

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP
NOVEMBER 9, 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 November 9, 2015, Regular Workshop to order at 1:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Daly led the Pledge of Allegiance.

Mayor Duncan noted and read the Pledge of Public Conduct.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Gene Jaleski, Cedar Street, commented on the removal of peacocks in the area of the Village on the North end of Town.

COMMITTEE REPORTS AND COMMUNICATIONS

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

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

4. ManaSota League of Cities Report

A. Organizations

Commr. Larson noted the ManaSota League of Cities will meet on November 12, 2015, in the Town Commission Chamber at 9:30 a.m.

5. Other Reports - No items were presented.

CONSENT AGENDA

6. Proposed Ordinance 2015-29, Pass-Through of Manatee County Utility Rate Increase
On November 18, 2014, the Manatee County Board of County Commissioners passed R-14-155 authorizing a wholesale water and wastewater rate increase effective January 1, 2016. Town Commission policy has been to pass through Manatee County rate increases to the Town's utility ratepayers. Staff has prepared proposed Ordinance 2015-29, which provides for the pass-through to become effective corresponding with the Manatee County effective date. Recommended Action: Approval of the Consent Agenda will forward Ordinance 2015-29 to the December 7, 2015, Regular Meeting for first reading.

CONSENT AGENDA

6. Proposed Ordinance 2015-29, Pass-Through of Manatee County Utility Rate Increase
There was consensus to approve Consent Item 6 in accordance with Staff's report and recommendation.

DISCUSSION ITEMS

7. Request for Density Referendum from Mr. Ryan Snyder for Property Located at 6810 Gulf of Mexico Drive

Ryan Snyder, Esquire, representing Whitney Beach, LLC is requesting Commission consideration of a referendum to allow consideration of conversion of the property located at 6810 Gulf of Mexico Drive as provided for in the Town Charter and Town Code. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Commr. Daly noted that his son is a part owner in a business located in Whitney Beach Plaza. Upon inquiry, Town Attorney Maggie Mooney-Portale noted the circumstances to declare a conflict on an issue before the Commission. Commr. Daly opined that his son would not receive any known private gain/benefit relating to the request to be considered and Town Attorney Mooney-Portal opined that no conflict existed for participation by Commr. Daly.

Attorney Ryan Snyder presented his request and provided an overview of the difficulties in maintaining a shopping center on the North end of the Town. Discussion ensued on the following topics/issues:

- possible election dates to schedule a special referendum election
- consideration of waiving voter petition process
- formal action at future meeting
- lack of specifics of the proposed development
- option to approve request for waiver and clarify at future meeting.

Upon inquiry, Attorney Snyder provided an overview on the history of Whitney Plaza and the preliminary discussions with developers to redevelop the property, and advised of discussions with Planning, Zoning, and Building (PZB) Department Director Alaina Ray.

PZB Department Director Ray clarified her discussions with Attorney Snyder and provided an overview of the intent of the referendum. Discussions were held on the following topics/issues:

- difference in waiver of petition process versus drafting of an Ordinance for public disclosure
- percentage of signatures needed for petition process.

The following individuals commented on the request:

Mr. George Spoll, Harbourside Drive
Mr. Larry Grossman, St. Judes Drive North
Mr. Gene Jaleski, Cedar Street

7. Request for Density Referendum from Mr. Ryan Snyder for Property Located at 6810 Gulf of Mexico Drive

Following comments, there was majority consensus to direct the Town Attorney and PZB Director to work with Attorney Snyder on developing the proposed referendum language.

Discussion ensued on the following topics/issues:

- process to proceed with the request
- the schedule provided by the Sarasota County Supervisor of Elections (SOE)
- lack of information provided to the community
- location and separation of the existing plaza from the residential neighborhood
- required public hearings and deadline established by the SOE offices for March ballot language.

There was majority consensus to move the issue to next workshop for additional consideration.

8. Discussion Regarding Proposed Neighborhood Watch Program

At the October 19, 2015, Town Commission Special Meeting staff was directed to prepare a presentation regarding neighborhood watch programs. The Police Chief will present information for Commission discussion and consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on requests received for establishment of neighborhood watch programs.

Deputy Police Chief Frank Rubino gave a PowerPoint presentation relating to the establishment of neighborhood crime watch programs. Discussions were held on the following topics/issues:

- statistical evidence on neighborhood watch programs reducing crime
- liability on Town if accidental harm comes to an individual
- no intent of deputizing volunteers.

Town Manager Bullock advised that Staff will work with neighborhood groups if there was no Commission objection.

9. Undergrounding Update (and Ordinance 2015-30)

The Town Commission requested that staff place this item for discussion following the November 3, 2015, referendum for a utility undergrounding project for Gulf of Mexico Drive. The Commission will consider next steps in moving forward based on the result of the referendum. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the November 3, 2015, Special Referendum Election and the steps to be taken to proceed, advising that Ordinance 2015-30 was to be considered this date.

9. Undergrounding Update (and Ordinance 2015-30) - Continued

Following individual comments regarding Florida Power and Light (FPL) Company's recent actions, Town Manager Bullock provided an overview of Ordinance 2015-30. Attorney Chris Rowe commented on the due process requirement relating to special assessments.

There was consensus to forward Ordinance 2015-30 to the November 9, 2015, Special Meeting immediately following the Regular Workshop for first reading.

Town Manager Bullock provided an overview of the process to proceed. Discussions were held with Town Manager Bullock and Danny Brannon of Brannon and Gillespie, LLC, on the following topics/issues:

- inclusion of Broadway in the project parameters
- prohibition of installation of future utility lines overhead
- status of street lighting and fiber optic components of the project
- determination on the earliest construction start date (approximately January 2017)
- inclusion of contingency with the possibility to include Broadway
- comments by Shore Restaurant property owners to underground areas around the restaurant
- potential/estimated costs for Broadway (\$400,000)
- FPL estimated contribution to project
- ability to incorporate costs for Broadway into approved referendum.

There was consensus to include Broadway in the Gulf of Mexico Drive project parameters.

RECESS: 2:27 p.m. – 2:40 p.m.

9. Undergrounding Update - Continued

Town Manager Bullock commended former Assistant Town Manager Anne Ross on her efforts relating to the referendum for the undergrounding of Gulf of Mexico Drive (GMD) and the consultants/attorneys who have assisted with the process and noted that proposed Ordinance 2015-30 established the framework for property assessments. Discussions were held on the following topics/issues:

- timeframe for consideration of the neighborhood referendum
- constraints placed on special elections by the Sarasota County Supervisor of Elections
- development of scenarios for sharing cost of neighborhood project
- timing of neighborhood referendum to ensure cost savings in conjunction with the GMD project
- option to have special meetings on neighborhood referendum to push with GMD project
- timeframe for advertising referendum ordinances
- impact on costs for August referendum for neighborhoods
- validation process intended for recent referendum
- option to have Sarasota County Supervisor of Elections attend Commission meeting
- current funding for beach renourishment between Beach Erosion Control Districts A and B

9. Undergrounding Update - Continued

- value and benefit for sharing costs throughout the Town
- non-ad valorem versus ad valorem assessment
- option to split costs between all properties.

There was consensus to have neighborhood component as a non-ad valorem assessment.

Discussions were held on the following topics/issues:

- estimated costs and project funding options
- breakdown of costs for various properties
- concepts to be considered to cover project costs
- options to establish districts for specific neighborhoods that want to proceed
- Ordinance 2015-30 relating to assessment options
- areas (neighborhoods) that aren't organized with formal homeowners' associations
- additional options for consideration.

Ms. Kathleen Rylander, Gulf of Mexico Drive, commented on the undergrounding of neighborhoods.

Town Manager Bullock noted that Sarasota County Supervisor of Elections Dent advised that the Town would have until January 8, 2016, to provide language for a March referendum.

The following individuals commented on the neighborhood undergrounding project. Discussions were held throughout speaker comments:

Mr. Gene Jaleski, Cedar Street
Mr. Larry Grossman, St. Judes Drive North
Ms. Susan Alexander, Halyard Lane
Ms. Susan McAnany, Hornblower Lane
Ms. Kathryn Lee, Birdie Lane
Mr. Ed Zunz, Lands End Drive
Mr. Armando Linde, Cutter Lane
Mr. Stephen Madva, Bowsprit Lane

Discussion ensued on the following topics/issues:

- option to have several referendum questions on the ballot at the same time
- limiting vote to district voters if more than one referendum question is on the ballot.

Following comments by Mayor Duncan, there was consensus to authorize the Town Manager to schedule additional meetings to accomplish a neighborhood referendum for the March 2016 ballot.

9. Undergrounding Update - Continued

There was consensus to direct Staff to provide options for non-ad valorem assessments for the neighborhood undergrounding and to provide information on sharing the costs over the approximately 10,000 parcels within the Town.

10. Clarification of Non-Retainer Services for Town Attorney Contract

The Town Commission and Town Attorney entered into a Legal Services agreement dated July 8, 2013, for legal counsel services. Due to a lack of specificity in the contract on what is considered routine general counsel services, the Town Attorney has prepared a contract amendment to provide clarification regarding non-retainer services. Recommended Action: Pending discussion, provide direction to Town Attorney and Town Manager.

Town Manager Dave Bullock commented on the services provided by the Town Attorney's office by contract and the additional work completed relating to the Land Development Code and Comprehensive Plan proposed revisions.

Subsequent to individual comments, there was consensus to confirm the Town Attorney's September and October legal work and future work forward associated with the Land Development Code and the Comprehensive Plan rewrite efforts will be classified as non-retainer services.

11. Annual Evaluation of Town Manager

A provision of the Town Manager's employment agreement provides for a review and job performance evaluation by the Town Commission at least once annually. The agreement also states that the Commission shall define the goals and objectives of the Town Manager at least annually. Recommended Action: Pending discussion, provide direction to Manager.

Following individual comments relating to the evaluation process, there was majority consensus to discuss the compensation package of the Town Manager.

Discussions were held on the following topics/issues:

- inclusion of a salary discussion without reference to the issue on the agenda
- proposed increase of four percent (4%)
- comparison of salary to others in similar positions in the area
- granting of additional time off in lieu of a salary increase
- requirement for all parties to execute contracts to be enforceable
- utilization of a Town owned vehicle.

Subsequent to discussion, there was majority consensus for the Town Manager to provide information on the level of alternate enumeration in lieu of a salary increase.

Mr. Edward Zunz, Lands End Drive, commented on the salary discussion.

TOWN COMMISSION COMMENTS

A. Elections

Commr. Pastor thanked Vice Mayor Gans on suggestion to engage the Supervisor of Elections offices relating to the deadlines set for providing language for inclusion on future ballots.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock commented on the status of the peafowl removal process. Discussion ensued on the removal process, public sentiment, and options to take the flock to zero.

There was majority consensus to not eliminate all of the peafowl.

There was majority consensus to attempt to maintain a total of twelve mail peacocks.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan noted a Special Meeting immediately following the Regular Workshop and adjourned the November 9, 2015, Regular Workshop at 4:43 p.m.

Minutes Approved: 12-07-2015