

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
JANUARY 4, 2016 - 7:00 P.M.**

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

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

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**Mayor Duncan called the January 4, 2016, Regular Meeting to order at 7:03 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Vice Mayor Gans led the Pledge of Allegiance.**

Mayor Duncan noted the Civility Policy and read the Pledge of Public Conduct and read the rules of procedure outlined in the Town Code.

**Mayor Duncan noted the order of the items on the agenda and following comments, Commr. Pastor moved to reorder agenda items 14 and 13, following the Consent Agenda. The motion was seconded by Commr. Larson.**

Following comments, Town Attorney Maggie Mooney-Portale commented on the order of the agenda items and requested the items be considered in the following order: Items 14, 13, 11, 10 and 12.

**Commr. Pastor amended the motion to reorder agenda items 14, 13, 11, 10, and 12 following the Consent Agenda. The motion, seconded by Commr. Larson, carried by a 7-0 voice vote.**

**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 peafowl in the Village area and recommended the Commission workshop the issue of increasing public participation at meetings.

**APPROVAL OF MINUTES**

**2. November 9, 2015 Joint Workshop Meeting with Town Commission and Planning & Zoning Board; December 7, 2015 Regular Meeting; December 14, 2015 Regular Workshop; and December 14, 2015 Special Meeting Minutes.**

**Commr. Zunz noted the December 14, 2015, Regular Workshop Minutes should be amended to reflect consideration of changing from five districts to three districts.**

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

**COMMITTEE REPORTS AND COMMUNICATIONS**

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

**COMMITTEE REPORTS AND COMMUNICATIONS** - Continued

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

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

6. Other Reports - No items were presented.

**CLOSING AND ACTION ON CONSENT AGENDA**

7. Request for Town Support for Longboat Key Chamber Concert and Fireworks Event

At the October 5, 2015 Regular Meeting the Town Commission approved funding assistance for a concert, fireworks, and picnic to celebrate the Town's 60<sup>th</sup> Anniversary. The fireworks portion of the event was cancelled due to weather conditions and has been rescheduled for January 23, 2016. The Longboat Key Chamber of Commerce is requesting Town Commission support for a concert and fireworks event at Bayfront Park on January 23, 2016. There is no request for funding assistance except in the form of "in kind" services from Town staff. Recommended Action: Approval of the Consent Agenda will approve the Chamber request for Town support for the January 23, 2016 Concert and Fireworks event.

8. Authorization for Town Manager to Execute Amendment #1 to Florida Department of Environmental Protection (FDEP), Division of Water Restoration Assistance 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. This item was forwarded for formal action from the December 14, 2015 Regular Workshop Meeting Consent Agenda. Recommended Action: Approval of the Consent Agenda will authorize the Manager to execute Amendment 1 to FDEP Grant Agreement 14ME2.

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

**RESOLUTIONS - PUBLIC HEARINGS**

14. Resolution 2016-03, Final Assessment Resolution

On December 7, 2015, the Town Commission adopted Resolution 2015-30 (the "Initial Assessment Resolution") which initiated the process for funding the Gulf of Mexico Drive Undergrounding Project (the "Project") through special assessments. The Town mailed Special Assessment Notices to all Property Owners on December 14, 2015, which contained: (1) a notice of their right to appear at the January 4, 2016 public hearing; (2) instruction to file written objections within twenty (20) days of the notice; (3) where to find the Initial Assessment Resolution and information related to the preliminary assessment roll; (4) the number of safety, reliability and aesthetic Equivalent Benefit Units (EBU's) assigned to their parcel; (5) the total assessment, if prepaid; and (6) the maximum annual payment over a 30 year financing arrangement. Resolution 2016-03 provides for the Final Assessment Resolution and will approve the maximum amount of the assessments, approve the assessment roll, and specify the method of collecting the assessments. Recommended Action: Pending discussion and public hearing, pass Resolution 2016-03.

14. Resolution 2016-03, Final Assessment Resolution - Continued

Town Clerk Trish Granger placed Resolution 2016-03 on record for public hearing by title only.

**Commr. Pastor moved to pass Resolution 2016-03. The motion was seconded by Vice Mayor Gans.**

**Mayor Duncan opened the public hearing.**

Town Manager Dave Bullock introduced Mr. Danny Brannon with Brannon and Associates, and Ms. Tara Hollis, Wildan Associates. Town Manager Bullock, Mr. Brannon, and Ms. Hollis gave a PowerPoint presentation and overview of Resolution 2016-03.

Discussion was held on the boat storage facility located at 408 Gulf of Mexico Drive (GMD).

**Commr. Larson moved to reflect the boat storage property located at 408 GMD as one commercial facility. The motion was seconded by Vice Mayor Gans.**

The following individuals commented on the proposed modification to the property located at 408 Gulf of Mexico Drive (GMD):

Mr. William Cook, Gunwale Lane  
Mr. Gene Jaleski, Cedar Street (submitted written comments)  
Ms. Susan Rinehart, Bird Key Drive, Sarasota (submitted photo)  
Mr. David Weir, Gulf of Mexico Drive (did not submit speaker form).

Discussion ensued on the following topics/issues:

- confirmation that the property tax roll does reflect the units as a condominium facility
- consideration of other properties as a "special exception"
- impact on cost to other properties if some are reduced
- revenue reduction contingency account
- option to readjust and/or re-notice assessment amounts and procedure required
- required continuance if reassessment is directed
- consideration of other areas that may be considered for a reduced assessments (boat slips, golf course, and Jewfish Key)
- substantial reduction in contingency balance to modify the assessment for the property at 408 GMD (estimated balance of \$80,000)
- what the impact on assessment roll would have been if information was known at the time of the initial assessment
- parcel on Broadway to reduce the contingency balance.

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

Discussion ensued on the following topics/issues:

- option to recover the revenue as a result of the action taken on the boat facility
- impact on contingency balance

14. Resolution 2016-03, Final Assessment Resolution - Continued

- process required if cost is spread on remaining parcels (re-noticing and rehearing)
- implications or consequences if assessments are adjusted to cover lost revenue for the boat facility.

Following clarification on action needed, the presentation continued, with discussions held on the assessment for Harbourside Golf Course and Jewfish Key properties.

Following comments by Town Manager Bullock, Attorney Chris Roe provided an overview of the results on adoption of the Final Assessment Resolution 2016-03 and advised that the assessment roll and Resolution would need to be modified to reflect the action of the Commission.

**RECESS:** 8:32 p.m. – 8:45 p.m.

The following individuals commented on Resolution 2016-03, with discussions held throughout speaker comments:

Mr. John Brewer, Twin Shores Boulevard  
Mr. Jules Rauch, Norton Street  
Mr. Joe Mazza, Poinsettia Avenue  
Mr. John Summers, Emerald Harbor Drive  
Mr. Gene Jaleski, Cedar Street.

Upon inquiry, Mr. Brannon noted the total wattage utilized on power poles, advised of his experience with Florida Power and Light Company (FPL) confirming that he was unaware of any deaths or greater bodily danger on the utilization of underground versus overhead services, and commented on the aesthetics benefit for properties.

Mr. Jerry Whitehead inquired and Attorney Roe commented on the requirements for the Town to file the assessment notice in the public records of the county where the property is located.

Mr. Larry Grossman, St. Judes Drive, submitted written comments and commented on Resolution 2016-03.

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

Town Manager Bullock advised that the written correspondence and log of phone calls will be entered into the record. Subsequent to comments, Attorney Roe submitted the following language for inclusion in the Resolution (renumbering existing sections):

Section 6:

(F) The boat storage facility located at 408 Gulf of Mexico Drive is subject to a condominium form of ownership, pursuant to which each of the approximately 194 boat storage units is individually owned and each has a tax parcel identification number assigned by the Property Appraiser. Notwithstanding anything herein or in the Assessment Report to the contrary, the Assessment for each Tax Parcel comprising a

boat storage unit in such facility shall be calculated by treating the entire boat storage facility as though it consists of one commercial building, and then dividing the Assessment for such building equally among the Tax Parcels comprising boat storage units. The Town Commission hereby determines that such treatment is warranted in light of the unique circumstances associated with the condominium form of ownership for boat storage units and represents a fair and reasonable allocation of the benefits and costs of the Project among those units. The Assessment Roll shall reflect the treatment of the boat storage facility approved hereunder.

Discussion ensued on the exception for the property located at 408 Gulf of Mexico Drive.

**Commr. Larson moved to incorporate the language as submitted by Attorney Roe, amending Resolution 2016-03. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Larson, aye; Younger, aye; Gans, aye; Duncan, aye; Pastor, aye; Zunz, aye; Daly, aye.**

**Following comments, the motion to pass Resolution 2016-03, as amended, carried by a 7-0 roll call vote, as follows: Pastor, aye; Gans, aye; Daly, aye; Zunz, aye; Larson, aye; Younger, aye; Duncan, aye.**

13. Resolution 2016-01, Gulf of Mexico Utility Undergrounding Bond Resolution

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 relating to Gulf of Mexico Drive. A Master Bond Resolution is required to move forward with the Gulf of Mexico Drive Undergrounding Project. Resolution 2016-01 was forwarded from the December 14, 2015, Regular Workshop Meeting to fulfill requirement for the Master Bond Resolution and requires the Town Commissioners to sign the Certificate as to Public Meetings and No Conflict of Interest form following formal action on the Resolution. Recommended Action: Pending discussion and public hearing, pass Resolution 2016-01.

Town Clerk Trish Granger placed Resolution 2016-01 on record for public hearing by title only.

**Commr. Larson moved to pass Resolution 2016-01. The motion was seconded by Commr. Pastor.**

**Mayor Duncan opened the public hearing.**

Town Manager Dave Bullock introduced Attorney Duane Draper. Following comments by Mayor Duncan, Town Manager Bullock and Attorney Draper gave a PowerPoint presentation and overview of Resolution 2016-01.

**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: Larson, aye; Pastor, aye; Duncan, aye; Zunz, aye; Gans, aye; Daly, aye; Younger, aye.**

**ORDINANCES - SECOND READING AND PUBLIC HEARING**

**11. Ordinance 2016-05, Providing for Referendum to Underground Utilities in Neighborhoods**

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. Ordinance 2016-05 was considered at the December 14, 2015, Regular Workshop Meeting, and was amended prior to first reading and public hearing at the December 14, 2015, Special Meeting. Ordinance 2016-05 was forwarded to the January 4, 2016, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-05.

Town Clerk Trish Granger placed Ordinance 2016-05 on record for second reading and public hearing by title only.

**Commr. Larson moved to adopt Ordinance 2016-05. The motion was seconded by Commr. Pastor.**

**Mayor Duncan opened the public hearing.**

Following comments, Town Manager Dave Bullock and Ms. Tara Hollis, Wildan Associates, gave a PowerPoint presentation and overview of Ordinance 2016-05. Discussions were held on the following topics/issues:

- cost allocation assigned to relocation/undergrounding relating to 84 poles
- single family assessment examples/determination of classifications
- option for alternative approach to neighborhood undergrounding
- election schedule/impact on Gulf of Mexico Drive project
- development of formulas relating to the benefit units.

**RECESS:** 10:30 p.m. – 10:45 p.m.

Discussions were held throughout the following speaker comments on Ordinance 2016-05:

Ms. Susan McAnany, Hornblower Lane  
Mr. Terry Hart, Gulf of Mexico Drive  
Mr. Alan Luke, Longboat Drive South  
Mr. Robert Guernsey, Outrigger Lane  
Ms. Karen Feeney, Broadway  
Mr. Ken Watkins, Longboat Drive North  
Ms. Alycia Craft, Binnacle Point Drive  
Ms. Margaret Watkins, Longboat Drive North  
Mr. Jules Rauch, Norton Street  
Ms. Susan Jones, Emerald Harbor Drive  
Mr. Ronald Lee, Birdie Lane/Halyard Lane  
Mr. Frank Ward, Cutter Lane

11. Ordinance 2016-05, Providing for Referendum to Underground Utilities in Neighborhoods - Continued

Ms. Linde Ward, Cutter Lane  
Ms. Cheryl Fraser, Longboat Drive North  
Mr. Gene Jaleski, Cedar Street  
Mr. Tom Freiwald, Spanish Drive North (representing Spanish Main and Longboat Key Revitalization Task Force/submitted written comments)  
Mr. George Spoll, Harbourside Drive  
Mr. Armando Linde, Cutter Lane

Discussion ensued on the impact to the smaller percentage of voters on the North end of Longboat Key.

Discussions were held with Mr. Lenny Landau and following inquiry, Attorney Duane Draper commented on the necessity to educate voters prior to a vote on a referendum. The following individuals commented on Ordinance 2016-05:

Mr. Joe Mazza, Poinsettia Drive  
Mr. Gary Coffin, Ketch Lane

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

Discussions were held on the following topics/issues:

- power outages in the Lands End area
- consideration of alternative funding options
- concept offered by the Longboat Key Revitalization Task Force
- option to postpone referendum until August 2016
- majority of registered voters with lower cost carrying vote
- option to set-up separate districts for neighborhoods interested in pursuing undergrounding
- option to have threshold of voters required to establish a district
- staff and consultant reviews and recommendations.

**Following comments, the motion carried by a 5-2 roll call vote, as follows: Larson, aye; Pastor, aye; Zunz, no; Daly, aye; Younger, no; Gans, aye; Duncan, aye.**

10. 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. Ordinance 2016-01 establishes a new capital fund and budget to account for all revenue sources and expenditures associated with this new capital project. First reading and public hearing of Ordinance 2016-01 was held at the December 14, 2015, Special Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-01.

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

Town Clerk Trish Granger placed Ordinance 2016-01 on record for second reading and public hearing by title only.

**Commr. Pastor moved to adopt Ordinance 2016-01. The motion was seconded by Vice Mayor Gans.**

**Mayor Duncan opened the public hearing.**

Town Manager Bullock gave an overview of Ordinance 2016-01. Discussions were held on the financial impact (cost savings) on relocation of poles on Gulf of Mexico Drive (GMD) if the second referendum is passed.

**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; Gans, aye; Younger, aye; Daly, aye; Zunz, aye; Duncan, aye; Larson, aye.**

12. Ordinance 2016-02, Provides for Reimbursement to General Fund and Provides Funding for Referendum 2

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. Ordinance 2016-02 provides for funding for the pre-referendum work relating to the second referendum. First reading and public hearing of Ordinance 2016-02 was held at the December 14, 2015, Special Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-02.

Town Clerk Trish Granger placed Ordinance 2016-02 on record for second reading and public hearing by title only.

**Commr. Larson moved to adopt Ordinance 2016-02. The motion was seconded by Commr. Pastor.**

**Mayor Duncan opened the public hearing.**

Town Manager Bullock provided an overview of Ordinance 2016-02.

**Commr. Larson moved to amend the motion to include direction to the Town Manager to work with the consultants on properties identified in previous public hearings. Following comments, Commr. Larson withdrew the motion.**

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

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

12. Ordinance 2016-02, Provides for Reimbursement to General Fund and Provides Funding for Referendum 2 - Continued

**Commr. Larson moved to direct the Town Manager to continue to work with the Consultant to research the issues relating to Spanish Main and Club Longboat and to review previous case law relating to the cost of upgrading of undergrounding services. Following comments, there was consensus to provide the direction to the Town Manager.**

**Commr. Zunz requested that the following properties also be reviewed: Conrad Beach, Lands End, and Longbeach Condominiums and Commr. Younger requested inclusion of Bayport property, without objection.**

Upon inquiry, Town Manager Bullock noted the properties for additional review.

Following comments, Town Attorney Maggie Mooney-Portale commented on information received from previous counsel relating to a Public Service Commission (PSC) rule relating to the upgrading of infrastructure and radial looping.

**Commr. Larson withdrew the request for review of case law on the upgrading of underground services, without objection.**

9. 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. Ordinance 2015-29, which provides for the pass-through to become effective corresponding with the Manatee County effective date, was forwarded from the December 7, 2015, Regular Meeting following first reading. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-29.

Town Clerk Trish Granger placed Ordinance 2015-29 on record for second reading and public hearing by title only.

**Vice Mayor Gans moved to adopt Ordinance 2015-29. The motion was seconded by Commr. Pastor.**

**Mayor Duncan opened the public hearing.**

Town Manager Bullock provided an overview of Ordinance 2015-29.

**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: Gans, aye; Pastor, aye; Zunz, aye; Daly, aye; Larson, aye; Younger, aye; Duncan, aye.**

## **RESOLUTIONS**

### **15. 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. Resolution 2016-02 was forwarded from the December 14, 2015, Regular Workshop for formal action. Recommended Action: Pending discussion, pass Resolution 2016-02.

Town Clerk Trish Granger placed Resolution 2016-02 on record by title only.

**Commr. Pastor moved to pass Resolution 2016-02. The motion was seconded by Vice Mayor Gans.**

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

## **NEW BUSINESS**

### **16. Proposed Ordinance 2016-07, Establishing Town Code Section 37.05, Interfund Loan Authorization for Unrestricted Funds**

Proposed Ordinance 2016-07 adds Section 37.05, Interfund Loan Authorization for Unrestricted Funds, to the Town Code and specifically authorizes the adoption of a specific policy by Resolution. This item is placed on the January 4, 2016, Regular Meeting under "New Business" for the purpose of workshop discussion. Recommended Action: Pending discussion, forward to January 19, 2016, Special Meeting for first reading.

Finance Director Sue Smith gave an overview of proposed Ordinance 2016-07 establishing Section 37.05 of the Town Code outlining an Interfund Loan Policy.

**Following comments, there was consensus to forward Ordinance 2016-07 to the January 19, 2016, Special Meeting for first reading.**

### **17. Proposed Resolution 2015-27, Establishing a Policy for Interfund Loans**

Proposed Resolution 2015-27, implements and provides for the formal adoption of a Financial Policy related to Interfund Loans, which is specifically proposed in Ordinance 2016-07. Resolution 2015-27 can only be considered following second reading, public hearing and adoption of Ordinance 2016-07. Assuming Ordinance 2016-07 moves forward, Resolution 2015-27 will be presented for formal action at the February 1, 2016, Regular Meeting. This item is placed on the January 4, 2016, Regular Meeting under "New Business" for the purpose of workshop discussion. Recommended Action: Pending discussion, forward to February 1, 2016, Regular Meeting for formal action.

Finance Director Sue Smith gave an overview of proposed Resolution 2015-27.

**Following comments, there was consensus to forward Resolution 2015-27 to the February 1, 2016, Regular Meeting for formal action.**

**TOWN COMMISSION COMMENTS**

**A. Public Works**

Commr. Younger inquired and Town Manager Dave Bullock commented on the timeframe for groundbreaking at the Bayfront Park Recreation Center.

**B. Police Department**

Commr. Younger commented on the Code Enforcement Board (CEB) and requested that a discussion be scheduled regarding the CEB.

**Following comments, there was consensus to schedule a Workshop discussion.**

**C. Town Commission**

Mayor Duncan commented on the Commission's dedication in consideration of the items scheduled this date.

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

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

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

**ADJOURNMENT**

**Mayor Duncan adjourned the January 4, 2016, Regular Meeting on January 5, 2016, at 1:13 a.m.**

Minutes Approved: 02-01-2016