

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
SEPTEMBER 3, 2013 - 4:00 P.M.**

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

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

**Not Present:** Commr. Lynn Larson

**CALL TO ORDER**

**Mayor Brown called the Special Meeting of the Town Commission to order at 4:00 p.m. in the Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

**1. Litigation**

The Commission will consider a request by the Town's Legal Counsels' to hold an Attorney-Client Session as provided by Florida law to obtain Commission direction relating to pending litigation in the Advance Properties, Ltd., v. Town of Longboat Key case.

Town Attorney Maggie Mooney-Portale introduced participants in the Attorney-Client session, provided an overview of the limitations on the issues to be discussed/addressed and the scope of the meeting.

**Commr. Younger moved to approve the Legal Counsels' request to hold an Attorney-Client Session pursuant to Florida Statutes Section 286.011(8). The motion, seconded by Commr. Gans, carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brenner, aye; Brown, aye.**

Mayor Brown noted the session would be limited to discussion of the item referenced by the Town Attorney and advised that the following individuals would be in attendance:

Jim Brown, Mayor  
Dave Brenner, Vice Mayor  
Jack Duncan, Commissioner  
Terry Gans, Commissioner  
Phill Younger, Commissioner  
Pat Zunz, Commissioner  
Maggie Mooney-Portale, Town Attorney  
Dave Bullock, Town Manager  
Harold Hume, Esq. – Special Litigation Counsel  
Robert Shearman, Esq. – Special Litigation Counsel  
William Pomeroy, Esq. – Special Litigation Counsel  
Certified Court Reporter (Note: A transcript will be made part of the public record upon conclusion of the administrative proceedings.)

**Mayor Brown recessed the meeting at 4:07 p.m.**

1. Litigation - Continued

**Mayor Brown reconvened the meeting at 5:34 p.m.**

**ADJOURNMENT**

**Mayor Brown adjourned the September 3, 2013, Attorney-Client Session at 5:34 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 WORKSHOP MEETING  
SEPTEMBER 3, 2013 - 6:00 P.M.**

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

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

**Teleconference:** Commr. Lynn Larson

**CALL TO ORDER**

**Mayor Brown called the meeting to order at 6:12 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

**Mayor Brown noted that Commr. Larson would participate via telephone conferencing.**

**CONSENT ITEMS**

**1. Proposed Resolution 2013-27, Annual Beach Funding Resolution**

The State of Florida Beach Funding Management Program has been a recurring source of funding for the Town's beach maintenance projects. Each year the Town Commission passes a beach funding resolution in order to remain eligible for State grants. Resolution 2013-27 must accompany applications for beach project funding submitted to the Florida Department of Environmental Protection. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-27 to the September 3, 2013 Regular Meeting for formal action.

**2. Proposed Resolution 2013-28, Inlet Management Plan Funding Resolution-Joint Project with Manatee County for the Dredging of Longboat Pass**

The Town will be submitting an original application for State grants related to the future maintenance dredging of Longboat Pass. A funding resolution must accompany the joint application for the Inlet Management Plan funding submitted to the Florida Department of Environmental Protection. Resolution 2013-28 provides for the Town to be jointly eligible along with Manatee County for State funding assistance. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-28 to the September 3, 2013 Regular Meeting for formal action.

**3. Proposed Resolution 2013-29, Inlet Management Plan Study Improvements Funding Resolution**

Resolution 2013-29 is a request to the State of Florida to fund improvements the Town may undertake on its own that are strictly related to the Inlet Management Plan Study. The funding under this category has a potential reimbursement of 50-75%. A separate application and funding resolution is required for this funding request. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-29 to the September 3, 2013 Regular Meeting for formal action.

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

**DISCUSSION ITEMS**

**4. Proposed Ordinance 2013-16, Amending Chapter 34, Employment Policies (General)**  
Ordinance 2013-16, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-16 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-16 is housekeeping in nature and does not substantively modify the General Employees' Retirement System or provisions of the Plan. Recommended Action: Pending discussion, forward Ordinance 2013-16 to the September 3, 2013 Regular Meeting for first reading and discussion.

Town Manager Dave Bullock noted that the amendments were required by the Internal Revenue Code, advised of recommended changes by the Board of Trustees financial advisors, and were housekeeping in nature.

**There was consensus to forward Ordinance 2013-16 to the September 3, 2013, Regular Meeting for first reading.**

**5. Proposed Ordinance 2013-17, Amending Chapter 34, Employment Policies (Police)**  
Ordinance 2013-17, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-17 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-17 is housekeeping in nature and does not substantively modify the Police Officers' Retirement System or provisions of the Plan. Recommended Action: Pending discussion, forward Ordinance 2013-17 to the September 3, 2013 Regular Meeting for first reading and discussion.

Town Manager Dave Bullock noted that the amendments were required by the Internal Revenue Code, advised of recommended changes by the Board of Trustees financial advisors, and were housekeeping in nature.

**There was consensus to forward Ordinance 2013-17 to the September 3, 2013, Regular Meeting for first reading.**

**6. 2013-2014 Legislative Priorities**

Each year the Town of Longboat Key develops and submits a list of legislative priorities for consideration in the upcoming legislative session. The Sarasota County Legislative Delegation Meeting and Public Hearing is scheduled for September 18, 2013. The Manatee County Legislative Delegation will meet on December 4, 2013. This item is placed on the September 3, 2013 Regular Meeting for Commission consideration of legislative issues to present at these public meetings. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted that the Sarasota Legislative Delegation advanced their hearing schedule from December to September 18, 2013, advised that the Town provides the information to the Legislative Delegation, and outlined portions of the proposed legislative priorities. Subsequent to comments by Commr. Duncan on anticipated Florida League of Cities anticipated priorities, discussions were held on the following topics/issues:

6. 2013-2014 Legislative Priorities - Continued

- separation of the first two bullets on the list from the other issues
- submission of similar lists each year
- similar concerns of other municipalities relating to home rule
- legislation enacted relating to pension plan reporting
- GASB (Government Accounting Standards Board) requirements/options for Board of Trustees for the retirement plans to request information/option to discuss at ManaSota League of Cities to determine other municipalities issues
- position of Florida League of Cities.

Upon inquiry, Town Manager Bullock noted that the Mayor will be presenting to the Sarasota Legislative Delegation.

**There was consensus to forward the list of the 2013-2014 Legislative Priorities, as amended, to the September 3, 2013, Regular Meeting for formal action.**

**ADJOURNMENT**

**Mayor Brown adjourned the September 3, 2013, Special Workshop Meeting at 6:35 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  
REGULAR MEETING  
SEPTEMBER 3, 2013 - 7:00 P.M.**

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

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

**Not Present:** Commr. Lynn Larson

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

Mayor Brown noted the attendance of Manatee County Commr. John Chappie and thanked him for his efforts to have the transit billing to Longboat Key reversed.

Mayor Brown noted that due to a conflict, Commr. Larson would not be in attendance this date.

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

1. Recognition of Firefighter/Paramedic Brian Kolesa for Receiving Florida's 16<sup>th</sup> District Congressional Fire and Rescue/ EMS Award for Above and Beyond the Call of Duty  
Fire Chief Paul Dezzi recognized Firefighter/Paramedic Brian Kolesa for his efforts on December 19, 2012, aiding a child involved in a vehicle accident.

Town Manager Dave Bullock noted the efforts of all Town's employees and commended Firefighter/Paramedic Kolesa.

**PUBLIC TO BE HEARD**

2. Opportunity for Public to Address Town Commission

A. Budgets

Ms. Beverly Shapiro, Gulf of Mexico Drive, commented on Commission action relating to the General Employees pension and requested reconsideration of the action taken.

**APPROVAL OF MINUTES**

3. June 17, 2013 Special Workshop (Budget); June 17, 2013 Regular Workshop; June 17, 2013 Special Meeting; July 1, 2013 Regular Meeting; and August 14, 2013, Special Meeting Minutes.

Mayor Brown noted minor amendments to the June 17, 2013, Regular Workshop and the August 14, 2013, Special Meeting minutes provided by the Town Clerk.

There was consensus to approve the minutes, as amended.

## **COMMITTEE REPORTS AND COMMUNICATIONS**

### **A. Organizations**

Commr. Zunz noted attendance at the Manatee County Tourist Development Council (TDC) meeting in August, 2013, and reviewed the items presented.

### **B. Organizations**

Commr. Duncan noted attendance at the Florida League of Cities conference in August representing the ManaSota League of Cities and reviewed items presented and sessions attended.

### **C. Organizations**

Vice Mayor Brenner noted attendance at the following meetings and reviewed the issues discussed:

- Town's Finance Committee (two meetings)
- Tampa Bay Partnership
- Manatee County Commission Meeting regarding the Long Bar Pointe development
- Sarasota County Economic Development Corporation (EDC) (two meetings).

### **D. Organizations**

Mayor Brown noted attendance at the Florida League of Cities conference in August, 2013, and discussed the sessions attended.

## **ORDINANCES - FIRST READING**

### **4. Ordinance 2013-16, Amending Chapter 34, Employment Policies (General)**

Ordinance 2013-16, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-16 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-16 is housekeeping in nature and does not substantively modify the General Employees' Retirement System or provisions of the Plan. Recommended Action: Pending discussion, forward Ordinance 2013-17 to the September 23, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-16 on record for first reading by title only.

**Commr. Zunz moved to pass Ordinance 2013-16 and to forward to the September 23, 2013, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Duncan.**

Town Manager Dave Bullock provided an overview of the proposed amendments to remain in compliance with the Internal Revenue Code and Treasury Department regulations.

**Mayor Brown opened the public comment portion on the Ordinance. As no one wished to be heard, the public comment portion was closed.**

4. Ordinance 2013-16, Amending Chapter 34, Employment Policies (General)

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

5. Ordinance 2013-17, Amending Chapter 34, Employment Policies (Police)

Ordinance 2013-17, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-17 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-17 is housekeeping in nature and does not substantively modify the Police Officers' Retirement System or provisions of the Plan. Recommended Action: Pending discussion, forward Ordinance 2013-17 to the September 23, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-17 on record for first reading by title only.

**Commr. Gans moved to pass Ordinance 2013-17 and to forward to the September 23, 2013, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.**

Town Manager Dave Bullock provided an overview of the proposed amendments to remain in compliance with the Internal Revenue Code and Treasury Department regulations.

**Mayor Brown opened the public comment portion on the Ordinance. As no one wished to be heard, the public comment portion was closed.**

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

**ORDINANCES - FIRST READING AND PUBLIC HEARING**

6. Ordinance 2013-22, Adopting Millage Rates for the Town of Longboat Key (Town) for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014 (FY2013-2014)

Fiscal Year 2013-14 operating millage rates for the town of Longboat Key will be established pending discussion at the September 3, 2013 Regular Meeting scheduled for 7:00 PM. Second reading and public hearing on this Ordinance will occur at a Special Meeting scheduled for September 23, 2013 at 5:01 PM.

7. Ordinance 2013.23, Adopting a Budget for the Town of Longboat Key (Town) for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014 (FY2013-2014)

Following discussion on July 1, 2012 the Town Commission and Town Manager have forwarded proposed millages (Ordinance 2013-22) and a proposed budget (Ordinance 2013-23) to be adopted for Fiscal Year 2013-14. In accordance with State law, two separate motions are required. Discussion of the millage rates and the budget must be heard in the following format:

- a. Discussion of rolled-back millage rate
- b. Ordinance 2013-22:  
**Motion** on adoption of millage rate for Town
- c. Ordinance 2013-23:  
**Motion** on Town's Budget



6. Ordinance 2013-22, Adopting Millage Rates for the Town for FY2013-2014 - Continued  
7. Ordinance 2013.23, Adopting a Budget for the Town for FY2013-2014 - Continued  
**Commr. Duncan moved a second amendment to the motion to approve Option "E" to reflect a millage rate of 2.1372 millage rate in Ordinance 2013-22. The motion was seconded by Vice Mayor Brenner.**

**The second amendment to the motion to set the millage rate at 2.1372 mills failed by a 3-3 roll call vote, as follows: Duncan, aye; Brenner, aye; Gans, no; Zunz, aye; Brown, no; Younger, no.**

**The first amendment to the motion to set the millage rate at 2.0518 failed by a 3-3 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, no; Duncan, no; Brenner, no; Brown, aye.**

**The main motion to set the millage rate at 2.1177 failed by a 3-3 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, no; Younger, no; Brenner, aye; Brown, no.**

Town Manager Bullock advised that other options could be developed. Discussion ensued on the proposed millages and alternatives to be considered.

**RECESS:** 8:49 p.m. - 9:05 p.m.

Town Manager Bullock noted that a ten percent (10%) increase in millage rate over last year's millage would result in an additional 0.1888, for a total millage of 2.0760 and advised of the total impact on the budget.

Ms. Shannon Gault, Ranger Lane, commented on the impact of pension costs relating to the Rate of Return (ROR).

**Commr. Zunz moved to amend the millage rate reflected in Ordinance 2013-22 to reflect a millage of 2.0760 for general operating purposes for FY2013-2014. The motion was seconded by Commr. Duncan.**

Discussion ensued on the proposal to maintain a 90-day reserve for emergency services, unknown variables relating to pension costs, unfunded pension liability, the intent of the motion, and the increased assessment for the Options outlined.

**The motion carried by a 4-2 roll call vote, as follows: Zunz, aye; Duncan, aye; Brown, aye; Brenner, no; Younger, aye; Gans, no.**

Town Manager Bullock noted that the millage that will be reflected at the second reading and public hearing on September 23, 2013, will be set at 2.0760. Following comments by Finance Department Budget Analyst Sandi Henley, Town Manager Bullock noted that an additional motion to pass Ordinance 2013-22, as amended was still required.

**Commr. Duncan moved to pass Ordinance 2013-22, as amended, levying an ad valorem tax of 2.0760 mills for general operating purposes and 0.0560 mills for general obligation facility improvement bonds for a total of 2.1320 for FY2013-2014. The motion, seconded by Commr. Zunz, carried by a 5-1 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, no; Brown, aye.**

6. Ordinance 2013-22, Adopting Millage Rates for the Town for FY2013-2014 - Continued  
7. Ordinance 2013.23, Adopting a Budget for the Town for FY2013-2014 - Continued  
**Mayor Brown closed the public hearing on Ordinance 2013-22.**

Town Clerk Granger placed Ordinance 2013-23 on record for first reading and public hearing by title only.

**Mayor Brown opened the public hearing on Ordinance 2013-23. As no one wished to be heard, the public hearing was closed.**

Town Manager Bullock noted and Budget Analyst Henley noted a rolled back rate of a 12.2% change from the rolled back rate of 1.8502 for FY2013.

**Commr. Gans moved to pass Ordinance 2013-23 adopting a budget for FY2013-2014. The motion, seconded by Commr. Zunz, carried by a 5-1 roll call vote, as follows: Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, no; Younger, aye.**

**Following comments on the assignment of General Fund balance to the pension reserves, Vice Mayor Brenner moved to assign \$400,000.00 from the General Fund balance to pension reserves. The motion was seconded by Commr. Younger. Following clarification on the process to appropriate funds earmarked for pension reserves, the motion carried by a 6-0 roll call vote, as follows: Brenner, aye; Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye.**

## **RESOLUTIONS**

### **8. Resolution 2013-27, Annual Beach Funding Resolution**

The State of Florida Beach Funding Management Program has been a recurring source of funding for the Town's beach erosion/nourishment projects. Each year the Town Commission passes a beach funding resolution in order to remain eligible for State grants. Resolution 2013-27 must accompany applications for beach project funding submitted to the Florida Department of Environmental Protection. Recommended Action: Pending discussion, pass Resolution 2013-27.

Town Clerk Trish Granger placed Resolution 2013-27 on record by title only.

**Commr. Zunz moved to pass Resolution 2013-27. The motion was seconded by Commr. Duncan.**

Town Manager Dave Bullock noted the annual requirement to pass a beach funding resolution to remain eligible for State grant funds.

**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: Zunz, aye; Duncan, aye; Younger, aye; Brenner, aye; Brown, aye; Gans, aye.**

**9. Resolution 2013-28, Inlet Management Plan Funding Resolution—Joint Project with Manatee County for the Dredging of Longboat Pass**

The Town will be submitting an original application for State grants related to the future maintenance dredging of Longboat Pass. A funding resolution must accompany the joint application for the inlet management project funding submitted to the Florida Department of Environmental Protection. Resolution 2013-28 provides for the Town to be jointly eligible along with Manatee County for State funding assistance. Recommended Action: Pending discussion, pass Resolution 2013-28.

Town Clerk Trish Granger placed Resolution 2013-23 on record by title only.

**Commr. Zunz moved to pass Resolution 2013-28. The motion was seconded by Commr. Younger.**

**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: Zunz, aye; Younger, aye; Gans, aye; Brown, aye; Duncan, aye; Brenner, aye.**

**10. Resolution 2013-29, Inlet Management Plan Study Improvements Funding Resolution**  
Resolution 2013-29 is a request to the State of Florida to fund improvements the Town may undertake on its own that are strictly related to the Inlet Management Plan Study. The funding under this category has a potential reimbursement of 50-75%. A separate application and funding resolution is required for this funding request. Recommended Action: Pending discussion, pass Resolution 2013-29.

Town Clerk Trish Granger placed Resolution 2013-29 on record by title only.

**Commr. Duncan moved to pass Resolution 2013-28. The motion was seconded by Commr. Zunz.**

**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; Zunz, aye; Brenner, aye; Gans, aye; Brown, aye; Younger, aye.**

**NEW BUSINESS**

**11. Legislative Priorities**

Each year the Town establishes legislative priorities for submittal to the Sarasota County Legislative Delegation, Manatee County Legislative Delegation, and the Manasota League of Cities. The Town Manager will seek Commission direction regarding issues to be brought forward for consideration during this legislative session. Recommended Action: Pending discussion, provide direction to Manager.

**Following comments, Commr. Younger moved to approve the Legislative Priorities, separating Items 1 and 2 as highest priority and retaining the balance of the list as additional priorities. The motion, seconded by Commr. Gans, carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Brown, aye; Brenner, aye; Duncan, aye; Zunz, aye.**

11. Legislative Priorities - Continued

Following comments by Mayor Brown on the action taken last year by the Commission, there was consensus to have the correspondence to the Sarasota and Manatee Legislative Delegations prepared for the Mayor's signature and the correspondence to the Manasota League of Cities prepared for Commr. Duncan's signature.

**TOWN COMMISSION COMMENTS**

A. Planning, Zoning, and Building

Vice Mayor Brenner noted that the parties involved with the Colony property were scheduled to meet in the bankruptcy court in Tampa on Thursday, September 5, 2013, and noted the intent was to submit a plan for reorganization and a global settlement agreement.

B. Planning, Zoning, and Building

Commr. Younger inquired and Town Manager Dave Bullock noted that a demolition date for the remaining structures at the Shoppes of Bay Isles has not been provided.

C. Planning, Zoning, and Building

Mayor Brown noted the existing vacancies on the Zoning Board of Adjustment (ZBA). Discussion ensued on options to reduce the number of Board members or to combine the duties of the ZBA with the Planning and Zoning (P&Z) Board.

**Following comments, there was consensus to direct Staff to review and report on options available for Commission consideration.**

**TOWN ATTORNEY COMMENTS**

A. Legislation/Litigation

Town Attorney Maggie Mooney-Portale noted the Commission's authorization to engage a lobbyist and special litigation counsel pertaining to the impact of House Bill 537 and advised that Attorney David Ramba of the firm Ramba Law Group, LLC had been selected to serve as the lobbyist and Attorney Hunter Carroll with the Matthews Eastmoore firm to serve as the litigation counsel.

Town Attorney Mooney-Portale advised that Mr. Ramba had secured bill sponsors in the House (Representative Jim Boyd) and the Senate (Senator Bill Galvano). Upon inquiry, Town Attorney Mooney-Portale discussed the hourly rates and projected costs relating to the resolution of the issues.

Town Manager Dave Bullock commented on the significance of securing the sponsorship of Representative Boyd and Senator Galvano.

**TOWN MANAGER COMMENTS**

A. Planning, Zoning, and Building

Town Manager Dave Bullock noted his intent to invite the Colony representatives to provide an update at the October 21, 2013, Regular Workshop.

**TOWN MANAGER COMMENTS** - Continued

**B. Government Agencies**

Town Manager Dave Bullock distributed a draft agenda for the September 17, 2013, Joint Meeting with the Sarasota Board of County Commissioners and reviewed the items outlined on the draft.

**C. Government Agencies**

Town Manager Dave Bullock noted that he has received acknowledgments and expressions of appreciation for the Town's participation in the funding of the Homeless Study, reflecting regional support regarding the homeless issue.

**D. Town Commission**

Town Manager Dave Bullock noted that the Commission's Interactive Electronic Media Policy participation has been utilized on several occasions and noted his intent to schedule a discussion on the Policy at the September 16, 2013, Regular Workshop.

**E. Police Department**

Upon inquiry, Town Manager Dave Bullock noted that the License Plate Recognition (LPR) cameras are operational and that he was aware of three arrests resulting from the utilization of the technology, and advised that the Police Chief is developing procedures for responses due to the high volume of active "hits." Individual comments followed.

**PRESS TO BE HEARD**- No items were presented.

**ADJOURNMENT**

**Mayor Brown adjourned the September 3, 2013, Regular Meeting at 9:57 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  
REGULAR WORKSHOP MEETING  
SEPTEMBER 16, 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  
Town Clerk Trish Granger

**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 and Commr. Gans led the Pledge of Allegiance.

Commr. Gans requested a moment of reflection in reference to the shootings in Washington D.C., earlier this date.

**PUBLIC TO BE HEARD**

1. Opportunity for Public to Address Town Commission - No items were presented.  
At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

**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 Sarasota Economic Development Corporation (EDC) meeting, with Commr. Gans, and reviewed items discussed.

**CONSENT AGENDA**

**5. Proposed Ordinance 2013-29, Temporary Extension of Collection Franchise Agreement with Waste Management**

The Town's current franchise agreement with Waste Management expires on December 13, 2013. The Town intends to put solid waste and recycling franchise collection agreement through a competitive procurement process in September. In order to ensure adequate time to bid, go through the selection process, and negotiate a contract, staff recommends a short extension to the current agreement of no longer than 6 months. Recommended Action: Approval of the Consent Agenda will forward the Ordinance 2013-29 to the September 23, 2013 Special Meeting for first reading.

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

**CONSENT AGENDA** - Continued

**6. Fiscal Year 2013-2014 Holiday Schedule**

Each year the Town Commission approves a list of scheduled holidays in accordance with the Town's Personnel Rules and Regulations and Resolution 99-19. Resolution 99-19 provides that the Town Commission may approve one additional holiday, usually the day before or after Christmas. This year Christmas falls on Wednesday, and as such Town offices will be closed on Wednesday, December 25<sup>th</sup>. The Manager recommends the additional holiday as Tuesday, December 24<sup>th</sup>. Recommended Action: Approval of the Consent Agenda will forward the Fiscal Year 2013-14 Holiday Schedule to the October 7, 2013, Regular Meeting Consent Agenda for formal action.

**7. Floodplain Management Plan - 2013 Annual Report & Community Rating System (CRS) Update**

The Town participates in a Community Rating System (CRS) that provides flood insurance discounts to the Town's residents. One of the requirements to participate in the CRS is to maintain a floodplain management plan and provide an annual report. Recommended Action: Approval of the Consent Agenda will confirm delivery of the required Annual Report and CRS Update.

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

Commr. Younger noted the Town's website had the incorrect date reflected for the Thanksgiving holiday.

Vice Mayor Brenner commented on the discount on flood insurance rates earned by Staff's efforts and participation in the Community Rating System.

**DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION**

**8. Proposed Ordinance 2013-27, Amending the 2012-2013 Budget Transfer from Road and Bridge Fund to General Fund for Streets Maintenance Costs of \$762,000**

The FY 2012-2013 Adopted Budget allocated a year end budget transfer to Streets Department Operating Fund from the Road and Bridge Fund of \$679,000. During the 2013-2014 budget process an additional amount of \$83,000 was identified. This amount is comprised of staff salaries of \$125,000 and removing a budgeted trolley subsidy of \$42,000 that is no longer required. Proposed Ordinance 2013-27 amends the 2012-2013 Adopted Budget by transferring \$762,000 from the Road and Bridge Fund to Streets Department. Recommended Action: Pending discussion, forward Ordinance 2013-27 to the October 7, 2013 Regular Meeting for first reading.

Town Manager Dave Bullock noted the budget transfer provides for the funding to be aligned to the Department where the work was performed.

**There was consensus to forward Ordinance 2013-27 to the October 7, 2013, Regular Meeting for first reading.**

**9. Proposed Ordinance 2013-28, Budget Transfer in the Amount of \$337,814 from the Road and Bridge Fund to Reimburse the Beach Fund for Construction of the North Shore Road Seawall**

Due to extreme erosion at the North end of Longboat Key the Town constructed a seawall to protect North Shore Road from additional erosion and exposure to storm vulnerability.

9. Proposed Ordinance 2013-28, Budget Transfer in the Amount of \$337,814 from the Road and Bridge Fund to Reimburse the Beach Fund for Construction of the North Shore Road Seawall - Continued

This expense was not anticipated nor budgeted for FY 2012-13. The Road and Bridge Fund is an appropriate funding source for this project. Ordinance 2013-28 provides for a budget transfer to reimburse the Beach Fund for this project. Recommended Action: Pending discussion, forward Ordinance 2013-28 to the October 7, 2013 Regular Meeting for first reading.

Town Manager Dave Bullock noted the budget transfer provides for the funding to be aligned to the Department where the work was performed.

**There was consensus to forward Ordinance 2013-28 to the October 7, 2013, Regular Meeting for first reading.**

10. Proposed Ordinance 2013-30, Amending the FY 2012-2013 Budget to Provide Funds for an Assistant Town Manager and for Paid Accrued Vacation and Medical for Employees that Retired or Entered Deferred Retirement Option Program (DROP)

The Town Commission held first reading and public hearing for adoption of the Fiscal Year (FY) 2013-2014 Recommended Budget at the September 3, 2013 Regular Meeting. During discussion the Town Manager advised that a budget amendment for the FY 2012-13 Adopted Budget would be required to provide funds for the Assistant Town Manager position and for paid accrued vacation and medical costs associated with employees that retired or entered the DROP. Recommended Action: Pending discussion, forward Ordinance 2013-30 to the October 7, 2013 Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock noted the budget transfer provides for the funding to be aligned to the Department where the work was performed for salaries.

Upon inquiry, Town Manager Bullock confirmed that the total included all payouts for entry into the DROP plan and Finance Department Budget Analyst Sandi Henley advised that employees continue to accrue vacation and sick leave noting that sick leave balances are not paid-out when the employee leaves.

**There was consensus to forward Ordinance 2013-30 to the October 7, 2013, Regular Meeting for first reading.**

11. Proposed Resolution 2013-31, Reallocating Phase III Infrastructure Surtax (IST) Project Amounts for the Purchase of Police Vehicles and Radio Equipment

Sarasota County Phase III Infrastructure Surtax referendum provides authority for each governing body to reallocate funds for eligible projects by holding a public hearing to modify the infrastructure project list. The purchase of public safety equipment is an eligible use of infrastructure surtax funds. Resolution 2013-31 provides reallocation of funds to purchase police vehicles and radio equipment. Recommended Action: Pending discussion, forward Resolution 2013-31 to the October 7, 2013 Regular Meeting for public hearing and formal action.

11. Proposed Resolution 2013-31, Reallocating Phase III Infrastructure Surtax (IST) Project Amounts for the Purchase of Police Vehicles and Radio Equipment - Continued

Town Manager Dave Bullock commented on the reallocation of the IST project amounts. Discussions were held with Town Manager Bullock, Finance Department Budget Analyst, Acting Police Chief Frank Rubino on the following topics/issues:

- number of vehicles funded
- equipment included in the funding
- discontinuance of the Crown Victoria by Ford Motor Company requiring full equipment replacement in new vehicles  
**Commr. Younger requested an itemized listing of the cost of the vehicles and equipment, without objection.**
- mileage and maintenance variables and current inventory in the determination to replace existing vehicles  
**Commr. Zunz requested that a "miles and hours" table be provided relating to the replacement of vehicles, without objection.**
- determination on transfer of funds from Beach Nourishment and Canal Dredging accounts
- inclusion of sales proceeds in the cost allocations from the vehicles being replaced
- option to require canal front owners to pay for a portion of the canal dredging
- role of the Citizens' Tax Oversight Committee to review process of the reallocations but no authority to make recommendations on priority of projects or reallocation of funds
- impact on existing projects if funds are moved to cover public safety vehicles
- budget implications on the reallocation of the funds
- current funding sources for canal dredging and beach nourishment  
**Commr. Duncan requested a budget report on the impact of reallocating funding, without objection.**
- previous amendments to the IST program allocations due to lower anticipated receipts
- decision to change the color of the police vehicles
- the end of the IST program funding in 2024/decrease in the amounts being received
- option to reallocate funds from the Canal Dredging account  
**Commr. Younger requested consideration to revisit the Canal Dredging program with direction to Staff to investigate alternative funding methods, to research how other communities handle the issue, and to schedule on a future Workshop agenda for discussion, without objection.**
- current funding method for beach nourishment with an 80/20 cost allocation between Gulf-front (Beach District A) and Bay-front (Beach District B) homes

**There was majority consensus to forward Resolution 2013-31 to the October 7, 2013, Regular Meeting for public hearing and formal action.**

12. Interlocal Agreement (ILA) Between Sarasota County and Town for National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Monitoring

The NPDES Monitoring Interlocal Agreement with Sarasota County incorporates reimbursement rates to the County for costs incurred for water quality monitoring of stormwater runoff under this permitted program. The new agreement also includes

12. ILA Between Sarasota County and Town for NPDES Municipal Separate Storm Sewer System (MS4) Permit Monitoring - Continued

language changes to reflect new FDEP monitoring requirements, new time period, and increased costs. Recommended Action: Pending discussion, forward the Interlocal Agreement to the October 7, 2013 Regular Meeting for formal action.

Town Manager Dave Bullock noted that the NPDES is a Federal regulation that the Town must comply with and provided a historical review of the cooperation between the Town, Sarasota County, and the City of Sarasota in the joint participation of the entities. Discussions were held on the following topics/issues:

- impact of the Clean Water Act and standards requirements
- preliminary list of legislative priorities from the Florida League of Cities
- Town's compliance with Federal standards/improvements recognized through the Town's efforts and regulations.

**There was consensus to forward to the Interlocal Agreement to the October 7, 2013, Regular Meeting for formal action.**

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

At the September 3, 2013 Regular Meeting the Town Manager recommended Commission workshop discussion of the adopted policy for electronic meeting attendance and participation. This item is placed on the September 16, 2013 Regular Workshop for consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted utilization of interactive electronic media for participation by Commissioners and the exclusions outlined in the Policy and requested Commission direction on clarifying or modifying the Policy. Discussions were held with Town Manager Bullock and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- workshop discussion versus formal action at regular meetings
- technical advances providing advantages for remote participation
- Attorney General Opinions on participation in voting versus non-voting meetings
- defining the "extraordinary circumstances" that the Commission would need to consider in granting participation in a voting meeting
- Charter requirements requiring attendance and the process for excusing absences
- technical difficulties in viewing the live streaming at the last Regular Meeting held on September 3, 2013
- physical presence versus remote participation
- improvements to technology required for the Chamber
- option to request Attorney General's opinion on events identified to be "extraordinary circumstances" by the Commission
- lack of prohibition on listening to meetings that include formal action
- exemptions provided for State agencies.

Town Manager Bullock noted Commission direction to amend the Policy as follows:

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

- to allow listening and participating for all Workshop meetings
- to allow listening at Regular (voting) meetings with no participation (no comments, no discussion, no opportunity to vote) if the on-line streaming video is malfunctioning
- to prohibit listening and participation in Executive Sessions
- to prohibit listening and participation in Attorney-Client Sessions.

**There was consensus to clarify the current policies, as noted by the Town Manager.**

**TOWN COMMISSION COMMENTS**

A. Town Commission

Commr. Younger suggested consideration to explore modifications to the Commission Chambers to provide for fixed camera stations.

B. Town Commission

**Commr. Duncan requested that all future agendas include language indicating whether (or not) the meeting would be available via live-streaming video on the Town's website, without objection.**

C. Planning, Zoning, and Building

Vice Mayor Brenner commented on the Urban Land Institute process, commended the subcommittee for their work to date, and noted that all interested citizens should submit their name for the interview panel if they are interested.

Mayor Brown indicated that a recent newspaper article had not correctly reflected the involvement of the subcommittee.

**TOWN ATTORNEY COMMENTS**

A. Litigation

Town Attorney Maggie Mooney-Portale advised that she and Town Manager Dave Bullock had participated in a mediation relating to the litigation with Advance Properties, Ltd., and advised that the case would be scheduled on a trial docket in 2014.

**TOWN MANAGER COMMENTS**

A. Government Agencies

Town Manager Dave Bullock noted the Joint Meeting scheduled with the Sarasota Board of County Commissioners at 1:30 p.m., to be held at the Sarasota County Administration Center located at 1660 Ringling Boulevard, Sarasota, Florida.

B. Elections

Town Manager Dave Bullock advised that the Sarasota County School Board has scheduled an election for March 2014 and Town Clerk Trish Granger noted that Sarasota County Supervisor of Elections had requested consideration for the Town to amend the March 2014 General Election date to coincide with the proposed School Board election.

**TOWN MANAGER COMMENTS** - Continued

**B. Elections** - Continued

Discussions were held on the following topics/issues:

- inability to offer early voting on Longboat Key if coordinated with the County-wide election
- requirement for the Sarasota Board of County Commissioners to adopt an Ordinance setting the date for a special election
- lower percentage of early voting turn-out
- option to request that Town Hall be designated as an early voting site
- anticipated additional costs to hire additional poll workers not employed by the Sarasota County Supervisor of Elections office.

Upon inquiry, Town Manager Bullock advised that he would notify Sarasota County Administrator Randall Reid of the issues raised.

**C. Public Works**

Town Manager Dave Bullock advised that he would be attending the Florida Shore and Beach Preservation Association's conference and noted that he and Public Works Director Juan Florensa have scheduled meetings during the conference period relating to the beach nourishment issues.

**D. Planning, Zoning, and Building**

Town Manager Dave Bullock advised that he had met with representatives from AT&T and noted their intent to attempt to improve service coverage on the North end of Longboat Key.

**E. Federal Agencies**

Town Manager Dave Bullock advised that Ms. Diana McGee, Senator Bill Nelson's Regional Director, will be holding constituent hours on September 18, 2013, from 2:00 p.m. to 4:00 p.m. and noted his intent to discuss the Town's beach program with Ms. McGee.

**F. Public Works**

Town Manager Dave Bullock noted he had received a Canal Dredging report and following review, he will provide to the Town Commission.

**PRESS TO BE HEARD**- No items were presented.

**ADJOURNMENT**

**Mayor Brown adjourned the September 16, 2013, Regular Workshop Meeting at 2:45 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
JOINT MEETING WITH  
SARASOTA BOARD OF COUNTY COMMISSIONERS  
SEPTEMBER 17, 2013 - 1:30 P.M.**

**Present:**

Jim Brown, Mayor, District 4  
David Brenner, Vice Mayor, District 3  
Lynn Larson, District 1  
Jack Duncan, District 2  
Pat Zunz, District 5  
Terry Gans, At Large  
Phillip Younger, At Large

Carolyn J. Mason, Chair, District 1  
Charles D. Hines, Vice Chair, District 5  
Joseph A. Barbetta, District 2  
Christine Robinson, District 3  
Nora Patterson, District 4

**Also Present:**

Town Manager Dave Bullock  
Town Attorney Maggie Mooney-Portale  
Town Clerk Trish Granger

County Administrator Randall Reid  
County Attorney Steve DeMarsh  
Deputy Clerk Debbie Shaffer

**PLEDGE OF ALLEGIANCE**

Sarasota County Chair Mason called the meeting to order at 1:30 p.m. at the Sarasota County Administration Center, 1660 Ringling Boulevard, 3<sup>rd</sup> Floor, Sarasota, Florida and Sarasota County Commr. Patterson led the Pledge of Allegiance.

**1. OPEN TO THE PUBLIC**

A. Public Works

Ms. Carol Rutter, Lockwood Ridge Road, commented on the proposed consolidation and privatization of the transit system.

**2. JOINT DISCUSSION ITEMS**

A. Update on the Tourist Development Tax (TDT) Allocations

Following comments by Town Manager Dave Bullock, Chief Financial Planning Officer Steven Botelho reviewed the current TDT allocations. Town Manager Bullock reviewed the percentage returned and the existing allocations and noted a previous request by the Town to review the allocations. Discussions were held with Mr. Bullock and Financial Planning Budget Management Analyst Doreen Buonpastore on the following topics/issues:

- allocation to beach maintenance versus renourishment
- amount collected and allocated to be returned to Longboat Key
- percentage of collection of TDT funds generated on Longboat Key.

**Commr. Patterson moved to authorize Longboat Key's request for the collection of the first 20% of the 1 penny levy to be calculated and remitted to LBK as long as it is allocated to other entities. The motion was seconded by Commr. Robinson.**

Town Manager Bullock outlined the actions required to modify the current agreement.

**2. JOINT DISCUSSION ITEMS - Continued**

A. Update on the TDT Allocations - Continued

**Subsequent to comments, the motion carried unanimously.**

B. Update on the New Pass Inlet Management Plan and Beach Renourishment Projects

County Administrator Randall Reid thanked the Town Commission for their contribution to the Homeless Study and introduced Environmental Services Coastal Resources Manager Laird Wreford.

Mr. Wreford provided an overview of the New Pass Inlet Management Plan. Discussions were held with Town Manager Dave Bullock and Mr. Wreford on the following topics/issues:

- Town's role in the project
- project funds allocated
- sand sharing agreement.

Mr. Wreford commented on the time frame for the South Siesta Key renourishment and a future opportunity to collaborate with the Town for shared costs on renourishment projects. Following comments by Commr. Patterson on the assessment to Siesta Key property owners, Mr. Wreford commented on the timeframe for the collection of the MSTU (Municipal Services Taxing Unit) funds, installation of groins on the south end of Lido Beach, and the location/utilization of ebb-shoal sand. Upon inquiry, Mr. Wreford reviewed the elements of the renourishment designs developed.

Town Manager Bullock noted the response to the Town's recent Request for Proposal (RFP), the subsequent postponement of the project, and the circumstances affecting the pricing and availability of qualified contractors.

C. Update on the Discussions with Manatee County Relating to the Potential Consolidation of Transit and the Longboat Key Trolley Services

County Administrator Randall Reid noted discussions with the Manatee County Commission for the potential consolidation of transit services and noted an upcoming Joint Meeting between Sarasota and Manatee County Commissions on October 16, 2013, advising that the issue was still in the discussion stages.

Planning and Development Services Mobility Transit General Manager Glamari Carter provided an overview of the Route 18 service area and ridership.

Mayor Brown thanked the Sarasota County Commission for their cooperation and services provided by the Sarasota County Area Transit to Longboat Key and commented on the proposed consolidation of services between the Counties. Vice Mayor Brenner commented on the impact on individuals requiring the services of public transit and requested that these issues be considered when negotiating with a vendor/privatization.

## 2. JOINT DISCUSSION ITEMS - Continued

### D. Update on the Bayfront Park Recreation Center

Mayor Brown noted that no development has taken place as efforts were placed on hold due to economic conditions.

### E. Update on the 800-MHz Public Safety Communication System

Following comments by County Administrator Randall Reid, Deputy County Administrator Thomas Harmer provided an overview of the efforts expended for the replacement of the public safety communications system. Emergency Services Director and Fire Chief Mike Tobias noted that an Request for Proposal was issued, advised that the proposals received are under review, commented on the collaboration with Manatee County for shared expenses, and discussed the timeframe for the upgrade.

Town Manager Dave Bullock noted that Longboat Key supports a collaboration between the Counties and the importance of the efforts relating to Longboat Key public safety to be able to communicate with both Counties.

Following inquiry by Commr. Duncan, Chief Tobias noted that coverage issues have been identified and should be addressed to the fullest extent possible through improved technologies.

### F. To consider County Commission Support for Legislative Action to Address Unintended Consequences of Florida House Bill 537, Growth Management, Regarding the Local Government's Ability to Conduct Referendum Processes Relating to Development Orders, Comprehensive Plan Amendments, or Map Amendments

Town Manager Dave Bullock thanked the Sarasota County Commission for their support and requested continued support of the Town's efforts to have the legislation amended.

## 4. OTHER BUSINESS

### A. Planning, Zoning, and Building

Town Manager Dave Bullock noted concern with the issue of rising sea level and requested that the County consider a regional approach to address the issue.

County Administrator Randall Reid noted the County is aware of the issue and advised that the insurance industry is considering the issue during property insurance renewal periods.

### B. Public Works

Town Manager Dave Bullock noted the County's ownership of a beach access on Longboat Key (across from Triton Bend) and advised that the Town would prefer to develop an interlocal agreement for improvements of the access in the interest of the County and the Town. (See Item later this meeting.)

### C. Libraries

Vice Mayor Brenner thanked the County Library staff for their assistance to the Longboat Key Library volunteers.

**4. OTHER BUSINESS - Continued**

B. Public Works - Continued

Sarasota County Commr. Robinson advised of the requirements of the Sarasota County Comprehensive Plan regarding water access and noted support to develop an interlocal agreement for the property.

D. Homeless Initiative

Sarasota County Commr. Robinson thanked the Longboat Key Commission for their partnership and contribution to the Homeless Initiative Planning effort.

**3. OPEN TO THE PUBLIC - No items were presented.**

**4. OTHER BUSINESS - Continued**

D. Homeless Initiative - Continued

Mayor Brown noted attendance at the Florida League of Cities Conference and noted that Mr. Marbut made a presentation on homeless issues.

E. Elections

Commr. Gans noted the Town's General Election scheduled for March 18, 2013, advised that the Sarasota County School Board had indicated their intent to hold a Special Election, and requested support from the County Commission relating to the date proposed by the School Board.

Subsequent to discussion, Sarasota County Commr. Barbetta requested that the Town provided a written request to the County noting the suggested election date.

**ADJOURNMENT**

**Sarasota County Commission Chair Mason adjourned the September 17, 2013, Joint Meeting at 2:57 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 WORKSHOP MEETING  
SEPTEMBER 23, 2013 - 4:30 P.M.**

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

**Also Present:** Town Clerk Trish Granger

**CALL TO ORDER**

**Mayor Brown called the Special Workshop meeting to order in the Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, at 4:30 p.m.**

**1. Meet and Greet with Citizens Interested in Serving on the Citizens Oversight Committee for the Interlocal Agreement (ILA) on Public School Facility Planning**

A vacancy exists on the Citizens Oversight Committee for the ILA on Public School Facility Planning due to the term expiration of Mr. Tom Jones, serving as Longboat Key's representative. The Town Clerk's office advertised for interested citizens to serve on the Committee and Ms. Ronda Manasse submitted an application for consideration. The Commission requested that a Special Workshop Meeting be held to provide the opportunity for Town Commissioners to meet Ms. Manasse prior to formal appointment at the September 23, 2013, Special Meeting.

Following opening comments and introductions, Ms. Ronda Manasse noted her interest in serving on the School Board Facilities Planning as the Town of Longboat Key representative.

Mayor Brown noted the Special Meeting scheduled for 5:01 p.m. this date and advised that formal action on the appointment would occur at the Special Meeting and thanked Ms. Manasse for her interest in volunteering.

**ADJOURNMENT**

**Mayor Brown adjourned the September 23, 2013, Special Workshop Meeting at 4:33 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  
SEPTEMBER 23, 2013 - 5:01 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 Maggie Mooney-Portale

**Present:** Town Clerk Trish Granger

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Brown called the September 23, 2013, meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Zunz led the Pledge of Allegiance.

**7. Other Business**

Vice Mayor Brenner moved to advance consideration of Item 6 prior to the public hearings. Following comments, the motion, seconded by Commr. Younger, carried unanimously by voice vote.

**NEW BUSINESS**

**6. Appointment to the Sarasota County Public School Facility Citizens' Oversight Committee**

A vacancy exists on the Sarasota County Public School Facility Citizens' Oversight Committee for Facility Planning for a Longboat Key representative. Advertisements for citizens interested in serving were placed in the Longboat Key Observer and Longboat Key News and the Town Clerk's Office has received one application seeking appointment to this seat from a qualified resident. This item is placed on the September 23, 2013 Special Meeting Agenda for formal action. Recommended Action: Pending discussion, formalize the appointment to the Committee.

Following comments by Mayor Brown, Commr. Younger moved to appoint Ms. Ronda Manasse to serve as the Longboat Key representative on the Sarasota County Public School Facility Citizens' Oversight Committee for Facility Planning. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye; Zunz, aye; Gans, aye.

Mayor Brown thanked Ms. Manasse for attending and seeking appointment as Longboat Key's representative.

**ORDINANCES – FIRST READING**

**1. Ordinance 2013-29, Temporary Extension of the Collection Franchise Agreement with Waste Management**

The Town's current franchise agreement with Waste Management expires on December 13, 2013. The Town intends to put solid waste and recycling franchise collection agreement through a competitive procurement process in September. In order to ensure adequate time to bid, go through the selection process, and negotiate a contract, staff recommends a short extension to the current agreement of no longer than six months. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-29 to the October 7, 2013 Regular Meeting for second reading and public hearing.

1. Ordinance 2013-29, Temporary Extension of the Collection Franchise Agreement with Waste Management - Continued

Town Clerk Trish Granger placed Ordinance 2013-29 on record for first reading by title only.

**Commr. Gans moved to pass Ordinance 2013-29 on first reading and to forward to the October 7, 2013, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.**

Town Manager Dave Bullock provided an overview of Ordinance 2013-29, advising that the intent of the Ordinance was to temporarily extend the current expiration date of the Waste Management franchise agreement for no longer than six months. Upon inquiry, Town Manager Bullock confirmed that the Town had received inquiries from various entities on the upcoming bid process.

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

**ORDINANCES – SECOND READING AND PUBLIC HEARING**

2. Ordinance 2013-16, Amending Chapter 34, Employment Policies (General)

Ordinance 2013-16, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-16 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-16 is housekeeping in nature and does not substantively modify the General Employees' Retirement System or provisions of the Plan. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-16.

Town Clerk Trish Granger placed Ordinance 2013-16 on record for second reading and public hearing by title only.

**Commr. Duncan moved to adopt Ordinance 2013-16. The motion was seconded by Commr. Younger.**

Town Manager Dave Bullock provided an overview of Ordinance 2013-16, advising that the intent of the Ordinance was to maintain compliance with adopted IRC and Treasury Department Regulations.

**Mayor Brown opened the public hearing.**

Mr. Philip Tyson advised that he had submitted a "Request to be Heard" form. Mayor Brown noted that the form reflected the request on agenda Items 4 and 5 relating to the Town's millage and budget.

Commr. Larson inquired, and Town Clerk Granger advised that effective October 1, 2013, all agendas will include an opportunity for the public to be heard in compliance with new legislation.

2. Ordinance 2013-16, Amending Chapter 34, Employment Policies - Continued

**As no one wished to speak on Ordinance 2013-16, the public hearing was closed.**

Following inquiry, Town Manager Bullock commented on the interest rates and actuarial assumption rate included in the Ordinance, and Town Clerk Granger commented on the modification of the actuarial assumption rate based on action taken by the General Employees' Retirement System Board of Trustees in May 2013.

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

3. Ordinance 2013-17, Amending Chapter 34, Employment Policies (Police)

Ordinance 2013-17, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-17 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-17 is housekeeping in nature and does not substantively modify the Police Officers' Retirement System or provisions of the Plan. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-17.

Town Clerk Trish Granger placed Ordinance 2013-17 on record for second reading and public hearing by title only.

**Commr. Gans moved to adopt Ordinance 2013-17. The motion was seconded by Commr. Younger.**

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

Town Manager Dave Bullock advised that the intent of the Ordinance was to maintain compliance with adopted IRC and Treasury Department Regulations.

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

4. Ordinance 2013-22, Adopting Millage Rates for the Town of Longboat Key for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014 (FY2013-2014)

Fiscal Year 2013-14 operating millage rates for the Town of Longboat Key will be established pending discussion at the September 3, 2013 Regular Meeting scheduled for 7:00 PM. First reading, public hearing and discussion was held at the September 3, 2013 Regular Meeting and forwarded to the September 23, 2013 Special Meeting for formal action.

5. Ordinance 2013-23, Adopting a Budget for the Town of Longboat Key for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014 (FY2013-2014)

Following first reading, public hearing, and discussion at the September 3, 2013 Regular Meeting the Town Commission and Town Manager have forwarded proposed millages (Ordinance 2013-22) and a proposed budget (Ordinance 2013-23) to be adopted for Fiscal Year 2013-14. In accordance with State law, two separate motions are required. Discussion of the millage rates and the budget must be heard in the following format:

4. Ordinance 2013-22, Adopting Millage Rates for the FY2013-2014 - Continued
5. Ordinance 2013-23, Adopting a Budget for the FY2013-2014 - Continued

- a. Discussion of rolled-back millage rate
- b. Item 4 - Ordinance 2013-22:  
**Motion** on adoption of millage rate for Town
- c. Item 5 - Ordinance 2013-23:  
**Motion** on Town's Budget

Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-22 and Ordinance 2013-23.

Town Clerk Trish Granger placed Ordinance 2013-22 on record for second reading and public hearing by title only.

Town Manager Dave Bullock provided an overview of the process to consider the Millage and Budget Ordinances and Finance Director Sue Smith gave a PowerPoint presentation announcing the rolled back rate and discussing the proposed millage rate, historical overview of the General Fund balance, and ad valorem rates from Fiscal Year 2004 forward. Discussions were held with Town Manager Bullock and Finance Director Smith on the following topics/issues:

- amount allocated to the Beach Fund
- time frame for collection of beach funding/storm damage
- costs/funding for infrastructure protection on North Shore Road
- tax rates proposed by surrounding entities
- tax rates of surrounding entities not including Fire/EMS services
- estimated millage rate of 10% over the rolled-back rate (2.03562 mills).

**Mayor Brown opened the public hearing.**

Mr. Philip Tyson, Hide Away Bay Lane, requested clarification on the rolled back rate.

Town Manager Dave Bullock noted the State's requirement to announce the rolled-back rate and the reviewed the process used to determine the rate.

Mr. Tyson commented on Ordinance 2013-22, the proposed millage rate. Discussions were held with Mr. Tyson on the issues considered by the Town Commission in developing the budget and consideration of the millage rate.

Discussion ensued on the cost/operating reductions achieved by Staff over the past several years, impacts of staff reductions, benefits awarded to employees, pension liabilities, and beach renourishment costs.

Mr. Tyson commented on the costs of pensions and the impact on municipal budgets.

Individual comments followed on the consideration of the budget and the unfunded liabilities that are included in the deliberations.

4. Ordinance 2013-22, Adopting Millage Rates for the FY2013-2014 - Continued

5. Ordinance 2013-23, Adopting a Budget for the FY2013-2014 - Continued

**As no others wished to be heard, Mayor Brown closed the public hearing.**

**Commr. Zunz moved to adopt Ordinance 2013-22 on second reading and public hearing levying ad valorem tax of 2.0760 mills for general revenue purposes and 0.0560 mills for general obligation debt service for Fiscal Year 2013-2014. The motion was seconded by Commr. Duncan.**

**Commr. Larson moved to amend the motion to set the ad valorem tax millage at 10% above the rolled back rate. The motion failed for lack of a second.**

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

Town Clerk Trish Granger placed Ordinance 2013-23 on record for second reading and public hearing by title only.

Town Manager Dave Bullock provided an overview of Ordinance 2013-23, to adopt the Town's budget for Fiscal Year 2013-2014.

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

Vice Mayor Brenner inquired as to including the anticipated ad valorem revenue increase into a reserve for pensions. Discussion ensued on the process required to reallocate money from fund to fund, the Urban Land Institute (ULI) process, and unanticipated costs to implement recommendations resulting from the ULI report.

**Vice Mayor Brenner moved to assign \$210,075.00 of general fund balance to the pension reserve for Fiscal Year ending September 30, 2014. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Brenner, aye; Larson, aye; Duncan, aye; Zunz, aye; Gans, aye; Younger, aye; Brown, aye.**

Vice Mayor Brenner inquired as to the personnel expenses and the reduction in aggregate pension costs. Town Manager Bullock advised of his intent to work with the Pension Boards to address the costs. Discussion ensued on the proposal to continue to reduce the assumed rate of return for the pension funds.

**Commr. Zunz moved to adopt Ordinance 2013-23, as amended, adopting a Budget for the Fiscal Year 2013-2014. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Larson, aye; Duncan, aye; Younger, aye; Brenner, aye; Brown, aye.**

### ADJOURNMENT

**Mayor Brown adjourned the September 23, 2013, Regular Meeting at 6:22 p.m.**

\_\_\_\_\_  
Trish Granger, Town Clerk

\_\_\_\_\_  
James L. Brown, Mayor

Minutes Approved: \_\_\_\_\_



**End of Agenda Item**