

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
DECEMBER 2, 2013 - 7:00 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, Town Attorney David Persson, Town Clerk Trish Granger

CALL TO ORDER

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

Mayor Brown noted the attendance of Manatee County Commissioner John Chappie.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Sarasota Bay Estuary Program Update on RESTORE Act

Mr. Mark Alderson, Executive Director of the Sarasota Bay Estuary Program, gave a PowerPoint presentation on the RESTORE (Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies) Act. Discussions were held on the following topics/issues:

- financial analysis of BP Oil Company/method of payments
- amount of criminal fines assessed
- estimated timing for resolution of outstanding issues
- separate funding from other claims against BP Oil Company.

Mayor Brown thanked Mr. Alderson for the comprehensive update. Individual comments followed.

PUBLIC TO BE HEARD

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

APPROVAL OF MINUTES

3. November 4, 2013 Special Meeting; November 4, 2013 Regular Meeting Minutes

There was consensus to approve the Minutes as presented.

COMMITTEE REPORTS AND COMMUNICATIONS

4A. ULI (Urban Land Institute) Implementation Advisory Committee Report

Mr. Tom Freiwald, Chair of the ULI Implementation Advisory Committee, gave a PowerPoint presentation on the issues discussed at the first meeting of the Committee. Discussions were held on the following topics/issues:

- matrix distributed by Staff to the Town Commission
- time of meetings established (December 10 and December 17).

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

4A. ULI (Urban Land Institute) Implementation Advisory Committee Report - Continued

Mayor Brown commented on the set-up of the Committee and requested reconsideration of the appointment of the Mayor and Chair of the Planning and Zoning (P&Z) Board.

Following discussion, Mayor Brown moved to reconsider the appointment of the Mayor and Chair and to return to original Committee, deleting the appointment of the Mayor and Chair of the P&Z Board and retaining the three additional citizens appointed on November 18, 2013. The motion was seconded by Commr. Duncan. Discussion ensued on the composition of the Committee.

Following comments by Town Attorney David Persson, Commr. Zunz moved to add the reconsideration of Resolution 2013-38 to the agenda. The motion, seconded by Commr. Younger, carried by a 4-3 roll call vote, as follows: Zunz, aye; Younger, aye; Larson, no; Gans, no; Duncan, aye; Brown, aye; Brenner, no.

Mayor Brown moved to amend Resolution 2013-38, deleting the appointment of the Mayor and Chair of the P&Z Board, reinstating the original six ULI Committee members, and retaining the three additional citizens appointed on November 18, 2013. The motion was seconded by Commr. Duncan.

Subsequent to discussion, Mr. Freiwald noted that he had no objection to working with members of the previous Committee, advised of comments made by audience members at the November 18, 2013, Special Meeting, and noted he was not in favor of modifying the Committee as appointed on November 18, 2013.

Mr. Larry Grossman, St. Judes Drive, commented on the proposed amendment to the membership of the Committee.

Discussion ensued on the proposed membership.

Mr. Irwin Pastor, L'Ambiance Drive, commented on the recommendation of the ULI Group to unite the community and opined that the membership of the Committee selected on November 18, 2013, be retained.

Following individual comments, the motion carried by a 4-3 roll call vote, as follows: Brown, aye; Duncan, aye; Zunz, aye; Gans, no; Younger, aye; Larson, no; Brenner, no.

Mr. Freiwald requested that the new members be provided with information on the Committee's activities to bring them up to date.

B. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Tourist Development Council (TDC) meeting on November 21, 2013, reviewed the items discussed, advised that he would deliver information to the Town Clerk's office on upcoming sporting activities in the area, and noted that the TDC supported the recommended modification of the Tourist Development Tax allocations to Longboat Key.

C. Organizations

Commr. Zunz noted attendance at the Manatee County School Board meeting and reviewed the issues discussed.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

D. Organizations

Commr. Duncan, in his capacity as the Manasota League of Cities President, noted a scheduled meeting with Senator Nancy Detert, reviewed the issues to be discussed and noted that he would be attending the Manatee County Legislative Delegation meeting scheduled on December 4, 2013.

E. Government Agencies

Mayor Brown noted attendance at Sarasota Board of County Commissioners' meeting with the City of Sarasota Commission relating to the review of the homeless report submitted by Dr. Robert Marbut.

ORDINANCES - FIRST READING

5. 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: Pending first reading and discussion, forward Ordinance 2013-25 to the January 6, 2014, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-25 on record for first reading by title only.

Commr. Zunz moved to pass Ordinance 2013-25. The motion was seconded by Commr. Younger.

Town Manager Dave Bullock and Public Works Projects Manager James Linkogle gave a PowerPoint presentation on the mandates relating to the flood map modernization process and recommended inclusion of the following language (page 17 of Ordinance 2013-25):

154.301 Buildings and Structures

Add a new Section (C) as below:

(C) Existing residential buildings. Existing residential buildings (including manufactured homes) that were constructed between December 31, 1974 and December 31, 2006 in compliance with the flood protection and elevation requirements in effect at the time of construction and that are not located in coastal high hazard areas (Zone V or Zone A seaward of the Coastal Construction Control Line), shall, if proposed work is determined pursuant to Section 154.103(D) to be:

- (1) Substantial improvement, not be required to elevate above the base flood elevation, except reconstruction as a new structure (or replacement with a new manufactured home) shall be in compliance with the *Florida Building Code, Residential*; or
- (2) Repair of substantial damage, be required to comply with the *Florida Building Code, Existing Building*.

Upon inquiry, discussions were held with Mr. Linkogle on the following topics/issues:

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

- confirmation that the revised Flood Maps were received last week
- identification of the changes made by NFIP
- consideration for review of the amendments by local contractors/construction industry representatives
- insurance cost/coverage impacts to Town residents.

Commr. Younger moved to amend Ordinance 2013-25 to incorporate the language submitted by Staff in Section 154.301. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Gans, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye.

Mr. Linkogle completed the PowerPoint presentation reviewing the remaining modifications to the Town's existing Code.

Subsequent to comments, the motion to pass Ordinance 2013-25, as amended, carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Brenner, aye; Gans, aye.

6. 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 first reading and discussion, forward Ordinance 2014-01 to the January 6, 2014, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-01 on record for first reading by title only.

Commr. Larson moved to pass Ordinance 2014-01 and to forward to the January 6, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Duncan.

Following comments by Town Manager Dave Bullock on participation and receipt of the tax revenues for 2013, the motion carried by a 7-0 roll call vote, as follows: Larson, aye; Duncan, aye; Brenner, aye; Brown, aye; Gans, aye; Younger, aye; Zunz, aye.

7. Ordinance 2014-04, Establishing the Date for the 2014 General Municipal Election and Early Voting Schedule

At the November 13, 2013, Regular Workshop Meeting the Commission directed Town staff to develop an Ordinance establishing March 25, 2014 as the General Municipal Election date and to provide options for early voting. The Commission will establish the early voting period at the December 2, 2013, Regular Meeting and hold first reading and discussion of Ordinance 2014-04. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-04 to the January 6, 2014, Regular Meeting for second reading and public hearing.

7. Ordinance 2014-04, Establishing the Date for the 2014 General Municipal Election and Early Voting Schedule - Continued

Town Clerk Trish Granger placed Ordinance 2014-04 on record for first reading by title only.

Commr. Zunz moved to pass Ordinance 2014-04 and to forward to the January 6, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Discussions were held with Town Manager Dave Bullock and Town Clerk Granger on the early voting schedule and options to reduce the staffing requirements for poll workers.

The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Gans, aye; Duncan, aye; Larson, aye; Brenner, aye; Brown, aye.

8. Ordinance 2014-05, Providing for Referendum Question for a Charter Amendment Regarding the Requirement to Maintain the Zoning Board of Adjustment as a Permanent Town Board

Pursuant to Commission direction, the Town Clerk developed Ordinance 2014-05 to place a referendum question on the March 2014 General Municipal Election ballot addressing the existing Charter requirement for the Town to maintain a Zoning Board of Adjustment (ZBA) as a permanent Town Board. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-05 to January 6, 2014, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-05 on record for first reading by title only.

Commr. Gans moved to pass Ordinance 2014-05 and to forward to the January 6, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Following comments by Town Manager Dave Bullock, discussion was held on the determination for the delegation of the duties of the ZBA.

Commr. Younger moved to amend Ordinance 2014-05 to delete the phrase "to the Planning and Zoning Board" in the fourth "Whereas" clause. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Zunz, aye; Gans, aye; Larson, aye; Brenner, aye; Brown, aye.

The motion to pass Ordinance 2014-05, as amended, carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Larson, aye; Brown, aye; Younger, aye; Duncan, aye; Brenner, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

9. Ordinance 2013-31, Amending Chapter 74, Parking Schedules

In May 2010, the Town Commission formally adopted a no-parking zone at the ingress/egress of Town Hall. Due to increased parking on the North and South sides of Bay Isles Road during early voting and election season and associated pedestrian hazards, additional parking restrictions were recommended. Ordinance 2013-31 provides for extension of the no-parking zones during the early voting period and election day. This item was forwarded from the November 4, 2013, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-31.

9. Ordinance 2013-31, Amending Chapter 74, Parking Schedules

Town Clerk Trish Granger placed Ordinance 2013-31 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-31 on second reading and public hearing. The motion was seconded by Commr. Duncan.

Mayor Brown opened the public hearing. As no one wished to speak, the public hearing was closed.

Discussion ensued on the following topics/issues:

- anticipated confusion by not allowing street parking
- staff parking in other parking areas around Town Hall on election day
- option to designate areas prohibiting political signs
- consideration to request that the candidates refrain from parking in specific areas.

Commr. Larson moved to reduce the no parking zones to twenty-five feet at each access to Town Hall. The motion failed for lack of a second.

Following comments on the current parking restrictions included in the Town Code, Commr. Larson moved to discontinue consideration of Ordinance 2013-31. The motion died for lack of a second.

Following comments, the main motion carried by a 5-2 roll call vote, as follows: Younger, aye; Duncan, aye; Larson, no; Brenner, aye; Brown, aye; Gans, aye; Zunz, no.

10. Ordinance 2013-33, Amending the FY 2012-2013 Budget to Provide for Year End Reconciliation

The Town Charter states that if during the fiscal year the Town Manager certifies there are available for appropriation revenues in excess of those estimated in the budget, the Town Commission, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Ordinance 2013-33, provides for a budget amendment to appropriate revenues in excess of those estimated in the FY 2012-2013 Budget. This item was forwarded from the November 4, 2013, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-33.

Town Clerk Trish Granger placed Ordinance 2013-33 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2013-33 on second reading and public hearing. The motion was seconded by Commr. Duncan.

Mayor Brown opened the public hearing. As no one wished to speak, the public hearing was closed.

10. Ordinance 2013-33, Amending the FY 2012-2013 Budget to Provide for Year End Reconciliation - Continued

Following comments by Finance Department Director Sue Smith on inclusion of salary costs for the Tennis Center, the motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye; Gans, aye.

TOWN COMMISSION COMMENTS

A. Elections

Commr. Younger requested that the Town Attorney review election laws relating to the prohibition of political signs on a public street in designated areas. Discussion ensued.

B. Litigation

Vice Mayor Brenner noted that a hearing relating to the Colony issues was scheduled in Tampa, Florida, on December 3, 2013.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson confirmed the time and location of the continued Colony hearing on December 3, 2013.

TOWN MANAGER COMMENTS - No items were presented.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the December 2, 2013, Regular Meeting at 8:44 p.m.

Minutes Approved: 02-03-2014