

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
APRIL 1, 2013 - 7:00 P.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

Also: Town Manager Dave Bullock, Town Attorney David Persson, Town Clerk
Present: Trish Granger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 7:04 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Zunz led the Pledge of Allegiance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Proclamation – April 2013 - Water Conservation Month

Public Works Director Juan Florensa introduced Ms. Tara Poulton, Government Affairs Program Manager of the Southwest Florida Water Management District, and displayed a slide on water conservation achieved by the Town's residents. Vice Mayor Brenner read and presented the April 2013 Water Conservation Month Proclamation to Ms. Poulton.

Ms. Poulton thanked the Town Commission and the Public Works Department on their efforts in the area of water conservation.

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission

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

A. Elections

Mr. Gene Jaleski, Cedar Street, gave a PowerPoint presentation and commented on the removal of election signs.

Mr. Larry Grossman, St. Judes Drive North, continued the PowerPoint presentation and commented on the removal of election signs.

Upon inquiry, Mr. Jaleski confirmed that he placed to election signs next to the existing signs which were reported to be in the right-of-way.

APPROVAL OF MINUTES

3. February 28, 2013 Special Workshop; March 4, 2013 Regular Meeting; March 19, 2013 Statutory Meeting; and March 20, 2013 Regular Workshop Meeting Minutes

There was consensus to approve the Minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Commr. Duncan noted attendance at the SM2 - Sarasota-Manatee Regional Strategy meeting, reviewed issues discussed, and encouraged Commissioners participation in future meetings.

Minutes in draft form and are not official until approved by the Town Commission.

COMMITTEE REPORTS AND COMMUNICATIONS

B. Organizations

Commr. Younger noted attendance at the Metropolitan Planning Organization and advised that he made a request for Florida Department of Transportation representatives to meet with the Town Commission relating to traffic issues.

C. Organizations

Vice Mayor Brenner noted attendance at the Bradenton Area Economic Development Corporation and reviewed the issues discussed.

CONSENT AGENDA

4. Confirmation of Meeting Date Change for Town Commission Goals & Objectives Workshop from April 15, 2013 to May 20, 2013 at 10:00 AM

At the March 20, 2013 Regular Workshop Meeting the Town Manager requested a meeting date change for the Town Commission Goals & Objectives Workshop to accommodate an Executive Session on April 15, 2013. The Goals & Objectives Workshop Meeting date will be moved to May 20, 2013 at 10:00 AM. Recommended Action: Approval of the Consent Agenda will confirm Goals & Objectives Workshop Meeting date change to May 20, 2013 at 10:00 AM.

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

ORDINANCES - FIRST READING

5. Ordinance 2013-12, Amending Chapter 34.45, Composition of Firefighters' Retirement System Board of Trustees

Ordinance 2013-12 provides for a change to the composition of the current Firefighters' Retirement System Board of Trustees. At their March 20, 2013 Regular Workshop Meeting the Commission considered membership and structure of the Board of Trustees and forwarded Ordinance 2013-12 to the April 1, 2013 Regular Meeting for first reading. Recommended Action: Pending first reading, and discussion, forward Ordinance 2013-12 to the April 15, 2013 Special Meeting for second reading and public hearing.

Commr. Younger moved to pass Ordinance 2013-12 on first reading and to forward to the April 15, 2013, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Gans.

Commr. Duncan requested consideration to amend the Ordinance to allow the Town Commission to appoint the Vice Chairman in addition to the Chairman, provide for the terms to be for a period of one year, and that any tie-votes be forwarded to the Mayor for a tie-breaker vote.

Discussion ensued on the intent to merge all three Retirement System Boards, the method to break a tie vote, current terms of the Retirement System Board Trustees, and requirements for providing training for the Trustees once per term.

5. Ordinance 2013-12, Amending Chapter 34.45, Composition of Firefighters' Retirement System Board of Trustees - Continued

Commr. Duncan moved to amend Ordinance 2013-12 to incorporate language for appointment of the Vice Chairman by the Town Commission and to limit the terms to one year. The motion was seconded by Commr. Younger.

Following comments on the effect of a tie vote, Town Attorney Persson submitted the following language to Section 34.45(A) for consideration (additions shown as double underlined text/deletions shown as double ~~strike through~~ text):

. . . Town Commission, and two of whom shall be appointed by the Town Manager. The Longboat Key Town Commission shall designate one of the trustees it appoints as chairman of the board and another trustee as vice chairman and may change such designations from time to time. ~~members of the system employees of the fire department, who shall be elected by a . . .~~

. . . ~~the office.~~ Each resident trustee shall serve as trustee for a period of ~~two~~ one years, unless he sooner vacates the office or is sooner replaced by the Longboat Key Town Commission . . .

. . . (B) The trustees shall, by a majority vote, elect a ~~chairman, vice chairman and~~ a secretary. The secretary . . .

Following comments on the staggering of the appointment terms, the motion to amend Ordinance 2012-13 carried by a 4-3 roll call vote, as follows: Duncan, aye; Younger, aye; Gans, no; Zunz, no; Larson, aye; Brenner, no; Brown, aye.

The main motion, to pass Ordinance 2012-13, as amended, carried by a 7-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye.

15. Other Business

A. Manatee County Government

Mayor Brown noted the attendance of Manatee County Commissioner John Chappie.

ORDINANCES - FIRST READING AND PUBLIC HEARING

6. Ordinance 2013-04, Providing for Adoption of the 10-year Potable Water Supply Work Plan

The Planning and Zoning (P&Z) Board recommended approval of proposed Ordinance 2013-04, which provides for adoption of a 10-year water supply plan and amends the Infrastructure Element of the Comprehensive Plan. This item was forwarded from the March 20, 2013 Regular Workshop Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2013-04 to the May 6, 2013 Regular Meeting for second reading and public hearing.

6. Ordinance 2013-04, Adoption of the 10-year Potable Water Supply Work Plan - Continued

Commr. Duncan moved to pass Ordinance 2013-04 on first reading and public hearing. The motion was seconded by Commr. Larson and to forward to the May 6, 2013, Regular Meeting for second reading and public hearing.

Town Manager Dave Bullock commented on the 10-Year Water Supply Plan and noted the information provided by Manatee County on the water supply system.

Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Duncan, aye; Larson, aye; Brenner, aye; Brown, aye; Younger, aye; Gans, aye; Zunz, aye.

7. Ordinance 2013-11, Amending the FY 2012-13 Budget to Provide Funds for a 3% Wage Increase for General Employees Not Included in Ordinance 2013-09 and Employees Represented By the Police Benevolent Association (PBA)

At the March 4, 2013 Regular Meeting the Town Commission held first reading and public hearing on Ordinance 2013-09, amending the FY 2012-13 Budget to provide a wage increase for non-represented employees and for increases included in the ratified IAFF contract. At the March 20, 2013 Regular Workshop Meeting the Town Manager presented Ordinance 2013-11 which provides a similar wage increase to the remainder of the General Employees group, as well as employees covered by the PBA contract. The ordinance was forwarded to the April 1, 2013 Regular Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2013-11 to the April 15, 2013 Special Meeting for second reading and public hearing.

Commr. Gans moved to pass Ordinance 2013-11 on first reading and public hearing and to forward to the April 15, 2013, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Town Manager Dave Bullock commented on the Ordinance advising that it provides for a wage increase for General Employees not included in Ordinance 2013-09 and for the employees not covered by the Police Benevolent Association union contract.

Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Gans, aye; Younger, aye; Zunz, aye; Duncan, aye; Larson, aye; Brown, aye; Brenner, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

8. Ordinance 2013-08, Amending Chapter 74, Parking Schedules

At the December 3, 2012 Regular Meeting the Town Commission adopted Ordinance 2012-30, which temporarily extended the restricted parking hours of 9:00 p.m. - 5:00 a.m. to 11:00 p.m. - 5:00 a.m. on Broadway, between Lois Avenue and Bayside Drive. At their March 4, 2013 Regular Meeting the Commission held first reading on Ordinance 2013-08 which would make the revised parking schedule permanent. The Ordinance was forwarded to April 1, 2013 Regular Meeting for second reading and public hearing.

8. Ordinance 2013-08, Amending Chapter 74, Parking Schedules - Continued

Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-08.

Town Clerk Trish Granger placed Ordinance 2013-08 on record for second reading and public hearing by title only.

Commr. Zunz inquired as to receipt of any additional reports/complaints in the past month since first reading of the Ordinance.

Police Chief Peter Cumming advised that no additional complaints have been received.

Commr. Larson moved to adopt Ordinance 2013-08. The motion was seconded by Commr. Younger.

Mayor Brown opened the public hearing. As no one wished to speak, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Younger, aye; Brenner, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye.

9. Ordinance 2013-09, Amending the FY 2012-13 Budget to Provide Funds for a Wage Increase for Non-Represented Employees

At the March 4, 2013 Regular Meeting the Commission held first reading and public hearing on Ordinance 2013-09 and forwarded the Ordinance to the April 1, 2013 Regular Meeting for second reading and public hearing. The Ordinance amends the FY 2012-13 Budget to provide a wage increase for non-represented employees and for the increases in the ratified IAFF contract. It excludes employees eligible to vote in the PERC election which determines whether AFSCME will be their exclusive bargaining agent, and excludes employees represented by PBA. Funds for amending the budget would be from unbudgeted, unallocated reserves which requires an ordinance and two public hearings. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-09.

Town Clerk Trish Granger placed Ordinance 2013-09 on record for second reading and public hearing by title only.

Commr. Duncan moved to adopt Ordinance 2013-09. The motion was seconded by Commr. Gans.

Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Duncan, aye; Gans, aye; Younger, aye; Zunz, aye; Larson, aye; Brenner, aye; Brown, aye.

RESOLUTIONS AND PUBLIC HEARING

10. Resolution 2013-07, Amending the Comprehensive Plan, Future Land Use Element
At their February 19, 2013 Regular Meeting the Planning & Zoning (P&Z) Board considered amendments to the TRC-6 high density tourist resort/commercial future land use category of the Comprehensive Plan. Resolution 2013-07 provides for the proposed amendments' transmittal to the State Department of Community Affairs (DCA) for review and comment. The Resolution was considered at the March 20, 2013 Regular Workshop Meeting and forwarded to the April 1, 2013 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-07.

Town Clerk Trish Granger placed Resolution 2013-07 on record for public hearing by title only.

Commr. Zunz moved to pass Resolution 2013-07. The motion was seconded by Commr. Duncan.

Mayor Brown opened the public hearing.

Mr. Gene Jaleski, Cedar Street, commented on the proposed Resolution.

Mr. Larry Grossman, St. Judes Drive North, commented on the proposed Resolution.

Commr. Younger commented on the closure of the Holiday Inn and the impact to local businesses.

Planning, Zoning, and Building Department Director Robin Meyer opined that the Town Commission will have the discretion/authority to grant an additional story on an application.

Discussions were held with Mr. Meyer, Town Manager Dave Bullock, and Town Attorney David Persson on the following topics/issues:

- the processes to be utilized
- the effect of the amendment on the process to be utilized
- the distinction between the Site Plan versus the Outline Development Plan (ODP) process
- application required for utilization of the approved 250 tourism units
- tourist expenditures realized/dollars spent
- impact of tourist visits on future residencies
- inclusion of Colony property if tourism units are requested.

Mayor Brown closed the public hearing.

The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Duncan, aye; Gans, aye; Larson, aye; Brown, aye; Brenner, aye; Younger, aye.

RESOLUTIONS

11. Resolution 2013-10, Providing for Continuation of Finance Committee

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. Resolution 2013-10, providing for continuation of the Finance Committee, was forwarded from the March 20, 2013 Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-10.

Town Clerk Trish Granger placed Resolution 2013-10 on record by title only.

Commr. Larson moved to pass Resolution 2013-10. The motion was seconded by Commr. Gans.

Discussion ensued with Town Clerk Granger on the following topics/issues:

- Finance Committee versus Commission appointment of two citizen members
- latitude to select citizens with diverse experience/expertise dependent on the issue being considered by the Committee (appointment of citizen members on as needed basis)
- intent to provide for limited appointment terms for citizens selected to serve.

The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Younger, aye; Brenner, aye; Brown, aye; Zunz, aye; Duncan, aye.

12. Resolution 2013-11, Providing for Continuation of Community Center Advisory Committee

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. Resolution 2013-11, providing for continuation of the Community Center Advisory Committee, was forwarded from the March 20, 2013 Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-11.

Town Clerk Trish Granger placed Resolution 2013-11 on record by title only.

Commr. Zunz moved to pass Resolution 2013-11. The motion was seconded by Commr. Duncan.

Following comments on the intent to maintain the Committee and clarification that no tasks have been assigned, the motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye; Gans, aye.

NEW BUSINESS

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

At the March 20, 2013 Regular Workshop Meeting the Town Commission considered appointments of its members to committees named in the Town Code or as required by outside agencies. This item was forwarded from the March 20, 2013 Regular Workshop

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

Meeting for formal action confirming appointments. Recommended Action: Approval of the Consent Agenda will formalize appointments of Commissioners to Committees and Outside Agencies.

Vice Mayor Brenner noted that the Town does not have a voting seat on the Manatee County Tourist Development and that he attends as a volunteer versus appointment by the Town Commission.

Town Clerk Trish Granger inquired as to removal of the Board from the list and Vice Mayor Brenner requested that it remain on the list.

Commr. Duncan inquired and Mayor Brown advised that Longboat Key does not have a dedicated seat on the Board.

Commr. Duncan moved to approve the appointments as submitted. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye.

14. Discussion Regarding Town Attorney Selection

On March 20, 2013, the Town held bid openings for the Town Attorney RFP that was issued on February 20, 2013. There were five respondents to the RFP. The Town Manager and Commission will review and discuss proposals for Town Attorney at the April 1, 2013 Regular Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the processes available and suggested a discussion be held this date relating to the proposals received.

Following comments, discussions were held on the following topics/issues:

- possible points awarded for various categories under the RFP (Request For Proposal)
- individual scoring of each firm by Commissioners
- option to hold an interview/face-to-face meetings with highest ranked candidates
- number of responses received.

Commr. Zunz moved to schedule interviews with the principals representing the Nelson-Hesse, LLP and Persson and Cohen, P.A. law firms. The motion was seconded by Commr. Younger.

Town Manager Bullock advised that Staff will perform reference checks if the motion passes.

The motion carried by a 7-0 roll call vote, as follows: Zunz, ay; Younger, aye; Brown, aye; Duncan, aye; Gans, aye; Larson, aye; Brenner, aye.

14. Discussion Regarding Town Attorney Selection - Continued

Town Manager Bullock advised that Staff would begin the reference verifications and that he would advise all of the responsive firms of the Commission action this date.

15. Other Business - Continued

B. Human Resources/Employee Benefits

Mayor Brown requested consideration to add an item to the Agenda relating to a request from former Town Manager Bruce St. Denis to modify his separation status as retired in order to maintain his insurance eligibility.

Following comments, the request to add the item to the agenda carried by a 4-3 roll call vote, as follows: Brown, aye; Brenner, aye; Larson, no; Duncan, no; Younger, aye; Zunz, no; Gans, aye.

Upon inquiry, Town Manager Dave Bullock commented on the separation agreement, noting that Mr. St. Denis separated without cause, advised that Mr. St. Denis has maintained COBRA insurance coverage for the past 18 months and was requesting that his separation be classified as a retirement in lieu of resignation.

Discussions were held with Town Manager Bullock and Town Attorney David Persson on the following topics/issues:

- Separation Agreement providing for insurance coverage
- unintended consequence of setting a precedence and being required to offer to other individuals who have left the Town's employment
- impact on future separation agreements
- comprehensive review required to determine full impact to the Town if request is granted
- clarification of intent to authorize Town Manager Bullock to continue investigation to determine impact long term impact to the Town
- costs to date for Attorney(s) to review and advise on the request and subsequent impact
- resignation versus retirement/benefits provided at time of separation
- cost of benefit package provided to Mr. St. Denis with the Separation Agreement
- payment made to the 401K program in error/repayment of contribution made
- lack of severance provisions if retirement was elected in lieu of termination without cause
- potential liability in modifying a settled agreement
- request from Staff to review the issue in detail to provide comprehensive report on impact of the termination status
- option to authorize further review/timeframe for Commission to make a determination
- cost to Town to supplement insurance policy
- Mr. St. Denis' legal representation at time of separation.

Mr. Richard Hershatter, Gulf of Mexico Drive, commented on the request to allow former Town Manager St. Denis to continue on the Town's insurance program.

15. Other Business - Continued

B. Human Resources/Employee Benefits - Continued

Discussions continued on the following topics/issues:

- option to request repayment from Mr. St. Denis of the benefit package provided at separation
- lack of severance provisions for a retirement versus resignation
- lack of insurance benefits provided to part-time Town employees
- available programs for uninsured minors through the State (Florida Kid Care).

Commr. Gans moved to direct the Town Manager to continue to investigate the request to determine any unintended impact and to schedule the issue on the April 15, 2013, Regular Workshop Agenda. The motion was seconded by Commr. Younger.

Commr. Larson moved to table the motion and to not expend any additional staff time or funds for review of the request. (No second to the motion was audible.)

Upon inquiry, Town Manager Bullock estimated the amount of time anticipated to complete the review of the request. Town Attorney Persson advised that the severance/benefits paid were only available through a termination/resignation process and opined that it could unintentionally create labor law issues relating to the monies paid if the employment termination status was modified to reflect a retirement.

Discussions were held with Town Manager Bullock and Town Attorney Persson on the following topics/issues:

- issues that may arise resulting from the termination status
- necessity to require a separate contract to provide for any amendments to the Separation Agreement
- inability to modify the Separation Agreement after all terms have been met
- total funds provided in the Separation Agreement and costs to date to review the request
- guarantee from legal representation that no future lawsuits would be forthcoming from other previous employees who have separated requesting insurance coverage.

Town Manager Bullock advised that the Separation Agreement indicated that Mr. St. Denis received \$268,364.81 in cash/benefit payment.

Commr. Zunz seconded the motion to table the item. The motion to table carried by a 5-2 roll call vote, as follows: Larson, aye; Zunz, aye; Gans, aye; Younger, no; Brown, no; Duncan, aye; Brenner, aye.

RECESS: 8:57 p.m. - 9:10 p.m.

TOWN COMMISSION COMMENTS

A. Public Works

Commr. Duncan inquired and Town Manager Dave Bullock advised that the American flag at Bicentennial Park had been replaced.

B. Information Technology

Vice Mayor Brenner noted recognition by Computer World for the program developed for the Fire Department (Fire Log Book).

C. Elections

Vice Mayor Brenner commented on the signgate presentation earlier this meeting, advised that it was incomplete, and submitted a police report from the City of Sarasota reflecting that no crime had been committed.

D. Planning, Zoning, and Building Department (Colony Property Discussion)

Vice Mayor Brenner noted receipt of an e-mail from Town Manager Dave Bullock, inquired as to the interpretation of the 30-day use restriction for the Colony property by owners, and noted covenants and restrictions in the purchase documents for a Colony unit.

Town Manager Bullock commented on the 30-day use interpretation and discussed tourism unit use of the property.

Discussions were held with Town Manager Bullock and Town Attorney David Persson on the following topics/issues:

- reports of votes being taken by the unit owners on the future of the property
- different interpretations that can result from the current language
- definition of what constitutes transient lodging purposes
- clarification options relating to restricted use by the owner
- approval of the development as a hotel/zoning designation for hotel/tourism
- lack of definition of transient lodging in Town Code/definition outlined in Florida Statutes
- preference to include definition in Town Code for transient lodging
- option to schedule a Special Workshop for a status update of the property and compliance with the terms of the extension
- constraints in Code relating to definition
- timeframe to hold Special Workshop on Colony issues

Mr. Tim Field, Pine Harley Drive, commented on the 30 day restriction for residential use at the Colony.

Town Manager Bullock noted the restrictions in the Code relating to the tourism use definition and lack of authority to provide various interpretations for different properties. Following comments, Town Manager Bullock advised that Staff will be attempting to coordinate Commissioners schedules to organize a Special Workshop before the end of April (2013).

TOWN COMMISSION COMMENTS - Continued

D. Planning, Zoning, and Building Department (Colony Property Discussion) - Continued
There was consensus to schedule a Special Workshop Meeting to discuss issues relating to the Colony property before the end of April (2013).

Upon inquiry, Town Manager Bullock and Town Attorney Persson commented on the use of "Skype" technology for participation by Commissioners scheduled to be out of town when the meeting is to be held. Following comments, Town Attorney Persson suggested that the Commission approve a policy on the utilization of electronic meeting attendance and requested that it be developed prior to the Special Workshop Meeting if the technology was to be utilized.

Discussion ensued on the following topics/issues:

- timeframe to hold the Special Workshop
- allowing Commissioner participation by electronic technology
- conditions to be met by Colony representatives by April 15, 2013 (outlined in correspondence)
- extensions that could be granted based on determination of work to be accomplished.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Finance Department

Town Manager Dave Bullock advised that interviews were conducted this week for the Finance Director's position and requested input from the Finance Committee regarding their availability to meet the highest ranked candidate on April 5, 2013.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the April 1, 2013, Regular Meeting at 9:46 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL WORKSHIOP
APRIL 15, 2013 – 9:00 A.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Phill Younger, Pat Zunz

Absent: Commr. Lynn Larson

Also:

Present Deputy Town Clerk Jo Ann Mixon

Call to Order

Mayor Brown called the Special Meeting to order at 9:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, FL.

1. Meet and Greet with Citizens Interested in Serving on the Firefighters' Retirement System Board of Trustees

Following opening remarks by Mayor Brown, the following applicants provided background information on their credentials and identified an interest in appointment to the Firefighters' Retirement System Board of Trustees:

Mrs. Tama Traberman
Mr. Armando Linde
Mr. James Pappas

Discussions were held on the following topics/issues:

- applicant availability for meetings
- current quarterly meeting schedule
- establishing a meeting schedule for the new board
- board member's responsibilities
- consultants and actuary responsibilities
- one year appointment for board members.

Town Manager Dave Bullock noted the retirement board would continued to operate until the last beneficiary is paid out, and once the current plans were frozen the new board would be part of the decision making process on resolution of the outstanding liabilities.

Mayor Brown and Commissioners thanked the participants, noted the excellent qualifications of all the applicants, and commended them for their willingness to volunteer and serve the Town.

Adjournment

Mayor Brown adjourned the April 15, 2013, Special Workshop at 9:27 a.m.

Jo Ann Mixon, Deputy Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
APRIL 15, 2013 - 1:00 P.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the Regular Workshop Meeting to order at 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Duncan led the Pledge of Allegiance.

PUBLIC TO BE HEARD: NO ITEMS WERE PRESENTED.

1. Opportunity for Public to Address Town Commission

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

PROCLAMATIONS AND SPECIAL PRESENTATIONS

2. Citation Presented by Mayor and Fire Chief to Jason Schmidt, Public Works

Mayor Brown read and presented the Citizen Commendation to Mr. Jason Schmidt, Public Works, for his actions to alert residents in a recent structure fire at 733 Lands End Drive.

Fire Chief Paul Dezzi noted the importance of citizens involvement to call 9-1-1 when they observe a fire event.

Mr. Schmidt, Public Works Utility Service Worker 2, thanked the Commission and Fire Department for the recognition.

COMMITTEE REPORTS AND COMMUNICATIONS

3. Manatee County Special Liaison Report

A. Finance

Vice Mayor Brenner noted attendance at a presentation relating to Municipal Bonds at New College of Sarasota and commented on the opportunity to engage in funding to provide a financing benefit during the current economic climate.

B. Organizations

Vice Mayor Brenner noted that the Manatee County Tourist Development Council met this date, advised that he would report back on items discussed, and commented on the increase in tourism and the impact on the increased collection of the Tourist Development tax.

Commr. Duncan inquired and Vice Mayor Brenner commented on the choice of individuals utilizing Tampa International Airport (TIA) over the Sarasota-Bradenton International Airport (SRQ), the constraints to obtain direct service destinations from Sarasota, and the impact of having an appointed board. Individual comments followed on the airline service available and fluctuating ticket costs during high-season use.

3. Manatee County Special Liaison Report - Continued

C. Public Works/Transit

Mayor Brown noted that he and Town Manager Dave Bullock had met with each of the Manatee County Commissioners relating to the Trolley/Transit service, advised that Longboat Key is the only municipality to be billed for Trolley/Transit services, and noted that the advertising proceeds received by the City of Anna Maria were retained by the municipality and not returned to the County.

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

5. Other Reports - No items were presented.

CONSENT AGENDA

6. Proposed Resolution 2013-13, Providing for Emergency Authorization for Town Manager

Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Proposed Resolution 2013-13 provides methods to obtain a quorum or gives the Town Manager authority to expend funds and take emergency action in the event a quorum of the Commission is not available. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-13 to the May 6, 2013 Regular Meeting for formal action.

There was consensus to approve the Consent Agenda in accordance with Staff's report and recommendation, as submitted.

DISCUSSION ITEMS

7. Sarasota County Proposal to Provide Consolidated Dispatch Services for Police and Fire Services

Sarasota County Administrator Randall Reid proposed the County provide consolidated dispatch services for municipalities located within Sarasota County. The Town Manager will discuss issues and opportunities related to consolidated dispatch services and seek Commission direction regarding the Town's interest. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock presented an overview of Sarasota County's proposal to provide consolidated dispatch services for 9-1-1 calls. Discussions were held on the following topics/issues:

- proposed communication system/transfer of calls to Longboat Key
- Sarasota County versus municipal responsibilities
- advantage/disadvantages that may be realized
- liabilities associated with emergency services
- timeframe of offer period/due diligence
- anticipated level of service to be provided to Longboat Key residents
- determination of possible recognized improvements to cellular service
- thorough cost analysis to be performed

7. Sarasota County Proposal to Provide Consolidated Dispatch Services for Police and Fire Services - Continued

- assurance that level of service will be permanently maintained/development of enforceable interlocal agreement
- expectations of other municipalities to maintain high level of service.

Following comments, there was consensus to authorize the Town Manager to proceed to the due diligence process on the proposal.

8. Authorization for Mayor to Execute Sovereignty Submerged Lands Easement between Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Town

As a permit condition for the Town's 10-year Joint Coastal Permit, the Florida Department of Environmental Protection (FDEP) has requested the Mayor sign the proposed easement for use of six offshore borrow areas. Recommended Action: Pending discussion, forward to the April 15, 2013 Special Meeting for formal action.

Town Manager Dave Bullock noted the requirement for the execution of a Sovereignty Submerged Lands Easement. Upon inquiry, Public Works Director Juan Florensa noted the document requires execution by the Mayor. Discussions were held with Town Manager Bullock, Mr. Florensa, and Assistant Town Attorney Maggie Mooney-Portale on the following topics/issues:

- compliance with Port Dolphin agreement
- reimbursements received from Port Dolphin to date
- timeframe for future reimbursements from Port Dolphin upon issuance of permits
- extensions granted to Port Dolphin by FDEP
- confirmation that language included in the easement is standard FDEP contract language
- process for reimbursement following sand extraction from borrow sites.

Following comments, there was consensus to forward the easement to the April 15, 2013, Special Meeting for formal action.

9. Proposed Resolution 2013-14, Commission Policy Regarding Electronic Meeting Attendance and Participation

At the April 1, 2013 Regular Meeting staff was asked to investigate options for Commissioners to participate in meetings when they were unable to attend in person. The Town Attorney recommended the Commission adopt a policy for meeting attendance and participation via electronic means. Proposed Resolution 2013-14 is placed on the April 15, 2013 Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, forward Resolution 2013-14 to the April 15, 2013 Special Meeting for formal action.

Town Manager Dave Bullock presented an overview of proposed Resolution 2013-14 establishing an interactive electronic media technology policy for the Commission. Discussions were held with Town Manager Bullock and Assistant Town Attorney Maggie Mooney-Portale on the following topics/issues:

9. Proposed Resolution 2013-14, Commission Policy Regarding Electronic Meeting Attendance and Participation - Continued

- meeting not impacted if remote user loses connection
- option to utilize Skype in addition to other forms of telecommunication
- anticipated viewing of more than one participant at a time
- request for Information Technology (IT) Department to provide instructions on the use of telecommunication options
- concern of utilization during executive session/shade meetings and exposure of liability to lose the exemption from disclosure.

Following comments by Town Manager Bullock, Assistant Town Attorney Maggie Mooney-Portale advised that language would be drafted to exclude participation in meetings governed by Florida Statutes Chapter 447 and the exemptions granted therein.

Following comments, there was consensus to forward Resolution 2013-14, as amended, to the April 15, 2013, Special Meeting for formal action.

PUBLIC TO BE HEARD

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

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS

A. Litigation

Assistant Town Attorney Maggie Mooney-Portale commented on correspondence received from Motley Rice, Attorneys at Law, relating to the BP Oil Spill litigation and the time frame to file a lawsuit.

Commr. Duncan inquired, and Attorney Moody-Portale and Town Manager Dave Bullock reviewed the existing status of the claim against BP Oil for the Deepwater Horizon Oil Spill. Town Manager Bullock advised that Motley-Rice works on contingency basis and no funds would be expended unless an award is received.

Subsequent to comments, there was consensus to forward the correspondence to the April 15, 2013, Special Meeting for formal action.

TOWN MANAGER COMMENTS

A. Town Manager

Town Manager Dave Bullock reported on the following items:

- joint meeting between Manatee and Sarasota County Commissions on April 16, 2013
- bid opening for Beach Renourishment Project on April 16, 2013
- distribution of draft on issues to be addressed at a Special Workshop Meeting on April 24, 2013, regarding the Colony property (items/issues to be included in the Workshop discussion)
- introduced and welcomed Police Captain Frank Rubino.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown advised that the Special Meeting would convene at 2:30 p.m. and adjourned the April 15, 2013, Regular Workshop Meeting at 2:18 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
APRIL 15, 2013**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

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

CALL TO ORDER

Mayor Brown called the Special Meeting to order at 2:30 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

ORDINANCES – SECOND READING AND PUBLIC HEARING

1. Ordinance 2013-11, Amending the FY 2012-13 Budget to Provide Funds for a 3% Wage Increase for General Employees Not Included in Ordinance 2013-09 and Employees Represented By the Police Benevolent Association (PBA)

At the April 1, 2013 Regular Meeting the Town Commission passed Ordinance 2013-11 on first reading and public hearing and adopted Ordinance 2013-09 which amended the Fiscal Year 2012-13 Budget to provide a wage increase to non-represented general employees and for increases included in the ratified IAFF contract. Ordinance 2013-11 provides for a similar wage increase to the remainder of the General Employees group, as well as employees covered by the PBA contract which were not included in Ordinance 2013-09. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-11.

Town Clerk Trish Granger placed Ordinance 2013-11 on record for second reading and public hearing by title only.

Commr. Larson moved to adopt Ordinance 2013-11. The motion was seconded by Commr. Duncan.

Mayor Brown opened the public hearing. As no one wished to speak, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, aye; Brown, aye.

2. Ordinance 2013-12, Amending Chapter 34, Section 34.45, Composition of Firefighters' Retirement System Board of Trustees

Ordinance 2013-12 provides for a change to the composition of the current Firefighters' Retirement System Board of Trustees. The Commission held first reading of Ordinance 2013-12 at the April 1, 2013 Regular Meeting and forwarded to the April 15, 2013 Special Meeting for second reading, and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-12.

Minutes in draft form and are not official until approved by the Town Commission.

2. Ordinance 2013-12, Amending Chapter 34, Section 34.45, Composition of Firefighters' Retirement System Board of Trustees - Continued

Town Clerk Trish Granger placed Ordinance 2013-12 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2013-12. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing. As no one wished to speak, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Larson, aye; Duncan, aye; Brenner, aye; Younger, aye; Brown, aye.

RESOLUTIONS

3. Resolution 2013-14, Commission Policy Regarding Electronic Meeting Attendance and Participation

At the April 1, 2013 Regular Meeting staff was asked to investigate options for Commissioners to participate in meetings when they were unable to attend in person. The Town Attorney recommended the Commission adopt a policy for meeting attendance and participation via electronic means. Resolution 2013-14 was forwarded from the April 15, 2013 Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-14.

Town Clerk Trish Granger placed Resolution 2013-14 on record by title only.

Town Manager Dave Bullock advised that the modification to the Resolution as discussed at the April 15, 2013, Regular Workshop Meeting had been incorporated to exclude meetings outlined in Florida Statutes Chapter 447.

Commr. Younger moved to pass Resolution 2013-14, as amended. The motion was seconded by Commr. Duncan.

Following comments, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Zunz, aye; Brenner, aye; Gans, aye; Brown, aye; Larson, aye.

NEW BUSINESS

4. Appointments to Firefighters' Retirement System Board of Trustees

Ordinance 2013-12 provides for a change in the composition of Firefighters' Retirement System Board of Trustees. The Commission will consider appointment of 5 members, which includes the Chair and Vice-Chair at the April 15, 2013 Special Meeting. The Town Manager will appoint the remaining two members. Recommended Action: Pending discussion, appoint members to Firefighters' Retirement System Board of Trustees.

Following comments by Mayor Brown on the procedure for appointments, Town Clerk Trish Granger proceeded with a roll call vote, for Seat 1, Chair, as follows:

4. Appointments to Firefighters' Retirement System Board of Trustees - Continued

**Commr. Younger cast a ballot for Mr. Armando Linde.
Commr. Larson cast a ballot for Mr. Armando Linde.
Vice Mayor Brenner cast a ballot for Mr. Gerald Feder.
Mayor Brown cast a ballot for Mr. Gerald Feder.
Commr. Duncan cast a ballot for Mr. Gerald Feder.
Commr. Zunz cast a ballot for Mr. Armando Linde.
Commr. Gans cast a ballot for Mr. Gerald Feder.**

Mr. Gerald Feder was appointed to Seat 1 and to serve as Chair for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 2, Vice Chair, as follows:

**Commr. Larson cast a ballot for Ms. Shannon Gault.
Vice Mayor Brenner cast a ballot for Ms. Shannon Gault.
Mayor Brown cast a ballot for Ms. Shannon Gault.
Commr. Duncan cast a ballot for Mr. Armando Linde.
Commr. Zunz cast a ballot for Mr. Armando Linde.
Commr. Gans cast a ballot for Mr. Armando Linde.
Commr. Younger cast a ballot for Mr. Armando Linde.**

Mr. Armando Linde was appointed to Seat 2 and to serve as Vice Chair for a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 3, as follows:

**Vice Mayor Brenner cast a ballot for Ms. Shannon Gault.
Mayor Brown cast a ballot for Ms. Shannon Gault.
Commr. Duncan cast a ballot for Ms. Shannon Gault.
Commr. Zunz cast a ballot for Mr. James Pappas.
Commr. Gans cast a ballot for Ms. Shannon Gault.
Commr. Younger cast a ballot for Ms. Shannon Gault.
Commr. Larson cast a ballot for Ms. Shannon Gault.**

Ms. Shannon Gault was appointed to Seat 3 to serve a term to expire on May 14, 2014.

Town Clerk Granger proceeded with a roll call vote, for Seat 4, as follows:

**Mayor Brown cast a ballot for Mr. James Pappas.
Commr. Duncan cast a ballot for Mr. James Pappas.
Commr. Zunz cast a ballot for Mr. James Pappas.
Commr. Gans cast a ballot for Mr. James Pappas.
Commr. Younger cast a ballot for Mr. James Pappas.
Commr. Larson cast a ballot for Mr. James Pappas.
Vice Mayor Brenner cast a ballot for Ms. Tama Traberman.**

Mr. James Pappas was appointed to Seat 4 to serve a term to expire on May 14, 2014.

4. Appointments to Firefighters' Retirement System Board of Trustees - Continued

Town Clerk Granger proceeded with a roll call vote, for Seat 5, as follows:

- Commr. Duncan cast a ballot for Mr. Lee Riley.**
- Commr. Zunz cast a ballot for Mr. Lee Riley.**
- Commr. Gans cast a ballot for Mr. Kenneth Gorman.**
- Commr. Younger cast a ballot for Mr. Lee Riley.**
- Commr. Larson cast a ballot for Mr. Lee Riley.**
- Vice Mayor Brenner cast a ballot for Mr. Kenneth Gorman.**
- Mayor Brown cast a ballot for Mr. Lee Riley.**

Mr. Lee Riley was appointed to Seat 5 to serve a term to expire on May 14, 2014.

Town Clerk Granger advised that the appointed individuals would be formally notified. (See Item 4 later this meeting.)

5. Authorization for Mayor to Execute Sovereignty Submerged Lands Easement between Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Town

As a permit condition for the Town's 10-year Joint Coastal Permit, the Florida Department of Environmental Protection (FDEP) has requested the Mayor sign the proposed easement for use of six offshore borrow areas. Recommended Action: Pending discussion, authorize Mayor to execute Sovereignty Submerged Lands Easement.

Town Manager Dave Bullock presented an overview of the submerged lands easement that required execution by the Mayor.

Commr. Duncan moved to authorize the execution of the Sovereignty Submerged Lands Easement by the Mayor. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye.

6. Request for Authorization to File Lawsuit Regarding BP Oil Spill

At the April 15, 2013 Regular Workshop Meeting the Town Attorney updated the Commission regarding the status of the BP Oil Spill Lawsuit. This item is placed on the April 15, 2013 Special Meeting to provide the Commission an opportunity to take formal action. Recommended Action: Pending discussion, provide direction to Town Attorney.

Assistant Town Attorney Maggie Mooney-Portale presented an overview of the deadline to file a lawsuit regarding the BP oil spill and requested Commission direction regarding authorization for the law firm of Motley Rice to proceed with a suit.

Commr. Younger moved to authorize execution of the authorization to file a lawsuit regarding the BP oil spill. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Younger, aye; Gans, aye; Duncan, aye; Brown, aye; Brenner, aye; Zunz, aye; Larson, aye.

4. Appointments to Firefighters' Retirement System Board of Trustees - Continued
Commr. Duncan requested that correspondence be forwarded to the applicants who were not selected noting appreciation for their interest in serving and to advising them that additional opportunities for volunteering will become available to serve on alternate Boards.

Town Manager Dave Bullock advised that the Town Clerk's office will forward the requested correspondence.

ADJOURNMENT

Mayor Brown adjourned the April 15, 2013, Special Meeting at 2:48 p.m.

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

Minutes in draft form and are not official until approved by the Town Commission.



End of Agenda Item