

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
FEBRUARY 22, 2016 - 9:00 A.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 February 22, 2016, Special Meeting to order at 9:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, noted the Town's Civility Code, and read the Pledge of Public Conduct.

Vice Mayor Gans led the Pledge of Allegiance.

PUBLIC TO BE HEARD

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

At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

DISCUSSION ITEMS

2. Utility Undergrounding for Neighborhoods

At the February 1, 2016, Regular Meeting, the Town Manager provided a status of the utility undergrounding for neighborhoods and side streets. Additional information was presented for Commission consideration at the February 16, 2016, Special Meeting. Materials for this item will be distributed to Commissioners, and placed on the Town website, as soon as they are available. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock gave a PowerPoint presentation on the Neighborhood Undergrounding Project, Self-Undergrounding. Discussions were held with Town Manager Bullock, Attorney Chris Roe, with Bryant, Miller, and Olive, and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- recovery of "soft costs" from parcels that enter into self-undergrounding agreements
- amount of assessment if paid "upfront" versus the annual 30-year assessment
- timing for the determination of 30-year annual assessment
- impact of interest rate on bonds in determination of assessment amount/options to shorten term of bonds or reduce assessments
- previous determination that all neighborhoods must participate in lieu of offering "self-funding" process
- public's understanding of estimated cost provided/impact of changing the program causing a possible increase in assessment

2. Utility Undergrounding for Neighborhoods- Continued

- intent for individual parcel/property owner to enter into contract individually versus contracting with a condominium association(condo)/homeowners' association (HOA)
- statutory requirements for a majority vote by a condo/HOA to approve an assessed expense
- personal opinions on the accuracy of the Willdan Report/possible legal challenges
- impact on votes cast by absentee ballot when changing the process/procedure
- anticipated contract terms/parameters/approval process
- inability of parcel/property owners to comply with timeline outlined by Staff
- intent to provide transparency to voters
- property owners responsibility to underground all utilities in addition to power lines
- 50-foot parameter creating issues with the assessments
- assessment information provided to the public
- option to require a performance bond as a condition of the contract.

Vice Mayor Gans moved to proceed with Option 1 as follows:

Option 1: Move forward with project based on parcel configuration snapshot as it exists on May 9 snapshot.

The motion was seconded by Mayor Duncan.

Discussion ensued on the following topics/issues:

- intent of the motion to assess properties based on what exists on the property as of May 9, 2016
- proposed process for individual contracts with each property owner.

RECESS: 10:26 a.m. - 10:41 a.m.

The following individuals commented on the self-undergrounding option:

Mr. Gene Jaleski, Cedar Street
Mr. Don Lewin, representing Club Longboat, 5055 Gulf of Mexico Drive
Mr. Larry Grossman, St. Judes Drive North
Ms. Carla Rowan, Broadway Street
Mr. Lenny Landau, Fair Oaks Lane
Mr. Steve Reid, Longboat Key News

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

3. Other Business

A. Press Comments

Mayor Duncan noted the attendance and welcomed Mr. Jack Short, with the Longboat Key Observer. Mr. Short introduced himself and commented on his experience as a journalist.

2. Utility Undergrounding for Neighborhoods- Continued

Vice Mayor Gans thanked Staff for their efforts on developing options for self-undergrounding.

ADJOURNMENT

Mayor Duncan adjourned the February 22, 2016, Special Meeting at 11:05 a.m.

Minutes Approved: 03-07-2016