

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

**Present:** Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Lynn Larson, Irwin Pastor, Phill Younger, Pat Zunz

**Also Present:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Town Clerk Trish Granger

**Not Present:** Commr. Jack Daly

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Duncan called the July 6, 2015, Regular Meeting to order at 7:05 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Pastor led the Pledge of Allegiance.

Mayor Duncan noted the Town's Civility Policy and read the Pledge of Conduct.

**PUBLIC TO BE HEARD**

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

**APPROVAL OF MINUTES**

2. June 1, 2015 Regular Meeting; June 15, 2015 Special Workshop Meeting; June 15 Special Meeting; June 15, 2015 Regular Workshop Meeting; and June 29, 2015 Special Workshop Meeting Minutes

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

**COMMITTEE REPORTS AND COMMUNICATIONS**

3. Manatee County Special Liaison Report

**A. Organizations**

Commr. Zunz noted attendance at the Bradenton Area Economic Development Corporation meeting and reviewed the issues discussed.

Commr. Zunz advised that there is a Manatee Chamber of Commerce retreat scheduled in early September and noted that the first day of the conference includes segments on regional transportation issues. (See item later this meeting.)

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

5. Manasota League of Cities Report - No items were presented.

6. Other Reports

**A. Finance Committee**

Commr. Larson reviewed the discussions held at the July 6, 2015, Finance Committee Meeting. Individual comments followed.

**COMMITTEE REPORTS AND COMMUNICATIONS**

**3. Manatee County Special Liaison Report- Continued**

**A. Organizations - Continued**

Commr. Zunz noted that the Manatee Chamber of Commerce retreat was scheduled for September 25 and 26, 2015.

**CLOSING AND ACTION ON CONSENT AGENDA**

**7. Authorization for Mayor to Execute Sovereignty Submerged Lands Easement #41743 for Beach Nourishment and Maintenance Dredging at Longboat Pass**

Authorization for the execution of Florida Department of Environmental Protection Easement #41743, Permit Authorization #0298107-004-JC, is a requirement for the permit application process for the Joint Manatee County and Town of Longboat Key, Longboat Pass Maintenance Dredging and Sand Placement Project. Recommended Action: Approval of the Consent Agenda will authorize the Mayor's signature on Easement #41743.

**Following comments, Mayor Duncan advised that Item 7 would be considered later this meeting.**

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**8. Ordinance 2015-10, Comprehensive Plan Amendments, Future Land Use Element (FLUE)**

At their March 17, 2015, Regular Meeting the Planning & Zoning 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 Commission considered Ordinance 2015-10 at the April 20, 2015, Regular Workshop Meeting. At the May 4, 2015, Regular Meeting, following first reading and public hearing, the Commission forwarded Ordinance 2015-10 to Florida State Department of Economic Opportunity for review and comment. This Ordinance is placed on the July 6, 2015, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-10.

Town Clerk Trish Granger placed Ordinance 2015-10 on record for second reading and public hearing by title only.

**Commr. Zunz moved to adopt Ordinance 2015-10. The motion was seconded by Commr. Pastor.**

**Mayor Duncan opened the public hearing.**

Planning, Zoning, and Building Department Director Alaina Ray provided an overview of Ordinance 2015-10. Discussions were held on the following topics/issues:

- impact of changes on current zoning categories and/or densities
- opinion of no conflict with discussions at Commission and P&Z Board Joint Meeting
- option to modify terminology utilized.

8. Ordinance 2015-10, Comprehensive Plan Amendments, FLUE - Continued  
**Commr. Zunz moved to amend Ordinance 2015-10 to rename the “Stability Area(s)” to “Established Area(s)” and the “Opportunity Area(s)” to “Renewable Area(s)” throughout the Ordinance. The motion was seconded by Vice Mayor Gans.**

**Mayor Duncan moved a second amendment retaining the terminology of “Opportunity Area(s)” and renaming the “Stability Area(s)” to “Established Area(s)” throughout Ordinance 2015-10. The motion was seconded by Commr. Younger.**

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

**The second amendment to the motion, superseding the first amendment, carried by a 6-0 roll call vote, as follows: Duncan, aye; Younger, aye; Zunz, aye; Pastor, aye; Gans, aye; Larson, aye.**

**The motion to adopt Ordinance 2015-10, as amended, carried by a 6-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Larson, aye; Younger, aye; Gans, aye; Duncan, aye.**

9. Ordinance 2015-14, Amending Chapter 91, Animals, and Chapter 33.18, Boards and Commissions, Violations Procedure

At the February 17, 2015, Regular Workshop Meeting the Town Commission directed staff to develop Ordinance 2015-14, to remove Town Code provisions requiring pet licenses. At the April 6, 2015, Regular Meeting the Town Attorney advised that some outdated language and inconsistencies regarding regulations and fines would also be addressed in Ordinance 2015-14. This item was placed on the June 1, 2015, Regular Meeting for first reading and discussion then forwarded to the July 6, 2015, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2015-14.

Town Clerk Trish Granger placed Ordinance 2015-14 on record for second reading and public hearing by title only.

**Vice Mayor Gans moved to adopt Ordinance 2015-14. The motion was seconded by Commr. Pastor.**

**Mayor Duncan opened the public hearing.**

Town Manager Dave Bullock commented on issues addressed, eliminating the Town Code requirements that duplicate Florida Statutes and local County regulations, deferring to the local regulations on fees and enforcements. Town Attorney Maggie Mooney-Portale advised that text highlighted in the Ordinance provided reflects the titles utilized by both Counties animal services offices.

Discussion ensued on the lack of leash regulations utilizing the terminology “under control law” (Subsection 91.13, Dogs and Cats At Large).

9. Ordinance 2015-14, Amending Chapter 91, Animals, and Chapter 33.18, Boards and Commissions, Violations Procedure - Continued

**Subsequent to discussion, Commr. Younger moved to amend Ordinance 2015-14, Subsection 91.13(C), as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):**

- (C) The owner or custodian of a dog or cat must have direct tangible physical control of such animal at all times, i.e. leash or other physical restraint.**

**The motion, seconded by Commr. Zunz, carried by a 6-0 roll call vote, as follows: Younger, aye; Zunz, aye; Larson, aye; Pastor, aye; Gans, aye; Duncan, aye.**

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

**The motion to adopt Ordinance 2015-14, as amended, carried by a 6-0 roll call vote, as follows: Gans, aye; Pastor, aye; Zunz, aye; Duncan, aye; Larson, aye; Younger, aye.**

10. Ordinance 2015-18, Amending Chapter 38, Purchasing

For discussion at the May 18, 2015, Regular Workshop Meeting, the Town Attorney drafted Ordinance 2015-18 which provides for a Purchasing Manager, and other changes recommended by the Town Attorney and Town Manager. First reading and public hearing was held at the June 1, 2015, Regular Meeting and forwarded to the July 6, 2015, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2015-18.

Town Clerk Trish Granger placed Ordinance 2015-18 on record for second reading and public hearing by title only.

**Commr. Younger moved to adopt Ordinance 2015-14. The motion was seconded by Commr. Zunz.**

**Mayor Duncan opened the public hearing.**

Town Manager Dave Bullock provided an overview of the amendments to Chapter 38.

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

**The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Zunz, aye; Larson, aye; Duncan, aye; Pastor, aye; Gans, aye.**

**RESOLUTIONS**

11. Resolution 2015-19, Budget Transfer in the Amount of \$160,000 from Utility Contingency for Utility Manhole Repair

A manhole collapse located near Lift Station E, 3700 Gulf of Mexico Drive, required full replacement on an emergency basis and included bypass pumping and piping from the next upstream manhole. The Wetwell and Manhole Repair line item was insufficient to cover the costs. Resolution 2015-19 (previously numbered 2015-16) provides for a budget transfer in the amount of \$160,000 to cover the costs associated with this emergency work. The Utility Contingency line was established for unforeseen construction issues

11. Resolution 2015-19, Budget Transfer in the Amount of \$160,000 from Utility Contingency for Utility Manhole Repair - Continued  
such as this emergency manhole repair. Recommended Action: Pending discussion, pass Resolution 2015-19.

Town Clerk Trish Granger place Resolution 2015-19 on record by title only.

**Vice Mayor Gans moved to pass Resolution 2015-19. The motion was seconded by Commr. Zunz.**

Town Manager Dave Bullock provided an overview of Resolution 2015-19.

**The motion carried by a 6-0 roll call vote, as follows: Gans, aye; Zunz, aye; Duncan, aye; Larson, aye; Younger, aye; Pastor, aye.**

### **NEW BUSINESS**

#### 12. Update on Managing Peafowl Population in Longbeach Village

At the May 18, 2015, Regular Workshop Meeting the Town Commission directed staff to investigate options, and bring back recommendations, on ways to manage the peafowl population in Longbeach Village. The Public Works Director, Police Chief, and Town Manager researched actions taken in other municipalities, spoke to many affected residents, and experts in wildlife control to develop their report. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Public Works Director Juan Florensa gave a PowerPoint presentation on the managing of peafowl population in Longbeach Village (the Village). Discussions were held on the following topics/issues:

- number of peafowl estimated to be in the area
- option to remove all female peahens
- lack of success by the Longbeach Village Association to have the peafowl removed
- success of other governmental agencies with trappers removing birds
- estimated costs to remove peafowl
- ability of trappers to look for nesting areas
- removal of all peahens/impact on population of birds.

**Commr. Younger moved to have all the peafowl removed from the Village. The motion was seconded by Commr. Zunz.**

Individual comments followed on the Longbeach Village residents' opinions (for/against removal) on the issue.

Ms. Kipp O'Neill, Poinsetta, commented on the peafowl population.

Subsequent to comments, Mr. Florensa advised that a population count of peahens had not been accomplished at the current time.

**Following comments on options to consider, the motion failed by a 2-4 roll call vote, as follows: Younger, aye; Zunz, aye; Pastor, no; Duncan, no; Gans, no; Larson, no.**

12. Update on Managing Peafowl Population in Longbeach Village - Continued

Discussion ensued on the following topics/issues:

- inability for staff to provide guarantees on the removal process
- completion of a request for proposal and estimated costs
- goal of reducing flock to twelve males
- option to include annual maintenance costs to manage process
- animal/bird nuisance control.

**There was majority consensus to proceed with a Request For Proposal (RFP) and to target 12 male birds with on-going maintenance.**

Following comments, Town Manager Bullock advised that the Town was not in the animal control business and was not budgeted, and advised that, with Commission direction, the Staff could provide an analysis of costs and impact to budget.

**Subsequent to individual comments on proper containment of waste, Mayor Duncan noted consensus to schedule discussion on nuisance animal control issues in addition to the peacock removal issue.**

Town Manager Bullock advised that the nuisance animal discussion will take additional time for Staff review before scheduling on a future agenda.

13. Setting of Maximum Millage Rate

In accordance with Florida Statutes the Town must establish a proposed maximum millage rate by July so that it can be included in the Notice of Proposed Property Taxes mailed in August by each County. Although it can be reduced in later budget hearings, these millage rates cannot be increased. Based on Town Commission direction from the June 15, 2015 and June 29, 2015, Special Workshop Meetings the proposed tentative maximum millage rates are:

	<b>Operating Millage</b>	<b>G. O. Debt Service Millage</b>	<b>Beach Bond Millage</b>	<b>Total Millage</b>
<b>District A</b>	2.1763	0.0576	0.8328	3.0667
<b>District B</b>	2.1763	0.0576	0.2082	2.4421

Recommended Action: Set Maximum Millage Rates and forward ordinances to adopt millage rates and budget based on these tentative rates to September 9, 2015, Regular Meeting for first reading and public hearing.

Following comments, Finance Director Sue Smith and Town Manager Bullock gave a PowerPoint presentation on the proposed tentative maximum millage rates for Fiscal Year 2015-2016. Finance Director Smith noted the change from the rolled-back rate and the required vote in setting the maximum millage.

**13. Setting of Maximum Millage Rate**

Discussions were held with Town Manager Bullock, Finance Director Smith, and Finance Department Budget and Risk Analyst Sandi Henley on the following topics/issues:

- increase in health, life, and disability rates
- quotes received by the consortium (Public Risk Management of Florida) for those benefits
- number of votes needed for a millage rate of 2.1763.

**Commr. Zunz moved to set the tentative maximum millage rates of 3.0667 mills for District A and 2.4421 mills for District B and to direct Staff to draft and forward the appropriate ordinances to adopt the millage rates and the budget based on these rates to the September 9, 2015, Regular Meeting for first reading and public hearing. The motion, seconded by Commr. Pastor, carried by a 6-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Larson, aye; Younger, aye; Gans, aye; Duncan, aye.**

Upon inquiry, Town Manager Bullock advised that he was attempting to schedule the Property Appraisers for discussion on a future agenda.

**Consent Agenda - Continued**

**7. Authorization for Mayor to Execute Sovereignty Submerged Lands Easement #41743 for Beach Nourishment and Maintenance Dredging at Longboat Pass**

Authorization for the execution of Florida Department of Environmental Protection Easement #41743, Permit Authorization #0298107-004-JC, is a requirement for the permit application process for the Joint Manatee County and Town of Longboat Key, Longboat Pass Maintenance Dredging and Sand Placement Project. Recommended Action: Approval of the Consent Agenda will authorize the Mayor's signature on Easement #41743.

**Following comments by Commr. Pastor, Commr. Larson moved to authorize execution of the Sovereignty Submerged Lands Easement #41743 for Beach Nourishment and Maintenance Dredging at Longboat Pass. The motion, seconded by Commr. Younger, carried unanimously.**

**TOWN COMMISSION COMMENTS**

**A. Government Agencies**

Mayor Duncan commented on the Joint Meeting with the Cities of North Port, Sarasota, and Venice, reviewing the issues discussed, and requested that a letter was transmitted to the Commission/Councils of all Cities to include Sarasota County in all future meetings.

**There was consensus to send correspondence supporting County attendance, if future meetings are held.**

**B. Finance Committee**

Commr. Pastor advised that there was a Finance Committee meeting held earlier this date and Commr. Younger noted the recommendation of the Committee.

B. Finance Committee - Continued

**Subsequent to comments, Commr. Younger moved to reduce the number of days for emergency operating funds to a 90-day level and to apply the additional funds towards the outstanding pension obligation. The motion was seconded by Commr. Larson.**

**Following comments on the estimated amount to be applied and input from the Town's Pension Board, the motion carried by a 6-0 roll call vote, as follows: Younger, aye; Larson, aye; Zunz, aye; Pastor, aye; Gans, aye; Duncan, aye.**

**Commr. Younger moved to transfer the 90-day emergency operating funds into a multi-asset investment account to earn interest on the funds. The motion was seconded by Commr. Larson.**

Discussion ensued on the necessity to develop a second Investment Policy to allow for a multi-asset investment option and input from the Town's financial advisors/consultants.

**Commr. Younger moved a substitute motion to direct Staff to begin development of a second Investment Policy to provide a more defined investment strategy in conjunction with advice from the Town's financial advisors/consultants. Commr. Larson seconded the motion.**

**Following comments, Commr. Younger withdrew the substitute motion and there was consensus for Staff to initiate coordination of a Special Workshop to develop a second Investment Policy with the Town's financial advisors/consultants.**

**TOWN ATTORNEY COMMENTS**

A. Litigation

Town Attorney Maggie Mooney-Portale commented on the status of the Advanced Properties litigation, and upon inquiry, advised that the case has been on-going since 2008. Individual comments followed.

B. Litigation

Town Attorney Maggie Mooney-Portale commented on the settlement offer from B.P. relating to the Deepwater Horizon oil spill, reviewed the amount the Town will be receiving, and noted the court's confidentiality order requiring that portions of the settlement were to remain confidential.

Commr. Larson commented on the funds that will be awarded to the State of Florida and encouraged Commissioners to contact the Governor's Office supporting distribution of funds to the Sarasota Bay Estuary Program projects.

**TOWN MANAGER COMMENTS**

A. Advisory Boards

Town Manager Dave Bullock advised that the Chairman of the Consolidated Retirement System Board of Trustees is preparing a status report on the Board's progress.

**TOWN MANAGER COMMENTS**

**B. State Agency**

Town Manager Dave Bullock noted that there will be night closures of the Longboat Pass Bridge on July 13 and July 14, 2015, between the hours of midnight and 5:00 a.m., and advised that emergency operations were aware of the schedule change and were prepared for medical transport emergencies. Individual comments followed.

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

**ADJOURNMENT**

Mayor Duncan noted the summer recess and adjourned the July 6, 2015, Regular Meeting at 9:16 p.m.

  
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Trish Granger, Town Clerk

  
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Jack G. Duncan, Mayor

Minutes Approved: 9-9-15

