

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
SEPTEMBER 11, 2023**

Present: Mayor Ken Schneier, Vice Mayor Mike Haycock, Commissioners B.J. Bishop, Gary Coffin, Penny Gold, Debbie Murphy, and Debra Williams

Also Present: Town Manager Howard Tipton, Town Attorney Maggie Mooney, Town Clerk Trish Shinkle

1. Call to Order and Pledge of Allegiance

Mayor Schneier called the September 11, 2023, Regular Meeting to order at 1:02 p.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida.

Mayor Schneier noted the importance of remembering the September 11, 2001, terrorist attacks on the United States, advised that the Town's Public Works Department placed 2,977 flags along Gulf of Mexico Drive for the 22nd year remembering those that perished in that attack, and requested a moment of silence in remembrance.

Mayor Schneier led the Pledge of Allegiance.

Mayor Schneier welcomed back Commissioners, Staff, and the public from the summer recess.

2. Pledge of Public Conduct

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

3. Public to be Heard

Opportunity for Public to Address Town Commission

A. Police Department

Ms. Lynn Larson, Yardarm Lane, noted a recent call to 9-1-1 for emergency service, was advised she needed to contact the Charlotte County 9-1-1, commented on the inadequate service provided by the Sarasota County Sheriff's office for Longboat residents needing emergency assistance, and supported reinstating the dispatch service previously provided on Longboat Key.

B. Police Department

Ms. Lynn Cook, Gunwale Lane, commented on the inadequate 9-1-1 service provided by the Sarasota County Sheriff's office for Longboat residents needing emergency assistance and supported reinstating the dispatch service previously provided on Longboat Key.

C. Police Department

Ms. Nancy Gornto, Cutter Lane, commented on the inadequate 9-1-1 service provided by the Sarasota County Sheriff's office for Longboat residents needing emergency assistance and supported reinstating the dispatch service previously provided on Longboat Key.

Mayor Schneier noted previous complaints on the service provided by the Sarasota County Sheriff's office relating to 9-1-1 service and requested that the matter be placed on a future agenda for discussion, without objection.

D. Planning, Zoning, and Building

Mr. Mike Percopo, Sloop Lane, commented on the improper mooring (double parking) of boats in the canal (549 Sloop Lane) and advised that there are individuals living on the boat that is moored at the residence.

Mayor Schneier commented on existing ordinances relating to docks/boat moorings and restrictions against live-aboard vessels.

Commissioner Bishop inquired, and Mr. Percopo noted an issue with a contractor's ability to navigate the canal due to low tide/draft issues when the boat was moored on the dock's exterior.

E. Planning, Zoning, and Building

Mr. Mark Antos, Sloop Lane, commented on the mooring of the boat at his residence and advised that the boat will be moved this week.

F. Planning, Zoning, and Building

Ms. Kathy Callahan, President of Country Club Shores I & II, supported the regulation of boat moorings within canals and the passage of additional regulations.

Mr. Todd Callahan, Ketch Lane, requested information on the status of the draft Ordinance. Town Manager Howard Tipton noted the Ordinance is scheduled to be considered by the Planning and Zoning Board in October.

Mayor Schneier noted the additional issue of having individuals staying on the boat and the implication relating to violation of short term rental regulations.

4. Reports

Committee Reports

A. Organizations

Commissioner Bishop noted attendance of several Commissioners at the Florida League of Cities (FLC) conference in August (2023) and a recent FLC Committee meeting.

Commissioner Bishop advised of a number of issues that were brought forth at the Utilities, Natural Resources, and Public Works Committee meeting and requested that an item be scheduled for Commission discussion on a Workshop agenda, without objection.

B. Organizations

Commissioner Gold noted attendance and reviewed the issues discussed at the Sarasota County Economic Development Corporation and Florida League of Cities Committee meetings.

C. Organizations/Government Agencies

Vice Mayor Haycock noted an upcoming meeting of the Sarasota-Manatee Metropolitan Planning Organization, advised that the City of Sarasota's "Fruitville Road Diet" is under consideration again, and suggested discussion/direction be held for him to present during the meeting later this meeting. (See this Item and Item 8D later this meeting.)

D. Organizations

Commissioner Murphy noted attendance at the Manatee County Tourist Development Council and reviewed the issues discussed.

E. Government Agencies

Mayor Schneier noted he, Town Manager Howard Tipton, and Commissioner Murphy attended the Manatee County Council of Governments (COG) meeting and reviewed the issues discussed.

F. Organizations

Mayor Schneier noted attendance at the Florida League of Cities (FLC) Conference in August and the appointments made by the Commission to the FLC Committees and reviewed the success of the FLC advocacy/lobbyist efforts in support of municipalities.

G. Organizations

Commissioner Coffin noted attendance at the Florida League of Cities (FLC) Land Use and Economic Development Committee meeting and reviewed the issues discussed.

C. Organizations/Government Agencies - Continued

Commissioner Bishop noted discussion with a Sarasota City Commissioner and actions to be considered by the City Commission in the near future as it may relate to the "Fruitville Road Diet."

Mayor Schneier noted previous consideration of the Fruitville road proposal before the Sarasota City Commission and advised that the Town would be watching the action taken.

Commissioner Gold commented on the growth and visitor statistics throughout the area and the impact on traffic.

(See this Item earlier this meeting and Item 8D later this meeting.)

H. Hurricane Response

Mayor Schneier requested, and Public Works Director Isaac Brownman provided an update on the impact of Hurricane Idalia on Longboat Key. Discussions were held on the following topics/issues:

- transformer box failures
- anticipated schedule for debris pick-up by Waste Management/locations to be served
- reinstatement of power and voltage output (220 volts versus 110 volts)
- size of elevated pads for the transformer boxes
- failure of some transformers and not others (being investigated by Florida Power and Light Company{FPL})
- delays in conversion of additional transformers
- representatives from FPL at the next scheduled Workshop
- estimated number of transformers that failed
- water damage to homes that were built on grade versus elevated homes
- water impact on pool pumps and consideration of reviewing the Town Code relating to elevation of pool pumps
- damage to existing neighborhood during new construction
- success of mitigation efforts on Lyons Lane
- impact of pumping system failure on St. Armands Key to Longboat residents/options to consider pumping systems for Longboat Key
- description of the Lyons Lane project.

Town Manager Howard Tipton noted that a more detailed report would be presented at the September 26, 2023, Regular Workshop.

5. Consent Agenda

The purpose of the Consent Agenda is to expedite formal action on agenda items that are routine in 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 Commission without a motion, a second, or 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 provides the formal action noted for each item.

A. Approval of Minutes

June 20, 2023, Special Meeting, and June 30, 2023, Regular Meeting. Recommended Action: Approve Minutes.

B. Resolution 2023-03, Joint Meeting with Sarasota County Commission

Resolution 2023-03 provides compliance with Florida Statutes, Section 166.0213, and authorizes participation in a Special Joint Workshop Meeting between the Town Commission and the Sarasota Board of County Commission on October 11, 2023. Recommended Action: Pass Resolution 2023-03.

C. Resolution 2023-10, Joint Meeting with City of Sarasota Commission

Resolution 2023-10 provides compliance with Florida Statutes, Section 166.0213, and authorizes participation in a Special Joint Workshop Meeting between the Town Commission and the Sarasota City Commission on October 9, 2023. Recommended Action: Pass Resolution 2023-10.

D. Resolution 2023-26, Joint Meeting with Manatee County Commission

Resolution 2023-26 provides compliance with Florida Statutes, Section 166.0213, and authorizes participation in a Special Joint Workshop Meeting between the Town Commission and the Manatee County Commission on October 31, 2023. Recommended Action: Pass Resolution 2023-26.

E. Resolution 2023-27, Providing for Reimbursement for Expenditures

Resolution 2023-27 provides for reimbursement for professional services rendered in the completion and filing of the Florida Commission on Ethics statutory filing of Form 6, Full Financial Disclosure. Recommended Action: Pass Resolution 2023-27.

F. Requests for Waiver of Public Forum Permit (PFP) Fees

Requests were received from the following entities for a waiver of the PFP fees for their upcoming events on Longboat Key: The Paradise Center - Making Strides Breast Cancer Walk, October 21, 2023; All Angels by the Sea Episcopal Church - Blessing of the Pets, October 22, 2023; and St. Mary Star of the Sea - Annual Rummage Sale, March 8-9, 2024. Recommended Action: Approve the waiver requests.

G. Ratification and Approval of Filing of Forfeiture Litigation

On July 15, 2023, the Longboat Key Police Department made a traffic related stop that led to an arrest and discovery of prohibited contraband (cash and drugs) within the vehicle. The value of the contraband was \$7,859.62 in U.S. currency. Because forfeiture actions are statutorily driven and have strict filing deadlines and processes, it was necessary to file a forfeiture Complaint before the Town Commission returned from their summer recess or the Town would lose its ability to pursue a forfeiture claim. Accordingly, in consultation with the Town Manager and Police Chief, our collective recommendation was that the Town file the forfeiture action and request ratification of the suit by the Town Commission at the September Regular Meeting. Recommended Action: Ratify and approve the Town Attorney

office's filing of the forfeiture complaint in the lawsuit captioned, *In Re: Forfeiture of \$7,859.62, Case No. 2023 CA 6287 NC (pending the Twelfth Judicial Circuit Court)* and authorize the Town Attorney's office to continue to pursue the litigation on the Town's behalf.

Commissioner Williams inquired as to a financial cap for reimbursement (Item 5F) and Town Manager Howard Tipton advised that Staff will do research on "customary and reasonable" charges and advised the Resolution could be amended in the future to include a reimbursement cap.

Commissioner Bishop moved to approve Consent Agenda items 5A through 5G in accordance with the Staff report and recommendations. The motion, seconded by Commissioner Gold, carried by a 7-0 roll call vote, as follows: Bishop, aye; Gold, aye; Murphy, aye; Williams, aye; Schneier, aye; Haycock, aye; Coffin, aye.

6. Resolutions and Ordinances

A. Resolution 2023-14, Certification of the Annual Assessment Roll for the Gulf of Mexico Drive (GMD) Utility Undergrounding Project

Public hearing to consider Resolution 2023-14, certifying the annual assessment roll for compliance with administrative provisions for the GMD Utility Undergrounding Project assessment roll. Resolution 2023-14 must be passed prior to September 15, 2023. Recommended Action: Following public hearing, pass Resolution 2023-14.

Mayor Schneier opened the public hearing.

Town Clerk Trish Shinkle placed Resolution 2023-14 on record for public hearing by title only.

Town Manager Howard Tipton provided an overview of Resolution 2023-14. Upon inquiry, Finance Director Sue Smith discussed the starting date of the assessment and the activation of parcels on the tax rolls.

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

Commissioner Murphy moved to pass Resolution 2023-14. The motion, seconded by Commissioner Williams, carried by a 7-0 roll call vote, as follows: Murphy, aye; Williams, aye; Coffin, aye; Gold, aye; Bishop, aye; Haycock, aye; Schneier, aye.

B. Resolution 2023-15, Certification of the Annual Assessment Roll for the Neighborhood Utility Undergrounding Project

Public hearing to consider Resolution 2023-15, certifying the annual assessment roll for compliance with administrative provisions for the Neighborhood Utility Undergrounding project assessment roll. Resolution 2023-15 must be passed prior to September 15, 2023. Recommended Action: Following public hearing, pass Resolution 2023-15.

Mayor Schneier opened the public hearing.

Town Clerk Trish Shinkle placed Resolution 2023-15 on record for public hearing by title only.

Town Manager Howard Tipton provided an overview of Resolution 2023-15. Upon inquiry, Finance Director Sue Smith discussed the starting date of the assessment and the activation of parcels on the tax rolls. Discussions were held on the following topics/issues:

- date of initial assessment

- activation of parcels on the tax rolls
- term of the assessment
- impact on other properties lowering the costs as the assessments are paid down.

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

Commissioner Bishop moved to pass Resolution 2023-15. The motion, seconded by Commissioner Williams, carried by a 7-0 roll call vote, as follows: Bishop, aye; Williams, aye; Haycock, aye; Schneier, aye; Coffin, aye; Gold, aye; Murphy, aye.

C. Resolution 2023-24, Fiscal Year 2022-2023 (FY23) Budget Amendment

Public hearing to consider Resolution 2023-24 to amend the Sarasota County Infrastructure Surtax (IST) Fund (Phase III) for the FY10-24 Budget. The seventh amendment to the IST 2010-2024 budget is being proposed to reallocate and amend revenues of \$1,077,917 and to reallocate a balance of \$171,159 remaining in the Public Facilities to Public Safety in the amount of \$858,695 and Parks and Recreation Improvements of \$390,381 in order to fund the requested projects contained in the Capital Improvement Plan (CIP). Recommended Action: Following public hearing, pass Resolution 2023-24.

Mayor Schneier opened the public hearing.

Town Clerk Trish Shinkle placed Resolution 2023-24 on record for public hearing by title only.

Following comments by Town Manager Howard Tipton, Finance Director Sue Smith provided an overview of Resolution 2023-24. Discussions were held on the following topics/issues:

- description under Parks and Recreation relating to Tennis Center
- consideration to request that Counties "eliminate" the County line as it pertains to expenditure of funds
- percentage of revenue based upon census data
- status of upgrades to Town Hall (window protection/generator)
- receipt of revenue monthly/ability to carry-over funds year-to-year
- use of IST funds for grant matching purposes
- lack of functional category for Streets and Drainage/allocation of resources/reinstituting category in 2024.

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

Vice Mayor Haycock moved to pass Resolution 2023-24. The motion, seconded by Commissioner Coffin, carried by a 7-0 roll call vote, as follows: Haycock, aye; Coffin, aye; Gold, aye; Williams, aye; Murphy, aye; Bishop, aye; Schneier, aye.

D. Resolution 2023-25, Amending the Ambulance Fee Schedule

Public hearing to consider Resolution 2023-25, to amend the Ambulance Fee Schedule for ambulance transport service to align the Town's fees with prevailing rates in the area. Recommended Action: Following public hearing, pass Resolution 2023-25.

Mayor Schneier opened the public hearing.

Town Clerk Trish Shinkle placed Resolution 2023-25 on record for public hearing by title only.

Following comments by Town Manager Howard Tipton, Fire Chief Paul Dezzi provided an overview of Resolution 2023-25. Discussions were held on the following topics/issues:

- anticipated additional revenue
- lack of funding from Counties for Fire/EMS Services (self-taxing)
- Tele-Health Services/estimated costs/invoices received by the patient for medical services or prescription costs
- chest decompression
- equipment fees charged for use by other transport services
- wait-time fees
- mileage charges
- proposed charges/comparison with other agencies
- other fees charged for services provided (inspections, plan review)
- collection services
- EMS fees versus Fire fees.

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

Commissioner Bishop moved to pass Resolution 2023-25. The motion, seconded by Commissioner Williams, carried by a 7-0 roll call vote, as follows: Bishop, aye; Williams, aye; Murphy, aye; Schneier, aye; Haycock, aye; Coffin, aye; Gold, aye.

E. Ordinance 2023-01, to Amend Town Code Chapter 160, Comprehensive Plan, Conservation and Coastal Management and Recreation and Open Space Elements
Second reading and public hearing to consider Ordinance 2023-01, incorporating the fifth batch of Comprehensive Plan amendments identified in the Evaluation and Appraisal Report. These changes are to update the Conservation and Coastal Management and Recreation and Open Space Elements. Following first reading and public hearing on June 5, 2023, Ordinance 2023-01 was transmitted to the Florida Department of Commerce for review and comment and the Town received a response noting no objections or comments to the amendments. Recommended Action: Adopt Ordinance 2023-01 following second reading and public hearing.

Mayor Schneier opened the public hearing.

Town Clerk Trish Shinkle placed Ordinance 2023-01 on record for second reading and public hearing by title only.

Planning, Zoning, and Building Department Director Allen Parsons provided an overview of Ordinance 2023-01, noting language change "Potable" water. Discussions were held on the following topics/issues:

- critical issues impacting Florida (water supply)
- restriction on use of potable water for irrigation
- cost of alternate water supply
- upgrades in surrounding communities for advanced wastewater treatment.

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

Commissioner Coffin moved to adopt Ordinance 2023-01. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Coffin, aye; Haycock, aye; Gold, aye; Murphy, aye; Schneier, aye; Bishop, aye; Williams, aye.

F. Ordinance 2023-11, to Amend Town Code Chapter 34, Employment

First reading to consider Ordinance 2023-11 to amend Section 34.101, relating to the appointment process and term expiration dates for the Consolidated Retirement System Board of Trustees and the election procedures for employee Trustees. Recommended Action: Pass Ordinance 2023-11 on first reading and forward to the October 2, 2023, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2023-11 on record by title only.

Following comments by Town Manager Howard Tipton, Commissioner Bishop inquired as to expanding the option to relinquish appointment of the Chair and Vice Chair to the Board of Trustees in lieu of a Commission appointment.

Commissioner Bishop commented on the services of Deputy Town Clerk Savannah Cobb advising that Ms. Cobb was in attendance at the Florida League of Cities (FLC) conference representing the Administrative Coordinator responsibilities for the Manasota League of Cities, was appointed to the Florida League of Cities (FLC) Municipal Administration Committee, and was accepted into the Leadership Manatee Program which requires an enormous commitment and a great deal of additional work. Commissioner Bishop thanked Ms. Cobb for her participation and representation of Longboat Key.

Commissioner Bishop commented on the appointment of the Chair and Vice Chair by the Commission instead of selection by the Trustees appointed to the Board. Discussion ensued on the history for the selection of the Chair and Vice Chair by the Commission in lieu of the Trustees selecting their own representation.

There was consensus to schedule a discussion relating to the appointment of the Chair and Vice Chair on a future Workshop agenda.

Commissioner Murphy moved to pass Ordinance 2023-11 on first reading and forward to the October 2, 2023, Regular Meeting for second reading and public hearing. The motion, seconded by Commissioner Williams, carried by a 7-0 roll call vote, as follows: Murphy, aye; Williams, aye; Gold, aye; Coffin, aye; Schneier, aye; Bishop, aye; Haycock, aye.

7. NEW BUSINESS

2024 Town Commission Meeting Schedule

Each year the Town Commission adopts its annual meeting calendar for the upcoming 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 incorporated Commission-stated preference regarding holidays and other conflicts. Recommended Action: Adopt 2024 Town Commission Meeting Schedule.

Town Manager Howard Tipton provided the Commission with the proposed 2024 Meeting Calendar. Discussions were held on the following topics/issues:

- morning meetings starting at 10 a.m. in lieu of 9 a.m.
- scheduling of a July 1st meeting/option to schedule June 28th as an alternate date for July
- consideration of a Charter amendment to modify meeting schedule.

There was consensus to add a Special Meeting on June 28, 2024, and to schedule all morning meetings at 10:00 a.m. instead of a 9:00 a.m. start time.

Commissioner Bishop moved to adopt the 2024 Town Commission Meeting Calendar, as amended. The motion, seconded by Commissioner Murphy, carried by a 7-0 roll call vote, as follows: Bishop, aye; Murphy, aye; Williams, aye; Gold, aye; Coffin, aye; Haycock, aye; Schneier, aye.

Upon inquiry, there was no action taken on a suggested Charter Amendment relating to required meeting dates.

8. Town Commission Comments

A. Police Department

Commissioner Bishop commented on the 9-1-1 dispatch services provided by the Sarasota County Sheriff's Office and suggested analysis on the needs of the Towns' residents. Discussion ensued on the following topics/issues:

- evaluation of the services provided
- staffing issues encountered by the Sarasota County Sheriff's Office
- improved technology
- lack of dispatchers knowledge/familiarity with Longboat Key
- financial impact of re-establishing in-house service
- discussion/consideration of actions that proceeded the change
- statistical data of calls received.

B. Public Works

Commissioner Murphy commended the Public Works Staff on the Greer Island Spit Project. Individual comments followed.

C. Public Works/Planning, Zoning, and Building

Commissioner Bishop noted the impact of the saltwater flooding during Hurricane Idalia and the impact on lawns/landscaping and the need to use potable water to mitigate the damages and inquired as to options for a waiver of excess usage penalties for the Buttonwood development.

Discussions were held with Town Manager Howard Tipton and Public Works Director Isaac Brownman on the following topics/issues:

- current rate system
- lack of a process to alter the rates
- inability to limit any waiver to a specific area/development
- required Town Commission action to alter the rates for a specific amount of time
- damage encountered to some residences due to new construction on neighboring properties along Gulf of Mexico Drive
- administration of protections for existing properties
- legal responsibility between property owners for damage to private property.

D. Government Agencies

Vice Mayor Haycock noted discussion on the previous Fruitville Road plans to reduce lanes in specific areas within the City of Sarasota has resurfaced. Discussion ensued with Town

Manager Howard Tipton and Public Works Director Isaac Brownman on the following topics/issues:

- Sarasota City Commission previous direction to Staff on the project
- endeavor to ascertain additional information from the City of Sarasota
- inclusion of discussion on the Joint Meeting agenda
- additional development approval within the Sarasota City limits
- traffic counts
- improvements made on Ringling Boulevard.

(See Item 4C earlier this meeting.)

9. Town Attorney Comments

A. Planning, Zoning, and Building

Town Attorney Maggie Mooney noted the September 18, 2023, Special Meeting to consider quasi-judicial matters and advised that full disclosures would be required at the start of the meeting.

10. Town Manager Comments

A. Town Manager Howard Tipton noted the following:

- agenda material for the September 18, 2023, Special Meeting relating to the St. Regis project was available for pick-up in the Town Clerk's office
- staffing at high level due to Commission support with competitive salaries
- Sarasota County Government moving forward with the selection of architect and construction manager for the Town Center Library and future scheduled meetings
- upcoming joint meeting with Sarasota County
- Manatee County Government and Manatee County School Board staff working together relating to an interlocal agreement for the proposed lease at Whitney Plaza
- scheduled meeting between Mayor Schneier, Town Manager Tipton, Manatee County Chair Kevin Van Ostenbridge, and County Administrator Charlie Bishop relating to the Whitney Plaza space
- budget public hearing dates.

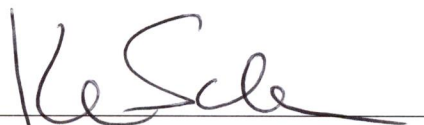
11. Adjournment

Mayor Schneier noted the 5:01 p.m. Budget Hearing this date, and adjourned the September 11, 2023, Regular Meeting at 3:41 p.m.



Trish Shinkle, Town Clerk

Minutes Approved: 11/6/2023



Kenneth Schneier, Mayor

