

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
JUNE 2, 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 AND PLEDGE OF ALLEGIANCE**

Mayor Brown called the June 2, 2014, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Pastor led the Pledge of Allegiance.

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

1. Legislation

Mayor Brown commented on the assistance provided during the Legislative Session and Town Attorney Maggie Mooney-Portale noted the status of the legislation. Representative Jim Boyd gave an overview of the 2014 Legislative Session.

2. Proclamation for Flood and Hurricane Awareness Month June 2014

Mayor Brown read and presented the Flood and Hurricane Awareness Month proclamation to Fire Chief Paul Dezzi and Police Chief Pete Cumming. Chief Dezzi commented on the importance of preparation to reduce the risks of serious injury to individuals and residences and noted a Disaster Preparedness Public Outreach Seminar on June 19, 2014, in the Town Commission Chamber, 501 Bay Isles Road, from 3 p.m. to 5 p.m.

**PUBLIC TO BE HEARD**

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

**APPROVAL OF MINUTES**

4. May 5, 2014 Special Workshop (Meet and Greet); and May 5, 2014 Regular Meeting Minutes

**There was consensus to approve the Minutes as submitted.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

5. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance at the Manatee County Economic Development Corporation and advised of a large development being planned in Manatee County.

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

7. ManaSota League of Cities Report

A. Organizations

Vice Mayor Duncan noted his intent to attend the Florida League of Cities conference as a representative of ManaSota League of Cities.

8. Other Reports

A. Boards/Committees

Commr. Larson noted a meeting of the Finance Committee for the selection of a new auditor and reviewed issues discussed.

Town Manager Dave Bullock reviewed Resolution 2014-15 relating to the duties of the Finance Committee.

**Subsequent to comments, there was consensus to discuss the Finance Committee meeting following Item 17 on the published agenda. (See Item later this meeting.)**

**CONSENT AGENDA**

9. Cancellation of July and August Workshop Meetings and August Regular Meeting

As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider the possible cancellation of the July and August Workshops and the August Regular Meeting. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will cancel the July and August Workshop Meetings and the August Regular Meeting.

**There was consensus to approve Consent Agenda Item 9 in accordance with Staff's report and recommendation.**

**ORDINANCES - FIRST READING**

10. Ordinance 2014-24, Amending Chapter 38, Purchasing Procedures

At the May 19, 2014, Regular Workshop Meeting the Town Commission considered Town staff and Town Attorney recommended changes to the Town's purchasing procedures. There was consensus to forward Ordinance 2014-24 to the June 2, 2014, Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward to the July 7, 2014, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-24 on record for first reading by title only.

**Commr. Larson moved to pass Ordinance 2014-24 on first reading and to forward to the July 7, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.**

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

**ORDINANCES - FIRST READING AND PUBLIC HEARING**

**11. Ordinance 2014-23, Amending the FY 2013-2014 Budget to Account for Related Revenue and Expenditure for West Coast Inland Navigation District (WCIND) Grant**

At the May 22, 2014, Special Workshop Meeting the Town Commission forwarded Ordinance 2014-23 to the June 2, 2014, Regular Meeting for first reading and public hearing. The Ordinance provides for an amendment to the FY 2013-2014 Budget to provide for equal adjustments to the revenue and expenditure line items for WCIND grant funds. Recommended Action: Pending first reading and public hearing, forward to the July 7, 2014, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-23 on record for first reading and public hearing by title only.

**Commr. Gans moved to pass Ordinance 2014-23 on first reading and public hearing and to forward to the July 7, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.**

Upon inquiry, Town Manager Dave Bullock advised that new boat engines would be purchased in lieu of repair.

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

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

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**12. Ordinance 2014-08, Amending Chapter 158, Establishing Procedures for Zoning Board of Adjustment (ZBA) Petitions to be Heard**

At the February 18, 2014, Regular Workshop Meeting the Town Commission considered Ordinance 2014-08, amending Chapter 158, Zoning Code, 158.026, Zoning Board of Adjustment to provide a method for petitions to be heard in the event a quorum cannot be reached, to reduce the number of members from seven to five and to update the provision regarding serving concurrently on other Town boards. Ordinance 2014-08 is placed on the June 2, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-08.

Town Clerk Trish Granger placed Ordinance 2014-08 on record for second reading and public hearing by title only.

**Commr. Pastor moved to adopt Ordinance 2014-08 on second reading and public hearing. The motion was seconded by Commr. Zunz.**

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

12. Ordinance 2014-08, Amending Chapter 158, Establishing Procedures for ZBA Petitions to be Heard - Continued

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

13. Ordinance 2014-14, Site Plan Approval Authority

At their April 10, 2014, Regular Meeting the Planning & Zoning (P&Z) Board considered proposed Ordinance 2014-14 which would place final site plan approval authority with the P&Z Board. Ordinance 2014-14 was forwarded to the April 21, 2014, Regular Workshop Meeting for Commission discussion; May 5, 2014, Regular Meeting for first reading and public hearing; and to the June 2, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-14.

Town Clerk Trish Granger placed Ordinance 2014-14 on record for second reading and public hearing by title only.

**Commr. Larson moved to adopt Ordinance 2014-14 on second reading and public hearing. The motion was seconded by Commr. Zunz.**

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

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

**RESOLUTIONS**

14. Resolution 2014-12, Providing for Emergency Authorization for Town Manager

Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Resolution 2014-12 provides methods to obtain a quorum or gives the Town Manager authority to expend funds and take emergency action in the event a quorum of the Commission is not available. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-12.

Town Clerk Trish Granger placed Resolution 2014-12 on record by title only.

**Commr. Pastor moved to pass Resolution 2014-12. 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.**

15. Resolution 2014-18, Annual Beach Funding Resolution

The State of Florida Beach Management Funding Assistance Program (formerly the Beach Erosion Control Program) has been a recurring source of funding for the Town's beach erosion/nourishment projects. Each year the Town Commission passes a beach funding resolution in order to remain eligible for State grants. Resolution 2014-18 must accompany applications for beach project funding submitted to the Florida Department of Environmental Protection. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-18.

15. Resolution 2014-18, Annual Beach Funding Resolution- Continued

Town Clerk Trish Granger placed Resolution 2014-18 on record by title only.

**Commr. Zunz moved to pass Resolution 2014-18. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Younger, aye; Pastor, aye; Larson, aye; Duncan, aye; Brown, aye.**

16. Resolution 2014-19, Longboat Pass Maintenance Dredging and Beneficial Sediment Use Project

Resolution 2014-19 is a request to the State of Florida to fund improvements the Town may undertake on its own that are strictly related to the Inlet Management Plan Study. The funding under this category has a potential reimbursement of 50-75%. A separate application and funding resolution is required for this funding request. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-19.

Town Clerk Trish Granger placed Resolution 2014-19 on record by title only.

**Commr. Zunz moved to pass Resolution 2014-19. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Duncan, aye; Brown, aye; Larson, aye; Younger, aye; Pastor, aye.**

17. Resolution 2014-20, Comprehensive Inlet Management Plan – North End Structures

The Town submitted an original application for State grant funding related to the future maintenance of Longboat Pass in 2013. A funding request will be submitted this year and a funding resolution must accompany the joint application. This item was forwarded from the May 19, 2014, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2014-20.

Town Clerk Trish Granger placed Resolution 2014-20 on record by title only.

**Commr. Pastor moved to pass Resolution 2014-20. The motion was seconded by Commr. Zunz.**

**Mayor Brown noted that no speaker forms had been submitted on the item. The motion carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye.**

8. Other Reports - Continued

A. Boards and Committees - Continued

Town Manager Bullock noted the duties of the Finance Committee as outlined in Resolution 2014-15. Discussion ensued on the following topics/issues:

- composition of the Committee
- withdrawal by Commr. Younger from the Committee
- development of the Finance Committee
- perception of the Finance Committee being weighted with elected officials

8. Other Reports - Continued

A. Boards and Committees - Continued

- Resolution requirements for three Commissioners
- discretion of Finance Committee to appoint two citizen representatives.

**Commr. Younger noted he would remain on the Finance Committee at the current time.**

**TOWN COMMISSION COMMENTS**

A. Franchise Services

Commr. Zunz requested consideration to continue discussion of the Florida Power and Light (FPL) underground wiring as an agenda item on June 16, 2014. Discussion ensued on the following topics/issues:

- figures provided by FPL relating to overhead versus underground service
- aesthetic values
- lack of improvement to electrical service
- impact on property values
- replacement of poles with above ground boxes
- lack of economic feasibility
- estimates provided by FPL representatives
- recently converted communities in Florida
- installation in residential areas versus along Gulf of Mexico Drive.

**There was majority consensus to not schedule further discussion on the issue.**

**TOWN ATTORNEY COMMENTS**

A. Litigation

Town Attorney Maggie Mooney-Portale commented on the Advanced Property Litigation case and noted the Town prevailed on the Motion for Summary Judgment, advising that the ruling is subject to appeal.

B. Town Attorney

Mayor Brown commented on the resignation of the Town Attorney and requested that the Town Attorney consider rescinding her resignation.

Town Attorney Maggie Mooney-Portale advised that she would consider the request and noted that she would like to meet with each Commissioner individually prior to rescinding.

**There was majority consensus that Town Attorney Mooney-Portale proceed with setting up individual meetings with Commissioners.**

**TOWN MANAGER COMMENTS**

A. Legislation

Town Manager Dave Bullock commented on funding allocated in the State's budget for Longboat Key in the amount of \$2,000,000.00 for beach projects.

**TOWN MANAGER COMMENTS** - Continued

**B. Public Works**

Town Manager Dave Bullock noted distribution of an e-mail relating to a proposed sand truck haul project on the South end of Longboat Key, in the area of L 'Ambiance, Pierre, Sanctuary, and Longboat Towers. Discussion ensued with Town Manager Bullock and Public Works Director Juan Florensa on the following topics/issues:

- opinion of coastal engineering firms
- previous placement of sand in 2005-2006 in the area
- impact of Tropical Storm Debby
- lack of sand flowing to the area
- funding source for the project
- permitting status of New Pass Dredging Project.

**There was consensus to proceed with the design, permitting, and bid estimates to obtain actual costs for a truck haul project.**

**PRESS TO BE HEARD** - No items were presented.

**ADJOURNMENT**

**Mayor Brown adjourned the June 2, 2014, Regular Meeting at 8:32 p.m.**

Minutes Approved: 09-08-2014