

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP
DECEMBER 13, 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 13, 2021, Regular Workshop to order at 1:00 p.m., in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida. Commissioner Bishop 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

Opportunity for Public to Address Town Commission

Emergency Services

Mr. George Spoll, Harbourside Drive, commented on the 9-1-1 dispatch services provided by the Sarasota County Sheriff's Office and lack of emergency sirens installations for weather events on Longboat Key and requested that the issue be a topic on a future Workshop agenda.

Following comments by Mayor Schneier on previous consideration of installing emergency sirens, Town Manager Tom Harmer provided an overview on the dispatch center and advised that Staff was doing an informational release on the 9-1-1 call processing and will be providing a tour of the Dispatch Service Center for interested Commissioners.

Mayor Schneier noted options for informing the public that the emergency call had been dispatched at the beginning of a call to assure callers that services were being dispatched.

4. Reports

A. Sarasota County Commission Chair Al Maio and County Administrator Jonathan Lewis
Following comments by Mayor Schneier, Sarasota County Commission Chair Al Maio and County Administrator Jonathan Lewis gave an overview of activities being undertaken in Sarasota County. Discussions were held on the following topics/issues:

- Sarasota County library services on Longboat and available for Manatee residents
- Mobility-On-Demand transit services/service area (Sarasota County only)
- building facility for a library
- options for joint transit services with Manatee County.

Mayor Schneier thanked Chair Maio and Administrator Lewis for their attendance and information.

B. Florida Department of Transportation (FDOT) Presentation Related to Longboat Pass Bridge

Following comments by Town Manager Tom Harmer, Public Works Director Isaac Brownman introduced FDOT Project Manager Patrick Bateman, P. E. Mr. Bateman noted the attendance of the Sclar Consulting Group, Inc., representatives (Mr. John Scarlatos, Deputy Project Manager and Ms. Kristin Caruso, Senior Scientist Environmental Leader) available to respond to any questions and gave a PowerPoint presentation on the Longboat Pass Bridge. Discussions were held on the following topics/issues:

- fixed versus opening span for bridge
- ADA (American with Disabilities Act) criteria for sloping of the bridge
- location for future public meetings to be held on the North end of Longboat
- consideration of utilizing a tunnel on the approach to the bridge
- target date for construction of a new bridge due to high repairs/maintenance of existing bridge
- construction schedule following construction of the Cortez Bridge
- Longboat Key North organization and input
- proposed height of the bridge
- width and height of bridge at the New Pass Channel (drawbridge)
- length of touchdown for a fixed bridge (65 foot) and impact to roadways.

C. Committee Reports

1. Organizations

Commissioner Williams noted attendance at the Manatee County Tourist Development Council (TDC) meeting and reviewed the issues discussed.

2. Organizations

Mayor Schneier noted attendance at Sarasota County Council of Governments (COG) meeting and reviewed the issues discussed.

5. Discussion Items

Upon inquiry, there was consensus to advance consideration of Item 5B on the agenda.

B Uninterrupted Public Beach Access

The Town Attorney and Town Manager will provide an update and overview of options regarding the property at 6633 Gulf of Mexico Drive (aka Ohana) as it relates to uninterrupted public beach access. Recommended Action: Provide direction.

Town Manager Tom Harmer and Town Attorney Maggie Mooney provided an overview of the conditions on the property. Discussions were held with Town Manager Harmer, Town Attorney Mooney, and Dr. Al Browder, Ph.D., P.E. of Olsen Associates, Inc., on the following topics/issues:

- consideration of damage created by seawall on the property to abutting property
- engineered beach by renourishment activities
- establishment of the erosion control line (ECL) on Longboat Key versus other areas of the State
- impact of seawalls to adjoining property
- existence of hardening structures prior to establishment of the ECL

- 50% Federal Emergency Management Agency (FEMA) rule for repairing/constructing new seawall
- history on the use of the property by the public
- establishment of the ECL to determine public versus private land recognizing the pre-existing structures
- consideration on removal of the seawall
- abandonment of property on Lido Key/removal of seawalls
- access across the property.

Town Attorney Mooney noted and discussions were held with Town Attorney Mooney and Attorney Blake Gaylord, of Gaylord, Merlin, Lucovici, and Diaz, on the following legal options available to the Town of Longboat Key:

- easement across the property (negotiations with property owner)
 - estimated annual lease to owner (\$880,000 to \$1.3 million)
 - installation of barrier between landscaping area and property access subject to State's permitting restrictions
 - Town purchase of liability insurance for public's use of private land
 - Town responsible for maintenance of leased area including renourishment of sandy beach in front of property
- customary use (public action through the Courts)
- prescriptive easement (private action through the Courts)
- eminent domain – whole or partial taking of the property
- options available to the Town versus private citizens (prescriptive easement)
- adverse possession.

RECESS: 2:47 p.m. – 2:57 p.m.

Following comments, Mr. Brownman continued the PowerPoint presentation and discussions were held with Town Manager Harmer, Mr. Brownman, and Dr. Browder on the following topics/issues:

- loss of sand from last renourishment in front of the property/consideration on future placement
- redeposit of sand lost from the area to South beach area
- opinion that existing seawall causes erosion damage south of property
- reluctance by FDEP (Florida Department of Environmental Protection) to take on eminent domain relating to damage caused by seawall
- effectiveness of groins on North end/anticipated benefit of groins in the area
- State regulations relating to rebuilding existing structures
- FDEP permitting process for repairing existing seawalls
- retention of the existing ECL until amended by the State
- FDEP restrictions on creation of a walkway in front of seawall
- option to build two or more groin structures with a connecting walkway to bypass the existing seawall
- lack of sidewalk on Gulf of Mexico Drive from Broadway Street beach access to Gulfside Road beach access
- options for obtaining easements from property owners on each side of the property
- locations for access to private beach raking companies

- available points for beach access walk-around of the property
- funding options to acquire access.

Attorney Dan Guarnieri, representing the property owner, discussed the options considered and showed a video reflecting individuals jumping off the seawall. Discussions were held throughout Attorney Guarnieri's presentation.

Following comments by Mayor Schneier, the following individuals commented on the issue:

- Ms. Laurel Phillips, Norton Street, President of One Island-One Beach
- Mr. Georges Kaufman, Gulf of Mexico Drive
- Ms. Cyndi Seamon, Gulf of Mexico Drive
- Mr. Mark Preininger, Gulfside Road
- Ms. Pat Kaufman, Gulf of Mexico Drive, read a statement from Ms. Wendi Bundy (North Shore Road)
- Mr. Eric Van der Walde, Norton Street
- Dr. Jim Whitman, Norton Street
- Ms. Diana Spanos, DeNarvaez Drive.

Subsequent to individual comments, Mayor Schneier summarized the proposal for Staff action, as follows:

- address property owners on each side of the property (Ohana) for easements to allow beach access
- encourage private groups to pursue their legal options
- make counter proposal of an easement of 10 foot space for public access with steps that the Town would be responsible for (Town create space/buffer and maintain easement)
- agree on reasonable liability insurance (excess liability)
- continued enforcement by Police
- optional offer of a \$10,000 annual stipend, in conjunction with an easement, and assist with sand renourishment in the area.

Upon inquiry, Mayor Schneier noted he was not addressing the "Half-Moon" property.

There was consensus to take the approach as outlined by the Mayor.

RECESS: 4:44 p.m. – 4:50 p.m.

7. Town Attorney Comments

City of Sarasota Fillmore Site Proposals Update & Request for Special Counsel

Following comments, there was consensus to postpone discussion of this item to the January 10, 2022, Regular Meeting.

5. Discussion Items - Continued

A. 2022 Town of Longboat Key Annual Citizen Satisfaction Survey

Town staff will provide an update on the plans for the 2022 Annual Citizen Satisfaction Survey and seek consensus on the policy level questions to be included in this year's survey. Recommended Action: Consensus for updated policy questions for the 2022 Citizen Satisfaction Survey.

Following comments from Town Manager Tom Harmer, Support Services Director Carolyn Brown gave a PowerPoint presentation on the 2022 Citizen Satisfaction Survey. Discussions were held on the following topics/issues:

- intent of road construction/traffic questions
- consideration to include question about use of a ferry transport from the mainland to Longboat Key
- more specificity for "Green (Environmental) Initiatives"/add statement identifying green initiatives
- consideration to add illegal rentals, pedestrian crossings, red tide questions
- charging stations/outlets for electric vehicles (EV)/utilization of EVs by Town Staff
- option to combine public transportation questions/employer versus resident service
- **There was consensus to combine/reduce number of questions and modify terminology.**
- project timeline
- define frequently/more specific (question 11)
- question about income/additional range category
- Town Center questions/ideas for Town Center/build on previous year
- option to increase participation rates.

Town Manager Harmer noted that Staff will follow up representatives at the John Scott Dailey Florida Institute of Government (FIOG) at the University of South Florida. Upon inquiry, Town Manager Harmer noted that he would follow up on public notice opportunities.

C Utilities Undergrounding Project

On a quarterly basis, at Regular Workshop Meetings, the Town Manager and staff provide an update on various components on the Utilities Undergrounding Project. Recommended Action: None, informational only.

Public Works Project Manager James Linkogle and Mr. Mark Porter, CDM Smith, provided the Utilities Undergrounding Project update. Discussions were held with Mr. Linkogle and Mr. Porter on the following topics/issues:

- response from AT&T
- cell phone service mid-Island/discussion with St. Regis relating to a tower
- budget highlights/remaining expenditures and costs
- FPL (Florida Power and Light), Frontier, Comcast hard costs/other costs not reflected
- pathway lighting options in relation to Gulf of Mexico Drive Corridor/coordination of projects.

Ms. Deborah McGillen, Gulf of Mexico Drive, submitted written copies and commented on the proposed location of transformers.

Mayor Schneier inquired and Ms. McGillen noted that information is not being transmitted to the residents from the Homeowners Association (HOA).

Town Manager Tom Harmer noted FPL does the original design and meets with the Town and representatives of the HOA and advised that many transformers are being relocated and a second meeting was scheduled for Wednesday (December 15, 2021).

6. Town Commission Comments

No items were presented.

7. Town Attorney Comments

No items were presented.

Note: City of Sarasota Fillmore Site Proposals Update & Request for Special Counsel (See item earlier this meeting.)

8. Town Manager Comments

Town Commission

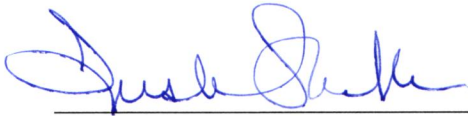
Town Manager Tom Harmer noted the Sarasota Board of County Commissioners have indicated that they would require a request from the governing body of a municipality prior to holding a joint meeting.

There was consensus to request a joint meeting with the Sarasota Board of County Commissioners.

Town Manager Harmer noted the next Commission meeting was scheduled for January 10, 2022.

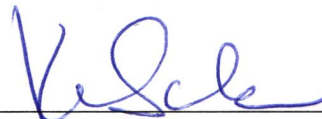
9. Adjournment

Mayor Schneier adjourned the December 13, 2021, Regular Workshop at 6:00 p.m.



Trish Shinkle, Town Clerk

Minutes Approved: 1/10/2022



Kenneth Schneier, Mayor

