

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
DECEMBER 5, 2011 - 7:00 P.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Hal Lenobel, Phillip Younger, Pat Zunz

Also: Town Manager Dave Bullock, Town Attorney David Persson,
Present: Town Clerk Trish Granger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 7:00 p.m. and Commr. Zunz led the Pledge of Allegiance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Certificate of Completion to Commissioner Pat Zunz from Institute of Elected Municipal Officials (IEMO) and Advanced IEMO

Mayor Brown presented the Certificates of Completion to Commr. Zunz.

APPROVAL OF MINUTES

2. September 22, 2011, Regular Workshop Meeting; September 26, 2011, Special Meeting; October 3, 2011, Special Workshop Meeting (Comprehensive Plan); October 3, 2011, Regular Meeting; October 17, 2011, Special Workshop Meeting (Comprehensive Plan); October 17, 2011, Emergency Meeting; October 18, 2011, Joint Meeting with Manatee Board of County Commissioners; October 18, 2011, Emergency Meeting; and October 20, 2011, Special Meeting (Attorney-Client Session).

There was consensus to approve the Minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Vice Mayor Brenner noted a conflict with the Town Commission Regular Workshop meetings and the Sarasota County Tourist Development Council (TDC) meetings and suggested that consideration of alternates be considered during the appointment process to outside Boards and Committees.

B. Organizations

Mayor Brown noted that Town Hall is a drop-off location for the Toys for Tots Program and recognized Ms. Heidi Lagro who delivered 72 toys for the program and encouraged residents to participate.

PUBLIC TO BE HEARD

3. Opportunity for Public to Address Town Commission

At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

3. Opportunity for Public to Address Town Commission - Continued

A. Franchises

Ms. Rae Dowling, representing Florida Power and Light (FPL), provided an update on the reliability of the services following the storms of 2004 and the inspections done on a regular basis by FPL to sustain power coverage and the Economic Development initiatives in place.

Upon inquiry by Commr. Zunz on the power failures on the North end of Longboat Key, Ms. Dowling commented on the outages experienced on Longboat Key and advised that the majority of the interruptions are due to falling branches. Commr. Zunz advised that the branches do not affect service on the South end of the Island.

Commr. Larson inquired, and Ms. Dowling commented on the possibility of replacing the power poles with underground service.

Mayor Brown noted past consideration of installing underground service and the cost associated with project.

B. Economic Redevelopment

Mr. George Spoll, Harbourside Drive, representing the Revitalization Task Force, commented on the status of the Colony and the importance of restoring the property on Longboat Key.

Commr. Zunz inquired and Town Attorney David Persson confirmed that the extension was for the entire property acreage, the unknown impact if the sides cannot agree to a redevelopment plan, and the issues being explored at the current time.

Vice Mayor Brenner inquired and Town Attorney Persson advised of the Court ordered mediation, the process in moving forward, and the restrictions for involvement by individual Commissioners during certain aspects of the development process.

Mayor Brown commented on the extension granted by the Town and the issues that need to be addressed relating to densities on the property if the agreement between the parties are not reached. Individual comments followed by Mr. Spoll on the efforts of the Task Force.

Subsequent to discussion on options to work with the parties to resolve the issues, Town Attorney Persson noted the steps needed to be undertaken for the parties to accomplish the goals in the time frames currently outlined.

Commr. Larson commented on the impact of the loss of revenue from the "bed tax" and Commr. Duncan inquired on the role of Ms. Monica Simpson in the process.

Town Manager David Bullock commented on the issues discussed today and the technical issues considered and the role of Ms. Simpson in the meeting held with the parties based on the past dealings.

3. Opportunity for Public to Address Town Commission - Continued

B. Economic Redevelopment

Mr. Spoll suggested that the Revitalization Task Force become involved with the parties to try to work through the issues to be resolved.

Upon inquiry, Attorney Persson advised that the Revitalization Task Force is a private entity and does not require authority from the Town to pursue interests it deems to be important.

ORDINANCES - FIRST READING

4. Ordinance 2011-36, Budget Transfer for One-Time Payment to Town Employees

At the November 17, 2011, Special Meeting, the Town Commission unanimously supported a one-time payment of \$1,000 to the Town's full time employees and a prorated amount to the part time employees based on hours worked the previous twelve months. Ordinance 2011-36 provides for the Budget transfer for Fiscal Year (FY) 2011-2012 appropriating the funding for the approved payment. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-36 to the January 9, 2012, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-36 on record for first reading by title only.

Commr. Duncan moved to pass Ordinance 2011-36. The motion was seconded by Commr. Larson.

Vice Mayor Brenner noted his request to include his e-mail correspondence regarding the payment in the official record.

Commr. Larson noted her request for information on the "grossed-up" amount and Finance Director Thomas Kelley reviewed the formula to be utilized to provide a \$1,000.00 payment to full-time employees and a pro-rated amount to part-time employees.

Mayor Brown noted that Town Manager David Bullock previously provided the information.

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

ORDINANCES - FIRST READING AND PUBLIC HEARING

5. Ordinance 2012-01, Pass-Through of Manatee County Wholesale Water and Wastewater Rate Increases

On October 25, 2011, the Manatee Board of County Commissioners voted on increasing wholesale water and wastewater rates effective November 1, 2011. Commission policy has been to pass-through Manatee County rate changes to the Town's utility ratepayers as provided for in Town Code Chapter 51, Sections 11 and 21. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2012-01 to the January 9, 2012, Regular Meeting for second reading and public hearing.

5. Ordinance 2012-01, Wholesale Water and Wastewater Rate Increases - Continued
Town Clerk Trish Granger placed Ordinance 2012-01 for first reading and public hearing on record by title only.

Commr. Zunz moved to pass Ordinance 2012-01. The motion was seconded by Commr. Duncan.

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

Commr. Larson inquired and Public Works Director Juan Florensa provided an overview of the rates for single family homes, condominiums, and businesses, and advised that the wastewater rates would vary.

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

6. Ordinance 2011-33, Providing for Codification of Ordinances Upon Adoption
Ordinance 2011-33 was developed to provide for codification of ordinances upon adoption rather than the current practice of codification through supplements. Codification upon adoption would provide a timelier update to the on-line version of the Town Code. Ordinance 2011-33 was forwarded from the October 20, 2011 Regular Workshop Meeting for first reading. Recommended Action: Pending discussion, forward Ordinance 2011-33 to the December 5, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-33 for second reading and public hearing on record by title only.

Commr. Larson moved to adopt Ordinance 2011-33. The motion was seconded by Commr. Zunz.

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

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

Mayor Brown inquired and Town Manager David Bullock commented on the microphone noise and advised that Staff was scheduled to begin the replacement of the current microphones.

7. Ordinance 2011-34, Budget Amendment for the Purchase of Property located at 4110 Gulf of Mexico Drive

At the November 7, 2011, Regular Meeting, the Town Commission approved the purchase of property located at 4110 Gulf of Mexico Drive (adjacent to Bayfront Park

7. Ordinance 2011-34, Budget Amendment - Property Purchase at 4110 Gulf of Mexico Drive - Continued

Recreation Center). At the November 17, 2011, Special Meeting, the Town Commission held first reading and forwarded Ordinance 2011-35 to the December 5, 2011, Regular Meeting for second reading and public hearing to provide for the necessary budget amendment to transfer the funds out of the Town's Land Acquisition Fund for the agreed upon purchase price of \$452,500.00 and any additional closing costs that may be applicable to the purchase. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2011-34.

Town Clerk Trish Granger placed Ordinance 2011-34 for second reading and public hearing on record by title only.

Commr. Younger moved to adopt Ordinance 2011-34. The motion was seconded by Commr. Zunz.

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

Commr. Duncan inquired and Town Attorney David Persson commented on the funding ability for the property purchase through the Land Acquisition Fund and the restrictions on use of the funds.

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

8. Ordinance 2011-35, Budget Transfer

At the November 17, 2011, Special Meeting, the Town Commission held first reading and forwarded Ordinance 2011-35 to the December 5, 2011, Regular Meeting for second reading and public hearing. The Town Commission authorized a Request for Proposal (RFP) for a consultant to develop a prospectus for a new Community Center at the Bayfront Park Recreation Center/Albritton Property. The adopted budget included \$10,000.00 for the project. Ordinance 2011-35 provides for the transfer of \$15,000.00 to fund the contract with the consultant in an amount not to exceed \$25,000.00. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2011-35.

Town Clerk Trish Granger placed Ordinance 2011-35 for second reading and public hearing on record by title only.

Commr. Zunz moved to adopt Ordinance 2011-35. The motion was seconded by Commr. Duncan.

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

8. Ordinance 2011-35, Budget Transfer

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

RESOLUTIONS

9. Resolution 2011-36, Reversing a Budget Transfer Relating to the Town Match for the Previous Town Managers Salary Savings Account Contribution

The Town Commission approved a severance agreement with the previous Town Manager, Bruce St. Denis, which precluded any additional benefit outside of the severance agreement. Mr. St. Denis contributed monies to his ICMA 401K account which resulted in a Town matching contribution of \$10,365.97, in error. The Town Commission passed Resolution 2011-34 at the Special Meeting on November 17, 2011 to cover the payment. Resolution 2011-36 reverses the budget transfer. Recommended Action: Pending discussion, pass Resolution 2011-36.

Town Clerk Trish Granger placed Resolution 2011-36 on record by title only.

Commr. Larson moved to pass Resolution 2011-36. The motion was seconded by Commr. Zunz.

Vice Mayor Brenner noted the issue under consideration and commended Commr. Larson for bringing it to the attention of the Town Commission.

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

10. Resolution 2011-35, Utility Uncollectable Debt Write-off

Resolution 2011-35 provides approval for the Finance Department to write off the outstanding balances as described in Exhibit A and to prepare the necessary entries to the General Ledger. Recommended Action: Pending discussion, pass Resolution 2011-35.

Town Clerk Trish Granger placed Resolution 2011-35 on record by title only.

Commr. Duncan moved to pass Resolution 2011-35. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Brown, aye; Larson, aye; Younger, aye; Lenobel, aye; Brenner, aye.

NEW BUSINESS

11. Appointment to the Metropolitan Planning Organization Citizens' Advisory Committee

The Commission will consider an appointment to the Metropolitan Planning Organization Citizens' Advisory Committee (MPOCAC). Recommended Action: Pending discussion, make an appointment to the MPOCAC.

Town Clerk Trish Granger advised that an application had been received from Mr. Larry Grossman after the filing deadline and referenced a request from Mr. Grossman to be considered for appointment to the vacancy on the MPOCAC.

11. Appointment to the MPOCAC - Continued

Subsequent to comments on modifying application deadlines, Town Clerk Granger discussed the voter's registration issue relating to Mr. Czech's membership and advised that the staff liaison for the MPOCAC advised that Florida voter registration is not required to serve on the Board.

Upon inquiry, Mr. Czech commented on his residency on Longboat Key, noted he is selling property in New York, and that he would be residing full time on Longboat Key following the property sale.

Town Clerk Granger proceeded with a roll call for the citizen representative appointment on the MPOCAC, for a term effective through May 2014, as follows:

Vice Mayor Brenner cast a ballot for Charlie Czech.
Commr. Larson cast a ballot for Charlie Czech.
Commr. Younger cast a ballot for Charlie Czech.
Commr. Lenobel cast a ballot for Charlie Czech.
Commr. Zunz cast a ballot for Charlie Czech.
Commr. Duncan cast a ballot for Charlie Czech.
Mayor Brown cast a ballot for Charlie Czech.

Mr. Charlie Czech was appointed to serve on the MPOCAC for a term effective through May 2014.

Commr. Younger inquired, and Mr. Czech noted the dates he would be available to attend the MPOCAC meetings.

Subsequent to comments, Mayor Brown requested that the MPOCAC staff liaison be contacted to ascertain the ability for Mr. Czech to participate in the meetings via teleconferencing when he was out of the State, without objection.

12. Representation on the Southwest Florida Regional Planning Council

The Sarasota Board of County Commissioners recently discussed and approved Sarasota County representation on the Southwest Florida Regional Planning Council (SWFRPC) to include two County representatives and representatives for the Cities of North Port, Sarasota, and Venice. At the time of their action, representation for the Town had not been discussed however, the County has indicated they intend to discuss the issue with the Town Commission. This item is placed on the December 5, 2011, Agenda for Commission consideration and determination on the Town's representation on the SWFRPC. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager David Bullock noted receipt of correspondence from Chair Patterson of the Sarasota Board of County Commissioners, provided an overview of the role of the SWFRPC, and requested Commission direction regarding a seat for the Town on the SWFRPC.

Vice Mayor Brenner noted past consideration of the Town's Beach Renourishment Program by the SWFRPC and Town Attorney David Persson advised that the agency had performed a review on the Town's groin permits and noted that SWFRPC did not support the construction of the groins.

12. Representation on the SWFRPC - Continued

Following comments, Commr. Larson moved to appoint Mr. George Spoll as the Town's representative to the SWFRPC. Subsequent to comments by Commr. Larson on the benefit of representation, the motion failed for lack of a second.

Commr. Duncan moved to appoint Commr. Larson to serve as the Town's representative on the SWFRPC.

Town Manager Bullock noted the cost associated with the membership and the County's indication that they would be paying for the other municipalities to participate.

Commr. Duncan withdrew his motion, without objection.

Mayor Brown noted there was consensus to not seek representation on the SWFRPC at the current time.

TOWN COMMISSION COMMENTS

A. Town Commission

Vice Mayor Brenner noted the concern expressed from some staff members in reviewing the Joint Meeting Minutes with Manatee County relating to consolidation of services and noted that opportunities exist for shared services in several areas, including beach renourishment projects.

Town Manager Dave Bullock noted the goal and obligation of public servants to provide the best service at the most efficient cost to the taxpayer and the intent to explore all areas and services to ensure that the most efficient methods are utilized in delivering services to taxpayers. Town Manager Bullock advised that he would be requesting assistance from both Counties in future Town activities.

Mayor Brown noted discussions with the Town Manager and advised of the services being provided by both Counties at the request of Town Manager.

Commr. Duncan advised that the intent was to also share the Town's processes with both Counties to achieve the most efficient delivery of services to all taxpayers.

B. Organizations/Town Commission

Mayor Brown noted that the Tiger Bay meeting schedule creates time constraints for the Regular Workshop meetings and requested consideration to move the time of the Regular Workshop meetings from 1:00 p.m. to 2:00 p.m. for the upcoming year.

There was consensus for Staff to draft the appropriate Ordinance to enact the time change.

Following comments, Commr. Larson moved to amend the starting time of the December 15, 2011, Regular Workshop Meeting to 2:00 p.m. The motion, seconded by Commr. Lenobel, carried by a 7-0 roll call vote, as follows: Larson, aye; Lenobel, aye; Zunz, aye; Duncan, aye; Younger, aye; Brenner, aye; Brown, aye.

TOWN COMMISSION COMMENTS - Continued

C. Organizations

Mayor Brown noted the February 8-10, 2012, conference of the Florida Shores and Beach Preservation Association (FSBPA) and inquired as to attendance by Town Commissioners.

Commr. Duncan noted his planned attendance and Mayor Brown requested that any Commissioners planning attendance should coordinate with Ms. Susan Phillips, Assistant to the Town Manager.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson advised that the Court ruled in the Town's favor relating to the prohibition of dogs on the beach, noting that the constitutionality of the Ordinance was upheld.

TOWN MANAGER COMMENTS

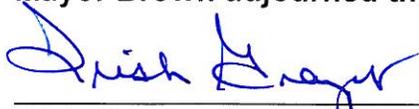
A. Budget

Town Manager Dave Bullock noted the balance of the Land Acquisition Fund would be approximately \$1.5 million after the purchase of the property located at 4110 Gulf of Mexico Drive.

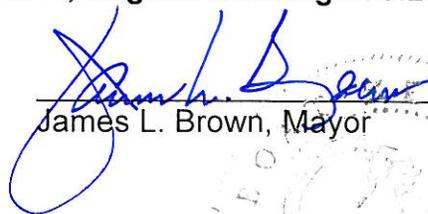
PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the December 5, 2011, Regular Meeting at 8:24 p.m.



Trish Granger, Town Clerk



James L. Brown, Mayor

Minutes Approved: 2-6-12

