

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
SEPTEMBER 13, 2010 - 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, Assistant Town Attorney Kelly Martinson, 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 Commr. Siekmann led the Pledge of Allegiance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Award of Certificates of Completion to Commissioners Brenner, Larson and Younger from Institute of Elected Municipal Officials, Florida Institute of Government

Mayor Spoll presented Comms. Brenner, Larson, and Younger with their Certificates of Completion from the Institute of Elected Municipal Officials.

8. Other Business - Longboat Pass Channel Dredging, Draft Resolution 2010-36

Town Manager Bruce St. Denis requested consideration to add an item to the Agenda relating to the Longboat Pass Channel dredging.

There was consensus to add the item to the September 13, 2010, Regular Meeting Agenda for consideration.

APPROVAL OF MINUTES

2. January 20, 2010 Special Meeting; February 19, 2010 Special Meeting; March 25, 2010 Regular Workshop Meeting; March 25, 2010 Special Meeting; April 5, 2010 Regular Meeting; April 8, 2010 Goals & Objectives Special Workshop Meeting; April 15, 2010 Regular Workshop Meeting; April 15, 2010 Special Meeting; April 16, 2010 Special Workshop Meeting; April 22, 2010 Meet & Greet Special Workshop Meeting; May 3, 2010 Special Meeting; May 3, 2010 Regular Meeting; May 5, 2010 Special Budget Workshop Meeting; May 20, 2010 Regular Workshop Meeting; May 20, 2010 Special Meeting; June 7, 2010 Special Meeting; June 7, 2010 Regular Meeting; June 8, 2010 Special Budget Workshop Meeting; June 17, 2010 Regular Workshop Meeting; and June 17, 2010 Special Meeting Minutes

There was consensus to approve the Minutes, as submitted, with an amendment to the May 3, 2010, Special Meeting, to correct the spelling of a citizen's name.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Town Attorney's Office

Mayor Spoll welcomed Assistant Town Attorney Kelly Martinson.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Organizations

Commr. Siekmann noted attendance at the West Coast Inland Navigation District (WCIND) meeting, the Manasota League of Cities meeting, and the Florida League of Cities Annual Conference and noted items discussed at the various organizations.

C. Organizations

Vice Mayor Brown noted attendance at the Sarasota County Council of Governments meeting last week and reviewed issues discussed.

D. Town Commission

Commr. Brenner commented on meetings of the Organizational Review Subcommittee and advised that the process has been set up, interviews of citizen volunteers were conducted and the dates of the Department Head interviews have been established.

Commr. Brenner commented on meetings of the Vision Plan Review Subcommittee and the status of the review.

E. Organizations

Commr. Brenner noted attendance at the Sarasota County Economic Development Committee (ED) meeting and reviewed the issues discussed.

Commr. Brenner noted attendance at the Sarasota County Tourist Development Council (TDC) and the Sarasota County Tourist and Economic Development Board (TEDB) meetings and reviewed the issues discussed.

Commr. Brenner noted that Manatee County has a Tourist Development Council (TDC) and advised that Longboat Key does not have a seat appointment on the board.

Commr. Brenner advised that the Manatee County Economic Development Corporation is organized differently and noted he will be meeting with representatives later this week to ascertain Longboat Key's role in the organization.

F. Town Commission

Commr. Younger commented on the Organizational Review Subcommittee, noted that Manatee County hired an individual for approximately \$80,000 to perform the same type of review, and noted that Longboat Key is utilizing local talent to accomplish the same goal at no cost to the Town.

PUBLIC TO BE HEARD

3. Opportunity for Public to Address Town Commission

A. Organizations

Ms. Jacqueline Salvino, Gulf of Mexico Drive, President of the Longboat Key Garden Club, commented on the Butterfly Garden in Bicentennial Park, and requested consideration to "sell" engraved bricks to fund future activities for the Butterfly Garden.

3. Opportunity for Public to Address Town Commission - Continued

A. Organizations - Continued

Commr. Siekmann inquired and Town Manager Bruce St. Denis advised that he would place a discussion item on the September workshop.

B. Public Works

Mr. Cemalettin Duzgun, Jungle Queen Way, commented on the flooding of his street since 1997.

Town Manager Bruce St. Denis advised that Staff will prepare a report on the issue for Commission consideration and further direction.

Discussions were held with Mr. Duzgun on the improvements made in front of his property.

Commr. Brenner inquired, and Town Manager St. Denis advised that a report will be distributed within two weeks.

Commr. Siekmann requested review of other streets in the area of Jungle Queen Way.

C. Public Works

Mr. Jeremy Whatmough, Gulf of Mexico Drive, commended the Public Works Staff for the placement of the flags in memory of the lives lost on September 11, 2001.

Town Manager Bruce St. Denis noted that one flag for each person who lost his life on September 11, 2001, was placed on the roadways.

Vice Mayor Jim Brown noted the reaction of off-island guests and their appreciation for the memorial.

NEW BUSINESS

6. Longboat Key Trolley Service

The Longboat Key Trolley service is operated jointly by the Sarasota County Area Transit (SCAT) and Manatee County Area Transit (MCAT). Budgetary and funding issues that are faced by both entities may negatively affect the service level currently provided. This item is placed on the September 13, 2010 Regular Meeting agenda for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Spoll noted the length of anticipated discussion for Items 4 (Millage Rate) and 5 (Town Budget) and noted consensus to reorder the agenda to handle the remaining agenda items prior to the Budget discussions.

Public Works Director Juan Florensa commented on the Longboat Key Trolley Service (Route 18).

Vice Mayor Brown inquired as to the designation of the "trolley" service versus regularly scheduled MCAT (Manatee County Area Transit) and SCAT (Sarasota County Area Transit) service and Mr. Florensa noted the transit route service.

6. Longboat Key Trolley Service - Continued

Discussions were held with Mr. Florensa and Town Manager St. Denis on the following topics/issues:

- grant funding received by Manatee County for the route
- Manatee County Staff's recommendation to remove the route service from the Fiscal Year 2010-2011 Manatee County budget
- Sarasota County's inability to fund the entire route throughout Longboat Key
- future determination by Sarasota County on possible reduction in their route service
- funding amount inclusive of bus and personnel costs (approximately \$350,000 of which \$285,000 was grant funding)
- estimated Sarasota County costs
- possible service level reductions from one-half hour to hourly service by Sarasota County.

Ms. Frieda Perrotta, Gulf of Mexico Drive, commented on the current service provided and requested the Town's support for the Counties to continue the existing trolley service.

Mr. Jeremy Whatmough, Gulf of Mexico Drive, requested the Commission's participation at the Manatee County Commission meeting on September 14, 2010, to voice concern with their intent to remove the trolley service from the County budget.

Mr. Michael Lendrihas, Tarawit Drive, commented on the trolley service, noted the amount of taxes paid to Manatee and Sarasota Counties from Longboat Key, and requested Commission support to retain the trolley service by the Counties. Upon inquiry, Town Manager St. Denis advised that the Americans' with Disabilities Act does not require an entity to provide public transportation, but if it is provided, it must be handicap accessible.

Discussions were held with Town Manager St. Denis and Mr. Florensa on the following topics/issues:

- historical data on lack of public transportation
- lack of participation by the local Chambers' of Commerce
- support of Commissioners participation at the Manatee County Commission meeting on September 14, 2010
- options to contact Sarasota County to request extended service to the Bayfront Park
- ridership fees charged by Sarasota County/options to initiate request on Manatee County portion of the route
- taxes paid to the Counties and lack of service return for dollars collected
- ability to remove an item from the Manatee County Consent Agenda
- studies performed by Sarasota versus Manatee County
- lack of grant funding and ridership statistics
- other areas with service provided by MCAT with low ridership
- ridership figures for the MCAT service on Longboat Key, the Venice route, and the North Port route with headway (time between bus service) adjustments
- grant funding provided for the service/lack of tax dollars expended for the service

6. Longboat Key Trolley Service - Continued

- need to provide public transit/transportation
- importance of service to workforce and residents
- option to serve residents by each County
- funding options of private versus public participation
- operational consideration of two separate services and impact on riders
- cost of Trolley service from Coquina to Longboat Key (\$0.75 cents) versus free service on Anna Maria Island
- inclusion of Chamber representative at the Manatee County meeting on September 14, 2010
- options to draft a Resolution in support of continued trolley service.

There was consensus to continue discussion of the item later this meeting. (See item later this meeting.)

7. Appointment of Commissioner to Sarasota County Tourist Development Council

Sarasota County Board of County Commissioners increased the composition of the Tourist Development Council (TDC) from nine to thirteen members pursuant to House Bill 1519. The membership increase provides opportunity for appointment of an elected municipal official from Longboat Key. This item is placed on the September 13, 2010 Regular Meeting for Commission consideration. Recommended Action: Pending discussion, forward recommendation to Sarasota County Board of County Commissioners for confirmation of appointment.

Following comments, Town Manager Bruce St. Denis noted the requirement for an appointment for the designated Longboat Key seat on the TDC.

Commr. Larson nominated Commr. Brenner. No additional nominations were submitted and there was consensus to appoint Commr. Brenner to serve as the Town's representative on the TDC.

8. Other Business: Longboat Pass Channel Dredging, Draft Resolution 2010-36

To consider proposed Resolution 2010-36 requesting assistance from the USACOE (United States Army Corps of Engineers) to restore navigational safety in the authorized Federal channel at Longboat Pass.

Town Manager Bruce St. Denis discussed the Inlet Management Plan in conjunction with Manatee County, reviewed the Longboat Pass Channel dredging and the coordination between agencies for responsibility for the Channel dredging, and commented on the actions taken by the West Coast Inland Navigation District (WCIND) and requested consideration to pass Resolution 2010-36.

Town Clerk Trish Granger placed Resolution 2010-36 on record by title only.

Commr. Siekmann moved to pass Resolution 2010-36. The motion was seconded by Commr. Lenobel.

8. Other Business: Longboat Pass Channel Resolution 2010-36 - Continued

Commr. Brenner inquired and Town Manager St. Denis advised that the draft distributed was the suggested language by WCIND and noted that the Town Clerk's office, in conjunction with the Town Attorney's office modified the Resolution to be specific to Longboat Key.

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

RECESS: 8:23 p.m. - 8:40 p.m.

ORDINANCES - FIRST READING AND PUBLIC HEARING

4. Ordinance 2010-28, Adopting Millage Rates for the Town of Longboat Key for the Fiscal Year beginning October 1, 2010 and Ending September 30, 2011

Fiscal Year 2010-2011 operating millage rates for the Town of Longboat Key will be established pending discussion at the September 13, 2010 Regular Meeting scheduled for 7:00 PM. Second reading and public hearing of Ordinance 2010-28 will occur at a Special Meeting scheduled for September 27, 2010, at 5:01 PM.

Town Clerk Trish Granger placed Ordinance 2010-28 on record for first reading and public hearing by title only.

Town Manager Bruce St. Denis advised that Finance Director Thomas Kelley would provide an overview of the proposed operating millage rates.

Mr. Kelley noted distribution of two additional documents utilizing a millage rate of 1.8872 and 1.6818 and the roll back rate of 1.6476, advised that Florida Attorney General Bill McCollum reversed a previous decision to allow the utilization of gas taxes to pay for street lighting and an adjustment in revenue sources, and noted an adjustment in the sales tax and ad valorem tax estimates. Mr. Kelley reviewed previous discussions relating to budget funding and requested a determination on the millage rate to be utilized in the final budget.

Commr. Siekmann moved to pass Ordinance 2010-28, amending the millage rate for General Operating Purposes to 1.6818 and 0.0716 for General Obligation Facility Improvement Bonds. The motion was seconded by Vice Mayor Brown.

Mayor Spoll opened the public hearing.

Mr. Michael Lendrihas, Tarawit Drive, commented on the proposed millage rate

Commr. Brenner commented on the proposed reduced millage and supported utilizing a millage rate of 1.8872 based on pension liability, reduction in the tax bill for the Beach Bonds, future increases for beach renourishment, Sarasota County TRIM (Truth in Millage) notice, and supported utilizing \$1,000,000 from unallocated reserves as a payment against the unfunded pension liability.

4. Ordinance 2010-28, Adopting Millage Rates for FY2010-2011 - Continued

Mayor Spoll noted that the Gulf side property owners will see a larger decrease in their tax bill over Bay side property owners. Discussions were held with Town Manager St. Denis and Mr. Kelley on the following topics/issues:

- impact on taxes if a future beach nourishment referendum is passed
- budgeting process and continuing review by Commissioners
- commendation of Town Staff to keep budget manageable
- impact of pension liability/options to defer payment of liability/funding options
- utilization of \$1,000,000 in Reserves
- current unfunded pension liability amount
- impact of eight percent assumption rate established by the Pension Boards, reduced turnover rates, and offset from lack of steps and cost of living raises to employees
- current standing (bottom ten) of pension funding (Florida Trend Survey)
- anticipated increase in millage rate in future years if Pension Plans continue to perform poorly
- utilization of reserve funds to offset unfunded liability
- mandatory contribution in 2011 of \$1,000,000
- options to utilize Reserves
- Police Union Contract to be ratified by the Town Commission
- previous Commission action improving pension benefits and impact of economy on those decisions
- necessity for long range planning for pension funding and beach nourishment.

Commr. Brenner moved to amend the motion to set the millage rate for General Operating Purposes to 1.8872 and allocating \$1,000,000 from the unallocated reserve funds for future pension funding (retaining the 0.0716 for General Obligation Facility Improvement Bonds). The motion was seconded by Commr. Lenobel.

Subsequent to inclusion of the \$1,000,000 from the unallocated reserve funds, Assistant Town Attorney Kelly Martinson advised that the \$1,000,000 allocation should be handled during discussion of Ordinance 2010-29, adopting the budget for FY2010-2011.

Mayor Spoll closed the public hearing.

The motion to amend the millage rate to 1.8872 for General Operating Purposes carried by a 6-1 roll call vote, as follows: Brenner, aye; Lenobel, aye; Larson, aye; Brown, aye; Siekmann, no; Younger, aye; Spoll, aye.

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

5. Ordinance 2010-29, Adopting a Budget for the Town of Longboat Key for the Fiscal Year beginning October 1, 2010 and Ending September 30, 2011

Following discussion on July 12, 2010, the Town Commission and Town Manager have forwarded proposed millages (Ordinance 2010-28) and a proposed budget (Ordinance 2010-29) to be adopted for Fiscal Year 2010-2011. Recommended Action: Pending first reading and discussion, forward Ordinance 2010-29 to the September 27, 2010 Special Meeting at 5:01 PM for second reading and public hearing.

5. Ordinance 2010-29, Adopting a Budget for the FY2010-2011 - Continued

Town Clerk Trish Granger place Ordinance 2010-29 on record for first reading and public hearing by title only.

Mayor Spoll opened the public hearing.

Upon inquiry, Finance Director Thomas Kelley confirmed that the budget to be considered would reflect the millage rate of 1.8872 for General Operating Purposes as passed in Ordinance 2010-28.

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

Subsequent to discussion and clarification on the language to utilize, Commr. Brenner moved to pass Ordinance 2010-29 with a millage rate of 1.8872 and with a provision that \$1,000,000 be allocated from unreserved fund balance from the prior year's surplus to Reserve fund balance to offset future pension obligations.

Following clarification on the intent and comments from Finance Director Kelley, the motion was seconded by Commr. Lenobel.

Discussion ensued on the action taken by the Firefighters Retirement System Board of Trustees and action required by the Town Commission prior to expenditure of the \$1,000,000.

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

6. Longboat Key Trolley Service - Continued

Mayor Spoll noted Commission direction to draft a proposed Resolution (2010-37) pertaining to the Town's support for the continuation of Route 18 (Trolley Service) by Manatee County and advised that the draft Resolution has been distributed for review at the current time.

Town Clerk Trish Granger placed Resolution 2010-37 on record by title only.

Commr. Brenner inquired, and Town Clerk Granger advised that the date would reflect today's date if passed by the Commission.

Commr. Siekmann inquired and Town Manager Bruce St. Denis advised that Section 3 would be amended to include distribution to the Sarasota Board of County Commission, in addition to Manatee County and that additional discussion would be held at the staff level pertaining to route times (headway between buses).

Discussion ensued on the following topics/issues:

- options to outline the funding requirement for the route
- time frame (headway) between stops
- continued staff level discussions
- alternative language for Section 2.

6. Longboat Key Trolley Service - Continued

Commr. Younger moved to pass Resolution 2010-37, as amended. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Younger, aye; Larson, aye; Lenobel, aye; Spoll, aye; Brown, aye; Brenner, aye; Siekmann, aye.

Commr. Siekmann inquired and Town Manager St. Denis advised that he would provide copies of the Resolution to the Town Commissioners and have additional copies available for distribution at the Manatee Board of County Commissioners meeting on September 14, 2010.

Town Manager St. Denis advised that Sarasota Board of County Commissioners would also be meeting on September 14, 2010, in Venice, Florida, and that he would ensure that copies of the Resolution were distributed to Sarasota County's officials.

TOWN COMMISSION COMMENTS

A. Town Commission Schedule

Mayor Spoll commented on the upcoming meeting schedule for the Town Commission Regular Workshop and the option to start the September 23, 2010, Regular Workshop meeting earlier in the day, to attend a presentation later in the day.

There was consensus to add the item to the agenda for consideration.

Commr. Younger moved to amend the starting time of the September 23, 2010, Regular Workshop Meeting to 12:00 p.m. (noon). The motion was seconded by Vice Mayor Brown.

Subsequent to comments on the Agenda schedule and options to establish a time certain adjournment, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Brown, aye; Spoll, aye; Lenobel, aye; Siekmann, aye; Brenner, aye; Larson, aye.

B. Boards/Committees

Commr. Brenner requested a report from Town Manager Bruce St. Denis on the action taken by the Firefighters Retirement Board of Trustees relating to the requested forensic audit of the Pension fund and the impact to the Town and taxpayers.

C. Goals and Objectives

Commr. Brenner commented on the April 8, 2010, Goals and Objectives Special Meeting Minutes and requested that Staff provide an update on the issues listed.

D. Planning, Zoning, and Building Department

Commr. Brenner inquired and Town Manager Bruce St. Denis advised that Staff was in the process of scheduling a review of the completed Building Fee Study for the first part of October.

TOWN COMMISSION COMMENTS - Continued

E. Public Works

Commr. Larson noted discussion with Public Works Director Juan Florensa pertaining to concerns raised by the Country Club Shores V turn lane (deceleration lane) and requested an update on the status of replacing the ingress/egress.

Town Manager Bruce St. Denis advised that Staff would report back on the status.

F. Budget/Pensions/Unions

Commr. Younger noted the efforts expended on the Budget review and requested that a discussion item be scheduled on an upcoming agenda to review outstanding pension issues.

Town Manager Bruce St. Denis advised that the contract with the Police Union would be coming to the Town Commission for ratification and would place the Town in a position for moving forward and advised that the Firefighters' Union is scheduled for impasse.

Commr. Younger suggested that the Town proceed with the discussion in lieu of delaying Commission action and Town Manager St. Denis advised that he would consult with the Town's Labor Attorney to ascertain the steps that can be taken to move forward on the issues.

Commr. Larson noted support of the request and requested clarification on the schedule for the impasse hearing. Town Manager St. Denis advised that the impasse hearing before the Special Magistrate for the Firefighters' Union contract was scheduled on September 16, 2010, at 9:00 a.m., in the Town Commission Chamber.

Town Manager St. Denis advised that the schedule before the Town Commission on the hearing recommendations was anticipated to be early November and confirmed that the hearing was considered a public meeting that Commissioners could attend but could not participate in.

TOWN ATTORNEY COMMENTS

A. Town Commission

Assistant Town Attorney Kelly Martinson commented on attendance at the meeting.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Bruce St. Denis noted that the Town had received a ten-year permit for the North end project, advised of a required 30-day period to begin, and reviewed the pre-bid and bid schedule.

B. Boards/Committees

Town Manager Bruce St. Denis noted upcoming appointments to several of the Town's Boards/Committees (Zoning Board of Adjustment, Pension Boards, Sarasota County Bicycle/Pedestrian committee) and requested direction on scheduling a Special Meeting for a "Meet and Greet" prior to the October 4, 2010, appointments.

TOWN MANAGER COMMENTS - Continued

B. Boards/Committees - Continued

There was consensus to schedule a “Meet and Greet” within the next two weeks with a minimum of five Commissioners availability.

C. Police Department/Union Contract

Town Manager Bruce St. Denis noted previous comments earlier this meeting relating to the Police Officers’ Union contract status.

D. Governmental Entities/Planning, Zoning, and Building

Town Manager Bruce St. Denis advised that both Sarasota and Manatee County Governments had contacted the Town relating to film permitting processes, noted the Town has an existing Town Code (Chapter 113) relating to film permitting, and requested direction on involvement with and between the two Counties.

There was consensus to schedule a discussion item at a future time subsequent to meeting with the Counties on their proposals.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Spoll adjourned the September 13, 2010, Regular Meeting at 10:05 p.m.

s/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 11/01/2010