

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
APRIL 15, 2010 - 2:00 P.M.**

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

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

CALL TO ORDER

The Regular Workshop Meeting of the Longboat Key Town Commission was called to order at 2:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

PLEDGE OF ALLEGIANCE

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

COMMITTEE REPORTS AND COMMUNICATIONS

1. Manatee County Special Liaison Report - No items were presented.

2. Sarasota County Special Liaison Report - No items were presented.

3. Other Reports

A. Tree Subcommittee

Vice Mayor Brown noted a meeting of the Tree Subcommittee and advised that a recommendation will be forwarded to the May 3, 2010, Town Commission Regular Meeting.

B. Public Works - North End Sand Placement

Town Manager Bruce St. Denis commented on the status of the Periwinkle Dune Restoration Project relating to the placement of sand to address erosion issues and advised that a waiver of the noise ordinance will be granted to expedite the required work and reduce the time frame for response and provided an overview of the "full profile" project for the placement of sand in the Broadway area.

C. Organizations - Economic Development Corporation

Commr. Brenner noted attendance at the Economic Development Corporation (EDC) meeting this date.

D. Commission Meeting Schedule

Mayor Spoll noted the September Commission meeting schedule, noting that the September Regular meeting was scheduled for September 16, 2010, and requested consideration to modify the workshop schedule to September 23, 2010.

Following comments, there was consensus to modify the September workshop date from September 16 to September 23, 2010.

PUBLIC TO BE HEARD

4. Opportunity for Public to Address Town Commission

A. Organizations/Events

Mr. Tom Aposporos, President of the Longboat Key, Lido Key, and St. Armands Key Chamber of Commerce, discussed and submitted a copy of a request for a Public Forums Permit to hold a triathlon on October 24, 2010, and requested support for the event. Discussions were held on coordination with the Islandside organizations, anticipated spectator areas, and impact to the roadways and traffic.

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

5. Proposed Resolution 2010-16, Budget Transfer to Fund Pension Study

The Town Manager has recommended a comprehensive study of the Town's pension plans to analyze the costs to the Town of pension alternatives going forward. In addition to costing out plan options the Town's financial advisor will provide an analysis of the investment and credit markets to determine financial feasibility and timing of any recommended change. Resolution 2010-16 provides funding for the Pension Study. Trustees from the Town's three Retirement System Boards have been invited to the April 15, 2010 Regular Workshop Meeting to participate in this discussion. Recommended Action: Pending discussion, provide direction to Manager.

Finance Director Tom Kelley presented an overview of the request, noting the consultants to be utilized.

Mr. Arnold Malasky, 3635 Fair Oaks Place, noted his credentials, advised he was a Trustee on the Firefighters Retirement System Board of Trustees, and commented on his position on the proposed Study. Upon inquiry, Mr. Malasky commented on the importance of pension portability to employees and the impact to employers.

Discussion ensued with Town Manager Bruce St. Denis on the philosophy and objectives of the Town relating to hiring and retaining employees.

Mr. Jim Brown, 4800 Gulf of Mexico Drive, commented on the current level of service of emergency personnel and the previous issues faced by the Town in retaining qualified staff.

Discussion ensued on the Commission's previous actions to retain personnel and the estimated turnover rate.

Mr. Michael Seamon, 562 Norton Street, noted he is a Trustee on the Police Officers Retirement System Board of Trustees, noted concurrence with previous comments on the importance of retaining qualified personnel, and supported the proposed pension study with relevant data with current market conditions and consideration of proposed legislation.

Upon inquiry, Mr. Seamon provided information on 175/185 fund monies and noted the acronyms utilized.

5. Proposed Resolution 2010-16, Budget Transfer to Fund Pension Study - Continued

Discussion ensued with Town Manager St. Denis, Mr. Seamon, and Mr. Malasky on the following topics/issues:

- proposed legislation
- current state of the pension plans/funds
- current fiscal year funding requirements
- past plan enhancements impacts on the funding requirements
- existing and unfunded liabilities
- plan modification options
- impact of past three years with no salary increases
- comparatives for wages and benefits for surrounding agencies.

Subsequent to discussion, there was consensus to postpone authorization to perform the comprehensive pension study.

Individual comments followed on issues to be considered and reviewed prior to reconsideration of a comprehensive pension study.

6. Preliminary Budget Discussion

The Town Manager and Finance Director will provide an update on the status of several items in the FY 2010-2011 preliminary budget and identify variances in actual revenues compared to the FY 2009-2010 Budget. This information will provide a framework for discussion of the FY 2010-2011 preliminary budget process. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Bruce St. Denis, Finance Director Thomas Kelley commented on the preliminary budget. Subsequent to comments on the actuarial impact statement relating to the Early Retirement Option offered previously to employees, Mr. Brad Heinrich, with Foster and Foster, Inc., commented on the valuation submitted and the consideration of the proposal by the State and the estimated contribution required for the current fiscal year.

Mr. Arnold Malasky, 3635 Fair Oaks Place, commented on the actuarial impact statement prepared and the impact on the adopted budget.

Mr. Kelley noted receipt of the reports earlier this month and advised that he was not made aware of the issue prior to the budget adoption. Mr. Malasky commented on the valuation report and the duty of the actuary to advise a client of the fiscal impact.

Mr. Heinrich noted that the Pension Boards approve the valuation reports and the action to be taken.

Town Manager St. Denis noted the process to be initiated on consideration by the Pension Boards.

6. Preliminary Budget Discussion - Continued

Upon inquiry, Mr. Kelley noted the estimated additional costs of approximately \$200,000.00, if the revised actuarial report is approved by the State and noted the anticipated budget contribution for the next fiscal year.

Mr. Kelley continued his review of the Preliminary Budget report. Discussions were held on the anticipated shortfall in current budget and options for reducing costs on Fiscal Year 2010-2011 budget.

Town Manager St. Denis provided an overview on the consideration of a Public Safety Officer in lieu of the current operational organization with a Police Chief and Fire Chief. Discussions were held on the following topics/issues:

- expertise required for functions of both fire and police services
- options for elimination of the Fire Marshal position.

Upon request, Fire Chief Rich Dickerson commented on the separation of the public safety areas, noting few agencies operate in that capacity.

Police Chief Al Hogle commented on his previous experience with the City of Sarasota, noted the issues encountered, and the eventual separation of the two units through a merge with Sarasota County Government.

Following comments, Fire Chief Dickerson introduced acting Fire Chief Paul Dezzi.

Discussion was held with Town Manager St. Denis and Fire Chief Dickerson on the following topics/issues:

- options for personnel review by the immediate supervisors
- number of personnel responding to a call
- number of fire calls responded to over the past year
- population estimates during summer versus winter/reduced staffing options during summer months
- impact of adding additional police (on-street) officers.

There was consensus to retain the current Fire/Police organizational functions and to explore options for utilization of Fire Marshal duties and adding one or more police officers.

Town Manager St. Denis commented on the remaining issues to be discussed relating to level of service and economic considerations during the first budget workshop in May and the anticipated millage rate to maintain services.

Individual comments followed.

7. Proposed Resolution 2010-21, Regarding Term Limits as Applied to Partial Terms

At the March 25, 2010 Regular Workshop Meeting there was consensus for the Town Attorney to draft a resolution addressing term limits as applied to partial terms. Recommended Action: Pending discussion, provide direction to Manager.

Town Attorney David Persson noted the draft Resolution will modify the term limit determination on partial terms. Upon inquiry, Town Attorney Persson noted the passage of the Resolution would be in effect until such time as a future Commission directs a change or a Referendum question was placed before the voters.

There was consensus to forward Resolution 2010-21 to the May 3, 2010, Regular Meeting for formal action.

8. Proposed Ordinance 2010-18, Providing for a Referendum Question for a Charter Amendment Regarding Term Limits as Applied to Partial Terms

At the March 25, 2010 Regular Workshop Meeting there was consensus for the Town Attorney to draft an ordinance to place a Referendum question on the March 2011 General Municipal Election ballot addressing term limits as applied to partial terms. Recommended Action: Pending discussion, provide direction to Manager.

Town Attorney David Persson noted distribution of the proposed Ordinance and advised that an underline/strikethrough version was being distributed. Discussions were held on the following topics/issues:

- page 1, proposed Ordinance 2010-18, Ballot Question
Town Attorney Persson suggested the Ballot Question be amended as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

Shall the Charter of the Town of Longboat Key be amended to provide that a partial term for any Commissioner of more than one (1) year ~~or more~~ shall be counted as a term under the three consecutive term limitation provided for in the Town Charter?

- page 2, proposed Ordinance 2010-18, Section 5
Town Attorney Persson commented on the deletion of a phrase in Section 5 relating to terms beginning in 1999, reviewed the underlined language proposed, and requested consideration to modify the underlined language as follows (additions shown as double underlined text/deletions shown as ~~double-strikethrough~~ text):

The town commission shall consist of seven (7) electors of the town. Two (2) commissioners shall be elected at large. The remaining five (5) commissioners shall reside in and be nominated from each of the five districts of the town as set forth in Section 1. Commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the day after their election as provided herein. ~~Beginning with electors elected as~~

8. Proposed Ordinance 2010-18, Providing for a Referendum Question for a Charter Amendment Regarding Term Limits as Applied to Partial Terms - Continued

~~town commissioners in the general election of 1999, no~~ No elector shall serve more than three (3) consecutive terms as town commissioner without an interval of one complete term out of office. ~~A partial term of one (1) year or more shall be considered a term.~~ Service of more than one (1) year as town commissioner shall be considered a term for the purposes of the three consecutive term limitation. One (1) commissioner-at-large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner-at-large and commissioners from even-numbered districts shall be elected in odd-numbered years.

Discussion ensued with Town Attorney Persson on the following topics/issues:

- service/reference to serving as Mayor for term limitations
- options for language stating that an individual can only be elected three times
- determination of a term as more than one (1) year
- consideration of establishing a Charter Review Committee (CRC)
- impact of any decisions made by the CRC (if established) on term limits and the proposed Ordinance.

There was consensus to modify the language as submitted by the Town Attorney for the Ballot Question and Section 5.

Mr. Phillip Younger, Bayou Sound, commented on the proposed Ordinance and suggested that the phrase "one complete term out of office" and suggested that the language be modified to read 24 months.

Discussion ensued on the option to define a complete term and lack of impact on the District seat held. Following comments, Town Attorney Persson advised he would review the "complete term" issue.

(See item later this meeting.)

9. Discussion Regarding Initiating a Charter Review Process

At the March 25, 2010 Regular Workshop Meeting Commissioner Siekmann requested that a discussion of initiating a Charter Review process be placed on a future workshop meeting for consideration. Recommended Action: Pending discussion, provide direction to Manager.

Commr. Siekmann noted his request for discussion, actions being considered by the State Legislature relating to term lengths and limits and supported reconvening a Charter Review Committee (CRC) to address Charter issues that have emerged over the past several months to include term limits, term lengths, Commission compensation, and to incorporate language in the Charter relating to a balanced budget.

9. Discussion Regarding Initiating a Charter Review Process - Continued

Subsequent to discussion, there was consensus to postpone consideration of re-establishing a CRC to the Fall (September Workshop).

Commr. Larson suggested that, if a CRC is re-established, consideration be given to review the Town's Preliminary Election process.

8. Proposed Ordinance 2010-18, Providing for a Referendum Question for a Charter Amendment Regarding Term Limits as Applied to Partial Terms - Continued

Subsequent to comments on items that may be considered by the CRC, if re-established, there was consensus to postpone first reading of proposed Ordinance to the October Regular Meeting for first reading.

Mayor Spoll requested and Town Attorney David Persson advised that he would review Mr. Younger's comments relating to the phrase "complete term" and provide a copy of the revised Ordinance to the Commissioners in advance of the first reading.

10. Request for Authorization to Submit "Tennis Town USA" Application

The Town Manager will discuss an application opportunity for the Town to receive designation as "Tennis Town USA" along with a first prize of \$100,000. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Bruce St. Denis commented on the options to consider reapplication for designation as "Tennis Town USA," anticipated that professional assistance would be beneficial in completing the application, and requested consideration for authorization of expenditure for professional assistance.

Following comments by Vice Mayor Brown, Mr. John Mrachek, Tennis Center Seasonal Manager, noted the benefit of targeting senior play and the potential for bringing in retirees that may elect to become permanent residents.

Upon inquiry, Town Manager St. Denis noted the process to obtain professional services was estimated to be under \$10,000.00.

Subsequent to individual comments, there was majority consensus to not forward the application for designation as Tennis Town USA.

Mr. Mrachek noted the efforts of last year and noted it was a community wide effort. Individual comments followed.

11. Proposed Resolution 2010-22, Budget Transfer in the Amount of \$225,000 to Fund Emergency Dune Restoration in the Vicinity of Periwinkle/Longbeach Condominium

Proposed Resolution 2010-22 provides for a budget transfer to fund dune restoration in the vicinity of the Periwinkle Building in the Longbeach Condominiums. The Resolution is being forwarded for Commission consideration at the April 15, 2010 Regular Workshop Meeting. Recommended Action: Pending discussion, forward Resolution 2010-22 to the April 15, 2010 Special Meeting for formal action.

11. Proposed Resolution 2010-22, Budget Transfer in the Amount of \$225,000 to Fund Emergency Dune Restoration Periwinkle/Longbeach Condominium Area - Continued

Town Manager Bruce St. Denis provided an overview of the budget transfer to complete the project.

There was consensus to forward Resolution to 2010-22 to the April 15, 2010, Special Meeting for formal action.

TOWN COMMISSION COMMENTS

A. Public Works - Islander Groins

Commr. Brenner noted that the Islander beach groins were near completion and inquired as to permanent signage to preclude any liability issues.

Town Manager Bruce St. Denis advised that Staff is currently reviewing the issue and signage will be erected in the area.

B. Police Department

Commr. Brenner suggested that Neighborhood Watch Programs may want to be considered through the Police Department.

TOWN ATTORNEY COMMENTS

A. Town Commission

Town Attorney David Persson noted the Town Commission Special Workshop to be held on a proposed Ordinance to initiate Zoning Code changes relating to the Longboat Key Club process and outlined the process for the recently seated Commissioners.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Bruce St. Denis noted a proposal for remediation of illegal dredging that occurred at Jewfish Key and noted that a public hearing will be scheduled for the May 3, 2010, Regular Meeting for Commission action.

B. Finance Department

Town Manager Bruce St. Denis advised that a Budget Workshop had been scheduled for May 5, 2010.

C. Planning, Zoning, and Building Department

Town Manager Bruce St. Denis advised of receipt of a request from Ms. Carol Brady for a lien reduction on property relating to code enforcement action and advised that it would be included on a future agenda for Commission consideration.

TOWN MANAGER COMMENTS - Continued

D. Planning, Zoning, and Building Department

Town Manager Bruce St. Denis advised of receipt of an opinion paper from Mr. Bradford Saivetz, Planning and Zoning Board member, relating to proposed amendments to the Zoning Code.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Spoll adjourned the April 15, 2010, Regular Workshop Meeting at 5:25 p.m.

s/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 09/13/2010