

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP MEETING  
JUNE 16, 2014 - 1:00 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 June 16, 2014, Regular Workshop Meeting to order at 1:01 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Zunz led the Pledge of Allegiance.**

**PUBLIC TO BE HEARD**

**1. Opportunity for Public to Address Town Commission**

Mayor Brown advised Ms. Ann Arsenault and Ms. Doreen Dupont that they would be called to speak when the agenda item they wished to speak on was being considered.

**A. Public Works**

Mr. Tom Freiwald, Spanish Drive, commented on the Florida Power and Light (FPL) pole hardening project.

Upon inquiry, Town Manager Dave Bullock advised that FPL had not provided a photograph of the type of pole to be installed.

**B. Planning, Zoning, and Building**

Mr. George Spoll, Harbourside Drive, commented on the percentage of underground power service lines reported by Florida Power and Light (FPL) and noted items raised in the Urban Land Institute (ULI) Report relating to beautification along Gulf of Mexico Drive.

Individual comments followed on the time frame for the project to begin, previous consideration of the issue, options for Gulf of Mexico Drive, costs of proposal for underground service and ability of homeowner to pay for underground service, and option to request postponement of the project. Discussion ensued on estimated costs, financial constraints in current and upcoming fiscal year, and impact if the project was postponed.

**There was majority consensus to not continue discussion of the FPL hardening project.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

**2. Manatee County Special Liaison Report**

**A. Organizations**

Commr. Zunz noted attendance at the Manatee County Tourist Development Council meeting and reviewed the issues discussed.

**B. Governmental Agencies**

Commr. Zunz noted a meeting with Manatee County School Board Superintendent Mills relating to Pre-K services and reviewed the issues discussed.

3. Sarasota County Special Liaison Report

A. Governmental Agencies

Commr. Pastor noted meetings with Sarasota County elected officials in an effort to establish and maintain working relationships with the county.

4. ManaSota League of Cities Report

A. Legislation

Vice Mayor Duncan reported on legislation passed relating to rental units during the 2014 Legislative session.

Vice Mayor Duncan inquired and Town Attorney Maggie Mooney-Portale advised that she has not received word regarding the Governor's action on SB374 relating to the Town's referendum process outlined in the Charter and noted she will advise the Commission as soon as action is taken.

5. Other Reports

A. Public Comment

Commr. Larson inquired as to providing citizens the ability to speak during Public Comment advising that one individual had not been called forward.

**PUBLIC TO BE HEARD - CONTINUED**

1. Opportunity for Public to Address Town Commission - Continued

C. Planning, Zoning, and Building

Mr. Doreen Dupont, Ranger Lane, commented on the canal view from her property and the lack of Zoning Codes that regulate those views within the Town.

**Mayor Brown advised Ms. Dupont that he will review her concerns and provide information to her.**

**CONSENT AGENDA**

6. Consideration of Request for Temporary Closure of Bay Isles Road for July 4, 2014 Freedom Fest

The Longboat Key Chamber of Commerce has requested Commission consideration for temporary closure of Bay Isles Road on July 4<sup>th</sup> between the hours of 8:30 and 11:30 AM to hold the annual Freedom Fest parade and festivities scheduled to begin at 9:00 AM. Recommended Action: Approval of the Consent Agenda will forward this item to the June 16, 2014, Special Meeting for formal action.

7. Proposed Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance

At the May 22, 2014, Special Workshop Meeting the Town Manager requested Commission authorization to seek bids for employee health insurance, and the Town's property and casualty insurance. Our current provider for these insurances, PRM, requires notification of seeking bids by Resolution from the governing body. Resolution 2014-22 will provide the required notification to PRM. Recommended Action: Approval of the Consent Agenda will forward Resolution 2014-22 to the June 16, 2014, Special Meeting for formal action.

**CONSENT AGENDA** - Continued

6. Consideration of Request for Temporary Closure of Bay Isles Road for July 4, 2014 Freedom Fest - Continued

7. Proposed Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance - Continued

**Vice Mayor Duncan requested and Mayor Brown noted that Item 7 will be removed from the Consent Agenda and be considered after Item 18, later this meeting.**

**DISCUSSION ITEMS**

8. Manatee County and Sarasota County Emergency Operations Chiefs Update for 2014 Hurricane Season

Mr. Don Hermey, Manatee County Emergency Operations Chief, and Mr. Edward McCrane, Sarasota County Emergency Operations Chief will discuss preparation and coordination efforts for the 2014 Hurricane Season. Recommended Action: None, informational only.

Manatee County Emergency Operations Chief Don Hermey and Sarasota County Emergency Operations Chief Edward McCrane gave a joint PowerPoint presentation on the collaboration of the Emergency Operations functions. Discussions were held with Mr. McCrane and Town Manager Dave Bullock on the following topics/issues:

- process for re-entry from Sarasota County
- citizen's documentation of residency (drivers' license, utility bill, written designation of representative for property owner)
- re-entry challenges navigating through County and other municipal boundaries.

Town Manager Bullock thanked Mr. Hermey and Mr. McCrane for their cooperation and assistance in the Town's disaster planning process.

9. Status Report on Sarasota County Proposal to Provide Dispatch Services

Sarasota County Public Safety Communications Manager Jerry Wheeler and Town staff will provide a status report regarding the on-going feasibility study of Sarasota County's proposed consolidation of dispatch services, Venice and North Port service integration, anticipated schedule for Longboat Key, including a decision-making timeline for the Town Commission. Recommended Action: None, informational only.

Assistant Town Manager Anne Ross and General Manager of Sarasota County Public Safety and Communications Jerry Wheeler gave a PowerPoint presentation on the status of the dispatch consolidation.

Following comments, Town Manager Dave Bullock advised that an update will be presented after the Commission's summer hiatus.

10. Canal Funding Report

At the December 11, 2013, Regular Workshop Meeting the Town Commission heard a staff presentation on the background and current conditions of the Town's canals. The Commission requested further review and an evaluation of funding methodology used to fund the 2002-2003 project. Recommended Action: Pending discussion, provide direction to Manager.

10. Canal Funding Report - Continued

Town Manager Dave Bullock gave a PowerPoint presentation on Canal Dredging Funding Options. Discussions were held on the following topics/issues:

- options for consideration of current process
- hybrid option outlined
- estimated ad valorem amounts
- comparison of beach versus canal dredge funding
- benefit/value of properties on the Gulf and/or canal front
- previous dredging project/public versus private
- impact of riparian rights
- anticipated action that will need to be taken/estimated costs
- funding options/ad valorem versus non-ad valorem assessments.

**Following comments, there was majority consensus to investigate and report on the proposed hybrid funding option with a combination of ad valorem and special district assessments.**

**There was consensus to utilize the Canal Dredging Fund for the associated expenses to research the hybrid funding option.**

**RECESS:** 2:27 p.m. - 2:40 p.m.

11. Bayfront Park Update

Town staff will present an update on efforts to develop a concept plan, amenities, and general layout for the Bayfront Park property. This item is placed on the June 16, 2014, Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted the attendance of Sarasota County Parks and Recreation Director Carolyn Brown and Parks and Recreation Staff, Ms. Kim Heuberger and Mr. Mike Sosadeeter. Assistant Town Manager Anne Ross gave a PowerPoint presentation providing an update on the efforts for the development of Bayfront Park. Discussions were held on the following topics/issues:

- limited parking depicted
- lack of input from the Urban Land Institute (ULI) Implementation Advisory Committee
- inclusion of a dog park
- continuation of roadway to combine property
- lack of a Community Center depicted on the proposed Concept Plan
- lack of input from public
- limited access to areas of the park from parking area
- determination of construction period/time frame
- option to hold a public meeting in the fall
- submittal to the Sarasota County Commission.

Sarasota County Parks and Recreation Director Carolyn Brown commented on the time frame for presentation to the Sarasota County Park Advisory Board. Individual comments followed on the collaboration of services between the County and Longboat Key staff.

11. Bayfront Park Update - Continued

Discussion ensued on review of the Concept Plan by the ULI Implementation Advisory Committee.

Ms. Beverly Shapiro, Gulf of Mexico Drive, commented on the proposed Concept Plan.

**There was consensus to forward the proposal to the Sarasota County Park Advisory Board and to hold a public meeting for citizen input in October, 2014.**

12. Proposed Ordinance 2014-21, Providing for a 7-Year Franchise Agreement with Waste Management to Provide Solid Waste Collection Services

At the March 17, 2014, Regular Workshop Meeting the Town Commission established the level of service for solid waste collection. The Town Manager has negotiated a franchise agreement with Waste Management Inc. of Florida. Ordinance 2014-21 provides for approval and adoption of the Solid Waste Collection Franchise Agreement. Recommended Action: Pending discussion, forward Ordinance 2014-21 to June 16, 2014, Special Meeting for first reading.

Public Works Director Juan Florensa gave a PowerPoint presentation on the Solid Waste Franchise Agreement with Waste Management of Florida. Discussions were held on the following topics/issues:

- length of time the reduced rate would be effective
- removal of large items through special pick-up arrangements by resident
- termination clause of 120 days (for convenience) versus termination for cause

**There was consensus to forward Ordinance 2014-21 to the June 16, 2014, Special Meeting for first reading.**

13. Ordinance 2013-26, Amending the Comprehensive Plan, Personal Wireless Service Facilities

On October 7, 2013, the Town Commission held first reading and public hearing of Ordinance 2013-26, amending the Comprehensive Plan related to personal wireless service facilities. The Commission directed staff to revise the Ordinance and bring back for second reading and public hearing. As a result of proposed revisions to the Telecommunication ordinance, and the importance of Comprehensive Plan protections for the community, staff no longer supports adoption of Ordinance 2013-26. Recommended Action: None, informational only. (Ordinance 2013-26 is advertised for second reading and public hearing at the June 30, 2014, Special Meeting.)

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2013-26 and noted Staff's recommendation to not adopt Ordinance 2013-26 based on the other actions being considered by the Town Commission.

Following clarification on the action requested by Staff relating to the Ordinance, Ms. Anne Arsenault, Gulf of Mexico Drive, commented on Ordinance 2013-26.

14. Proposed Ordinance 2013-20, Amending Chapter 158, Outline Development Plan and Planned Unit Development Process

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended approval and forwarded Ordinance 2013-20 to the Town Commission's June 16, 2014, Regular Workshop Meeting for consideration. Ordinance 2013-20 amends the Town's Land Development Code to address issues in the Town's process for approval of Outline Development Plans (ODP) and Planned Unit Developments (PUD). Recommended Action: Pending discussion, forward Ordinance 2013-20 to the June 16, 2014, Special Meeting for first reading and public hearing.

Planning, Zoning, and Building Department Director Alaina Ray provided background information on consideration of Ordinance 2013-20 and introduced Mr. Bill Spikowski, Spikowski Planning Associates, who gave a PowerPoint presentation on the proposed Zoning Code amendments.

The following individuals commented on proposed Ordinance 2013-20. Discussions were held throughout the speaker presentations:

- Mr. Mark Walsh, Delray Beach, FL
- Mr. Ken Metcalf, Tallahassee, FL (submitted written comments).

Ms. Ray commented on the expiration dates proposed by Ocean Properties for the development of a PUD.

Upon inquiry, Mr. Spikowski noted that he could not identify a zoning code that reflected a 10-year build-out (site plan approval) advising that most developments reflected a five-year completion build-out (Section 158067(H), Length of approval). Discussion ensued on the following topics/issues:

- inability of the Town to modify any updated codes during a 10-year period
- provisions for requesting additional time to complete project
- preference of Ocean Properties for a vested position/option to develop additional criteria in exchange for project vesting.

The following individuals commented on proposed Ordinance 2013-20. Discussions were held throughout the speaker presentations:

- Mr. Bob White, L' Ambiance Drive, representing Islandside Property Owners Coalition (IPOC, submitted written comments)
- Mr. Larry Grossman, St. Judes Drive North (submitted written comments).

**RECESS:** 4:30 p.m. - 4:40 p.m.

Discussion ensued with Mr. Spikowski, Ms. Ray, and Assistant Town Attorney Kelly Fernandez on the following topics/issues:

- the requested "open-ended" extension from Ocean Properties
  - Staff recommendation to retain 10 year period

14. Proposed Ordinance 2013-20, Amending Chapter 158, Outline Development Plan and Planned Unit Development Process - Continued

- revisions requested by Mr. White:
  - non-support of the density restrictions (table included in written comments/Section 8 of the Ordinance)
  - effect of including the golf course land in ratio determination (Section 15 of the Ordinance)
  - inclusion of acreage of the Chart House Restaurant property
  - shifting of roadway
  - impact of changing proposed MUC-2 district setback versus setbacks for MUC-1 district (Section 16 of the Ordinance)
  - process for assignment of unapproved units (Section 8(L) of the Ordinance)
    - Staff request to review language to clarify intent prior to first reading
  - retention of the requirement to make written “findings of fact” (Section 10 of the Ordinance, Section 158.067(C), Standards for approval or disapproval of applications)
  - language proposed relating to departures (Section 10 of the Ordinance, Section 158.067(D), Standards for approval or disapproval of departures)
  - provisions relating to maximum floor area, living space, and open space ratios (Section 15 of the Ordinance, Section 158.102{C})
  - controls for multifamily residential or tourism uses/use of the term “mandatory” and providing for exceptions for waiver (Section 16 of the Ordinance, Section 158.102(L), Supplemental controls for multifamily residential or tourism uses).

Upon inquiry, Mr. Walsh commented on the proposed phasing of the Key Club project and the lease extended for the Chart House Restaurant. Discussion ensued with Mr. Spikowski and Ms. Ray on the following topics/issues:

- time extension for phasing/modifying ten year site plan approval/build-out (Section 158.067{H})
- utilization of the terminology “evolution in harmony” in Section 158.067(C)(9) (page 15 of the Ordinance)/subjectiveness of the phrase/alternative language to be developed prior to first reading of the Ordinance
- intent of language to provide Commission ability to make determination of compatibility.

Attorney John Patterson, Sarasota, FL, representing Ocean Properties, and Mr. Metcalf commented on the terminology included and discussed compatibility language/issues. Upon inquiry, Attorney Patterson commented on the history of the Key Club development.

Vice Mayor Duncan submitted and discussion ensued on the following proposed language modifications to Section 158.067(C)(9) of the proposed Ordinance (additions shown as double underlined text/deletions shown as ~~strikethrough~~ text):

For the MUC-1 and MUC-2 zoning districts only, whether the plan’s assignment and placement of the permitted uses listed in section 158.125 either matches the

14. Proposed Ordinance 2013-20, Amending Chapter 158, Outline Development Plan and Planned Unit Development Process - Continued

~~historic land-use pattern in that district or is a evolution in harmony with that pattern, versus being an intrusive or incompatible change in pattern. The plan's assignment of uses shall be consistent with the principles and percentages set forth in section 158.009(L). all permitted uses as listed in Section 158-145 for each district are considered *generally* to be compatible uses in the MUC districts based on the intent to encourage mixed use and clustering at varying scales and intensity. Compatibility shall be achieved at *specific* locations by implementing compatibility techniques, such as those listed in this section as appropriate to the context:~~

Subsequent to discussion on the option to include the phrase "including but not limited to," individual comments followed on the development and historical data of the property.

**There was consensus to forward Ordinance 2013-20, with Staff direction to develop language relating to phasing and inclusion of the language suggested by Vice Mayor Duncan, to the June 16, 2014, Special Meeting for first reading and public hearing.**

15. Proposed Ordinance 2014-25, Amending Chapter 33, Establishing Procedures for Public Hearings

The Planning and Zoning Board and the Zoning Board of Adjustment routinely hold quasi-judicial hearings for items within their jurisdiction. However, the Town Code does not establish procedures specific to input from applicants or the public. At their May 19, 2014, Regular Workshop Meeting the Town Commission directed staff to draft procedures related to public hearings to clarify expectations and provide guidance for the Boards. Recommended Action: Pending discussion, forward Ordinance 2014-25 to June 16, 2014, Special Meeting for first reading.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on proposed Ordinance 2014-25. Discussion ensued with Ms. Ray, Town Attorney Maggie Mooney-Portale, and Town Manager Dave Bullock on the following topics/issues:

- language suggested for submittal of documentation to be considered by the Boards
- imposition of deadlines for filing material to be considered.

**There was consensus to forward Ordinance 2014-25 to the June 16, 2014, Special Meeting for first reading.**

16. Proposed Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees

The Town currently administers pension plans for its three employee groups separately. Proposed Ordinance 2014-26 provides for the three plans to be administered by a single Retirement System Board of Trustees. Recommended Action: Pending discussion, forward Ordinance 2014-26 to the July 7, 2014, Regular Meeting for first reading.

16. Proposed Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees - Continued

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith and Attorney Jim Linn gave a PowerPoint presentation on the consolidation of the Town's three retirement system board of trustees into one board. Discussion ensued on the following topics/issues:

- determination of accounting companies/vendors
- commingled funds/transition of three funds to one fund
- separate accounting of assets and liabilities for each retirement group
- time provided for consolidation of contract services
- procurement process for selection of professional firms to be utilized.

Mr. Michael Seamon, Norton Street, commented on the proposed consolidation of the three retirement plans.

**There was consensus to forward Ordinance 2014-26 to the July 7, 2014, Regular Meeting for first reading.**

17. Proposed Resolution 2014-21, Transferring Phase II Infrastructure Surtax Residual Balances to Phase III for the Purpose of Purchasing Police Vehicles and Fire Department Equipment in Accordance with the FY 2015 – FY 2019 Capital Improvement Plan

An internal audit performed in September 2013 revealed an unused portion of Phase II monies and accrued interest totaling \$297,168. Proposed Resolution 2014-21 provides for the additional allocation of those project funds to the Public Safety category for purchase of police vehicles and fire equipment in Fiscal Years 2015 through 2019 in accordance with the 5-year Capital Improvement Plan. Recommended Action: Pending discussion, forward Resolution 2014-21 to the July 7, 2014, Regular Meeting for formal action.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith gave a PowerPoint presentation on proposed Resolution 2014-21.

**There was consensus to forward Resolution 2014-21 to the July 7, 2014, Regular Meeting for public hearing.**

18. Commemoration of Service Honoring Former Police Chief Wayne C. McCammon

Police Chief Pete Cumming will present for Commission consideration a commemoration honoring former Police Chief McCammon's years of service as a former Police Chief and community leader. Recommended Action: Pending discussion, provide direction to Manager.

Police Chief Pete Cumming noted a proposed plaque in memory of former Police Chief Wayne C. McCammon's to be placed in the Police Department.

**There was consensus to approve the memorial plaque.**

7. Proposed Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance - Continued

At the May 22, 2014, Special Workshop Meeting the Town Manager requested Commission authorization to seek bids for employee health insurance, and the Town's property and casualty insurance. Our current provider for these insurances, PRM, requires notification of seeking bids by Resolution from the governing body. Resolution 2014-22 will provide the required notification to PRM. Recommended Action: Approval of the Consent Agenda will forward Resolution 2014-22 to the July 7, 2014, Regular Meeting for formal action.

Town Manager Dave Bullock provided an overview of PRM and the services they provide to the Town for employee health, property, casualty, and liability insurance.

**There was consensus to forward Resolution 2014-22 to the July 7, 2014, Regular Meeting for formal action.**

**PUBLIC TO BE HEARD**

19. Opportunity for Public to Address Town Commission - No items were presented. Town Code Section 30.01.1(B) requires that an additional public comment period be provided at the conclusion of a Workshop Meeting when a Special Meeting immediately follows the Workshop.

**TOWN COMMISSION COMMENTS** - No items were presented.

**TOWN ATTORNEY COMMENTS** - No items were presented.

**TOWN MANAGER COMMENTS** - No items were presented.

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

**ADJOURNMENT**

**Mayor Brown noted there was a Special Meeting scheduled immediately following the Workshop, advised that the Commission would take a ten minute break between the meetings, and adjourned the June 16, 2014, Regular Workshop Meeting at 6:22 p.m.**

Minutes Approved: 09-08-2014