

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
APRIL 6, 2015 - 7:00 P.M.**

Present: Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, 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/PLEDGE OF ALLEGIANCE

Mayor Duncan called the April 6, 2015, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Younger led the Pledge of Allegiance.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Legislative Session

Mr. David Brenner, Gulf of Mexico Drive, distributed copies of a newspaper article on land that is for sale and suggested the Commission contact the Town's local representatives encouraging them to protect the watershed and open space.

B. Public Works

Mr. Jules Rauch, Norton Street, requested consideration for inclusion of a turning lane on Gulf of Mexico Drive and General Harris Street. Mr. Rauch thanked the Commission for the shredding event held in March for the residents and encouraged the Town to make it an annual event.

C. Public Works

Mr. Joe Mazza, Poinsetta Avenue, requested consideration for regulations pertaining to the boats in the area of Bayside Drive.

Town Manager Dave Bullock noted receipt of a petition from residents in the Village area and advised that Staff intended to schedule the issue for Commission consideration.

APPROVAL OF MINUTES

2. March 2, 2015, Special Workshop (Meet and Greet); and March 2, 2015, Regular Meeting Minutes

There was consensus to approve the Meeting minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

3. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance at the Bradenton Economic Development Corporation meeting and reviewed the issues discussed and advised of a joint meeting scheduled with the Sarasota County Economic Development Corporation.

COMMITTEE REPORTS AND COMMUNICATIONS- Continued

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

5. ManaSota League of Cities Report

Following comments by Mayor Duncan on bills being considered in the current Legislative Session, Town Attorney Maggie Mooney-Portale commented on the current legislative filing relating to provisions to sue local governments (noting the Burt Harris Act).

There was consensus to authorize Staff to prepare correspondence on the issue, as needed to state the Town’s position on the legislation.

Mayor Duncan commented on the bills filed relating to utilities relocation and Enterprise Zones.

6. Other Reports

A. Town Commission

Commr. Larson requested consideration to advance Items 11 and 16 to the beginning of the agenda.

CONSENT AGENDA

7. Commission Appointments to Committees Named in Town Code and to Outside Agencies

Each year following the General Municipal Election, the Town Commission considers appointments of its members to committees named in the Town Code or as required by outside agencies. At the March 23, 2015, Regular Workshop Meeting there was consensus for appointments to be placed on the April 6, 2015, Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will approve Commission appointments to committees and outside agencies, as follows:

Committee/Agency	Appointee Information	2015 Appointments
Investment Advisory Committee	Three or more members of Town Commission	Commr. Larson Commr. Pastor Commr. Younger
Finance Subcommittee	Three members of Town Commission/ Two citizens	Commr. Larson Commr. Pastor Commr. Younger
Outside Agencies		
Coalition of Barrier Island Elected Officials (BIEO)	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Manatee County Council of Governments	Mayor	Mayor Duncan Alternate: Vice Mayor Gans

CONSENT AGENDA - Continued

7. Commission Appointments to Committees Named in Town Code and to Outside Agencies - Continued

Sarasota County Council of Governments	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Special Liaison to Manatee County	Any Commr.	Commr. Zunz Alternate: Vice Mayor Gans
Special Liaison to Sarasota County	Any Commr.	Commr. Pastor Alternate: Commr. Younger
ManaSota League of Cities	Any Commr.	Mayor Duncan transition to Commr. Larson Alternate: Commr. Pastor
Metropolitan Planning Organization	Any Commr.	Commr. Younger transition to Commr. Daly Alternate: All Other Commissioners
Economic Development Corporation of Sarasota County (EDC). (*Private Sector Brd)	Any Commr.	Commr. Pastor Alternate: Commr. Younger
Sarasota County Tourist Development Council (TDC)	Any Commr.	Vice Mayor Gans Alternate: Commr. Pastor
Manatee County Tourist Development Council (TDC)	Non-voting seat.	Commr. Zunz
Water Alliance Board	Any Commr.	Commr. Younger
Sarasota Bay Estuary Program Board of Directors	Any Commr.	Commr. Larson Alternate: Commr. Zunz
Criminal Justice Commission City-County Corrections Work Group	Any Commr.	Commr. Younger
West Coast Inland Navigation District (WCIND)	Any Commr.	Mayor Duncan Alternate: Vice Mayor Gans

8. Request for Letter Expressing Opposition to Senate Bill 896 and House Bill 391 Relating to the Cost of Relocating Utilities

At the March 23, 2015, Regular Workshop Meeting, Mayor Duncan advised of pending legislation in the Florida Senate (SB 896) and House of Representatives (HB 391) that would create a detrimental cost shift to Florida municipalities as it relates to the cost of relocating utilities. The attached letter expresses the Town's opposition to the two bills related to this proposed legislation. Recommended Action: Approval of the Consent Agenda will authorize correspondence opposing SB 896 and HB 391 for the Mayor's signature.

CONSENT AGENDA - Continued

7. Commission Appointments to Committees Named in Town Code and to Outside Agencies - Continued

8. Request for Letter Expressing Opposition to Senate Bill 896 and House Bill 391 Relating to the Cost of Relocating Utilities - Continued

There was consensus to approve the Consent Agenda as submitted and in accordance with the recommended action.

ORDINANCES - FIRST READING

9. Ordinance 2015-12 Amending Chapter 110, Alcohol Beverages, Hours of Sale

At the March 23, 2015, Regular Workshop, the Town Commission considered Ordinance 2015-12 which amends Town Code Chapter 110.01(A)(7) to more closely align with regulations in neighboring municipalities and Sarasota County. This item was forwarded to the April 6, 2015, Regular Meeting for first reading. Recommended Action: Pending first reading and discussion, forward to the May 4, 2015, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2015-12 on record for first reading by title only.

Vice Mayor Gans moved to pass Ordinance 2015-12 on first reading and to forward to the May 4, 2015, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Town Clerk Trish Granger gave a PowerPoint presentation on Ordinance 2015-12. Upon inquiry, Police Chief Pete Cumming noted he was unaware of any restaurants that currently have hours until 2:00 a.m.

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

10. Ordinance 2015-13, Providing for Pass-Through of Manatee County Rate Increase

On November 18, 2014, the Manatee County Board of County Commissions enacted Resolution R-14-154 which authorized two consecutive yearly wholesale water and wastewater rate increases. Town Commission policy direction has been to pass-through Manatee County rate changes to the Town's utility ratepayers, per Town Code. The first Manatee County rate increase was effective on January 1, 2015, with the second effective on January 1, 2016. Ordinance 2015-13 formalizes the utility rate increase pass-through and is placed on the April 6, 2015 Regular Meeting for Commission consideration. Recommended Action: Pending first reading and discussion, forward Ordinance 2015-13 to the May 4, 2015, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2015-13 on record for first reading by title only.

10. Ordinance 2015-13, Providing for Pass-Through of Manatee County Rate Increase - Continued

Commr. Pastor moved to pass Ordinance 2015-13 on first reading and to forward to the May 4, 2015, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Town Manager Dave Bullock presented an overview on Ordinance 2015-13. Discussions were held on the following topics/issues:

- intrusion of ground water which may increase wastewater disposal costs
- scheduling of discussion item on ground water intrusion.

Subsequent to comments, the motion carried by a 6-1 roll call vote, as follows: Pastor, aye; Younger, aye; Zunz, aye; Duncan, aye; Daly, aye; Gans, aye; Larson, no.

ORDINANCES - FIRST READING AND PUBLIC HEARING

11. Ordinance 2015-03, Comprehensive Plan, Capital Improvements Element (CIE) Update

The Planning & Zoning (P&Z) Board considered Ordinance 2015-03 at their February 17, 2015, Regular Meeting and forwarded it to the March 23, 2015, Regular Workshop Meeting for Commission consideration. The Ordinance was amended to provide for a project for turn lanes at Country Club Shores in Table 1. Ordinance 2015-03 was forwarded to the April 6, 2015, Regular Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward to the May 4, 2015, Regular Meeting for second reading, and public hearing.

Town Clerk Trish Granger placed Ordinance 2015-03 on record for first reading and public hearing by title only.

Commr. Larson moved to pass Ordinance 2015-03 on first reading and public hearing and to forward to the May 4, 2015, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Mayor Duncan opened the public hearing.

Following comments by Town Manager Dave Bullock on terminology relating to school district level of service (FISH-Florida Inventory of School Houses), Planning, Zoning, and Building Department Planner Steve Schield gave a PowerPoint presentation on Ordinance 2015-03. Discussions were held on the following topics/issues:

- request for turn lane at General Harris Boulevard
- access of funds for additional turn lanes on Longboat key
- improved traffic flow with utilization of turn lanes.

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

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

13. Ordinance 2015-08, Moore's Stone Crab Restaurant, 800 Broadway Street, Comprehensive Plan Amendment

At their February 17, 2015, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of the Comprehensive Plan Amendment with modifications to Ordinance 2015-08, (inclusion of two new Whereas clauses). Ordinance 2015-08 was forwarded to the April 6, 2015, Regular Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2015-08 to the May 4, 2015, Regular Meeting for second reading and public hearing.

Mayor Duncan advised that Items 12 and 13 were placed on the agenda in reverse order and that the proposed Comprehensive Plan Amendment needed to be considered prior to the rezoning request outlined in Agenda Item 12.

Town Clerk Trish Granger placed Ordinance 2015-08 on record for first reading and public hearing by title only.

Mayor Duncan opened the public hearing.

Planning, Zoning, and Building Department Planner Steve Schield gave a PowerPoint presentation on Ordinance 2015-08. Discussions were held on the following topics/issues:

- inclusion of additional "Whereas" clauses by the P&Z Board
- limitation of the zoning designation to identify usage as a restaurant
- consideration of zoning designations under Ordinance 2015-09
- quasi-judicial versus legislative action
- categories applicable to C-1 versus CL zoning/future land use.

The following individuals commented on Ordinance 2015-08:

Mr. Peter Daily, representing the applicant Moore-Hicks Limited Partnership
Mr. Larry Grossman, St. Judes Drive North
Mr. Samir Ragheb, Bayside Drive
Ms. Corinne Ragheb, Bayside Drive

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

Following comments, Commr. Pastor moved to pass Ordinance 2015-08 on first reading and public hearing and to forward to the May 4, 2015, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Zunz, carried by a 6-1 roll call vote, as follows: Pastor, aye; Zunz, aye; Daly, aye; Larson, aye; Younger, no; Gans, aye; Duncan, aye.

12. Ordinance 2015-09, Moore's Stone Crab Restaurant, 800 Broadway Street, Rezoning Application (Quasi-Judicial)

At their February 17, 2015, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Ordinance 2015-09, providing for a rezoning application for Moore's Stone Crab Restaurant, 800 Broadway Street, as submitted. Ordinance 2015-09 was forwarded to the Town Commission's April 6, 2015, Regular Meeting for first reading, public hearing, and discussion. Recommended Action: The Town Commission will base their decision on competent, substantial evidence presented at this meeting.

12. Ordinance 2015-09, Moore's Stone Crab Restaurant, 800 Broadway Street, Rezoning Application (Quasi-Judicial) - Continued

Following comments by Mayor Duncan on the quasi-judicial hearing process and the time frames for presentations, Town Clerk Trish Granger administered the oath to all those wishing to present testimony.

Upon inquiry, Town Attorney Maggie Mooney-Portale noted the requirements of a quasi-judicial hearing and for Commissioners to disclose any purported conflict of interest and written or verbal ex-parte communications relating to the rezoning petition.

Commr. Larson noted that she frequents the restaurant and advised that she could be fair and impartial in consideration of the issue. There was no objection to her participation.

Mayor Duncan noted receipt of e-mail correspondence from Mr. Larry Grossman relating to the order of the presentation and a request for a limitation on use of the site.

Town Clerk Granger placed Ordinance 2015-09 on record for first reading and public hearing by title only.

Mayor Duncan opened the public hearing.

Planning, Zoning, and Building Department Planner Steve Schield, duly sworn, gave a PowerPoint presentation on the application by Moore-Hicks Limited Partnership and the request to change the zoning of the property from single-family high density residential to limited commercial. Discussions were held on the following topics/issues:

Mr. Peter Daily, representing Moore-Hicks Limited Partnership, duly sworn, presented the applicants petition for the rezoning request. Mr. Alan Moore, duly sworn, supported approval of the request. Upon inquiry, Mr. Moore advised that he would not have an objection to limiting the use to restaurant operations/uses.

The following individuals, being duly sworn, commented on Ordinance 2015-09:

Mr. Larry Grossman, St. Judes Street North
Mr. Samir Ragheb, Bayside Drive
Ms. Corinne Ragheb, Bayside Drive

Mr. Daily offered rebuttal comments on conditional zoning.

Upon inquiry, Town Attorney Mooney-Portale commented on the Commission's ability to limit uses in a rezoning request and discussed policy issues that should be considered. Discussion ensued on the impact/effect of limiting property to a specific use.

Upon inquiry, Mr. Daily noted the applicant's willingness to stipulate to a specific restaurant use.

Individual comments followed on site specific restrictions in lieu of a Town-wide zoning category.

12. Ordinance 2015-09, Moore's Stone Crab Restaurant, 800 Broadway Street, Rezoning Application (Quasi-Judicial) - Continued

Commr. Younger moved to amend Ordinance 2015-09 to include a stipulation for restaurant use only on the property. The motion was seconded by Commr. Pastor. Subsequent to individual comments, Commr. Younger withdrew the motion.

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

Commr. Larson moved to adopt Ordinance 2015-09. The motion, seconded by Vice Mayor Gans, carried by a 6-1 roll call vote, as follows: Larson, aye; Gans, aye; Younger, aye; Daly, aye; Zunz, aye; Pastor, no; Duncan, aye.

Larson,

RECESS: 8:52 p.m. - 9:00 p.m.

ORDINANCES - SECOND READING AND PUBLIC HEARING

14. Ordinance 2015-02, Amending Town Comprehensive Plan Future Land Use Element (FLUE), Policy 1.1.5 and 1.1.6 (Nonconforming Properties)

Ordinance 2015-02 amends the Town's Comprehensive Plan FLUE to address redevelopment issues with nonconforming properties. Ordinance 2015-02, as amended by the P&Z Board, was placed on the January 20, 2015, Regular Workshop Meeting for Town Commission consideration, then forwarded to the February 2, 2015, Regular Meeting for first reading and public hearing. At the February 2, 2015, Regular Meeting the Town Commission held first reading, public hearing, and discussion, and authorized staff to forward Ordinance 2015-02 to the Department of Economic Opportunity prior to holding second reading, and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-02.

Town Clerk Trish Granger placed Ordinance 2015-02 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2015-02. The motion was seconded by Commr. Younger.

Mayor Duncan opened the public hearing.

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

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

RESOLUTIONS

15. Resolution 2015-03, Written Notice of Intent to Withdraw from Public Risk Management of Florida (PRM) Pool

The Town purchases its liability, auto, and property (LAP) insurances through a risk management and self-insurance association called Public Risk Management of Florida (PRM). The Town is currently reviewing all insurance policies through an independent risk manager. This Resolution allows us to timely withdraw from the PRM pool in the event the Town seeks and receives a better quote or better coverage for LAP insurance for FY 2015-2016. This item was forwarded from the March 23, 2015, Regular Workshop Meeting

15. Resolution 2015-03, Written Notice of Intent to Withdraw from Public Risk Management of Florida (PRM) Pool - Continued

Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2015-03.

Town Clerk Trish Granger placed Resolution 2015-03 on record by title only.

Commr. Pastor moved to pass Resolution 2015-03. The motion was seconded by Commr. Larson.

Town Manager Dave Bullock gave an overview of Resolution 2015-03.

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

16. Resolution 2015-04, Providing for Modifications to the Road Impact Fee Interlocal Agreement Between Sarasota County and the Town of Longboat Key

The Road Impact Fee Interlocal Agreement between the Town and Sarasota County provides for the establishment, collection, use, and reporting, of certain road impact fees collected by the County within the Longboat Key District. Currently the funds are designated for eligible improvements at the intersection of U.S. 41 and Gulfstream unless the County is notified otherwise by Resolution of the Town. Proposed Resolution 2015-04 provides for modifications to the Road Impact Fee Interlocal Agreement to designate turn lanes on Gulf of Mexico Drive (S.R. 789) as the highest priority project for use of impact fees collected within the Town of Longboat Key. This item was forwarded from the March 23, 2015 Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2015-04.

Town Clerk Trish Granger placed Resolution 2015-04 on record by title only.

Commr. Larson moved to pass Resolution 2015-04. The motion was seconded by Commr. Pastor.

Town Manager Dave Bullock gave an overview of Resolution 2015-04 and noted the process for amending the Interlocal Agreement.

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

17. Resolution 2015-05, Sunsetting Urban Land Institute Implementation Advisory Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the March 23, 2015 Regular Workshop Meeting there was consensus to sunset the Urban Land Institute Implementation Advisory Committee. Resolution 2015-05 provides for sunsetting the Urban Land Institute Implementation Advisory Committee and is placed on the April 6, 2015 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2015-05.

17. Resolution 2015-05, Sunsetting Urban Land Institute Implementation Advisory Committee - Continued

Town Clerk Trish Granger placed Resolution 2015-05 on record by title only.

Commr. Zunz moved to pass Resolution 2015-05. The motion was seconded by Commr. Pastor.

Town Clerk Granger provided an overview on the requirements for the Commission to review the ad hoc committees each year following the General Municipal Election.

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

18. Resolution 2015-06, Continuation of the Community Center Advisory Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the March 23, 2015 Regular Workshop Meeting there was consensus for continuation of the Finance Committee. Resolution 2015-06 provides for continuation of the Community Center Advisory Committee (CCAC) and is placed on the April 6, 2014, Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2015-06.

Town Clerk Trish Granger placed Resolution 2015-06 on record by title only.

Commr. Pastor moved to pass Resolution 2015-06. The motion was seconded by Commr. Daly.

Town Clerk Granger provided an overview on the requirements for the Commission to review the ad hoc committees each year following the General Municipal Election and requested Commission direction relating to advertising the seats for the CCAC.

There was consensus to defer appointments to the CCAC at the current time.

Subsequent to comments, the motion carried by a 6-1 roll call vote, as follows: Pastor, aye; Daly, aye; Gans, aye; Duncan, aye; Younger, aye; Larson, aye; Zunz, no.

19. Resolution 2015-07, Continuation of the Finance Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the March 23, 2015 Regular Workshop Meeting there was consensus for continuation of the Finance Committee. Resolution 2015-07 provides for continuation of the Finance Committee and is placed on the April 6, 2015, Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2015-07.

Town Clerk Trish Granger placed Resolution 2015-07 on record by title only.

19. Resolution 2015-07, Continuation of the Finance Committee - Continued

Commr. Larson moved to pass Resolution 2015-07. The motion was seconded by Commr. Pastor.

Town Clerk Granger provided an overview on the requirements for the Commission to review the ad hoc committees each year following the General Municipal Election.

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

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS

A. Legal Services

Town Attorney Maggie Mooney-Portale advised that the Commission had forwarded consideration of the re-engagement of Special Environmental Counsel Deborah Getzhoff to continue her efforts in permitting assistance and addressing environmental issues on an as needed basis from the March 23, 2015, Regular Workshop Meeting, for formal action this date.

Commr. Pastor moved to approve the re-engagement of Attorney Getzhoff. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Pastor, aye; Younger, aye; Gans, aye; Duncan, aye; Zunz, aye; Daly, aye; Larson, aye.

B. Ordinances

Town Attorney Maggie Mooney-Portale noted identification of outdated Town Code provisions and advised that Staff will be bringing forward Ordinances to address the outdated/inconsistent regulations for Commission consideration.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock commented on the Federal permitting process as it relates to the Town's beach permits and noted that Congressman Vern Buchanan had made inquiry into the status on behalf of the Town.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the April 6, 2015, Regular Meeting at 9:21 p.m.

Minutes Approved: 05-04-15