

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
MARCH 17, 2014 - 1:00 P.M.**

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

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

Absent: Commr. Pat Zunz

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the March 17, 2014, Regular Workshop Meeting to order at 1:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Vice Mayor Brenner led the Pledge of Allegiance.

Mayor Brown advised that Commr. Zunz was not in attendance due to illness.

11. OTHER BUSINESS

A. Town Commission

Commr. Duncan noted the passing of Mr. John Mitchell and requested consensus to send a letter of condolence to Mr. Mitchell's family, without objection.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Gene Jaleski, Cedar Street, commented on a Community Center for the Town.

COMMITTEE REPORTS AND COMMUNICATIONS

2. Manatee County Special Liaison Report

A. School Board

Vice Mayor Brenner noted Commr. Zunz's involvement with Manatee County School Board issues and noted her dedication of time to the issues.

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

4. ManaSota League of Cities Report

A. Legislation

Commr. Duncan commented on the recent ManaSota League of Cities (MSLC) meeting and reviewed the issues being followed by MSLC.

4. ManaSota League of Cities Report - Continued

A. Legislation- Continued

Commr. Larson noted attendance at the meeting and advised that Longboat Key was not impacted on the legislation relating to the rental property issues.

5. Other Reports - No items were presented.

DISCUSSION ITEMS

6. Discussion Regarding Level of Service for Solid Waste Collection

The Town recently issued a Request For Proposals (RFP) for solid waste collection which included proposals for our current collection system, plus two other options. The Town Manager will review the three available options and seek Commission direction regarding the level of service desired for residential solid waste collection. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock reviewed the options for solid waste collection services. Mr. Mitch Kessler, with Kessler Consulting, gave a PowerPoint presentation on the residential service options. Discussions were held with Town Manager Bullock and Mr. Kessler on the following topics/issues:

- single stream - combined recycling items
- yard waste on separate day than solid waste/recycling pick-up
- recommendation from Town Manager to maintain twice-per-week pick up.

There was consensus to use single stream service for recyclables and to maintain the twice per week pick-up for solid waste and once per week pick-up for yard waste.

Commr. Younger inquired, and Town Manager Bullock advised that the residents would select the size of container to be utilized.

Discussions were held on anticipated community support for wheeled recycling bins and combining all recyclables and the process to negotiate a contract with the selected proposer.

7. Proposed Ordinance 2014-13, Florida Power & Light (FPL) Franchise Agreement: The 30-year Franchise Agreement between the Town of Longboat Key and Florida Power & Light (FPL) will expire on May 29, 2014. For the past several months representatives of the Town and FPL have been negotiating a new Franchise Agreement which will be considered by the Town Commission at their March 17, 2014 Regular Workshop Meeting. Proposed Ordinance 2014-13 provides for adoption of the new Franchise Agreement. Recommended Action: Pending discussion, forward Ordinance 2014-13 to the April 7, 2014 Regular Meeting for first reading.

Following comments by Town Manager Dave Bullock, Mr. Robert (Schef) Wright, the Town's Special Legal Counsel, gave a PowerPoint presentation on the electric franchise negotiations with Florida Power and Light Company. Discussions were held with Town Manager Bullock and Mr. Wright on the following topics/issues:

7. Proposed Ordinance 2014-13, (FPL) Franchise Agreement - Continued

- terminology "compete" relating to solar power options and returning solar power to the grid
- other governmental agencies that might compete with a private utility company
- determination on placement of power poles (Section 2 of proposed Ordinance 2014-13)/consideration of aesthetic results
- Most Favored Nations (MFN) clause relating to franchise fee rates to the benefit of the Town
- ability of FPL to install large transmission lines down Gulf of Mexico Drive (low probability due to geographic conditions)
- inclusion of clauses to allow Town to utilize existing power poles to expand telecommunications services (i.e. DAS service)
- option for additional pole attachment agreement.

There was consensus to present the request to allow attachment(s) on existing power poles to FPL.

Discussions continued on the following topics/issues:

- options to request that FPL provide a record of existing facilities within the Town's boundaries
- clauses in the Ordinance relating to amendments in State or Federal laws and a requirement for the Town to renegotiate if laws change/reciprocal provisions
- termination clauses/negotiations accomplished to date.

Ms. Rae Dowling, FPL Area Manager, commented on the cooperation with the Town's representatives, noted the required service versus a franchise agreement, and gave an overview on the service provided by FPL.

Attorney Patrick Bryan, representing FPL, discussed the termination/change in law provisions, reciprocal rights provision, and standards for future pole attachments.

Discussions were held with Attorney Bryan and Ms. Dowling on the following topics/issues:

- federal requirements for consideration of requests for pole attachments
- private versus governmental agency requests for pole attachments
- FPL process for installation of underground utilities
- estimated costs for installation of underground services for the FPL portion (approximately \$22,000,000) for all of the Town
- estimated costs for underground installation in the Town Center area (approximately \$300,000 for FPL portion only)
- estimated costs for underground installation for FPL lines along Gulf of Mexico Drive
- recent request for pricing for area from Triton Bend to the South Fire Station
- additional costs for all underground services in addition to FPL costs
- FPL Subsidiary for installation of cellular service on existing poles
- commendation to FPL local representatives

7. Proposed Ordinance 2014-13, (FPL) Franchise Agreement - Continued

- options for neighborhoods to contract with FPL for underground services/obligation of client to obtain required easements
- description of equipment that would be above ground.

Mr. Gene Jaleski, Cedar Street, commented on the proposed terms of the agreement.

FPL Representative Don Sayer commented on recent improvements to street lighting, reviewed efforts working with the Florida Fish and Wildlife Commission on turtle friendly lighting, and discussed hardening in areas on Longboat Key. Discussion ensued on lighting options.

There was consensus to forward Ordinance 2014-13 to the April 7, 2014, Regular Meeting for first reading, with Staff direction to discuss the issues raised relating to Section 7, termination clause; Sections 8 and 12, addressing the reciprocal change in law provisions; Section 9, grounds for forfeiture; and pole and associated facility relocation and usage options with Florida Power and Light Company.

RECESS: 2:32 p.m. - 2:45 p.m.

8. Proposed Resolution 2014-11, Re-Establishing the Erosion Control Line (ECL) at North End of Longboat Key

The Town has received a permit from the Florida Department of Environmental Protection to construct groins on the North end of Longboat Key. One of the permit conditions prior to construction is re-establishment of an erosion control line (ECL) in the area near the groins. Proposed Resolution 2014-11 confirms Town Commission support for re-establishing the ECL. Following passage of the Resolution, a public workshop and hearing will be scheduled by the State and Town to receive comments from affected property owners and the public. Recommended Action: Pending discussion, forward Resolution 2014-11 to the April 7, 2014 Regular Meeting for formal action.

Town Manager Dave Bullock provided an overview on the requirement to re-establish an Erosion Control Line (ECL) and the process and notifications required to affected property owners. Discussions were held on the following topics/issues:

- lack of availability of aerial photo overlay for past versus current
- role of the FDEP to hold the public hearings
- role of the Town to handle required advertising/public hearing venue

Mr. Robert Appel, Gulf of Mexico Drive, commented on the re-establishment of the ECL and noted the formation of the North End Coalition. Upon inquiry, Mr. Appel commented on the status of a seawall installation.

Mr. Gene Jaleski, Cedar Street, commented on Florida Statutes and the need for stabilization of the beaches on the North end.

There was consensus to forward Resolution 2014-11, re-establishing the ECL to the April 7, 2014, Regular Meeting for formal action.

9. Proposed Ordinance 2014-15, Establishing Fees for Lien Search Services

The Town Clerk and Finance Director receive numerous requests for lien searches on properties located within the Town's municipal boundaries. In an effort to establish a procedure to accommodate these requests staff has developed a system and recommended fee structure for Commission consideration. Proposed Ordinance 2014-15 establishes a fee structure for lien searches that is consistent with other governmental agencies. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Town Clerk Trish Granger provided an overview of proposed Ordinance 2014-15 to establish fees for lien searches currently being received and noted the applicability of establishing user fees versus responding to public records requests. Discussions were held with Town Clerk Granger and Town Attorney Maggie Mooney-Portale on the proposed amount to be charged for the service and options to increase and/or decrease the fees at a later date.

There was consensus to forward Ordinance 2014-15 to the April 7, 2014, Regular Meeting for first reading.

10. Legal Services Discussion

The Mayor will lead Town Commission discussion regarding legal services. Recommended Action: Pending discussion, provide direction.

Mayor Brown commented on concerns expressed by Commissioners and noted discussions with the former and current Town Attorney and noted that a document had been drafted outlining the expectations of the Town Attorney's office, and requested consideration to postpone discussions until a later date.

Commr. Younger requested that the Town Attorney redefine the reference to the Colony "Association," that was included in recent correspondence, without objection.

Individual comments followed on the need for improved communication between the Commission and the Town Attorney and the utilization of outside attorneys for various issues.

There was majority consensus to postpone the discussion to a future time in the fall.

Subsequent to comments, Town Attorney Maggie Mooney-Portale commented on the expectations provided to her this date.

TOWN COMMISSION COMMENTS

A. Town Commission

Commr. Larson noted this was the last Regular Workshop Meeting for Vice Mayor Brenner and commended him for his service to the Town. Individual comments followed on the services provided by Vice Mayor Brenner.

TOWN COMMISSION COMMENTS

B. Town Commission

Commr. Gans opined as to an over-correction of the parking issues during the early voting process. Individual comments followed on options to modify or retain the instituted parking restrictions.

C. Public Works

Vice Mayor Brenner commented on the traffic issues this year and requested that the Town Manager contact the Coast Guard to determine if modifications can be made to the opening/closing schedules of the bridges on both ends of the island, without objection.

Commr. Larson inquired as to options to have a traffic consultant provide an analysis of the traffic pattern at U.S. 41/Gulfstream Avenue.

Commr. Gans suggested a joint meeting with the City of Sarasota and the Florida Department of Transportation to discuss the issues. Individual comments followed on options for improved traffic movement in the St. Armands Circle area and safety concerns for the passage of emergency vehicles.

Town Manager Dave Bullock advised he could contact the City of Sarasota, Sarasota County, and other government agencies to schedule a joint meeting, if desired by the Commission.

Mayor Brown noted previous actions taken by several governmental agencies relating to improvements to circulation at St. Armands Circle and the reversal by the City of Sarasota.

D. Planning, Zoning, and Building

Mayor Brown commented on the approval of the Publix development and the Publix representatives' request to include additional parking spots and opined that the Town acted judiciously when granting the request.

TOWN ATTORNEY COMMENTS

A. Boards/Committees

Town Attorney Maggie Mooney-Portale noted she requested a legal opinion from the Florida Attorney General's Office relating to dual office holding of the Planning and Zoning Board members handle Zoning Board of Adjustment petitions. Discussion ensued.

TOWN MANAGER COMMENTS

A. Public Works/Planning, Zoning, and Building/Town Commission

Town Manager Bullock commented on the status of the North end groins permit and the upcoming West Coast Inland Navigation District (WCIND) dredging project and discussed the process to be followed relating to both projects and the allotment of the sand from the dredging project.

TOWN MANAGER COMMENTS - Continued

A. Public Works/Planning, Zoning, and Building/Town Commission

Town Manager Bullock noted that the Town expects to receive a request from the Colony's representatives to schedule a public hearing to consider a further extension of the continuation of the grandfathered density rights on the property and advised that the hearing will be held on April 7, 2014, at 1:00 p.m. and further noted that the Goals and Objectives Workshop has been scheduled for April 21, 2014, from 10:00 a.m. to Noon.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown noted that early voting continues through Saturday, March 22, 2014, and adjourned the March 17, 2014, Regular Workshop Meeting at 3:56 p.m.

Minutes Approved: 05-05-2014