

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
JANUARY 6, 2014 - 7:00 P.M.**

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

Also Present: Town Manager Dave Bullock, Assistant Town Attorney Kelly Fernandez, Town Attorney David Persson, Town Clerk Trish Granger

Not Present: Mayor Jim Brown

CALL TO ORDER

Vice Mayor Brenner called the Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and noted that Mayor Brown would not be in attendance due to illness. Commr. Duncan led the Pledge of Allegiance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS - No items were presented.

13. Other Business

A. Town Commission

Vice Mayor Brenner requested and there was consensus to consider Agenda Item 11 following Item 3.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building

Mr. Gene Jaleski, Cedar Street, commented on the ULI report and suggested public input be solicited before moving forward with any recommendations.

B. Planning, Zoning, and Building

Mr. Ed Krepela, representing the Longboat Key Wireless Workgroup, presented the group's mission statement. Upon inquiry, Mr. Krepela noted the next scheduled meeting and advised that a date to submit a report was undetermined at this time.

Vice Mayor Brenner requested that Mr. Krepela contact Town Manager Dave Bullock when the group is prepared to provide their findings and recommendations.

APPROVAL OF MINUTES

2. November 13, 2013 Regular Workshop Meeting; November 13, 2013 Special Meeting; November 18, 2013 Special Workshop Meeting; November 18, 2013 Special Meeting Minutes

Vice Mayor Brenner noted two scrivener's errors were corrected on the minutes and there was consensus to approve the minutes as amended.

COMMITTEE REPORTS AND COMMUNICATIONS

3.ULI Implementation Advisory Committee Status Update

Planning, Zoning, and Building Department Interim Director Alaina Ray provided an overview of the Committee actions and recommendations.

Vice Mayor Brenner inquired, and Town Manager Dave Bullock suggested that the recommendations be included on the January 21, 2014, Regular Workshop Meeting Agenda, without objection.

Vice Mayor Brenner requested that the issue of property ownership and control be addressed and included in the item's paperwork.

13. Other Business - Continued

B. Government Agencies

Vice Mayor Brenner noted the attendance of Manatee County Commr. John Chappie at the meeting.

C. Boards/Committees

Vice Mayor Brenner noted the resignation of Mr. Lou Levy from the Finance Committee.

D. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Economic Development Corporation meeting and reviewed issues discussed.

QUASI-JUDICIAL - RESOLUTION AND PUBLIC HEARING

11. Quasi-judicial - Resolution 2014-02, Site Plan Amendment for Hilton Hotel, 4711 Gulf of Mexico Drive

At their December 17, 2013 Regular Meeting the Planning & Zoning Board (P&Z) Board recommended approval of the site plan amendment application subject to an additional condition that a deceleration/tapered lane be constructed at the Southbound entrance of the hotel. Resolution 2014-02, was modified to include provisions for the additional condition and is presented for Commission consideration at the January 6, 2014 Regular Meeting. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this meeting.

Town Clerk Trish Granger administered the Oath to all individuals who wished to present testimony.

Vice Mayor Brenner opened the public hearing.

Planning, Zoning, and Building Department Planner Steve Schield, duly sworn, gave a PowerPoint presentation on the Site Plan Amendment request for the Hilton Hotel. Discussions were held on the recommended language modification to proposed Condition 36.

Vice Mayor Brenner noted the time provided to the applicant and public speakers and Town Attorney Kelly Fernandez inquired as to ex-parte communication with no disclosures presented.

11. Quasi-judicial - Resolution 2014-02, Site Plan Amendment for Hilton Hotel, 4711 Gulf of Mexico Drive - Continued

Commr. Zunz inquired and Mr. Schield noted the type of connection between the existing tower and lobby would be a covered breezeway.

Town Clerk Trish Granger placed Resolution 2014-02 on record for public hearing by title only.

Town Attorney Fernandez noted that all previous testimony of Mr. Schield was incorporated into the hearing.

Attorney John Patterson, duly sworn, advised that the certified mail cards had been submitted to the Town Clerk prior to the meeting and discussed Condition 33 relating to the sidewalk and requested consideration to include the phrase "subject to approval by the FDOT (Florida Department of Transportation) and Condition 36, relating to construction of a turn (deceleration) lane and requested the Town's cooperation/assistance in obtaining approval from FDOT.

Architect of Record Jim Wurst, duly sworn, gave a PowerPoint presentation on the proposed addition and remodel of the Hilton Hotel. Discussions were held on the following topics/issues:

- location and shading of pool
- sign lighting versus ingress/egress lighting during evening/early morning hours.

Mr. Richard Stiles, duly sworn, commented on the deceleration lane recommended for the parcel. Discussions were held on the following topics/issues:

- time frame of the study regarding the need for a deceleration lane
- peak hours of the roadway
- estimating trip generations for various land uses.

The following individuals, duly sworn, commented on the proposed Site Plan Amendment:

- Mr. Gene Jaleski, Cedar Street, duly sworn
- Mr. Larry Grossman, St. Judes Drive North, duly sworn (noted submission of e-mail correspondence to the Town Commission)

Following comments by Attorney Patterson, Planning, Zoning, and Building Department Interim Director Alaina Ray, duly sworn, noted that no complaints had been received from neighboring property owners. Mr. Schield advised that the "Sun and Sea" parcel was shaded by large trees and was a T-6 zoned property.

Discussions were held on the lack of a crosswalk in the area of the Hilton Hotel and sidewalks on the west side of Gulf of Mexico Drive.

Attorney Patterson noted that he would have the traffic consultants address the issue of pedestrian traffic crossing Gulf of Mexico Drive.

11. Quasi-judicial - Resolution 2014-02, Site Plan Amendment for Hilton Hotel, 4711 Gulf of Mexico Drive - Continued

Commr. Younger suggested that the Town Manager explore options with FDOT on pedestrian crossings.

Ms. Beverly Shapiro, duly sworn, commented on the proposed Site Plan Amendment.

Attorney Patterson advised that the crosswalk issue and ingress/egress lighting would be taken under consideration and responded to inquiry on the timeframe for the improvements. Discussions were held with Attorney Patterson and Mr. Mark Adler, duly sworn, and Town Manager Bullock on the following topics issues:

- stabilization of existing beach access easement
- lack of parking area for the beach access
- beach jurisdiction established by the Erosion Control Line (ECL)
- code enforcement monitoring to ensure that the Hilton property does not encroach or restrict access to the public access areas.

Vice Mayor Brenner closed the public hearing.

Following individual comments, Commr. Larson moved to approve Resolution 2014-02. The motion was seconded by Commr. Zunz.

Assistant Town Attorney Fernandez inquired, and Commrs. Larson and Zunz noted agreement to incorporate the requested amendments to Conditions 33 and 36 in the motion.

The motion to pass Resolution 2014-02, as amended, carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, aye; Duncan, aye.

Vice Mayor Brenner commented on the construction schedule and impact to the tourism uses, requested that staff maintain and update statistics during the project, and requested that a workshop discussion be scheduled relating to the Site Plan Approval Process.

RECESS: 8:42 p.m. - 8:55 p.m.

Note: Assistant Town Attorney Fernandez left the meeting and Town Attorney David Persson arrived at 8:42 p.m.

ORDINANCES - FIRST READING

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

At the November 13, 2013 Regular Workshop Meeting the Town Commission directed staff to remove language contained within proposed Ordinance 2013-03 that addresses boat and boat trailer parking. The revised Ordinance was forwarded to the January 6, 2014 Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-03 to the February 3, 2014 Regular Meeting for second reading and public hearing.

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

Town Clerk Trish Granger placed Ordinance 2013-03 on record for first reading by title only.

Commr. Younger moved to pass Ordinance 2013-03 on first reading and to forward to the February 4, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Gans.

Planning, Zoning, and Building Department Planner Steve Schield gave a PowerPoint presentation on the Ordinance and upon inquiry, advised that storage trailers will have a restriction on the amount of time they can remain on the property.

The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Larson, aye; Brenner, aye.

5. Ordinance 2014-03, Amending Chapter 34, Employment Policies

Ordinance 2013-15, provides for a freeze of the Police Officers' Retirement System defined benefit plan effective January 25, 2014. Current and future employees will be enrolled in a defined contribution plan administered by ICMA. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-03 to the January 21, 2014 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-03 on record for first reading by title only.

Commr. Larson moved to pass Ordinance 2014-03 on first reading and to forward to the January 21, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Town Manager Dave Bullock presented an overview on Ordinance 2014-03 and confirmed that one Police Officer was eligible to participate in the Deferred Retirement Option Plan (DROP).

The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Younger, aye; Duncan, aye; Brenner, aye; Gans, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

6. 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 second reading, public hearing and discussion, adopt Ordinance 2013-25.

Town Clerk Trish Granger placed Ordinance 2013-25 on record for second reading and public hearing by title only.

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

Commr. Duncan moved to adopt Ordinance 2013-25 on second reading and public hearing. The motion was seconded by Commr. Gans.

Vice Mayor Brenner opened the public hearing.

Commr. Zunz inquired and Town Attorney David Persson commented on Section 154.101E advising that the language was provided by the State of Florida and provides rights under the Ordinance or no other rights would be granted.

Commr. Duncan noted correspondence was received from Attorney Michael Furen dated January 3, 2014, and Town Attorney Persson noted that the Ordinance, as proposed, complies with State regulations and advised that changes to the Zoning Board of Adjustment is at the Commission's discretion.

The motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Gans, aye; Larson, aye; Zunz, aye; Younger, aye; Brenner, aye.

7. 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 second reading, public hearing and discussion, adopt Ordinance 2014-01.

Town Clerk Trish Granger placed Ordinance 2014-01 on record for second reading and public hearing by title only.

Commr. Larson moved to adopt Ordinance 2014-01 on second reading and public hearing. The motion was seconded by Commr. Zunz.

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

The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, aye; Duncan, aye.

8. Ordinance 2014-02, Amending Chapter 34, Composition of Police Officers' Retirement System Board of Trustees

Ordinance 2014-02 provides for a change to the composition of the current Police Officers' Retirement System Board of Trustees. The Commission considered this Ordinance and the membership and structure of the Board of Trustees at the December 11, 2013 Regular Workshop Meeting and held first reading at the December 11, 2013 Special Meeting. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-02.

8. Ordinance 2014-02, Amending Chapter 34, Composition of Police Officers' Retirement System Board of Trustees - Continued

Town Clerk Trish Granger placed Ordinance 2014-02 on record for second reading and public hearing by title only.

Commr. Larson moved to adopt Ordinance 2014-02 on second reading and public hearing. The motion was seconded by Commr. Duncan.

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

The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Duncan, aye; Younger, aye; Brenner, aye; Gans, aye; Zunz, aye.

9. 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 considered establishing March 25, 2014 as the General Municipal Election date and discussed options for early voting. The Commission confirmed March 25, 2014 as the General Municipal Election date and confirmed an early voting schedule at the December 2, 2013 Regular Meeting. Ordinance 2014-04 was forwarded to the January 6, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-04.

Town Clerk Trish Granger placed Ordinance 2014-04 on record for second reading and public hearing by title only.

Commr. Duncan moved to adopt Ordinance 2014-04 on second reading and public hearing. The motion was seconded by Commr. Younger.

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

The motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Younger, aye; Zunz, aye; Larson, aye; Brenner, aye; Gans.

(See additional discussion of this item later this meeting.)

10. 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 as a permanent Town Board. The Town Commission held first reading and discussion at the December 2, 2013 Regular Meeting and forwarded to January 6, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-05.

10. 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 - Continued

Town Manager Dave Bullock noted that the Sarasota Supervisor of Elections advised this date that the referendum question could not be placed on the March 2014 ballot.

Discussion ensued on the time frame for further consideration of the referendum and placement of the issue on the August 2014 or postponing to a later date. (See additional discussion of this item later this meeting.)

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

Town Manager Dave Bullock noted the process to reconsider adoption of Ordinance 2014-04. Town Clerk Trish Granger advised that Ordinance 2014-04 would be amended striking the reference to the referendum question in Section 4, Ballot Presentation.

Commr. Younger moved to reconsider the adoption of Ordinance 2014-04. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Younger, aye; Duncan, aye; Brenner, aye; Larson, aye; Gans, aye; Zunz, aye.

Commr. Younger moved to adopt Ordinance 2014-04, as amended. The motion was seconded by Commr. The motion was seconded by Commr. Gans.

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

Following comments by Commr. Gans, the motion carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brenner, aye; Larson, aye.

10. 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 - Continued

Commr. Younger moved to remove Ordinance 2014-05 from consideration this date and to reschedule on a future agenda for discussion. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Younger, aye; Duncan, aye; Gans, aye; Zunz, aye; Larson, aye; Brenner, aye.

RESOLUTIONS

12. Resolution 2013-41, Modifying the Town Board and Committee E-Mail Policy

As part of the Town's continued diligence in ensuring observance of State Sunshine Laws and Public Records Laws, Resolution 2013-41 was presented for Commission consideration at the December 11, 2013 Regular Workshop Meeting and forwarded to the January 6, 2014 Regular Meeting for formal action. The Resolution strengthens and reinforces the e-mail policy for Town Boards and Committees. Recommended Action: Pending discussion, pass Resolution 2013-41.

Town Clerk Trish Granger placed Resolution 2013-41 on record by title only.

12. Resolution 2013-41, Modifying the Town Board and Committee E-Mail Policy - Continued

Commr. Zunz moved to pass Resolution 2013-41. The motion was seconded by Commr. Gans.

Town Manager Dave Bullock advised that there was a modification to the Resolution following the discussions held at the December 11, 2013, Regular Workshop Meeting, noting that it will make it mandatory for Board and Committee members to utilize their assigned Town e-mail account for all Town related business.

The motion carried by a 6-0 roll call vote, as follows: Zunz, aye; Gans, aye; Younger, aye; Larson, aye; Brenner, aye; Duncan, aye.

NEW BUSINESS - No items were presented.

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson noted distribution of the Court filing in the IPOC v. Town of Longboat Key, Case No. 2010-CA-7913-NC seeking to amend the Amended Final Judgment due to Florida legislative changes in 2013 which prohibits referenda issues in certain circumstances. Town Attorney Persson advised he will continue to update the Commission as the Case proceeds.

TOWN MANAGER COMMENTS

A. Legislation

Town Manager Dave Bullock distributed correspondence to State Senator Jeff Brandes supporting flood insurance reform and requested authorization for the Mayor to execute and forward to Senator Brandes.

Following individual comments, there was consensus to authorize execution and distribution.

Commr. Duncan inquired and Town Manager Bullock advised that it was a recent legislative bill filed and that the Florida League of Cities supports the bill filed but has not taken official action on the issue.

B. Public Works

Town Manager Dave Bullock advised that the Florida Department of Transportation (FDOT) is beginning the design process for the crosswalks as a result of the July 2013 report and noted that Staff will contact FDOT to discuss the issues raised in the area of the Hilton Hotel.

C. Planning, Zoning, and Building

Town Manager Dave Bullock noted that he and the Mayor had met with representatives of Publix Supermarkets relating to the Town Center concept.

TOWN MANAGER COMMENTS - Continued

D. Public Works

Town Manager Dave Bullock commented on the Request For Proposal (RFP) for solid waste services noting the submissions from vendors were re-evaluated, advised that he has rejected the recommendation of the Evaluation Committee, and noted that the RFP will be reissued in approximately two weeks.

E. Budgets

Town Manager Dave Bullock advised that Finance Director Sue Smith has submitted the quarterly revenue reports noting that the revenues are below the estimated budget and that the issue will be scheduled for discussion in the coming months.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Vice Mayor Brenner adjourned the January 6, 2014, Regular Meeting at 9:31 p.m.

Minutes Approved: 03-03-2014