

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
JANUARY 7, 2013 - 7:00 P.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Gans led the Pledge of Allegiance.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission - No items were presented.

APPROVAL OF MINUTES

2. September 24, 2012, Regular Workshop Meeting; October 1, 2012, Regular Meeting; October 15, 2012, Regular Workshop Meeting; October 15, 2012, Special Meeting; November 5, 2012, Regular Meeting; November 12, 2012, Regular Workshop Meeting; December 3, 2012, Regular Meeting; December 10, 2012, Regular Workshop Meeting Minutes

Mayor Brown noted the dates of the Minutes to be approved.

Vice Mayor Brenner requested consideration to expand the December 10, 2012, Regular Workshop meeting, Item 7, to include the total estimated cost between \$60 - \$100 million for conversion to underground power lines if the Town elected to install this infrastructure.

Commr. Younger moved to approve the Minutes, as amended. The motion, seconded by Commr. Duncan, carried by a 7-0 voice vote.

COMMITTEE REPORTS AND COMMUNICATIONS - No items were presented.

ORDINANCES - FIRST READING

3. Ordinance 2013-02, Providing for Homestead Exemption of \$50,000 for Qualifying Seniors

At the December 10, 2012 Regular Workshop Meeting the Finance Director reported on recent changes to Florida Statutes Section 196.075(2) providing for an additional Senior Homestead Exemption as a "flat" amount of \$50,000. The current Town Code provides for a \$25,000 exemption which now conflicts with Florida Statutes. Ordinance 2013-02 is placed on the January 7, 2013 Regular Meeting for Commission consideration. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-02 to the January 22, 2013, Special Meeting for second reading and public hearing.

3. Ordinance 2013-02, Providing for Homestead Exemption of \$50,000 for Qualifying Seniors - Continued

Town Clerk Trish Granger placed Ordinance 2013-02 on record for first reading by title only.

Commr. Duncan moved to pass Ordinance 2013-02 on first reading and to forward to the January 22, 2013, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Zunz, aye; Brenner, aye; Gans, aye; Brown, aye.

14. Other Business

Mayor Brown noted attendance of Manatee County Commissioner John Chappie.

4. Ordinance 2013-06, Providing for Additional Homestead Exemption of \$250,000 for Qualifying Low Income Seniors

At the December 10, 2012 Regular Workshop Meeting the Finance Director presented information regarding the recent adoption of Amendment 11 by Florida voters. The Amendment, allowing local governments to grant an additional homestead exemption to qualifying low-income seniors, was approved in the November 6, 2012 General election. The Town Commission directed staff to develop Ordinance 2013-06 for consideration at the January 7, 2013 Regular Meeting. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-06 to the February 4, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-06 on record for first reading by title only.

Commr. Zunz moved to pass Ordinance 2013-06 on first reading and to forward to the February 4, 2013, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Zunz, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye; Gans, aye; Younger, aye.

5. Ordinance 2013-05, Establishing the Date for the 2013 General Municipal Election and Early Voting Schedule

The Town's Charter establishes the date for the Town's General Municipal Election as the third Tuesday in March but provides for an option to align the Town's election with any other County administered election. Ordinance 2013-05 is placed on the January 7, 2013 Regular Meeting to establish March 12, 2013 as the Town's General Municipal Election date and to establish the early voting schedule. Recommended Action; Pending first reading and discussion, forward Ordinance 2013-05 to the January 22, 2013 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-05 on record for first reading by title only.

5. Ordinance 2013-05, Establishing the Date for the 2013 General Municipal Election and Early Voting Schedule - Continued

Commr. Gans moved to pass Ordinance 2013-05 on first reading and to forward to the January 22, 2013, Special Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brenner.

Town Manager Dave Bullock commented on the proposed revision to the General Election scheduled, advised that if the Ordinance was passed the Statutory Meeting date would be amended to March 19, 2013, and reviewed the options to consider modifying the date of the March Regular Workshop meeting to follow the Statutory Meeting.

Town Clerk Granger advised that Assistant to Town Manager Susan Phillips had reviewed the possible dates to reschedule the March 18, 2013, Regular Workshop. Following comments, Town Manager Bullock advised that the calendar modifications would be forwarded for consideration to the January 22, 2013, Special Meeting for formal action.

There was consensus to amend the March 18, 2013 Regular Workshop Meeting date to March 20, 2013.

Following comments by Commr. Larson on aligning the Town's General Election with the County administered election on March 12, 2013, the motion carried by a 7-0 roll call vote, as follows: Gans, aye; Brenner, aye; Younger, aye; Brown, aye; Larson, aye; Duncan, aye; Zunz, aye.

ORDINANCES - FIRST READING AND PUBLIC HEARING

6. Ordinance 2013-01, Budget Transfer in the Amount of \$25,000 for Street Lighting Modifications Along Gulf of Mexico Drive

Each year during sea turtle nesting season the Town turns off most of the street lights along Gulf of Mexico Drive. Many citizens lodge complaints that public safety is compromised due to darkened intersections and stretches of road and they request that lights be turned on. Staff is conducting a comprehensive review to determine which lights may need modification in order to stay on during future turtle seasons. Proposed Ordinance 2013-01 provides funding to retrofit non-compliant lights prior to May 1, 2013. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2013-01 to the February 4, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-01 on record by title only for first reading and public hearing.

Commr. Gans moved to pass Ordinance 2013-01. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Ms. Cyndi Seamon, Norton Street, commented on the proposal and requested consideration to turn off as many street lights as possible during nesting season.

6. Ordinance 2013-01, Budget Transfer in the Amount of \$25,000 for Street Lighting Modifications Along Gulf of Mexico Drive - Continued

As no additional individuals wished to speak, Mayor Brown closed the public hearing.

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

(See Commissioner Comments later this meeting.)

ORDINANCES - SECOND READING AND PUBLIC HEARING

7. Ordinance 2012-23, Amending Chapter 30, Meetings

At the November 5, 2012 Regular Meeting the Town Commission adopted the 2013 Town Commission Meeting Schedule. Ordinance 2012-23, amending Chapter 30 to provide for the change to scheduled workshop meetings was considered at the November 12, 2012 Regular Workshop Meeting and forwarded to the December 3, 2012 Regular Meeting for first reading. Ordinance 2012-23 also incorporates amendments to the agenda material preparation requirements and clarifies addressing the Commission. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-23.

Town Clerk Trish Granger placed Ordinance 2012-23 on record by title only for second reading and public hearing.

Commr. Zunz moved to adopt Ordinance 2012-23. The motion was seconded by Commr. Larson.

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

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

RESOLUTIONS

8. Resolution 2013-01, Budget Transfer in the Amount of \$23,000 for Planning Consultant

The Town has contracted with Spikowski Planning Associates to provide consulting services for short term and long term changes to the Town Code. Resolution 2013-01 provides for a budget transfer of \$25,000 from Commission Contingency to replenish the Planning & Zoning Professional Services account. Recommended Action: Pending discussion, pass Resolution 2013-01.

Town Clerk Trish Granger placed Resolution 2013-01 on record by title only.

Commr. Duncan moved to pass Resolution 2013-01. The motion was seconded by Commr. Zunz.

8. Resolution 2013-01, Budget Transfer in the Amount of \$23,000 for Planning Consultant - Continued

Mr. Larry Grossman, St. Judes Drive N., commented on the amount of the budget transfer outlined in Resolution 2013-01 and inquired as to the scope of work to be provided.

Town Manager Dave Bullock commented on the impact of the recent court ruling by Judge Haworth and reviewed the intent and scope of work to be provided by the vendor and the justification for the services sought.

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

9. Resolution 2013-02, Budget Transfers for FY 2011-2012 Year End Reconciliation

The Town Charter requires that sufficient budgets are available in each general ledger account to cover expenditures charged to the account. Each year staff prepares the required budget transfer documentation to balance surplus accounts and those with shortfalls. Resolution 2013-02, provides a complete listing of recommended transfers for individual accounts, as well as the reason for surplus or shortfall, and is presented for Commission consideration. Recommended Action: Pending discussion, pass Resolution 2013-02.

Town Clerk Trish Granger placed Resolution 2013-02 on record by title only.

Commr. Zunz moved to pass Resolution 2013-02. The motion was seconded by Commr. Gans.

Upon inquiry, Finance Director Thomas Kelley reviewed the line item transfers outlined in Resolution 2013-02. Mr. Kelley advised that Staff would provide the amount budgeted for fuel costs for the current fiscal year and reviewed the vacation payout policy provided for in the Personnel Rules and Regulations.

Discussion ensued on the option to have a "forced" (use it or lose it) vacation pay-out policy in lieu of the current guidelines.

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

10. Resolution 2013-03, Budget Transfer for Tennis Center in the Amount of \$67,470 for FY 2011-2012 Year End Reconciliation

The Town Charter requires that sufficient budgets are available in each general ledger account to cover expenditures charged to the account. Each year staff prepares the required budget transfer documentation to balance surplus accounts and those with shortfalls. Resolution 2013, 03, provides for a budget transfer to bring the Tennis Center budget into compliance and includes a complete listing of recommended transfers for individual accounts within the Tennis Center. Recommended Action: Pending discussion, pass Resolution 2013-03.

10. Resolution 2013-03, Budget Transfer for Tennis Center in the Amount of \$67,470 for FY 2011-2012 Year End Reconciliation - Continued

Town Clerk Trish Granger placed Resolution 2013-03 on record by title only.

Vice Mayor Brenner moved to pass Resolution 2013-03. The motion was seconded by Commr. Duncan.

Upon inquiry, Finance Director Thomas Kelley presented an overview of the budget transfer required for the Tennis Center.

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

11. Resolution 2013-04, Expressing Town Commission Support for Police and Firefighter Pension Reform

At the December 3, 2012 Regular Meeting the Town Commission expressed support for a Resolution formalizing Town Commission support for State-wide police and firefighter pension reform. Resolution 2013-04 is placed on the January 7, 2013 Regular Meeting for Commission consideration. Recommended Action: Pending discussion, pass Resolution 2013-04.

Town Clerk Trish Granger placed Resolution 2013-04 on record by title only.

Commr. Younger moved to pass Resolution 2013-04. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Gans, aye; Larson, aye; Duncan, aye; Brenner, aye; Brown, aye.

12. Resolution 2013-05, Budget Transfer in the Amount of \$100,000 from Commission Contingency for Planning Consultant

At the February 16, 2012 Regular Workshop Meeting the Town Commission discussed the process for review and amendments to the Town's Zoning Code and Comprehensive Plan. Staff was directed to work with the Planning & Zoning Board, as well as others to develop and issue a RFP for Planning Consultants. On December 14, 2012 a Selection Committee evaluated two proposers. Prior to award of contract, adequate funds must be in place. Resolution 2013-05 provides for a budget transfer to establish funding for a Planning Consultant. Recommended Action: Pending discussion, pass Resolution 2013-05.

Town Clerk Trish Granger placed Resolution 2013-05 on record by title only.

Commr. Zunz moved to pass Resolution 2013-05. The motion was seconded by Commr. Younger.

Town Manager Dave Bullock commented on the status of the RFP selection and noted Staff was not prepared to make a final recommendation. Discussion ensued with Town Manager Bullock on the following topics/issues:

12. Resolution 2013-05, Budget Transfer in the Amount of \$100,000 from Commission Contingency for Planning Consultant - Continued

- options to seek additional information
- process to select successful vendor
- items to be considered at the January 22, 2013, Regular Workshop meeting
- issues raised with vendors and clarifications requested.

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

NEW BUSINESS

13. Ratification of Contract Between the Town of Longboat Key and International Association of Firefighters (IAFF) Local 2546

The Town Commission will consider ratification of the proposed Contract between the Town and the IAFF Local 2546. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Mayor Brown, Town Manager Dave Bullock presented a status of the proposed Contract with the IAFF.

TOWN COMMISSION COMMENTS

A. Public Works

Vice Mayor Brenner noted a fatal accident due to poor lighting on Gulf of Mexico Drive and the impact of turning off street lights during turtle season (see Item 6 earlier this meeting). Discussions were held on the following topics/issues:

- areas on Gulf of Mexico Drive that are very dark/consideration for the safety of people
- safety concerns with darkening the street lights
- opportunity for Sea Turtle representatives to work with Staff during the comprehensive review of the lighting issue and the impact to turtle nesting season
- scheduled review of the street lights beginning after dark on January 16, 2013, along the beach and Gulf of Mexico Drive
- consideration to review the entire island for areas that have been expressed to be dark for possible lighting improvements
- the shielding of lights during sea turtle season/areas of concern where additional lights could be utilized
- the upcoming pedestrian safety review to be conducted by Florida Department of Transportation
- the need to balance safety issues for the residents/visitors and comply with legislation to protect the wildlife.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Town Manager

Town Manager Dave Bullock advised that he had intended to provide an overview of a list of initiatives that Staff is working on and noted he would present the items during the January 22, 2013, Regular Workshop Meeting.

B. Planning, Zoning, and Building Department

Town Manager Dave Bullock commented on the requirements in the Town Code pertaining to authorization for the Planning and Zoning (P&Z) Board to hold public hearings and requested Commission authorization to prepare and schedule a public hearing before the P&Z Board relating to Code provisions on the allocation of tourist/tourism units.

Commr. Larson moved to authorize the P&Z Board to hold public hearings on consideration on the allocation of tourism units. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Larson, aye; Younger, aye; Brenner, aye; Brown, aye; Duncan, aye; Zunz, aye; Gans, aye.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the January 7, 2013, Regular Meeting at 8:07 p.m.

Trish Granger

Trish Granger, Town Clerk

James L. Brown

James L. Brown, Mayor

Minutes Approved: 02/04/2013