

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

Present: Mayor Jim Brown, Vice Mayor Jack Duncan, Commrs. Terry Gans, Lynn Larson, Irwin Pastor, 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 April 7, 2014, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Pastor led the Pledge of Allegiance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS - No items were presented.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building

Mr. Morris Kertzer, Juan Anasco Drive, requested consideration for the Town to re-establish restrictions on side yard hedge heights.

APPROVAL OF MINUTES

2. January 17, 2014, School Board Convocation Joint Meeting; February 3, 2014, Special Workshop Meeting; February 3, 2014, Regular Meeting; February 18, 2014, Regular Workshop Meeting; February 20, 2014, Attorney-Client Special Meeting Minutes

There was consensus to approve the minutes as submitted.

12. Appointment to Zoning Board of Adjustment (ZBA)

Following comments, there was consensus to advance consideration of Agenda Item 12 following Committee Reports.

COMMITTEE REPORTS AND COMMUNICATIONS

3. ULI Implementation Advisory Committee Update

Planning, Zoning, and Building Department Director Alaina Ray provided an update on the recent meeting of the ULI Implementation Advisory Committee. Town Manager Dave Bullock noted that he would be bringing in a facilitator for the Committee, advising that Ms. Ray would not serve in that capacity.

Mr. Julius Rauch, Norton Street, commented on the ULI Implementation Advisory Committee report.

Mayor Brown noted that the Town is working on many of the items raised by Mr. Rauch.

NEW BUSINESS

12. Appointment to Zoning Board of Adjustment (ZBA)

At the February 18, 2014 Regular Workshop Meeting the Town Commission directed staff to prepare an Ordinance for Commission action reducing the number of ZBA members from seven (7) to five (5). There are currently 4 members appointed to the ZBA. The Town Commission will consider appointment of one additional member at their April 7, 2014 Regular Meeting. Recommended Action: Pending discussion, appoint member to Zoning Board of Adjustment.

Mayor Brown noted the appointment process and there was a consensus to appoint one individual to serve on the ZBA pending consideration of an Ordinance (at a later date) to reduce the number of members on the ZBA.

Town Clerk Trish Granger proceeded with a roll call vote, as follows:

**Commr. Younger cast a vote for Mr. Larry Linhart.
Commr. Larson cast a vote for Mr. Jered Whitehead.
Vice Mayor Duncan cast a vote for Mr. Larry Linhart.
Mayor Brown cast a vote for Mr. Larry Linhart.
Commr. Gans cast a vote for Mr. Larry Linhart.
Commr. Zunz cast a vote for Mr. Larry Linhart.
Commr. Pastor cast a vote for Mr. Bradford Saivetz.**

Town Clerk Granger advised that Mr. Linhart had received the required number of votes to be seated on the ZBA and that he would be notified of the appointment.

ORDINANCES - FIRST READING

4. 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 developed a system and recommended fee structure for Commission consideration at their March 17, 2014 Regular Workshop Meeting. Ordinance 2014-15 establishes a fee structure for lien searches that is consistent with other governmental agencies and is placed on the April 7, 2014 Regular Meeting for first reading and discussion. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-15 to the May 5, 2014 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger place Ordinance 2014-15 on record for first reading by title only.

Commr. Zunz inquired and Town Clerk Granger opined that the real estate market may be improving creating more requests from title companies for lien searches.

Commr. Pastor moved to pass Ordinance 2014-15 on first reading and to forward to the May 5, 2014, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Gans, aye; Brown, aye; Duncan, aye; Larson, aye; Younger, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

5. Ordinance 2014-06, Comprehensive Plan Amendment, Annual Capital Improvements Element (CIE) Update

At their January 21, 2014 Regular Meeting, the Planning & Zoning (P&Z) Board recommended Town Commission approval and forwarded Ordinance 2014-06 to the February 18, 2014 Regular Workshop for Commission consideration. Ordinance 2014-06 provides for adoption of the required annual update to the five-year schedule of Capital Improvements Elements of the Town of Longboat Key Comprehensive Plan. Ordinance 2014-06 was forwarded from the March 3, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-06.

Town Clerk Trish Granger placed Ordinance 2014-06 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2014-06. The motion was seconded by Commr. Younger.

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

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

6. Ordinance 2014-07, Amending Chapter 158, Special Exception Expirations

At their January 21, 2014 Regular Meeting, the Planning & Zoning (P&Z) Board recommended Town Commission approval and forwarded Ordinance 2014-07 to the February 18, 2014 Regular Workshop for Commission consideration. Ordinance 2014-07 amends Chapter 158 to modify the expiration date for special exception uses. Ordinance 2014-07 was forwarded from the March 3, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-07.

Town Clerk Trish Granger placed Ordinance 2014-07 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2014-07. The motion was seconded by Commr. Gans.

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

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

7. Ordinance 2014-09, Amending the Fiscal Year (FY) 2013-2014 Budget to Eliminate Infrastructure Surtax Funds from General Fund

Following an internal audit of the Infrastructure Surtax Fund, the Finance Director recommends a change in accounting practice to reduce revenue and expenditures within the General Fund and create appropriations within the Infrastructure Surtax Fund. Ordinance 2014-09 will amend the FY 2013-2014 Budget to eliminate Infrastructure Surtax Funds from the General Fund. Ordinance 2014-09 was forwarded from the March 3, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-09.

Town Manager Dave Bullock gave a PowerPoint Presentation on Items 7 through 11 relating to Budget amendments.

Town Clerk Trish Granger placed Ordinance 2014-09 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2014-09 on second reading and public hearing. The motion was seconded by Commr. Gans.

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

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

8. Ordinance 2014-10, Amending the Fiscal Year (FY) 2013-2014 Budget in the Amount of \$296,000 for Expenses Related to The Colony and Other Professional Services

The Planning, Zoning, and Building Department is requesting additional funding for contracted services relating to expenses associated with the Building Code enforcement pertaining to The Colony property and additional departmental funding for contracted building inspection services and staff training to secure additional licensing for current staffing. Ordinance 2014-10 will amend the FY 2013-2014 Budget to provide for an appropriation from the Building Fund, unappropriated fund balance. Ordinance 2014-10 was forwarded from the March 3, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-10.

Town Clerk Trish Granger placed Ordinance 2014-10 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-10. The motion was seconded by Vice Mayor Duncan.

Mayor Brown opened the public hearing.

Mr. David Novak inquired as to the expenditure of the funds.

As no others wished to speak, Mayor Brown closed the public hearing.

8. Ordinance 2014-10, Amending the FY2013-2014 Budget in the Amount of \$296,000 for Expenses Related to The Colony and Other Professional Services - Continued
Commr. Younger requested and Town Attorney Maggie Mooney-Portale noted the request from the Finance Department to identify the fees relating to the Colony versus flat fee services. Discussion ensued.

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

9. Ordinance 2014-11, Budget Transfer Amending the Fiscal Year (FY) 2013-2014 Budget in the Amount of \$300,000 from Utility Commission Contingency and Utility Unallocated Unrestricted Reserve Fund Balance for Rehabilitation of Lift Station E
Improvements to Lift Station E, which are part of the Public Works 5-year Capital Improvement Plan, were competitively bid in January 2014. The engineering design, construction, and engineering construction observation costs are higher than the available budget. Ordinance 2014-11 will amend the FY 2013-2014 Budget, transferring \$300,000 from the Utility Commission Contingency and the Utility Unallocated Unrestricted Reserve Fund Balance to the Lift Station E budget. Ordinance 2014-11 was forwarded from the March 3, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-11.

Commr. Gans moved to adopt Ordinance 2014-11 on second reading and public hearing. The motion was seconded by Commr. Zunz.

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

Commr. Larson inquired and Assistant Town Manager Anne Ross noted the number of major lift stations rehabilitation accomplished and advised that she would provide a report on the total number of intermediate and minor stations that required rehabilitation.

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

10. Ordinance 2014-12, Budget Transfer Amending the Fiscal Year (FY) 2013-2014 Budget in the Amount of \$250,000 from the Beach Fund to Provide for Legal Costs for Administrative Hearing and Revisions to the Beach District Ordinances
During the defense of a third party challenge associated with the North End Structures, additional funding for the legal services and expert testimony at the administrative hearings is required. Ordinance 2014-12 will amend the FY 2013-2014 Budget, transferring the required funding from the Beach Fund to provide for the associated costs for the administrative hearing. This amendment also provides funds for development of the beach district ordinances. Ordinance 2014-12 was forwarded from the March 3, 2014 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-12.

Town Clerk Trish Granger placed Ordinance 2014-12 on record for second reading and public hearing by title only.

10. Ordinance 2014-12, Budget Transfer Amending the FY 2013-2014 Budget in the Amount of \$250,000 from the Beach Fund to Provide for Legal Costs for Administrative Hearing and Revisions to the Beach District Ordinances

Following comments by Town Manager Dave Bullock, Commr. Younger moved to authorize the allocation of \$150,000.00 provided for in Ordinance 2014-12 and to continue the public hearing on the balance of the budget transfer (\$100,000.00) provided for in Ordinance 2014-12 to the May 5, 2014, Regular Meeting for final action. The motion was seconded by Commr. Pastor.

Mayor Brown opened the public hearing. As no one wished to speak, Mayor Brown closed the public hearing on the \$150,000.00 funding amendment outlined in Ordinance 2014-12 and continued the public hearing on the balance of the budget transfer outlined in Ordinance 2014-12 to the May 5, 2014, Regular Meeting for final action.

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

RESOLUTIONS

11. 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. Resolution 2014-11 confirms Town Commission support for re-establishing the ECL and was forwarded from the March 17, 2014 Regular Workshop Meeting for formal action. 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, pass Resolution 2014-11.

Town Clerk Trish Granger placed Resolution 2014-11 on record by title only.

Town Manager Dave Bullock responded to inquiry regarding input from the residential community (Longbeach Condominiums and 360 North Condominiums) and the process to finalize the re-establishment of the ECL, and noted that the WCIND sand could be placed.

Commr. Pastor moved to pass Resolution 2014-11. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Pastor, aye; Younger, aye; Zunz, aye; Gans, aye; Larson, aye; Duncan, aye; Brown, aye.

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Commr. Zunz requested that a discussion item be place on a future Workshop agenda relating to the parking issues in the Village, without objection.

B. Town Commission

Mayor Brown welcomed recently elector Commr. Pastor to his first official Regular Meeting.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. 2014-2015 Preliminary Budget

Town Manager Dave Bullock provided an overview of the Fiscal Year 2014-2015 Budget preparation process.

B. Legislation

Town Manager Dave Bullock provided an update on the legislation filed on behalf of the Town relating to the passage of density referendums.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the April 7, 2014, Regular Meeting at 8:05 p.m.

Minutes Approved: 05-05-2014