

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
DECEMBER 1, 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 December 1, 2014, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Vice Mayor Duncan led the Pledge of Allegiance.**

14. Other Business

A. Town Commission

Town Manager Dave Bullock confirmed that the consideration of a referendum question relating to the Longboat Key Club was scheduled for first reading and public hearing at a Special Meeting scheduled on December 10, 2014, noted Charter and Code provisions to allow for the scheduling of special meetings, and requested consideration to schedule the Special Meeting at 1:00 p.m. to provide a time certain for citizens to attend and participate in the public hearing process, followed by the Regular Workshop Meeting.

**Commr. Gans moved to approve the scheduling of the December 10, 2014, Special Meeting at 1:00 p.m. time certain, changing the Regular Workshop Meeting time to immediately follow the Special Meeting. The motion, seconded by Commr. Younger, carried unanimously by voice vote.**

**PUBLIC TO BE HEARD**

1. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Irwin Lowenstein, Longboat Club Drive, commented on Commission decision relating to a request for an interim beach renourishment request for the South end of the island. Mr. Lowenstein requested official correspondence outlining the project for the residents.

Town Manager Dave Bullock commented on the communication chain, noted an upcoming meeting with the condominium managers, reviewed the consideration by the Town Commission, and explained the complexities of an interim beach renourishment and existing protective dunes/sea walls in the area.

Mr. Lowenstein noted his concern with the communications between the Town and the representatives of the condominium associations.

1. Opportunity for Public to Address Town Commission - Continued

B. Elections

Mr. Steve Reid, Editor of the Longboat Key News, inquired as to the time line for a May referendum. Mayor Brown reviewed the time frame required for public notice on consideration of an Ordinance.

**Subsequent to individual comments, Commr. Younger moved to reconsider the issue of undergrounding utilities relating to Gulf of Mexico Drive. The motion was seconded by Commr. Gans.**

Discussion ensued on time frame for consideration and deadlines to the Supervisor of Elections.

**Commr. Younger withdrew his motion.**

Commr. Duncan requested the position of the Commission on proceeding with the undergrounding of utilities along Gulf of Mexico Drive with consensus on proceeding with the project noted.

**APPROVAL OF MINUTES: APPROVED AS SUBMITTED.**

2. November 3, 2014 Regular Meeting; November 12, 2014 Special Meeting; and November 12, 2014 Regular Workshop Meeting Minutes.

**There was consensus to approve the Minutes of the Meetings, as submitted.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

3. Manatee County Special Liaison Report:

A. Organizations

Commr. Zunz noted attendance at the Bradenton Economic Development Corporation and Manatee Legislative Delegation meetings and reviewed the issues discussed.

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

5. ManaSota League of Cities Report

Vice Mayor Duncan noted meetings with Legislative representatives regarding the ManaSota League of Cities' Legislative Priorities.

6. Other Reports

A. Organizations

Mayor Brown commented on the Barrier Islands Elected Officials (BIEO) meeting and reviewed the issues discussed relating to the utilization of the Urban Land Institute (ULI) by several of the barrier island communities.

**CLOSING AND ACTION ON CONSENT AGENDA**

7. Florida Department of Environmental Protection (FDEP) Beach Management Funding Assistance Program Grant Agreement No. 14ME2

The Florida Legislature allocates cost share funding for beach nourishment projects based upon annual Local Government Funding Requests submitted by the various entities throughout the State that have inlet or beach management programs. Agreement No. 14ME2 will provide \$601,918 of State monies for specific aspects of the Town's upcoming

7. Florida Department of Environmental Protection (FDEP) Beach Management Funding Assistance Program Grant Agreement No. 14ME2 - Continued

planned projects. This item was considered at the November 12, 2014 Regular Workshop Meeting and forwarded to the December 1, 2014 Regular Meeting Consent Agenda for formal action. Recommended action: Approval of the Consent Agenda will authorize FDEP Grant Agreement No. 14ME2.

8. Florida Department of Environmental Protection (FDEP) Beach Management Funding Assistance Program Grant Agreement No. 14ME3

The Florida Legislature allocates cost share funding for beach nourishment projects based upon annual Local Government Funding Requests submitted by the various entities throughout the State that have inlet or beach management programs. Agreement No. 14ME3 will provide \$57,381 of State monies for specific aspects of the Town's implementation of the Longboat Pass Inlet Management Plan projects. Recommended action: Approval of the Consent Agenda will authorize FDEP Grant Agreement No. 14ME3.

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

Town Manager Dave Bullock noted the late arrival of the contracts from the FDEP and the time constraints to return them to be eligible for the funding.

**ORDINANCES - FIRST READING**

9. Ordinance 2014-30, Amending Chapters 70 and 72, Parking (Enforcement)

A review of the Town Code related to towing and parking revealed a need to update Chapters 70 and 72 for compliance with Florida Statutes and consistency with current Town practices. The Town Attorney and Police Chief have developed Ordinance 2014-30, which provides for parking enforcement, citations, towing, and consistency with other provisions of the Town Code. Ordinance 2014-30 was presented at the November 12, 2014, Regular Workshop Meeting and forwarded to the December 1, 2014, Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward to January 5, 2015, Regular Meeting for second reading, public hearing and discussion.

Town Clerk Trish Granger placed Ordinance 2014-30 on record for first reading by title only.

**Commr. Younger moved to pass Ordinance 2014-30 on first reading and to forward to the January 5, 2015, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.**

Following comments by Town Manager Dave Bullock, Acting Police Chief Frank Rubino gave a PowerPoint presentation on Ordinance 2014-30. Discussions were held on the recommended delinquency fees versus the delinquency fees provided for in Florida Statutes.

**Town Attorney Maggie Mooney-Portale requested and Commr. Younger confirmed the motion included the \$30/\$60/\$90 delinquency fees discussed.**

9. Ordinance 2014-30, Amending Chapters 70 and 72, Parking (Enforcement) - Continued  
**The motion carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Pastor, aye; Larson, aye; Gans, aye; Duncan, aye; Brown, aye.**

14. Other Business - Continued

B. Governmental Agencies

Mayor Brown noted that Manatee County Commissioners Carol Whitmore and John Chappie and recently elected Sarasota County Commissioner Paul Caragiulo were in attendance this date.

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

10. Ordinance 2014-22, Rezoning of 5810 Gulf of Mexico Drive from Single-Family Low-Medium Density Mixed Residential District (R-3SF) to Open Space – Conservation (OS-C), and 4110 Gulf of Mexico Drive from Limited Commercial (C-1) to Open Space – Active (OS-A)

The Town-owned property at 5810 Gulf of Mexico Drive (GMD) is designated as Open Space-Conservation in the Future Land Use Map (FLUM) and the Town-owned property at 4110 Gulf of Mexico Drive is designated Open Space-Active in the FLUM. Ordinance 2014-22 provides for re-zoning the properties to be consistent with the FLUM designation. At their September 16, 2014, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of the rezoning of 5810 and 4110 Gulf of Mexico Drive. The Town Commission held first reading and public hearing at the November 3, 2014, Regular Meeting and forwarded Ordinance 2014-22 to the December 1, 2014, Regular Meeting for second reading, public hearing, and adoption. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-22.

Town Clerk Trish Granger placed Ordinance 2014-22 on record for second reading and public hearing by title only.

**Commr. Larson moved to adopt Ordinance 2014-22 on second reading and public hearing. 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 on Ordinance 2014-22. Discussions were held on the following topics/issues:

- Open Space Active and Passive versus Open Space Conservation
- inclusion of the property located at 4110 Gulf of Mexico Drive in the development of the Bayfront Park property
- notification of intent to existing tenant.

Ms. Alycia Craft, Binnacle Point Drive, commented on Ordinance 2014-22 and requested continued maintenance of the property by the Town.

Mr. Larry Grossman, St. Judes Drive North, commented on Ordinance 2014-22

10. Ordinance 2014-22, Rezoning of 5810 Gulf of Mexico Drive from Single-Family Low-Medium Density Mixed Residential District (R-3SF) to Open Space – Conservation (OS-C), and 4110 Gulf of Mexico Drive from Limited Commercial (C-1) to Open Space – Active (OS-A) - Continued

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

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

11. Ordinance 2014-35, Amending the Fiscal Year 2013-2014 Building Fund Budget to Increase the Reimbursement Rate to the General Fund for Direct and Indirect Costs Related to Building Fund Activities

The Finance Department has recalculated the indirect cost allocation of Building Department overhead costs contained within the General Fund operating departments, resulting in an increase in the annual transfer from the Building Department to the General Fund. Ordinance 2014-35 provides for a budget amendment to increase the reimbursement rate to the General Fund for Building Fund activities. The Town Commission held first reading and public hearing at the November 3, 2014, Regular Meeting and forwarded Ordinance 2014-35 to the December 1, 2014, Regular Meeting for second reading, public hearing, and adoption. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-35.

Town Clerk Trish Granger placed Ordinance 2014-35 on record for second reading and public hearing by title only.

**Commr. Zunz moved to adopt Ordinance 2014-35 on second reading and public hearing. The motion was seconded by Commr. Gans.**

**Mayor Brown opened the public hearing.**

Following comments by Town Manager Dave Bullock, Finance Department Director Sue Smith provided an overview of Ordinance 2014-35. Town Manager Bullock advised that the inspection process would be increasing with the upcoming scheduled construction on Longboat Key.

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

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

12. Ordinance 2014-36, Amending the Fiscal Year 2013-2014 Budget for Tennis Center in the Amount of \$ \$30,112.00 from General Services' Red Tide Contingency

Tennis Center expenditures exceeded budgeted appropriations by \$86,676.00 of which \$56,564.00 are covered by additional Tennis Center revenues. The remaining shortfall of \$30,112.00 is recommended to be covered by a transfer from General Services' Red Tide Contingency. Ordinance 2014-36 amends the FY 2013-2014 Budget for the Tennis Center and does not affect the fund balance in the General Fund. The Town Commission held first reading and public hearing at the November 3, 2014, Regular Meeting and forwarded

12. Ordinance 2014-36, Amending the Fiscal Year 2013-2014 Budget for Tennis Center in the Amount of \$ \$30,112.00 from General Services' Red Tide Contingency - Continued  
Ordinance 2014-36 to the December 1, 2014, Regular Meeting for second reading, public hearing, and adoption. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-36.

Town Clerk Trish Granger placed Ordinance 2014-36 on record for second reading and public hearing by title only.

**Commr. Gans moved to adopt Ordinance 2014-36 on second reading and public hearing. The motion was seconded by Commr. Younger.**

**Mayor Brown opened the public hearing.**

Following comments by Town Manager Dave Bullock, Finance Department Director Susan Smith gave an overview of Ordinance 2014-36.

**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; Younger, aye; Brown, aye; Pastor, aye; Larson, aye; Duncan, aye; Zunz, aye.**

### **RESOLUTIONS**

13. Resolution 2014-31, Amending the Fiscal Year 2014-2015 Budget in the Amount of \$30,000 for Consulting Services for Undergrounding Utilities from Commission Contingency

At the November 12, 2014, Special Meeting the Town Commission directed staff to further evaluate options and costs to undergrounding utilities on Longboat Key. The Town Manager advised that additional funds for consultant services would be necessary and has forwarded Resolution 2014-31, providing for a \$30,000 budget transfer from Commission Contingency for those services. Recommended Action: Pending discussion, adopt Resolution 2014-31.

Town Clerk Trish Granger placed Resolution 2014-31 on record by title only.

**Commr. Zunz moved to pass Resolution 2014-31. The motion was seconded by Commr. Younger.**

Town Manager Dave Bullock outlined the purpose of Resolution 2014-31.

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

### **TOWN COMMISSION COMMENTS**

#### A. Tennis Center

Commr. Younger noted the annual tennis tournament begins on December 2, 2014.

**TOWN COMMISSION COMMENTS** - Continued

**B. Public Works**

Commr. Pastor noted receipt of comments from Longboat Key residents regarding the lack of communication relating to beach condition on the South end of the island and the action taken on the Ordinance for the referendum to underground utilities on the island.

Discussion ensued with Town Manager Dave Bullock and Public Works Director Juan Florensa on the following topics/issues:

- addressing communications issues raised by residents
- options for sand placement on the South end of the Island
- time frame for execution of permitting process
- factors needed to be determined in permitting process
- type of work requiring a permit (truck hauling versus moving sand from another location)
- options to begin process to permit the sand source/length of time for processing.

**TOWN ATTORNEY COMMENTS**

**A. Litigation**

Town Attorney Mooney-Portale advised that the Town had received a Notice of Claim relating to the Longboat Key Pass bridge, reviewed the process that will follow in the action, and requested consideration to engage Special Litigation Counsel regarding the matter. Upon inquiry, Town Attorney Mooney-Portale noted options to discuss litigation matters and available documentation pertaining to the alleged damage through the public record process.

**TOWN MANAGER COMMENTS**

**A. Public Works**

Following inquiry, Town Manager Dave Bullock noted that there was an existing month-to-month lease on the Town owned property at 4110 Gulf of Mexico Drive and advised that there is a 30-day notice requirement to the either party to terminate the lease agreement.

**B. Government Agencies**

Town Manager Bullock noted that the School Board Convocation meeting was scheduled for January 16, 2015, and requested that Commissioners submit any agenda item discussions by December 15, 2014.

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

**ADJOURNMENT**

**Mayor Brown adjourned the December 1, 2014, Regular Meeting at 9:00 p.m.**

Minutes Approved: 01/05/2015