

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
SEPTEMBER 16, 2013 - 1:00 P.M.**

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

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

Commr. Gans requested a moment of reflection in reference to the shootings in Washington D.C., earlier this date.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission - No items were presented.
At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

COMMITTEE REPORTS AND COMMUNICATIONS

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

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

4. Other Reports

A. Organizations

Vice Mayor Brenner noted attendance at the annual Sarasota Economic Development Corporation (EDC) meeting, with Commr. Gans, and reviewed items discussed.

CONSENT AGENDA

5. Proposed Ordinance 2013-29, Temporary Extension of Collection Franchise Agreement with Waste Management

The Town's current franchise agreement with Waste Management expires on December 13, 2013. The Town intends to put solid waste and recycling franchise collection agreement through a competitive procurement process in September. In order to ensure adequate time to bid, go through the selection process, and negotiate a contract, staff recommends a short extension to the current agreement of no longer than 6 months. Recommended Action: Approval of the Consent Agenda will forward the Ordinance 2013-29 to the September 23, 2013 Special Meeting for first reading.

CONSENT AGENDA - Continued

6. Fiscal Year 2013-2014 Holiday Schedule

Each year the Town Commission approves a list of scheduled holidays in accordance with the Town's Personnel Rules and Regulations and Resolution 99-19. Resolution 99-19 provides that the Town Commission may approve one additional holiday, usually the day before or after Christmas. This year Christmas falls on Wednesday, and as such Town offices will be closed on Wednesday, December 25th. The Manager recommends the additional holiday as Tuesday, December 24th. Recommended Action: Approval of the Consent Agenda will forward the Fiscal Year 2013-14 Holiday Schedule to the October 7, 2013, Regular Meeting Consent Agenda for formal action.

7. Floodplain Management Plan - 2013 Annual Report & Community Rating System (CRS) Update

The Town participates in a Community Rating System (CRS) that provides flood insurance discounts to the Town's residents. One of the requirements to participate in the CRS is to maintain a floodplain management plan and provide an annual report. Recommended Action: Approval of the Consent Agenda will confirm delivery of the required Annual Report and CRS Update.

There was consensus to approve the Consent Agenda items in accordance with Staff's reports and recommendations.

Commr. Younger noted the Town's website had the incorrect date reflected for the Thanksgiving holiday.

Vice Mayor Brenner commented on the discount on flood insurance rates earned by Staff's efforts and participation in the Community Rating System.

DISCUSSION ITEMS FOR CONSIDERATION OF THE TOWN COMMISSION

8. Proposed Ordinance 2013-27, Amending the 2012-2013 Budget Transfer from Road and Bridge Fund to General Fund for Streets Maintenance Costs of \$762,000

The FY 2012-2013 Adopted Budget allocated a year end budget transfer to Streets Department Operating Fund from the Road and Bridge Fund of \$679,000. During the 2013-2014 budget process an additional amount of \$83,000 was identified. This amount is comprised of staff salaries of \$125,000 and removing a budgeted trolley subsidy of \$42,000 that is no longer required. Proposed Ordinance 2013-27 amends the 2012-2013 Adopted Budget by transferring \$762,000 from the Road and Bridge Fund to Streets Department. Recommended Action: Pending discussion, forward Ordinance 2013-27 to the October 7, 2013 Regular Meeting for first reading.

Town Manager Dave Bullock noted the budget transfer provides for the funding to be aligned to the Department where the work was performed.

There was consensus to forward Ordinance 2013-27 to the October 7, 2013, Regular Meeting for first reading.

9. Proposed Ordinance 2013-28, Budget Transfer in the Amount of \$337,814 from the Road and Bridge Fund to Reimburse the Beach Fund for Construction of the North Shore Road Seawall

Due to extreme erosion at the North end of Longboat Key the Town constructed a seawall to protect North Shore Road from additional erosion and exposure to storm vulnerability.

9. Proposed Ordinance 2013-28, Budget Transfer in the Amount of \$337,814 from the Road and Bridge Fund to Reimburse the Beach Fund for Construction of the North Shore Road Seawall - Continued

This expense was not anticipated nor budgeted for FY 2012-13. The Road and Bridge Fund is an appropriate funding source for this project. Ordinance 2013-28 provides for a budget transfer to reimburse the Beach Fund for this project. Recommended Action: Pending discussion, forward Ordinance 2013-28 to the October 7, 2013 Regular Meeting for first reading.

Town Manager Dave Bullock noted the budget transfer provides for the funding to be aligned to the Department where the work was performed.

There was consensus to forward Ordinance 2013-28 to the October 7, 2013, Regular Meeting for first reading.

10. Proposed Ordinance 2013-30, Amending the FY 2012-2013 Budget to Provide Funds for an Assistant Town Manager and for Paid Accrued Vacation and Medical for Employees that Retired or Entered Deferred Retirement Option Program (DROP)

The Town Commission held first reading and public hearing for adoption of the Fiscal Year (FY) 2013-2014 Recommended Budget at the September 3, 2013 Regular Meeting. During discussion the Town Manager advised that a budget amendment for the FY 2012-13 Adopted Budget would be required to provide funds for the Assistant Town Manager position and for paid accrued vacation and medical costs associated with employees that retired or entered the DROP. Recommended Action: Pending discussion, forward Ordinance 2013-30 to the October 7, 2013 Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock noted the budget transfer provides for the funding to be aligned to the Department where the work was performed for salaries.

Upon inquiry, Town Manager Bullock confirmed that the total included all payouts for entry into the DROP plan and Finance Department Budget Analyst Sandi Henley advised that employees continue to accrue vacation and sick leave noting that sick leave balances are not paid-out when the employee leaves.

There was consensus to forward Ordinance 2013-30 to the October 7, 2013, Regular Meeting for first reading.

11. Proposed Resolution 2013-31, Reallocating Phase III Infrastructure Surtax (IST) Project Amounts for the Purchase of Police Vehicles and Radio Equipment

Sarasota County Phase III Infrastructure Surtax referendum provides authority for each governing body to reallocate funds for eligible projects by holding a public hearing to modify the infrastructure project list. The purchase of public safety equipment is an eligible use of infrastructure surtax funds. Resolution 2013-31 provides reallocation of funds to purchase police vehicles and radio equipment. Recommended Action: Pending discussion, forward Resolution 2013-31 to the October 7, 2013 Regular Meeting for public hearing and formal action.

11. Proposed Resolution 2013-31, Reallocating Phase III Infrastructure Surtax (IST) Project Amounts for the Purchase of Police Vehicles and Radio Equipment - Continued

Town Manager Dave Bullock commented on the reallocation of the IST project amounts. Discussions were held with Town Manager Bullock, Finance Department Budget Analyst, Acting Police Chief Frank Rubino on the following topics/issues:

- number of vehicles funded
- equipment included in the funding
- discontinuance of the Crown Victoria by Ford Motor Company requiring full equipment replacement in new vehicles
 - Commr. Younger requested an itemized listing of the cost of the vehicles and equipment, without objection.**
- mileage and maintenance variables and current inventory in the determination to replace existing vehicles
 - Commr. Zunz requested that a "miles and hours" table be provided relating to the replacement of vehicles, without objection.**
- determination on transfer of funds from Beach Nourishment and Canal Dredging accounts
- inclusion of sales proceeds in the cost allocations from the vehicles being replaced
- option to require canal front owners to pay for a portion of the canal dredging
- role of the Citizens' Tax Oversight Committee to review process of the reallocations but no authority to make recommendations on priority of projects or reallocation of funds
- impact on existing projects if funds are moved to cover public safety vehicles
- budget implications on the reallocation of the funds
- current funding sources for canal dredging and beach nourishment
 - Commr. Duncan requested a budget report on the impact of reallocating funding, without objection.**
- previous amendments to the IST program allocations due to lower anticipated receipts
- decision to change the color of the police vehicles
- the end of the IST program funding in 2024/decrease in the amounts being received
- option to reallocate funds from the Canal Dredging account
 - Commr. Younger requested consideration to revisit the Canal Dredging program with direction to Staff to investigate alternative funding methods, to research how other communities handle the issue, and to schedule on a future Workshop agenda for discussion, without objection.**
- current funding method for beach nourishment with an 80/20 cost allocation between Gulf-front (Beach District A) and Bay-front (Beach District B) homes

There was majority consensus to forward Resolution 2013-31 to the October 7, 2013, Regular Meeting for public hearing and formal action.

12. Interlocal Agreement (ILA) Between Sarasota County and Town for National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Monitoring

The NPDES Monitoring Interlocal Agreement with Sarasota County incorporates reimbursement rates to the County for costs incurred for water quality monitoring of stormwater runoff under this permitted program. The new agreement also includes

12. ILA Between Sarasota County and Town for NPDES Municipal Separate Storm Sewer System (MS4) Permit Monitoring - Continued

language changes to reflect new FDEP monitoring requirements, new time period, and increased costs. Recommended Action: Pending discussion, forward the Interlocal Agreement to the October 7, 2013 Regular Meeting for formal action.

Town Manager Dave Bullock noted that the NPDES is a Federal regulation that the Town must comply with and provided a historical review of the cooperation between the Town, Sarasota County, and the City of Sarasota in the joint participation of the entities. Discussions were held on the following topics/issues:

- impact of the Clean Water Act and standards requirements
- preliminary list of legislative priorities from the Florida League of Cities
- Town's compliance with Federal standards/improvements recognized through the Town's efforts and regulations.

There was consensus to forward to the Interlocal Agreement to the October 7, 2013, Regular Meeting for formal action.

13. Discussion Regarding Resolution 2013-14, Commission Policy Regarding Electronic Meeting Attendance and Participation

At the September 3, 2013 Regular Meeting the Town Manager recommended Commission workshop discussion of the adopted policy for electronic meeting attendance and participation. This item is placed on the September 16, 2013 Regular Workshop for consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted utilization of interactive electronic media for participation by Commissioners and the exclusions outlined in the Policy and requested Commission direction on clarifying or modifying the Policy. Discussions were held with Town Manager Bullock and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- workshop discussion versus formal action at regular meetings
- technical advances providing advantages for remote participation
- Attorney General Opinions on participation in voting versus non-voting meetings
- defining the "extraordinary circumstances" that the Commission would need to consider in granting participation in a voting meeting
- Charter requirements requiring attendance and the process for excusing absences
- technical difficulties in viewing the live streaming at the last Regular Meeting held on September 3, 2013
- physical presence versus remote participation
- improvements to technology required for the Chamber
- option to request Attorney General's opinion on events identified to be "extraordinary circumstances" by the Commission
- lack of prohibition on listening to meetings that include formal action
- exemptions provided for State agencies.

Town Manager Bullock noted Commission direction to amend the Policy as follows:

13. Discussion Regarding Resolution 2013-14, Commission Policy Regarding Electronic Meeting Attendance and Participation

- to allow listening and participating for all Workshop meetings
- to allow listening at Regular (voting) meetings with no participation (no comments, no discussion, no opportunity to vote) if the on-line streaming video is malfunctioning
- to prohibit listening and participation in Executive Sessions
- to prohibit listening and participation in Attorney-Client Sessions.

There was consensus to clarify the current policies, as noted by the Town Manager.

TOWN COMMISSION COMMENTS

A. Town Commission

Commr. Younger suggested consideration to explore modifications to the Commission Chambers to provide for fixed camera stations.

B. Town Commission

Commr. Duncan requested that all future agendas include language indicating whether (or not) the meeting would be available via live-streaming video on the Town's website, without objection.

C. Planning, Zoning, and Building

Vice Mayor Brenner commented on the Urban Land Institute process, commended the subcommittee for their work to date, and noted that all interested citizens should submit their name for the interview panel if they are interested.

Mayor Brown indicated that a recent newspaper article had not correctly reflected the involvement of the subcommittee.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney Maggie Mooney-Portale advised that she and Town Manager Dave Bullock had participated in a mediation relating to the litigation with Advance Properties, Ltd., and advised that the case would be scheduled on a trial docket in 2014.

TOWN MANAGER COMMENTS

A. Government Agencies

Town Manager Dave Bullock noted the Joint Meeting scheduled with the Sarasota Board of County Commissioners at 1:30 p.m., to be held on September 17, 2013 at the Sarasota County Administration Center located at 1660 Ringling Boulevard, Sarasota, Florida.

B. Elections

Town Manager Dave Bullock advised that the Sarasota County School Board has scheduled an election for March 2014 and Town Clerk Trish Granger noted that Sarasota County Supervisor of Elections had requested consideration for the Town to amend the March 2014 General Election date to coincide with the proposed School Board election.

TOWN MANAGER COMMENTS - Continued

B. Elections - Continued

Discussions were held on the following topics/issues:

- inability to offer early voting on Longboat Key if coordinated with the County-wide election
- requirement for the Sarasota Board of County Commissioners to adopt an Ordinance setting the date for a special election
- lower percentage of early voting turn-out
- option to request that Town Hall be designated as an early voting site
- anticipated additional costs to hire additional poll workers not employed by the Sarasota County Supervisor of Elections office.

Upon inquiry, Town Manager Bullock advised that he would notify Sarasota County Administrator Randall Reid of the issues raised.

C. Public Works

Town Manager Dave Bullock advised that he would be attending the Florida Shore and Beach Preservation Association's conference and noted that he and Public Works Director Juan Florensa have scheduled meetings during the conference period relating to the beach nourishment issues.

D. Planning, Zoning, and Building

Town Manager Dave Bullock advised that he had met with representatives from AT&T and noted their intent to attempt to improve service coverage on the North end of Longboat Key.

E. Federal Agencies

Town Manager Dave Bullock advised that Ms. Diana McGee, Senator Bill Nelson's Regional Director, will be holding constituent hours on September 18, 2013, from 2:00 p.m. to 4:00 p.m. and noted his intent to discuss the Town's beach program with Ms. McGee.

F. Public Works

Town Manager Dave Bullock noted he had received a Canal Dredging report and following review, he will provide to the Town Commission.

PRESS TO BE HEARD- No items were presented.

ADJOURNMENT

Mayor Brown adjourned the September 16, 2013, Regular Workshop Meeting at 2:45 p.m.

Minutes Approved: 10-07-2013