permit application process for the subaqueous water main crossing at Longboat Pass. This project is part of the on-going rehabilitation and renovation of the Town's water distribution system. Recommended Action: Pending discussion, forward this item to the November 13, 2013 Special meeting for formal action.

Public Works Director Juan Florensa gave a PowerPoint presentation on the request for authorization to execute the Sovereignty Submerged Lands Easement required for the Town's subaqueous water main. Mr. Florensa responded to inquiry regarding the line location on the land sides of the waterway, depth of the line, and funding mechanism.

There was consensus to authorize the Mayor to execute the easement on behalf of the Town.

RECESS: 4:16 p.m. - 4:24 p.m.

13. Establishing the Date for the 2014 General Municipal Election and Early Voting Schedule

The Town Commission will consider establishing March 25, 2014 as the date for the 2014 General Municipal Election and also discuss options for an early voting period. Pending Commission direction, Town staff will develop an ordinance establishing dates for the 2014 General Municipal Election and early voting for first reading at the December 2, 2013 Regular Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock on the date of the Sarasota School Board Special Election, Town Clerk Trish Granger provided an overview of the election schedule and reviewed Charter authority to modify the election date to coincide with a county-wide election, noted that the School Board has elected to have thirteen days of early voting which would result in an increased election costs to the Town, and noted that no additional cost would be incurred if early voting was held on the mainland in both Sarasota and Manatee Counties. Discussions were held with Town Clerk Granger and Town Attorney Persson on the following topics/issues:

- percentage of election costs incurred for advertising
- additional advertising done in Longboat's weekly papers for public information
- response from Sarasota Supervisor of Elections Kathy Dent on offering fewer early voting days
- cost savings if early voting were to be held on the mainland (at the Sarasota and Manatee County Supervisor of Elections offices) in lieu of Longboat Key site
- restrictions on requesting opinions from the Florida Division of Elections
- percentage of Longboat Key electors utilizing early voting.

There was consensus to establish March 25, 2014 as the General Election date and to offer 13 days early voting on Longboat Key.

13. Establishing the Date for the 2014 General Municipal Election and Early Voting Schedule - Continued

Commr. Larson requested that Staff verify the ability to offer a seven day voting period prior to first reading.

14. Proposed Ordinance 2014-01, Providing for the Town of Longboat Key to Withdraw from Participation Under Chapter 185, Florida Statutes

Through collective bargaining the Town will be freezing the current Chapter 185 pension plan for police officers and enrolling all current and future police officers in a defined contribution retirement plan. By freezing the current police pension plan and establishing a defined contribution plan for police officers, the current pension plan will no longer be eligible for premium tax revenues under Chapter 185. Ordinance 2014-01, withdraws the Town from participation under Chapter 185 and from all previously adopted ordinances and resolutions imposing the premium tax authorized by Chapter 185. Recommended Action: Pending discussion, forward Ordinance 2014-01 to the December 2, 2013 Regular Meeting for first reading.

Town Manager Dave Bullock noted the process to freeze the Police Officers' Retirement Fund and the future actions that will be taken. Upon inquiry, Town Manager Bullock confirmed that the date established to freeze the Police Officers' Retirement Fund will allow the Town to receive the State revenue established under Florida Statutes Chapter 185 and noted the intent and timeframe to combine the three Pension Boards by the end of calendar year 2014.

There was consensus to forward Ordinance 2014-01 to the December 2, 2013, Regular Meeting for first reading.

15. Town Manager's Annual Performance Evaluation

A provision of the Town Manager's employment agreement is for the Commission to review and evaluate the job performance of the Town Manager at least once, annually, for each year of the employment agreement. The agreement also states that the Town Commission shall define the goals and objectives of the Town Manager at least annually. Recommended Action: Pending discussion, provide direction to Manager.

Following individual comments on Town Manager Dave Bullock's performance, Vice Mayor Brenner requested consideration to establish the ULI (Urban Land Institute) recommendations and implementation at the top of the 2014 goal list, without objection.

PUBLIC TO BE HEARD

16. 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 - No items were presented.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Franchises

Town Manager Dave Bullock noted receipt of three proposals on the Request for Proposals for the Solid Waste Collection Franchise, advised that the Review Committee had met this week and submitted recommended rankings, and confirmed that negotiations will be commenced with the top ranked firm.

Upon inquiry, Town Manager Bullock noted the proposals included various options for collection services, noting the option to combine the recycling materials into a "single-stream" service wherein all recyclable materials will be in one bin.

B. Human Resources

Town Manager Dave Bullock noted that the vacancy for a Code Enforcement Officer is being advertised and noted the collaboration between the Planning, Zoning, and Building Department and Police Department.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the November 13, 2013, Regular Workshop Meeting at 4:47 p.m.

Minutes Approved: 01-06-2014