

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
DECEMBER 6, 2021**

Present: Mayor Ken Schneier, Vice Mayor Mike Haycock, Commissioners B.J. Bishop, Sherry Dominick, Penny Gold, Maureen Merrigan, Debra Williams

Also Present: Town Manager Tom Harmer, Town Attorney Maggie Mooney, Town Clerk Trish Shinkle

1. Call to Order and Pledge of Allegiance

Mayor Schneier called the December 6, 2021, Regular Meeting to order at 1:00 p.m., in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida. Commissioner Merrigan led the Pledge of Allegiance.

2. Pledge of Public Conduct

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

3. Public to be Heard

Town Commission

Ms. Cyndi Seamon, Gulf of Mexico Drive, inquired as to updates on the status of access/passage on the Ohana property (6633 Gulf of Mexico Drive, Longboat Key, Florida).

Town Manager Tom Harmer noted that an agenda item is scheduled for December 13, 2021, at the Regular Workshop.

4. Reports

A. Legislative Update – Town Lobbyist Dave Ramba

Following comments and introduction by Mayor Schneier, Mr. Dave Ramba, with Ramba Consulting Group, gave a legislative update for the past and upcoming 2022 Florida Legislative Sessions. Discussions were held on the following topics/issues:

- Florida League of Cities (FLC) new program to organize homeowner associations to lobby on local issues
- House Bill 403 regarding regulation of home businesses (2021 legislation)
- Florida Department of Environmental Protection funding for algae blooms/red tide clean-up (2021 legislation)
- bill filed relating to regulation of businesses and ability for business to initiate a lawsuit against the government agency relating to damages for revenue loss (Senate Bill 620 - 2022 legislation filed).

B. Committee Reports

1. Organizations

Commissioner Merrigan noted attendance at the Bradenton Area Economic Development Corporation (EDC) meeting and noted the items discussed.

2. Organizations

Commissioner Bishop noted the Florida League of Cities Program "Local Voices United," advised that Longboat Key has scheduled an initial meeting for Homeowners' Associations to organize and that correspondence would be sent regarding the event, and requested that Commissioner Gold's name be added to the correspondence.

Mayor Schneier noted the Town Manager's phone number on the draft correspondence needed to be corrected and Commissioner Williams requested that condominium associations be included in the mailing.

There was consensus to incorporate the modifications noted.

3. Organizations

Commissioner Gold noted attendance at the Sarasota County Economic Development Corporation (EDC) and noted the issues discussed.

4. Organizations

Mayor Schneier noted attendance at the following meetings and noted the issues discussed: Barrier Island Elected Officials (BIEO) meeting; Legislative Delegation Meeting; and Joint Meeting with the Board of Manatee County Commission.

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 on the status of the pandemic. Upon inquiry, Town Manager Harmer commented on the following items:

- tracking of the Omicron variant
- efficacy of immunizations
- hospitalization rates.

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

October 6, 2021, Special Meeting (St. Regis); October 18, 2021, Special Workshop (Retreat); October 20, 2021, Special Meeting (St. Regis); November 1, 2021, Regular Meeting; and November 8, 2021, Special Meeting (Joint Meeting with City of Sarasota Commission).

Meeting Minutes. Recommended Action: Approve Minutes.

B. Interlocal Agreement Between the Town and Manatee County for Greer Island Law Enforcement Funding (See item later this meeting.)

Since 2018, the Town and Manatee County have entered an Interlocal Agreement to offset the cost of the Town providing public safety services to the Manatee County-owned Park, Greer Island, aka Beer Can Island. The Interlocal Agreement will provide funding in the amount of \$60,000 for public safety services for FY22. Recommended Action: Authorize Manager to execute the Interlocal Agreement with Manatee County for Greer Island Law Enforcement funding.

C. Certification of November 2, 2021, Referendum Election Results

The Town Commission is required to certify results of the Town's General Municipal Election. The Town Clerk will provide results from both Sarasota and Manatee County for formal certification. Recommended Action: Certify the November 2, 2021, Referendum Election results.

D. Public Forum Permit (PFP) Application Requests for Waiver of Permit Fee

The Longboat Key Chamber of Commerce is requesting a waiver of the \$100 permit fee for their Annual Tree Lighting Event held on Saturday, November 27, 2021, from 5:30 p.m. to 7:00 p.m. at the Town Center. Recommended Action: Waive the \$100 PFP application fee.

Commissioner Merrigan requested removal of Item 5B relating to the Greer Island funding.

Following comments by Mayor Schneier, Commissioner Bishop moved to approve the Consent Agenda Items 5A, 5C, and 5D in accordance with Staff reports and recommendations. The motion, seconded by Commissioner Gold, carried by a 7-0 roll call vote, as follows: Bishop, aye; Gold, aye; Schneier, aye; Haycock, aye; Dominick, aye; Williams, aye; Merrigan, aye.

6. Ordinance – First Reading

Ordinance 2021-13, Amending Chapter 130, Sound Regulations

Following adoption of Emergency Ordinance 2021-10 on July 2, 2021, the Town Attorney and Town Manager were directed to review Chapter 130 and develop a new Sound Ordinance to replace the existing Code to provide for enforcement. This item was rescheduled from the November 1, 2021, Regular Meeting for first reading. Recommended Action: Forward Ordinance 2021-13 to the January 10, 2022, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2021-13 on record by title only.

Vice Mayor Haycock moved to pass Ordinance 2021-13 on first reading and to forward to the January 10, 2022, Regular Meeting, for second reading and public hearing. The motion was seconded by Commissioner Merrigan.

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on Ordinance 2021-13. Discussions were held with Mr. Parsons, Police Chief George Turner, and Town Attorney Maggie Mooney on the following topics/issues:

- page 4, Item 2, relating to tracking of warnings previously issued/ability for Police Department to keep track
- page 6, Item I(3), relating to exemptions for chippers under the property maintenance code and option to include a time limit for use of the equipment
- page 5, Item G, relating to waivers or Item I, exemptions, for generators during a power outage
- page 4, Item (E)(1), Sound Pressure Levels by Receiving Land Use Zoning District Table, relating to measurement point in various zoning districts when utilizing the decibel level (water versus land)
- anticipated impact on home construction equipment
- amplified versus unamplified sounds (human voices)
- measurement of 50 feet/plainly audible sounds

- regulation of unamplified human voices/option to include time frame
- issuance of construction waivers
- option to clarify the exemption for motorized vessel noise
- lack of enforcement of Town's Ordinance by Manatee County Sheriff/ability to have Town Officers ride on Manatee County Sheriff's boats
- page x, Item (G)(1), (2), and (4), modify the word "event" to "activities", remove (3)
- page 7, Items (H) and (I)(1) relating to activities in fields (non-mechanical)
- page 7, Item (I)(2) – option to strike "private property", (3) add between the hours of 8 to 5
- page 7, Item (I)(3) relating to restricting property activities
- impact to large developments (golf course maintenance, etc.)
- timeframe for restricting unamplified human voices until 11 p m (consensus)
- page 6, modification to Section J(1)(b).

Vice Mayor Haycock and Commissioner Merrigan noted incorporation of the amendments proposed to the Ordinance this date.

The motion to pass Ordinance 2021-13, as amended, carried by a 7-0 roll call vote, as follows: Haycock, aye; Merrigan, aye; Gold, aye; Williams, aye; Bishop, aye; Dominick, aye; Schneier, aye.

RECESS: 2:37 p.m. - 2:47 p.m.

8. Public Hearing

Subdivision Variance Order 2021-01 for Arpke Subdivision

Subdivision Variance Order 2021-01 was forwarded for Commission consideration from the November 16, 2021, Planning & Zoning Board Regular Meeting with a recommendation for approval. Recommended Action: Approve Subdivision Variance Order 2021-01.

Town Clerk Trish Shinkle placed Subdivision Variance Order 2021-01 on record by title only.

Commissioner Bishop moved to approve Subdivision Variance Order 2021-01. The motion was seconded by Commissioner Williams.

Town Attorney Maggie Mooney noted the public hearing was quasi-judicial and inquired as to ex-parte communication. Commissioners Bishop and Merrigan and Mayor Schneier noted they made site visits and Vice Mayor Haycock advised that he personally knew the application and had a brief conversation with him approximately one year prior.

Town Attorney Mooney inquired and no Conflict of Interest were disclosed by any Commissioners.

Mayor Schneier opened the public hearing.

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Senior Planner Maika Arnold gave a PowerPoint presentation on Subdivision Variance Order 2021-01. Discussions were held on the following topics/issues:

- continued public easement
- setting precedent for other developments
- consideration of life/safety issues if flooding occurs
- current condition/material of Hibiscus Road
- maintenance obligation for the roadway.

Mr. Walt Smith, representing the applicant, confirmed that maintenance agreements exist for the roadway and tree trimming requirements.

Mr. Neil Kirkland, representing the applicant, commented on the proposed roadway and supported approval.

Discussions were held on the anticipated development of the abutting lots.

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

The motion carried by a 7-0 roll call vote, as follows: Bishop, aye; Williams, aye; Dominick, aye; Gold, aye; Merrigan, aye; Schneier, aye; Haycock, aye.

7. Resolution & Public Hearing

Resolution 2021-26, Amending the FY22 Budget General Fund, and Water and Wastewater Fund, Adopted Budgets to Carryover Open Purchase Orders from the Prior Year

As part of the Town's annual year-end close of the fiscal year budget all accounts must transfer unspent or unencumbered balances. Resolution 2021-26 provides for carryovers of Open Purchase Orders in the General Fund, and Water and Wastewater Fund from FY21 to FY22. Recommended Action: Pass Resolution 2021-26.

Town Clerk Trish Shinkle placed Resolution 2021-26 on record by title only.

Commissioner Gold moved to pass Resolution 2021-26. The motion was seconded by Commissioner Merrigan.

Mayor Schneier opened the public hearing.

Following comments by Town Manager Tom Harmer, Finance Department Director Sue Smith gave a PowerPoint presentation on Resolution 2021-26. Discussions were held on the following topics/issues:

- typo in the memorandum
- budgeted funds from Fiscal Year 2021 carried forward.

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

The motion carried by a 7-0 roll call vote, as follows: Gold, aye; Merrigan, aye; Bishop, aye; Dominick, aye; Williams, aye; Haycock, aye; Schneier, aye.

9. Discussion Items

E. Agreement for Town Center Stage Naming Rights

The Town Commission will consider an agreement with the Longboat Key Foundation and Paul and Sarah Karon for naming rights to the Town Center Stage. The Karons have agreed to fund up to \$500,000 for design and construction of the stage through a donation to the Longboat Key Foundation. Recommended Action: Approve Town Center Stage Naming Rights Agreement and authorize the Town Manager to execute the Agreement.

Town Manager Tom Harmer provided an overview of the proposed Naming Rights Agreement. Discussions were held on the following topics/issues:

- review of the preliminary design by the Karons
- additional recognition if additional funding is required for maintenance or other items
- future donations/lack of restrictions on raising additional funds
- future opportunities for naming rights on other facilities on the site
- reimbursement of funds expended to date by the Town for design and construction

- inclusion of a morals clause in future contracts/options for remedy if an event occurs.

Vice Mayor Haycock moved to approve the Town Center Stage Naming Rights Agreement and authorize execution by the Town Manager. The motion, seconded by Commissioner Williams, carried by a 7-0 roll call vote, as follows: Haycock, aye; Williams, aye; Schneier, aye; Merrigan, aye; Dominick, aye; Gold, aye; Bishop, aye.

F. Request for Approval of the Metropolitan Planning Organization (MPO) and Barrier Island Traffic Study (BITS) Priorities

Each year the Town Commission establishes and approves the Town's priorities for the Metropolitan Planning Organization and the Barrier Island Traffic Study. Town staff will present a list of recommendations for Commission consideration. Recommended Action: Approve the MPO and BITS priorities. (Note: Transportation Resiliency Advisory Group was formerly the BITS Committee.)

Following comments by Town Manager Tom Harmer, Public Works Director Isaac Brownman presented the MPO and BITS Priorities recommendations. Discussions were held on the following topics/issues:

- parcel of land for sale on Gulf Drive at Cortez Road/notification to the Florida Department of Transportation (FDOT)
- option for removal of parking spaces on St Armands to improve traffic flow
- sale/development of lot on St Armands/consideration of height increases on the Circle
- previous discussions on construction of pedestrian bridges over U.S. 41
- existing stop light at Sunset Drive in the City of Sarasota
- anticipated back-up when the Quay development within the City of Sarasota is completed
- conceptual plans for Bay Development for pedestrian bridges
- inclusion of the Longboat Club Road/Gulf of Mexico Drive roundabout/signal adjustment
- option for stop lights to be turned to yellow flashing lights at night
- additional flexible lane added to future bridge replacements
- Bridge Street pedestrian management and lack of management for departures from Coquina Beach
- removal of the proposed gondola between Sarasota and St Armands/Lido Key
- Tangerine Bay residents' opposition to the proposed Longboat Club Road roundabout/proposed future development of the Longboat Key Club/requirements for future roadway improvements if roundabout is approved
- timeframe for proposed improvements at the Longboat Key Club
- status of the Country Club Shores turn lane
- relationship with FDOT.

Subsequent to comments, Commissioner Bishop moved to approve the Town priority project endorsements for the MPO, as discussed this date. The motion, seconded by Commissioner Dominick, carried by a 7-0 roll call vote, as follows: Bishop, aye; Dominick, aye; Schneier, aye; Haycock, aye; Merrigan, aye; Williams, aye; Gold, aye.

5. Consent Agenda - Continued

B. Interlocal Agreement Between the Town and Manatee County for Greer Island Law Enforcement Funding

Since 2018, the Town and Manatee County have entered an Interlocal Agreement to offset the cost of the Town providing public safety services to the Manatee County-owned Park, Greer Island, aka Beer Can Island. The Interlocal Agreement will provide funding in the amount of \$60,000 for public safety services for FY22. Recommended Action: Authorize Manager to execute the Interlocal Agreement with Manatee County for Greer Island Law Enforcement funding.

Commissioner Merrigan commented on inflation costs and utilization of the Marine Patrol and suggested that some inflation clauses be built into future contracts and the lack of ability for the Manatee County Commission to make a commitment for additional patrols.

Town Manager Harmer noted the commitment from the Manatee County Sheriff for additional patrols in the area. Commissioner Merrigan suggested that a plan be developed to advise the public of what services are being provided by Manatee County and Town Manager Harmer noted that Staff could develop a summary of what is provided and actions being taken.

Following inquiry, Town Attorney Maggie Mooney commented on restrictions relating to displayed material when determined to be a political statement.

Commissioner Gold moved to approve the Interlocal Agreement and authorize execution by the Town Manager. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Gold, aye; Haycock, aye; Bishop, aye; Williams, aye; Merrigan, aye; Schaefer, aye; Dominick, aye.

10. Town Commission Comments

A. Advisory Committees

Mayor Schaefer noted a public hearing held by the Planning and Zoning (P&Z) Board, noted current Code provisions providing final authority on the issue, and opined that the final decision for site plans should be determined by the Town Commission.

Town Manager Tom Harmer noted the issue of cell coverage advising that it is a top priority of the Town Commission. Town Attorney Maggie Mooney noted that the Commission has the authority to grant or revert authority of the advisory boards.

Subsequent to individual comments on the delegation of responsibilities/decision making to advisory boards and lack of training of members, Town Attorney Mooney noted the Commission's authority to make policy changes when identified and the ability to modify authority can be accomplished as needed.

Vice Mayor Haycock suggested that all delegated authority be reviewed for determination of authority on all matters.

Following comments on joint meetings, Town Attorney Mooney noted that joint meetings with the Planning and Zoning Board had been held in the past and advised that the Sunshine Law restrictions would need to be reviewed if numerous joint meetings are scheduled.

Town Manager Harmer commented on review of delegated authority and noted the schedule for consideration of any amendments related to delegated authority, advising that a final

Ordinance would be considered by the Commission at a February 7, 2022, Regular Meeting and outlined the timeframe for consideration of a Site Plan.

Town Attorney Mooney noted that Site Plan issues are quasi-judicial and noted restrictions to refrain from discussions relating to any specific pending application.

Commissioner Williams moved to direct staff to draft the appropriate Ordinance relating to the delegation of authority for consideration of Site Plans. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Williams, aye; Haycock, aye; Bishop, aye; Dominick, aye; Gold, aye; Merrigan, aye; Schneier, aye.

B. Town Commission

Commissioner Bishop commented on requests from constituents for various issues and noted that she has made efforts to resolve issues but has been advised that potential ethics violations could occur in accomplishing the resolutions.

Town Attorney Maggie Mooney noted Charter restrictions relating to Commission authority and the delegation of authority to the Town Manager, advised that Commissioners should be forwarding issues to the Town Manager, and reviewed the basis for her recommendations for Commissioners to forward issues to the Town Manager in lieu of trying to resolve individually. Discussion ensued.

C. Organizations

Individual comments were made in reference to the Longboat Key Kiwanis lawn party held on December 4, 2021, at the Town Center Green.

11. Town Attorney Comments

No items were presented.

12. Town Manager Comments

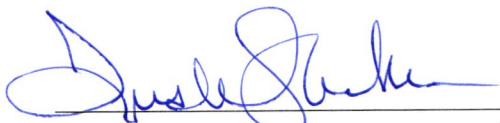
Town Commission

Town Manager Tom Harmer noted correspondence drafted from the Mayor and Town Commission to the Sarasota County Commission relating to a commitment for library services on Longboat Key and reviewed the following items:

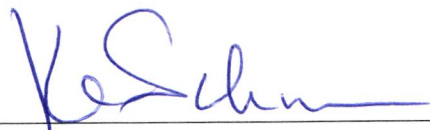
- Toys for Tots holiday donation drive drop-off
- upcoming meetings and issues to be considered.

13. Adjournment

Mayor Schneier adjourned the December 6, 2021, Regular Meeting at 5:06 p.m.



Trish Shinkle, Town Clerk
Minutes Approved: 1/10/2022



Kenneth Schneier, Mayor

