

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR WORKSHOP  
APRIL 20, 2015 - 1:00 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 20, 2015, Regular Workshop to order at 1:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Zunz led the Pledge of Allegiance.**

(Note: Commr. Pastor arrived at 2:30 p.m.)

**PUBLIC TO BE HEARD**

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

**A. Tennis Center**

Mr. David Gutridge, representing the Friends of Tennis, Inc., commented and provided a written statement on the public benefit the Tennis Center provides. Discussions were held on the following topics/issues:

- funding expended by/to the Tennis Center
- consideration of a long-range plan for growth/financial planning
- lack of funding provided for maintenance to the facility
- non-break even experience for parks and recreation, beaches, and canal dredging programs
- consideration of funding during the budget process
- option to schedule as a discussion item on a future workshop.

Town Manager Dave Bullock noted items included in the Five-Year Capital Budget, advised that he does not participate in the selection of projects funded by the Friends of Tennis, Inc., discussed attempts to incorporate maintenance issues through the Public Works Department, and confirmed that Staff will schedule discussion as directed by the Town Commission.

**B. Public Works**

Mr. Peter Rowan, Broadway Street, commented on the proposed undergrounding project and suggested consideration for tree plantings during the project to provide shade.

**COMMITTEE REPORTS AND COMMUNICATIONS**

**2. Manatee County Special Liaison Report** - No items were presented.

**3. Sarasota County Special Liaison Report** - No items were presented.

**COMMITTEE REPORTS AND COMMUNICATIONS** - Continued

4. ManaSota League of Cities Report

A. Legislation

Mayor Duncan noted participation in the Monday Florida League of Cities' legislative call-in and reviewed the status of legislation being considered.

5. Other Reports

A. Organizations

Commr. Daly noted an upcoming meeting of the Metropolitan Planning Organization and advised that Town Manager Dave Bullock and he will be making a presentation.

**CONSENT AGENDA**

6. Proposed Resolution 2015-08, Solid Waste Franchise Agreement, Annual Service Rate Adjustment

The Town's Solid Waste Franchise Agreement (Ordinance 2014-21) provides for annual adjustments to the collection fee components using the Consumer Price Indexes and a formula provided for in the Agreement. Such adjustments are effective beginning July 1, 2015, and calculated annually thereafter through the term of the Agreement. Proposed Resolution 2015-08 provides for the July 1, 2015, annual service rate adjustment. Recommended Action: Approval of the Consent Agenda will forward Resolution 2015-08 to the May 4, 2015, Regular Meeting for formal action.

7. Cancellation of July Workshop and August Meetings

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 Regular Workshop Meetings and the August Regular Meeting. Recommended Action: Approval of the Consent Agenda will forward this item to the May 4, 2015, Regular Meeting Consent Agenda for formal action.

8. Proposed Resolution 2015-10, Providing for Emergency Authorization for Town Manager

Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Proposed Resolution 2015-10 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. Recommended Action: Approval of the Consent Agenda will forward Resolution 2015-10 to the May 4, 2015, Regular Meeting for formal action.

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

**DISCUSSION ITEMS**

9. Mobility Plan and Mobility Fee Presentation

Sarasota County Staff will provide a presentation regarding a proposed Mobility Plan and Mobility Fee under consideration by the Sarasota County Board of County Commissioners. Recommended Action: None, informational only.

9. Mobility Plan and Mobility Fee Presentation - Continued

Town Manager Dave Bullock introduced Sarasota County Planning and Development Services Special Projects Planner Jonathan Paul, AICP, MA, who gave a PowerPoint presentation on the Sarasota County proposed Mobility Plan and Fees under consideration by the Sarasota Board of County Commissioners. Discussions were held on the following topics/issues:

- collection of road impact fees to fund infrastructure
- legislative consideration of impact fees/transportation concurrency
- utilization of mobility fees (bus stop shelters, roundabouts, crosswalks)
- calculation/determination of mobility fees.

Following comments, Town Manager Bullock noted the adoption process by the Sarasota Board of County Commission and he and Mr. Paul advised that no action is required by the Town at the current time.

**There was consensus to endorse the concept of the Mobility Plan and Fees and the creation of a local district for Longboat Key.**

10. Presentation of Inflow & Infiltration (I&I) Study

Staff will present an update on the recent I&I Study, as well as an update regarding the wastewater gravity rehabilitation efforts. Assistant Town Manager Ross and Laura Baumberger, Carollo Engineers' representative, will present the study, project status, and future plans. Recommended Action: None, informational only.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross commented on the Inflow and Infiltration Study and Rehabilitation Pilot Study report and introduced Ms. Laura Baumberger of Carollo Engineers. Ms. Baumberger gave a PowerPoint presentation entitled Inflow and Infiltration Study and Rehabilitation Pilot Study. Discussions were held with Ms. Baumberger, Assistant Town Manager Ross, and Town Manager Bullock on the following topics/issues:

- amount of sliplining accomplished with no downward trend in chloride concentration
- lack of lining of the laterals to homes
- estimated number of miles that have/have not been sliplined
- options to rehabilitate subaqueous line in lieu of replacement
- identification of priority areas (Lift Stations D Basin and 5F Basin)
- return on project investment/replacement of infrastructure
- cost of processing wastewater versus cost to complete sliplining
- coordination of data with Mr. Lenny Landau relating to volume concentrations
- full system replacement costs versus in-place improvements
- timeframe since beginning of pilot program and available results/steps taken in moving forward
- cost implications of exceeding the chloride concentration level
- reasonable chloride concentration standards/levels
- areas included in the Pilot Study (Broadway area and Jungle Queen area)
- intent to do comprehensive analysis to determine benefit versus cost factors.

10. Presentation of I&I Study - Continued

Mr. Lenny Landau, Fair Oak Lane, commented on the I & I Study performed. Discussions were held with Mr. Landau on his recommendations and the costs assessed against the Town.

Public Works Director Juan Florensa commented on the timeframe and processes followed in order to present an accurate report reflecting data collected and Ms. Baumberger noted the chloride contamination on Jungle Queen Way. Discussions were held on the following topics/issues:

- actions taken by City of Sarasota project to replace lines from lateral to residence (pipe bursting)
- results identified by City of Sarasota in reduced chloride counts
- lack of participation by all Sarasota City residents
- determination of why the City project ended before completion of all properties
- options available to repair/replace system.

**RECESS:** 3:14 p.m. - 3:26 p.m.

11. Proposed Ordinance 2015-10, Comprehensive Plan Amendments, Future Land Use Element

At their March 17, 2015, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Ordinance 2015-10 with revisions to a 'Whereas' clause. This Comprehensive Plan amendment modifies future land use categories into more general groupings focused on opportunity areas identified throughout the Town. The proposed Ordinance was forwarded to the April 20, 2015, Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on proposed Ordinance 2015-10. Discussions were held on the following topics/issues:

- consideration of Exhibit A/process for forwarding for consideration
- confirmation that the amendment would not modify the Future Land Use Map
- intent to provide additional land use categories
- impact to existing properties
- no action taken/included to delete current land uses
- property owners' option to remain non-conforming
- voting results of the P&Z Board.

**There was consensus to forward Ordinance 2015-10 to the May 4, 2015, Regular Meeting for first reading and public hearing.**

12. Proposed Ordinance 2015-15, Amending the FY 2014-15 Budget in the Amount of \$100,000 to Provide for Canal Survey and Feasibility Study

The Town Commission directed staff to evaluate canal conditions, depths, the need for dredging, and to also identify funding options to include a hybrid approach of special districts, and/or the use of ad valorem funds. To fully develop these evaluations and options staff needs to procure professional services for this study. Proposed Ordinance

12. Proposed Ordinance 2015-15, Amending the FY 2014-15 Budget in the Amount of \$100,000 to Provide for Canal Survey and Feasibility Study - Continued

2015-15 provides for funding in the amount of \$100,000. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided an overview of the Canal Dredging funds and the Infrastructure Surtax Funds, the intent to develop a policy on the matter, and inclusion of all canals in the project scope.

Public Works Director Juan Florensa advised that the Bay Isles Canal would also be included. Discussions were held on the following topics/issues:

- designation of all areas to be considered
- intent to provide funding mechanisms for a long term policy.

**There was consensus to forward Ordinance 2015-15 to the May 4, 2015, Regular Meeting for first reading and public hearing.**

13. Proposed Resolution 2015-09, Budget Transfer in the Amount of \$25,000 from Commission Contingency to Police, Wages/Overtime

Due to vacancies in Police Dispatch, the Police Department has cross-trained Officers to perform dispatch functions in an overtime capacity. The Finance Department anticipates that another \$25,000 will be required to provide funding for Dispatch operations through the end of FY 2014-2015. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted the intent of the budget transfer to fund the services through the end of the current fiscal year. Discussions were held on the impact to future budgets and current staffing levels.

**There was consensus to forward Resolution 2015-09 to the May 4, 2015, Regular Meeting for formal action.**

Commr. Zunz requested consideration to workshop the issue of the dispatcher services. Subsequent to individual comments, Town Manager Bullock commented on the transition plan and the intent to move forward with Sarasota County's services. Discussion ensued.

**Following discussion, there was majority consensus to not schedule additional workshop discussion on the transfer of dispatch services to Sarasota County.**

Town Manager Bullock noted the next steps in the transition process.

14. Discussion Regarding Composition of Planning & Zoning Board

At the December 10, 2014 Regular Workshop Meeting there was consensus to place this discussion item on the April 20, 2015 Regular Workshop Meeting for consideration of reducing the current membership of nine (9) to a lesser number. Recommended Action: Pending discussion, provide direction to Manager.

14. Discussion Regarding Composition of Planning & Zoning Board - Continued

Town Manager Dave Bullock noted the current terms of members and the number of members on the Board. Discussion ensued on the following topics/issues:

- option to reduce number of members/have alternates appointed
- historical information on establishment of the Board and number of members.

**Subsequent to comments, there was majority consensus to reduce the membership on the P&Z Board from nine to seven members.**

Following comments by Commr. Zunz, Town Attorney Maggie Mooney-Portale commented on the ability of the Commission to designate preferred qualifications for a number of seats. Discussion ensued on the following topics/issues:

- types of qualifications that may be considered for appointment
- the process to reduce the number/fill the reduced number of seats on the Board
- staggering of terms for newly appointed members
- appointment of alternates to ensure a quorum
- options to set term limits for appointees.

**There was consensus to sunset the current Board and have all current Board members eligible for appointment to the new Board.**

Discussion ensued on the timeframe for consideration of the Ordinance to amend the P&Z Board composition.

**There was consensus to retain the current process of the Meet and Greet, to retain a three-year term, and to not appoint alternates.**

**Following comments by Commr. Younger, there was consensus to include two-three year term limits for Board members.**

Commr. Younger requested that Staff move forward as expeditiously as possible.

15. Recommendation to Amend the Town Code to Address Applicable Law Relating to Mangrove Regulation

Florida State Statutes sets forth a comprehensive regulatory program regarding alteration and trimming of mangroves within the State of Florida. This regulatory program is administered by the Florida Department of Environmental Protection (FDEP). The Town Attorney is recommending the Commission consider amending provisions of Chapters 98, 104, 151, and 154 of the Town Code to remove provisions that conflict with State Statutes. Recommended Action: Pending discussion, provide direction to Town Attorney to draft an Ordinance amending the Town Code to align with State Statutes for consideration at the May 4, 2015, Regular Meeting.

Following comments by Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale noted recent court rulings against municipalities enforcement of local regulations. Upon inquiry, Town Attorney Mooney-Portale noted the requirements for delegation to enforce the regulations and Town Manager Bullock opined on the intent of the State legislature to relax the regulations.

15. Recommendation to Amend the Town Code to Address Applicable Law Relating to Mangrove Regulation- Continued

Mr. George Spoll, Harbourside Drive, commented on the issue.

**There was consensus to direct staff to draft and forward a proposed Ordinance updating the Town's Code relating to mangrove regulation to the May 4, 2015, Regular Meeting for first reading.**

16. Update Regarding Town Center Planning Efforts

Town staff will provide a brief update on planning efforts to date and next steps. Recommended Action: None, informational only.

Town Manager Dave Bullock noted the planning process and suggested that the process be paused to build consensus with the affected property owners. Discussion ensued on the following topics/issues:

- timeframe to delay process
- actions/services provided by Tinsdale-Oliver
- lack of direction to the Steering/Stakeholder's Committee members.

Following comments, Town Manager Bullock noted his preference to pause the planning effort process.

**There was consensus to pause the committee meetings at the current time. There was majority consensus to not release Tinsdale-Oliver from contract obligations at the current time.**

17. Amendment to Town Attorney Contract

The Town Commission will consider an amendment to the Town Attorney contract. Recommended Action: Pending discussion, provide direction.

Town Attorney Maggie Mooney-Portale commented on the request for amendment to the legal services contract relating to an allocation of hours for procurement services and to update the notice provisions included in the original contract.

**Subsequent to individual comments, there was consensus to authorize the Town Attorney's Contract amendment.**

**TOWN COMMISSION COMMENTS**

A. Town Commission

Mayor Duncan commented on the dress code of the consultants when making presentations to the Town Commission.

B. Organizations

Commr. Larson noted an upcoming event co-sponsored by the Garden Club and Kiwanis Club.

**TOWN COMMISSION COMMENTS** - Continued

**C. Government Agencies**

Mayor Duncan noted a request from the City of North Port to hold a joint municipality meeting with all four of the Sarasota County municipal governments and noted his preference to have specific agenda topics prior to agreeing to a joint meeting.

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

**TOWN MANAGER COMMENTS**

**A. Interlocal Agreements**

Town Manager Dave Bullock reviewed the proposed Interlocal Agreement with the Sarasota County Property Appraiser's office, discussed the services to be provided and the contingency fees to be assessed, and noted the item would be on the May 4, 2015, Regular Meeting Agenda for formal action.

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

**ADJOURNMENT**

**Mayor Duncan adjourned the April 20, 2015, Regular Workshop at 5:15 p.m.**

Minutes Approved: 05-04-15