

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
JUNE 30, 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, Assistant Town Attorney Kelly Fernandez,
Present: Town Clerk Trish Granger

CALL TO ORDER

Mayor Brown called the June 30, 2014, Special Meeting to order at 1:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

PUBLIC TO BE HEARD

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

ORDINANCES – FIRST READING AND PUBLIC HEARING

2. Quasi-judicial - Ordinance 2014-16, Request for Vacation of Longbeach Village Alley
At their May 27, 2014 Regular Meeting the Planning & Zoning (P&Z) Board considered a petition requesting the Town to close and discontinue a ten (10) foot wide right-of-way of an unnamed alley located in Block 11 of the revised Longbeach Subdivision. The P&Z Board recommended denial of the petition and forwarded the request for first reading and public hearing at the June 30, 2014 Special Meeting. Recommended Action: The Town Commission will base their decision on competent substantial evidence presented at this public hearing.

Following comments by Mayor Brown on the quasi-judicial hearing process, Town Clerk Trish Granger administered the oath to all individuals wishing to provide testimony.

Upon inquiry by Assistant Town Attorney Kelly Fernandez, no ex-parte communication disclosures or conflicts of interest were noted by Commissioners.

Town Clerk Granger placed Ordinance 2014-16 on record for first reading and quasi-judicial public hearing by title only.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested alley vacation.

Mr. Michael Riter, Hibiscus Way, representing Mr. and Mrs. Allan Luke, provided an overview of the request, opined that the Standards of Review had been met, reviewed previous street/alley vacations in the area, and supported approval of the petition. Discussion ensued with Mr. Riter and Ms. Ray on the following topics/issues:

- access to properties abutting the alleyway
- lot sizes
- concerns on limiting property access to future owners
- utilization of alley by some residents (corner residents)

2. Quasi-judicial - Ordinance 2014-16, Longbeach Village Alley Vacation - Continued

- existing Commission policy to provide that impassible alleys remain impassible
- ability to install fence on revised property lines if vacation is granted based on current Town Code
- previous Commission action in 2000 to grant the request.

Ms. Jill Nemeth, Cedar Street, commented on the request to vacate the alley. Ms. Nemeth noted that she does have a fence on the back portion of her property.

Mayor Brown closed the public hearing.

Commr. Zunz moved to deny Ordinance 2014-16. The motion, seconded by Comr. Younger, carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye; Pastor, aye.

ORDINANCES – SECOND READING AND PUBLIC HEARING

3. Ordinance 2013-26, Amending 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 place on a future meeting 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 and the Planning & Zoning Board, no longer support adoption of Ordinance 2013-26. Recommended Action: Pending second reading, public hearing and discussion, deny Ordinance 2013-26.

Town Clerk Trish Granger placed Ordinance 2013-26 on record for second reading and public hearing by title only.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2013-26.

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

Commr. Zunz moved to deny Ordinance 2013-26. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Gans, aye; Larson, aye; Younger, aye; Duncan, aye; Brown, aye.

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications

At their November 13, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded Ordinance 2013-18 to the Town Commission for consideration. The Commission requested revisions to Ordinance 2013-18, which amends Chapter 158, Telecommunications. The Ordinance was considered by the Commission at the June 16, 2014 Regular Workshop Meeting, with first reading and public hearing held at the June 16, 2014 Special Meeting. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-18.

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications - Continued

Town Clerk Trish Granger placed Ordinance 2013-18 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-18. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2013-18.

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

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

Individual comments followed on signage relating to cell towers on Gulf of Mexico Drive.

5. Ordinance 2013-20, Amending Chapters 33, Boards and Commissions; Chapter 157, Subdivision Regulations; and Chapter 158, Zoning Code

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, with first reading and public hearing following at the June 16, 2014, Special Meeting. Ordinance 2013-20 amends the Town's Land Development Code to address issues in the Town's process for approval of Outline Development Plans and Planned Unit Developments. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-20.

Town Clerk Trish Granger placed Ordinance 2013-20 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2013-20. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2013-20. Discussions were held on the following topics/issues:

- number of units available in the MUC-2 and MUC-1 districts
- compromise on number of years for an approved development.

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

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.

6. 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. Ordinance 2014-21 provides for approval and adoption of the Solid Waste Collection Franchise Agreement and was forwarded from the June 16, 2014, Special Meeting following first reading. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-21.

Town Clerk Trish Granger placed Ordinance 2014-21 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-21. The motion was seconded by Vice Mayor Duncan.

Public Works Department Director Juan Florensa provided background information on the development of the Franchise Agreement and reviewed the collection service schedule and rates. Upon inquiry, Mr. Florensa confirmed that there will be single-stream recycling with one bin in lieu of the current blue and red bins.

Town Manager Dave Bullock noted that there will be two solar powered compactors that will be installed on Longboat Key at no charge as provided for in the Franchise Agreement.

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

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

7. Ordinance 2014-17, Small Scale Comprehensive Plan Amendment, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-17 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 5440-5442 Gulf of Mexico Drive. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2014-17.

Town Clerk Trish Granger placed Ordinance 2014-17 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-17. The motion was seconded by Commr. Younger.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation outlining provisions in Ordinance 2014-17. Discussions were held on the following topics/issues:

7. Ordinance 2014-17, Small Scale Comprehensive Plan Amendment, 5440-5442 Gulf of Mexico Drive (Levine Property) - Continued

- RH-6 requested versus RM-4 zoning district recommended by the Planning & Zoning (P&Z) Board
- the P&Z Board's vote on the proposed amendment
- applicant's request for RH-6 and agreement for RM-4 if four units could be built
- the zoning designation referendum passed by the voters.

Mr. Peter Dailey, representing property owner Mr. Victor Levine, commented on Ordinance 2014-17, requested that his testimony apply to the subsequent public hearing on Ordinance 2014-19 (Item 9), and confirmed the applicant would stipulate to a maximum of four units on the parcels.

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

Commr. Zunz moved to amend Ordinance 2014-17, modifying the approved zoning district to RM-4. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye.

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

8. Quasi-judicial - Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their May 27, 2014 Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-18 to the June 16, 2014 Special Meeting for first reading and public hearing. The Ordinance provides for a change of zoning for 5440 Gulf of Mexico Drive from Limited Commercial (C1) to Medium Density Mixed Residential (R-4-MX) and for the front fifty feet of 5442 Gulf of Mexico Drive from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX), limited to 4 dwelling units. This item was forwarded to the June 30, 2014 Special Meeting for second reading and public hearing. Recommended Action: The Town Commission will base their decision on competent substantial evidence presented at this public hearing.

Following comments by Mayor Brown on the quasi-judicial hearing process, Town Clerk Trish Granger administered the oath to all wishing to provide public testimony.

Upon inquiry by Assistant Town Attorney Kelly Fernandez, no ex-parte communication disclosures were noted by Commissioners.

Town Clerk Granger placed Ordinance 2014-18 on record for first reading and quasi-judicial public hearing by title only.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested zoning change. Upon inquiry, Ms. Ray noted the zoning of the remaining parcel.

8. Quasi-judicial - Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property)

Mr. Peter Dailey, representing property owner Mr. Victor Levine and duly sworn, commented on the proposed zoning change and supported approval.

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

Upon inquiry, Ms. Ray advised that the Ordinance reflects a maximum of four units for the parcel.

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

RECESS: 2:47 p.m. - 2:55 p.m.

9. Ordinance 2014-19, Small Scale Comprehensive Plan Amendment, 521 Broadway (First America Bank Property)

At their May 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-19 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 521 Broadway. This item was forwarded to the June 30, 2014, Special Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-19.

Town Clerk Trish Granger placed Ordinance 2014-19 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-19. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2014-19. Upon inquiry, Ms. Ray commented on the impact on Overlay District if the Comprehensive Plan is approved.

Mr. Peter Dailey, representing property owner First America Bank, commented on Ordinance 2014-19 and supported approval.

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

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

10. Quasi-judicial - Ordinance 2014-20, Request for Change of Zoning, 521 Broadway (First America Bank Property)

At their May 27, 2014 Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-20 to the June 16, 2014 Special Meeting for first reading and public hearing. The Ordinance provides for a change in zoning for 521 Broadway from Limited Commercial (C1) to Single-Family High-Density Residential (R-6SF), limited to two dwelling units. This item was forwarded to the June 30, 2014 Special Meeting for second reading and public hearing. Recommended Action: The Town Commission will base their decision on competent substantial evidence presented at this public hearing.

Following comments by Mayor Brown on the quasi-judicial hearing process, Assistant Town Attorney Kelly Fernandez inquired and no ex-parte communication disclosures were noted by Commissioners.

Town Clerk Granger placed Ordinance 2014-20 on record for first reading and quasi-judicial public hearing by title only. Town Attorney Fernandez noted that the speakers had been previously sworn during consideration of Item 8.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested zoning change.

Mr. Peter Dailey, representing property owner First America Bank and duly sworn, commented on the proposed zoning change and supported approval.

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

Commr. Zunz moved to adopt Ordinance 2014-20. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Zunz, aye; Larson, aye; Brown, aye; Duncan, aye; Younger, aye; Pastor, aye; Gans, aye.

NEW BUSINESS

11. Consideration of Contract Extension with the Town's Financial Advisor, PFM Asset Management LLC

PFM Asset Management LLC has been contracted as the Town's Financial Advisor since 2007 with the contract expiring on June 30, 2014. As there are still significant projects in progress, the Town Manager recommends a contract extension for a period of one year. This item was presented for consideration at the June 30, 2014 Special Workshop Meeting and forwarded for Commission action at the June 30, 2014 Special Meeting. Recommended Action: Pending discussion, approve contract extension with PFM Asset Management LLC.

Commr. Gans moved to approve a Contract extension with PFM Asset Management, LLC. The motion was seconded by Commr. Larson.

Commr. Larson noted that the issue had not been discussed by the Finance Committee and requested that further extensions be discussed prior to approval.

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

12. Other Business

A. Advisory Boards/Committees

Town Manager Dave Bullock noted that the Town Attorney and Town Clerk's offices had scheduled a Sunshine Law and Public Records presentation on September 29, 2014 at Town Hall, 501 Bay Isles Road. Town Manager Bullock noted that a request to extend the 90-day period to provide the education session for those individuals reappointed in May 2014 would be included on the July 7, 2014 Regular Meeting agenda.

Vice Mayor Duncan noted recent legislation requiring Commissioners to attend annual educational sessions beginning in 2015.

Public Works

Mayor Brown noted receipt of e-mails from Mr. Bob Gault on the Florida Power and Light Company hardening project and requested consideration of a discussion item on the July 7, 2014 Regular Meeting agenda relating to underground electric lines on Gulf of Mexico Drive. Discussion ensued on the following topics/issues:

- utilizing an outside vendor to perform the study
- costs to perform a study
- issuance of a referendum for voters to consider
- questions to be included in the study
- time frame for consideration and deadlines to confirm a referendum issue
- estimated cost per mile for underground service
- option to have a consultant address the Commission on July 7, 2014
- time constraints
- impact on tax bills.

There was consensus to schedule a discussion of underground electric service lines on Gulf of Mexico Drive.

ADJOURNMENT

Mayor Brown adjourned the June 30, 2014, Special Meeting at 3:37 p.m.

Minutes Approved: 9-08-2014