MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
September 9, 2015 - 7:00 P.M.

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

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Duncan called the September 9, 2015, Regular Meeting to order at 7:00 p.m., in the Town Hall Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida. Commr. Zunz led the Pledge of Allegiance.

Mayor Duncan noted the Town's Civility Policy and read the Pledge of Conduct.

OTHER BUSINESS

19. Other Business

A. Town Commission

Town Manager Dave Bullock requested consideration to reorder agenda items to consider options for the utilization of the BP Deepwater Horizon settlement (Item 14) prior to consideration of the millage and budget ordinances (Items 10 and 11).

Subsequent to comments, there was consensus to reorder the agenda with the consideration of Item 14 prior to consideration of Items 10 and 11.

B. Town Commission

Mayor Duncan noted the passing of former Mayor and Commissioner Hal Lenobel and noted his respect for Mr. Lenobel and his service to the citizens of Longboat Key.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Organizations

Mr. Armando Linde, representing the Longboat Key Kiwanis Foundation, noted the Kiwanis Foundation was donating funds for renovations to the children's playground at Bayfront Park.

B. Franchises

Ms. Rae Dowling, representing Florida Power and Light Company (FPL), commented on the recent power outages and gave a PowerPoint presentation relating to the failures impacting the electric service to Longboat Key and the efforts taken by FPL to ensure the integrity of the lines servicing Longboat Key. Discussions were held on the following topics/issues:

- age of lines in the Bay Isles area/improvements to technology

1. Opportunity for Public to Address Town Commission - Continued

B. Franchises - Continued

- service failures on the North end of Longboat Key
- options provided by FPL for notification on repair status ceases at 10 p.m.

C. Town Commission
Mr. Steve Reid, owner of Longboat Key News, thanked Mayor Duncan for his tribute to former Mayor and Commissioner Hal Lenobel and thanked the Commission, staff members, and residents for their support of Mr. Lenobel.

APPROVAL OF MINUTES
2. June 29, 2015 Special Meeting; July 1, 2015 Joint Meeting with Sarasota County Municipalities; July 6, 2015 Special Meeting; and July 6, 2015 Regular Meeting Minutes

There was consensus to approve the Minutes as submitted.

COMMITTEE REPORTS AND COMMUNICATIONS
3. Manatee County Special Liaison Report

A. Organizations
Commr. Zunz noted attendance at the following meetings and reviewed the issues discussed:

- Suncoast Campaign for Grade Level Reading
- Bradenton Tourist Development Council
- Manatee County Legislative Delegation
- Manatee County Economic Development Corporation.

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

5. ManaSota League of Cities Report

A. Organizations
Commr. Larson noted the ManaSota League of Cities meeting was scheduled for September 10, 2015, in the Town Commission Chamber, starting at 9:30 a.m.

6. Other Reports - No items were presented.

7. Proclamation - Suncoast Campaign for Grade Level Reading, Attendance Awareness Month, September 2015
Mayor Duncan read and presented the proclamation for Attendance Awareness Month to Ms. Pierrette Kelly, Community Engagement Executive for the Suncoast Campaign for Grade-Level Reading Manatee County.

Ms. Kelly thanked the Commission for their support.

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

8. Proclamation - National Drive Electric Week, September 12-20, 2015
Mayor Duncan read and presented the proclamation to Mr. Chris Sharek, Engineer and co-owner of Sharek Solutions, and Mr. Dan Bebak, Mote Marine Vice President of Aquarium, Education, and Outreach

Mr. Chris Sharek commented on the events happening throughout the nation relating to electric vehicles.

CONSENT AGENDA
9. 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.

There was consensus to approve the Consent Agenda, as submitted.

14. Discussion Regarding BP Funds
The Town has confirmed deposit of $967,931.82 which represents the BP Funds awarded to the Town pursuant to the settlement agreement approved by the Town Commission. Currently the funds reside in the Town's reserves and like all Town funds, must be used for a public purpose. This item is placed on the September 9, 2015, Regular Meeting for Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock noted the items suggested by individual Commissioners for utilization of the funds. Discussions were held on the following topics/issues:

- inclusion of funds for the North end roundabout project
- opportunity to offset the unfunded pension liability
- option to prioritize projects for funding.

There was consensus to schedule a discussion on the utilization of the funds.

Commr. Larson moved to utilize the settlement funds to offset the pension liability. The motion, seconded by Commr. Younger, carried by a 4-3 roll call vote, as follows: Larson, aye; Younger, aye; Daly, no; Zunz, no; Pastor, aye; Gans, no; Duncan, aye.

ORDINANCES - FIRST READING AND PUBLIC HEARING
10. Ordinance 2015-22, Adopting Millage Rates for the Town of Longboat Key for Fiscal Year Beginning October 1, 2015, and Ending September 30, 2016
Fiscal Year 2015-2016 operating millage rates for the Town of Longboat Key were established pursuant to Town Commission direction at the July 6, 2015, Regular Meeting

and forwarded to the September 9, 2015, Regular Meeting for first reading and public hearing.

10. Ordinance 2015-22, Adopting Millage Rates for the Town of Longboat Key for Fiscal Year Beginning October 1, 2015, and Ending September 30, 2016 - Continued

11. Ordinance 2015-23, Adopting a Budget for the Town of Longboat Key for the Fiscal Year Beginning October 1, 2015, and Ending September 30, 2016

Following discussion at the July 6, 2015, Regular Meeting the Town Commission and Town Manager forwarded proposed millages (Ordinance 2015-22) and a proposed budget (Ordinance 2015-23) to be adopted for Fiscal Year 2015-2016. In accordance with State law, three 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 2015-22:
   Motion on approval of millage rates for the Beach Erosion Control Districts
   Motion on adoption of millage rate for Town
c. Ordinance 2015-23:
   Motion on Town's Budget

Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2015-22 and Ordinance 2015-23 to the September 28, 2015 Special Meeting for second reading and public hearing.

Mayor Duncan commented on the process for consideration of the Town's Fiscal Year (FY) 2015-2016 millage rates and budget and opened the public hearings on Ordinance 2015-22 and Ordinance 2015-23.

Town Clerk Trish Granger placed Ordinance 2015-22 on record for first reading and public hearing by title only.

Town Manager Dave Bullock provided an overview of the budget process and gave a PowerPoint presentation. Discussions were held on the following topics/issues:

- Land Acquisition Fund budget of $60,000.00
- need for deck/pontoon boat for Public Works staff
- police facility building structure strengthening
- errors identified in previous documents
- option to apply merit raises to active versus DROP (Deferred Retirement Option Plan) employees
- number of General Employees remaining in the DROP.

RECESS: 8:35 p.m. - 8:45 p.m.

Discussions continued on the following topics/issues:

- 90-day operating reserve
- results of actuarial report on investment of the $1.3 million on pension liability.

Finance Department Budget Analyst Sandi Henley noted the rolled-back rate and the percentage of change from the rolled-back rate.

10. Ordinance 2015-22, Adopting Millage Rates for the Town of Longboat Key for Fiscal Year Beginning October 1, 2015, and Ending September 30, 2016 - Continued
11. Ordinance 2015-23, Adopting a Budget for the Town of Longboat Key for the Fiscal Year Beginning October 1, 2015, and Ending September 30, 2016 - Continued
Vice Mayor Gans moved to reduce the operating millage to 2.130. The motion, seconded by Commr. Younger, carried by a 6-1 roll call vote, as follows: Gans, aye; Younger; aye; Larson, aye; Daly, aye; Zunz, no; Pastor, aye; Duncan, aye.

Following comments on the impact of the millage reduction, Town Attorney Maggie Mooney-Portale noted preference to recess to provide Staff time to prepare accurate data for Commission consideration.

RECESS: 9:03 p.m. - 9:15 p.m.

Town Manager Bullock reviewed the General Operating Facility Improvement Debt millage and the millage for the Beach Erosion Control Special Districts. Following comments by Town Attorney Mooney-Portale, Ms. Henley noted the revised rolled back rate with the reduced operating millage approved.

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

Following comments by Town Manager Bullock, Commr. Younger moved to recommend approval of levying 0.8328 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 for fiscal year beginning October 1, 2015, and ending September 30, 2016. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Younger, aye; Larson, aye; Gans, aye; Duncan, aye; Pastor, aye; Zunz, aye; Daly, aye.

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

Following comments on the millage levy by Town Manager Bullock, Commr. Larson moved to recommend approval of levying 0.2082 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 for fiscal year beginning October 1, 2015, and ending September 30, 2016. The motion, seconded by Vice Mayor Gans, carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Daly, aye; Duncan, aye; Pastor, aye; Younger, aye; Zunz, aye.

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

10. Ordinance 2015-22, Adopting Millage Rates for the Town of Longboat Key for Fiscal Year Beginning October 1, 2015, and Ending September 30, 2016 - Continued
11. Ordinance 2015-23, Adopting a Budget for the Town of Longboat Key for the Fiscal Year Beginning October 1, 2015, and Ending September 30, 2016 - Continued
Subsequent to comments, Mayor Duncan advised that he had no speaker requests for Items 10 or 11.

Commr. Larson moved to accept the recommendations of the Longboat Key Beach Erosion Control Districts A and B to levy 0.8328 mill ad valorem tax within the Longboat Key Beach Erosion Control District A and a levy of 0.2082 mill ad valorem tax within the Longboat Key Beach Erosion Control District B for Fiscal Year beginning October 1, 2015, and ending September 30, 2016. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Larson, aye; Pastor, aye; Zunz, aye; Daly, aye; Younger, aye; Gans, aye; Duncan, aye.

Town Manager Bullock distributed revised Ordinance 2015-22.

Following comments, Vice Mayor Gans moved to pass Ordinance 2015-22, as amended, on first reading and public hearing levying ad valorem tax of 2.1300 mills for general operating purposes for the Town of Longboat Key and 0.0576 mills for general obligation facility improvement bonds and 0.8328 mills for the Longboat Key Beach Erosion Control District A and 0.2082 mills for the Longboat Key Beach Erosion Control District B, for a total millage rate for Beach District A of 3.0204 and 2.3958 for Beach District B for the fiscal year beginning October 1, 2015, and ending September 30, 2016, and to forward to the September 28, 2015, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Pastor, carried by a 6-1 roll call vote, as follows: Gans, aye; Pastor, aye; Duncan, aye; Zunz, no; Younger, aye; Daly, aye; Larson, aye.

Town Clerk Granger placed Ordinance 2015-23 on record for first reading and public hearing by title only.

Mayor Duncan noted the public hearing on Ordinance 2015-23 remained open.

Following comments, Commr. Larson moved to pass Ordinance 2015-23 on first reading and public hearing and to forward to the September 28, 2015, Special Meeting for second reading and public hearing. The motion, seconded by Commr. Pastor, carried by a 7-0 roll call vote, as follows: Larson, aye; Pastor, aye; Younger, aye; Zunz, aye; Gans, aye; Daly, aye; Duncan, aye.

12. Ordinance 2015-27, Amending the Fiscal Year 2014-2015 General Fund Budget to Appropriate an Additional $300,000 Contribution to the Pension Trust Fund and Adjust Assignment of Fund Balance to Pensions
At the July 6, 2015 Regular Meeting the Town Commission directed staff to prepare an Ordinance amending the FY 2014-2015 Budget to place $300,000 of the Fund Balance into the Pension Trust Fund. Recommended Action: Pending first reading, public hearing, and discussion, forward to September 28, 2015 Special Meeting for second reading and public hearing.

12. Ordinance 2015-27, Amending the Fiscal Year 2014-2015 General Fund Budget to Appropriate an Additional $300,000 Contribution to the Pension Trust Fund and Adjust Assignment of Fund Balance to Pensions- Continued

Town Clerk Trish Granger placed Ordinance 2015-27 on record for first reading and public hearing by title only.

Commr. Younger moved to pass Ordinance 2015-27 on first reading and public hearing and to forward to the September 28, 2015, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Mayor Duncan opened the public hearing.

Following comments by Town Manager Dave Bullock, Finance Director Sue Smith provided an overview of recommended modifications to Ordinance 2015-27 to provide for the receipt of the BP Settlement Funds (see Item 14 earlier this meeting). Discussion ensued on the amendments to be considered at the second reading of the Ordinance.

Commr. Younger moved to formalize the $1.3 million dedicated to offset the pension liability. The motion was seconded by Commr. Larson.

Following discussion on the motion to document the Commission's direction/action, the motion carried by a 7-0 roll call vote, as follows: Younger, aye; Larson, aye; Daly, aye; Zunz, aye; Pastor, aye; Gans, aye; Duncan, aye.

Mayor Duncan closed the public hearing.

The motion to pass Ordinance 2015-27 carried by a 7-0 roll call vote, as follows: Younger, aye; Pastor, aye; Duncan, aye; Gans, aye; Daly, aye; Larson, aye; Zunz, aye.

RESOLUTIONS

13. Resolution 2015-17, Pass-Through Rate Increase for Solid Waste Tipping Fees

The Town was notified by Manatee County that Tipping Fees may increase $4.00/ton increasing the rate from $36.00/ton to $40.00/ton on October 1, 2015. In accordance with our Franchise Agreement, Ordinance 2014-21, the Town will pay a blended rate of $45.00/ton due to the 25% premium we pay for the Sarasota County portion of Longboat Key. Resolution 2015-17, to be effective October 1, 2015, provides for the pass-through rate increase and was presented for Commission consideration at the June 15, 2015 Regular Workshop Meeting. This item was forwarded to the September 9, 2015 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2015-17.

Town Clerk Trish Granger placed Resolution 2015-17 on record by title only.

Commr. Younger moved to pass Resolution 2015-17. The motion was seconded by Commr. Pastor.

Town Manager Dave Bullock noted the new rates that would be passed through by Manatee County.

13. Resolution 2015-17, Pass-Through Rate Increase for Solid Waste Tipping Fees - Continued

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

NEW BUSINESS

15. Proposed Resolution 2015-20, Investment Policy

At the July 6, 2015, Regular Meeting the Commission directed staff to have the Town's Investment Advisor, PFM (PFM Asset Management, LLC), be present at the September 9, 2015, Regular Meeting to discuss a proposal for a second investment policy to provide a more defined investment strategy. Mr. Steve Alexander will discuss the Town's Investment Policy and this proposed concept at the September 9, 2015, Regular Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Mr. Steve Alexander gave a PowerPoint presentation entitled "Investment Options for Reserve Funds." Discussions were held on the following topics/issues:

- $1.3 million earmarked for pension offset
- mortgage backed securities/supernational funds
- determination of compliance with the Investment Policy
- previous modification of Investment Policy.

Mayor Duncan recommended that the Finance Committee review the existing Investment Policy and provide a recommendation to the Town Commission on any changes, without objection.

16. Consolidated Retirement System Board Update

Consolidated Retirement System (CRS) Board Chair Steve Branham will provide an update on the progress to date in consolidating operations and assets for the three frozen defined benefit (DB) pension plans (Firefighters', General Employees' and Police Officers' Retirement Systems). Recommended Action: None, informational only.

CRS Board Chair Branham provided a PowerPoint presentation on the progress to date in the consolidation of the three frozen DB pension plans. Discussions were held on the following topics/issues:

- time frame for selection of money managers
- transition period/quarterly updates from CRS Board
- indication of "state subsidy" on slide 10 of the presentation.

Individual comments followed.

17. New Pass Bridge Presentation

RADM (Ret.) Steve Branham conducted a review of past actions related to bridge openings, analysis of current traffic patterns, bridge opening schedules, and frequency of openings. He was asked to report his findings for Commission information at the September 9, 2015 Regular Meeting. Recommended Action: None, informational only.

17. New Pass Bridge Presentation - Continued
RADM Branham gave a PowerPoint presentation on the New Pass Bridge. Discussions were held on the following topics/issues:

- number/type of bridge openings in various months
- scheduled/restricted hours for testing/training (discretionary openings)
- bridge opening impact on traffic pattern
- cost of scheduling test/training in non-peak hours
- designation as "navigable waterway" and federal laws governing passage

There was consensus to schedule additional discussion to review further options.

Town Manager Dave Bullock noted that additional input/participation from outside entities would need to be scheduled

18. Discussion Regarding the Town's 2016 Legislative Priorities
The Manatee County Legislative Delegation Hearing was held on August 24, 2015, and the Sarasota County Legislative Delegation Hearing is October 2, 2015, at 9:00 AM. Due to Manatee County's early date and lack of Commission meetings prior to the deadline, the Mayor, Town Manager, Assistant Town Manager, and Town Attorney developed a proposed list of the Town's Legislative Priorities. These priorities were based on previous Town priorities, input and preliminary information from Sarasota County Staff, Manatee County Staff, Lobbyist Dave Ramba's office, ManaSota League of Cities, and Florida League of Cities. This item is placed on the September 9, 2015, Regular Meeting for Commission consideration of the Town's Legislative Priorities for presentation at the Sarasota County Legislative Delegation Hearing on October 2, 2015. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock commented on the short term rental issue and reviewed the proposed list developed.

TOWN COMMISSION COMMENTS

A. Public Works
Commr. Younger requested and there was consensus to schedule a discussion item relating to the North End groins at the September 21, 2015, Regular Workshop meeting.

B. School Board
Commr. Zunz requested and there was consensus to invite the Manatee and Sarasota County School Superintendents to address the Commission.

C. Organizations
Commr. Larson commented on a request from the Turtle Watch organization relating to restricting beach furniture and other items on the beach during turtle nesting season.

There was consensus to not schedule the item for discussion.

TOWN ATTORNEY COMMENTS

A. Legislation
Town Attorney Maggie Mooney-Portale requested consideration to schedule a presentation by Lobbyist David Ramba on a future agenda.

There was consensus to schedule Mr. Ramba's presentation at the September 28, 2015, Special Meeting.

B. Litigation
Town Attorney Maggie Mooney-Portale advised that the Town had received a request from the Florida Department of Transportation's contractor, ICA, to participate in a pre-suite mediation. Town Attorney Mooney-Portale advised the Town Commission to refer any inquiries from the contractor or press to her office.

C. Litigation
Town Attorney Maggie Mooney-Portale advised that her office will be presenting a status report on the Colony's litigation matters at a future meeting.

TOWN MANAGER COMMENTS

A. Town Commission
Town Manager Dave Bullock reviewed the Commission's September meeting schedule and noted that public information sessions relating to the undergrounding of Gulf of Mexico Drive were being held.

Discussion ensued on the previous action by the Commission relating to the bonding option and allocation of costs selected for undergrounding in the neighborhood areas.

There was majority consensus to create a public statement that Referendum 2 will be re-evaluated and to have staff remove the information from the Town's website relating to the funding mechanism.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT
Mayor Duncan adjourned the September 9, 2015, Regular Meeting at 11:57 p.m.

Trish Granger, Town Clerk

Jack G. Duncan, Mayor

Minutes Approved: 10-5-15