

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL WORKSHOP MEETING
JUNE 17, 2013 – 10:00 A.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, Town Attorney Maggie Mooney-Portale, Deputy Town Clerk Jo Ann Mixon

CALL TO ORDER

Mayor Brown called the Special Workshop Meeting to order at 10:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

1. Budget Discussion

The Town Manager will review the Fiscal Year (FY) 2013-14 Preliminary Budget and provide an update regarding fund balance. A general discussion of the upcoming 5-year budget projections under various revenue and expenditure scenarios will be held. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock gave a PowerPoint presentation on the FY 2013-2014 Preliminary Budget. Discussions were held with Town Manager Bullock and Finance Director Sue Smith on the following topics/issues:

- projected assumption for FY 2015-2018
- Enterprise Funds (Utility and Building)
- General Fund Revenue (history and projections)
- General Fund Expenditure (history and projections)
- impact of pension expense projection on operating budget in FY 2015 as opposed to alternate funding sources (i.e. debt service)
- reduction in revenue trends/impact to budget
- number of operating days reflected in Fund Balance
- establishing and future adoption of a Fund Balance Policy
- Millage Rate comparison FY 2004-2014 (including and excluding Beach Districts)
- Ad Valorem taxable values
- Millage Rate generations (0.125 mill to 2.0 mills)
- expenditure reductions
- required reduction of hours for part time employees from 32 to 29 hours per week
- option for Police Dispatch to move to County (either Sarasota or Manatee in 2015)
- service delivery/level (Town/joint efforts/efforts without Town participation)
- tax strategy
- revenue source (Town Code, Section 51.33, Automatic Utility Rate Adjustments)
- revenue source (Town Code, Section 37.10, Public Service Tax)
- FY 2014 pension discussion (Firefighters and General Employees retirements).

Mr. George Spoll, Harbourside Drive, noted that additional Public Service Taxes were proposed by a former Town Manager and rejected by the seated Town Commission.

1. Budget Discussion - Continued

Discussions were held on the following topics/issues:

- revenue decreases
- expenditure increases
- budget challenges for FY 2014.

Town Manager Bullock summarized topics/issues for future Town Commission discussion, identified receipt of certified taxable value expected from the Property Appraisers by July 1, 2013, advised that the maximum millage rate would be established at the July 1, 2013, Regular Meeting, and noted a continued review of services for savings potential.

Discussions were held on the following topics/issues:

- tax increase for those property owners who qualified for Save Our Homes program
- maximum rate of property tax increase 1.7%
- service levels (maintaining the Police Dispatch operations on Longboat Key)
- revenues and perceived service levels
- possible tax increase (tight FY 2014 budget and unknown expenditures)
- future beach nourishment (possible structures, sand, and funding efforts).

ADJOURNMENT

Mayor Brown adjourned the June 17, 2013, Special Workshop Meeting at 11:37 a.m.

Jo Ann Mixon, Deputy Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
JUNE 17, 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, Town Attorney Maggie Mooney-Portale, Deputy Town Clerk Jo Ann Mixon

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Public Works

Waste Management Representative Rose Quin-Bare commented on the Waste Watch program instituted by Waste Management, Inc.

B. Planning, Zoning, and Building

Mr. Gene Jaleski, Cedar Street, displayed a PowerPoint presentation regarding small cell service.

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. Other Reports

A. Organizations

Vice Mayor Brenner noted attendance at the June 4, 2013, Bradenton Area Economic Development Council tour of Feld Entertainment Center, and explained the Chief Executive Officer (CEO) of Feld Entertainment lived on Longboat Key.

Vice Mayor Brenner noted attendance at the June 11, 2013, All American City Showcase held at Riverview High School and explained Sarasota County was a top 10 finalist in the All American City awards.

5. Representative Jim Boyd Legislative Update

Representative Jim Boyd provided a 2013 Legislative update and noted support in correcting the local impact connected to House Bill 537.

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

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

5. Representative Jim Boyd Legislative Update - Continued

Vice Mayor Brenner commented on the upcoming Urban Land Institute (ULI) study and the issue of rising sea levels, and requested assistance in researching this State-wide problem. Discussions were held on the following topics/issues:

- Florida League of Cities tracking House Bills (HB)
- HB 537 eliminating the ability of a municipality to utilize a referendum process for land use issues
- Town Charter identifying procedure of referendum regarding density.

CONSENT AGENDA

6. Consideration of Request for Temporary Closure of Bay Isles Road for July 4, 2013, Freedom Fest

The Longboat Key Chamber of Commerce requests Commission consideration for temporary closure of Bay Isles Road on July 4th between the hours of 8:30 and 11:30 AM to hold the annual Freedom Fest parade and festivities. Recommended Action: Approval of the Consent Agenda will forward this item to the June 17, 2013, Special Meeting for formal action.

7. Proposed Resolution 2013-21, Supporting the Metropolitan Planning Organization (MPO) Membership Reapportionment Plan

Federal and State Statutes require the MPO to adopt a Membership Apportionment Plan following each decennial census, which establishes membership composition of local governments on the MPO Board. In addition, Florida Statutes require resolutions of support from the MPO member local governments. Proposed Resolution 2013-21 confirms the Town's support of the MPO Membership Reapportionment Plan. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-21 to the June 17, 2013, Special Meeting for formal action.

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

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

8. Discussion Regarding Beach Nourishment Project Options

At the June 3, 2013, Regular Meeting the Town Manager discussed the recently received bid for the Town's Beach Nourishment Project. There was consensus to reject the bid and discuss options for moving forward at the June 17, 2013, Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock identified the Beach Nourishment Project bid process, receipt of one bid, the circumstances surrounding other dredging projects as a result of Tropical Storm Sandy, and the high cost to relocate required barges.

Public Works Director Juan Florensa gave a PowerPoint presentation highlighting the following:

- placing sand in two areas (6600 Gulf of Mexico Drive/Islander to North of Colony)
- pre- and post- Tropical Storm Andrea affects on the beach
- beach width at various points along the shoreline.

8. Discussion Regarding Beach Nourishment Project Options – Continued

Town Manager Bullock discussed two beach objectives (protection and recreation), the unreasonable cost for the proposed project bid response, Federal Emergency Management Agency (FEMA) approved \$8 million dollars for Tropical Storm Debby funding, and a future combined larger nourishment project. Discussions were held on the following topics/issues:

- engineer's recommendation not to accept the bid and change the borrow areas
- North end structure update (permitting)
- Federal permitting and agency discussions
- 2015 bid for nourishment (possible interim project)
- upcoming West coast nourishment project (coordinate with dredging contractor).

Following comments on the Beach Nourishment Project Options, there was consensus to proceed with a larger combined nourishment project.

Mr. Gene Jaleski, Cedar Street, commented on options for beach nourishment projects.

Mr. Larry Grossman, St. Judes Drive North, commented on the habitats of sea turtles and sea birds.

Discussions were held on the following topics/issues:

- turtle nesting locations
- Florida Department of Environmental Protection (FDEP) Permit requirements and lobbying efforts
- Longboat Key beaches (consideration to become a Federal beach).

9. Telecommunications Follow-up

At the June 3, 2013, Regular Meeting the Town Commission passed Resolution 2013-09, Future Land Use Element Telecommunications, which authorized transmittal of proposed Comp Plan Amendments to the Department of Economic Opportunity for review and comment. This item is placed on the June 17, 2013, Regular Workshop Agenda for the Commission to provide direction on telecommunications issues related to future Code language to implement the proposed Comprehensive Plan Amendment. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock discussed Town Commission action at the June 3, 2013, Regular Meeting that amended the proposed language in Future Land Use Element Policy 1.1.10 regarding personal wireless service facilities, and inquired if staff should continue to move forward utilizing the hierarchy language.

Discussions were held on previous Town Commission action to have hierarchy and other considerations addressed in the Land Use Codes, and to number future drafts.

Mr. Jeremy Whatmough, Gulf of Mexico Drive, commented on the maximum height limits.

Mr. Gene Jaleski, Cedar Street, commented on telecommunication alternatives.

9. Telecommunications Follow-up – Continued

Mr. Larry Grossman, St. Judes Drive North, commented on the policy statement.

Attorney Michael Furen, Main Street, Sarasota, commented on hiring an expert to write the Code.

Following comments on Telecommunications, there was consensus to move forward with this issue.

RECESS: 2:40 p.m. – 2:50 p.m.

10. Urban Land Institute (ULI) – Proposed Contract and Draft Questions

At the June 3, 2013, Special Meeting the Town Commission considered draft questions and discussed the focus of the ULI study. The Commission established a work group, which held work sessions on June 10 and 14, 2013, in order to refine the draft questions. The Commission will consider the work group's recommended questions and proposed contract at the June 17, 2013, Regular Workshop Meeting. Recommended Action: Pending discussion forward draft questions and proposed contract to the June 17, 2013, Special Meeting for formal action.

Town Manager Dave Bullock advised on efforts of the ULI Subcommittee, and discussed the ten questions under review and consideration.

Discussions were held on the following topics/issues:

- question order
- the difference between a community center and a town center
- developing a briefing book
- continuing the ULI Subcommittee.

The following individuals commented on the ULI Subcommittee and proposed questions:

Mr. Gene Jaleski, Cedar Street
Mr. George Spoll, Harbourside Drive
Mr. Larry Grossman, St. Judes Drive North
Ms. B.J. Webb, Buttonwood Drive.

Following discussion, there was consensus to forward the draft questions and proposed contract to the June 17, 2013, Special Meeting for formal action.

Town Manager Bullock advised the ULI Subcommittee continuance would be formalized at the July 1, 2013, Town Commission Regular Meeting.

11. Discussion Regarding Continuation of Gulf of Mexico Drive Sign Removal Efforts

Commissioner Duncan requested the Commission hold discussion regarding continuation of efforts for removal of unnecessary signage along the Gulf of Mexico Drive right-of-way. He recommends the Commission appoint a Citizen Committee to investigate opportunities for further reduction of signs on Gulf of Mexico Drive. Recommended Action: Pending discussion provide direction to Manager.

Town Manager Dave Bullock provided historical information (report dated February 2011) that identified a 28% reduction in sign posts.

11. Continuation of Gulf of Mexico Drive Sign Removal Efforts - Continued

Discussions were held on the following topics/issues:

- formalizing a committee to explore additional sign removal from the Town
- reduce governmental agency signage
- Florida Department of Transportation signage
- pedestrian safety
- appointing a sign committee.

Following discussion, there was consensus to allow Town Manager Bullock and staff to review the issues and report to the Commission prior to creating a committee.

Mr. George Spoll, Harbourside Drive, discussed voluntary citizen involvement, and requested consideration for a unique community sign.

PUBLIC TO BE HEARD

Town Code Section 30.01.1(B) provides that when the Town Commission conducts a Workshop Meeting wherein a Special Meeting immediately follows, the floor shall be opened for the public to be heard at the conclusion of the Workshop Meeting.

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

TOWN COMMISSION COMMENTS

A. Long Bar Pointe Development (Manatee County)

Vice Mayor Brenner discussed the Long Bar Pointe project, and noted the Manatee County Board of County Commissioners August 6, 2013, meeting scheduled on this issue.

Town Manager Dave Bullock advised on the Manatee County Comprehensive Plan amendment and identified the Long Bar Pointe website as a source of additional information.

B. Colony Property (1620 Gulf of Mexico Drive) Update

Commissioner Gans requested and Town Manager Dave Bullock provided an update on the proposed redevelopment of the Colony Property.

TOWN ATTORNEY COMMENTS – No items were presented.

TOWN MANAGER COMMENTS

A. Town Manager Update

Town Manager Dave Bullock discussed the following topics/issues:

- upcoming Police Department negotiations meeting
- the new fire truck purchased with Infrastructure Surtax funds

TOWN MANAGER COMMENTS - Continued

A. Town Manager Update - Continued

- utilizing a flag system to identify hazardous water conditions and posting the surf conditions to the website
- the Town Attorney's contract
- annual Hurricane Seminar
- correspondence from Manatee County Commission regarding Transit Funding and a request for payment of a \$42,000 annual subsidy.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the June 17, 2013, Regular Workshop Meeting at 3:53 p.m.

Jo Ann Mixon, Deputy 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
JUNE 17, 2013**

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 Maggie Mooney-Portale,
Present: Deputy Town Clerk Jo Ann Mixon

CALL TO ORDER

Mayor Brown called the Special Meeting to order at 4:04 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

ORDINANCES – FIRST READING AND PUBLIC HEARING

1. Ordinance 2012-26, Establishing Town Code Chapter 140, Property Maintenance Code
Ordinance 2012-26 will create a new Chapter 104 in the Town Code establishing minimum standards governing the condition and maintenance of all property throughout the Town. The Town Commission considered Ordinance 2012-26 at their May 20, 2013 Regular Workshop Meeting and forwarded it to the June 17, 2013, Special Meeting for first reading and public hearing. Recommended Action: Pending first reading and discussion, forward Ordinance 2012-26 to the July 1, 2013 Regular Meeting for second reading and public hearing.

Deputy Town Clerk Jo Ann Mixon placed Ordinance 2012-26 on record for first reading and public hearing by title only.

Commr. Duncan moved to pass Ordinance 2012-26 on first reading and public hearing. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Town Manager Dave Bullock commented on previous consideration and public hearings on the Ordinance and advised that a PowerPoint presentation was included in the agenda material.

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

Discussions were held on the following topics/issues:

- amending the ordinance after adoption
- testimony/public comment during Planning and Zoning Board public hearings
- regulations/ordinance enforcement/timeframe regarding violation notice
- trailer/boat subcommittee meeting schedule
- current Code Enforcement efforts/compliance.

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

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ORDINANCES – SECOND READING AND PUBLIC HEARING

2. Ordinance 2013-19, Amending the Town of Longboat Key Comprehensive Plan

Ordinance 2013-19 provides for adoption of amendments to Comprehensive Plan Policies 1.1.10, 1.1.11, and Table 1 of the Future Land Use Element, to allow an additional story of height through the final site plan approval process for TRC-6 properties that are granted additional tourism units through Section 158.180 of the Land Development Code; and amending related Section IV.D., of the Supplemental Data and Analysis for the future land use element. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-19.

Deputy Town Clerk Jo Ann Mixon placed Ordinance 2013-19 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2013-19. 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; Duncan, aye; Larson, aye; Brenner, aye; Brown, aye; Younger, aye.

3. Ordinance 2013-10, Amending Chapter 158.145, Schedule of Lot, Yard, and Bulk Regulations

At their May 21, 2013, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Ordinance 2013-10, providing for policy changes to the Future Land Use Element's Policies 1.1.10, 1.1.11 and Table 1 regarding allowance of an additional story and 15 feet of additional building height for the site plan proposals utilizing tourism units, as allowed in Section 158.180. First reading and public hearing of Ordinance 2013-10 was held at the June 3, 2013 Regular Meeting and forwarded to the June 17, 2013 Special Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-10.

Deputy Town Clerk Jo Ann Mixon placed Ordinance 2013-10 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-10. The motion was seconded by Commr. Zunz.

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

Subsequent to discussion on the additional 15 feet and/or additional story (maximum building height 65 feet), the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Gans, aye; Duncan, aye; Brenner, aye; Larson, aye; Brown, aye.

RESOLUTIONS

4. Resolution 2013-21, Supporting the Metropolitan Planning Organization (MPO) Membership Reapportionment Plan

Federal and State Statutes require the MPO to adopt a Membership Apportionment Plan following each decennial census, which establishes membership composition of local governments on the MPO Board. In addition, Florida Statutes require resolutions of support from the MPO member local governments. Resolution 2013-21 confirms the Town's support of the MPO Membership Reapportionment Plan. Recommended Action: Pending discussion pass Resolution 2013-21.

Deputy Town Clerk Jo Ann Mixon placed Resolution 2013-21 on record by title only.

Commr. Younger moved to pass Resolution 2013-21. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Brown, aye; Larson, aye; Zunz, aye; Brenner, aye; Gans, aye.

NEW BUSINESS

5. Urban Land Institute (ULI) – Proposed Contract and Draft Questions

At the June 3, 2013, Special Meeting the Town Commission considered draft questions and discussed the focus of the ULI study. The Commission established a work group which conducted work sessions on June 10 and 14, 2013 in order to refine the draft questions. The Commission considered the work group's recommended questions and the proposed contract at the June 17, 2013 Regular Workshop Meeting and forwarded to the June 17, 2013, Special Meeting for formal action. Recommended Action: Pending discussion approve the ULI contract and questions.

Town Manager Dave Bullock gave a PowerPoint presentation on the proposed questions to be submitted to the ULI for the study to be accomplished later this year.

Vice Mayor Brenner moved to approve the draft questions and the Urban Land Institute (ULI) Contract. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Brenner, aye; Gans, aye; Younger, aye; Brown, aye; Larson, aye; Duncan, aye; Zunz, aye.

6. Request to Close Bay Isles Road for July 4th Freedom Fest Parade Between the Hours of 8:30 AM and 11:30 AM

The Longboat Key Chamber of Commerce has requested that the Town Commission consider closing Bay Isles Road on July 4, 2013 between the hours of 8:30 and 11:30 AM in order to hold the July 4th parade and festivities scheduled to begin at 9:00 AM. Recommended Action: Pending discussion, approve the request for July 4, 2013 temporary closure of Bay Isles Road.

Commr. Larson moved to approve the request to close Bay Isles Road for July 4th Freedom Fest Parade. The motion, seconded by Commr. Gans, carried by a 6-1 roll call vote, as follows: Larson, no; Gans, aye; Duncan, aye; Zunz, aye; Younger, aye; Brown, aye; Brenner, aye. Commr. Larson amended her vote to aye making the roll call vote 7-0 unanimously.

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

7. Consideration of Easement Agreement Regarding Seawall Construction and Maintenance on Town's Right of Way Adjacent to 6600 Bayou Hammock Road

The Town Commission will consider a Grant of a Non-Exclusive Easement between the Town of Longboat Key and Michael L. Morris and Michelle G. Morris for construction, maintenance, repair, and replacement of a seawall on the Town's right-of-way on the property adjacent to 6600 Bayou Hammock Road. The costs associated with the seawall construction and perpetual maintenance will be at the Grantee's sole cost and expense. Recommended Action: Pending discussion approve the easement agreement.

Town Manager Dave Bullock presented an overview of the Easement Agreement with Michael and Michelle Morris for a seawall on the Town's right-of-way adjacent to 6600 Bayou Hammock Road.

Discussions were held on the following topics/issues:

- insurance/liability
- seawall location on Town owned property
- enforcement of required maintenance
- Town performed annual inspection
- the history of the seawall, davits, and concrete pad
- past and current permitting process
- the replacement of the previous seawall
- ownership of the replaced seawall
- Jackson Way right-of-way and the 20-foot wide easement
- cost of maintenance, repair, and/or future replacement of the seawall
- non-exclusive perpetual easement
- covenants running with the land for ingress and egress
- adding a termination clause to the easement agreement
- ability of the general public to use the seawall located on Town property
- Town's responsibility to maintain the public right-of-way
- development of the site and Town's requirement to obtain consent from grantee.

Commr. Larson moved to add a termination clause with reasonable notice to the proposed easement. The motion was seconded by Commr. Duncan.

Discussions were held on the following topics/issues:

- whether the Town should transfer (give away) property
- Town error in issuance of the permit
- restricting the Town's ability for future development of the right-of-way.

The motion to add a termination clause carried by a 5-2 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, no; Gans, no; Younger, aye; Brenner, aye; Brown, aye.

Commr. Duncan moved to authorize the Town Attorney to negotiate with the Grantee's Attorney to add a termination clause to the Easement Agreement with a notice time frame between one and five years. The motion was seconded by Commr. Gans.

7. Consideration of Easement Agreement Regarding Seawall Construction and Maintenance on Town's Right of Way Adjacent to 6600 Bayou Hammock Rd - Continued

Discussions were held on the following topics/issues:

- previous owner's knowledge of right-of-way ownership by the Town
- termination clause language
- five-year time frame for notice of termination of easement.

Mayor Brown moved to amend the motion to provide the Town Attorney flexibility in negotiating the termination clause pertaining to the time frame for notice. The motion, seconded by Commr. Younger, carried by a 6-1 roll call vote, as follows: Brown, aye; Younger, aye; Brenner, aye; Larson, aye; Duncan, aye; Zunz, no; Gans, aye.

The main motion, as amended, carried by a 6-1 roll call vote, as follows: Duncan, aye; Gans, aye; Younger, aye; Zunz, no; Larson, aye; Brenner, aye; Brown, aye.

ADJOURNMENT

Mayor Brown adjourned the June 17, 2013, Special Meeting at 5:17 p.m.

Jo Ann Mixon, Deputy 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
REGULAR MEETING
JULY 1, 2013 - 7:00 P.M.**

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

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

Absent: Commr. Lynn Larson

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the July 1, 2013, meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Duncan led the Pledge of Allegiance.

Mayor Brown noted that Manatee County Commissioner John Chappie was in attendance.

Mayor Brown noted the Longboat Key Freedom Fest on Thursday, July 4, 2013, and invited members of the audience and the public's participation.

Mayor Brown noted that Commr. Larson was absent due to a medical emergency.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Florida Department of Transportation (FDOT) Pedestrian Study

Public Works Director Juan Florensa provided an overview of the Town's request to the Florida Department of Transportation (FDOT) on issues relating to State Road (S.R.) 789/Gulf of Mexico Drive on pedestrian and traffic counts.

FDOT District Traffic Operations Engineer L.K. Nandam, P.E., gave a PowerPoint presentation on the Pedestrian Study performed along the S.R. 789 corridor. Discussions were held with Mr. Nandam and Town Manager Dave Bullock on the following topics/issues:

- sidewalk gap at North end of Longboat Key
- option to have a pedestrian crossing in the Broadway area once sidewalk improvements are completed
- wide street distance and road curvature in the area of Broadway
- determination of items to be handled by FDOT in lieu of funding requirements by the Town
- challenges faced in utilizing FDOT "Safety Funds" and options to have the Sarasota-Manatee Metropolitan Planning Organization (MPO) include on their priority list
- safety concerns for gap in sidewalk on North end
- process to examine the use of roundabouts in various locations throughout the Town (requirement for Town to perform study and present results to FDOT)

1. FDOT Pedestrian Study - Continued

- impact of sea level rising and protection of the roadway
- process to change street names
- process for determination of speed limits on roadways
- results of lighting study (does not meet FDOT standards)
- consideration of accidents resulting from poor lighting.

Mayor Brown thanked Mr. Nandam for the efforts expended by FDOT representatives.

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Larry Grossman, St. Judes Drive N., commented on the Florida Department of Transportation (FDOT) Pedestrian Study and automobile accidents on Gulf of Mexico Drive and inquired as to the time frame for the study.

Mr. Sergio Quevedo, P.E., Project Manager with HNTB Corporation (preparer of the FDOT report), commented on the dates and times of the studies conducted.

Mr. Grossman requested consideration for further review of variable speeds as afforded to the Bradenton Beach area and the impact of roundabouts on traffic speed, safety islands, raised medians, and pedestrian crossing notifications.

B. Public Works

Ms. Rose Quin-Bare, Waste Management Political Consultant, commented on the recycling rate accomplished by Waste Management, Inc., and options for additional improvements in the recycling rate.

APPROVAL OF MINUTES

3. April 24, 2013, Special Workshop Meeting (Colony); May 6, 2013, Special Workshop Meeting (Meet and Greet); May 6, 2013, Regular Meeting; May 20, 2013, Special Workshop Meeting (Budget); May 20, 2013, Special Workshop Meeting (Goals & Objectives); May 20, 2013, Regular Workshop Meeting; May 20, 2013, Special Meeting; June 3, 2013, Special Workshop Meeting (Meet and Greet); June 3, 2013, Special Meeting (ULI), June 3, 2013, Regular Meeting Minutes.

Mayor Brown noted that Town Clerk Trish Granger had forwarded Commissioners minor amendments to the minutes and advised that the corrections would be incorporated for consideration.

There was consensus to approve the minutes, as amended.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Vice Mayor Brenner noted a meeting of the Sarasota County Tourist Development Council and reviewed the issues discussed. Upon inquiry, Town Manager Dave Bullock advised that an amendment increasing the allocation of the Tourist Tax returns from Sarasota County was being developed.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

A. Organizations - Continued

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

CLOSING AND ACTION ON CONSENT AGENDA

4. Authorization to Execute Contract with Town Attorney

At the May 6, 2013, Regular Meeting, the Town Commission selected Attorney Maggie Mooney-Portale with the firm of Persson and Cohen, P.A., to serve as the Town Attorney. The contract was approved at the June 3, 2013 Regular Meeting. This item is placed on the July 1, 2013 Regular Meeting to incorporate minor changes that were inadvertently omitted in the final draft approved at the June 3, 2013 Regular Meeting. Recommendation: Approval of the Consent Agenda will authorize execution of the contract between the Town and Attorney Mooney-Portale.

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

5. Ordinance 2012-26, Property Maintenance Code, Establishing Town Code Chapter 104

At their March 19, 2013, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded proposed Ordinance 2012-26 to the Town Commission for consideration at their May 20, 2013 Regular Workshop Meeting. First reading, public hearing and discussion, was held at the June 17, 2013 Special Meeting and forwarded to July 1, 2013 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-26.

Town Clerk Trish Granger placed Ordinance 2012-26 on record for second reading and public hearing by title only.

Commr. Duncan moved to adopt Ordinance 2012-26. 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 6-0 roll call vote, as follows: Duncan, aye; Gans, aye; Younger, aye; Zunz, aye; Brenner, aye; Brown, aye.

6. Ordinance 2013-13, Amending Chapter 34, Employment Policies

Ordinance 2013-13 amends Chapter 34, Employment Policies and provides for a freeze of the Firefighters' Retirement System defined benefit plan effective September 30, 2013. Current and future firefighters will be enrolled in the Florida Retirement System (FRS). The ordinance was considered at the May 20, 2013 Regular Workshop Meeting and forwarded to the May 20, 2013 Special Meeting for first reading. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-13.

6. Ordinance 2013-13, Amending Chapter 34, Employment Policies - Continued

Town Clerk Trish Granger placed Ordinance 2013-13 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-13. 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 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye.

7. Ordinance 2013-15, Amending Chapter 34, Employment Policies

Ordinance 2013-15, provides for a freeze of the General Employees' Retirement System defined benefit plan effective September 30, 2013. Current and future employees will be enrolled in a defined contribution plan administered by ICMA. The ordinance was considered at the May 20, 2013 Regular Workshop Meeting and forwarded to the May 20, 2013 Special Meeting for first reading. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-15.

Town Clerk Trish Granger placed Ordinance 2013-15 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-15. The motion was seconded by Vice Mayor Brenner.

Mayor Brown opened the public hearing.

Ms. Jo Ann Mixon, Longboat Key Town Employee, inquired and Town Manager Dave Bullock provided an overview on the provisions of Section A relating to 100% vesting, percentage of vesting, accrued leave, identification of the defined contribution plan to be made by the Town, impact on the early retirement benefit and the Deferred Retirement Option Plan (DROP), and the options considered by the Town relating to retaining, freezing, or closing the existing defined benefit plan.

Following additional comments by Ms. Mixon, Mayor Brown noted that the intent of the changes was to reduce the burden on the taxpayers and the amendments were required to achieve this goal.

Mr. Steve Schield, Longboat Key Town Employee, commented on the late arrival of the Actuarial Impact Statement on the freezing of the Plan and requested consideration to provide early retirement benefits and DROP benefits as afforded to the firefighters.

Ms. Maureen Monohan, Longboat Key Town Employee, read a prepared statement relating to the freezing of the defined benefit plan and the impact to her financial planning.

7. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued
Discussion ensued on the following topics/issues:

- number of employees that may be eligible for DROP and/or early retirement benefits/calculation of cost impact to the Town to retain the benefits
- two and five year extension windows for DROP benefits/number of employees who may qualify/cost of benefits
- extension granted/provided to firefighters through contract negotiations (five year early retirement/DROP benefit provided)
- cost impact for reinstating the DROP for the General Employee group.

Commr. Duncan moved to amend Ordinance 2013-15 to reinstate a five-year DROP period (as provided for the firefighters) and to direct the Town Manager to provide evaluation of costs for an early retirement element. The motion was seconded by Commr. Zunz.

Discussion ensued on the following topics/issues:

- the time frame needed to freeze the plan by September 30, 2013
- costs to freeze versus closing the plan
- inclusion of an early retirement option
- consideration to schedule a Special Meeting in August to review the costs and take final action on Ordinance 2013-15
- inequity/disparity between employee groups
- cost benefits to taxpayers versus benefits promised to employees
- employees expecting to receive a benefit offered
- parameters of an early retirement provision (with reduced benefits to the retiree)
- impact (costs) to the Town's budget if early retirement plan is offered
- private sector industry standards to provide benefits promised to long term employees/option to eliminate DROP and early retirement benefit to new employees
- high-risk classification for firefighters and police officers when benefits are determined/differences offered through contracts to Fire and Police employees.

Following inquiry on clarification of the motion offered by Commr. Duncan, Town Manager Bullock noted his understanding that the window for DROP for General Employees would be enhanced by extending the time period of eligibility to employees who are within five years of retirement and noted the language included in Ordinance 2013-13 relating to the firefighters pension plan freeze.

Subsequent to comments, Commr. Gans moved to divide the question to reinstate the DROP and provide information on early retirement options. The motion failed for lack of a second.

Commr. Younger moved to amend the amendment to move forward with all other aspects of the Ordinance with the exception of the DROP option. The motion failed for lack of a second.

7. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

Following comments on options for consideration and adding/amending documents on the dais, Town Manager Bullock noted the anticipated costs for the DROP program.

Discussion ensued on the following topics/issues:

- reconsideration of early retirement element and financial analysis
- option to reduce the DROP period to three years
- length of service required for general employees to retire versus fire or police employees

Town Manager Bullock requested clarification on the motion.

Commr. Duncan noted his motion was to reinstate the DROP and to continue the public hearing to receive financial information on an early retirement option.

The motion to amend the Ordinance to reinstate the DROP (five-year period) and for the Town Manager to provide the evaluation of costs for reinstating the early retirement option (resulting in a continuation of the public hearing) carried by a 4-2 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, aye; Younger, no; Brenner, no, Brown, aye.

Town Manager Bullock noted the following:

- a revised Ordinance will be prepared to include a five-year DROP program
- a report will be prepared to reflect the impact of an early retirement program continuing after the freeze of the existing defined benefit plan
- a Special Meeting will be scheduled as soon as possible for continuation of the public hearing
- estimated time frame to freeze the plan and enrollment of employees in a defined contribution plan
- intent to schedule a Special Meeting in mid-August
- requirement to provide a revised Impact Statement to the State of Florida relating to the DROP and an early retirement element.

RECESS: 9:00 p.m. - 9:10 p.m.

Following comments, Commr. Gans moved to continue the public hearing to a date to be determined. The motion, seconded by Commr. Duncan, carried by a 5-1 roll call vote, as follows: Gans, aye; Duncan, aye; Zunz, aye; Younger, no; Brenner, aye; Brown, aye.

RESOLUTIONS

8. Resolution 2013-22, Establishing Urban Land Institute (ULI) Advisory Committee

At the June 17, 2013 Regular Workshop Meeting there was Commission consensus to formally continue the ULI Advisory Committee to provide input for staff to develop a Briefing Book for the ULI panel. Resolution 2013-22 formalizes the ULI Advisory Committee pursuant to Town Charter, Article II, Section 20. Recommended Action: Pending discussion, pass Resolution 2013-22.

8. Resolution 2013-22, Establishing Urban Land Institute (ULI) Advisory Committee
Town Clerk Trish Granger placed Resolution 2013-22 on record by title only.

Commr. Duncan moved to pass Resolution 2013-22. The motion was seconded by Commr. Zunz.

Subsequent to comments on the duties and responsibilities to be assigned and a determination on the need to appoint a Subcommittee, the motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Brenner, aye; Younger, aye; Gans, aye; Brown, aye.

NEW BUSINESS

9. Appointment of Members to Urban Land Institute (ULI) Advisory Committee

At the June 17, 2013 Regular Workshop Meeting the Town Commission approved the formation of a committee to recommend proposed questions for the upcoming ULI study. The focus group met on June 10 and June 14 to finalize draft questions for Commission consideration at their June 17, 2013 Workshop Meeting and for approval at the June 17, 2013 Special Meeting. The Commission elected to formalize the appointment to provide input on the development of the ULI Briefing Book. Recommended Action: Pending discussion, appoint members to the ULI Advisory Committee.

Subsequent to comments on the option to appoint alternates to serve in the event a Commissioner is not available to participate, Commr. Gans moved to appoint Commrs. Jack Duncan and Pat Zunz, Planning and Zoning Board members Walter Hackett and George Symanski, and residents Tom Freiwald and Larry Grossman. The motion, seconded by Vice Mayor Brenner, carried by a 6-0 roll call vote, as follows: Gans, aye; Brenner, aye; Younger, aye; Zunz, aye; Brown, aye; Duncan, aye.

10. Setting of Maximum Millage

- a. Discussion Regarding Beach Nourishment Funding Options
- b. Setting of Maximum Millage Rate

In accordance with Florida Statutes the Town must establish a proposed maximum millage rate in July so that it can be included in the Notice of Proposed Property Taxes mailed in August by each County. Although it can be reduced in later budget hearings, these millage rates cannot be increased. Recommended Action: Set Maximum Millage Rates and forward ordinances to adopt millage rates and budget based on these tentative rates to September 3, 2013 Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock requested consideration to discuss the beach nourishment funding options prior to consideration of setting the tentative millage for the Fiscal Year (FY) 2013-2014. Subsequent to comments, Town Manager Bullock gave a PowerPoint presentation on the funding options. Discussions were held with Town Manager Bullock, Budget Analyst Sandi Henley, and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- significance of actuarial data/additional costs for modifications made to the General Employees pension ordinance
- length of time for funding

10. Setting of Maximum Millage - Continued

- total anticipated costs
- beach nourishment funding options for Districts A and B
- 80/20 millage rate between Beach Districts A and B
- creation of a "Sinking Fund" account/referendum options
- administration of payment/assessment of beach funding in perpetuity
- borrowing options/time frame to consider a referendum
- ability to postpone determination on beach funding options this date.

There was consensus to pursue a referendum process in lieu of setting a millage rate for beach nourishment funding during Fiscal Year 2013-2014.

Town Manager Bullock noted receipt of the certified property values from the Manatee and Sarasota County Property Appraisers, provided the rolled-back rate, the proposed maximum millage rate, and the required vote on increasing millage rates. Town Manager Bullock noted the maximum millage rate of 1.8872 for operating millage and 0.0560 for general obligation debt service millage, resulting in a Town-wide millage rate of 1.9432 (without a millage assessment for beach debt).

Commr. Younger moved to accept the proposed maximum millage of 1.9432 as stated by the Town Manager. The motion was seconded by Commr. Gans.

Discussion ensued on the following topics/issues:

- inclusion of additional funding (\$1,000,000.00) to offset pension liabilities and costs to update the Comprehensive Plan and Town Code
- anticipated millage increase in future years
- provisions to provide for damage recovery for storm events
- effective date of millage rate (October 1, 2013).

Commr. Younger moved to amend his motion to increase the maximum operating millage rate by 0.25 mills.

Discussion ensued on the following topics/issues:

- the intent to include an additional \$1,000,000.00
- process for setting the maximum millage rate
- scheduled budget public hearings in September 2013
- impact of freezing pension plans and associated costs which are unknown
- proposed maximum operating millage of 2.1372
- authority to lower millage during public hearing process.

Following comments, the motion was seconded by Vice Mayor Brenner.

Subsequent to comments on a required two-thirds vote, Town Manager Bullock noted the maximum millage rate, inclusive of the general obligation debt service would be 2.1932.

10. Setting of Maximum Millage - Continued

Upon inquiry, Ms. Henley noted an estimated increase of \$125.00 per year for a home valued at \$500,000.00.

The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Brenner, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye.

Commr. Duncan requested that a recap of the millage rates and impact be provided to the Commission.

Commr. Younger clarified for representatives of the press the intent to provide for pension liabilities and other unknown costs anticipated during the Fiscal Year (2013-2014).

11. Consideration of Easement Agreement Regarding Seawall Construction and Maintenance on Town's Right-of-Way Adjacent to 6600 Bayou Hammock Road

The Town Commission will consider a Grant of a Non-Exclusive Easement between the Town of Longboat Key and Michael L. Morris and Michelle G. Morris for construction, maintenance, repair, and replacement of a seawall on the Town's right-of-way on the property adjacent to 6600 Bayou Hammock Road. The costs associated with the seawall construction and perpetual maintenance will be at the Grantee's sole cost and expense. This item was discussed at the June 17, 2013, Special Meeting with direction to the Town Attorney to add a termination clause and forward to the July 1, 2013 Regular Meeting for further consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the proposed Easement Agreement between the Town and Michael and Michelle Morris relating to the placement of a seawall within the Town's right-of-way on property adjacent to 6600 Bayou Hammock Road and a subsequent option to accept an acknowledgement from the Morris' on the Town's ownership of the property.

Town Manager Bullock provided an overview on the replacement of the seawall by the Morris' and previous consideration of the issue. Discussion ensued on the following topics/issues:

- request by previous property owner to swap properties with the Town
- time frame of property ownership by new owners/improvements to seawall.

Commr. Younger moved to require Michael and Michele Morris to file (record in public records) an acknowledgment of Town ownership of the property. The motion was seconded by Commr. Zunz. Subsequent to comments on the intent of the acknowledgment, the motion carried by a 6-0 roll call vote, as follows: Younger, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Gans, aye.

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Commr. Duncan noted conversations with the Town Manager of Aquinnah, Massachusetts, relating to a Distributed Antenna System (DAS) installed for

TOWN COMMISSION COMMENTS - Continued

A. Planning, Zoning, and Building - Continued

approximately two years, with a revenue source being provided to the Town. Upon inquiry, Commr. Duncan advised that there are currently two carriers (A.T.&T. and Verizon) utilizing the system, the topography and location of the tower, and options to utilize FiOS (Fiber Optic Service) in lieu of a tower on Longboat Key.

Town Manager Dave Bullock commented on the efforts of staff to obtain and analyze information, with the intent to report back to the Commission in the fall, options relating to telecommunications.

B. Planning, Zoning, and Building

Commr. Duncan noted receipt of correspondence from Attorney Jeffrey Warren, with Bush-Ross Attorney's At Law, regarding the third update on The Colony Beach and Tennis Club Association, Inc. Upon inquiry, Town Attorney Maggie Mooney-Portale advised that the Court has allowed the Colony representatives an opportunity to file an amended plan relating to their reorganization extending the date to consider the plan on September 5, 2013. Individual comments followed. (See item later this meeting.)

C. Planning, Zoning, and Building

Commr. Duncan inquired and Town Manager Dave Bullock commented on the status of the demolition on the Publix site, advised that he has discussed the issues with Mr. Leeds, and noted that the Code Official had made a site visit and issued a list of issues to be addressed.

B. Planning, Zoning, and Building - Continued

Commr. Younger commented on the continuing delays by The Colony Beach and Tennis Club Association, Inc.

Town Manager Dave Bullock advised that he had discussed the lack of response relating to the requested financial information and advised that Mr. McClutchy noted he was not able to send a copy of the Memorandum of Understanding (MOU). Town Attorney Maggie Mooney-Portale advised that she had spoken with Attorney Don Hemke this date noting that Attorney Hemke indicated that a list of references would be provided but that no financial information would be forthcoming.

Individual comments followed.

D. County Agencies

Vice Mayor Brenner inquired and Town Manager Dave Bullock advised that the Long Bar Pointe project information had been forwarded to the Town Commission, reviewed issues raised by Manatee County staff relating to the project, noted the Manatee County Commission had continued the public hearing until August, and requested direction from the Commission on advising Manatee County of the Town's position on the proposal.

Vice Mayor Brenner requested that the Town have representation at the public hearing.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Budget

Town Manager Dave Bullock noted distribution of a document entitled "Total Town Millage Comparisons" pertaining to the maximum millage rate approved this date. (See Item 10 earlier this meeting.)

B. County Agencies

Town Manager Dave Bullock advised that he had received notification that Arthur Andersen Parkway in Sarasota County (on Fruitville Road) had been renamed as Paramount Drive this date.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown commented on the summer recess and adjourned the July 1, 2013, Regular Meeting at 10:50 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
AUGUST 14, 2013 - 9:30 A.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 Maggie Mooney-Portale
Present: Town Clerk Trish Granger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the August 14, 2013, Special Meeting to order at 9:30 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Vice Mayor Brenner led the Pledge of Allegiance.

ORDINANCE - SECOND READING AND PUBLIC HEARING

1. Ordinance 2013-15, Amending Chapter 34, Employment Policies

Continued public hearing and second reading on Ordinance 2013-15, providing for a freeze of the General Employees' Retirement System defined benefit plan effective September 30, 2013. Current and future employees will be enrolled in a defined contribution plan administered by ICMA. Second reading and public hearing was held at the July 1, 2013 Regular Meeting at which time the Commission requested amendments to the Ordinance as well as additional information for consideration. The public hearing was continued to the August 14, 2013 Special Meeting. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-15.

Town Clerk Trish Granger placed Ordinance 2013-15 on record for second reading and public hearing by title only.

Commr. Duncan moved to adopt Ordinance 2013-15, as amended on July 1, 2013. The motion was seconded by Commr. Zunz.

Town Manager Dave Bullock gave a historical review of the pension plans offered to the Town's employees and the increased costs to maintain the plan, and steps taken to date to freeze the Firefighters' and General Employees' pension plans. Finance Director Sue Smith gave a PowerPoint presentation and overview of the agenda material provided to the Commission on Ordinance 2013-15 (original Ordinance and five versions labeled A through E with various options outlined). Discussions were held with Town Manager Bullock, Finance Director Smith, Human Resources Manager Lisa Silvertooth, Foster and Foster Representative Doug Lozen, and Attorney Jim Linn (via telephone) on the following topics/issues:

- rate of return assumption utilized
- payout of vacation and sick leave to a 401K or 457 retirement account
- interest rate payable on general employees' funds in the DROP (Deferred Retirement Option Program)
- process required to amend the guaranteed interest rate of 6.5% on DROP funds

1. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

- option for employee to select guaranteed interest rate in lieu of current market/investment return rate
- five year versus three year DROP period for firefighters versus general employees
- effect of providing a five year "window" for DROP participation
- DROP participants subject to compliance with existing Personnel Rules and Regulations (PRR) as working employees
- qualification for normal retirement (age and years of service)
- options for waiver of penalties for early retirement
- elimination of penalties if five year window is utilized
- number of employees (eight) that would be eligible for DROP if five year window is incorporated
- evaluation/determination of the employees reflected to be eligible for participation
- actuarial determination of eligible employees
- number of firefighters eligible to enter the DROP under Contract terms (eight eligible with seven electing to participate)
- one time enhancement to offer DROP at this time/no future option to enroll in DROP
- number of current general employees (three) eligible to enter and number of general employees (one) electing to enter DROP under current provisions
- estimated costs provided for in Fiscal Year (FY 2012-2013) for eligible DROP participants
- deadline for current employees eligible to enter the DROP and employees included in the five year extension (September 30, 2013)
- no early retirement provisions offered for firefighters or police officers
- additional retirement options available to employees (401K match and social security benefits)
- social security benefit calculations
- historical participation in early retirement options
- unquantifiable variables utilized in the actuarial estimates
- amortization schedule utilized (30 year amortization versus 20 year amortization)
- amortization schedule approved by the State of Florida
- unfunded liability based on inclusion of DROP provision and/or early retirement program
- estimated tax increase for a homeowner for amortization of pension costs
- anticipated total cost if a payment (\$800,000 based on 7.75% assumption rate of return) would be made on December 31, 2013 (includes all future payments from the fund)
- annual cost of program to include DROP.

RECESS: 11:00 a.m. - 11:15 a.m.

Mayor Brown noted that due to the length of the hearing, the Commission would be taking a lunch recess at approximately 12:30 p.m.

Discussions continued with Town Manager Bullock, Mr. Lozen, and Finance Director Smith, on the following topics/issues:

- determination of annual DROP and early retirement costs

1. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

- utilization of the higher assumption rate to develop estimates provided
- actuarial estimate prepared for the firefighters' DROP enhancement
- intent to modify the pensions to end the growth of additional unfunded liabilities related to pension payments/benefits
- current Town sponsored retirement programs (401A, 401K, social security, and the defined benefits plan)
- anticipated costs for retirement benefits for Fiscal Year 2013 versus 2014
- cost of long term disability policy for general employees.

Mayor Brown opened the public hearing.

The following individuals commented on Ordinance 2013-15:

Ms. Shannon Gault, Ranger Lane
Mr. Steve Schield, Town employee and resident
Mr. Gene Jaleski, Cedar Street
Mr. Larry Grossman, St. Judes Drive North.

As no others wished to speak, the public hearing was closed.

Individual comments followed on the following topics/issues:

- review of total compensation package offered to employees
- options to offer a "cafeteria" style benefit program
- impact on costs for younger employees to "opt out" of health care plans
- setting assumption rate of return higher than has been achievable
- historical comparison of general employee versus fire and police employee benefits
- enacting changes to benefits agreed to upon employment
- intent to stop the growth of unfunded liabilities
- effort to achieve fairness/balance between the three employee groups
- election of firefighters to retain a defined benefit plan through the Florida Retirement System (FRS) plan in lieu of a defined contribution plan.

Commr. Larson moved to amend Ordinance 2013-15 to remove the DROP program and to include an early retirement option. The motion was seconded by Commr. Younger.

Commr. Duncan moved a second amendment to the motion to adopt Ordinance 2013-15, with Option C as presented this date, inclusive of a five-year DROP option and the early retirement option. The motion was seconded by Commr. Zunz.

Following comments, the second amendment to the motion to adopt Ordinance 2013-15, Option C, carried by a 4-3 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, aye; Younger, no; Larson, no; Brenner, no; Brown, aye.

The motion to amend Ordinance 2013-15 removing the DROP option and including an early retirement option failed by a 2-5 roll call vote, as follows: Larson, aye; Younger, aye; Brenner, no; Brown, no; Duncan, no; Zunz, no; Gans, no.

1. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

The motion to adopt Ordinance 2013-15, as amended to Option C as presented this date, carried by a 4-3 roll call vote, as follows: Duncan, aye; Zunz, aye; Younger, no; Brenner, no; Brown, aye; Gans, aye; Larson, no.

RESOLUTIONS

2. Resolution 2013-24, Authorization for Agreement Providing for Membership in Florida Retirement System

Over the last several months the Town has taken steps to freeze the Firefighters' current defined benefit plan and enroll current and future firefighters in the Florida Retirement System (FRS) effective October 1, 2013. Resolution 2013-24 provides authority to the Town Manager to execute an Agreement with Department of Management Services for coverage of eligible firefighters in FRS. Recommended Action: Pending discussion, pass Resolution 2013-24.

Town Clerk Trish Granger placed Resolution 2013-24 on record by title only.

Commr. Zunz moved to pass Resolution 2013-24. The motion was seconded by Commr. Gans.

Town Manager Dave Bullock presented an overview of Resolution 2013-24 advising that a Resolution was required by the State of Florida to provide membership in the FRS program.

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

3. Resolution 2013-25, Establishing General Employees' Defined Contribution Plan through ICMA-RC

Over the last several months the Town has taken steps to freeze the General Employees' current defined benefit plan and enroll current and future employees in a defined contribution plan administered by ICMA effective October 1, 2013. Resolution 2013-25 authorizes establishment of the General Employees' defined contribution plan through ICMA-RC. Recommended Action: Pending discussion, pass Resolution 2013-25.

Town Clerk Trish Granger placed Resolution 2013-25 on record by title only.

Commr. Duncan moved to pass Resolution 2013-25. The motion was seconded by Commr. Zunz.

Town Manager Dave Bullock presented an overview of Resolution 2013-25 advising that a Resolution was required by ICMA-RC to establish the General Employees' defined contribution plan.

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

4. Request for Consideration of Resolution 2013-26, Support for Repeal of House Bill 883 - F.S. 509.032(7)(b)

Commissioner Duncan serves as the Town's representative to the ManaSota League of Cities and has been serving as their Acting President. At their September 12, 2013 Meeting, ManaSota League will consider a resolution supporting repeal of F.S. 509.032 (7)(b) which prohibits local government restrictions on vacation rentals. This item is placed on the August 14, 2013 Special Meeting at the request of Commissioner Duncan who is seeking Commission direction regarding the Town's position on this legislation. Recommended Action: Pending discussion, provide direction.

Town Clerk Trish Granger placed Resolution 2013-26 on record by title only.

Commr. Duncan noted discussions held at recent ManaSota League of Cities meetings pertaining to House Bill 883, noted the intent of the Resolution, and providing authority for him to advocate the repeal of the legislation on behalf of the Town.

Individual comments followed on the erosion of home rule and the impact to other governmental entities on restricting vacation rentals.

Commr. Zunz moved to pass Resolution 2013-26. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye.

NEW BUSINESS

5. Authorization for Special Environmental Legal Counsel for Florida Department of Environmental Protection (FDEP) Administrative Hearing

On June 28, 2013 the FDEP issued a Notice of Intent to Issue Permit (File No. 0300119-004-JC) for the Longboat Key North End Stabilization Structures Project. On July 5, 2013 a Petition for an administrative proceeding (hearing) was filed. The Town Manager will request Commission authorization for retaining special environmental legal counsel to assist with the Town's response to the administrative challenge. Pending Commission approval, the appropriate budget transfer will be placed on a future meeting for Commission action. Recommended Action: Pending discussion, provide direction to Town Attorney and Manager.

Town Manager Dave Bullock commented on the challenge of the "Notice of Intent to Issue Permit" for the North end structures.

Town Attorney Maggie Mooney-Portale noted that Mr. Joe McClash and Mr. Gene Jaleski had filed administrative hearing requests independently and reviewed the process to be followed relating to the challenges. Attorney Mooney-Portale noted the recommendation to confirm the engagement of Attorney Deborah Getzoff with Lewis, Longman, and Walker, PA, to represent the Town during the administrative hearings process.

Upon inquiry, Mr. Gene Jaleski, Cedars Street, noted ownership of property impacted by erosion, opined that terminal groins will affect the value of his property, and noted his preference for sand savers to be utilized in lieu of groins.

5. Authorization for Special Environmental Legal Counsel for Florida Department of Environmental Protection (FDEP) Administrative Hearing - Continued

Vice Mayor Brown inquired and Attorney Mooney-Portale reviewed the process relating to the permit issuance and time frame to file the administrative hearing request. Discussions were held with Town Attorney Mooney-Portale and Town Manager Bullock on the following topics/issues:

- the engagement of outside counsel prior to receiving a determination on the administrative hearing
- perceived Town responsibility to the property owners if the Town does not prevail in the administrative hearing
- Comprehensive Plan requirements
- options to discuss property purchase at a later date.

Town Attorney Mooney-Portale and Town Manager Bullock recommended that discussions be limited in the public forum due to future litigation issues/strategy that will need to be addressed during Attorney-Client sessions.

Commr. Gans moved to approve and confirm the engagement of Attorney Getzoff. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye.

RECESS: 12:50 p.m. - 1:30 p.m.

6. Summary of 2013 Legislation (House Bills 537 and 7019), Construction of the Town Charter, Options and Request for Authorization

The Town Manager and Town Attorney will discuss impacts of recently adopted House Bills 537 and 7019. They will also review a timeline of the legislation that has been adopted by the State and Town regarding House Bills 537 and 7019 and other related actions. Recommended Action: Pending discussion, provide direction to Town Attorney and Manager.

Town Manager Dave Bullock commented on the impact of House Bill 537 to the Town's Charter pertaining to density referendums. Discussions were held with Town Manager Bullock and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- legislative action in 1995
- previous legislative action relating to density referendum processes
- options to remedy the legislation rendering the Town's referendum process invalid
- utilization of Comprehensive Plan process for density issues in lieu of referendum process
- policy decisions to be considered regarding density issues
- actions taken by Yankeetown, Florida in 2012
- required Charter amendments if remedial legislation is not passed
- impact of legislation on the approval of the 250 tourism units
- Charter Review amendment process versus legislative changes
- impact of submitting a legislative bill/options to pursue all available processes seeking resolution of issue
- previous language included in past legislative bills relating to 5 parcel requirement

6. Summary of 2013 Legislation (House Bills 537 and 7019), Construction of the Town Charter, Options and Request for Authorization - Continued

- inclusion of 5 parcel language currently in the Yankeetown Charter
- draft legislative language removing reference for 5 parcel language/impact of specificity in legislation
- options to utilize the comprehensive plan process in lieu of referendum.

Mr. Larry Grossman, St. Judes Drive North, commented on the referendum process utilized by the Town.

Town Attorney Mooney-Portale commented on the impact to the Town if no action is taken and the referendum process currently utilized. Discussion ensued on the following topics/issues:

- option to proceed with the declaratory process and time frame for determination
- impact of taking no action: density is capped at 1984 allocations/Charter requirements invalidated
- process to consider future changes
- time frame for resolution if a declaratory opinion is sought.

Following comments by Town Manager Bullock, Vice Mayor Brenner moved to authorize Staff to pursue with the declaratory action process. The motion was seconded by Commr. Duncan.

Subsequent to comments on the impact of taking no action on past approvals and pending requests, the motion carried by a 7-0 roll call vote, as follows: Brenner, aye; Duncan, aye; Younger, aye; Larson, aye; Brown, aye; Gans, aye; Zunz, aye.

Town Manager Bullock inquired and Commr. Younger moved to authorize Staff to proceed with a legislative amendment to remedy the legislation's impact on the Town's Charter. The motion was seconded by Commr. Gans.

Following comments on the Town's ability to withdraw a filed bill, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Larson, aye; Brown, aye; Brenner, aye.

Commr. Duncan noted that the Sarasota County Legislative Delegation will be meeting on September 18, 2013, and suggested that the Town's representatives be present to support the requested legislative bill.

7. Request from Sarasota County for Funding Assistance for Development of Strategic Action Plan to Address Homelessness

The Gulf Coast Foundation and Community Foundation brought Dr. Robert Marbut to Sarasota County to evaluate local area homeless issues. Sarasota County and the City of Sarasota plan to engage Dr. Marbut to develop a Strategic Action Plan to address homelessness in our area. Municipalities have been asked to consider sharing the cost of this effort as it is a community-wide and community planning initiative. Recommended Action: Pending discussion, provide direction to Manager.

7. Request from Sarasota County for Funding Assistance for Development of Strategic Action Plan to Address Homelessness

Town Manager Dave Bullock commented on the request from Sarasota County, noted a meeting with Sarasota County Administrator Randall Reid, and advised that Mr. Reid suggested that any monetary participation the Town would consider will assist with the County-wide initiative.

Subsequent to clarification on the request for participation, Commr. Younger moved to not participate in the funding request. The motion was seconded by Commr. Duncan.

Following discussion on the amount of taxes paid by Longboat Key taxpayers to both Counties, funding elimination to Longboat Key organizations, and the amount determined to be contributed, the motion failed by a 2-5 roll call vote, as follows: Younger, aye; Duncan, no; Larson, aye; Brenner, no; Brown, no; Zunz, no; Gans, no.

Commr. Duncan moved to participate and contribute \$1,000.00, and to request that the Town be provided the opportunity to have some oversight during the process. The motion, seconded by Commr. Gans, carried by a 5-2 roll call vote, as follows: Duncan, aye; Gans, aye; Brenner, aye; Larson, no; Younger, no; Zunz, aye; Brown, aye.

8. Town Manager's Update - Status of Negotiations with Police Benevolent Association

The Town Manager will provide a verbal report on the current status of Contract negotiations with the Police Benevolent Association. Recommended Action: None, informational only.

Town Manager Dave Bullock provided an overview on the status of the negotiations with the Police Benevolent Association advising that the Town is awaiting notification from the Public Employee's Relation Commission (PERC) on the assignment of the Special Magistrate. Discussion ensued on the term of the Contract declared under impasse (one year period to September 30, 2014).

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Commr. Duncan inquired as to the status of demolition of the old buildings on the Publix property. (See Item later this meeting.)

B. Town Commission

Commr. Duncan commented on the editorial in a recent Longboat Key News edition by Mr. Dan Dowd opining that the criticism of Vice Mayor Brenner on economic development was unjustified. Individual comments followed on the contributions of time and effort expended by Vice Mayor Brenner on behalf of the Town. (See Item later this meeting.)

TOWN COMMISSION COMMENTS - Continued

A. Planning, Zoning, and Building - Continued

Commr. Younger inquired as to the status of the demolition at Publix and the fire safety equipment issues reported on The Colony property.

Town Manager Dave Bullock advised that the Contractor has been authorized to move forward with the demolition by Publix during the month of September, 2013.

Upon inquiry, Planning, Zoning, and Building Department Director Robin Meyer commented on the remaining development plans for the property and the site requirements following the demolition.

Town Manager Bullock noted concerns regarding the fire protection system in the mid-rise building at The Colony and noted that if the issues have not been remedied over the next several weeks that an item will be included on the September 3, 2013, Regular Meeting agenda for Commission action.

C. Town Commission/Human Resources

Vice Mayor Brenner thanked the Commissioners for their comments on his economic development efforts, commented on The Colony and Publix properties, and noted a meeting of the Finance Committee appointing Mr. Armando Linde and Mr. Lou Levy as resident electors on the Finance Committee pertaining to the review of pension issues.

Vice Mayor Brenner commented on the General Employees' pension plan freeze and suggested review on the process to develop a cafeteria type benefit plan for all employees. Individual comments followed on the implementation of a cafeteria plan and the existing analysis performed on salary and benefits.

B. Town Commission - Continued

Vice Mayor Brenner requested that Mr. Steve Reid, owner and publisher of the Longboat Key News, introduce Mr. Dan Dowd to the Commissioners.

D. Human Resources

Commr. Gans commented on the employee pension issue and the action taken earlier this meeting.

E. Public Works/Transit

Mayor Brown advised that he had received confirmation from Manatee County Commissioner John Chappie that the Manatee County Commission took action to cease sending Trolley bills to the Town and noting the County will rescind previous invoices.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Ordinances

Town Manager Dave Bullock commented on receipt of two ordinances drafted by Pension Attorney Lee Dehner, noted that they were required amendments to remain in compliance with the Internal Revenue Service (IRS) requirements, and advised that the Ordinances would be placed on the September meeting agendas for consideration.

ADJOURNMENT

Mayor Brown noted the next Regular Meeting of the Town Commission was scheduled for Tuesday, September 3, 2013, at 7:00 p.m. and adjourned the August 14, 2013, Special Meeting at 2:47 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.