

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING  
OCTOBER 4, 2010 - 7:00 P.M.**

**Present:** Mayor George Spoll, Vice Mayor Jim Brown, Comms. 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**

The Regular Meeting of the Longboat Key Town Commission was called to order at 7:01 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

**PLEDGE OF ALLEGIANCE**

Mayor Spoll requested and Commr. Younger led the Pledge of Allegiance.

Mayor Spoll acknowledged the attendance and welcomed Manatee County Commissioner John Chappie.

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. Proclamation - Fire Prevention Week – October 3 – 9, 2010**

Mayor Spoll congratulated Fire Chief Paul Dezzi on his appointment as Fire Chief and presented a Proclamation for Fire Prevention Week to Fire Chief Dezzi. Fire Chief Dezzi commented on the importance of maintaining battery operated smoke alarms and the dangers that result from non-working smoke detectors.

**APPROVAL OF MINUTES**

**2. July 12, 2010, Regular Meeting**

**Vice Mayor Brown noted the Town Clerk's office had submitted an amendment to the July 12, 2010, Regular Meeting Minutes to correct a date and following comments, there was consensus to approve the Minutes, as amended.**

**COMMITTEE REPORTS AND COMMUNICATIONS** - No Items were presented.

**PUBLIC TO BE HEARD** - No Items were presented.

**3. Opportunity for Public to Address Town Commission**

**ORDINANCES - FIRST READING**

**4. Ordinance 2010-26 Budget Transfer in the Amount of \$208,815.49 Plus Accrued Interest from Beach Capital Improvements Fund to Beach Capital Projects Fund**

The Finance Director is recommending a budget transfer to close a special revenue fund titled "Beach Capital Improvements" due to a lack of activity in the fund since 2008. Recommended Action: Pending first reading and discussion, forward Ordinance 2010-26 to the November 1, 2010 Regular Meeting for second reading and public hearing.

4. Ordinance 2010-26 Budget Transfer

Town Clerk Trish Granger placed Ordinance 2010-26 on record by title only.

**Commr. Younger moved to pass Ordinance 2010-26 on first reading and to forward to the November 1, 2010, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Siekmann.**

Commr. Siekmann inquired and Town Manager Bruce St. Denis advised that the funds would be available for use.

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

5. Ordinance 2010-33, Amending Section 30.01(E) Regarding Notice for Public Hearings

Ordinance 2010-33 amends Section 30.01(E) of the Town Code to provide consistency in required notice/advertisement for public hearings regarding various land use matters. Recommended Action: Pending first reading and discussion, forward Ordinance 2010-33 to the November 1, 2010 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2010-33 on record by title only.

**Commr. Siekmann moved to pass Ordinance 2010-33 on first reading and to forward to the November 1, 2010, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brown.**

**As no one wished to speak, the motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Brown, aye; Lenobel, aye; Younger, aye; Spoll, aye; Brenner, aye; Larson, aye.**

6. Ordinance 2010-34, Qualifying Schedule for Elections

Recent changes enacted by the Florida Legislature have prompted the Town Attorney and Town Clerk to review the Town's elections schedule to ensure compliance with the new requirements. Ordinance 2010-34 will update the Town Code for consistency with Florida Statutes. Recommended Action: Pending first reading and discussion, forward Ordinance 2010-34 to the November 1, 2010 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2010-34 on record by title only.

**Commr. Larson moved to pass Ordinance 2010-34 on first reading and to forward to the November 1, 2010, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Siekmann.**

Commr. Brenner inquired and Town Clerk Granger noted that the requested amendments to the Town Charter pertaining to the Preliminary Election schedule would be considered at the Town Commission Regular Workshop on October 21, 2010, and advised that the amendments, if adopted by the Town Commission, would be placed on the March 2011 General Election Ballot for voter consideration.

6. Ordinance 2010-34, Qualifying Schedule for Elections - Continued

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

**RESOLUTIONS**

7. Resolution 2010-34 Budget Transfer from Commission Contingency to General Services Miscellaneous in the Amount of \$46,725.00 for Expenses Related to the Longboat Key Club ODP Amendment Application Public Hearing

A budget transfer is necessary to cover the unanticipated and unbudgeted costs associated with hosting the Longboat Key Club ODP Amendment Application Public Hearings at an off-premise meeting room. Resolution 2010-34 provides for a budget transfer to properly account for costs for rental of the venue, audio/visual system, recording equipment, as well as other miscellaneous expenses. Recommended Action: Pending discussion, pass Resolution 2010-34.

Town Clerk Trish Granger placed Resolution 2010-34 on record by title only.

**Commr. Siekmann moved to pass Resolution 2010-34. The motion was seconded by Vice Mayor Brown. As no one wished to speak, the motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Brown, aye; Spoll, aye; Lenobel, aye; Brenner, aye; Larson, aye; Younger, aye.**

Mayor Spoll noted for audience members that the Town Commission had considered and discussed the items on the Agenda at a previous workshop which results in a reduction in the time expended on the items this date.

8. Resolution 2010-39, Adopting the Sarasota County Local Mitigation Strategy

The Town of Longboat Key participates in both Sarasota and Manatee County Local Mitigation Strategy (LMS) Work Groups. The focus of the LMS is to reduce risks associated with all types of disaster events. Resolution 2010-39 adopts the current version of the Sarasota County LMS and will enable the Town to be eligible for post disaster mitigation grant funds. Recommended Action: Pending discussion, pass Resolution 2010-39.

Town Clerk Trish Granger placed Resolution 2010-39 on record by title only.

**Commr. Younger moved to pass Resolution 2010-39. The motion was seconded by Commr. Siekmann.**

**As no one wished to speak, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Siekmann, aye; Larson, aye; Brenner, aye; Brown, aye; Lenobel, aye; Spoll, aye.**

9. Resolution 2010-40, Budget Transfer in the Amount of \$85,000 for Funding Public Hearings, Comprehensive Plan Review and Update

At the September 23, 2010 Regular Workshop Meeting the Town Commission discussed the Town's Comprehensive Plan and the need to review and update the current Comp Plan. The Town Attorney noted the need for a consultant to assist staff with the Comprehensive Plan Review and Amendment process. Resolution 2010-40 provides for a budget transfer to fund consulting services. Recommended Action: Pending discussion, pass Resolution 2010-40.

Town Clerk Trish Granger placed Resolution 2010-40 on record by title only.

**Commr. Larson moved to pass Resolution 2010-40. The motion was seconded by Commr. Brenner.**

Commr. Younger inquired and Town Attorney David Persson advised of his intent to hire Attorney Nancy Stroud, who has provided services to the Town relating to the Comprehensive Plan and Town Code for approximately 25 years, noted the advantage of utilizing Attorney Stroud based on her background and knowledge, and advised that other consultants may be required during the process.

Commr. Siekmann inquired and Town Attorney Persson noted he anticipated the costs for the process to be \$85,000.00 for the current Fiscal Year.

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

**NEW BUSINESS**

10. Town Commission Appointments to Boards/Committees

The Town Commission will consider appointments to the Zoning Board of Adjustment, the Sarasota County Bicycle/Pedestrian/Trail Advisory Committee, the Firefighters' Retirement System Board of Trustees, the General Employees' Retirement System Board of Trustees, and the Police Officers' Retirement System Board of Trustees. Recommended Action: Pending discussion, appoint individuals to Boards/Committees.

Subsequent to comments by Mayor Spoll on the appointment process, Town Clerk Trish Granger noted one individual had applied for the appointment to the Zoning Board of Adjustment (ZBA), Seat 4, for a term expiring on May 11, 2011, and noted that the Town Commission could direct readvertising or may appoint Mr. Kenneth Schneier by unanimous voice vote.

**Subsequent to comments, Commr. Brenner moved to appoint Mr. Schneier to fill an unexpired term on the ZBA, Seat 4, with a term expiration of May 11, 2011. The motion, seconded by Commr. Larson, carried unanimously by a voice vote.**

10. Town Commission Appointments to Boards/Committees - Continued

Town Clerk Granger advised of the appointment to the Sarasota County Bicycle/Pedestrian/Trail (SCBPT) Advisory Committee, noting that the Sarasota County Staff Liaison has confirmed that two "at-large" citizens' seats were open on the Board and the applicant who was not selected as Longboat Key's representative was eligible to apply for a vacancy directly with Sarasota County.

**Mayor Spoll suggested and there was consensus to draft correspondence to the Sarasota Board of County Commissioners, under the Mayor's signature, supporting the appointment of the applicant not selected as Longboat Key's representative this date.**

Town Clerk Granger proceeded with a roll call for the appointment to the SCBPT Advisory Committee, for a term expiring on October 10, 2013, as follows:

**Mayor Spoll cast a ballot for Mr. Joe Moccia.  
Vice Mayor Brown cast a ballot for Mr. Joe Moccia.  
Commr. Younger cast a ballot for Mr. Joe Moccia.  
Commr. Larson cast a ballot for Mr. Joe Moccia.  
Commr. Brenner cast a ballot for Mr. Joe Moccia.  
Commr. Siekmann cast a ballot for Mr. Joe Moccia.  
Commr. Lenobel cast a ballot for Mr. Joe Moccia.**

**Mr. Moccia was appointed to serve on the SCBTP Advisory Committee, as the Town of Longboat Key's representative, with a term expiration of October 10, 2013.**

Town Clerk Granger proceeded with a roll call for the appointment to the Firefighters' Retirement System Board of Trustees, Seat 1, for a term expiring on September 30, 2012, as follows:

**Vice Mayor Brown cast a ballot for Mr. Gerald Feder.  
Commr. Younger cast a ballot for Mr. Gerald Feder.  
Commr. Larson cast a ballot for Mr. Arnold Malasky.  
Commr. Brenner cast a ballot for Mr. Gerald Feder.  
Commr. Siekmann cast a ballot for Mr. Arnold Malasky.  
Commr. Lenobel cast a ballot for Mr. Gerald Feder.  
Mayor Spoll cast a ballot for Mr. Gerald Feder.**

**Mr. Feder was appointed to serve on the Firefighters' Retirement System Board of Trustees, Seat 1, with a term expiration of September 30, 2012.**

Town Clerk Granger proceeded with a roll call for the appointment to the General Employees' Retirement System Board of Trustees, Seat 1, for a term expiring on September 30, 2013, as follows:

10. Town Commission Appointments to Boards/Committees - Continued

**Commr. Younger cast a ballot for Mr. Steven Schield.  
Commr. Larson cast a ballot for Mr. Steven Schield.  
Commr. Brenner cast a ballot for Mr. Elhanan Stone.  
Commr. Siekmann cast a ballot for Elhanan Stone.  
Commr. Lenobel cast a ballot for Mr. Steven Schield.  
Mayor Spoll cast a ballot for Mr. Steven Schield.  
Vice Mayor Brown cast a ballot for Mr. Steven Schield.**

**Mr. Schield was appointed to serve on the General Employees' Retirement System Board of Trustees, Seat 1, with a term expiration of September 30, 2013.**

Upon inquiry, Mr. Schield confirmed he had attending training and was a Certified Pension Board Trustee.

Town Clerk Granger proceeded with a roll call for the appointment to the Police Officers' Retirement System Board of Trustees, Seat 2, for a term expiring on September 30, 2012, as follows:

**Commr. Larson cast a ballot for Mr. Frank Cona.  
Commr. Brenner cast a ballot for Mr. Frank Cona.  
Commr. Siekmann cast a ballot for Mr. Frank Cona.  
Commr. Lenobel cast a ballot for Mr. Frank Cona.  
Mayor Spoll cast a ballot for Mr. Frank Cona.  
Vice Mayor Brown cast a ballot for Mr. Frank Cona.  
Commr. Younger cast a ballot for Mr. Burt Rosenfield.**

**Mr. Cona was appointed to serve on the Police Officers' Retirement System Board of Trustees, Seat 2, with a term expiration of September 30, 2012.**

11. Ratification of Contract Between the Town of Longboat Key and Southwest Florida Police Benevolent Association (PBA)

The Town Commission will consider ratification of the proposed Contract between the Town and the Southwest Florida PBA. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Bruce St. Denis introduced Attorney Reynolds Allen and noted the PBA Representatives Dennis Silverio and Dean Greathouse.

**Commr. Siekmann moved to ratify the contract between the Town of Longboat Key and the Southwest Florida PBA. The motion was seconded by Commr. Lenobel.**

**As no one wished to speak, the motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Lenobel, aye; Younger, aye; Larson, aye; Spoll, aye; Brenner, aye; Brown, aye.**

11. Ratification of Contract Between the Town and Southwest Florida PBA - Continued

Mayor Spoll commended Town Manager St. Denis for his efforts during the negotiation process and Town Manager St. Denis commended the Police Officers and their representatives on their efforts in the negotiation process to reach an agreeable contract.

Commr. Brenner requested Staff review and outline the proposals for a new Pension Plan for future hires and Town Manager Bruce St. Denis advised that Staff has been reviewing the issue.

12. Fiscal Year 2010-2011 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 Saturday, and as such Town offices will be closed on Friday, December 24th. The Town Manager recommends the additional holiday as Monday, December 27th. Recommended Action: Pending discussion, approve the FY 2010-2011 Holiday Schedule.

**Following comments by Town Manager Bruce St. Denis, Commr. Younger moved to approve the Fiscal Year 2010-2011 Holiday Schedule. The motion, seconded by Commr. Siekmann, carried by unanimous voice vote.**

**TOWN COMMISSION COMMENTS**

A. Boards and Committees

Town Manager Bruce St. Denis noted receipt and distribution of correspondence from Attorney Jim Linn (dated October 1, 2010) relating to action authorized by the Firefighters' Retirement System Board of Trustees (Pension Board) for a fiduciary review of the retirement plan.

Discussions were held with Town Manager St. Denis, Town Attorney David Persson, and Attorney Reynolds Allen on the following topics/issues:

- opinion rendered by Attorney Linn and options to engage the Pension Board in dialogue concerning the issue
- diligence on the Town's part relating to any future liability in the matter of fiduciary responsibilities in the expenditure of Town funds
- "Conclusion" issued by Attorney Linn (page 6)
- option to advise Pension Board of the conclusions reached/action taken to notify the Pension Board (copy of correspondence provided to Chairman and Legal Counsel)
- action approved by the Pension Board to engage Benchmark Financial Services and direct Legal Counsel to draft contract for services.

**Subsequent to comments on the discussion held on an item not scheduled on the Meeting Agenda, Commr. Larson moved to add the issue relating to the Pension Board to the agenda for discussion. The motion was seconded by Commr. Brenner.**

**TOWN COMMISSION COMMENTS** - Continued

**A. Boards and Committees** - Continued

**Following comments, the motion carried by a 5-2 roll call vote, as follows: Larson, aye; Brenner, aye; Siekmann, no; Younger, aye; Lenobel, no; Spoll, aye; Brown, aye.**

Town Manager St. Denis advised that he could send an e-mail to the Pension Board Counsel and Chairman conveying the Commission's sentiment on the matter. Discussion ensued with Town Manager St. Denis, Town Attorney Persson, and Attorney Allen on the following topics/issues:

- option for a joint meeting with the Pension Board
- official statement to Pension Board from the Town Commission
- opinions issued in the correspondence from Attorney Linn and legality of the Pension Board action
- option to send a formal request to the Pension Board to seriously review the correspondence and opinion of Attorney Linn
- position of the Commission to collectively resolve the issue
- determination of the validity of the expense, the requirements entrusted to the Pension Board to meet fiduciary responsibilities for authorizing the expense
- option to request a statement from the Pension Board providing evidence to justify the expenditure
- impact of collective bargaining on the benefits included in the Pension Plan
- forward correspondence from the Town Commission with a request for a response from the Pension Board on the opinion rendered by Attorney Linn and the validity of the expense
- participation of Counsel by phone for the Pension Board Special Meeting
- option to request the Pension Board to specify (in detail) the reasons, as the fiduciary of the fund, why the audit should be conducted
- actions to take if the Pension Board proceeds without consideration of the Commission's comments (legal action)
- options to support legislative changes to modify the representation on Pension Boards
- attorney utilized by Police Officers' and General Employees' Retirement System Board of Trustees versus attorney for the Pension Board
- attorney-client relationships/legal requirements for Pension Board to ensure compliance with their fiduciary duties
- options to correspond with Pension Board and Attorney Robert Sugarman, Legal Counsel to Pension Board, expressing an interest in the cause for the audit and requesting a response for the reasons/justifications for expenditure of the funds
- parties involved in the drafting of the correspondence
- time frame for drafting and circulating the proposed correspondence
- restrictions on Commissioners suggesting modifications to the correspondence outside of a public meeting venue/options to call a Special Meeting to modify correspondence.

**TOWN COMMISSION COMMENTS** - Continued

A. Boards and Committees - Continued

**Subsequent to discussion, there was consensus to authorize Town Manager St. Denis and Attorney Linn, with review by Town Attorney Persson and the Town Commission, to draft correspondence to the Firefighters' Retirement System Board of Trustees expressing concerns over the recent action taken to engage Benchmark Financial with the option to call a Special Meeting to discuss the correspondence, if necessary.**

Mr. Burt Rosenfield, Gulf of Mexico Drive, noted discussions with Finance Director Thomas Kelley and commented on the issues reviewed and benefits afforded to members of the Pension Plans.

B. Litigation/Public Works

Commr. Brenner requested that Town Attorney David Persson provide the status of the legal challenges filed by the Islandside Property Owners' Coalition relating to the Longboat Key Club property and an update from Town Manager Bruce St. Denis on the status of Trolley discussions.

C. Town Commission/Contracts/Elections/Town Manager/State Agencies

Commr. Siekmann inquired and Town Manager Bruce St. Denis commented on the following topics/issues:

- the time frame for submission of the Special Magistrates recommendations relating to the International Association of Firefighters (IAFF) contract impasse
- the beach referendum schedule/annual status report schedule
- Commr. Younger requested that reports from Coastal Planning and Engineering (CP&E) be provided in an Excel format.**
- status of the Management report
- Gulf of Mexico Drive repaving schedule
- status/time frame of Town's website update (target date for completion)
- police activity
- Commr. Siekmann requested that Police Chief Al Hogle provide a report on the police activity on the North end of Longboat Key at the next Workshop meeting.**

Attorney Reynolds Allen advised that the briefs from each party in the IAFF Impasse Hearing is due to the Special Magistrate on October 18, 2010, with an anticipated response within two to three weeks after.

D. Town Commission

Commr. Younger noted that the formal dress code was to begin this date and commented on the public hearings held earlier this year at the Temple, without a requirement for formal dress.

**TOWN COMMISSION COMMENTS** - Continued

D. Town Commission - Continued

**Following comments, Commr. Younger moved to add the issue to the agenda for discussion. The motion was seconded by Commr. Siekmann.**

Mayor Spoll commented on the traditional dress for summer versus fall/spring attire.

**Commr. Siekmann withdrew the second to the motion.**

**Commr. Larson seconded the motion to add the issue to the agenda for discussion this date. Following comments, the motion carried by a majority.**

**Commr. Younger moved to rescind the requirement for coats/ties for Town Commission meetings. The motion, seconded by Commr. Larson, carried by a 5-2 roll call vote, as follows: Younger, aye; Larson, aye; Siekmann, aye; Lenobel, no; Brenner, aye; Spoll, no; Brown, aye.**

**TOWN ATTORNEY COMMENTS**

A. Litigation

Town Attorney David Persson reviewed the status of the various administrative and litigation cases relating to the Longboat Key Club applications, as follows:

- Administrative action on the Zoning Code changes
- Writ of Certiorari
- Declaratory Relief action (challenge to the de novo challenge).

**TOWN MANAGER COMMENTS**

A. Government Agencies/Manatee County Council of Governments (COG)

Town Manager Bruce St. Denis advised that a discussion relating to proposed legislation to combine the Manatee County Fire Districts.

B. Trolley (Transit Route) Status

Town Manager Bruce St. Denis noted a joint meeting scheduled for November 2, 2010, at 2:00 p.m. (Sarasota County Administration Building) for discussion on the Longboat Key transit service between Manatee and Sarasota Counties.

C. Government Agencies

Town Manager Bruce St. Denis advised that Manatee County has requested a joint meeting relating to Longboat Pass for November 30, 2010, at 1:30 p.m., and noted on-going discussions relating to the Inlet Management Plan with both Manatee and Sarasota Counties.

**TOWN MANAGER COMMENTS** - Continued

D. Public Works

Town Manager Bruce St. Denis advised that an item pertaining to the beach sand is scheduled on the October 21, 2010, Workshop Agenda.

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

**ADJOURNMENT**

**Mayor Spoll adjourned the October 4, 2010, Regular Meeting at 8:33 p.m.**

s/s/ Trish Granger  
Trish Granger, Town Clerk

/s/ George Spoll  
George Spoll, Mayor

Minutes Approved: 11/01/2010