

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
JULY 1, 2013 - 7:00 P.M.**

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

Also: Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale
Present: Town Clerk Trish Granger

Absent: Commr. Lynn Larson

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the July 1, 2013, meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Duncan led the Pledge of Allegiance.

Mayor Brown noted that Manatee County Commissioner John Chappie was in attendance.

Mayor Brown noted the Longboat Key Freedom Fest on Thursday, July 4, 2013, and invited members of the audience and the public's participation.

Mayor Brown noted that Commr. Larson was absent due to a medical emergency.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Florida Department of Transportation (FDOT) Pedestrian Study

Public Works Director Juan Florensa provided an overview of the Town's request to the Florida Department of Transportation (FDOT) on issues relating to State Road (S.R.) 789/Gulf of Mexico Drive on pedestrian and traffic counts.

FDOT District Traffic Operations Engineer L.K. Nandam, P.E., gave a PowerPoint presentation on the Pedestrian Study performed along the S.R. 789 corridor. Discussions were held with Mr. Nandam and Town Manager Dave Bullock on the following topics/issues:

- sidewalk gap at North end of Longboat Key
- option to have a pedestrian crossing in the Broadway area once sidewalk improvements are completed
- wide street distance and road curvature in the area of Broadway
- determination of items to be handled by FDOT in lieu of funding requirements by the Town
- challenges faced in utilizing FDOT "Safety Funds" and options to have the Sarasota-Manatee Metropolitan Planning Organization (MPO) include on their priority list
- safety concerns for gap in sidewalk on North end
- process to examine the use of roundabouts in various locations throughout the Town (requirement for Town to perform study and present results to FDOT)

1. FDOT Pedestrian Study - Continued

- impact of sea level rising and protection of the roadway
- process to change street names
- process for determination of speed limits on roadways
- results of lighting study (does not meet FDOT standards)
- consideration of accidents resulting from poor lighting.

Mayor Brown thanked Mr. Nandam for the efforts expended by FDOT representatives.

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission

A. Public Works

Mr. Larry Grossman, St. Judes Drive N., commented on the Florida Department of Transportation (FDOT) Pedestrian Study and automobile accidents on Gulf of Mexico Drive and inquired as to the time frame for the study.

Mr. Sergio Quevedo, P.E., Project Manager with HNTB Corporation (preparer of the FDOT report), commented on the dates and times of the studies conducted.

Mr. Grossman requested consideration for further review of variable speeds as afforded to the Bradenton Beach area and the impact of roundabouts on traffic speed, safety islands, raised medians, and pedestrian crossing notifications.

B. Public Works

Ms. Rose Quin-Bare, Waste Management Political Consultant, commented on the recycling rate accomplished by Waste Management, Inc., and options for additional improvements in the recycling rate.

APPROVAL OF MINUTES

3. April 24, 2013, Special Workshop Meeting (Colony); May 6, 2013, Special Workshop Meeting (Meet and Greet); May 6, 2013, Regular Meeting; May 20, 2013, Special Workshop Meeting (Budget); May 20, 2013, Special Workshop Meeting (Goals & Objectives); May 20, 2013, Regular Workshop Meeting; May 20, 2013, Special Meeting; June 3, 2013, Special Workshop Meeting (Meet and Greet); June 3, 2013, Special Meeting (ULI), June 3, 2013, Regular Meeting Minutes.

Mayor Brown noted that Town Clerk Trish Granger had forwarded Commissioners minor amendments to the minutes and advised that the corrections would be incorporated for consideration.

There was consensus to approve the minutes, as amended.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Vice Mayor Brenner noted a meeting of the Sarasota County Tourist Development Council and reviewed the issues discussed. Upon inquiry, Town Manager Dave Bullock advised that an amendment increasing the allocation of the Tourist Tax returns from Sarasota County was being developed.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

A. Organizations - Continued

Vice Mayor Brenner noted attendance at the Bradenton Area Economic Development Corporation meeting and reviewed the issues discussed.

CLOSING AND ACTION ON CONSENT AGENDA

4. Authorization to Execute Contract with Town Attorney

At the May 6, 2013, Regular Meeting, the Town Commission selected Attorney Maggie Mooney-Portale with the firm of Persson and Cohen, P.A., to serve as the Town Attorney. The contract was approved at the June 3, 2013 Regular Meeting. This item is placed on the July 1, 2013 Regular Meeting to incorporate minor changes that were inadvertently omitted in the final draft approved at the June 3, 2013 Regular Meeting. Recommendation: Approval of the Consent Agenda will authorize execution of the contract between the Town and Attorney Mooney-Portale.

There was consensus to approve the Consent Agenda in accordance with Staff's report and recommendation.

ORDINANCES - SECOND READING AND PUBLIC HEARING

5. Ordinance 2012-26, Property Maintenance Code, Establishing Town Code Chapter 104

At their March 19, 2013, Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded proposed Ordinance 2012-26 to the Town Commission for consideration at their May 20, 2013 Regular Workshop Meeting. First reading, public hearing and discussion, was held at the June 17, 2013 Special Meeting and forwarded to July 1, 2013 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-26.

Town Clerk Trish Granger placed Ordinance 2012-26 on record for second reading and public hearing by title only.

Commr. Duncan moved to adopt Ordinance 2012-26. The motion was seconded by Commr. Gans.

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

The motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Gans, aye; Younger, aye; Zunz, aye; Brenner, aye; Brown, aye.

6. Ordinance 2013-13, Amending Chapter 34, Employment Policies

Ordinance 2013-13 amends Chapter 34, Employment Policies and provides for a freeze of the Firefighters' Retirement System defined benefit plan effective September 30, 2013. Current and future firefighters will be enrolled in the Florida Retirement System (FRS). The ordinance was considered at the May 20, 2013 Regular Workshop Meeting and forwarded to the May 20, 2013 Special Meeting for first reading. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-13.

6. Ordinance 2013-13, Amending Chapter 34, Employment Policies - Continued

Town Clerk Trish Granger placed Ordinance 2013-13 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-13. The motion was seconded by Commr. Gans.

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

The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye.

7. Ordinance 2013-15, Amending Chapter 34, Employment Policies

Ordinance 2013-15, provides for a freeze of the General Employees' Retirement System defined benefit plan effective September 30, 2013. Current and future employees will be enrolled in a defined contribution plan administered by ICMA. The ordinance was considered at the May 20, 2013 Regular Workshop Meeting and forwarded to the May 20, 2013 Special Meeting for first reading. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-15.

Town Clerk Trish Granger placed Ordinance 2013-15 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2013-15. The motion was seconded by Vice Mayor Brenner.

Mayor Brown opened the public hearing.

Ms. Jo Ann Mixon, Longboat Key Town Employee, inquired and Town Manager Dave Bullock provided an overview on the provisions of Section A relating to 100% vesting, percentage of vesting, accrued leave, identification of the defined contribution plan to be made by the Town, impact on the early retirement benefit and the Deferred Retirement Option Plan (DROP), and the options considered by the Town relating to retaining, freezing, or closing the existing defined benefit plan.

Following additional comments by Ms. Mixon, Mayor Brown noted that the intent of the changes was to reduce the burden on the taxpayers and the amendments were required to achieve this goal.

Mr. Steve Schield, Longboat Key Town Employee, commented on the late arrival of the Actuarial Impact Statement on the freezing of the Plan and requested consideration to provide early retirement benefits and DROP benefits as afforded to the firefighters.

Ms. Maureen Monohan, Longboat Key Town Employee, read a prepared statement relating to the freezing of the defined benefit plan and the impact to her financial planning.

7. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

Discussion ensued on the following topics/issues:

- number of employees that may be eligible for DROP and/or early retirement benefits/calculation of cost impact to the Town to retain the benefits
- two and five year extension windows for DROP benefits/number of employees who may qualify/cost of benefits
- extension granted/provided to firefighters through contract negotiations (five year early retirement/DROP benefit provided)
- cost impact for reinstating the DROP for the General Employee group.

Commr. Duncan moved to amend Ordinance 2013-15 to reinstate a five-year DROP period (as provided for the firefighters) and to direct the Town Manager to provide evaluation of costs for an early retirement element. The motion was seconded by Commr. Zunz.

Discussion ensued on the following topics/issues:

- the time frame needed to freeze the plan by September 30, 2013
- costs to freeze versus closing the plan
- inclusion of an early retirement option
- consideration to schedule a Special Meeting in August to review the costs and take final action on Ordinance 2013-15
- inequity/disparity between employee groups
- cost benefits to taxpayers versus benefits promised to employees
- employees expecting to receive a benefit offered
- parameters of an early retirement provision (with reduced benefits to the retiree)
- impact (costs) to the Town's budget if early retirement plan is offered
- private sector industry standards to provide benefits promised to long term employees/option to eliminate DROP and early retirement benefit to new employees
- high-risk classification for firefighters and police officers when benefits are determined/differences offered through contracts to Fire and Police employees.

Following inquiry on clarification of the motion offered by Commr. Duncan, Town Manager Bullock noted his understanding that the window for DROP for General Employees would be enhanced by extending the time period of eligibility to employees who are within five years of retirement and noted the language included in Ordinance 2013-13 relating to the firefighters pension plan freeze.

Subsequent to comments, Commr. Gans moved to divide the question to reinstate the DROP and provide information on early retirement options. The motion failed for lack of a second.

Commr. Younger moved to amend the amendment to move forward with all other aspects of the Ordinance with the exception of the DROP option. The motion failed for lack of a second.

7. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

Following comments on options for consideration and adding/amending documents on the dais, Town Manager Bullock noted the anticipated costs for the DROP program.

Discussion ensued on the following topics/issues:

- reconsideration of early retirement element and financial analysis
- option to reduce the DROP period to three years
- length of service required for general employees to retire versus fire or police employees

Town Manager Bullock requested clarification on the motion.

Commr. Duncan noted his motion was to reinstate the DROP and to continue the public hearing to receive financial information on an early retirement option.

The motion to amend the Ordinance to reinstate the DROP (five-year period) and for the Town Manager to provide the evaluation of costs for reinstating the early retirement option (resulting in a continuation of the public hearing) carried by a 4-2 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, aye; Younger, no; Brenner, no, Brown, aye.

Town Manager Bullock noted the following:

- a revised Ordinance will be prepared to include a five-year DROP program
- a report will be prepared to reflect the impact of an early retirement program continuing after the freeze of the existing defined benefit plan
- a Special Meeting will be scheduled as soon as possible for continuation of the public hearing
- estimated time frame to freeze the plan and enrollment of employees in a defined contribution plan
- intent to schedule a Special Meeting in mid-August
- requirement to provide a revised Impact Statement to the State of Florida relating to the DROP and an early retirement element.

RECESS: 9:00 p.m. - 9:10 p.m.

Following comments, Commr. Gans moved to continue the public hearing to a date to be determined. The motion, seconded by Commr. Duncan, carried by a 5-1 roll call vote, as follows: Gans, aye; Duncan, aye; Zunz, aye; Younger, no; Brenner, aye; Brown, aye.

RESOLUTIONS

8. Resolution 2013-22, Establishing Urban Land Institute (ULI) Advisory Committee

At the June 17, 2013 Regular Workshop Meeting there was Commission consensus to formally continue the ULI Advisory Committee to provide input for staff to develop a Briefing Book for the ULI panel. Resolution 2013-22 formalizes the ULI Advisory Committee pursuant to Town Charter, Article II, Section 20. Recommended Action: Pending discussion, pass Resolution 2013-22.

8. Resolution 2013-22, Establishing Urban Land Institute (ULI) Advisory Committee
Town Clerk Trish Granger placed Resolution 2013-22 on record by title only.

Commr. Duncan moved to pass Resolution 2013-22. The motion was seconded by Commr. Zunz.

Subsequent to comments on the duties and responsibilities to be assigned and a determination on the need to appoint a Subcommittee, the motion carried by a 6-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Brenner, aye; Younger, aye; Gans, aye; Brown, aye.

NEW BUSINESS

9. Appointment of Members to Urban Land Institute (ULI) Advisory Committee

At the June 17, 2013 Regular Workshop Meeting the Town Commission approved the formation of a committee to recommend proposed questions for the upcoming ULI study. The focus group met on June 10 and June 14 to finalize draft questions for Commission consideration at their June 17, 2013 Workshop Meeting and for approval at the June 17, 2013 Special Meeting. The Commission elected to formalize the appointment to provide input on the development of the ULI Briefing Book. Recommended Action: Pending discussion, appoint members to the ULI Advisory Committee.

Subsequent to comments on the option to appoint alternates to serve in the event a Commissioner is not available to participate, Commr. Gans moved to appoint Commrs. Jack Duncan and Pat Zunz, Planning and Zoning Board members Walter Hackett and George Symanski, and residents Tom Freiwald and Larry Grossman. The motion, seconded by Vice Mayor Brenner, carried by a 6-0 roll call vote, as follows: Gans, aye; Brenner, aye; Younger, aye; Zunz, aye; Brown, aye; Duncan, aye.

10. Setting of Maximum Millage

- a. Discussion Regarding Beach Nourishment Funding Options
- b. Setting of Maximum Millage Rate

In accordance with Florida Statutes the Town must establish a proposed maximum millage rate in July so that it can be included in the Notice of Proposed Property Taxes mailed in August by each County. Although it can be reduced in later budget hearings, these millage rates cannot be increased. Recommended Action: Set Maximum Millage Rates and forward ordinances to adopt millage rates and budget based on these tentative rates to September 3, 2013 Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock requested consideration to discuss the beach nourishment funding options prior to consideration of setting the tentative millage for the Fiscal Year (FY) 2013-2014. Subsequent to comments, Town Manager Bullock gave a PowerPoint presentation on the funding options. Discussions were held with Town Manager Bullock, Budget Analyst Sandi Henley, and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- significance of actuarial data/additional costs for modifications made to the General Employees pension ordinance
- length of time for funding

10. Setting of Maximum Millage - Continued

- total anticipated costs
- beach nourishment funding options for Districts A and B
- 80/20 millage rate between Beach Districts A and B
- creation of a "Sinking Fund" account/referendum options
- administration of payment/assessment of beach funding in perpetuity
- borrowing options/time frame to consider a referendum
- ability to postpone determination on beach funding options this date.

There was consensus to pursue a referendum process in lieu of setting a millage rate for beach nourishment funding during Fiscal Year 2013-2014.

Town Manager Bullock noted receipt of the certified property values from the Manatee and Sarasota County Property Appraisers, provided the rolled-back rate, the proposed maximum millage rate, and the required vote on increasing millage rates. Town Manager Bullock noted the maximum millage rate of 1.8872 for operating millage and 0.0560 for general obligation debt service millage, resulting in a Town-wide millage rate of 1.9432 (without a millage assessment for beach debt).

Commr. Younger moved to accept the proposed maximum millage of 1.9432 as stated by the Town Manager. The motion was seconded by Commr. Gans.

Discussion ensued on the following topics/issues:

- inclusion of additional funding (\$1,000,000.00) to offset pension liabilities and costs to update the Comprehensive Plan and Town Code
- anticipated millage increase in future years
- provisions to provide for damage recovery for storm events
- effective date of millage rate (October 1, 2013).

Commr. Younger moved to amend his motion to increase the maximum operating millage rate by 0.25 mills.

Discussion ensued on the following topics/issues:

- the intent to include an additional \$1,000,000.00
- process for setting the maximum millage rate
- scheduled budget public hearings in September 2013
- impact of freezing pension plans and associated costs which are unknown
- proposed maximum operating millage of 2.1372
- authority to lower millage during public hearing process.

Following comments, the motion was seconded by Vice Mayor Brenner.

Subsequent to comments on a required two-thirds vote, Town Manager Bullock noted the maximum millage rate, inclusive of the general obligation debt service would be 2.1932.

10. Setting of Maximum Millage - Continued

Upon inquiry, Ms. Herley noted an estimated increase of \$125.00 per year for a home valued at \$500,000.00.

The motion carried by a 6-0 roll call vote, as follows: Younger, aye; Brenner, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye.

Commr. Duncan requested that a recap of the millage rates and impact be provided to the Commission.

Commr. Younger clarified for representatives of the press the intent to provide for pension liabilities and other unknown costs anticipated during the Fiscal Year (2013-2014).

11. Consideration of Easement Agreement Regarding Seawall Construction and Maintenance on Town's Right-of-Way Adjacent to 6600 Bayou Hammock Road

The Town Commission will consider a Grant of a Non-Exclusive Easement between the Town of Longboat Key and Michael L. Morris and Michelle G. Morris for construction, maintenance, repair, and replacement of a seawall on the Town's right-of-way on the property adjacent to 6600 Bayou Hammock Road. The costs associated with the seawall construction and perpetual maintenance will be at the Grantee's sole cost and expense. This item was discussed at the June 17, 2013, Special Meeting with direction to the Town Attorney to add a termination clause and forward to the July 1, 2013 Regular Meeting for further consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the proposed Easement Agreement between the Town and Michael and Michelle Morris relating to the placement of a seawall within the Town's right-of-way on property adjacent to 6600 Bayou Hammock Road and a subsequent option to accept an acknowledgement from the Morris' on the Town's ownership of the property.

Town Manager Bullock provided an overview on the replacement of the seawall by the Morris' and previous consideration of the issue. Discussion ensued on the following topics/issues:

- request by previous property owner to swap properties with the Town
- time frame of property ownership by new owners/improvements to seawall.

Commr. Younger moved to require Michael and Michele Morris to file (record in public records) an acknowledgment of Town ownership of the property. The motion was seconded by Commr. Zunz. Subsequent to comments on the intent of the acknowledgment, the motion carried by a 6-0 roll call vote, as follows: Younger, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Gans, aye.

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Commr. Duncan noted conversations with the Town Manager of Aquinnah, Massachusetts, relating to a Distributed Antenna System (DAS) installed for

TOWN COMMISSION COMMENTS - Continued

A. Planning, Zoning, and Building - Continued

approximately two years, with a revenue source being provided to the Town. Upon inquiry, Commr. Duncan advised that there are currently two carriers (A.T.&T. and Verizon) utilizing the system, the topography and location of the tower, and options to utilize FiOS (Fiber Optic Service) in lieu of a tower on Longboat Key.

Town Manager Dave Bullock commented on the efforts of staff to obtain and analyze information, with the intent to report back to the Commission in the fall, options relating to telecommunications.

B. Planning, Zoning, and Building

Commr. Duncan noted receipt of correspondence from Attorney Jeffrey Warren, with Bush-Ross Attorney's At Law, regarding the third update on The Colony Beach and Tennis Club Association, Inc. Upon inquiry, Town Attorney Maggie Mooney-Portale advised that the Court has allowed the Colony representatives an opportunity to file an amended plan relating to their reorganization extending the date to consider the plan on September 5, 2013. Individual comments followed. (See item later this meeting.)

C. Planning, Zoning, and Building

Commr. Duncan inquired and Town Manager Dave Bullock commented on the status of the demolition on the Publix site, advised that he has discussed the issues with Mr. Leeds, and noted that the Code Official had made a site visit and issued a list of issues to be addressed.

B. Planning, Zoning, and Building - Continued

Commr. Younger commented on the continuing delays by The Colony Beach and Tennis Club Association, Inc.

Town Manager Dave Bullock advised that he had discussed the lack of response relating to the requested financial information and advised that Mr. McClutchy noted he was not able to send a copy of the Memorandum of Understanding (MOU). Town Attorney Maggie Mooney-Portale advised that she had spoken with Attorney Don Hemke this date noting that Attorney Hemke indicated that a list of references would be provided but that no financial information would be forthcoming.

Individual comments followed.

D. County Agencies

Vice Mayor Brenner inquired and Town Manager Dave Bullock advised that the Long Bar Pointe project information had been forwarded to the Town Commission, reviewed issues raised by Manatee County staff relating to the project, noted the Manatee County Commission had continued the public hearing until August, and requested direction from the Commission on advising Manatee County of the Town's position on the proposal.

Vice Mayor Brenner requested that the Town have representation at the public hearing.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Budget

Town Manager Dave Bullock noted distribution of a document entitled "Total Town Millage Comparisons" pertaining to the maximum millage rate approved this date. (See Item 10 earlier this meeting.)

B. County Agencies

Town Manager Dave Bullock advised that he had received notification that Arthur Andersen Parkway in Sarasota County (on Fruitville Road) had been renamed as Paramount Drive this date.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown commented on the summer recess and adjourned the July 1, 2013, Regular Meeting at 10:50 p.m.

Minutes Approved: 09-03-2013