

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
SEPTEMBER 8, 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 September 8, 2014, Regular Meeting to order at 7:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Vice Mayor Duncan led the Pledge of Allegiance.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

21. Other Business

Mayor Brown noted that Mr. Mark Alderson, Director of Sarasota Bay Estuary Program, was in attendance to make a presentation. Mr. Alderson provided an update on the Restore Act of 2012 relating to the Gulf of Mexico Restoration from the BP Oil spill.

1. Life Saving Award Presented to Police Officers John Majka and Shawn Nagell

Deputy Police Chief Frank Rubino read and presented a life saving award to Police Officers John Majka and Shawn Nagell.

PUBLIC TO BE HEARD

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

APPROVAL OF MINUTES: APPROVED AS SUBMITTED.

3. June 2, 2014, Regular Meeting; June 16, 2014, Regular Workshop; June 16, 2014, Special Meeting; June 30, 2014, Special Workshop; June 30, 2014, Special Meeting; July 7, 2014, Regular Meeting Minutes

Commr. Pastor moved to approve the Minutes as submitted. The motion, seconded by Commr. Younger, carried unanimously by voice vote.

COMMITTEE REPORTS AND COMMUNICATIONS

4. Manatee County Special Liaison Report

A. Organizations

Commr. Zunz noted attendance at the Manatee Tiger Bay, SRQ Media Panel, and the Manatee Tourist Development Council meetings and reviewed the issues discussed.

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

6. Manasota League (MSL) of Cities Report

Vice Mayor Duncan noted the MSL is currently working on legislative priorities.

COMMITTEE REPORTS AND COMMUNICATIONS- Continued

7. Other Reports

A. State Agencies

Mayor Brown noted attendance at the Florida Department of Transportation's public meeting relating to options for the reconstruction of the Cortez Bridge.

B. Organizations

Mayor Brown noted attendance at the Media Breakfast announcing the partnership between the Resort at Longboat Key Club and the University of South Florida Sarasota-Manatee to offer educational opportunities in the Hospitality and Tourism curriculum.

C. Public Works

Mayor Brown noted attendance at the Florida League of Cities conference and advised that in route to the conference he visited Jupiter Island to view the community as it relates to underground services.

CONSENT ITEMS

8. Annual Town Commission District Audit

In accordance with the Town Charter, Article II, Section 1, Commission Districts, an update and audit of the Town's registered voters has been completed to determine whether the number of registered voters in any Commission district exceeds the number of registered voters in any other district by 20%. The audit reveals that redistricting is not required for the current year. Recommended Action: None, informational only.

9. Designation of R. David Jackson as an Assistant Town Attorney

The RFP and contract for Town Attorney services included provisions for Assistant Town Attorneys. David Jackson joined the firm following the execution of that agreement. This item is placed on the September 8, 2014, Regular Meeting Consent Agenda to formalize R. David Jackson as an Assistant Town Attorney for the Town of Longboat Key. Recommended Action: Approval of the Consent Agenda will designate R. David Jackson as an Assistant Town Attorney for the Town of Longboat Key.

10. Metropolitan Planning Organization (MPO) Updated Interlocal Agreement

Federal and State Statutes require the MPO to adopt a Membership Apportionment Plan following each decennial census which establishes membership composition of local governments on the MPO Board. In addition, Florida Statutes require resolutions supporting the Plan from MPO member local governments. The Town Commission adopted Resolution 2013-21 supporting the MPO Plan. The MPO's updated Interlocal Agreement enables implementation of the Membership Apportionment Plan approved by the Town Commission and the Governor. Recommended Action: Approval of the Consent Agenda will authorize the Mayor to sign the Interlocal Agreement.

11. Rotary Club of Longboat Key Request to Close Bay Isles Road for Veterans' Day Parade on November 11, 2014, from 4:00 – 5:00 PM

The Rotary Club of Longboat Key has requested Commission consideration for temporary closure of Bay Isles Road on November 11 between the hours of 4:00 – 5:00 PM to hold a Veterans' Day Parade scheduled to begin at 4:30 PM. The parade would culminate at Temple Beth Israel where a program to honor U.S. Armed Services Veterans will be held. Recommended Action: Approval of the Consent Agenda will authorize temporary closure of Bay Isles Road on November 11, 2014, from 4:00 – 5:00 PM.

CONSENT ITEMS- Continued

There was consensus to approve Consent Agenda Items 8 through 11 in accordance with Staff's reports and recommendations.

ORDINANCES - SECOND READING AND PUBLIC HEARING

14. 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 July 7, 2014, Regular Meeting following first reading and is placed on the September 8, 2014, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2014-26.

Commr. Younger requested consideration to advance Items 14 (Ordinance 2014-26) and 16 (Appointments to Consolidated Retirement System) prior to consideration of Item 12.

There was consensus to advance consideration of Items 14 and 16.

Town Clerk Trish Granger placed Ordinance 2014-26 on record for second reading and public hearing by title only.

Commr. Younger moved to adopt Ordinance 2014-26. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Town Manager Dave Bullock and Finance Director Sue Smith gave a PowerPoint presentation on Ordinance 2014-26 and upon inquiry, noted the audit process would take approximately six months.

As no one wished to speak, Mayor Brown closed the public hearing.

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

16. Appointments to Town of Longboat Key (LBK) Retirement System Board of Trustees

The Town previously administered pension plans for its three employee groups separately. Ordinance 2014-26 created one retirement plan, one nine-member Board of Trustees, and one consolidated retirement fund, for all three plans, effective October 1, 2014. Five Trustees will be appointed by the Town Commission, which includes appointment of the Chair and Vice-Chair; one member each from the Firefighters', General Employees', and Police Officers' Retirement System Boards; and the Town Manager or his designee. Town Commission appointments will be considered at the September 8, 2014, Regular Meeting. Recommended Action: Pending discussion, appoint members to Town of Longboat Key Retirement System Board of Trustees.

16. Appointments to Town of LBK Retirement System Board of Trustees - Continued

Following comments by Mayor Brown on the appointment process, Town Clerk Trish Granger noted five vacancies and five applicants for appointment to the Retirement System Board of Trustees and advised that a motion to appoint the five applicants would be appropriate in lieu of individual Commissioner votes on each individual.

Commr. Younger moved to appoint Mr. Steve Branham, Mr. Frank Cona, Mr. William Forcht, Mr. Lou Levy, and Ms. Nancy Woodley to the Longboat Key Retirement System Board of Trustees. The motion, seconded by Commr. Zunz, carried unanimously by voice vote.

Town Clerk Granger noted that two appointees would serve one year terms, two appointees would serve two year terms, and one appointee would serve a three year term.

Following a poll of the Commission, the following appointments were made:

**Mr. William Forcht and Mr. Lou Levy to serve one year terms.
Mr. Frank Cona and Ms. Nancy Woodley to serve two year terms.
Mr. Steve Branham to serve a three year term.**

Town Clerk Trish Granger proceeded with a roll call vote for the selection of the Chair of the Board of Trustees, and following nominations, Mr. Steve Branham was selected to serve as the Chair by acclaim.

Town Clerk Trish Granger proceeded with a roll call vote for the selection of the Vice Chair of the Board of Trustees, as follows:

**Commr. Pastor cast a ballot for Mr. William Forcht.
Commr. Zunz cast a ballot for Ms. Nancy Woodley.
Commr. Gans cast a ballot for Mr. Frank Cona.
Mayor Brown cast a ballot for Mr. Frank Cona.
Vice Mayor Duncan cast a ballot for Mr. Frank Cona.
Commr. Larson cast a ballot for Mr. Frank Cona.
Commr. Younger cast a ballot for Mr. Frank Cona.**

Mr. Frank Cona was selected to serve as Vice Chair of the Board of Trustees.

ORDINANCES - FIRST READING AND PUBLIC HEARING

12. Ordinance 2014-27, Adopting Millage Rates for the Town of Longboat Key for Fiscal Year (FY) Beginning October 1, 2014, and Ending September 30, 2015 (2014-2015)

Fiscal Year 2014-2015 operating millage rates for the Town of Longboat Key will be established pending discussion at the September 8, 2014, Regular Meeting scheduled for 7:00 PM. Second reading and public hearing on this Ordinance will occur at a Special Meeting scheduled for September 22, 2014, at 5:01 PM.

13. Ordinance 2014-28, Adopting a Budget for the Town of Longboat Key for the Fiscal Year (FY) Beginning October 1, 2014 and Ending September 30, 2015 (2014-2015)

Following discussion on July 7, 2014, the Town Commission and Town Manager have forwarded proposed millages (Ordinance 2014-27) and a proposed budget (Ordinance 2014-28) to be adopted for Fiscal Year 2014-2015. 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 2014-27:
Motions on approval of millage rates for the Beach Erosion Control Districts
Motion on adoption of millage rate for Town
- c. Ordinance 2014-28:
Motion on Town's Budget

Recommended Action: Pending first reading public hearing, and discussion, forward Ordinances 2014-27 and 2014-28 to the September 22, 2014, Special Meeting for second reading and public hearing.

Following comments, Mayor Brown opened the public hearings on Ordinance 2014-27 and Ordinance 2014-28.

Town Clerk Trish Granger placed Ordinance 2014-27 on record for first reading and public hearing by title only.

Town Manager Dave Bullock and Finance Director Susan Smith gave a PowerPoint presentation on the proposed 2014-2015 Fiscal Year Millage Rates and Town Budget and the rolled-back rate for 2014. Discussions were held on the following topics/issues:

- correction of fund amount transferred from Building Fund (\$100,000.00)
- funding to be utilized if BP funds (Horizon Deepwater oil spill) are realized
- status of erosion on South end of Town
- General Operating Millage comparison chart of millage rates for other governmental entities.

Mayor Brown recessed the Town Commission and convened as the Longboat Key Beach Erosion Control District A Governing Body.

Town Manager Bullock noted the recommended levy of 0.8500 mill for District A to pay the principal and interest on the General Obligation Beach Bonds to be issued.

Mayor Brown opened the floor for public comment and as no one wished to speak, Commr. Pastor moved to recommend approval of the levying of 0.8500 mill ad valorem tax on all real and personal property within the Longboat Key Beach Erosion Control District A to pay the principal and interest on general obligation beach bonds. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Pastor, aye; Zunz, aye; Gans, aye; Brown, aye; Duncan, aye; Younger, aye; Larson, aye.

12. Ordinance 2014-27, Adopting Millage Rates for the Town of Longboat Key for FY 2014-2015 - Continued

13. Ordinance 2014-28, Adopting a Budget for the Town of Longboat Key for the FY 2014-2015 - Continued

Mayor Brown adjourned the Longboat Key Beach Erosion Control District A Governing Body and convened as the Longboat Key Beach Erosion Control District B Governing Body.

Town Manager Bullock noted the recommended levy of 0.2125 for District B to repay District A for a portion of the principal and interest on the General Obligation Beach Bonds to be issued.

Mayor Brown opened the floor for public comment and as no one wished to speak, Commr. Younger moved to recommend approval of the levying of 0.2125 mill ad valorem tax on all real and personal property within the Longboat Key Beach Erosion Control District B to reimburse District A for payment of the principal and interest on general obligation beach bonds. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Younger, aye; Zunz, aye; Larson, aye; Gans, aye; Pastor, aye; Duncan, aye; Brown, aye.

Mayor Brown adjourned the Longboat Key Beach Erosion Control District B Governing Body and reconvened as the Longboat Key Town Commission.

Mayor Brown opened the floor for public comment on the recommendations of the Longboat Key Beach Erosion Control Districts A and B Governing Bodies, and as no one wished to speak, Commr. Pastor moved to accept the recommendations of the Longboat Key Beach Erosion Control Districts A and B to levy 0.8500 mill ad valorem tax within the Longboat Key Beach Erosion Control District A and a levy of 0.2125 mill ad valorem tax within the Longboat Key Beach Erosion Control District B for Fiscal Year 2014-2015. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Pastor, aye; Younger, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye; Larson, aye.

Following comments by Commr. Younger on the items included in the budget, Vice Mayor Duncan moved to pass Ordinance 2014-27 setting the millage rate on first reading and public hearing and to forward the Ordinance to the September 22, 2014, Special Meeting, for second reading and public hearing. The motion was seconded by Commr. Zunz.

Following comments by Commr. Younger, the motion carried by a 6-1 roll call vote, as follows: Duncan, aye; Zunz, aye; Pastor, aye; Larson, aye; Gans, aye; Younger, no; Brown, aye.

Town Clerk Granger placed Ordinance 2014-28 on record for first reading and public hearing by title only.

Mayor Brown noted the public hearing remained opened to accept public comments on Ordinance 2014-28.

12. Ordinance 2014-27, Adopting Millage Rates for the Town of Longboat Key for FY 2014-2015 - Continued

13. Ordinance 2014-28, Adopting a Budget for the Town of Longboat Key for the FY 2014-2015 - Continued

As no one wished to speak, Mayor Brown closed the public hearings on Ordinance 2014-27 and 2014-28.

Commr. Zunz moved to pass Ordinance 2014-28 on first reading and public hearing, to adopt a budget for the Town of Longboat Key for fiscal year 2014-2015, and to forward the Ordinance to the September 22, 2014, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Brown, aye; Pastor, aye; Larson, aye; Younger, aye; Duncan, aye.

RECESS: 8:18 p.m. - 8:30 p.m.

12. Ordinance 2014-27, Adopting Millage Rates - Continued

Mayor Brown noted the corrected millage rate for Beach Erosion Control District A.

RESOLUTIONS

15. Resolution 2014-23, Budget Transfer in the Amount of \$12,000 from Commission Contingency to Fund Consultant for Undergrounding Study

At the July 7, 2014, Regular Meeting the Town Commission directed staff to develop a Request for Proposals (RFP) to engage a consultant for development of costs to underground electric and other utilities along Gulf of Mexico Drive. This item is placed on the September 8, 2014, Regular Meeting for formal action to fund this study. Recommended Action: Pending discussion, pass Resolution 2014-23.

Town Clerk Trish Granger placed Resolution 2014-23 on record by title only.

Commr. Larson moved to pass Resolution 2014-23. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Pastor, aye; Younger, aye; Gans, aye; Duncan, aye; Brown, aye.

Mayor Brown noted the differences between Jupiter Island and Longboat Key as it relates to underground services.

NEW BUSINESS

17. Request from West Coast Inland Navigation District (WCIND) for Funding Assistance for Unanticipated Project Expenses Associated with Longboat Pass Flood Shoal Sand Trap Placement

At the May 5, 2014, Regular Meeting the Town Commission authorized an Interlocal Agreement to fund contract costs of up to \$350,000 for the WCIND Flood Shoal Sand Trap Placement project. The associated costs of consultants(s) monitoring, and unanticipated survey costs amount to \$34,715 in excess of the budget estimate. WCIND has requested the Town consider reimbursing WCIND for the remaining \$34,715. Recommend Action: Pending discussion, provide direction to Manager.

17. Request from WCIND for Funding Assistance for Unanticipated Project Expenses Associated with Longboat Pass Flood Shoal Sand Trap Placement

Town Manager Dave Bullock reviewed the Longboat Pass Flood Shoal Sand Trap Placement Project, noted the Town has met their contractual obligations, advised that additional costs had been incurred in the project, and recommended the Town consider splitting the cost overrun with WCIND and remitting an additional \$17,358.00 on the project. Discussions were held on the following topics/issues:

- anticipated positive/collaborative future relationships with WCIND
- amount recommended for reimbursement
- cause of overage (unanticipated additional monitoring and survey requirement)

Commr. Larson moved to approve remittance of an additional \$17,358.00 for unanticipated Project expenses associated with the Longboat Pass Flood Shoal Sand Trap Placement. Following additional comments, the motion, seconded by Commr. Gans, carried by a roll call vote, as follows: Larson, aye; Gans, aye; Zunz, aye; Pastor, aye; Younger, aye; Duncan, aye; Brown, aye.

18. Discussion Regarding Proposed Agenda Items for Joint Meeting Between the Town of Longboat Key and Sarasota County Board of County Commissioners

The Sarasota County Board of County Commissioners will host a joint meeting with the Town of Longboat Key on October 6, 2014, at the Sarasota County Administration Building (1660 Ringling Boulevard). At the September 8, 2014, Regular Meeting, Town Commissioners will discuss proposed topics to forward for inclusion on the meeting agenda. Recommended Action: Pending discussion, provide direction to Manager

Town Manager Dave Bullock provided an overview of the proposed agenda items for the October 6, 2014, joint meeting with Sarasota Board of County Commissioners.

Commr. Younger requested that Staff attempt to schedule a joint meeting with Manatee Board of County Commissioners.

19. Request for Commission Support for Letter to Sarasota County Commission Regarding Mobility Fees

The Town Manager is seeking Commission approval for a letter to Sarasota County Board of County Commissioners encouraging them to move from their current impact fee system to a mobility fee system. The concept of mobility fees would allow the funds collected on as a result of development occurring within the Town to be used for transit, sidewalk, and pedestrian improvements within the Town. The proposed letter also advises the issue has been placed on the October 6, 2014, joint meeting with Sarasota County Board of County Commissioners and the Town of Longboat Key Commission. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation comparing Transportation Impact Fees to Mobility Fees. Discussions were held on the following topics/issues:

19. Request for Commission Support for Letter to Sarasota County Commission Regarding Mobility Fees

- ability of Town to require installation of sidewalks and also receive a Mobility Fee payment
- lack of similar fee schedule in Manatee County
- Mobility Fee Zone rate set by County
- balance existing in the existing County fund
- utilization of funds within the Town's boundary
- inclusion of Mobility Fee discussion on Joint Meeting Agenda.

There was consensus to forward a letter of support to the Sarasota Board of County Commissioners encouraging them to move from their current impact fee system to a mobility fee system.

20. Request for Commission Support for Letter to City of Sarasota Commission

Commissioner Gans requested a letter to City of Sarasota Commission be prepared for the Mayor's signature and presented at the September 8, 2014, Regular Meeting for Commission consideration. The letter expresses support for the City's efforts to regulate events on St Armand's during season, seeks assistance with strategies to minimize traffic congestion from the islands to U.S. 41, and requests a joint meeting between the City of Sarasota Commission, Florida Department of Transportation, and Longboat Key Town Commission. Recommended Action: Pending discussion, provide direction to Manager.

Commr. Gans commented on the request and noted his intent to encourage the Sarasota City Commission to maintain the regulation of events on St. Armands. Individual comments followed.

There was consensus to forward a letter of support to the Sarasota City Commission expressing support for the City's efforts to regulate events on St Armand's during season, seeks assistance with strategies to minimize traffic congestion from the islands to U.S. 41, and requests a joint meeting between the City of Sarasota Commission, Florida Department of Transportation, and Longboat Key Town Commission.

TOWN COMMISSION COMMENTS

A. Planning, Zoning, and Building

Commr. Younger suggested that the Town refocus direction on the amendments needed relating to density issues in an effort to place a referendum question on the March 2015 ballot.

Vice Mayor Duncan requested that a discussion item be scheduled on the next Workshop Agenda.

Town Manager Dave Bullock advised that Staff had finalized the work assignment with the University of Florida which includes the legally non-conforming lots.

TOWN COMMISSION COMMENTS

B. Town Commission

Mayor Brown noted the Town Manager's review was due in October and advised that he had requested that the Town Attorney be reviewed at the same time.

Individual comments followed on the review schedule for the Town Attorney.

C. Advisory Boards

Mayor Brown noted the mandatory Sunshine, Public Records, and Ethics Seminar on September 29, 2014, advised that several individuals had indicated they could not attend, and requested Commissioner input on permitting those individuals to attend and alternate seminar on October 17, 2014, at a fee of \$25.00 per person.

Subsequent to comments, Commr. Pastor moved to authorize the payment for advisory board members to attend the October 17, 2014, seminar if attendance on September 29, 2014, was not achieved. The motion was seconded by Vice Mayor Duncan.

Discussion ensued on the following topics/issues:

- clear understanding of individuals appointed that these classes are mandatory
- requirement in 2015 by Florida Statutes that all appointees and elected officials are required to attend annual classes
- anticipated number of individuals the Town may have to pay for
- authorization for this event only.

The motion carried by a 6-1 voice vote, with Commr. Larson voting no.

TOWN ATTORNEY COMMENTS - No items were presented.

TOWN MANAGER COMMENTS

A. State Agencies

Town Manager Dave Bullock reported on the following items:

- possibility that anchorage control authority could be returned to local governments
- scheduled Florida Department of Transportation presentation on October 20, 2014
- status on the review of the Request For Proposals (RFP) for underground services
- status of selecting the Town Center Planning Consultant
- work assignment to the University of Florida on the issue of non-conforming lots.

Vice Mayor Duncan requested that an update on the Town Center project be scheduled at an upcoming workshop.

PRESS TO BE HEARD

A. Longboat Key Observer

Mr. Caleb Motsinger, Longboat Key Observer Staff Writer, introduced himself.

ADJOURNMENT

Mayor Brown adjourned the September 8, 2014, Regular Meeting at 9:30 p.m.

Minutes Approved: 10-06-2014