

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
JULY 7, 2014 - 7:00 P.M.**

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

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

CALL TO ORDER

Mayor Brown called the July 7, 2014, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Gans led the Pledge of Allegiance.

Mayor Brown noted the attendance of Manatee County Commissioner John Chappie.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission - No items were presented.

APPROVAL OF MINUTES

2. May 19, 2014 Regular Workshop Meeting; May 22, 2014 Special Workshop Meeting; May 28, 2014 Special Meeting (Colony); June 16, 2014 Special Workshop Meeting.

There was consensus to approve the minutes of the meetings, as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS

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

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

5. ManaSota League of Cities Report

A. Organizations

Vice Mayor Duncan commented on the upcoming ManaSota League of Cities meeting, noting the guests/speakers that would be in attendance, and reviewed the items to be considered.

6. Other Reports - No items were presented.

ORDINANCES - FIRST READING

7. Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees

The Town currently administers pension plans for its three employee groups separately. Ordinance 2014-26 provides for the three plans to be administered by a single Retirement System Board of Trustees. This item was forwarded from the June 16, 2014, Regular Workshop Meeting for first reading. Recommended Action: Pending discussion, forward Ordinance 2014-26 to the September 8, 2014, Regular Meeting for second reading and public hearing.

7. Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees - Continued

Town Clerk Trish Granger placed Ordinance 2014-26 on record for first reading by title only.

Commr. Zunz moved to pass Ordinance 2014-26 on first reading and to forward to the September 8, 2014, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith and Attorney Jim Linn gave a PowerPoint presentation on Ordinance 2014-26 relating to the consolidation of the retirement boards. Discussions were held on the following topics/issues:

- basis for Commission approval of various aspects of the new Investment Policy
- amendments made to the Ordinance following Regular Workshop consideration
- procedure for election of employee Trustees/requested modification to hold election in August in lieu of Commission developing policy
- technical change concerning employee Trustees to clarify they are current or vested former members of the existing Plan
- separate valuations for the plan year to comply with statutory requirements relating to previous acceptance of Chapter 175 and 185 funds
- timeframe for selection of consultants
- utilization of former/vested members as employee elected trustees in lieu of a new employee with no interest in the existing Plans
- new policy responsibility placed upon Commission relating to professionals to be considered
- utilization of new Trustees on the evaluation of Requests for Proposals (RFP) submissions
- length of time that the fund will have to remain active based on existing beneficiaries
- option to close the frozen Plans and purchase of annuities for vested members
- timeliness in the selection of an actuarial firm/review of work performed by new actuarial firm.

Mr. Michael Seamon, Norton Street, commented on the unfunded liability of the existing Plans and the process utilized by actuarial firms.

Town Manager Bullock inquired, and there was consensus to incorporate the modifications to Ordinance 2014-26 as outlined by Staff.

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

ORDINANCES - SECOND READING AND PUBLIC HEARING

8. Ordinance 2014-23, Amending the FY 2013-2014 Budget to Account for Related Revenue and Expenditure for West Coast Inland Navigation District (WCIND) Grant

At the May 22, 2014, Special Workshop Meeting, the Town Commission forwarded Ordinance 2014-23 to the June 2, 2014, Regular Meeting for first reading and public hearing. The Ordinance provides for an amendment to the Fiscal Year (FY) 2013-2014 Budget to provide for equal adjustments to the revenue and expenditure line items for

8. Ordinance 2014-23, Amending the FY 2013-2014 Budget to Account for Related Revenue and Expenditure for WCIND Grant - Continued

WCIND grant funds. This item was forwarded to the July 7, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-23.

Town Clerk Trish Granger placed Ordinance 2014-23 on record for second reading and public hearing by title only.

Commr. Gans moved to adopt Ordinance 2014-23 on second reading and public hearing. 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 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Younger, aye; Larson, aye; Duncan, aye; Pastor, aye; Brown, aye.

9. Ordinance 2014-24, Amending Chapter 38, Purchasing Procedures

At the May 19, 2014, Regular Workshop Meeting the Town Commission considered Town staff and Town Attorney recommended changes to the Town's purchasing procedures. First reading of Ordinance 2014-24 was held at the June 2, 2014, Regular Meeting. The Ordinance was forwarded to the July 7, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-24.

Town Clerk Trish Granger placed Ordinance 2014-24 on record for second reading and public hearing by title only.

Commr. Pastor moved to adopt Ordinance 2014-24 on second reading and public hearing. The motion was seconded by Commr. Gans.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on Ordinance 2014-24 to amend the Purchasing Code.

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: Pastor, aye; Gans, aye; Duncan, aye; Brown, aye; Larson, aye; Younger, aye; Zunz, aye.

10. Ordinance 2014-25, Amending Chapter 33, Boards and Commissions, Regarding Public Hearing Procedures

The Planning and Zoning Board (P&Z) and the Zoning Board of Adjustment (ZBA) routinely hold quasi-judicial hearings for items within their jurisdiction. However, the Town Code does not establish procedures specific to input from applicants or the public. At their May 19, 2014, Regular Workshop Meeting, the Town Commission directed staff to draft procedures related to public hearings to clarify expectations and provide guidance for the Boards. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-25.

10. Ordinance 2014-25, Amending Chapter 33, Boards and Commissions, Regarding Public Hearing Procedures - Continued

Town Clerk Trish Granger placed Ordinance 2014-25 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2014-25 on second reading and public hearing. The motion was seconded by Commr. Pastor.

Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2014-25.

Upon inquiry, Ms. Ray advised that if voluminous materials were submitted during the public hearings held by either the P&Z Board or the ZBA, the hearing could be postponed. Town Attorney Maggie Mooney-Portale advised of the various options that the Boards will have in postponing/continuing a public hearing and the notice requirements for the various scenarios. Discussion ensued on the issues encountered at previous meetings relating to time limits and submission of documents and postponement versus continuance.

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; Pastor, aye; Gans, aye; Younger, aye; Duncan, aye; Brown, aye; Larson, aye.

RESOLUTIONS AND PUBLIC HEARING

11. Resolution 2014-21, Transferring Phase II Infrastructure Surtax Residual Balances to Phase III for the Purpose of Purchasing Police Vehicles and Fire Department Equipment in Accordance with the FY 2015 – FY 2019 Capital Improvement Plan

An internal audit performed in September 2013 revealed an unused portion of Phase II monies and accrued interest totaling \$297,168. Resolution 2014-21 provides for the additional allocation of those project funds to the Public Safety category for purchase of police vehicles and fire equipment in Fiscal Years 2015 through 2019 in accordance with the 5-year Capital Improvement Plan. Recommended Action: Pending discussion, pass Resolution 2014-21.

Town Clerk Trish Granger placed Resolution 2014-21 on record for public hearing by title only.

Commr. Pastor moved to pass Resolution 2014-21. The motion was seconded by Commr. Gans.

Finance Director Sue Smith gave a PowerPoint presentation and overview of Resolution 2014-21.

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

11. Resolution 2014-21, Transferring Phase II Infrastructure Surtax Residual Balances to Phase III for the Purpose of Purchasing Police Vehicles and Fire Department Equipment in Accordance with the FY 2015 – FY 2019 Capital Improvement Plan - Continued

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

RESOLUTIONS

12. Resolution 2014-22, Providing Notification to Public Risk Management (PRM) on Town's Intent to Seek Bids for Health, Property & Casualty Insurance

At the May 22, 2014, Special Workshop Meeting the Town Manager requested Commission authorization to seek bids for employee health insurance, and the Town's property and casualty insurance. Our current provider for these insurances, PRM, requires a Resolution providing notification of seeking bids from the governing body. Resolution 2014-22 will provide the required notification to PRM. Recommended Action: Pending discussion, pass Resolution 2014-22.

Town Clerk Trish Granger placed Resolution 2014-22 on record by title only.

Commr. Younger moved to pass Resolution 2014-22. The motion was seconded by Commr. Zunz. Following comments, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Pastor, aye; Gans, aye; Brown, aye; Larson, aye; Duncan, aye.

NEW BUSINESS

13. Discussion Regarding Florida Power & Light (FPL) Undergrounding Power Lines

At the June 30, 2014, Special Meeting there was Commission consensus to schedule discussion at the July 7, 2014, Regular Meeting regarding a cost study for underground power lines along Gulf of Mexico Drive (GMD). The Town Manager will present information and seek direction regarding options on how to proceed with the study. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on undergrounding utility lines. Discussions were held on the following topics/issues:

- source of information on overhead versus underground services
- assessment of neighborhoods that elect to convert to underground services
- easement requirements/associated costs
- anticipated timeframe for establishing a cost
- referendum timeframe (ballot language/election process)
- estimated costs for all phases of the work, including reinstatement of street lighting on GMD
- policy decisions to be determined by the Commission (mandatory new construction to have underground lines for all areas versus a voluntary program)
- funding source utilized by Jupiter Island (ad valorem tax)
- benefit rendered to residents on GMD if all taxpayers are assessed for the costs of the underground project versus a district tax for voluntary neighborhood installations
- costs of Jupiter Island project

13. Discussion Regarding FPL Undergrounding Power Lines - Continued

- additional costs for inclusion of other service providers and required restoration (estimated in Palm Beach to be an additional 50%)
- recommended steps to move forward
- estimated cost of study/timeframe for procurement process
- funding a portion (\$12,000) of the study from Commission Contingency in current year's budget and a reduction in the Commission Contingency balance for Fiscal Year (FY) 2014-2015 to fund the balance of the study.

RECESS: 8:40 p.m. - 8:53 p.m.

13. Discussion Regarding FPL Undergrounding Power Lines - Continued

Mr. Tom Aposporos, Anna Maria, Florida, gave a PowerPoint presentation prepared by Mr. Tom Freiwald on the proposed undergrounding of power services. Upon inquiry, FPL Representative Rae Dowling advised that the new poles to be installed on GMD would be approximately 3 feet higher and advised that no additional automated switching poles would be installed over the existing count. FPL Representative Don Sayre commented on the intent of FPL to have consistency in their installations.

Mr. David Brenner, Gulf of Mexico Drive, commented on the proposal to install underground utility service.

Discussion ensued with Ms. Dowling and Mr. Sayre on the following topics/issues:

- proposed hardening project on GMD and possible delays in the project
- easement requirements for overhead versus underground facilities
- poles that would be required on GMD to feed lateral roads
- areas that would be required to retain the existing poles
- FPL's consideration on delay of project and commitment to provide excellent customer service
- power outages experienced by residents of the North end of Longboat
- intent of Town to work in concert with FPL for the benefit of the citizens of Longboat.

Commr. Zunz moved to direct Staff to move forward with the procurement of a consultant to prepare a study at a cost not to exceed \$50,000.00. The motion was seconded by Commr. Younger.

Upon inquiry, Town Manager Bullock advised that FPL could provide a component of the study relating to costs for their services, noted that other utility providers would need to be contacted, and reviewed the process to develop the entire project costs. Discussion ensued with Mr. Sayre on the process and options for completion of an underground project.

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

13. Discussion Regarding FPL Undergrounding Power Lines - Continued

Town Manager Bullock requested authorization to utilize the balance of funds in the Commission Contingency budget for FY 2013-2014 (\$12,000) towards the cost of the study and a reduction in the FY 2014-2015 Contingency balance to fund the remainder of the study.

Commr. Younger moved to authorize the Town Manager's request for the funding of the cost of the study. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye; Pastor, aye.

14. Appointment of Town Auditor

Pursuant to the Town Charter, Article V, Section 12, the Town Commission will select a new Town Auditor for the required annual audit. The Finance Committee has forwarded their recommendation following a thorough process that included issuing a Request for Presentations (RFP), interviews, reviewing presentations, and reaching consensus for the top 3 ranked firms to be forwarded for Commission consideration. The recommendations are made in order of preference, with the recommendation of the firm, Mauldin and Jenkins to serve as the Town's auditor for the next three consecutive fiscal year audits beginning with the September 30, 2014, financial statements. Recommended Action: Pending discussion, appoint new Town Auditor.

Following comments and upon inquiry, Town Manager Dave Bullock advised that the contract agreement would include a termination clause.

Commr. Pastor moved to appoint the firm of Mauldin and Jenkins to serve as the Town's auditor for the next three consecutive fiscal year audits beginning with the September 30, 2014, financial statements. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Pastor, aye; Larson, aye; Zunz, aye; Gans, aye; Younger, aye; Duncan, aye; Brown, aye.

15. Commission Appointments to Town Boards and Committees – Request for Extension of Time for Compliance with Training Requirement

Following the Commission's annual citizen appointments to Town Boards and Committees all appointed and reappointed members are required to attend a mandatory educational class pertaining to Sunshine, Public Records, and Ethics laws within 90 days of appointment. The Town Commission is requested to provide an extension of time for compliance to September 29, 2014, due to availability of free training through the Manatee County Attorney's Office. Recommended Action: Pending discussion, grant extension of time for compliance to September 29, 2014.

Town Manager Dave Bullock provided an overview of the request to extend the deadline for compliance to September 29, 2014, for the mandatory educational classes for the Town's Board and Committee member appointees.

Commr. Zunz moved to approve the request as submitted. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Duncan, aye; Brown, aye; Pastor, aye; Gans, aye; Larson, aye.

16. Setting of Maximum Millage Rate

In accordance with Florida Statutes the Town must establish a proposed maximum millage rate by 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. Based on Town Commission direction from the June 16, 2014, and June 30, 2014, Special Workshop Meetings the proposed tentative maximum millage rates are:

	Operating Millage	G. O. Debt Service Millage	Beach Bond Millage	Total Millage
District A	2.1763	0.0605	0.8500	3.0868
District B	2.1763	0.0605	0.2125	2.4493

Recommended Action: Set Maximum Millage Rates and forward ordinances to adopt millage rates and budget based on these tentative rates to September 8, 2014, Regular Meeting for first reading and public hearing.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith gave a PowerPoint presentation and reviewed previous Commission consideration of the proposed Fiscal Year 2014-2015 Budget, noted receipt of the certified property values from the Manatee and Sarasota County Property Appraisers, and provided the rolled-back rate and the proposed maximum millage rates.

Town Manager Bullock commented on the beach millage and noted the maximum millage rate of 2.1763 for operating millage, 0.0605 for general obligation debt service millage, and the beach bond millage of 0.8500 for District A and 0.2125 and for District B. Ms. Smith continued the PowerPoint presentation outlining the total taxpayer impacts and upon inquiry, Town Manager Bullock restated the property values

Commr. Zunz moved to set the maximum millage rate for District A as 2.1763 Operating Millage, 0.0605 General Obligation Debt Service, and 0.8500 Beach Bond Millage for a maximum millage of 3.0868, and for District B as 2.1763 Operating Millage, 0.0605 General Obligation Debt Service, and 0.2125 Beach Bond Millage for a maximum millage of 2.4493 for Fiscal Year 2014-2015. The motion was seconded by Commr. Pastor.

Following comments, the motion to set the maximum millage rate carried by a 7-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Gans, aye; Brown, aye; Duncan, aye; Larson, aye; Younger, aye.

TOWN COMMISSION COMMENTS

A. Organizations

Commr. Younger noted that he would be unable to attend the July 28, 2014, meeting of the Metropolitan Planning Organization and inquired as to other Commissioner's interest in representing Longboat Key at the meeting.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney Maggie Mooney-Portale commented on the status of Advanced Properties litigation advising that the Court granted the Town's Summary Judgment motion and advised that there is a 30-day appeal process available to Advanced Properties.

Town Attorney Mooney-Portale commented on the status of the Islandside Property Owners Coalition (IPOC) litigation, noted that with the legislative action taken in 2014 the basis for the case has been resolved, and requested authorization to withdraw the case with each party bearing their own legal fees.

Commr. Pastor moved to authorize withdrawal of the court action as requested by the Town Attorney.

Following inquiry and verification that no conflict existed for Commr. Pastor, the motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Pastor, aye; Larson, aye; Gans, aye; Younger, aye; Zunz, aye; Duncan, aye; Brown, aye.

TOWN MANAGER COMMENTS

A. Public Works

Town Manager Dave Bullock noted the public workshop and public hearing to re-establish the Erosion Control Line (ECL) scheduled by the Florida Department of Environmental Protection would be held in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, on July 8, 2014, beginning at 5 p.m.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the July 7, 2014, Regular Meeting at 10:00 p.m.

Minutes Approved: 09-08-2014