

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
FEBRUARY 3, 2014 - 7:00 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 Maggie Mooney-Portale,
Present: Town Clerk Trish Granger

CALL TO ORDER

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

8. Town Commission

Mayor Brown noted the Commission held a Special Meeting on Friday, January 31, 2014, to discuss a pending foreclosure on property located at 6541 Gulfside Road on Longboat Key, options for consideration in property acquisition, advised that Staff had been directed to forward the item to this Regular Meeting Agenda, and noted the Town Code requires a majority consent of the Commission for the item to be added for discussion.

Vice Mayor Brenner moved to add an agenda item to consider options for a land acquisition at 6541 Gulfside Road, Longboat Key, Florida. The motion was seconded by Commr. Larson. Following comments by Commr. Younger, the motion carried by a 7-0 roll call vote, as follows: Brenner, aye; Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye.

6. Appointments to Police Officers' Retirement System Board of Trustees

Commr. Larson requested, and there was consensus to advance consideration of Item 6 to the beginning of the Agenda. (See item later this meeting.)

Proclamations and Special Presentations

1. Benderson Rowing Center Presentation - Paul Blackketter

Mr. Paul Blackketter provided historical information on the development of Benderson Park and gave a PowerPoint presentation entitled "SANCA: Past, Present, and Future, Building the Bridge to World Class, Nathan Benderson Park, Executive Summary Business Plan for 2014-2017" and presented additional information on the Benderson Rowing Center. Individual comments followed.

Public to be Heard

2. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Bob Appel, Gulf of Mexico Drive, President of Longbeach Condominium, thanked Commr. Zunz, Town Manager Dave Bullock, and Public Works Director Juan Florensa for their continued efforts relating to the North end erosion issues and noted concerns relating to the erosion and timeframe to obtain permit approval for the planned projects.

2. Opportunity for Public to Address Town Commission - Continued

A. Public Works

Town Manager Bullock noted the intent to continue to work with the Longbeach Condominium on the issues raised.

B. Town Commission

Mr. Gene Jaleski, Cedar Street, commented on Town Code requirements pertaining to holding Special Meetings and statutory requirements relating to scheduling Emergency Meetings.

Town Attorney Maggie Mooney-Portale commented on the Town Commission's authority relating to scheduling Special Meetings, inclusion of items on meeting agendas, and the efforts to provide as much public notice as possible.

Commr. Younger inquired, and Town Attorney Mooney-Portale advised that the meeting held on January 31, 2014, was a Special Meeting not an Emergency Meeting.

6. Appointments to Police Officers' Retirement System Board of Trustees - Continued

Ordinance 2014-02 was adopted at the January 6, 2014 Regular Meeting and provides for a change in the composition of Police Officers' Retirement System Board of Trustees. The Commission will consider appointment of 5 members, which includes the Chair and Vice-Chair, at the February 3, 2014 Regular Meeting. The Town Manager will appoint the remaining two members. Recommended Action: Pending discussion, appoint members to Police Officers' Retirement System Board of Trustees.

Town Clerk Trish Granger proceeded with a roll call vote, for Seat 1, Chair, as follows:

Commr. Gans cast a ballot for Mr. Ed Krepela.
Commr. Zunz cast a ballot for Mr. Frank Cona.
Commr. Duncan cast a ballot for Mr. Frank Cona.
Mayor Brown cast a ballot for Mr. Frank Cona.
Vice Mayor Brenner cast a ballot for Mr. Frank Cona.
Commr. Larson cast a ballot for Mr. Frank Cona.
Commr. Younger cast a ballot for Mr. Frank Cona.

Mr. Frank Cona was appointed to Seat 1 and to serve as Chair for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 2, Vice Chair, as follows:

Commr. Zunz cast a ballot for Mr. Ed Krepela.
Commr. Duncan cast a ballot for Mr. Frank DiMarino.
Mayor Brown cast a ballot for Mr. Frank DiMarino.
Vice Mayor Brenner cast a ballot for Mr. Michael Seamon.
Commr. Larson cast a ballot for Mr. Michael Seamon.
Commr. Younger cast a ballot for Mr. Frank DiMarino.
Commr. Gans cast a ballot for Mr. Frank DiMarino.

Mr. Frank Cona was appointed to Seat 2 and to serve as Vice Chair for a term to expire on May 14, 2014.

6. Appointments to Police Officers' Retirement System Board of Trustees - Continued
Town Clerk Granger proceeded with a roll call vote, for Seat 3, as follows:

Commr. Duncan cast a ballot for Mr. Ed Krepela.
Mayor Brown cast a ballot for Mr. Ed Krepela.
Vice Mayor Brenner cast a ballot for Mr. Michael Seamon.
Commr. Larson cast a ballot for Mr. Michael Seamon.
Commr. Younger cast a ballot for Mr. Ed Krepela.
Commr. Gans cast a ballot for Mr. Ed Krepela.
Commr. Zunz cast a ballot for Mr. Ed Krepela.

Mr. Ed Krepela was appointed to Seat 3 for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 4, as follows:

Mayor Brown cast a ballot for Mr. Michael Seamon.
Vice Mayor Brenner cast a ballot for Mr. Michael Seamon.
Commr. Larson cast a ballot for Mr. Michael Seamon.
Commr. Younger cast a ballot for Mr. Michael Seamon.
Commr. Gans cast a ballot for Mr. Michael Seamon.
Commr. Zunz cast a ballot for Mr. Michael Seamon.
Commr. Duncan cast a ballot for Mr. Michael Seamon.

Mr. Michael Seamon was appointed to Seat 4 for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 5, as follows:

Vice Mayor Brenner cast a ballot for Ms. Nancy Woodley.
Commr. Larson cast a ballot for Rabbi Peter Kasdan.
Commr. Younger cast a ballot for Ms. Nancy Woodley.
Commr. Gans cast a ballot for Rabbi Peter Kasdan.
Commr. Zunz cast a ballot for Ms. Nancy Woodley.
Commr. Duncan cast a ballot for Ms. Nancy Woodley.
Mayor Brown cast a ballot for Ms. Nancy Woodley.

Ms. Nancy Woodley was appointed to Seat 5 for a term to expire on May 14, 2014.

Approval of Minutes

3. December 2, 2013 Regular Meeting; December 11, 2013 Regular Workshop Meeting Minutes

There was consensus to approve the Minutes as submitted.

Committee Reports and Communications

4. A. ULI Implementation Advisory Committee Update

Planning, Zoning, and Building Department Director Alaina Ray provided an update on the activities of the ULI Implementation Advisory Committee. Discussions were held on the following topics/issues:

Committee Reports and Communications- Continued

4. A. ULI Implementation Advisory Committee Update - Continued

- collaboration of timelines with Sarasota County relating to the development of Bayfront Park and with the Florida Department of Transportation relating to the Gulf of Mexico Drive Corridor Plan
- status of receiving the ULI final report/option to request an electronic file
- options for distribution of surveys.

There was consensus for the Committee to proceed with the process outlined.

Ordinances - Second Reading and Public Hearing

5. 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 second reading, public hearing, and discussion, adopt Ordinance 2013-03.

Town Clerk Trish Granger placed Ordinance 2013-03 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-03. The motion was seconded by Commr. Duncan.

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

The motion carried by a 6-1 roll call vote, as follows: Younger, aye; Duncan, aye; Zunz, no; Larson, aye; Gans, aye; Brenner, aye; Brown, aye.

Committee Reports and Communications- Continued

4. Other Reports - Continued

B. Organizations/Legislation

Vice Mayor Brenner noted attendance and reviewed the issues discussed at the following meetings:

- Sarasota County Tourist Development Council
- Legislative Breakfast
- Bradenton Area Economic Development Corporation.

C. Organizations

Commr. Duncan noted the upcoming ManaSota League of Cities FAST fly-in to Washington D.C. and reviewed the legislative issues to be discussed.

Committee Reports and Communications- Continued

4. Other Reports - Continued

D. Organizations

Commr. Younger noted attendance at the Metropolitan Planning Organization meeting and reviewed issues discussed.

E. Elections

Mayor Brown noted that the voter registration deadline was February 24, 2014, to participate in the March 25, 2014, General Election.

F. Ordinances

Town Manager Dave Bullock advised that the Sarasota County Commission will consider an Ordinance on March 18, 2014, to modify the return to the Town of Tourist Development Tax monies.

New Business

7. Fiscal Year 2013-2014 Budget Update

The Town Manager and Finance Director will provide an update on the status of the Fiscal Year 2013-2014 Budget. Recommended Action: None, informational only.

Town Manager Dave Bullock and Finance Director Sue Smith gave a PowerPoint presentation on the status of the budget. Discussions were held on the following topics/issues:

- reauthorization of previous year purchase order carry-over
- correction of procedure for revenue reporting (11 month period versus 12 month period)
- transfer of Surtax funds into the General Fund in lieu of paying directly out of Surtax monies
- utilization of a highly customized computer system versus available products with additional modules
- past practices utilized in the accounting process
- length of time utilizing current auditors
- revenue variances between slides
- overall deficiency totals provided (budgeted versus actual)
- identification of accounting irregularities/lack of written procedures and/or policies
- lack of reports from auditing firm identifying irregularities
- reserves for the Utility Funds.

Individual comments followed.

RECESS: 8:37 p.m. - 8:47 p.m.

8. Consideration of Land Acquisition at 6541 Gulfside Road, Longboat Key, FL

At a Special Meeting held on January 31, 2014 the Town Commission considered a proposal for land acquisition at 6541 Gulfside Road, Longboat Key, FL. The Commission forwarded the item to the February 3, 2014 Regular Meeting for further consideration. Recommended Action: Pending discussion, provide direction to Manager.

8. Consideration of Land Acquisition at 6541 Gulfside Road, Longboat Key, FL - Continued

Town Manager Dave Bullock gave a PowerPoint presentation on the property located at 6541 Gulfside Road. Discussions were held with Town Manager Bullock and Attorney Michael Hankin on the following topics/issues:

- restricted benefit of an easement/lack of ability to expand conditions
- reduced value due to easement restrictions
- building improvements limited to existing structure/no increase in footprint
- opportunity for considerable improvements to the structure without increasing footprint
- option to remove a non-conforming structure
- proposed bid amount
- exemptions for governmentally owned properties from taxation by other government agencies.

Town Clerk Trish Granger placed Resolution 2014-05 on record by title only.

The following individuals commented on the proposal:

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

Subsequent to discussion on the utilization of the property and restrictions on the use of the easement, Commr. Younger moved to table the issue. The motion failed for lack of a second.

Commr. Duncan moved to authorize the Town Manager to proceed with a bid on the foreclosure sale. The motion was seconded by Commr. Zunz.

Following clarification on the number of votes required to pass a motion and the maximum bid amount to be authorized, Commr. Duncan amended the motion to include a maximum bid of \$1.00. Commr. Zunz withdrew her second to the motion.

Commr. Younger seconded the amended motion. Following comments, the amended motion failed by a 6-1 roll call vote, as follows: Duncan, no; Younger, no; Gans, no; Zunz, no; Larson, no; Brenner, aye; Brown, no.

Commr. Duncan commended Staff for their diligence and efforts in bringing forward the issue for consideration. Individual comments followed.

Town Commission Comments

A. Planning, Zoning, and Building

Commr. Gans inquired as to the status of the Colony property and options for redevelopment of the Colony.

Town Commission Comments - Continued

A. Planning, Zoning, and Building - Continued

Vice Mayor Brenner commented on the funding issues faced by the Town. Discussion ensued on the processes being undertaken relating to planning review, land development codes, zoning codes, options to develop overlay districts, and property owner buy-in.

Town Attorney Comments

A. Town Commission

Town Attorney Maggie Mooney-Portale noted the deadline to file a response to the Colony litigation relating to the bond amount, advised that the Town will seek an extension, and requested authorization to schedule an Attorney-Client session relating to the litigation on either February 19, 2014, February 20, 2014, or February 26, 2014.

There was consensus to schedule the meeting.

Town Manager Comments - No items were presented.

Press to be Heard - No items were presented.

Adjournment

Mayor Brown adjourned the February 3, 2014, Regular Meeting at 9:57 p.m.

Minutes Approved: 04-07-2014