

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
DECEMBER 7, 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 December 7, 2015, Regular Meeting to order at 7:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Larson 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**

Ms. Madilyn Spoll, Harbourside Drive, commented on the commencement of improvements to Bayfront Park Recreation Center.

**APPROVAL OF MINUTES**

**2. November 2, 2015 Regular Meeting; November 9, 2015 Regular Workshop Meeting; and November 9, 2015 Special 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 Manatee County Economic Development Corporation (EDC) meeting and reviewed items discussed.

**B. Government Agencies**

Commr. Zunz noted that the Manatee Board of County Commission adopted new impact fees on construction.

**A. Organizations - Continued**

Mayor Duncan inquired and Commr. Zunz commented on consideration by the EDC of the traffic issues on the barrier islands.

Commr. Pastor noted that the Sarasota EDC does not have the traffic issue on their strategic plan.

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

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

6. Other Reports

B. Town Commission

**Commr. Younger commented on the March 2016 Election and moved to add an item to the agenda relating to Commission districting. The motion was seconded by Commr. Larson.**

**Following comments, Commr. Younger moved a substitute motion to add a discussion on districting to the next workshop agenda. The substitute motion, seconded by Commr. Larson, carried unanimously on voice vote.**

C. Organizations

Vice Mayor Gans noted a recent meeting of the Sarasota County Tourist Development Council (TDC) noting endorsement for a Florida Department of Transportation (FDOT) Barrier Island Traffic Study.

A. Certificates of Recognition for the Town's 60<sup>th</sup> Anniversary

Mayor Duncan read and commented on the Certificates of Recognition from Manatee and Sarasota Counties presented for the Town's 60<sup>th</sup> Anniversary.

**CONSENT AGENDA**

**7. Amended Interlocal Agreement with Sarasota County to Provide for Collection and Use of Mobility Fees**

Sarasota County has adopted Ordinance 2015-051, providing for collection and use of mobility fees which goes into effect on January 1, 2016. The mobility fees collected can only be spent on multi-modal improvements within the district in which they are collected. In order to opt-in, the Town must enter into an amended Interlocal Agreement with Sarasota County regarding collection of mobility fees prior to the effective date of the Mobility Fee Ordinance. The Interlocal Agreement was approved by the Town Commission at the November 2, 2015, Regular Meeting and forwarded to the Sarasota County Commission for formal action. The Interlocal Agreement was amended to correct an error in the document and approved by the Sarasota County Board of County Commissioners. The amended Interlocal Agreement is placed on the December 7, 2015, Regular Meeting for ratification by the Town Commission. Recommended Action: Approval of the consent agenda will authorize Mayor to execute Interlocal Agreement with Sarasota County for collection and use of mobility fees.

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

**ORDINANCES - FIRST READING**

**8. 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 Ordinance 2015-29 which provides for the pass-through to become effective corresponding with the Manatee County effective date. Recommended Action: Pending first reading and discussion, forward to January 4, 2016, Regular Meeting for second reading and public hearing.

8. Ordinance 2015-29, Pass-Through of Manatee County Utility Rate Increase - Continued

Town Clerk Trish Granger placed Ordinance 2015-29 on record by title only.

**Commr. Zunz moved to pass Ordinance 2015-29 on first reading and to forward to the January 4, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.**

Following comments by Town Manager Dave Bullock, Commr. Zunz noted that the Town has one of the lowest rates in the area. Commr. Larson noted the lack of a cost of living increase for social security recipients and the increased cost of Medicare coverage.

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

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

9. Ordinance 2015-19, Establishing the Dates for the 2016 General Municipal Election and the Early Voting Schedule

The Town's Charter establishes the date for the Town's General Election as the third Tuesday in March and as such will be held on March 15, 2016 which coincides with the Presidential Primary. Town Code Chapter 36, Elections provides for early voting however, due to the Presidential Primary, the Supervisor of Elections Offices have indicated that early voting will be conducted at the mainland offices only. Ordinance 2015-19 provides for the Town's General Municipal Election dates. First reading was held at the November 2, 2015, Regular Meeting and was forwarded to the December 7, 2015, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2015-19.

Town Clerk Trish Granger placed Ordinance 2015-19 on record by title only.

**Commr. Larson moved to adopt Ordinance 2015-19 on second reading and public hearing. The motion was seconded by Vice Mayor Gans.**

Following comments by Town Manager Dave Bullock, Town Clerk Granger presented an overview of Ordinance 2015-19. Discussions were held on the following topics/issues:

- lack of early voting available on Longboat Key
- ability to promote absentee/mail ballots.

Town Clerk Granger confirmed she would contact the Supervisor of Elections offices to request consideration to obtain early voting on-site and report back to the Commission.

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

10. Ordinance 2015-20, Comprehensive Plan Amendment, Existing Infrastructure Element Results Neutral Revisions

At their June 16, 2015, Regular Meeting the Planning & Zoning (P&Z) Board forwarded Ordinance 2015-20 to the September 21, 2015, Regular Workshop Meeting which was reviewed and forwarded to the October 5, 2015, Regular Meeting for first reading and public hearing. The “results neutral” crosswalk of the various elements of the Comprehensive Plan creates a more user-friendly Comprehensive Plan that is easier to read, understand, and apply. The crosswalk assures that the existing goals, objectives, and policies in the Comprehensive Plan that remain essential to the Town are preserved, while any extraneous content is eliminated. It also delineates strategies for successfully implementing the goals, objectives, and policies. Through the crosswalk effort, the existing goals, objectives, and policies of the Potable Water, Solid Waste, and Wastewater elements of the Plan have been converted into the framework for the new Comprehensive Plan. Following first reading, public hearing and discussion, Ordinance 2015-20 was forwarded to the State for review and comment, and is now before the Town Commission for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2015-20.

Town Clerk Trish Granger placed Ordinance 2015-20 on record by title only.

**Commr. Pastor moved to adopt Ordinance 2015-20 on second reading and public hearing. The motion was seconded by Commr. Zunz.**

**Mayor Duncan opened the public hearing.**

Planning, Zoning, and Building Department Director Alaina Ray presented an overview of Ordinance 2015-20 noting that Section 1.2.11 was incorporated into the document.

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

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

11. Ordinance 2015-30, Providing for Funding of Capital Improvements and Essential Services Through Imposition of Special Assessments

Ordinance 2015-30 was presented for Commission consideration and first reading at the November 9, 2015, Regular Workshop and Special Meeting. The Ordinance provides for the framework for funding capital improvements and essential services through imposition of special assessments. This item was forwarded to the December 7, 2015, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-30.

Town Clerk Trish Granger placed Ordinance 2015-30 on record by title only.

**Commr. Pastor moved to adopt Ordinance 2015-30 on second reading and public hearing. The motion was seconded by Vice Mayor Gans.**

11. Ordinance 2015-30, Providing for Funding of Capital Improvements and Essential Services Through Imposition of Special Assessments - Continued  
**Mayor Duncan opened the public hearing.**

Town Manager Dave Bullock presented an overview of Ordinance 2015-30. Commr. Zunz inquired and Town Manager Bullock and Town Attorney Maggie Mooney-Portale noted of no known previous non-ad valorem assessments by the Town.

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

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

**RESOLUTIONS**

12. Resolution 2015-30, Providing for an Initial Assessment for Gulf of Mexico Drive (GMD) Utility Undergrounding Project

Resolution 2015-30 approves an apportionment methodology for the GMD Project based on Equivalent Benefit Units (EBUs) and describes how the assessment roll will be maintained. It also includes an initial prepayment option for property owners who wish to prepay the assessments prior to issuance of bonds. Recommended Action: Pending discussion, pass Resolution 2015-30.

Town Clerk Trish Granger placed Resolution 2015-30 on record by title only.

**Commr. Pastor moved to pass Resolution 2015-30. The motion was seconded by Vice Mayor Gans.**

Town Manager Dave Bullock commented on Resolution 2015-30 and Attorney Chris Roe provided an overview of the assessment Resolution.

The following individuals commented on Resolution 2015-30:

Mr. John Summers, Emerald Harbor  
Mr. Larry Grossman, St. Judes Drive North.

Town Manager Bullock noted an amendment in the notice and footnotes on the bottom of the notice (Exhibit B). Attorney Roe commented on the development of methodology and the validation process.

Mr. Ed Zunz, Lands End Drive, commented on Resolution 2015-30.

Town Manager Bullock noted the development of the methodology was outlined in the Resolution. Town Attorney Maggie Mooney-Portale commented on the review and lack of written opinions for assessment methodology proposed by the Town's citizenry.

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

13. Resolution 2015-31, Electing to Use Uniform Method of Collecting Non Ad Valorem Assessments

Resolution 2015-31 expresses the Town's intention to use the tax bill collection method for the undergrounding assessments, commencing with the tax bill mailed in November 2016. The Resolution does not impose any assessments or obligate the Town to impose assessments. Resolution 2015-31 simply provides a mechanism to collect any future imposed assessments by use of the tax bill. Recommended Action: Pending discussion, pass Resolution 2015-31.

Town Clerk Trish Granger placed Resolution 2015-31 on record by title only.

**Commr. Larson moved to pass Resolution 2015-31. The motion was seconded by Commr. Pastor.**

Town Manager Dave Bullock noted the intent of the Resolution providing notice as required by law.

**Following 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.**

**RECESS:** 8:14 p.m. - 8:24 p.m.

**NEW BUSINESS**

14. Neighborhood Undergrounding

The Town Manager and consultants will present updated information as requested by the Town Commission at the November 9, 2015, Regular Workshop Meeting and at the Special Meeting which followed. Mr. Danny Brannon, Brannon & Gillespie, LLC; Attorney Duane Draper, and Attorney Chris Roe, Bryant, Miller & Olive; and Ms. Tara Hollis, Willdan Financial Services, will attend the December 7, 2015, Regular Meeting to assist with the presentation and answer any questions. Recommended Action: Pending discussion, provide direction to Manager.

Following comments, Town Manager Dave Bullock and Mr. Danny Brannon, Brannon & Gillespie, LLC, gave a PowerPoint presentation relating to the neighborhood undergrounding options. Discussions were held on the following topics/issues:

- clarification of the General Benefit Assessment of \$513.35
- proposed annual costs
- installation of fiber optics in undergrounded areas
- anticipated costs/number of parcels undergrounded without fiber optic lines
- neighborhood project versus fiber optic in areas already underground
- demand to Florida Power and Light Company (FPL) to update service lines
- FPL historically would not run fiber optic
- current fiber optic provider in Longboat/benefits for the Town to install Town owned lines
- undetermined ability to provide up-to-date fiber optic service if Town provided
- current uses for moving/providing medical information on patients between facilities

14. Neighborhood Undergrounding - Continued

- estimated (unverified) cost per parcel for fiber optic installation in areas currently undergrounded
- adding fiber to areas not currently included in the undergrounding projects.

**Commr. Larson moved to include the installation of dark cable/fiber to the currently undergrounded neighborhoods. The motion, seconded by Commr. Pastor, 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 Manager Bullock advised that the figures for the installation of dark fiber would be developed and provided to the Commission for their information.

Discussions were held on the parcel count utilized for properties currently undergrounded and a proposed 81.5%/18.5% assessment split between properties.

The following individuals commented on the Neighborhood Undergrounding Project:

Mr. Larry Grossman, St. Judes Drive North  
Mr. Ed Zunz, Lands End

**Following comments, Commr. Pastor moved to proceed with the 81.5%/18.5% funding mechanism presented this date. The motion was seconded by Commr. Larson. Subsequent to comments, the motion carried by a 6-1 roll call vote, as follows: Pastor, aye; Larson, aye; Younger, aye; Gans, aye; Zunz, no; Daly, aye; Duncan, aye.**

**Mayor Duncan noted direction to the Town Manager to develop and present for consideration at the December 14, 2015, Special Meeting, a draft Ordinance outlining the 81.5%/18.5% funding mechanism to fund the undergrounding of power lines in all currently non-undergrounded neighborhoods and to run fiber optic conduit cable capability down all streets throughout Longboat Key including those streets where power lines are already currently underground.**

Discussion ensued on the cost allocation for additional dark fiber in the undergrounded areas and the associated costs for those areas.

**Commr. Younger moved to include an assessment of 18.5% from those areas without current undergrounding for the installation of dark fiber in the undergrounded areas. The motion died for lack of second.**

Commr. Larson inquired and Town Manager Bullock confirmed the following:

- the neighborhoods currently overhead will be paying 100% of dark fiber costs
- the current undergrounded areas will be paying for the loop
- the currently undergrounded areas will be paying for 100% of their dark fiber costs.

14. Neighborhood Undergrounding - Continued

Following individual comments, Town Attorney Mooney-Portale advised it was unnecessary to re-motion and/or revote on the direction provided this date.

15. Amendment to Town Manager Contract

At the November 9, 2015 Regular Workshop Meeting the Commission held discussion regarding the Town Manager's annual performance evaluation. The Commission directed the Town Attorney to draft a Contract Amendment for consideration at the December 7, 2015 Regular Meeting. The contract amendment provides for 15 days additional vacation per year. Recommended Action: Pending discussion, authorize Mayor to execute Contract Amendment.

**Following individual comments on the additional days and anticipated scheduling of those days, Commr. Larson moved to approve the Town Manager's Contract Amendment providing for 15 additional vacation days. The motion, seconded by Commr. Pastor, carried by a 6-1 roll call vote, as follows: Larson, aye; Pastor, aye; Daly, aye; Younger, no; Zunz, aye; Gans, aye; Duncan, aye.**

**TOWN COMMISSION COMMENTS**

A. Public Works

**Mayor Duncan commented on the clean-up of the red tide in the commercial areas and requested that the issue be scheduled on a future Workshop agenda, without objection.**

B. Tennis Center

Commr. Younger noted the end of an annual tennis tournament at the Tennis Center noting a record number of participants, advised that it was handled by the Friends of Tennis, and noted the benefit to the Town in showcasing Longboat Key.

Commr. Larson suggested additional marketing/advertising of the event in future years to ensure adequate local coverage.

**TOWN ATTORNEY COMMENTS**

A. Advisory Boards/Code Enforcement Board

Town Attorney Maggie Mooney-Portale noted the previously scheduled training session for the Code Enforcement Board has been moved to their January 11, 2016 Regular Meeting.

B. Ordinances

Town Attorney Maggie Mooney-Portale advised that Staff will be providing an update on the review of the noise/sound regulations requested by the Commission at an upcoming meeting.

A. Advisory Boards/Code Enforcement Board – Continued

Commr. Younger commented on the training for the Code Enforcement Board and the processes being utilized to prosecute the cases.

**TOWN ATTORNEY COMMENTS** - Continued

**B. Ordinances** – Continued

Mayor Duncan commented on previous Commission direction and authorization to purchase equipment and Town Attorney Mooney-Portale advised that Staff will be seeking additional Commission consensus on the process to proceed.

Upon inquiry, Town Attorney Mooney-Portale confirmed that the City of Sarasota does utilize decibel levels in their Code of Ordinances.

**A. Advisory Boards/Code Enforcement Board** – Continued

Commr. Younger requested that the structure of the Code Enforcement Board and the process be discussed at a future Workshop.

Mayor Duncan advised that he had been made aware of an enterprise that may be placing advertisements on the sides of boat and noted concern that the issue may become a future code enforcement concern.

**TOWN MANAGER COMMENTS**

**A. Emergency Management**

Town Manager Dave Bullock provided an update on the dispatch consolidation efforts.

**B. Public Works**

Town Manager Dave Bullock provided an update on the removal of peafowl from the area of the Village.

Commr. Zunz noted a meeting regarding the removal with the trapper engaged to perform the service.

**C. Public Works**

Town Manager Dave Bullock advised that he and Staff held a conference call relating to the Beach permitting and noted that additional measures will be required relating to turtle nesting.

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

**ADJOURNMENT**

**Mayor Duncan adjourned the December 7, 2015, Regular Meeting at 10:03 p.m.**

Minutes Approved: 01-04-2016