

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
NOVEMBER 4, 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

Present: Town Clerk 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. Larson 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. October 7, 2013, Regular Meeting; October 20, 2013, ULI Dinner; October 21, 2013, Regular Workshop Meeting; October 21, 2013, Special Meeting; October 21, 2013, ULI Public Reception; and October 25, 2013 Special Meeting Minutes

Mayor Brown noted the Town Clerk had submitted two minor amendments to the Minutes which were incorporated for approval.

There was consensus to approve the Minutes, as amended.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Governmental Agencies

Commr. Zunz noted attendance at the Manatee County School Board meeting on October 28, 2013, and reviewed the issues discussed.

B. Governmental Agencies

Vice Mayor Brenner noted the Sarasota County School Board Convocation on January 17, 2014, and requested that Staff review issues for placement on the Convocation meeting agenda.

C. Organizations

Vice Mayor Brenner noted attendance at the Bradenton Area Economic Development Corporation, suggested that individuals review their newly revised website, and reviewed items discussed.

CONSENT AGENDA

3. 2013 Longboat Key Gourmet Lawn Party

At the October 21, 2013, Regular Workshop Meeting there was Commission consensus to continue the Town's support of this charitable fund raising event. This year the event will take place on Saturday, November 16, 2013, at the Longboat Key Club and Resort Islandside Driving Range. This item is placed on the November 4, 2013, Regular Meeting Consent Agenda to confirm Town Commission approval for continued support for this

CONSENT AGENDA - Continued

3. 2013 Longboat Key Gourmet Lawn Party - Continued

annual event. Recommended Action: Approval of the Consent Agenda re-confirms Commission support for the Kiwanis Gourmet Lawn Party charitable event.

4. 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. This item was considered at the October 7, 2013, Regular Meeting with additional discussion held at the October 21, 2013, Regular Workshop Meeting. Recommended Action: Approval of the Consent Agenda will confirm 2013-2014 Holiday Schedule.

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

ORDINANCES - FIRST READING

5. 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 were recommended. Ordinance 2013-31 provides for extension of the no-parking zones during the month of March. This item was forwarded from the October 21, 2013, Regular Workshop Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-31 to the December 2, 2013, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-31 on record for first reading by title only.

Commr. Duncan moved to pass Ordinance 2013-31 and to forward to the December 2, 2013, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Town Manager Dave Bullock noted that the Ordinance was revised to reflect the restricted parking during early voting dates and on the election date only, advised that Staff had met with Sun Trust Bank and Longboat Management Corporation representatives who indicated they could work with the Town in scheduling meetings accordingly, and confirmed that both Publix and Bank of America managers had granted permission to utilize their parking lots for Staff and poll workers.

Town Clerk Granger displayed a map depicting the proposed no parking zones.

Commr. Younger submitted a revised map requesting consideration to reduce the extent of the no parking zones. Discussion ensued.

Subsequent to discussion, Commr. Younger moved to amend Ordinance 2013-31 to reduce the area depicted as the no parking zones as reflected on the revised map submitted. The motion was seconded by Commr. Gans.

5. Ordinance 2013-31, Amending Chapter 74, Parking Schedules - Continued

Following additional discussion on restricting candidate parking and safety concerns, the motion carried by a 5-2 roll call vote, as follows: Younger, aye; Gans, aye; Zunz, aye; Larson, aye; Brenner, no; Duncan, no; Brown, aye.

The motion to pass Ordinance 2013-31, as amended, carried by a 4-3 roll call vote, as follows: Duncan, no; Zunz, no; Gans, aye; Younger, aye; Larson, aye; Brenner, no; Brown, aye.

ORDINANCES - FIRST READING AND PUBLIC HEARING

6. Ordinance 2013-33, Amending the 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. Ordinance 2013-33, provides for a budget amendment to appropriate revenues in excess of those estimated in the FY 2012-2013 Budget. This item was forwarded from the October 21, 2013, Regular Workshop Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 3013-33 to the December 2, 2013, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-33 on record for first reading and public hearing by title only.

Vice Mayor Brenner moved to pass Ordinance 2013-33 and to forward to the December 2, 2013, Regular Meeting for second reading and public hearing. 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.

Following comments by Town Manager Dave Bullock, Fire Chief Paul Dezzi noted the items stolen from the Fire Department's boat.

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

7. Ordinance 2013-27, Amending the FY 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. Ordinance 2013-27 amends the 2012-2013 Adopted Budget by transferring \$762,000 from the Road and Bridge Fund to Streets Department. This item was forwarded from the October 21, 2013, Special Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-27.

7. Ordinance 2013-27, Amending the FY 2012-2013 - Continued

Town Clerk Trish Granger placed Ordinance 2013-27 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2013-27 on second reading and public hearing. The motion was seconded by Commr. Duncan.

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

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

8. 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. This expense was not anticipated nor budgeted for in FY 2012-2013. 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. This item was forwarded from the October 21, 2013, Special Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-28.

Town Clerk Trish Granger placed Ordinance 2013-28 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2013-28 on second reading and public hearing. The motion was seconded by Vice Mayor Brenner.

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

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

RESOLUTION AND PUBLIC HEARING

9. Resolution 2013-32, Budget Transfers for FY 2012-2013 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 2013-32, provides a complete listing of recommended transfers for individual accounts, as well as the reason for surplus or shortfall, and was forwarded from the October 21, 2013, Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-32.

9. Resolution 2013-32, FY 2012-2013 Year End Reconciliation - Continued

Town Clerk Trish Granger placed Resolution 2013-32 on record for public hearing by title only.

Vice Mayor Brenner moved to pass Resolution 2013-32. The motion was seconded by Commr. Duncan.

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

Town Manager Dave Bullock noted the purpose of the Resolution was to reconcile funds internally.

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

10. 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 forwarded a budget transfer in the amount of \$25,000 from their October 21, 2013, Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-36.

Town Clerk Trish Granger placed Resolution 2013-36 on record for public hearing by title only.

Commr. Zunz moved to pass Resolution 2013-36. The motion was seconded by Vice Mayor Brenner.

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

Upon inquiry, Town Manager Dave Bullock commented on the utilization of the enterprise fund balance and the restricted uses of enterprise funds, the estimated balance of the enterprise fund, and the source of payment for the severance pay for the past Planning, Zoning, and Building Department Director.

Finance Dept. Budget Analyst Sandi Henley noted the Building Department pays a portion of the salaries/administrative fees for the Planning staff services.

Town Manager Bullock advised that Staff will review the available funding transfer for administrative fees. Discussion ensued on the anticipated unbudgeted costs to implement the ULI recommendations and the accounting funding options to maintain an accurate cost for ULI process.

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

RESOLUTIONS

11. Resolution 2013-35, Establishing a Fund Balance Policy

At their July 10, 2013 Meeting the Town's Investment Advisory/Finance Committee held discussion regarding development and adoption of a Fund Balance Policy. Resolution 2013-35, providing for establishment of a Fund Balance Policy, was forwarded from the October 21, 2013, Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-35.

Town Clerk Trish Granger placed Resolution 2013-35 on record for public hearing by title only.

Commr. Duncan moved to pass Resolution 2013-35. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Gans, aye.

12. 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. Staff developed a resolution expressing support for a ban of candy flavored tobacco products that was forwarded from the October 21, 2013, Regular Workshop Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-34.

Town Clerk Trish Granger placed Resolution 2013-34 on record for public hearing by title only.

Commr. Gans moved to pass Resolution 2013-34. The motion was seconded by Commr. Zunz.

Vice Mayor Brenner requested that the executed Resolution be provided to the Longboat Key Chamber of Commerce for distribution to Chamber members.

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

NEW BUSINESS

13. Interlocal Agreement with University of Florida for Planning Services

At the October 21, 2013, Regular Workshop Meeting the Town Manager presented a proposed interlocal agreement between the Town and the University of Florida for Commission consideration. The agreement provides for the Town to utilize University of Florida planning expertise on an as needed basis. This item was forwarded to the November 4, 2013, Regular Meeting for formal action. Recommended Action: Pending discussion, authorize execution of Interlocal Agreement with University of Florida.

Commr. Zunz moved to approve the Interlocal Agreement with the University of Florida. The motion was seconded by Commr. Gans.

13. Interlocal Agreement with University of Florida for Planning Services - Continued
Discussion ensued with Town Manager Dave Bullock on the following topics/issues:

- Interlocal Agreement incorporates termination clauses
- past practice in the private sector to evaluate the services of the consultant
- request for regular updates to be provided to the Town Commission
- the benefits of contracting services as needed
- assurance that more than one individual will be active on the contract.

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

14. 2014 Town Commission Meeting Schedule

Each year the Town Commission establishes their annual meeting schedule for the upcoming calendar year. The 2014 Town Commission Meeting Schedule was discussed at the October 21, 2013 Regular Workshop Meeting and was forwarded to the November 4, 2013, Regular Meeting for consideration and adoption. Recommended Action: Pending discussion, adopt 2014 Town Commission Meeting Schedule.

Commr. Zunz moved to approve the 2014 Meeting schedule. The motion was seconded by Commr. Duncan.

Town Manager Dave Bullock reviewed the 2014 Town Commission Meeting Schedule, noting three options for the September 2014 Regular Meeting schedule due to the Labor Day holiday.

Subsequent to comments, Commr. Larson moved to approve September 8, 2014, as the Regular Meeting date for 2014. The motion was seconded by Commr. Gans. Following comments on the Budget adoption requirements, the motion carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Younger, aye; Zunz, aye; Brenner, aye; Brown, aye; Duncan, aye.

The motion to adopt the 2014 Meeting Calendar, as amended, carried by a 7-0 roll call vote as follows: Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye; Gans, aye.

15. Police Benevolent Association (PBA) Collective Bargaining Agreement (CBA) Ratification

On October 16, 2013, the Police Benevolent Association (PBA) and Town reached tentative agreement on a Collective Bargaining Agreement (CBA). The Town Commission will consider ratification of the agreement at their November 4, 2013, Regular Workshop Meeting. Recommended Action: Pending discussion, ratify Collective Bargaining Agreement.

Commr. Larson moved to ratify the Police Benevolent Association Collective Bargaining Agreement. The motion was seconded by Commr. Zunz.

15. PBA Collective Bargaining Agreement Ratification - Continued

Town Manager Dave Bullock reviewed the Police Benevolent Association Collective Bargaining Agreement, noting the requirement for ratification by the Town Commission, advised that his memorandum had incorrect information relating to the defined contribution plan, and reviewed the clauses relating to long term disability benefits. Upon inquiry, Town Manager Bullock provided information on the Deferred Retirement Option Plan offered to the Police Officers.

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

Town Manager Bullock noted that a series of Ordinances, Resolutions, and Agreements would be forthcoming to freeze the defined benefit plan, withdraw from Chapter 185 revenue sharing, establishing a new pension board, and establishing the ICMA defined benefit plan for eligible department employees.

Mayor Brown commended Town Manager Bullock, the negotiation team, and the PBA for their efforts in reaching a timely agreement.

TOWN COMMISSION COMMENTS

A. Franchise Agreements

Vice Mayor Brenner inquired as to the status of negotiations for the Florida Power and Light Franchise Agreement. Discussion ensued.

B. Pensions

Commr. Duncan noted the importance of the resolution of the defined benefit pension issues and the significance to the taxpayers in establishing alternate pension options, and thanked Town Manager Dave Bullock for his leadership role during the process.

C. Purchasing/Bids

Mayor Brown inquired and Town Manager Dave Bullock advised that three responses were received on the Request for Proposal for the Solid Waste services and outlined the upcoming process to select a vendor.

TOWN ATTORNEY COMMENTS

A. Town Attorney

Town Attorney David Persson advised of the birth of a daughter for Town Attorney Maggie Mooney-Portale.

TOWN MANAGER COMMENTS

A. Boards/Committees

Town Manager Dave Bullock commented on the Urban Land Institute (ULI) process and plan implementation. Discussions were held on the appointment/selection process of advisory board/committee members, development of a Mission Statement, and schedule for appointments.

TOWN MANAGER COMMENTS - Continued

A. Boards/Committees - Continued

Subsequent to discussion there was consensus to advertise for volunteers and to schedule a Town Commission Special Meeting on November 18, 2013 (time to be determined), to appoint two new members to the existing ULI Subcommittee and for the Town Manager to develop a Mission Statement for the Committee.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the November 4, 2013, Regular Meeting at 8:35 p.m.

Minutes Approved: 12-02-2013