

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP MEETING
OCTOBER 21, 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: 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 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Vice Mayor Brenner led the Pledge of Allegiance.

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

A. Organizations

Commr. Zunz noted attendance with Vice Mayor Brenner at the Manatee County Tourist Development Council meeting earlier this date and reviewed the items discussed.

B. Governmental Agencies

Vice Mayor Brenner noted a meeting with Manatee County School Superintendent Rick Mills and reviewed the issues discussed and advised that Commr. Zunz would be attending the Manatee County School Board meetings in the future.

3. Sarasota County Special Liaison Report

A. Legislation

Commr. Duncan commented on the ManSota League of Cities (MSLC), noted the issues relating to the Communications Services Tax and the Business Tax Receipt program, and advised of the intent of the MSLC to lobby for the retention of the tax programs.

B. Organizations

Vice Mayor Brenner noted attendance and reviewed the items discussed at the Sarasota County Economic Development Corporation meeting.

C. Boards/Committees

Vice Mayor Brenner noted a meeting of the Finance Subcommittee and reviewed the issues discussed.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

4. Other Reports

A. Planning, Zoning, and Building

Mayor Brown noted that the Town had engaged the Urban Land Institute (ULI) for a planning study throughout the Town, reviewed the activities undertaken to date, and noted that a Community-wide Public Reception was scheduled for 5:15 p.m. this date and encouraged attendance and participation by Town residents.

5. Employee Service Award

Vice Mayor Brenner read and presented a 15-year Service Award to Public Works Project Manager James Linkogle.

Public Works Director Juan Florensa commented on and thanked Mr. Linkogle for his service to the Town noting that Mr. Linkogle exceeds expectations in fulfilling his job assignments.

Mr. Linkogle thanked the Commission, Town Staff, and his family for their continued support during his career with the Town.

CONSENT ITEMS

6. Confirmation of Continued Support of Longboat Key Kiwanis Club Gourmet Lawn Party

At the November 5, 2012, Regular Meeting the Town Commission reaffirmed the Town's support of this annual charitable fund raising event. The Town has traditionally assisted the organizers by providing limited staffing of Public Works employees for the set-up and delivery of tents and small generators. This item is placed on the Consent Agenda for the Commission to consider continuation of their support. Recommended Action: Approval of the Consent Agenda will forward this item to the November 4, 2013, Regular Meeting for formal action.

7. Proposed Resolution 2013-34, Relating to the Marketing and Sale of Candy Flavored Tobacco Products by Businesses on Longboat Key

At the October 7, 2013, Regular Meeting Students Working Against Tobacco presented a video depicting tobacco companies' marketing efforts to promote candy flavored tobacco product use in youth markets. The Town Commission directed staff to develop a resolution expressing support for a ban of candy flavored tobacco products. Recommended Action: Approval of the Consent Agenda will forward Resolution 2013-34 to the November 4, 2013, Regular Meeting for formal action.

Vice Mayor Brenner commented on Resolution 2013-34 and requested that the Chamber be provided with a copy for distribution to their members, without objection.

DISCUSSION ITEMS

8. Colony Update on Compliance with Resolution 2012-07

On September 13, 2013, the Town Manager invited the Colony Association to provide a brief status report at the October 21, 2013, Regular Workshop Meeting. The presentation will give the various Colony interests an opportunity to explain progress toward compliance with Resolution 2012-07. Recommended Action: Pending discussion, provide direction to Manager.

8. Colony Update on Compliance with Resolution 2012-07 - Continued

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on the Colony and previous Commission action.

Attorney Jeffrey Warren, representing the Colony Association, provided an overview on the status of on-going litigation between the Colony property owners relating to bankruptcy procedures, the proposed Settlement Agreement, termination of the agreement with JHM for development of the property, and the intent to continue to reach agreement on outstanding issues and resolution of the litigation proceedings. Discussions were held with Attorney Warren and Town Manager Bullock on the following topics/issues:

- required vote of unit Owner's for any future settlements
- communication between the parties, inclusive of "Colony Lenders"
- impact of the foreclosure action on the property
- outparcels (A through D) ownership (swimming pool, tennis courts {middle and front of property} and maintenance building at front of property)
- issues associated with claims relating to the property
- anticipated foreclosure date in December and bankruptcy decision in November
- efforts to work with representatives of Mr. Andy Adams, unit owner
- time constraints in resolving outstanding issues
- lack of vote by unit owners/subject or vote, if one is taken (Settlement Agreement)
- anticipated request for an extension of time relating to the resolution of issues pertaining to the property/time frame for consideration
- efforts to work with Colony Lenders on resolution of issues
- impact of Commission actions on negotiation process
- correspondence received (and submitted) from the Colony Lenders' legal representatives
- role of Town Commission in the action/status of the Colony property.

Mr. Gene Jaleski, Cedar Street, commented on the lack of progress relating to the resolution of Colony issues.

Upon inquiry, Town Attorney David Persson commented on the Court's authority relating to the disposition of assets, the progress achieved to date, and consideration of the entire parcel versus separation of outparcels.

Discussions were held with Attorney Warren on the following topics/issues:

- the parties involved in the litigation
- the jurisdiction of the bankruptcy court
- parties responsible for payment of a settlement.

Town Manager Bullock noted no further report and advised that if a request for an extension was received, it would be presented to the Commission on a future agenda.

RECESS: 2:22 p.m. - 2:30 p.m.

9. Proposed Interlocal Agreement with University of Florida for Planning Services

At the October 7, 2013, Regular Meeting the Town Manager advised he would forward an interlocal agreement to the October 21, 2013, Regular Workshop Meeting for Commission consideration. The agreement would provide for the Town to utilize University of Florida planning expertise on an as needed basis. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the proposed Interlocal Agreement between the Town and the University of Florida. Discussions were held on the following topics/issues:

- anticipated costs dependent on the assignment/Scope of Work developed
- individual assigned to oversee the assignments
- historical staffing levels
- goals and objectives in the Vision Plan relating to planning efforts
- intent to supplement staffing and achieve higher level of planning services
- previous level of services provided to other private entities and/or governmental agencies
- option to request specific individuals to perform the services under the agreement
- collaboration with Spikowski and Associates
- flexibility afforded by the proposed Interlocal Agreement.

There was consensus to forward the Interlocal Agreement to the November 4, 2013, Regular Meeting for formal action.

10. Request for Termination of Permanent Beach Restoration Easements

On September 6, 2013, the Town Manager received a request for termination of a permanent beach easement granted to the Longboat Key Beach Erosion Control District A. The corresponding easement issued to the Town was terminated on April 26, 2002. The title insurance underwriter who is processing documents associated with the pending sale of the property requires termination of the second permanent beach easement held by the Town. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock provided a historical overview of previous Town practice to obtain permanent easements for the beach nourishment projects.

There was consensus to forward the request for termination of the Permanent Beach Restoration Easement to the October 21, 2013, Special Meeting for formal action.

11. Proposed Ordinance 2013-31, Amending Chapter 74, Parking Schedules

At the May 3, 2010, Regular Meeting the Town Commission formally adopted a no-parking zone at the ingress/egress of Town Hall. Due to increased parking on the North and South sides of Bay Isles Road during early voting and election season and associated pedestrian hazards, additional parking restrictions are recommended. Proposed Ordinance 2013-31 provides for extension of the no-parking zones during the month of March. Recommended Action: Pending discussion, provide direction to Manager.

11. Proposed Ordinance 2013-31, Amending Chapter 74, Parking Schedules - Continued
Town Manager Dave Bullock noted the map displayed reflected the proposed parking restrictions during the month of March advising that there was a portion of street parking between Town Hall and the Planning, Zoning, and Building (PZB) Department buildings and advised of the issues encountered during the last election cycle with pedestrian and vehicular traffic safety concerns. Discussions were held with Town Manager Bullock and Town Clerk Trish Granger on the following topics/issues:

- proposed location for vehicles to park
- option to prohibit the parking area between the Town Hall and PZB buildings
- proposed location for voter parking
- option to request that Staff, poll workers, and Commissioners park in other locations in lieu of the Town Hall/PZB parking lot
- option to provide parking on the north side of Bay Isles Road in the vicinity of Bank of America
- safety concerns encountered with parking on both sides of Bay Isles Road during the early voting and election day schedule
- option to request permission from Publix to offer election parking in their lot/Town employee and poll worker parking options
- Florida Statute restrictions on sign placement/Town Code prohibitions on signs in right-of-way and/or on Town owned property
- increased voter participation with the utilization of the "Vote Today" signs
- option to offer valet parking for voters.

Town Manager Bullock requested clarification on Commission direction and discussion ensued on the following topics/issues:

- time limits versus prohibited parking
- option to utilize Publix property for Staff and poll workers during the election period
- utilization of Police Department for traffic/pedestrian issues during the last election cycle
- available Staff parking in the vicinity of the pumping station on Gulf of Mexico Drive
- posting of roadway if parking prohibitions enacted
- identifying Town Hall/PZB lots for voter parking by placing directional signs
- restricting the Town Hall/PZB lots to prohibit the use by candidates for election signs.

Mayor Brown requested consideration for Commission consensus on restricting parking during the election cycle on both sides of Bay Isles Road and to direct Staff to review options to provide parking around the Town Hall complex (Publix lot and/or lot next to Bank of America).

Mr. Gene Jaleski, Cedar Street, commented on the proposed parking restrictions.

Following comments, there was consensus to amend the proposed Ordinance to include the area between Town Hall and the PZB building as a prohibited parking area, to initiate discussion with Publix and other businesses to provide parking for Staff and/or candidates, and to mark ingress/egress to Town Hall/PZB complex identifying availability of voter parking.

12. Proposed Ordinance 2013-33, Amending the Fiscal Year (FY) 2012-2013 Budget to Provide for Year End Reconciliation

The Town Charter states that if during the fiscal year the Town Manager certifies there are available for appropriation revenues in excess of those estimated in the budget, the Town Commission, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Proposed Ordinance 2013-33, provides for a budget amendment to appropriate revenues in excess of those estimated in the FY 2012-2013 Budget. Recommended Action: Pending discussion, forward Ordinance 2013-33 to the November 4, 2013, Regular Meeting for first reading and public hearing.

Town Manager Dave Bullock provided an overview of the budget amendment to appropriate revenues and upon inquiry, reviewed the allocations for the transactions at the Tennis Center.

Following comments, there was consensus to forward Ordinance 2013-33 to the November 4, 2013, Regular Meeting for first reading and public hearing.

13. Proposed Resolution 2013-32, Budget Transfers for FY 2012-2013 Year End Reconciliation

The Town Charter requires that sufficient balances 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. Proposed Resolution 2013-32, 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 at the October 21, 2013, Regular Workshop Meeting. Recommended Action: Pending discussion, forward Resolution 2013-32 to the November 4, 2013, Regular Meeting for formal action.

Town Manager Dave Bullock provided an overview of the budget transfers outlined in Resolution 2013-32.

There was consensus to forward Resolution 2013-32 to the November 4, 2013, Regular Meeting for formal action.

14. Proposed Resolution 2013-35, Establishing a Fund Balance Policy

At their July 10, 2013, Regular Meeting, the Town's Investment Advisory/Finance Subcommittee held discussion regarding development and adoption of a Fund Balance Policy. Resolution 2013-35, providing for establishment of a Fund Balance Policy, is placed on the October 21, 2013, Regular Workshop Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith gave a PowerPoint presentation outlining the establishment of a Fund Balance Policy (FBP) and the requirements of Governmental Accounting Standards Board (GASB) Statement 54. Town Manager Bullock noted the impact to the budget process and Finance Director Smith completed her presentation. Discussions were held on the following topics/issues:

- projected ending Fund Balance for Fiscal Year 2012-2013
- consideration of establishing a FBP by the Finance Subcommittee

14. Proposed Resolution 2013-35, Establishing a Fund Balance Policy - Continued

There was consensus to forward Resolution 2013-35 to the November 4, 2013, Regular Meeting for formal action.

15. Proposed Resolution 2013-36, Budget Transfer in the Amount of \$25,000 from Commission Contingency for Planning Services Related to Urban Land Institute (ULI) Follow-up

The Town has engaged ULI to provide consulting services for the Town's Planning & Zoning Department. In order to providing funding for implementation of the findings and recommendations, the Town Commission will consider a budget transfer in the amount of \$25,000.00 at their October 21, 2013, Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, there was consensus to forward Resolution 2013-36 to the November 4, 2013, Regular Meeting for formal action.

16. Discussion Regarding 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, which provides for one additional holiday before or after Christmas. At the October 7, 2013, Regular Meeting the Town Commission requested staff to evaluate an option for designated "floating" holidays to provide employees more latitude for holiday observances. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the option to provide "floating" holidays in lieu of a designated holiday schedule. Discussions were held with Town Manager Bullock, Assistant Town Manager Anne Ross, and Human Resources Manager Lisa Silvertooth on the following topics/issues:

- utilization of personal days from sick leave accrual hours
- ability to use personal days for non-designated holidays
- ability to earn points towards a paid day off for participation in the Wellness Program
- total number of days employees are eligible to earn during the course of a year in addition to established holidays (two Wellness days)
- benefits of Wellness program resulting in reduced health insurance claims
- number of employees participating in the Wellness Program/days off earned by participants
- days designated/accrual opportunities offered by surrounding governmental entities
- designation of Veteran's Day in lieu of a birthday holiday
- half-day designated for Good Friday
- required negotiations with the two Union organizations to modify holidays designated in the Personnel Rules and Regulations
- option to add Veterans Day and reduce the number of personal days provided
- comparison of private sector vacation/holiday accruals with governmental accruals.

There was majority consensus to delete the birthday holiday and add Veterans Day to the holiday schedule beginning in Fiscal Year 2014-2015.

16. Discussion Regarding Fiscal Year 2013-2014 Holiday Schedule - Continued

Town Manager Bullock advised of the implementation process to negotiate the modifications with the Firefighters and Police unions, followed by Town-wide implementation beginning with Fiscal Year 2014 and thereafter.

17. Proposed 2014 Town Commission Meeting Schedule

Each year the Town Commission establishes their annual meeting schedule for the upcoming calendar year. The proposed 2014 Town Commission Meeting Schedule is being forwarded for consideration at the October 21, 2013, Regular Workshop Meeting. Recommended Action: pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, discussion ensued on the option to modify the meeting dates to accommodate holiday travel schedules for Commissioners and Staff. Discussion ensued with Town Manager Bullock on the following topics/issues:

- Staff impact when Commission meeting is scheduled the day following a designated holiday
- option to hold Workshop meetings on days other than a Monday
- the impact on scheduling Workshop meetings if a Regular meeting is rescheduled due to a holiday
- consideration of Budget adoption schedule in September of each year/possible need for Special Meetings for Budget adoption.

There was majority consensus to further review the proposed meeting schedule to consider modifying the date of the September Regular meeting and to discuss other meeting conflicts that may be identified by Staff.

1. Opportunity for Public to Address Town Commission - Continued

A. Planning, Zoning, and Building

Mr. George Spoll, Harbourside Drive, noted that a meeting had been scheduled on the Colony property later this week that was not identified during the Colony discussion.

Town Attorney David Persson advised that previously two Court meetings/hearings were scheduled relating to the Colony property, noted that one had been canceled, and confirmed he would provide the Commission with the information on the remaining meeting/hearing.

TOWN COMMISSION COMMENTS

A. Town Manager

Vice Mayor Brenner noted that Town Manager Dave Bullock was the guest speaker at the Federation of Longboat Key Condominiums meeting over the past weekend and commended his presentation.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. Governmental Initiative

Town Manager Dave Bullock noted a meeting with Dr. Robert Marbut regarding the Homeless Study Initiative and advised that he will provide a written report on the meeting.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the October 21, 2013, Regular Workshop Meeting at 3:55 p.m.

Minutes Approved: 11-04-2013