

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
SEPTEMBER 3, 2013 - 7:00 P.M.**

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

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

Not Present: Commr. Lynn Larson

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. Younger led the Pledge of Allegiance.

Mayor Brown noted the attendance of Manatee County Commr. John Chappie and thanked him for his efforts to have the transit billing to Longboat Key reversed.

Mayor Brown noted that due to a conflict, Commr. Larson would not be in attendance this date.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Recognition of Firefighter/Paramedic Brian Kolesa for Receiving Florida's 16th District Congressional Fire and Rescue/ EMS Award for Above and Beyond the Call of Duty
Fire Chief Paul Dezzi recognized Firefighter/Paramedic Brian Kolesa for his efforts on December 19, 2012, aiding a child involved in a vehicle accident.

Town Manager Dave Bullock noted the efforts of all Town's employees and commended Firefighter/Paramedic Kolesa.

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission

A. Budgets

Ms. Beverly Shapiro, Gulf of Mexico Drive, commented on Commission action relating to the General Employees pension and requested reconsideration of the action taken.

APPROVAL OF MINUTES

3. June 17, 2013 Special Workshop (Budget); June 17, 2013 Regular Workshop; June 17, 2013 Special Meeting; July 1, 2013 Regular Meeting; and August 14, 2013, Special Meeting Minutes.

Mayor Brown noted minor amendments to the June 17, 2013, Regular Workshop and the August 14, 2013, Special Meeting minutes provided by the Town Clerk.

There was consensus to approve the minutes, as amended.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Organizations

Commr. Zunz noted attendance at the Manatee County Tourist Development Council (TDC) meeting in August, 2013, and reviewed the items presented.

B. Organizations

Commr. Duncan noted attendance at the Florida League of Cities conference in August representing the ManaSota League of Cities and reviewed items presented and sessions attended.

C. Organizations

Vice Mayor Brenner noted attendance at the following meetings and reviewed the issues discussed:

- Town's Finance Committee (two meetings)
- Tampa Bay Partnership
- Manatee County Commission Meeting regarding the Long Bar Pointe development
- Sarasota County Economic Development Corporation (EDC) (two meetings).

D. Organizations

Mayor Brown noted attendance at the Florida League of Cities conference in August, 2013, and discussed the sessions attended.

ORDINANCES - FIRST READING

4. Ordinance 2013-16, Amending Chapter 34, Employment Policies (General)

Ordinance 2013-16, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-16 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-16 is housekeeping in nature and does not substantively modify the General Employees' Retirement System or provisions of the Plan. Recommended Action: Pending discussion, forward Ordinance 2013-17 to the September 23, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-16 on record for first reading by title only.

Commr. Zunz moved to pass Ordinance 2013-16 and to forward to the September 23, 2013, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Duncan.

Town Manager Dave Bullock provided an overview of the proposed amendments to remain in compliance with the Internal Revenue Code and Treasury Department regulations.

Mayor Brown opened the public comment portion on the Ordinance. As no one wished to be heard, the public comment portion was closed.

4. Ordinance 2013-16, Amending Chapter 34, Employment Policies (General)

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

5. Ordinance 2013-17, Amending Chapter 34, Employment Policies (Police)

Ordinance 2013-17, amending Chapter 34, Employment Policies provides for consistency with newly adopted Internal Revenue Code (IRC) and Treasury Department regulations. Ordinance 2013-17 must be adopted by September 30, 2013 for the Plan to comply with all required applicable IRC changes and updates. Ordinance 2013-17 is housekeeping in nature and does not substantively modify the Police Officers' Retirement System or provisions of the Plan. Recommended Action: Pending discussion, forward Ordinance 2013-17 to the September 23, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-17 on record for first reading by title only.

Commr. Gans moved to pass Ordinance 2013-17 and to forward to the September 23, 2013, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Town Manager Dave Bullock provided an overview of the proposed amendments to remain in compliance with the Internal Revenue Code and Treasury Department regulations.

Mayor Brown opened the public comment portion on the Ordinance. As no one wished to be heard, the public comment portion was closed.

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

ORDINANCES - FIRST READING AND PUBLIC HEARING

6. Ordinance 2013-22, Adopting Millage Rates for the Town of Longboat Key (Town) for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014 (FY2013-2014)

Fiscal Year 2013-14 operating millage rates for the town of Longboat Key will be established pending discussion at the September 3, 2013 Regular Meeting scheduled for 7:00 PM. Second reading and public hearing on this Ordinance will occur at a Special Meeting scheduled for September 23, 2013 at 5:01 PM.

7. Ordinance 2013-23, Adopting a Budget for the Town of Longboat Key (Town) for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014 (FY2013-2014)

Following discussion on July 1, 2012 the Town Commission and Town Manager have forwarded proposed millages (Ordinance 2013-22) and a proposed budget (Ordinance 2013-23) to be adopted for Fiscal Year 2013-14. In accordance with State law, two separate motions are required. Discussion of the millage rates and the budget must be heard in the following format:

- a. Discussion of rolled-back millage rate
- b. Ordinance 2013-22:
Motion on adoption of millage rate for Town
- c. Ordinance 2013-23:
Motion on Town's Budget

6. Ordinance 2013-22, Adopting Millage Rates for the Town for FY2013-2014 - Continued
7. Ordinance 2013.23, Adopting a Budget for the Town for FY2013-2014 - Continued

Recommended Action: Pending first reading public hearing, and discussion, forward Ordinances 2013-22 and 2013-23 to the September 23, 2013 Special Meeting for second reading and public hearing.

Mayor Brown noted the process for consideration and passage of the millage rate and budget during first reading and public hearings and opened the public hearings on Ordinances 2013-22 (millage rate) and 2013-23 (Town budget).

Town Clerk Trish Granger placed Ordinance 2013-22 on record for first reading and public hearing by title only.

Town Manager Dave Bullock noted that the preliminary and recommended budgets have been modified and he and Finance Director Sue Smith gave a PowerPoint presentation outlining the items impacting the budget items under consideration and noted his recommendation to fund the increase in the pension contribution through a millage increase of .0878 in the current budget year. Discussions were held with Town Manager Bullock and Finance Director Smith on the following topics/issues:

- State actuary's recommendation for a reduced Rate of Return (ROR) on investments to seven percent (7%)/authority of State to require/recommend a reduced ROR
- over-estimation of revenue sources
- lack of funding for fire services on the water (West Coast Inland Navigation District/Manatee County reduced funding)
- Fiscal Year (FY) 2013 projected fund balance reductions/non-spendable and assigned rates
- fund balance history (2005 through 2014).

Finance Director Smith noted the maximum operating millage of 2.1372 produces a 15.5% change from the rolled back rate of 1.8502 for 2013. Town Manager Bullock noted the voting majority required relating to the determination of the millage rate. Discussions were held on the following topics/issues:

- millage options (A through D outlined on page 19 of Staff's report)
- impact of millage options on home values
- pension liability funding/pension obligations that will become due in the future
- impact on fund balance if current millage of 1.8872 is utilized (-\$649,800)
- millage options to be considered/impact on property owners
- comparison with other local governmental entities relating to millage/taxable rates.

Commr. Duncan moved to amend the millage rate in Ordinance 2013-22 to reflect Option "D" for a millage rate of 2.1177. The motion was seconded by Commr. Zunz.

Commr. Younger moved to amend the motion to approve Option "C" to reflect a millage rate of 2.0518 in Ordinance 2013-22. The motion was seconded by Commr. Gans.

6. Ordinance 2013-22, Adopting Millage Rates for the Town for FY2013-2014 - Continued
7. Ordinance 2013.23, Adopting a Budget for the Town for FY2013-2014 - Continued
Commr. Duncan moved a second amendment to the motion to approve Option "E" to reflect a millage rate of 2.1372 millage rate in Ordinance 2013-22. The motion was seconded by Vice Mayor Brenner.

The second amendment to the motion to set the millage rate at 2.1372 mills failed by a 3-3 roll call vote, as follows: Duncan, aye; Brenner, aye; Gans, no; Zunz, aye; Brown, no; Younger, no.

The first amendment to the motion to set the millage rate at 2.0518 failed by a 3-3 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, no; Duncan, no; Brenner, no; Brown, aye.

The main motion to set the millage rate at 2.1177 failed by a 3-3 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, no; Younger, no; Brenner, aye; Brown, no.

Town Manager Bullock advised that other options could be developed. Discussion ensued on the proposed millages and alternatives to be considered.

RECESS: 8:49 p.m. - 9:05 p.m.

Town Manager Bullock noted that a ten percent (10%) increase in millage rate over last year's millage would result in an additional 0.1888, for a total millage of 2.0760 and advised of the total impact on the budget.

Ms. Shannon Gault, Ranger Lane, commented on the impact of pension costs relating to the Rate of Return (ROR).

Commr. Zunz moved to amend the millage rate reflected in Ordinance 2013-22 to reflect a millage of 2.0760 for general operating purposes for FY2013-2014. The motion was seconded by Commr. Duncan.

Discussion ensued on the proposal to maintain a 90-day reserve for emergency services, unknown variables relating to pension costs, unfunded pension liability, the intent of the motion, and the increased assessment for the Options outlined.

The motion carried by a 4-2 roll call vote, as follows: Zunz, aye; Duncan, aye; Brown, aye; Brenner, no; Younger, aye; Gans, no.

Town Manager Bullock noted that the millage that will be reflected at the second reading and public hearing on September 23, 2013, will be set at 2.0760. Following comments by Finance Department Budget Analyst Sandi Henley, Town Manager Bullock noted that an additional motion to pass Ordinance 2013-22, as amended was still required.

Commr. Duncan moved to pass Ordinance 2013-22, as amended, levying an ad valorem tax of 2.0760 mills for general operating purposes and 0.0560 mills for general obligation facility improvement bonds for a total of 2.1320 for FY2013-2014. The motion, seconded by Commr. Zunz, carried by a 5-1 roll call vote, as follows: Duncan, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, no; Brown, aye.

6. Ordinance 2013-22, Adopting Millage Rates for the Town for FY2013-2014 - Continued

7. Ordinance 2013.23, Adopting a Budget for the Town for FY2013-2014 - Continued

Mayor Brown closed the public hearing on Ordinance 2013-22.

Town Clerk Granger placed Ordinance 2013-23 on record for first reading and public hearing by title only.

Mayor Brown opened the public hearing on Ordinance 2013-23. As no one wished to be heard, the public hearing was closed.

Town Manager Bullock noted and Budget Analyst Henley noted a rolled back rate of a 12.2% change from the rolled back rate of 1.8502 for FY2013.

Commr. Gans moved to pass Ordinance 2013-23 adopting a budget for FY2013-2014. The motion, seconded by Commr. Zunz, carried by a 5-1 roll call vote, as follows: Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, no; Younger, aye.

Following comments on the assignment of General Fund balance to the pension reserves, Vice Mayor Brenner moved to assign \$400,000.00 from the General Fund balance to pension reserves. The motion was seconded by Commr. Younger. Following clarification on the process to appropriate funds earmarked for pension reserves, the motion carried by a 6-0 roll call vote, as follows: Brenner, aye; Younger, aye; Gans, aye; Zunz, aye; Duncan, aye; Brown, aye.

RESOLUTIONS

8. Resolution 2013-27, Annual Beach Funding Resolution

The State of Florida Beach Funding Management Program has been a recurring source of funding for the Town's beach erosion/nourishment projects. Each year the Town Commission passes a beach funding resolution in order to remain eligible for State grants. Resolution 2013-27 must accompany applications for beach project funding submitted to the Florida Department of Environmental Protection. Recommended Action: Pending discussion, pass Resolution 2013-27.

Town Clerk Trish Granger placed Resolution 2013-27 on record by title only.

Commr. Zunz moved to pass Resolution 2013-27. The motion was seconded by Commr. Duncan.

Town Manager Dave Bullock noted the annual requirement to pass a beach funding resolution to remain eligible for State grant funds.

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: Zunz, aye; Duncan, aye; Younger, aye; Brenner, aye; Brown, aye; Gans, aye.

9. Resolution 2013-28, Inlet Management Plan Funding Resolution—Joint Project with Manatee County for the Dredging of Longboat Pass

The Town will be submitting an original application for State grants related to the future maintenance dredging of Longboat Pass. A funding resolution must accompany the joint application for the inlet management project funding submitted to the Florida Department of Environmental Protection. Resolution 2013-28 provides for the Town to be jointly eligible along with Manatee County for State funding assistance. Recommended Action: Pending discussion, pass Resolution 2013-28.

Town Clerk Trish Granger placed Resolution 2013-23 on record by title only.

Commr. Zunz moved to pass Resolution 2013-28. The motion was seconded by Commr. Younger.

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: Zunz, aye; Younger, aye; Gans, aye; Brown, aye; Duncan, aye; Brenner, aye.

10. Resolution 2013-29, Inlet Management Plan Study Improvements Funding Resolution

Resolution 2013-29 is a request to the State of Florida to fund improvements the Town may undertake on its own that are strictly related to the Inlet Management Plan Study. The funding under this category has a potential reimbursement of 50-75%. A separate application and funding resolution is required for this funding request. Recommended Action: Pending discussion, pass Resolution 2013-29.

Town Clerk Trish Granger placed Resolution 2013-29 on record by title only.

Commr. Duncan moved to pass Resolution 2013-28. 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 6-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Brenner, aye; Gans, aye; Brown, aye; Younger, aye.

NEW BUSINESS

11. Legislative Priorities

Each year the Town establishes legislative priorities for submittal to the Sarasota County Legislative Delegation, Manatee County Legislative Delegation, and the Manasota League of Cities. The Town Manager will seek Commission direction regarding issues to be brought forward for consideration during this legislative session. Recommended Action: Pending discussion, provide direction to Manager.

Following comments, Commr. Younger moved to approve the Legislative Priorities, separating Items 1 and 2 as highest priority and retaining the balance of the list as additional priorities. The motion, seconded by Commr. Gans, carried by a 6-0 roll call vote, as follows: Younger, aye; Gans, aye; Brown, aye; Brenner, aye; Duncan, aye; Zunz, aye.

11. Legislative Priorities - Continued

Following comments by Mayor Brown on the action taken last year by the Commission, there was consensus to have the correspondence to the Sarasota and Manatee Legislative Delegations prepared for the Mayor's signature and the correspondence to the ManaSota League of Cities prepared for Commr. Duncan's signature.

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Vice Mayor Brenner noted that the parties involved with the Colony property were scheduled to meet in the bankruptcy court in Tampa on Thursday, September 5, 2013, and noted the intent was to submit a plan for reorganization and a global settlement agreement.

B. Planning, Zoning, and Building

Commr. Younger inquired and Town Manager Dave Bullock noted that a demolition date for the remaining structures at the Shoppes of Bay Isles has not been provided.

C. Planning, Zoning, and Building

Mayor Brown noted the existing vacancies on the Zoning Board of Adjustment (ZBA). Discussion ensued on options to reduce the number of Board members or to combine the duties of the ZBA with the Planning and Zoning (P&Z) Board.

Following comments, there was consensus to direct Staff to review and report on options available for Commission consideration.

TOWN ATTORNEY COMMENTS

A. Legislation/Litigation

Town Attorney Maggie Mooney-Portale noted the Commission's authorization to engage a lobbyist and special litigation counsel pertaining to the impact of House Bill 537 and advised that Attorney David Ramba of the firm Ramba Law Group, LLC had been selected to serve as the lobbyist and Attorney Hunter Carroll with the Matthews Eastmoore firm to serve as the litigation counsel.

Town Attorney Mooney-Portale advised that Mr. Ramba had secured bill sponsors in the House (Representative Jim Boyd) and the Senate (Senator Bill Galvano). Upon inquiry, Town Attorney Mooney-Portale discussed the hourly rates and projected costs relating to the resolution of the issues.

Town Manager Dave Bullock commented on the significance of securing the sponsorship of Representative Boyd and Senator Galvano.

TOWN MANAGER COMMENTS

A. Planning, Zoning, and Building

Town Manager Dave Bullock noted his intent to invite the Colony representatives to provide an update at the October 21, 2013, Regular Workshop.

TOWN MANAGER COMMENTS - Continued

B. Government Agencies

Town Manager Dave Bullock distributed a draft agenda for the September 17, 2013, Joint Meeting with the Sarasota Board of County Commissioners and reviewed the items outlined on the draft.

C. Government Agencies

Town Manager Dave Bullock noted that he has received acknowledgments and expressions of appreciation for the Town's participation in the funding of the Homeless Study, reflecting regional support regarding the homeless issue.

D. Town Commission

Town Manager Dave Bullock noted that the Commission's Interactive Electronic Media Policy participation has been utilized on several occasions and noted his intent to schedule a discussion on the Policy at the September 16, 2013, Regular Workshop.

E. Police Department

Upon inquiry, Town Manager Dave Bullock noted that the License Plate Recognition (LPR) cameras are operational and that he was aware of three arrests resulting from the utilization of the technology, and advised that the Police Chief is developing procedures for responses due to the high volume of active "hits." Individual comments followed.

PRESS TO BE HEARD- No items were presented.

ADJOURNMENT

Mayor Brown adjourned the September 3, 2013, Regular Meeting at 9:57 p.m.

Minutes Approved: 10-07-2013