

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP
MARCH 23, 2016 - 1:00 P.M.**

Present: Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, Armando Linde, Irwin Pastor, Phill Younger, Ed Zunz

Also Present: Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Deputy Town Clerk Jo Ann Mixon

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Duncan called the March 23, 2016, Regular Workshop to order at 1:02 p.m. in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Younger led the Pledge of Allegiance.

Mayor Duncan explained the Civility Policy, read the Pledge of Public Conduct, and noted attendance by Florida Department of Transportation (FDOT) representatives David Wheeler and L.K. Nandem, Longboat Library representatives Ruth Strass, Mary Baker, and Hazel Steskal, and Assistant Town Attorney David Jackson.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. School Board

Former Commissioner Pat Zunz, Lands End, spoke in regard to the Campaign for Grade Level Reading.

B. Public Works

Mr. Larry Grossman, St. Judes Drive North, spoke in regard to the Manatee County portion of Longboat Key Neighborhood Undergrounding referendum results, and the St. Armands Circle proposed parking garage funding.

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 - No items were presented.

5. Other Reports

A. Public Works

Town Manager Dave Bullock reported the Florida Department of Transportation (FDOT) planned to install a sidewalk, at the north end of the Longboat Key, to connect the existing sidewalk to Longboat Pass Bridge, and a crosswalk installation.

COMMITTEE REPORTS AND COMMUNICATIONS- Continued

5. Other Reports- Continued

A. Longboat Key Sidewalk Project - Continued

Florida Department of Transportation (FDOT) representatives David Wheeler and L.K. Nandem displayed a PowerPoint presentation regarding the Longboat Key Sidewalk Project for Gulf of Mexico Drive/State Route 789. Discussions were held on the following topics/issues:

- pedestrian crosswalks along Gulf of Mexico Drive (GMD)
- Broadway Street pedestrian crosswalk/future roundabout
- oncoming vehicle traffic from the north end bridge (blind curb)
- GMD posted speed limit (Florida Department of Transportation study underway)
- early warning blinking light identifying upcoming traffic condition
- advanced notice signage.

Mr. Nandem reported on the pedestrian crosswalks, sidewalk continuance on the East side of GMD, existing guardrails, and possible future roundabout. Discussions were held on the following topics/issues:

- crosswalk signage and existing conditions
- red blinking light versus yellow blinking lights at the crosswalks/warning signs
- sidewalk on the West side of GMD (Broadway Street/GMD)
- wooden sidewalk versus concrete sidewalk
- uniqueness of Longboat Key pedestrians using the crosswalk
- recent St. Armand's Circle crossing guard exercise
- State Road 789 bridge infrastructure work scheduled to start April 2016 (Sarasota)
- Barrier Island Elected Officials (BIEO) meeting discussion regarding traffic issues (forthcoming municipal quick-fix suggestions for traffic improvement)
- create and distribute to the MPO (Metropolitan Planning Organization) a priority list for sidewalk continuance
- turn lane on GMD (Country Club Shores area)
- adding a third lane to GMD.

The following individuals commented on the Sidewalk Project:

- Mr. Larry Grossman, St. Jude's Drive North
- Mr. Gene Jaleski, Cedar Street

CONSENT ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

6. Annual Review of Current Ad Hoc Committees

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at either a special workshop, or the first regular workshop, following the annual General Municipal Election each March for determination of which ad hoc committees shall be continued. If no formal action is taken to continue the committee, the committee automatically sunsets. Committees for review and consideration are the Finance Committee and the Community Center Advisory Committee (CCAC). Recommended Action: Approval of the Consent Agenda will forward Resolution(s) for reconstituting the Finance Committee and/or sunsetting the CCAC to the April 4, 2016, Regular Meeting for formal action.

CONSENT ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION - Continued

6. Annual Review of Current Ad Hoc Committees - Continued

There was consensus to approve Consent Agenda Item 6 in accordance with Staff's report and recommendation.

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

7. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15)

As result of discussion at the April 20, 2016 Goals & Objectives Workshop, the Commission directed staff to explore options for expanded protections and enforcement of Town Codes related to marine turtles and other protected wildlife. Town staff has worked with stakeholder groups, Mote Marine, Florida Fish and Wildlife Conservation Commission (FWC), and other agencies to develop proposed amendments to Chapter 100, Marine Turtle Protection. Recent permit discussions also resulted in recommendations from regulatory agencies. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock discussed regulatory agencies improvements to Marine Turtle Protection ordinances, and available methods to distribute related public information materials.

Police Department Code Enforcement Officer Chris Elbon displayed a PowerPoint presentation highlighting the background and history of Town Code Chapter 100 - Sea Turtles, outside agencies participation in the development of the amendments, Florida Administrative Code Chapter 62B-55 lighting language recommendation, and issues not addressed in the current Town Code. Discussions were held on the following topics/issues:

- illumination solutions
- recreational equipment and beach furniture left on the beach
- disoriented turtle nests (adults and hatchlings for calendar years 2014 and 2015)
- data collection to determine the issues are/have improved
- actual number of adult and hatchling turtle that did not make it to the water
- definition of disorientation
- suggestive power (compare the less stringent and the most stringent)
- comparison to surrounding jurisdictions with respect to the least and most stringent of ordinances (obtain copies of municipal Sea Turtle ordinances).

RECESS: 2:50 p.m. – 3:02 p.m.

7. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15) – Continued

The following individuals commented on proposed Ordinance 2016-15:

- Ms. Tonya Long, Florida Fish and Wildlife Commission (FWC)
- Mr. Larry Grossman, St. Jude's Drive North

7. Presentation Regarding Proposed Amendments to Chapter 100, Marine Turtle Protection (Proposed Ordinance 2016-15) - Continued

Discussions were held on the following topics/issues:

- process for calculating turtle nest disorientation data
- Permit Holders data collection/interior/exterior data collection
- current population of Marine Turtles
- disorientation data (reasons why Marine Turtles were disorientated)
- lighting disorientations versus beach furniture disorientations
- number of volunteers on Longboat Key beaches versus the other municipalities.

There was consensus to forward Ordinance 2016-15 to a future workshop for further discussion and to direct Staff to develop a chart showing an ordinance comparison for surrounding municipalities to the Town's ordinance, including disorientation data, the number of volunteers utilized in report development, and FWC report data.

8. Proposed Longboat Key Library Second Amendment to Lease

The current Longboat Key Library lease expires June 15, 2016. Town staff is recommending a five year extension with a provision for termination with one year's notice by either party. This item is placed on the March 23, 2016 Regular Meeting for Commission consideration. Recommended Action: Pending discussion, forward to April 4, 2016, Regular Meeting Consent Agenda for formal action.

Town Manager Dave Bullock reported the proposed second amendment to the existing lease would be a five-year Library lease extension containing a one-year notice prior to termination.

There was consensus to forward the Longboat Key Library Second Amendment to Lease to the April 4, 2016, Regular Meeting Consent Agenda for formal action.

9. Discussion Regarding Code Enforcement Board

At the January 4, 2016 Regular Meeting the Town Commission expressed interest in discussing the status and role of the Town's Code Enforcement Board (CEB). Staff has developed material that includes the current status of the CEB, Town Charter requirements, Town Code and Florida State Statute provisions, as well as how other communities handle code Enforcement. Recommended Action: Pending discussions, provide direction to Manager.

Town Manager Dave Bullock reported that while developing this presentation focus was placed on the practices of surrounding jurisdictions.

Police Department Code Enforcement Officer Chris Elbon displayed a PowerPoint presentation highlighting the process used by the surrounding jurisdictions, citations, and a comparison of Code Enforcement Board versus Special Magistrate.

Discussions were held on the following topics/issues:

- Code Enforcement Board (CEB) structure

9. Discussion Regarding Code Enforcement Board – Continued

- inconsistent fines being levied
- existing issues and possible solutions
- Special Magistrate options.

Town Attorney Maggie Mooney-Portale advised Florida Statutes authorizes a municipality to utilize three processes (code enforcement Board/Special Magistrate/a combination of a Code Enforcement Board and Special Magistrate) and explained a Charter amendment may be necessary, depending on Commission direction. Discussions were held on the following topics/issues:

- operating rules for a Special Magistrate
- low number of volunteers applying to serve on the CEB
- obtaining information on the economics of a CEB
- ability to issue citations/process for utilizing citations
- appeal process
- the need to partner with Manatee and Sarasota Clerks of the Circuit Courts
- Special Magistrate process
- fee schedule for code violations
- utilizing the CEB for appeals only
- utilizing a CEB and Special Magistrate.

Town Attorney Mooney-Portale advised that the City of North Port issued a Request for Qualifications (RFQ) to local attorneys, and the City selected a pool of attorneys to serve as Special Magistrate. Further discussion was held on the following topics/issues:

- exploring other means to handle code enforcement
- reducing the number of Board members (Florida Statutes require seven members based on population).

There was consensus to further discuss this issue at a future workshop with Staff direction to provide options regarding the operation of a Code Enforcement Board, economics (related costs/revenues), Special Magistrate selection process, and citation process.

There was consensus to request that the CEB Chairman attend the future workshop.

Ms. Beverly Shapiro, Gulf of Mexico Drive, spoke on this issue.

10. Proposed Ordinance 2016-14, Franchise Agreement with Peoples Gas System, A Division of Tampa Electric Company (TECO)

The Town's 30-year franchise agreement with Peoples Gas system expired on December 2, 2015. Ordinance 2016-14 incorporates the franchise agreement and provides for renewal, with a provision of a 2% increase in the franchise fee. Recommended Action: Pending discussion, forward Ordinance 2016-14 to the April 4, 2016 Regular Meeting for first reading.

10. Proposed Ordinance 2016-14, Franchise Agreement with Peoples Gas System, A Division of TECO- Continued

Town Manager Dave Bullock reported on the non-exclusive franchise agreement that expired December 2015, advising that the proposed non-exclusive franchise agreement contained a 6.0% franchise fee (increase of 2% over current fee). Discussions were held on the following topics/issues:

- Sections 13(A) and 13(B) - Insurance
- self-insurance (not from parent company)
- installation of gas lines into neighborhoods
- current contract operated on a self-insured policy
- 6.0% franchise fee consistent with other municipalities
- percentage of Florida municipalities who contract with TECO, that are self-insured
- identification (Section 14).

Assistant Town Attorney David Jackson advised on the minimum requirements of 13(A) and ability to self-insure 13(B).

TECO Gas Company representative Leroy Sullivan discussed the insurance options and explained a Certificate of Self Insurance could be issued in lieu of an insurance policy from an outside insurance carrier.

Mr. Larry Grossman, St. Jude's Drive North, spoke on this issue.

There was consensus to forward Ordinance 2016-14 to the April 4, 2016 Regular Meeting for first reading.

RECESS: 4:34 p.m. - 4:45 p.m.

11. Sign Code Update

At the September 28, 2015 Special Meeting the Town Attorney discussed the Supreme Court opinion regarding Clyde Reed, et al v. Town of Gilbert, Arizona and how that decision impacted sign codes across the Country, including Longboat Key. Staff will update the Commission on staff efforts to conduct a review and rewrite of the Town's existing Sign Code. Recommended Action: None, informational only.

Planning, Zoning, and Building Department Director Alaina Ray displayed a PowerPoint presentation highlighting the background and history of signs, content based signs, community signs (posted at the entrances of Longboat Key), and the engagement of sign law expert Dan Mandelker to conduct a review and rewrite of the Town's existing Sign Code.

12. Discussion Regarding Intent to Use Uniform Collection Method for the Neighborhood Undergrounding Assessment and Proposed Resolution 2016-05

At the December 7, 2015 Regular Meeting the Commission adopted Resolution 2015-31 establishing their intent to use a uniform method of collecting non-ad valorem assessments for the undergrounding utilities project for both the Gulf of Mexico Drive and Neighborhood utility undergrounding projects. The Sarasota and Manatee County Property Appraisers

12. Discussion Regarding Intent to Use Uniform Collection Method for the Neighborhood Undergrounding Assessment and Proposed Resolution 2016-05- Continued

request a separate resolution for each assessment project. The Town Attorney is working with legal counsels for the Property Appraisers to resolve this issue. In the event a separate resolution is needed to resolve the administrative issues, Resolution 2016-05 will be presented at a future meeting for formal action. Recommended Action: Pending discussion, provide direction to Town Attorney.

Town Manager Dave Bullock reported Manatee and Sarasota Counties resolved the administrative issue, and the existing resolution was satisfactory. No action was required nor requested regarding Resolution 2016-05

13. The Town Attorney Requests Commission Direction Relating to Legal Fees in the Matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-420 that was dismissed by Florida's Election Commission

The Town Attorney requests Commission discussion and direction relating to legal fees expended defending against the matter of *Jaleski v. Town Commission of Longboat Key*, Case No. FEC 15-420, that was dismissed by the State of Florida's Election Commission on February 24, 2016. Recommended Action: Pending discussion, provide direction to Town Attorney.

Town Attorney Maggie Mooney-Portale advised Mr. Jaleski filed two election complaints FEC 15-420 and FEC 15-445, both cases were dismissed by the State of Florida's Election Commission, and the Town may seek to recover attorney fees by filing a petition before March 25, 2016. Discussions were held on the following topics/issues:

- obligation to defend the Town's position
- attorney fee recovery
- cost to recover attorney fees.

Mr. Larry Grossman, St. Jude's Drive North, spoke on this issue.

Following discussion, there was consensus to forgo any action to collect attorney fees on the actions.

14. Commission Appointments to Committees Named in Town Code and to Outside Agencies

Each year following the General Municipal Election, the Town Commission considers appointments of its members to committees named in the Town Code or as required by outside agencies. A list of last year's appointments is provided for review and consideration for appointment or reappointment. This item is placed on the March 23, 2016 Regular Workshop Meeting for Commission nominations for appointment. Recommended Action: Pending discussion, forward to the April 4, 2016, Regular Meeting Consent Agenda for formal action.

14. Commission Appointments to Committees Named in Town Code and to Outside Agencies - Continued

Following consideration, there was consensus to forward the following appointments to the April 4, 2016, Regular Meeting Consent Agenda for formal action:

Committee/Agency	Appointee Information	2016 Appointments
Investment Advisory Committee	Three or more members of Town Commission	Commr. Linde Commr. Pastor Commr. Younger
Finance Subcommittee	Three members of Town Commission/ Two citizens	Commr. Linde Commr. Pastor Commr. Younger
Outside Agencies		
Coalition of Barrier Island Elected Officials (BIEO)	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Manatee County Council of Governments	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Sarasota County Council of Governments	Mayor	Mayor Duncan Alternate: Vice Mayor Gans
Special Liaison to Manatee County	Any Commr.	Commr. Zunz Alternate: Vice Mayor Gans
Special Liaison to Sarasota County	Any Commr.	Commr. Pastor Alternate: Commr. Younger
ManaSota League of Cities	Any Commr.	Commr. Pastor Alternate: Commr. Gans
Metropolitan Planning Organization	Any Commr.	Commr. Daly Alternate: All Other Commissioners
Economic Development Corporation of Sarasota County (EDC).	Any Commr.	Commr. Pastor Alternate: Commr. Younger
Sarasota County Tourist Development Council (TDC)	Any Commr.	Vice Mayor Gans Alternate: Commr. Pastor
Manatee County/Bradenton Tourist Development Council (TDC)	Non-voting seat.	Commr. Zunz
Manatee County Economic Development Corporation	Any Commr.	Commr. Zunz Alternate: Commr. Pastor
Water Alliance Board	Any Commr.	Commr. Younger

14. Commission Appointments to Committees Named in Town Code and to Outside Agencies - Continued

Sarasota Bay Estuary Program Board of Directors	Any Commr.	Commr. Linde Alternate: Commr. Pastor
Criminal Justice Commission City-County Corrections Work Group	Any Commr.	Commr. Younger
West Coast Inland Navigation District (WCIND)	Any Commr.	Mayor Duncan Alternate: Vice Mayor Gans

15. Requesting Ratification and Consent for Designation of Jim Linn, Lewis Longman & Walker as Special Counsel to Provide Legal Counsel to the Town in Pension Matters Associated with Collective Bargaining Negotiations

The Town Attorney is requesting ratification and consent to the engagement of Jim Linn, Lewis Longman & Walker as Special Counsel on pension matters associated with collective bargaining negotiations with both Police and Fire bargaining units. Recommended Action: Pending discussion, forward Letter of Engagement to the April 4, 2016 Regular Meeting Consent Agenda for formal action.

Attorney Maggie Mooney-Portale requested the Commission ratify, approve, and consent to the engagement of Jim Linn with the law firm of Lewis, Longman & Walker to serve as Special Counsel in pension matters associated with collective bargaining, and advised Attorney Linn severed a previous relationship to respond to the Request for Proposals (RFP) issued by the Longboat Key Consolidated Retirement System, Board of Trustees.

Discussions were held on the paralegal fees, invoice payment timeline, and the 12% interest compounded daily.

There was consensus to forward the Ratification and Consent for Designation of Jim Linn as Special Counsel to provide legal counsel to the Town in pension matters associated with collective bargaining negotiations to the April 4, 2016 Regular Meeting Consent Agenda for formal action.

16. Requesting Consent for Designation of Ronald J. Cohen as Assistant Town Attorney to Provide Legal Counsel to the Town's Consolidated Retirement System Board of Trustees

The Town Attorney is requesting designation of Ronald J. Cohen as Assistant Town Attorney. A Request for Proposals (RFP) resulted in three firms responding, with the Selection Committee recommendation of Mr. Ronald J. Cohen forwarded to the Town Manager for approval. Mr. Cohen will provide legal counsel for the Town's Consolidated Retirement System Board of Trustees. Recommended Action: Pending discussion, forward Letter of Engagement to the April 4, 2016 Regular Meeting Consent Agenda for formal action

16. Requesting Consent for Designation of Ronald J. Cohen as Assistant Town Attorney to Provide Legal Counsel to the Town's Consolidated Retirement System Board of Trustees - Continued

Town Attorney Maggie Mooney-Portale advised on the Consolidated Retirement System attorney role as legal counsel to the Board, the Charter reference to the review of all contracts by the Town Attorney, and the title of Assistant Town Attorney.

There was consensus to forward the Ratification and Consent of Ronald J. Cohen as Assistant Town Attorney to provide legal counsel to the Town's Consolidated Retirement System Board of Trustees to the April 4, 2016 Regular Meeting Consent Agenda for formal action.

TOWN COMMISSION COMMENTS

A. Local Government Law Seminar

Mayor Duncan announced the Manatee County Attorney's Office is hosting a Local Government Law Seminar on Monday, May 16, 2016, 8:30 a.m. at the Manatee County Commission Chamber, 1112 Manatee Avenue West (first floor) Bradenton, FL., and noted attendance at the seminar would satisfy the training requirement for public officials as required by Florida Statue 112.3142.

Town Manager Dave Bullock reported two meetings were scheduled on May 16, 2016 - a Special Workshop (Budget) and the Regular Workshop.

Following discussion there was consensus to change the time of the May 16, 2016 Regular Workshop to 2:00 p.m. to allow for Commission attendance at the seminar, and to reschedule the budget workshop to a later date.

B. Town Commission

Commr. Younger congratulated and welcomed Ed Zunz and Armando Linde to the Commission.

C. Public Works/Organizations

Commr. Daly suggested a workshop presentation by the United States Army Corps of Engineers (USACE) with respect to federal funding on beach renourishment projects. Town Manager Dave Bullock reported communication efforts with the USACE and proposed meetings date for their attendance to discuss the Shore Protection Program.

Commr. Linde suggested discussion on inlets.

Following discussion, there was consensus to schedule a workshop presentation by the USACE at a future workshop.

TOWN ATTORNEY COMMENTS

A. Town Attorney

Town Attorney Maggie Mooney-Portale advised on the following topics/issues:

TOWN ATTORNEY COMMENTS - Continued

A. Town Attorney - Continued

- North end concerned about boats anchoring by Jewfish Key
- sound regulation investigation update
- requesting an Attorney General opinion regarding Florida Statues Vessel Regulations enforcement in the Intracostal Waterway.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock reported on the following topics/issues:

- Request for Proposals (RFP) to obtain bank loan for the beach projects (\$12 million)
- sand truck hauling starting April 5, 2016, Colony (1620 Gulf of Mexico Drive)
- pre-bid meeting held regarding pass dredging
- obtained private easements from the Longboat Key Club and L'Ambiance Condominium.

PRESS TO BE HEARD – No items were presented.

ADJOURNMENT

Mayor Duncan adjourned the March 23, 2016 Regular Workshop at 5:50 p.m.

Minutes Approved: 04-04-2016