

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING (IN-PERSON/VIRTUAL)  
NOVEMBER 2, 2020**

**Present:** Mayor Ken Schneier, Vice Mayor Mike Haycock, Commissioners George Spoll and Ed Zunz

**Participating by**

**Remote Access:** Commissioners B.J. Bishop, Jack Daly, Sherry Dominick

**Also Present:** Town Manager Tom Harmer, Town Clerk Trish Shinkle, Information Technology Director Jason Keen

**Also Participating by**

**Remote Access:** Town Attorney Maggie Mooney

**1. Call to Order**

**Mayor Schneier called the Regular (Hybrid) Meeting to order at 1:00 p.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida, with limited Staff members present.**

**2. Roll Call**

Town Clerk Trish Shinkle called roll for attendance by in-person and remote participation with seven Commissioners present.

**3. Pledge of Allegiance**

**4. Pledge of Public Conduct**

Mayor Schneier led the Pledge of Allegiance, noted the Town's Civility Policy, and read the Pledge of Public Conduct.

**5. Ratification of Actions Taken at Virtual Meetings and Approval of Hybrid (In-Person/Virtual) Meetings**

A. Resolution 2020-28, Ratifying and Confirming All Actions Taken by the Town Commission, Boards, and Committees During Virtual Meetings During COVID-19 Pandemic and Authorizing Hybrid Meetings. By passing Resolution 2020-28, the Commission will ratify and confirm all actions taken by Town Commission, Boards, and Committees during virtual meetings, workshops, quasi-judicial hearings, and public hearings from April 2020 through present, and authorizing the incorporation of hybrid meetings. Recommended Action: Pass Resolution 2020-28.

Town Manager Tom Harmer provided an overview of the process and protocols for the in-person/virtual meeting.

**Vice Mayor Haycock moved to accept the virtual meeting protocols and approve the developed process. The motion, seconded by Commissioner Spoll, carried by a 7-0 roll call vote, as follows: Haycock, aye; Spoll, aye; Daly, aye; Zunz, aye; Schneier, aye; Bishop, aye; Dominick, aye.**

Town Clerk Trish Shinkle placed Resolution 2020-28 on record by title only.

**Commissioner Spoll moved to pass Resolution 2020-28. The motion was seconded by Commissioner Zunz.**

Town Attorney Maggie Mooney provided an overview of Resolution 2020-28, requested the

Resolution be amended to include the following statement in Section 3, and requested adoption:

“As long as a physical quorum is present and the Town Commissioner(s) or advisory board member(s) can be visually seen and heard by other meeting participants while appearing virtually, the virtual participants (Commissioners and advisory board members) will be considered present at such proceedings and afforded full participant status.”

**Upon inquiry, Commissioners Spoll and Zunz confirmed that the additional language would be incorporated into the Resolution and motion.**

**The motion to pass Resolution 2020-28, as amended, carried by a 7-0 roll call vote, as follows: Spoll, aye; Zunz, aye; Dominick, aye; Bishop, aye; Haycock, aye; Schneier, aye; Daly, aye.**

B. Other Business

Mayor Schneier offered the following comments:

- welcomed back to the public and Commissioners in attendance
- requested those participating virtually to speak slowly and clearly
- congratulated Staff on the recent bond rating received by the Town
- noted the Citizen’s Academy will be held in 2021, with the date to be determined.

**6. Public to be Heard**

Opportunity for Public to Address Town Commission

A. At each meeting, the Town Commission sets aside time for the public to address issues not on the agenda.

1. Town Commission

Mr. Rusty Chinnis, Longboat Drive East, noted support for the Town to sponsor an environmental project in response to the sewage line break.

B. All other agenda items except public hearings.

No items presented.

**7. Reports**

A. Committee Reports - Organizations

Commissioner Daly commented on the Metropolitan Planning Organization’s (MPO) approved projects and reviewed the Town’s position relating to the Task Force considering the options for transit services on Longboat Key.

B. Introduction of Police Chief Kelli Smith

Following comments by Town Manager Tom Harmer on the employment of Police Chief Kelli Smith, Chief Smith commented on her future service to Longboat Key.

C. COVID-19 Update

The Town Manager will brief Commissioners on the Town’s response to the COVID-19 pandemic. Recommended Action: None, informational only.

Town Manager Tom Harmer gave a PowerPoint presentation updating the Commission on the Town’s response to the pandemic, reviewed current State statistics, noted the current positive cases on Longboat Key and surrounding areas in Sarasota and Manatee Counties. Discussions were held on the following topics/issues:

- 8 positives in Manatee County as of November 2, 2020/breakdown of long-term residents versus visitors
- non-disclosure by Health Department below zip code level
- visitors may not show on positive cases if they use a different zip code
- options to get information on contact tracing to ensure restaurants are/are not source of exposure
- preventive measures (service workers wearing masks)
- contact tracing
- opportunity for presentation by Health Department Director Chuck Henry
- upcoming public events/precautions and measures/distribution of "swag" bags
- Town's response (mask ordinance)/reliance on residents and organizations for compliance with mask ordinance.

## **8. Consent Agenda**

The purpose of the Consent Agenda is to expedite those items on an agenda that appear to be of a routine nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Meeting Agenda by any member of the Town Commission without having to make a motion, receive a second, or submit to a vote. Otherwise, all items on the consent Agenda are voted upon in their totality by one action (motion, second and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda is a vote of confirmation to the action noted in each item.

### **A. Approval of Minutes**

September 14, 2020 Regular Meeting; September 29, 2020 Regular Workshop Meeting; September 29, 2020 Special Meeting; September 30, 2020 Attorney-Client Meeting; and October 5, 2020 Regular Meeting Minutes. Recommended Action: Approve Minutes.

### **B. Public Forum Permit Application Request for Waiver of Permit Fee**

The Longboat Key Chamber of Commerce is requesting a Public Forum Permit Application fee waiver of \$100 for the November 28, 2020 Tree Lighting Ceremony at the Town Center Open Venue. Recommended Action: Approve the request for Public Forum Permit fee waiver.

### **C. Memorandum of Understanding (MOU) for Tampa Bay Regional Resiliency Coalition**

The Tampa Bay Resiliency Coalition is a regional collaboration formed to address sea level rise, climate resiliency and includes 29 local governments including Sarasota and Manatee Counties. Recommended Action: Authorize Mayor to execute the MOU with Tampa Bay Resiliency Coalition.

### **D. 2021 Town Commission Meeting Schedule**

Each year the Town Commission adopts their meeting schedule for the upcoming calendar year which includes all customary meetings, and required meetings that can be reasonably anticipated at this time. The schedule accommodates Town-observed holidays, religious observances, Florida Statutes advertising requirements for Budget adoption, and builds in Commission stated preferences regarding holidays and other conflicts. Recommended Action: Adopt 2021 Town Commission Meeting Schedule.

### **E. Interlocal Agreement with Manatee County for Beach Improvements and Maintenance Providing for Reimbursement for Actual Costs Up To \$2.69 Million**

The Interlocal Agreement with Manatee County provides for reimbursement of up to \$2.69 million to the Town for actual costs incurred in the design, permitting, and construction of

the North End Beach Maintenance Project. Recommended Action: Authorize Manager to sign MOU with Manatee County.

**Mayor Schneier pulled Item 8D for discussion later this meeting.**

**Vice Mayor Haycock moved to approve Items 8A through 8C and 8E on the Consent Agenda in accordance with Staff's reports and recommendations. The motion, seconded by Commissioner Zunz, carried by a 7-0 roll call vote, as follows: Haycock, aye; Zunz, aye; Daly, aye; Dominick, aye; Bishop, aye; Spoll, aye; Schneier, aye.**

#### **9. Ordinances – First Reading**

A. Ordinance 2020-09, Amending Chapter 74, Parking Schedules, Providing for Residents' Parking Permit Program for Longbeach Village

Ordinance 2020-09 amends Chapter 74, Parking Schedules, to add Schedule IV to establish a Residents' Only Parking Permit program for Longbeach Village. This item was forwarded to the November 2, 2020, Regular Meeting following discussion at the September 29, 2020, Regular Workshop Meeting. Recommended Action: Forward to the December 7, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-09 on record for first reading by title only.

**Commissioner Zunz moved to pass Ordinance 2020-09 and to forward to the December 7, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Spoll.**

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on Ordinance 2020-09. Mr. Parsons reviewed the clarifications to the Ordinance following the September Workshop Meeting as outlined in the Staff report. Discussions were held on the following topics/issues:

- parking for vehicles launching boats/inclusion of language to clarify
- definition of resident throughout the Code/consistency of Code
- total number of parking spaces within the Village (415)
- number of parking spaces on Broadway included in the RPP (Resident Parking Program).

The following individuals, present in the Chamber, commented on Ordinance 2020-09:

- Mr. Robert Lopez, Broadway Street
- Ms. Carla Rowan, Broadway Street
- Ms. Cindy Fischer, Linley Street
- Ms. Becky Parrish, Hughes Street
- Mr. Michael Drake, Longboat Drive South.

The following individuals participated virtually:

- Mr. Henry Smith, Linley Street
- Mr. Rusty Chinnis, Longboat Drive East
- Mr. Pete Rowan, Broadway Street

Town Clerk Shinkle read written comments by Mr. Steve Kring, Broadway Street, for the record.

Mayor Schneier noted that additional written comments received through the Town's e-mail system had been distributed to Commissioners.

Discussions were held with Town Attorney Maggie Mooney on the following topics/issues:

- option to expand the resident only parking to residents of Longboat Key who do not live in the Village
- option for exclusion of some parking spots on Broadway from the RPP
- consideration of “equal protection arguments”
- non-inclusion of boat ramp and boat launching in the RPP.

**Mayor Schneier requested inclusion of language relating to the boat ramp and boat launching not be included in the RPP. Commissioners Zunz and Spoll accepted the proposed revision to Ordinance 2020-09.**

**Mr. Parsons requested that the motion include the clarifications presented this date. Commissioners Zunz and Spoll incorporated the clarifications into the motion.**

Subsequent to comments on the definition of resident, Town Attorney Mooney noted that Staff can draft language to further clarify the definition of resident.

**The motion to pass Ordinance 2020-09, as amended, carried by a 6-1 roll call vote, as follows: Zunz, aye; Spoll, aye; Schneier, aye; Dominick, aye; Haycock, no; Daly, aye; Bishop, aye.**

**RECESS:** 3:20 p.m. – 3:30 p.m.

B. Ordinance 2020-20, Amending Chapter 33, Boards and Commissions, Expanding the Authority of the Special Magistrate to Hear Parking Related Appeals  
Ordinance 2020-20 would add Chapter 72, Stopping, Standing and Parking, and Chapter 74, Parking Schedules, to be included among the Chapters the Special Magistrate would have authority and jurisdiction to consider appeals. Recommended Action: Forward Ordinance 2020-20 to the December 7, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-20 on record for first reading by title only.

**Commissioner Spoll moved to pass Ordinance 2020-20 on first reading and to forward to the December 7, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Haycock.**

Town Manager Tom Harmer provided an overview of Ordinance 2020-20.

Mayor Schneier commented on correspondence received relating to issues in a neighborhood pertaining to unleashed dogs and inquired as to enforceability.

**The motion carried by a 7-0 roll call vote, as follows: Spoll, aye; Haycock, aye; Bishop, aye; Dominick, aye; Daly, aye; Schneier, aye; Zunz, aye.**

C. Ordinance 2020-19, Establishing the 2021 Election Dates

The Town Commission will consider Ordinance 2020-19 which provides for the dates of January 26, 2021 for a Preliminary Election (if required), and March 9, 2021 for the General Municipal Election. It also provides for early voting in accordance with State law, for ballot presentation, and advertising. Recommended Action: Forward Ordinance 2020-19 to the December 7, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-19 on record for first reading by title only.

**Commissioner Zunz moved to pass Ordinance 2020-19 on first reading and to forward to the December 7, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Haycock.**

Town Manager Tom Harmer provided an overview of Ordinance 2020-19 and advised that if only one individual qualified for each Commission Districts scheduled for election, it would not be necessary to forward the Ordinance for second reading.

**The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Haycock, aye; Daly, aye; Dominick, aye; Schneier, aye; Bishop, aye; Spoll, aye.**

#### **10. Ordinances – Second Reading and Public Hearing**

A. Ordinance 2020-15, Amending Chapter 93, Vessels, Waterways and Water Activities  
Ordinance 2020-15 amends Chapter 93 to bring the Town Code into compliance with recently adopted regulations governing vessel anchoring and mooring in Florida Statutes Chapters 327 and 328; which pre-empted much of the vessel anchoring and mooring regulations to the State. This item was forwarded from the October 5, 2020, Regular Meeting for second reading, public hearing, and adoption. Recommended Action: Adopt Ordinance 2020-15.

Town Clerk Trish Shinkle placed Ordinance 2020-15 on record for second reading and public hearing by title only.

**Vice Mayor Haycock moved to adopt Ordinance 2020-15. The motion was seconded by Commissioner Spoll.**

**Mayor Schneier opened the public hearing.**

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on Ordinance 2020-15.

Following comments, Town Manager Harmer noted that he has a meeting scheduled with the Manatee County Administrator and the issue of noise enforcement by Manatee County is on the agenda to discuss.

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

**The motion carried by a 7-0 roll call vote, as follows: Haycock, aye; Spoll, aye; Schneier, aye; Bishop, aye; Zunz, aye; Dominick, aye; Daly, aye.**

B. Ordinance 2020-11, Master Water and Wastewater Bond for Future Borrowings, and Authorizing a Not to Exceed \$3.1 Million Revenue Refunding Note to Refinance the State Revolving Fund Loan

The Town Commission will consider Ordinance 2020-11 which establishes a base document for future borrowings and authorizes the issuance of \$3.1 million Wastewater Refunding Revenue Notes to refinance the State Revolving Fund (SRF) loan agreements. This item was forwarded from the October 5, 2020 Regular Meeting for second reading, public hearing and adoption. Recommended Action: Adopt Ordinance 2020-11. Resolution and Public Hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-11 on record for second reading and public hearing by title only.

**Commissioner Zunz moved to adopt Ordinance 2020-11. The motion was seconded by Vice Mayor Haycock.**

**Mayor Schneier opened the public hearing.**

Following comments by Town Manager Tom Harmer, Finance Director Sue Smith gave a PowerPoint presentation on Ordinance 2020-11.

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

**The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Haycock, aye; Bishop, aye; Dominick, aye; Daly, aye; Spoll, aye; Schneier, aye.**

**11. Resolutions and Public Hearing**

A. Resolution 2020-26, Supplementing Ordinance 2020-11, Authorizing Not to Exceed \$3.1 Million for Water and Wastewater Refunding Revenue Note

Resolution 2020-26 supplements Ordinance 2020-11 and authorizes the issuance of \$3.1 million Wastewater Refunding Revenue Note Series 2020 for the purpose of refinancing the State Revolving Fund (SRF) Loan Agreements. This authorizes the private negotiated sale of the Note to Truist Bank to refinance the SRF Loan Agreements. Recommended Action: Hold public hearing, pass Resolution 2020-26, and each Commissioner execute Certificate of Public Meetings, and No Conflict of Interest.

Town Clerk Trish Shinkle placed Resolution 2020-26 on record by title only.

**Commissioner Spoll moved to pass Resolution 2020-26 and authorize execution of the required Certificates. The motion was seconded by Commissioner Zunz.**

Mayor Schneier opened the public hearing.

Finance Director Sue Smith provided an overview of Resolution 2020-26.

Mayor Schneier commended Staff and bond counsel for their efforts in achieving cost savings for the Town.

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

**The motion carried by a 7-0 roll call vote, as follows: Spoll, aye; Zunz, aye; Daly, aye; Bishop, aye; Dominick, aye; Schneier, aye; Haycock, aye.**

B. Resolution 2020-29, Amending FY20 Budget in the Amount of \$88,500 for Water and Wastewater Operating Fund

Resolution 2020-29 provides for a FY20 Budget transfer as part of the annual year-end adjustments for costs associated with the sewer pipe leak in June 2020. Sufficient funds are available in the Water Department to cover these costs. Recommended Action: Hold public hearing and pass Resolution 2020-29.

Town Clerk Trish Shinkle placed Resolution 2020-29 on record by title only.

**Commissioner Spoll moved to pass Resolution 2020-29. The motion was seconded by Commissioner Bishop.**

**Mayor Schneier opened the public hearing.**

Town Manager Tom Harmer provided an overview of Resolution 2020-29 and responded to inquiry regarding additional amendments that may be required due to sewer spill.

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

**The motion carried by a 7-0 roll call vote, as follows: Spoll, aye; Bishop, aye; Haycock, aye; Schneier, aye; Dominick, aye; Zunz, aye; Daly, aye;**

C. Resolution 2020-25, Amending the FY20 Budget in the Amount of \$84,500 for COVID-19 Expenses

Resolution 2020-25 provides for a FY20 Budget transfer as part of the annual year-end adjustments to cover various unbudgeted expenses resulting from the declared State of Emergency issued in March 2020 by Governor DeSantis in response to the COVID-19 pandemic. Funds would be transferred from the General Fund Contingency to the Emergency Management Department Budget. Recommended Action: Hold public hearing and pass Resolution 2020-25.

Town Clerk Trish Shinkle place Resolution 2020-25 on record by title only.

**Commissioner Spoll moved to pass Resolution 2020-25. The motion was seconded by Vice Mayor Haycock.**

**Mayor Schneier opened the public hearing.**

Town Manager Tom Harmer provided an overview of Resolution 2020-25.

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

**The motion carried by a 7-0 roll call vote, as follows: Spoll, aye; Haycock, aye; Daly, aye; Schneier, aye; Zunz, aye; Bishop, aye; Dominick, aye.**

## **12. New Business**

A. Town of Longboat Key 2021 Legislative Priorities

Each year the Town Commission establishes a list of the Town's Legislative Priorities to present to the Sarasota County Legislative Delegation, the Manatee County Legislative Delegation, and the Manasota League of Cities. Recommended Action: Establish 2021 Legislative Priorities.

Town Manager Tom Harmer provided an overview of the Legislative Priorities process, noted the issues included, and provided language relating to enhancement to existing mid-block crossings. Upon inquiry, Town Manager Harmer suggested that the additional item be grouped with Transportation related items.

**Vice Mayor Haycock moved to approve the 2021 Legislative Priorities, as amended. The motion, seconded by Commissioner Bishop, carried by a 7-0 roll call vote, as follows: Haycock, aye; Bishop, aye; Spoll, aye; Zunz, aye; Daly, aye; Dominick, aye; Schneier, aye.**

B. Historic Whitney Beach Cottage Placement on Town Center Property

The Town Manager will provide an update on the Historic Whitney Beach Cottage being considered for relocation to the Town Center. The Town Manager will also review a proposed lease agreement with the Longboat Key (LBK) Historical Society in the event the Commission elects to move forward with authorizing the placement of the historic cottage on Town-owned property. Recommended Action: Provide direction to Manager.

Town Manager Tom Harmer gave a PowerPoint presentation on the proposed placement of the historic cottage and lease agreement with the LBK Historical Society and advised that the Bay Isles Planned Unit Development (PUD) would require modification.

Discussion ensued on the proposed location of the building, current site conditions, and the approved concept plan.

Mr. Michael Drake, President of the LBK Historical Society, commented on the proposed location of the building.

Following discussion on the proposed location for the building, Town Manager Harmer noted that Staff could stake out additional sites if the Commission wished to postpone the decision.

Upon inquiry, Town Attorney Maggie Mooney advised that action could not be taken at a Workshop but that the Town Commission could hold a Special Meeting following the Workshop on November 9, 2020, to take final action on the issue.

Subsequent to comments on the cost for placement on the various sites, Town Attorney Mooney noted her preference to have the location of the site depicted in the lease agreement.

Mr. Drake commented on the time frame for moving the cottage to the Town Center.

**Mayor Schneier moved to defer discussion and schedule a Special Meeting for November 9, 2020, immediately following the Regular Workshop Meeting.**

Following comments on determination of the location and options to include additional language, Commissioner suggested that the Commission meet at the site and return to the Chamber for discussion and action. Discussion ensued.

**The motion, seconded by Commissioner Zunz, carried by a 7-0 roll call vote, as follows: Schneier, aye; Zunz, aye; Bishop, aye; Dominick, aye; Daly, aye; Spoll, aye; Haycock, aye.**

### Consent Agenda

#### D. 2021 Town Commission Meeting Schedule - Continued

Each year the Town Commission adopts their meeting schedule for the upcoming calendar year which includes all customary meetings, and required meetings that can be reasonably anticipated at this time. The schedule accommodates Town-observed holidays, religious observances, Florida Statutes advertising requirements for Budget adoption, and builds in Commission stated preferences regarding holidays and other conflicts. Recommended Action: Adopt 2021 Town Commission Meeting Schedule.

Mayor Schneier advised he pulled item 8D from the Consent Agenda to discuss the Workshop schedule in November 2021 and suggested that the November 2021 Regular Workshop be held on the third Monday (November 15, 2021) in lieu of the second Monday (November 8, 2021).

**Commissioner Bishop moved to change the Regular Workshop Meeting to November 15, 2021. The motion, seconded by Commissioner Spoll, carried by a 7-0 roll call vote, as follows: Bishop, aye; Spoll, aye; Daly, aye; Zunz, aye; Schneier, aye; Haycock, aye; Dominick, aye.**

### 13. Town Commission Comments

#### A. Town Commission

Vice Mayor Haycock requested an overview of the off-site retreat on November 4, 2020.

B. Police Department

Commissioner Zunz inquired as to the enforcement of Town Code to address the dog issues brought to the Commission's attention on Jungle Queen Way.

**14. Town Attorney Comments**

No items were presented.

**15. Town Manager Comments**

A. Police Department

Town Manager Tom Harmer commented on the e-mail reporting the dog issues on Jungle Queen Way and noted that the Police Department is following up.

B. Town Commission

Town Manager Tom Harmer noted the Commission Retreat on Wednesday, November 4, 2020, from 10 a.m. to 3:00 p.m. to be located at Sea Place Condominiums (2045 Gulf of Mexico Drive, Longboat Key). Town Manager Harmer noted the room set-up will provide for social distancing and noted that he will be seeking Commission input on strategic direction and long term issues.

C. Elections

Town Manager Harmer noted that Town Hall was a polling precinct for the November 3, 2020, Presidential Election, and advised that precautions were being taken to ensure safety of employees.

D. Police Department

Town Manager Harmer noted two coyote sightings on the North end of Longboat and advised that Staff was monitoring the situation.

E. Elections

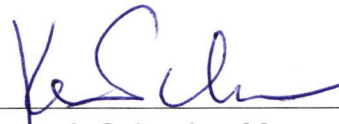
Upon inquiry, Town Manager Harmer noted the polls were open from 7:00 a.m. to 7:00 p.m. on November 3, 2020.

**16. Adjournment**

**Mayor Schneier adjourned the November 2, 2020, Regular Meeting at 5:02 p.m.**



Trish Shinkle, Town Clerk



Kenneth Schneier, Mayor

Minutes Approved: 12/7/2020

