

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
NOVEMBER 18, 2010 - 2:03 P.M.**

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

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

CALL TO ORDER

Mayor Spoll called the Regular Workshop Meeting of the Longboat Key Town Commission to order at 2:03 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

COMMITTEE REPORTS AND COMMUNICATIONS

1. Manatee County Special Liaison Report

A. Organizations

Commr. Siekmann noted attendance at the Barrier Islands Elected Officials meeting on November 16, 2010, and reviewed the issues discussed relating to watershed issues

2. Sarasota County Special Liaison Report

A. Organizations

Vice Mayor Brown noted that Sarasota County had scheduled the monthly Council of Governments for this date and that Longboat Key would not be represented due to the conflict with this Regular Workshop.

3. Other Reports

A. Organizations

Commr. Brenner noted attendance at the Sarasota County Tourist Development Council (TDC) meeting and reviewed the issues discussed.

B. Organizations

Mayor Spoll noted attendance at the Florida League of Mayors meeting and reviewed the issues discussed.

C. Organizations

Commr. Siekmann noted he will be attending a Florida League of Cities meeting on November 19, 2010.

PUBLIC TO BE HEARD

4. Public To Be Heard

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

Dr. Larry (Lawrence) Kassouf, Ketch Lane, noted the location of his dental office and advised that the Sign Code does not have provisions for signage of the Mediterranean Plaza

4. Public To Be Heard - Continued

A. Planning, Zoning, and Building Department/Sign Code - Continued

on Gulf of Mexico Drive (GMD) and advised that he will be petitioning in the near future to allow signage on GMD for off-road facilities.

Following comments by Mayor Spoll, Town Attorney David Persson inquired and Dr. Kassouf noted that he had requested authority to place a sign and Town Attorney Persson advised of options to pursue location of signage.

Town Attorney Persson recommended that the Commission authorize the Town Manager to review the issue with Dr. Kassouf and to report back to the Town Commission at a later date.

CONSENT AGENDA

5. Proposed Resolution 2010-43, Providing for a Budget Transfer in the Amount of \$20,172.59 from Town Commission Contingency

At the November 1, 2010 Regular Meeting the Town Commission held first reading of Ordinance 2010-37, providing for the Fire Chief to opt out of the Firefighters' Retirement System. The Ordinance was forwarded to the December 6, 2010 Regular Meeting for second reading and public hearing. Approval of the request will reduce the Town's pension cost for the Fire Chief from 46% to 16% of salary. Resolution 2010-43, provides for a budget transfer to establish the Fire Chief's 401(a) account. Recommended Action: Approval of the Consent Agenda will forward Resolution 2010-43 to the December 6, 2010 Regular Meeting for formal action.

6. Proposed Resolution 2010-45, Fiscal Year 2009-2010 Year End Budget Transfer

End of Fiscal Year 2009-10 budget transfers are being proposed for various general ledger line items. Resolution 2010-45 provides for the necessary budget transfers to be made for compliance with the Town Charter. Recommended Action: Approval of the Consent Agenda will forward Resolution 2010-45 to the December 6, 2010 Regular Meeting for formal action.

7. 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 present items developed during the October 21, 2010 Regular Workshop Meeting and November 1, 2010 Regular Meeting for confirmation by the Commission. Recommended Action: Approval of the Consent Agenda will forward legislative priorities to the Manasota League of Cities, Sarasota County, and Manatee County Legislative Delegations.

8. Update on Investigation Regarding Feasibility of iPads for Agenda Distribution

Based on Commission direction staff continues their investigation regarding the feasibility of utilizing iPads for agenda publication. The evaluation includes anticipated costs, technological needs, and practical experience based on use by other jurisdictions. Recommended Action: None, informational only.

Commr. Siekmann requested removal of Item 7.

CONSENT AGENDA - Continued

Commr. Brenner inquired and Town Manager Bruce St. Denis noted the circumstances creating overtime in the Fire Department.

There was consensus to approve Consent Agenda Items 5, 6, and 8, as submitted in accordance with Staff report and recommendations and to consider Item 7 later this meeting.

DISCUSSION ITEMS

9. Debt Capacity and Update Regarding Refunding of the Town's 1999 General Obligation Bonds

At the October 21, 2010 Regular Workshop Meeting the Commission discussed refunding the 1999 Town issued General Obligation Bonds in order to realize approximately \$256,000 over the remaining nine years of the bonds. During the discussion questions were raised regarding the overall debt level of the Town. Representatives of PFM will be present at the November 18, 2010 Regular Workshop Meeting to present their recommendations regarding the refinancing and address Commission questions on these issues. Recommended Action: Pending discussion, provide direction to Manager.

Finance Director Thomas Kelley noted that PFM Representative David Moore was available to discuss the refinancing of the General Obligation Bonds.

4. Public To Be Heard - Continued

Mayor Spoll advised that a citizen comment card was overlooked and would be heard following completion of Item 9.

9. Debt Capacity and Update Regarding Refunding of the Town's 1999 General Obligation Bonds - Continued

Mr. Moore commented on bids received and advised that the Town could realize approximately \$293,000. Discussions were held on the following topics/issues:

- condition of bids for a 45-day period
- marketing conditions over the past several days
- previous Commission authorization to proceed with the refunding.

Following comments, there was consensus to proceed with the Bond refunding process.

4. Public To Be Heard - Continued

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

Mr. Robert Smith, St. Judes Drive, noted and distributed a list of concerns relating to the Town's Code Enforcement process.

RECESS: 2:34 p.m. - 2:45 p.m.

10. Discussion Regarding the Role of the Code Enforcement Board

At the October 21, 2010 Regular Workshop Meeting Commissioner Brenner noted a need to provide the public with a better understanding of the role, importance, and authority of the Code Enforcement Board. The Town Attorney will discuss this subject at the November 18, 2010

Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Town Attorney David Persson thanked the Commission for scheduling the discussion issue and noted attendance of Mr. James Armstrong relating to the overview of the role of the Code Enforcement Board (CEB).

Town Attorney Persson provided historical information on the establishment of the CEB, the intent to bring properties into compliance, and the performance of the Code to maintain and preserve standards established by the Town. Discussions were held on the following topics/issues:

- utilization of fines versus administrative fees
- volume of cases being heard by the CEB
- purpose/intent of a fine
- authority under Florida Statutes and Town Code to assess fines
- options to establish guidelines for various types of offenses.

Subsequent to comments, there was consensus to review historical charges for various types of offenses to establish a guideline for assessing fines.

11. Interlocal Agreement Between the Town of Longboat Key and Sarasota County Regarding Bayfront Park Recreation Center / Albritton Property Development

At the October 21, 2010 Regular Workshop Meeting the Town Commission discussed issues that need to be addressed prior to the Town moving forward with a project at the Bayfront Park/Albritton Property location. The Town Attorney has prepared a proposed interlocal agreement between the Town of Longboat Key and Sarasota County regarding development of the Bayfront Park and Albritton Property for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Bruce St. Denis commented on the collaboration between the Town and Sarasota County on the development of the Albritton Property and noted the suggestion to develop a formal agreement with Sarasota County.

There was consensus to forward the Interlocal Agreement to the December 6, 2010, Regular Meeting for formal action.

12. Longboat Key Turtle Watch Request to Amend Chapter 100, Sea Turtles

Longboat Key Turtle Watch President Tim Thurman requested Commission consideration of an amendment to Chapter 100, Sea Turtles prohibiting temporary structures, beach equipment, and beach furniture being left on the beach at night during turtle season. Vice Mayor Brown asked that the item be placed on the November 18, 2010 Regular Workshop Meeting for Commission discussion. Recommended Action: Pending discussion, provide direction to Manager.

12. Longboat Key Turtle Watch Request to Amend Chapter 100, Sea Turtles - Continued

Following comments by Town Manager Bruce St. Denis, Mr. Tim Thurman, President of the Longboat Key (LBK) Turtle Watch, provided an overview of the functions/efforts of the LBK Turtle Watch organization, and requested consideration for development of an amendment to Chapter 100, Sea Turtles.

Discussions were held with Mr. Thurman, Planning, Zoning, and Building Director Monica Simpson, and Town Manager St. Denis on the following topics/issues:

- impact of additional legislative requirements on local businesses
- existing statistics on the interference of beach structures, equipment, and furniture
- nesting obstructions recorded on Longboat Key from 2000 to 2010
- difficulty in complying with proposed additional legislation
- options to utilize an agreement for Gulf side properties
- options for staff to prepare a draft ordinance that will be effective for Longboat Key
- uniform enforcement for all properties.

There was consensus for Staff review and development of proposed Ordinance to amend Chapter 100, Sea Turtles.

13. Longboat Key Policy Regarding Animal Control (Chapter 91)

Commissioner Brenner requested an agenda item for the November 18, 2010 Regular Workshop Meeting to review animal control issues on Longboat Key and to provide opportunity for a comprehensive discussion of the Town's current policy. Recommended Action: Pending discussion, provide direction to Manager.

Following comments from Town Manager Bruce St. Denis, Mr. Weldon Frost, Binnacle Point Drive, commented on the raccoon population on Longboat Key and supported funding by the Town for raccoon reduction.

Commr. Brenner requested that Staff review how other barrier islands handle the issue, without objection.

Subsequent to individual comments, there was majority consensus to retain the current policy in the Town Code.

14. Utility Rates - 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 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 January 15, 2011. The Town's utility rate consultant is evaluating the effect of this rate change on the Town's current utility rates and will be prepared to make a recommendation at the December 16, 2010 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

14. Utility Rates - Pass-Through of Wholesale Water and Wastewater Rate Increases from Manatee County - Continued

Town Manager Bruce St. Denis noted that the Town had received notification from Manatee County on a rate increase effective January 15, 2011. Discussions were held with Town Manager St. Denis and Finance Director Tom Kelley on the following topics/issues:

- current policy relating to rate increases or decreases
- process for notification to utility rate users
- anticipated increase from Manatee County
- options to absorb a minimal increase until the following year.

There was consensus to forward to the December 6, 2010, Regular Meeting for formal action.

15. Establishing the Date(s) for the Town of Longboat Key General Municipal Election Schedule

The Town Clerk will seek direction regarding the date for the General Municipal Election and the Preliminary Election (if needed) as provided for in Article II, Section 4 of the Town Charter. Recommended Action: Pending discussion, provide direction to Manager.

Town Clerk Trish Granger advised that no Preliminary Election is required in 2011, noted the Commission's authority to align the Town's General Election date with any other scheduled election in Manatee or Sarasota County, and advised that the City of Sarasota would be holding their General Election on March 8, 2011. Town Clerk Granger congratulated Vice Mayor Brown and Commr. Younger, running unopposed, noting they will be reelected in March 2011, commented on the District 2 candidate race, and advised that the Commission could establish the Town's General Election date to coincide with the City of Sarasota which would generate savings in the election costs.

Town Manager Bruce St. Denis inquired, and Town Clerk Granger advised that the Commission's ability to approve any additional referendum items would not be impacted if the election date was advanced by one week.

Following comments, there was consensus to schedule the 2011 General Election on March 8, 2011, to coincide with the City of Sarasota General Election.

Town Clerk Granger requested direction on establishing early voting for the election.

Subsequent to comments, there was consensus to provide one week of early voting at Town Hall for the General Election.

16. Beach Project Discussion

This item is placed on the November 18, 2010 Regular Workshop Meeting as a placeholder in the event the Commission requests follow-up information or discussion based on the presentation at the November 16, 2010 Special Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

16. Beach Project Discussion - Continued

Town Manager Bruce St. Denis commented on the Special Workshop held on November 16, 2010, and reviewed the four options considered.

- 2011 Island-wide nourishment for sand only
- 2012 North End Structural Solution funding
- place sand every two years at the North end (removed from consideration on November 16, 2010)
- delay Island-wide nourishment and structures for one year.

Discussions were held on the following topics/issues:

- cost of postponement (approximately \$4 million dollars)
- impact of Port Dolphin delays
- time frame to make final determination on proceeding or postponing for one year
- impact on bond rates
- interim solutions/options for North end
- additional sand loss anticipated during 2011
- options for acquisition of property (Yonkers)
- Florida Department of Environmental Protection's (FDEP) position on temporary projects.

There was majority consensus to proceed with the referendum in March 2011 with the understanding that the project may be subject to delay.

RECESS: 4:35 p.m. - 4:45 p.m.

17. Proposed Ordinance 2010-36, Elections, Providing for a Referendum Question for a Charter Amendment Regarding Preliminary Elections on the March 2011 Ballot

The Town Clerk and Town Attorney have drafted Ordinance 2010-36 to place a Charter referendum on the March 2011 General Election ballot pertaining to the requirement for a Preliminary Election. This item was placed for first reading on the November 1, 2010 Regular Meeting and forwarded to the November 18, 2010 Regular Workshop for additional consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Clerk Trish Granger provided an overview of items that would need to be considered if proposed Ordinance 2010-36 pertaining to a Charter amendment to modify the election process to provide for a run-off election in lieu of a preliminary election.

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

- intent for the seated Commissioner to retain their status on the Commission until the run-off election was held and certified

17. Proposed Ordinance 2010-36, Elections, Providing for Charter Amendment Regarding Preliminary Elections on the March 2011 Ballot - Continued

- impact on Commission action on consideration of items discussed between a general election and a run-off election
- option to amend the Charter to provide for a determination of a winning candidate in a preliminary election based on percentage of votes received (50% plus 1)
- option to retain current Charter language providing for a preliminary election.

Subsequent to comments, there was consensus to retain current process for a preliminary election in lieu of a run-off election.

18. Pension Discussion

At the November 1, 2010 Regular Meeting the Town Commission requested a Special Workshop Meeting to be scheduled sometime in January 2011. In the meantime the Town Manager is providing materials presented and discussed by the Commission at the November 16, 2010 Special Meeting for consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Bruce St. Denis commented on the Town Commission's request relating to a Special Workshop Meeting relating to pension issues. Discussions were held on the following topics/issues:

- options to have Pension Boards utilize outside administrative services in lieu of Town provided services (internal departmental support)
- consideration for merging Police and Fire Pension Boards
- options to offer a 401K in lieu of a defined benefit plan
- analysis to have current programs transition into Florida Retirement System (FRS) and all future employees automatically into a 401K or 401A
- review of hybrid options for current employees on volunteer or required program (over a five to ten year period)
- range for contributions (5% to 12%)
- option to have employee contributions placed in a separate plan
- review of pension issues by the Public Interest Committee (PIC)
- intent of meeting in January to provide citizen information on the issues.

7. Legislative Priorities - Continued

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 present items developed during the October 21, 2010 Regular Workshop Meeting and November 1, 2010 Regular Meeting for confirmation by the Commission. Recommended Action: Approval of the Consent Agenda will forward legislative priorities to the Manasota League of Cities, Sarasota County, and Manatee County Legislative Delegations.

7. Legislative Priorities - Continued

Following comments by Town Manager Bruce St. Denis, Commr. Siekmann requested a modification to the first item Beaches and Tourism, adding the word "Bay" to the item and noted that the Mayor will make the presentation and it should reflect the positions of the Commission.

Commr. Larson suggested that the category "Public Employee Pensions" be on page one and include a reference to and support of prior legislation that was not passed by the legislature. Discussions were held on the following topics/issues:

- include the word "Bays" in the title of "Beaches and Tourism"
- municipal pension funds/options to close funds
- utilization of Chapter 175 (Fire) and 185 (Police) funds
- deadline for submission of items
- options to include opposition to oil drilling
- interaction with representatives in Tallahassee.

TOWN COMMISSION COMMENTS

A. Organizations

Mayor Spoll commented on the items agreed upon at a recent St. Armands Circle Working Group to eliminate the small stop signs at pedestrian crosswalks and the removal of parking space on the portion of the circle moving traffic to Lido Key. Mayor Spoll noted that the City of Sarasota reversed the decision of the Working Group and requested that a joint meeting be established to discuss the issue.

There was consensus to schedule a joint meeting with the City of Sarasota.

Town Manager Bruce St. Denis advised that correspondence would be prepared under the Mayor's signature requesting a joint meeting on the issue to the Metropolitan Planning Organization (MPO).

B. Town Commission

Commr. Brenner noted distribution of the final recommendations from the Organizational Review Subcommittee, the scheduled discussion of the report in December, and an open-ended issue on the process by which the Town enters into contracts, including termination dates.

Town Attorney David Persson advised that he would report back.

C. Organizations

Vice Mayor Brown noted attendance at Harry's Continental Kitchens acknowledging the Town's 55th birthday.

TOWN COMMISSION COMMENTS - Continued

D. Town Commission

Commr. Siekmann commented on the sound system in the Chamber and Town Manager Bruce St. Denis advised that Staff would review the issues

E. Organizations

Commr. Siekmann noted that the ManaSota League of Cities would be providing a class on the Sunshine Law in the future.

F. Governmental Organizations

Commr. Siekmann noted attendance at the Barrier Islands Elected Officials (BIEO) meeting and noted support of participation in the Island-wide watershed collaboration. Town Manager Bruce St. Denis advised that Public Works staff will participate and report back.

TOWN ATTORNEY COMMENTS

A. Town Commission/Boards and Committees

Town Attorney David Persson noted recent action by the Planning and Zoning (P&Z) Board on the Comprehensive Plan and inquired as to the coordination of Comprehensive Plan Amendments in relation to the hearings for the Vision Plan.

Commr. Siekmann commented on the consideration of the Vision Plan and the opportunity to have a review to have the document "read" with more clarity. Individual comments followed.

TOWN MANAGER COMMENTS

A. Government Entities/School Board

Town Manager Bruce St. Denis submitted and commented on correspondence from Sarasota County School Board Chair Lori White relating to the Interlocal Agreement requiring a joint meeting for School Facilities Planning be cancelled unless items are submitted for the agenda.

B. Government Entities/Southwest Florida Water Management District (SWFWMD)

Town Manager Bruce St. Denis commented on SWFWMD on water shortage and request for review of water consumption - Town didn't change from one per week instead of two so there is no requirement for Town residents to modify weekly irrigation schedule.

C. Town Commission/Pension

Town Manager Bruce St. Denis commented on the proposed January pension meeting and requested direction on the goal of the meeting to provide public information. Commr. Larson noted the intent to provide information on the impact to homeowners on the present situation and debt owed continues to accrue.

TOWN MANAGER COMMENTS - Continued

C. Town Commission/Pension - Continued

Discussion ensued on the intent to provide the public with accurate information on the status of the accumulated debt and options to consider in the future.

D. Town Commission/Fire Union Contract

Town Manager Bruce St. Denis noted receipt of the Special Magistrate's report on the Impasse Hearing, noted that each party must respond by December 10, 2010, and reviewed the process for accepting or rejecting the findings and the remaining steps to be accomplished.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Spoll adjourned the November 18, 2010, Regular Workshop Meeting at 5:53 p.m.

/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 01/03/2011