

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
JANUARY 3, 2011 - 7:00 P.M.**

Present: Mayor George Spoll, Vice Mayor Jim Brown, Comms. David Brenner, Lynn Larson, Hal Lenobel, Bob Siekmann, Phillip Younger

Also Present: Town Manager Bruce St. Denis, Town Attorney David Persson, Town Clerk Trish Granger

CALL TO ORDER

The Regular Meeting of the Longboat Key Town Commission was called to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

PLEDGE OF ALLEGIANCE

Mayor Spoll requested and Vice Mayor Brown led the Pledge of Allegiance.

Mayor Spoll noted the Town Commission Regular Meeting would be recessed and reconvened following completion of the Special Meetings of the Longboat Key Beach Erosion Control Districts A and B.

RECESS: 7:03 p.m. **RECONVENE:** 8:07 p.m.

APPROVAL OF MINUTES

1. November 18, 2010, Special Meeting; November 18, 2010, Regular Workshop Meeting; and November 30, 2010 Joint Meeting Between Longboat Key Town Commission and Manatee County Board of County Commissioners Minutes.

Mayor Spoll noted consensus to approve the Meeting Minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS - No items were presented

CONSENT AGENDA

Town Manager Bruce St. Denis requested removal of Item 3 from the Consent Agenda. **Mayor Spoll noted the item would be considered following the published agenda.**

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building Department/Code Enforcement

Ms. Pamela Coleman, Longboat Drive East, commented on complaints made to the Town on the illegal placement of a seawall on neighboring property.

Upon inquiry, Town Attorney David Persson suggested that a report be prepared by the Code Enforcement Officer on the issues raised in the matter, reviewed requirements for civil versus public action, and noted he would assist with the report. Town Manager Bruce St. Denis advised that Staff will review and report on the issues discussed.

Following individual comments, Ms. Coleman commented on the time frame of the work completed and advised that the neighbor added an additional section.

CONSENT AGENDA

3. Request for Acquisition of Tasers by Longboat Key Police Department Through the Law Enforcement Trust Fund (LETf)

Chief Hogle recommends the Longboat Key Police Department use of Tasers which were tested as authorized by the Commission in 2009. The Town Manager is asking for authorization to acquire Tasers and training for all patrol officers through funding from the Law Enforcement Trust Fund (LETf). Recommended Action: Approval of the Consent Agenda will authorize the use of LETf for purchase of Tasers for the Longboat Key Police Department.

Mayor Spoll noted that Item 3 had been removed from the Consent Agenda at the request of the Town Manager and would be considered later this meeting.

4. Reduction in Fines and Costs for Code Enforcement Board Orders 10-14 and 10-46

At the December 16, 2010 Regular Workshop Meeting consensus was reached to reduce the fines and costs arising out of Administrative Orders for Case Number 10-14 and Case Number 10-46. Recommended Action: Approval of the Consent Agenda will constitute formal action for reduction in fines and costs related to Administrative Orders for Case Number 10-14 and Case Number 10-46 to \$500.

Commr. Siekmann requested that Item 4 be removed from the Consent Agenda. Mayor Spoll noted the Item would be considered later this meeting.

ORDINANCES - FIRST READING

5. Ordinance 2011-02, Budget Transfer in the Amount of \$42,000 to Provide Funding for Continuation of Longboat Key Trolley Service, Route 18

At the December 6, 2010 Regular Meeting the Town Commission took formal action regarding funding for continuation of the Longboat Key Trolley, Route 18. Ordinance 2011-02, provides for a budget transfer to set aside funds to assist Sarasota and Manatee County's continuation of Route 18. Recommended Action: Pending discussion, forward Ordinance 2011-02 to the February 7, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-02 on record by title only.

Commr. Brenner moved to pass Ordinance 2011-02 and to forward to the February 7, 2011, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brown.

Town Manager Bruce St. Denis noted the schedule for change in the headway time, public notice to be provided, new schedules to be printed, operation of one vehicle per County, and the intent to forward funding to Manatee County.

Mr. Michael Lendrihas, Tarrawit Lane, commented in favor of the Ordinance.

Mayor Spoll noted the attendance of Commissioner Elect Jack Duncan.

5. Ordinance 2011-02, Funding for Continuation of Longboat Key Trolley Service, Route 18 - Continued

Commr. Lenobel inquired, and Commr. Brenner noted the public committee working on improving ridership.

Vice Mayor Brown reviewed discussions with Manatee County and representatives at the Metropolitan Planning Organization (MPO) meeting and the anticipation of reduced ridership and suggested that a follow-up meeting be scheduled with both Counties.

Discussion ensued with Mr. Tom Aposporos, President of the Longboat Key, Lido Key, and St. Armands Key (LLSA) Chamber of Commerce, on marketing efforts, sources (non-governmental) to support the effort, and the date for implementation of the new schedule.

The motion carried by a 6-1 roll call vote, as follows: Brenner, aye; Brown, aye; Spoll, aye; Lenobel, no; Siekmann, aye; Larson, aye; Younger, aye.

6. Ordinance 2011-03, Codification of Supplement 12

Ordinances adopted by the Town are promulgated each year into the Town Code; draft Ordinance 2011-03 will adopt Supplement 12, which includes Ordinances adopted by the Town Commission through the December 6, 2010 Regular Meeting. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-03 to the February 7, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-03 on record by title only.

Vice Mayor Brown moved to pass Ordinance 2011-03 and to forward to the February 7, 2011 Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Siekmann, carried by a 7-0 roll call vote, as follows: Brown, aye; Siekmann, aye; Lenobel, aye; Younger, aye; Spoll, aye; Larson, aye; Brenner, aye.

ORDINANCES - FIRST READING AND PUBLIC HEARING

7. Ordinance 2011-05, Providing for Pass-Through of Wholesale Water and Wastewater Rate Increases from Manatee County

On November 9, 2010 Manatee County Utilities Department staff recommended that Manatee County Board of County Commissioners raise the potable water base charge and quantity rate as well as the wastewater base charge and quantity rate. These rate increases are proposed to become effective March 1, 2011. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2011-05 to the February 7, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-05 on record by title only for first reading and public hearing.

Commr. Younger moved to pass Ordinance 2011-05 and to forward to the February 7, 2011, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Siekmann.

7. Ordinance 2011-05, Water and Wastewater Rate Increases - Continued

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

Upon inquiry, Town Manager Bruce St. Denis noted that the increase was approximately 1% to 3%.

Following individual comments, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Siekmann, aye; Larson, aye; Brenner, aye; Brown, aye; Spoll, aye; Lenobel, aye.

RESOLUTIONS

8. Resolution 2010-16, Budget Transfer in the Amount of \$100,000 from Commission Contingency to Professional Services Other to Fund Town Pension Plan Study

At the December 16, 2010 Regular Workshop Meeting there was consensus to place Resolution 2010-16 on the January 3, 2011 Regular Meeting for formal action. Resolution 2010-16 provides funding for a pension plan study that will explore options for the Town's existing pension plans. Recommended Action: Pending discussion, pass Resolution 2010-16.

Town Clerk Trish Granger placed Resolution 2010-16 on record by title only.

Commr. Younger inquired, and Town Manager Bruce St. Denis noted the amount was estimated based on what surrounding communities have paid and advised that the cost will be dependent upon the issues the Commission determines to be reviewed.

Commr. Siekmann moved to pass Resolution 2010-16. The motion was seconded by Vice Mayor Brown.

Vice Mayor Brown inquired and Town Manager St. Denis noted that a workshop would be held to determine the issues the Commission would like examined.

Commr. Larson inquired and Town Manager St. Denis advised that the Firefighters' Retirement System Board of Trustees has indicated that they would not approve the use of Foster and Foster, Inc., by the Town for the pension study.

Finance Director Thomas Kelley noted that the firm of Gabriel, Roder, and Smith, has been selected, utilizing an existing bid by the City of Clearwater.

Discussion ensued with Town Manager St. Denis and Town Attorney David Persson on the authority of the Board of Trustees to prohibit the utilization of Foster and Foster, Inc.

The motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Brown, aye; Lenobel, aye; Larson, aye; Brenner, aye; Spoll, aye; Younger, aye.

Mayor Spoll noted that Items 9 through 12, as follows, were pulled from consideration:

9. Resolution SDA 2011-02, Providing for a Referendum Question to be Placed on the Ballot for the March 2011 General Municipal Election for Beach Erosion Control District A – Structures

At the December 16, 2010 Regular Workshop Meeting there was consensus for a referendum question to be placed before the voters in the March 2011 General Municipal Election regarding issuance of bonds for Longboat Key Beach Erosion Control District A for structures at the North end of Longboat Key. Resolution SDA 2011-02 provides for placement of the referendum question on the March 2011 General Municipal Election ballot. Recommended Action: Pending discussion, pass Resolution SDA 2011-02.

10. Resolution SDA 2011- 03, Providing for a Referendum Question to be Placed on the Ballot for the March 2011 General Municipal Election for Beach Erosion Control District A – Sand

At the December 16, 2010 Regular Workshop Meeting there was consensus for a referendum question to be placed before the voters in the March 2011 General Municipal Election regarding issuance of bonds for Longboat Key Beach Erosion Control District A for a proposed beach nourishment project. Resolution SDA 2011-03 provides for placement of the referendum question on the March 2011 General Municipal Election ballot. Recommended Action: Pending discussion, pass Resolution SDA 2011-03.

11. Resolution SDB 2011-04, Providing for a Referendum Question to be Placed on the Ballot for the March 2011 General Municipal Election for Beach Erosion Control District B – Structures

At the December 16, 2010 Regular Workshop Meeting there was consensus for a referendum question to be placed before the voters in the March 2011 General Municipal Election regarding issuance of bonds for Longboat Key Beach Erosion Control District B for structures at the North end of Longboat Key. Resolution SDB 2011-04 provides for placement of the referendum question on the March 2011 General Municipal Election ballot. Recommended Action: Pending discussion, pass Resolution SDB 2011-04.

12. Resolution SDB 2011-05, Providing for a Referendum Question to be Placed on the Ballot for the March 2011 General Municipal Election for Beach Erosion Control District B – Sand

At the December 16, 2010 Regular Workshop Meeting there was consensus for a referendum question to be placed before the voters in the March 2011 General Municipal Election regarding issuance of bonds for Longboat Key Beach Erosion Control District B for a proposed beach nourishment project. Resolution SDB 2011-05 provides for placement of the referendum question on the March 2011 General Municipal Election ballot. Recommended Action: Pending discussion, pass Resolution SDB 2011-05.

13. Resolution 2011-06, Establishing March 15, 2011 as the General Municipal Election and Providing for Early Voting, Advertising and Ballot Layout

At the December 6, 2010 Regular Meeting the Town Commission passed Resolution 2010-50 to establish March 8, 2011 as the Town's General Municipal Election date, establish dates for early voting; and for related advertising expenses. Since that time, the Manatee County polling location has become unavailable for use on March 8, 2011. Resolution 2011-06 provides for the General Municipal Election to be held on March 15, 2011. Recommended Action: Pending discussion, pass Resolution 2011-06.

13. Resolution 2011-06, Establishing March 15, 2011 as the General Municipal Election and Providing for Early Voting, Advertising and Ballot Layout - Continued
Town Clerk Trish Granger placed Resolution 2011-06 on record by title only.

Commr. Siekmann moved to pass Resolution 2011-06. The motion was seconded by Commr. Lenobel.

Town Clerk Granger inquired as to the Town Commission's intent to offer early voting for referendum questions only.

Subsequent to comments to retain early voting, the motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Lenobel, aye; Younger, aye; Spoll, aye; Larson, aye; Brenner, aye.

NEW BUSINESS

14. Revised 2011 Town Commission Meeting Calendar

At the December 6, 2010 Regular Meeting the Commission adopted Resolution 2010-50 establishing March 8, 2011 as the General Municipal Election date. Two Town Commission Meetings that are held in March are driven by the date of the General Municipal Election. As a result, an amended 2011 Town Commission Meeting calendar was forwarded from the December 16, 2010 Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, provide direction to Manager.

Assistant to Town Manager Susan Phillips noted that no change was required at this time due to the rescheduling of the General Election date to March 15, 2010.

3. Request for Acquisition of Tasers by Longboat Key Police Department Through the Law Enforcement Trust Fund (LETF) - Continued

Chief Hogle recommends the Longboat Key Police Department use of Tasers which were tested as authorized by the Commission in 2009. The Town Manager is asking for authorization to acquire Tasers and training for all patrol officers through funding from the Law Enforcement Trust Fund (LETF). Recommended Action: Approval of the Consent Agenda will authorize the use of LETF for purchase of Tasers for the Longboat Key Police Department.

Following comments by Town Manager Bruce St. Denis, Police Chief Al Hogle presented an overview of the Taser device, noted training and availability of one device currently in the Police Department, and reviewed the tools available to the Town's Police Officers in performance of their jobs.

Mayor Spoll noted newspaper reports on the use of tasers causing a heart attack and the intent to use lethal force.

Vice Mayor Brown moved to approve the request. The motion, seconded by Commr. Larson, carried unanimously on voice vote.

4. Reduction in Fines and Costs for Code Enforcement Board Orders 10-14 and 10-46

At the December 16, 2010 Regular Workshop Meeting consensus was reached to reduce the fines and costs arising out of Administrative Orders for Case Number 10-14 and Case Number 10-46. Recommended Action: Approval of the Consent Agenda will constitute formal action for reduction in fines and costs related to Administrative Orders for Case Number 10-14 and Case Number 10-46 to \$500.

Commr. Siekmann inquired on consideration of the matters by the Code Enforcement Board and individual comments followed on modifying the request with the applicant not present.

Following comments, Vice Mayor Brown moved to approve the reduction in fines and costs in accordance with action taken on December 16, 2010. The motion, seconded by Commr. Larson, carried by a 5-2 roll call vote, as follows: Brown, aye; Larson, aye; Brenner, aye; Siekmann, no; Lenobel, aye; Younger, no; Spoll, aye.

TOWN COMMISSION COMMENTS

A. Organizations

Commr. Brenner noted that the Public Interest Committee (PIC) was reviewing the pension issues and suggested that the Town Manager may wish to contact them on their efforts. Town Manager Bruce St. Denis advised he would contact PIC on the matter.

B. Public Works/Animal Control

Commr. Brenner commented on Animal Control services and Town Manager Bruce St. Denis noted that Bradenton Beach provides a trap for residents to trap and relocate animals. Commr. Brenner requested that the issue be placed on a Workshop for discussion.

C. Public Works/Beach Nourishment

Commr. Brenner requested that the issues he raised relating to the Beach Project and obtaining a second opinion be included on the Workshop agenda.

There was majority consensus to include a discussion item on the agenda.

D. Town Commission

Commr. Siekmann noted the Roberts Rules of Order class scheduled by Sarasota County and invited Commission participation.

E. Town Administration

Mayor Spoll noted the next Academy of Government begins on January 5, 2011, and advised that six seats were available for the session.

Town Manager Bruce St. Denis noted the attendance of some members of the Academy at the meeting.

TOWN ATTORNEY COMMENTS

A. Planning, Zoning, and Building Department/Code Enforcement

Town Attorney David Persson advised that Mr. James Armstrong had noted a conflict with the legal representation approved by the Town Commission and requested authorization to retain Attorney Whitney Coyne to handle the matter.

There was consensus to authorize the request.

TOWN MANAGER COMMENTS - No items were presented.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Spoll adjourned the January 3, 2011, Regular Meeting at 9:26 p.m.

/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 03/07/2011