

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP
DECEMBER 14, 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 December 14, 2015, Regular Workshop to order at 1:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Younger led the Pledge of Allegiance.

Mayor Duncan noted the Civility Policy and read the Pledge of Public Conduct.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Police Department/Code Enforcement

Mr. Mark Zintel, Cedar Street, commented on lack of Code Enforcement relating to short term rentals in the R-6 Zoning District and also commented the park in Longbeach Village with individuals leaving personal property (vessels) on public land.

B. Public Works

Mr. Michael Drake, Longboat Drive South, commented on the pedestrian crosswalk locations and requested consideration for installation of an additional crosswalk in the area of Broadway Street.

Discussion ensued on the location of crosswalks, roundabouts, and sidewalks in the Broadway Street area.

Commr. Larson requested consideration to draft correspondence requesting the support of the Manatee County Commission and the Florida Legislature in obtaining a roundabout in the Broadway Street area.

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. Legislation

Commr. Larson noted the ManaSota League of Cities had transmitted their legislative priorities to the Florida Legislature.

5. Other Reports

A. Organizations

Commr. Daly noted attendance at the Metropolitan Planning Organization (MPO) meeting held earlier this date and reviewed the issues discussed.

Mayor Duncan commended Commr. Daly for his efforts.

B. Legislation

Mayor Duncan noted and discussed proposed legislation to be considered in Tallahassee in the upcoming session.

6. Presentations - Manatee County and Sarasota County School Superintendents – Dr. Diana Greene and Lori White

Mayor Duncan welcomed Dr. Diana Greene and Ms. Lori White from the Manatee and Sarasota County School Boards. Sarasota County School Superintendent Lori White gave a PowerPoint presentation on the Sarasota County School District. Discussions were held on the following topics/issues:

- funding for new schools
- impact fees
- per capita funding/revenue sources
- number of Longboat Key students in the Sarasota County School District.

Manatee County School Superintendent Dr. Diana Greene gave a PowerPoint presentation on the Manatee County school system. Discussions were held on the following topics/issues:

- Early Learning initiative
- Driver's Education classes
- impact of Lake Flores development on school system
- information share of students in Longboat zip code
- providing meals to students/correlation to student achievement
- school choice in selection of district schools.

Mayor Duncan thanked Dr. Greene and Ms. White for their presentations.

17. Other Business

A. Personnel

Mayor Duncan noted the absence of Susan Phillips, Assistant to Town Manager.

CONSENT ITEMS

7. Authorization for Town Manager to Execute Amendment #1 to Florida Department of Environmental Protection (FDEP), Beach Management Funding Assistance Program Grant Agreement No. 14ME2, Longboat Key Beach Nourishment

The Town and FDEP entered into Agreement No. 14ME2 on December 15, 2014, that provides cost sharing for beach management program projects. Amendment 1 to this agreement increases the amount of funding for our beach program by \$1,829,974. Recommended action: Approval of the Consent Agenda will forward this item to the January 4, 2016, Regular Meeting Consent Agenda for formal action.

CONSENT ITEMS - Continued

8. Proposed Resolution 2016-02, Supporting the ManaSota League of Cities 2016 Legislative Priorities

At the November 12, 2015, ManaSota League of Cities Meeting, a request was forwarded for each member City to adopt a Resolution expressing support for the 2016 ManaSota League of Cities Legislative Priorities with the intent of forwarding those Resolutions to the Florida Legislature. Recommended Action: Approval of the Consent Agenda will forward Resolution 2016-02 to the January 4, 2016, Regular Meeting for formal action

9. Proposed Interlocal Agreement with Leon County Sheriff's Office for IT Support Services

IT Director Jason Keen proposes renewal of an interlocal agreement with Leon County Sheriff's Office which expires on December 31, 2015. The interlocal agreement provides for continuation of services for access to FDLE data and services until such time the Dispatch Consolidation with Sarasota County is complete. Recommended Action: Approval of the Consent Agenda will forward the Interlocal Agreement with Leon County Sheriff's Department to the December 14, 2015, Special Meeting for formal action.

There was consensus to approve Consent Agenda Items 7 through 9 in accordance with Staff reports and recommendations.

DISCUSSION ITEMS

10. Proposed Ordinance 2016-01, Establishing a Gulf of Mexico Drive Undergrounding Fund and Budget

On November 3, 2015, the Town's electors voted to authorize the Town's borrowing of up to \$25,250,000 for the undergrounding of utilities and street lighting along Gulf of Mexico Drive. Proposed Ordinance 2016-01 establishes a new capital fund and budget to account for all revenue sources and expenditures associated with this new capital project. Recommended Action: Pending discussion, forward Ordinance 2016-01 to the December 14, 2015, Special Meeting for first reading and public hearing.

Mayor Duncan noted that Items 10 through 12 were inter-related and that all speaker requests would be held until Staff provided an overview of the items.

Town Manager Dave Bullock provided an overview of Ordinance 2016-01.

Following comments, there was consensus to forward Ordinance 2016-01 to the December 14, 2015, Special Meeting, for first reading and public hearing.

11. Proposed Ordinance 2016-02, Provides Funding for Pre-Referendum Work for Utilities Undergrounding Project for Neighborhoods and Side Streets

Following approval of the referendum for undergrounding utilities along the Gulf of Mexico Drive corridor, the Town Commission directed staff to move forward with preparations for a second referendum question for undergrounding utilities within neighborhoods and on side streets. Proposed Ordinance 2016-02 provides for funding for the pre-referendum work relating to the second referendum. Recommended Action: Pending discussion, forward Ordinance 2016-02 to the December 14, 2015, Special Meeting for first reading and public hearing.

11. Proposed Ordinance 2016-02, Provides Funding for Pre-Referendum Work for Utilities Undergrounding Project for Neighborhoods and Side Streets - Continued
Town Manager Dave Bullock provided an overview of Ordinance 2016-02.

Mr. Michael Lendrihas inquired as to allowing public comments on the agenda items. Mayor Duncan advised that Items 10 through 12 were inter-related and that all public comment would be taken during consideration of Item 12 for the three items.

Following comments, there was consensus to forward Ordinance 2016-02 to the December 14, 2015, Special Meeting, for first reading and public hearing.

RECESS: 2:25 p.m. – 2:35 p.m.

12. Proposed Ordinance 2016-05, Providing for Referendum to Underground Utilities in Neighborhoods and Side Streets

Proposed Ordinance 2016-05 provides for a second referendum question and debt authorization relating to the Neighborhood and Side Streets Utility Undergrounding Project anticipated to be posed to the Town's electorate in March 2016. Recommended Action: Pending discussion, forward Ordinance 2016-05 to the December 14, 2015, Special Meeting for first reading.

Town Manager Dave Bullock gave a PowerPoint presentation on Ordinance 2016-05. Discussions were held with Town Manager Bullock, Mr. Danny Brannon of Brannon and Gillespie Associates, Ms. Tara Hollis of Wildan Financial Services, Attorney Duane Draper, and Attorney Chris Roe on the following topics/issues:

- calculation of assessments
- lines from mainland and associated costs
- identification of facilities that need to be looped
- change in standards/requirement for compliance with new standards
- providing copies of presentation to citizens
- determination of individual property costs
- impact on homestead property with statutory cap
- lack of statutory cap on non-ad valorem assessments
- lack of statutory remedy if assessment is not affordable.

The following individuals commented on Ordinance 2016-05:

Mr. Dan Whelen, Firehouse Court
Mr. Michael Drake, Longboat Drive South
Mr. Peter Walker, Longboat East
Mr. Joe Mazza, Poinsetta Avenue
Mr. Tom Freiwald, Spanish Drive North
Ms. Karen Feeney, Broadway Street
Margaret Watkins, Longboat Drive North
Mr. Pete Rowan, Broadway Street
Mr. Stephen Garrod, Russell Street

12. Proposed Ordinance 2016-05, Providing for Referendum to Underground Utilities in Neighborhoods and Side Streets - Continued

Attorney Draper commented on the assessment review and Attorney Roe noted provisions in Florida Statutes relating to assessments. Discussions were held on the following topics/issues:

- consideration of a “flat assessment” for public improvements
- statutory process for various infrastructure projects
- validation process
- option to establish taxing districts.

The following individuals commented on Ordinance 2016-05:

Ms. Madelene Stewart, Hughes Street
Mr. McCord Fraser, Longboat Dr. N.
Mr. Ken Fearing, El Centro
Mr. Thomas Skillman, Fox Street
Mr. Ed Zunz, Lands End Drive
Mr. Larry Grossman, St. Judes Drive N.

RECESS: 4:35 p.m. - 4:45 p.m.

The following individuals commented on Ordinance 2016-05:

Ms. Carla Rowan, Broadway Street
Mr. Mark Zintel, Cedar Street

Discussions were held on the following topics/issues:

- inclusion of districts versus town-wide
- cost impact if project is postponed
- previous Commission action/change in estimated costs
- attendance permitted of any individual during validation process
- Statutory requirements for the “benefit” test
- costs for utility services during construction
- assessment process/options to modify assessment amount
- deadline to provide Supervisor of Elections with ballot language by January 8, 2016
- public information schedule to be established
- site specific information/underground versus overhead criteria
- options to reconsider separate districts/opt-out.

Subsequent to discussion, there was consensus to not reconsider separate improvement districts.

Town Manager Bullock advised that the Ballot question had been revised removing numbers (i) and (ii) from the drafted Ordinance.

12. Proposed Ordinance 2016-05, Providing for Referendum to Underground Utilities in Neighborhoods and Side Streets - Continued

There was consensus to forward Ordinance 2016-05, as amended, to the December 14, 2015, Special Meeting, for first reading and public hearing.

13. Proposed Resolution 2016-01, Special Assessment Revenue Bonds (Gulf of Mexico Drive Undergrounding Project)

On November 3, 2015, the Town's electors voted to authorize the Town's borrowing of up to \$25,250,000 for the undergrounding of utilities relating to Gulf of Mexico Drive. A Master Bond Resolution is required to move forward with the Gulf of Mexico Drive Undergrounding Project. Proposed Resolution 2016-01 is presented to complete the requirement for the Master Bond Resolution and is presented for Commission consideration. Recommended Action: Pending discussion, forward Resolution 2016-01 to the December 14, 2015, Special Meeting for formal action.

Town Manager Dave Bullock provided an overview of Resolution 2016-01 advising that the Resolution was to be forwarded to the January 4, 2016, Regular Meeting in lieu of the December 14, 2015, Special Meeting. Attorney Duane Draper provided an overview of the Master Bond Resolution and reviewed the process for approval.

There was consensus to forward Resolution 2016-01 to the December 14, 2015, Special Meeting for formal action. (See Item later this meeting.)

14. Proposed Resolution 2015-28, Providing for Funding for Peafowl Reduction in Longbeach Village

The Town Commission directed staff to undertake reduction of peafowl within the Longbeach Village area of Longboat Key. No funding was provided for peafowl removal within the FY 2015-2016 Budget. The Finance Director has prepared proposed Resolution 2015-28 to provide for a budget transfer from Town Commission Contingency to General Services to create a line item providing for payment of peafowl removal services. Recommended Action: Pending discussion, forward Resolution 2015-28 to the December 14, 2015, Special Meeting for formal action.

Town Manager Dave Bullock provided an overview of Resolution 2015-28 relating to removal of peafowl in the Village area.

Discussions were held on the removal of all the peacocks and restrictions on banning species.

There was majority consensus to not remove all the peacocks from the island.

13. Proposed Resolution 2016-01, Special Assessment Revenue Bonds (Gulf of Mexico Drive Undergrounding Project) – Continued

Following inquiry by Town Attorney Maggie Mooney-Portale, there was consensus to forward Resolution 2016-01 to the January 4, 2016, Regular Meeting, for formal action. (See Item earlier this meeting.)

14. Proposed Resolution 2015-28, Providing for Funding for Peafowl Reduction in Longbeach Village - Continued

Ms. Judith Chable, Longboat Court, commented on the removal of peacocks.

Following individual comments, there was consensus to forward Resolution 2015-28 to the December 14, 2015, Special Meeting for formal action.

15. Request for Referendum from Mr. James Brearley for Properties Located at 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive

Mr. James Brearly, representing Floridays Development Company has submitted a request for a referendum to allow the Town to consider conversion of properties to Tourism Use with a maximum density not to exceed 6 units per acre. Mr. Brearley requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray provided an overview of the property site under consideration. Discussions were held on the following topics/issues:

- process for approval if a referendum was successful
- referendum request withdrawn by Mr. Snyder
- impact on bank building/gas station properties.

Mr. James Brearly, representing Floridays Development Company provided an overview on the referendum request and supported approval.

Mr. Angus Rogers, CEO of Floridays Development Company, commented on the company's experience. Commr. Zunz inquired and Mr. Rogers confirmed that Floridays retains ownership of the property.

Discussions were held on the following topics/issues:

- referendum (petition) process
- needed improvements to North end gateway
- removing hurdles required in the petition process
- previous waivers for the Longboat Key Club on the petition process.

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

There was majority consensus to approve the request to waive the petition process for a voter referendum for the properties located at 6910, 6916, and 6920 Gulf of Mexico Drive and 6919, 6927, and 6931 Palm Drive .

There was consensus to direct staff and the Town Attorney to work with the applicant to draft a proposed Ordinance and referendum language and review for legal correctness in accordance with Article 7, Section 1-C, of the Town Charter.

15. Request for Referendum from Mr. James Brearley for Properties Located at 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive - Continued

There was consensus to direct the Town Clerk's office to contact the Supervisor of Elections offices to determine an available election date for a special referendum election.

There was consensus to forward the Ordinance, once drafted, to the next available Regular Meeting once legal sufficiency has been established for first reading.

16. Update on Dispatch Consolidation Process

The Fire Chief and Police Chief will provide a brief update on the Police and Emergency Services Dispatch Consolidation with Sarasota County. Recommended Action: None, informational only.

Following comments by Town Manager Dave Bullock, Fire Chief Paul Dezzi and Police Chief Pete Cumming gave a PowerPoint presentation updating the dispatch consolidation process.

Mayor Duncan requested that a demonstration be provided for the Town Commission.

17. Discussion of Commission Districts

At the December 7, 2015, Regular Meeting the Town Commission voted to place a discussion item regarding the topic of Commission Districts on the next Regular Workshop Meeting. Sections of the Town Charter and Code relevant to Commission Districts will be reviewed. Recommended Action: Pending discussion, forward to January 19, 2016, Regular Workshop for additional discussion.

Town Manager Dave Bullock noted that Staff had provided Charter and Code information relating to the Town Commission Districts.

Mayor Duncan requested and Commr. Younger commented on the established districts and requested consideration to modify the districts from three to five districts with four at-large districts. Discussions were held on the impact of majority seats being at-large and options to discuss the charter review process.

There was majority consensus to not forward the Commission District discussion to the January 19, 2016, Regular Workshop.

There was majority consensus to postpone discussion of Commission Districts until after the undergrounding projects were underway.

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock noted receipt and read correspondence from Ms. Debra Getzoff relating to the permit status for the New Pass project.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Duncan noted a Special Meeting immediately following the Regular Workshop and adjourned the December 14, 2015, Regular Workshop at 6:58 p.m.

Minutes Approved: 01-04-2016