

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

Present: Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, Armando Linde, Irwin Pastor, Phill Younger, Ed 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 April 4, 2016, Regular Meeting to order at 7:00 p.m., at 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.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Calvin LeBuffe, Kavanagh Court, Sarasota, commented on storm events that will impact the Town due to lack of dredging of New Pass and opined on the causes of Red Tide.

B. Public Works

Mr. Mark Zintel, Cedar Street, commented on a proposed mid-block crosswalk between North Shore and Broadway on Gulf of Mexico Drive.

Commr. Younger noted previous discussions relating to sidewalks on the North end of Longboat Key and the design process for placement of a crosswalk. Mayor Duncan noted the intent for speed and traffic flow studies to be accomplished by the Florida Department of Transportation (FDOT).

C. Public Works

Mr. Larry Grossman, St. Judes Drive North, commented on the cost estimates for utilities undergrounding, the lighting component, the Florida Department of Transportation recommendations for North end crosswalks, and the proposed Town Center project.

Vice Mayor Gans commented on the funding of the lighting project prior to development of the lighting component.

APPROVAL OF MINUTES

2. March 7, 2016 Regular Meeting; March 21, 2016 Statutory Meeting; and March 23, 2016 Regular Workshop Meeting Minutes

Town Attorney Maggie Mooney-Portale commented on the proposed amendments to Chapter 100 relating to turtle protection and noted the agenda reflected an Ordinance number was a “placeholder” for an Ordinance that may be drafted in the future.

There was consensus to approve the Minutes of the meetings as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

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

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

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

6. Other Reports

A. Organizations

Commr. Daly provided an update on the Barrier Islands Traffic Mitigation Study as discussed at the Metropolitan Planning Organization's (MPO) recent meeting, noting that the Florida Department of Transportation (FDOT) agreed to fund 80% of the cost for the study with the balance anticipated to be funded by the MPO.

1. Opportunity for Public to Address Town Commission - Continued

D. Public Works

Mr. Samir Ragheb, Bayside Drive, commented on the public dock usage and lack of restroom facilities.

Commr. Younger suggested review of costs for portable sanitation facilities in the area.

There was consensus for Staff to review the issue.

E. Police Department

Mr. Andrew Vac, Gulf of Mexico Drive, thanked the Police Department for their assistance with a recent event.

CLOSING AND ACTION ON CONSENT AGENDA

7. 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. This item was considered at the March 23, 2016, Regular Workshop Meeting and forwarded to the April 4, 2016, Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will confirm designation of Jim Linn, Lewis Longman & Walker as Special Counsel for Pension and Collective Bargaining Matters.

8. 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. This item was considered at the March 23, 2016,

CLOSING AND ACTION ON CONSENT AGENDA - Continued

8. 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

Regular Workshop Meeting and forwarded to the April 4, 2016, Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will confirm designation of Ronald J. Cohen as Assistant Town Attorney for Consolidated Retirement System Board of Trustees.

9. Request to Change Time of May 16, 2016, Regular Workshop Meeting to 2:00 PM and to Change Date of May 16, 2016 Budget Workshop to May 18, 2016 at 9:00 AM

Due to an opportunity to attend the Manatee County Attorney's Office Local Government Law Seminar on May 16, 2016, from 8:30 a.m. to 12:30 p.m., the Town Commission directed staff to adjust the time of the May 16, 2016, Regular Workshop Meeting to 2:00 p.m. Additionally, the May 16, 2016, Special Workshop (Budget) will be rescheduled to Wednesday, May 18, 2016, at 9:00 a.m. This item was considered at the March 23, 2016, Regular Workshop Meeting and forwarded to the April 4, 2016, Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will authorize the changes to the Regular Workshop Meeting and Special Workshop Meeting (Budget).

10. Authorization for Manager to Execute 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. The Lease Agreement with the Longboat Library was placed on the March 23, 2016, Regular Workshop Meeting for consideration and forwarded to the April 4, 2016, Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will authorize Manager to execute lease agreement.

11. 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. At the March 23, 2016 Regular Workshop Meeting there was consensus for appointments to be placed on the April 4, 2016 Regular Meeting Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will approve Commission appointments to committees and outside agencies.

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

ORDINANCES - FIRST READING

12. 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. This item was considered at the March 23, 2016, Regular Workshop Meeting and forwarded to the April 4, 2016, Regular Meeting for first reading.

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

Recommended Action: Pending first reading and discussion, forward Ordinance 2016-14 to the May 2, 2016, Regular Meeting for second reading, public hearing, and discussion.

Town Clerk Trish Granger placed Ordinance 2016-14 on record for first reading by title only.

Commr. Pastor moved to pass Ordinance 2016-14 on first reading and to forward to the May 2, 2016, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Linde.

Town Manager Dave Bullock provided an overview of Ordinance 2016-14 and the franchise agreement.

The motion carried by a 7-0 roll call vote, as follows: Pastor, aye; Linde, aye; Younger, aye; Gans, aye; Duncan, aye; Zunz, aye; Daly, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

13. Ordinance 2016-06, Amending Chapter 57, Rights-of-Way Use; Establishing a New Chapter 58, Undergrounding of Utilities; and Amending Chapter 98, Trees

Anticipated implementation of the voter approved Gulf of Mexico Drive and Neighborhood Utility Undergrounding Projects prompts amendments to Town Code Chapters 57 and 98, and creation of a new Code Chapter 58 to establish regulations for underground utilities on Longboat Key. Ordinance 2016-06 provides for the appropriate revisions and additions to the Code for compliance and regulatory issues. First reading and discussion was held at the February 1, 2016, Regular Meeting and forwarded to the April 4, 2016, Regular Meeting for second reading, public hearing and discussion. Recommended Action: Pending second hearing, public hearing, and discussion, adopt Ordinance 2016-06.

Town Clerk Trish Granger placed Ordinance 2016-06 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2016-06 on second reading and public hearing. The motion was seconded by Vice Mayor Gans.

Mayor Duncan opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-06. Discussions were held on the timeframe for property owners to connect to available facilities (three months after written notice).

Subsequent to discussion, Commr. Younger moved to table the item to allow the Town Attorney the opportunity to draft language. (No second was audible.)

13. Ordinance 2016-06, Amending Chapter 57, Rights-of-Way Use; Establishing a New Chapter 58, Undergrounding of Utilities; and Amending Chapter 98, Trees - Continued
Commr. Younger suggested that language be included that would provide a level of protection for a homeowner if they cannot get the installation scheduled through no fault of their own.

Discussion ensued relating to the timeframe for connection to utilities by a homeowner.

Following comments by Town Attorney Maggie Mooney-Portale, Commr. Younger moved and there was consensus to table action on Ordinance 2016-06 to be considered later this meeting pending proposed language amendments.

(See item later this meeting.)

14. Ordinance 2016-11, Providing for Referendum for Properties Located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive

At the December 14, 2015, Regular Workshop Meeting the Town Commission heard a request for referendum from Floridays' representative Mr. James Brearley seeking density increase of certain properties located on Gulf of Mexico Drive and Palm Drive. Staff was directed to work with Mr. Brearley to develop Ordinance language to set forth the full text of the proposed referendum for consideration. First reading was held at the March 7, 2016 Regular Meeting and was forwarded to the April 4, 2016, Regular Meeting for second reading, public hearing and discussion. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-11.

Town Clerk Trish Granger placed Ordinance 2016-11 on record for second reading and public hearing by title only.

Commr. Daly moved to adopt Ordinance 2016-11 on second reading and public hearing. The motion was seconded by Commr. Linde.

Mayor Duncan opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-11.

Mr. James Brearley, representing Floridays Development Co., commented on Ordinance 2016-11 and the public outreach accomplished and provided an overview of the proposed development. Discussions were held on the following topics/issues:

- anticipated building setback from Gulf of Mexico Drive
- percentage of property to be used for parking
- construction of a "boutique" hotel/use of tourism units for low-end facilities.

The following individuals commented on Ordinance 2016-11:

Mr. John Pezowicz, Longboat Court
Mr. Pete Pezowicz, Longboat Court
Mr. Mark Zintel, Cedar Street

14. Ordinance 2016-11, Providing for Referendum for Properties Located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive - Continued

Mr. Pete Rowan, Broadway Street
Mr. Glenn Peterson, Gulf of Mexico Drive
Mr. Craig Walters, Hibiscus Way
Ms. Georgia Walters, Hibiscus Way
Mr. Gene Krasnou, Gulf of Mexico Drive
Ms. Edwina Nelon, Bayou Hammock Road
Mr. Joe Iannello, Bayview Drive
Mr. John Summers, Emerald Harbor Drive
Ms. Corinne Silver Ragheb, Bayside Drive
Mr. Samir Ragheb, Bayside Drive.

RECESS: 8:47 p.m. - 9:00 p.m.

The following individuals commented on Ordinance 2016-11:

Mr. Larry Grossman, St. Judes Drive North
Mr. George Spoll, Harbourside Drive
Ms. Pat Zunz, Lands End Drive.

Commr. Younger and discussion ensued on proposed revisions to the referendum language.

Commr. Younger moved to modify the referendum language, as follows.

May the Town allow contiguous properties located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive (~~collectively totaling approximately about~~ 2.62 acres of land combined), currently zoned as C-2, C-3, or O-1 districts with no density, to increase density to T-6 tourism use (~~which allows a maximum of allowing~~ six [6] units per acre), and thereby ~~become becoming~~ eligible to apply for tourism pool units, with a potential of forty-seven (47) units per acre?

The motion failed for lack of a second.

Individual comments followed on requested Commission action, needed improvements on the North end of the island, requirement for applicant to send mail out with information prior to the election date, and traffic impacts relating to new development.

Mr. Samir Ragheb, Bayside Drive, commented on the statements made by the public.

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

Following comments on the motion on the floor to adopt Ordinance 2016-11, the motion carried by a 6-1 roll call vote, as follows: Daly, aye; Linde, aye; Pastor, aye; Zunz, aye; Younger, no; Gans, aye; Duncan, aye.

15. Ordinance 2016-13, Amending Chapter 158, Zoning Code, Status of Nonconformities
At their January 19, 2016, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of proposed Ordinance 2016-13, with amendments. The Ordinance amends Zoning Code Section 158.138, Status of nonconformities, regarding extensions of nonconformities and the requirements regarding surety bonds or other security for properties granted extensions by the Town Commission. First reading and public hearing was held at the March 7, 2016, Regular Meeting and was forwarded to the April 4, 2016, Regular Meeting for second reading, public hearing, and discussion. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2016-13.

Town Clerk Trish Granger placed Ordinance 2016-13 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2016-13 on second reading and public hearing. The motion was seconded by Commr. Daly.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2016-13.

Mayor Duncan opened the public hearing.

Discussions were held on the following topics/issues:

- determination of "total value of property"
- allowable extension for continuance
- added discretion for Town Commission to provide for an extension
- consideration and conditions on individual properties.

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

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

13. Ordinance 2016-06, Amending Chapter 57, Rights-of-Way Use; Establishing a New Chapter 58, Undergrounding of Utilities; and Amending Chapter 98, Trees - Continued
Following comments by Town Attorney Maggie Mooney-Portale, Mayor Duncan removed Ordinance 2016-06 from the table.

Town Attorney Maggie Mooney-Portale provided the following language for consideration, modifying Section 58.06 (additional language shown as double underline):

58.06 - Time limitation on connection.

Within three (3) months after written notice is given by the town or by the applicable utility provider that service is available from underground utility facilities, all owners of property where service is available from such facilities shall connect to the underground facilities. Notwithstanding the foregoing, the property owner shall not be responsible for delays caused by the utility provider.

13. Ordinance 2016-06, Amending Chapter 57, Rights-of-Way Use; Establishing a New Chapter 58, Undergrounding of Utilities; and Amending Chapter 98, Trees - Continued
Mayor Duncan reopened the public hearing. As no one wished to be heard, Mayor Duncan closed the public hearing.

Commr. Younger moved to amend Ordinance 2016-06 incorporating the language in Section 58.06 as provided by the Town Attorney. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Pastor, aye; Duncan, aye; Gans, aye; Linde, aye; Daly, aye.

Vice Mayor Gans moved to adopt Ordinance 2016-06, as amended. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Gans, aye; Pastor, aye; Zunz, aye; Daly, aye; Linde, aye; Younger, aye; Duncan aye.

RESOLUTIONS

16. Resolution 2016-09, Providing for Continuation of Finance Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the March 23, 2016 Regular Workshop Meeting there was consensus for continuation of the Finance Committee. Resolution 2016-09 provides for continuation of the Finance Committee and is placed on the April 4, 2016 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2016-09.

Town Clerk Trish Granger placed Resolution 2016-09 on record by title only.

Commr. Pastor moved to pass Resolution 2016-09. The motion was seconded by Commr. Younger.

Town Manager Dave Bullock provided an overview of Resolution 2016-09.

The motion carried by a 7-0 roll call vote, as follows: Pastor, aye; Younger, aye; Duncan, aye; Gans, aye; Daly, aye; Zunz, aye; Linde, aye.

17. Resolution 2016-10, Providing for Sunsetting of Community Center Advisory Committee

Pursuant to Resolution 2000-05, the Town Commission shall review the list of ad hoc committees at a meeting following the General Municipal Election for determination of which ad hoc committees shall be continued. At the March 23, 2016 Regular Workshop Meeting there was consensus for sunsetting the Community Center Advisory Committee. Resolution 2016-10 provides for sunsetting the Community Center Advisory Committee and is placed on the April 4, 2016 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2016-10.

Town Manager Dave Bullock provided an overview of Resolution 2016-10.

17. Resolution 2016-10, Providing for Sunsetting of Community Center Advisory Committee- Continued

Subsequent to comments, there was majority consensus to sunset the Community Center Advisory Committee.

Town Clerk Trish Granger placed Resolution 2016-10 to sunset the Community Center Advisory Committee on record by title only.

Vice Mayor Gans moved to pass Resolution 2016-10, sunsetting the Community Center Advisory Committee. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Gans, aye; Younger, aye; Linde, aye; Daly, aye; Zunz, aye; Pastor, aye; Duncan, aye.

TOWN COMMISSION COMMENTS

A. Town Commission

Vice Mayor Gans commented on the community service provided by Ms. Sydelle Pittas and inquired as to the appropriateness of recognizing her service in a public manner.

Individual comments followed.

B. State Agencies

Mayor Duncan requested and there was consensus to schedule a Workshop discussion regarding the reduction of the speed limit to 35-miles per hour on Gulf of Mexico Drive from the Longboat Pass Bridge to Broadway.

Following individual comments on pedestrian safety concerns, Mayor Duncan moved to forward correspondence to the Florida Department of Transportation strongly recommending a reduction in the speed limit from 45-miles per hour to 35-miles per hour from the Longboat Pass Bridge to Broadway. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Duncan, aye; Younger, aye; Linde, aye; Daly, aye; Zunz, aye; Pastor, aye; Gans, aye.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney Maggie Mooney-Portale noted that Judge Curley issued an order and validated the bonds for Gulf of Mexico Drive and congratulated the Commission for their efforts.

TOWN MANAGER COMMENTS

A. Town Manager

Town Manager Dave Bullock provided an update on the status of the following projects:

- Undergrounding discussions scheduled
- Beach nourishment/Sand haul project
- Manatee County Ethics and Public Records Seminar
- Pedestrian Safety Course

PRESS TO BE HEARD

A. Public Works

Mr. Steve Reid, owner of the Longboat Key News, inquired and discussion ensued on pedestrian safety and the Town's request to the Florida Department of Transportation (FDOT). Town Manager Dave Bullock commented on the proposed sidewalk on the North end of Longboat Key. Discussion ensued.

ADJOURNMENT

Mayor Duncan adjourned the April 4, 2016, Regular Meeting at 10:58 p.m.

Minutes Approved: 05-02-2016