

**APPROVAL OF MINUTES FOR
SEPTEMBER 14, 2020, REGULAR MEETING
SEPTEMBER 29, 2020, REGULAR WORKSHOP
SEPTEMBER 29, 2020, SPECIAL MEETING
SEPTEMBER 30, 2020, SPECIAL MEETING-ATTORNEY-CLIENT
OCTOBER 5, 2020, REGULAR MEETING**

**MINUTES
LONGBOAT KEY TOWN COMMISSION
VIRTUAL REGULAR MEETING
SEPTEMBER 14, 2020**

Present: Mayor Ken Schneier, Commissioners George Spoll and Ed Zunz

Participating by

Remote Access: Vice Mayor Mike Haycock, 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 Virtual Regular Meeting to order at 1:07 p.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida, with limited Staff members present.

Mayor Schneier noted Executive Order No. 20-69 (subsequently amended and extended) providing for the continuation of holding remote meetings utilizing Communications Media Technology (CMT).

2. Roll Call

Town Clerk Trish Shinkle called roll for attendance by remote participation with all 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. Approval of Virtual Meeting Protocols and Process

Town Manager Tom Harmer reviewed the procedures and the protocols for the virtual meeting.

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

6. Public to be Heard

*Virtual public participation instructions were provided as an attachment to the meeting agenda.

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

No items were presented.

B. All other agenda items except public hearings.

No items were presented.

7. Reports

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 and update on the COVID-19 pandemic. Discussions were held on the newspaper editorial on COVID-19 statistics and the re-opening of bars by Governor's Office/anticipated impact.

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

June 15, 2020, Special Workshop Meeting (Budget); June 15, 2020, Regular Workshop Meeting; June 15, 2020, Special Meeting; June 30, 2020, Regular Meeting; and July 2, 2020, Emergency Special Meeting; and August 31, 2020, Emergency Special Meeting Minutes. Recommended Action: Approve Minutes

B. Request for Authorization to Execute an Interlocal Agreement with Manatee County for CARES Act Funding

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law by President Trump, creating the Coronavirus Relief Fund which provides funding for State, and County governments. Manatee County was awarded \$70 million, of which Longboat Key has been allocated a percentage to offset COVID-19 expenses. This Interlocal Agreement provides for distribution of funding to Longboat Key. Recommended Action: Authorize the Manager to execute the Interlocal Agreement with Manatee County for CARES Act funding.

C. Interlocal Agreement with 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 FY 21. Recommended Action: Authorize Manager to execute Interlocal Agreement with Manatee County for Greer Island Law Enforcement funding.

D. Resolution 2020-22 Providing for Adoption of the 2020 Floodplain Management Plan

To remain eligible for participation in the Community Rating System (CRS) and policy discounts associated with the National Flood Insurance Program, the Town must have, and update, its Floodplain Management Plan every 5 years. By passing Resolution 2020-22, the Town remains compliant with requirements by having its updated Floodplain Management Plan adopted by the governing Board. Recommended Action: Pass Resolution 2020-22.

Consent Agenda - Continued

E. Authorization to Execute Easement for Florida Power & Light (FPL) to Conduct Utilities Undergrounding Project Work for Town-Owned Property, 280 Gulf of Mexico Drive
FPL is requesting the Town to execute an easement for their utility undergrounding project work that will be conducted on Town-owned property. Additional easements for similar work will be brought for Commission authorization during the course of the Utility Undergrounding Project. Recommended Action: Approve FPL Easement and authorize Manager to execute easement.

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

9. Ordinances – First Reading and Public Hearing

Ordinance 2020-07, Amending Chapter 158.098(D), Daylight Plane and Single-Family Residential Structure Buffering Requirements

The Town Commission will consider Ordinance 2020-07 which amends daylight plane and buffering requirements for single family residential structures. Ordinance 2020-07 was forwarded from the Planning & Zoning Board following public hearing at their May 26, 2020, Regular Meeting. First reading of Ordinance 2020-07 was tabled at the June 30, 2020, Regular Meeting to be heard at the September 14, 2020, Regular Meeting. Recommended Action: Forward Ordinance 2020-07 to the October 5, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-07 on record by title only.

Commissioner Spoll moved to pass Ordinance 2020-07 on first reading and to forward to the October 5, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Dominick.

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 2020-07. Discussions were held on the following topics and issues:

- consideration and consensus on June 30, 2020, to eliminate the change to Daylight Plane Ordinance
- Ordinance presented does not reflect Commission direction
- lack of regulation to prevent new construction causing flooding in established neighborhoods
- option to make landscape buffering more rigid (extended period of time) with follow-up by Code Enforcement
- lack of review of overlay districts by the Planning and Zoning Board
- concern with buffering language for existing properties by blocking remaining existing views.

Town Clerk Trish Shinkle read written comments from Mr. John Forch.

Discussion ensued on the process to consider the buffering and overlay options.

Ordinance 2020-07 - Continued

The motion failed by a 7-0 roll call vote, as follows: Spoll, no; Dominick, no; Bishop, no; Daly, no; Schneier, no; Haycock, no; Zunz, no.

Discussion ensued on Staff direction relating to:

- buffering requirements
- negative impact to water views
- enforcement of buffering requirements for a longer period of time
- water management issues on site/no flooding of streets or neighboring properties.

There was majority consensus to refer the overlay district and buffering issues back to P&Z Board for consideration and recommendation.

RECESS: 2:20 p.m. - 2:30 p.m.

10. Ordinances – Second Reading and Public Hearing

Ordinance 2020-05, a Privately Initiated Zoning Text Amendment, Amending Zoning Code Section 158.098, Height and Daylight Plane Regulations

The Town received a privately initiated text amendment request from a property owner seeking approval for lightning protection systems to be included as an exception to height and daylight plane regulations in the Town Code. Ordinance 2020-05 was forwarded from the June 30, 2020, Town Commission Regular Meeting. Recommended Action: Adopt Ordinance 2020-05.

Town Clerk Trish Shinkle placed Ordinance 2020-05 on record by title only.

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 2020-05. Discussions were held on the following topics/issues:

- size restrictions (diameter)
- non-regulation of television antennas
- lightning height restrictions throughout Florida communities
- consideration of aesthetics
- different types of lightning protection systems
- Commission consensus reached at the first public hearing
- Staff recommendation
- life/safety issues
- existing height regulations adopted for aesthetic purposes
- special exception process/circumstances to grant special exception
- impact on replacement of existing equipment on grandfathered property.

Commissioner Spoll moved to amend Ordinance 2020-05 to limit lightning rods to 6 feet over the maximum height restriction in residential zoning and in no case greater than 6 feet above the highest point of a structure, with a maximum of 36 feet in residential zoning districts. The motion was seconded by Commissioner Bishop.

Mr. John Barber, representing the homeowner, commented on Ordinance 2020-05.

Discussion ensued on the following topics/issues:

Ordinance 2020-05, Privately Initiated Zoning Text Amendment - Continued

- maximum of 6 feet with no greater than 6 feet above highest point of the residence
- allow 6 feet in commercial/multi-family zoning
- allow any building above 65 feet to go an additional 16 feet without special exception
- consideration of 16 feet maximum for commercial
- limit of 16 feet above the highest point of the structure
- discussions held at the previous public hearings
- community desire to limit extreme growth/bulk and current standards on height limitations
- distinction between property rights and existing restrictions (build within restrictions)
- option for Homeowner's covenants/restrictions to be implemented.

Ms. Lynn Larson, Yardarm Lane, commented on the Ordinance and previous Commission consensus.

Upon inquiry, Town Attorney Maggie Mooney opined that the proposed amendments could be made and adopted this date and advised of an option to continue the hearing to a future meeting to allow Staff time to update the Ordinance for final consideration.

Mayor Schneier noted, and Town Clerk Shinkle read correspondence into the record from the following individuals:

- Mr. Frederick Heary, Lightning Preventor of America, Springville, New York
- Ms. Linda Joseph, Schroeder, Joseph, & Associates, LLP, Buffalo, New York
- Mr. John Sedlar, Windemuller Technical Services, Sarasota, Florida
- Mr. John Forch, Yardarm Lane
- Dr. Doreen Dupont, Ranger Lane
- Mr. William Cook, Gunwale Lane
- Ms. Lynn Cook, Gunwale Lane.

Discussion ensued on the following topics/issues:

- option to continue hearing to the next regular meeting to provide time for public review
- concerns of Country Club Shores residents
- safety versus aesthetics
- proposed wording of the amendments on height and dimensions
- required amendments to other Sections of the Code if revised wording is utilized/development of new standards for lightning protection devices/systems
- Section of the Code under consideration (exemptions to heights)
- process to consider inclusion of new height restrictions in Section 158 of the Zoning Code
- required modifications to Ordinance 2020-05 and future modifications to all Zoning districts within the Code.

Following comments, Town Attorney Mooney recommended continuation of the public hearing. Discussion ensued on the proposed language and options for consideration.

The motion to amend Ordinance 2020-05 carried by a 6-1 roll call vote, as follows: Spoll, aye; Bishop, aye; Daly, aye; Zunz, aye; Dominick, aye; Schneier, no; Haycock, aye.

Ordinance 2020-05, Privately Initiated Zoning Text Amendment - Continued

Mayor Schneier moved to continue the public hearing to the next scheduled Regular Meeting. The motion, seconded by Commissioner Spoll, carried by a 7-0 roll call vote, as follows: Schneier, aye; Spoll, aye; Zunz, aye; Dominick, aye; Daly, aye; Haycock, aye; Bishop, aye.

Town Manager Harmer noted for the record that the next Regular Meeting is scheduled for October 5, 2020, at 1:00 p.m.

RECESS: 4:30 p.m. - 4:42 p.m.

11. Resolution and Public Hearing

A. Resolution 2020-15, Providing for Certification of the Annual Assessment Roll for Gulf of Mexico Drive (GMD) Utility Undergrounding Project

The Town is required to pass a Resolution each year that certifies the annual assessment roll for compliance with administrative provisions for the GMD Utility Undergrounding Project assessment roll. Resolution 2020-15 must be passed prior to September 15, 2020. Recommended Action: Pass Resolution 2020-15.

B. Resolution 2020-16, Providing for Certification of the Annual Assessment Roll for Neighborhood Utility Undergrounding Project

The Town is required to pass a resolution each year that certifies the annual assessment roll for compliance with administrative provisions for the Neighborhood Utility Undergrounding project assessment roll. Resolution 2020-16 must be passed prior to September 15, 2020. Recommended Action: Pass Resolution 2020-16.

Town Clerk Trish Shinkle placed Resolution 2020-15 on record by title only.

Commissioner Spoll moved to pass Resolution 2020-15. The motion was seconded by Commissioner Daly.

Mayor Schneier opened the public hearing.

Town Manager Tom Harmer provided an overview of Resolution 2020-15.

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; Daly, aye; Schneier, aye; Haycock, aye; Bishop, aye; Zunz, aye; Dominick, aye.

Town Clerk Shinkle placed Resolution 2020-16 on record by title only.

Commissioner Spoll moved to pass Resolution 2020-16. The motion was seconded by Vice Mayor Haycock.

Mayor Schneier opened the public hearing.

Town Manager Tom Harmer provided an overview of Resolution 2020-16.

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

The motion carried by a 6-0 roll call vote, as follows: Spoll, aye; Haycock, aye; Dominick, aye; Zunz, aye; Schneier, aye; Bishop, aye. (It was noted that Commissioner Daly lost audio connectivity to the meeting during the vote.)

12. Ordinances – First Reading

A. Ordinance 2020-02, Amending Chapter 94, Fire Prevention Code
Ordinance 2020-02 provides a re-write and replacement of Chapter 94, Fire Prevention Code. It contains updated language, definitions, other required updates, and a more intuitive document for ease of use. Recommended Action: Forward Ordinance 2020-02 to the October 5, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-02 on record by title only.

Commissioner Spoll moved to pass Ordinance 2020-02 on first reading and to forward to the October 5, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Bishop.

Following comments by Town Manager Tom Harmer, Fire Chief Paul Dezzi gave a PowerPoint presentation and reviewed Ordinance 2020-02.

Mayor Schneier noted that there were no public comments/speakers.

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

RECESS: 5:05 p.m. - 6:35 p.m.

B. Ordinance 2020-12, Amending Chapter 72, Parking, Fines

The Town Commission will consider Ordinance 2020-12 which includes a staff recommendation to increase the parking fines within the Town of Longboat Key. Ordinance 2020-12 provides for increased fines for illegal parking and updated the process for hearing appeals. Recommended Action: Forward Ordinance 2020-12 to the October 5, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-12 on record by title only.

Commissioner Dominick moved to pass Ordinance 2020-12 on first reading and to forward to the October 5, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Daly.

(Note: Technical difficulties/lost audio from 6:37 p.m. to 6:41 p.m. Commissioner Bishop joined the meeting at 6:40 p.m.)

Town Manager Tom Harmer gave an overview of Ordinance 2020-12. Discussions were held with Town Manager Harmer and Town Attorney Maggie Mooney on the following topics/issues:

- proposed resident parking program/applying fines to that area
- proposed amount of fines
- utilization of a hearing officer versus special magistrate/consideration of current special magistrate holding dual office for code enforcement and traffic fines
- consideration of handling as a code enforcement violation versus parking violations (statutory issues for parking violations)
- consideration of Circuit Court enforcement.

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

13. New Business

A. Discussion Regarding Appointments to Town Boards, and Committees

The Town Commission will consider appointments to Planning & Zoning (P&Z) Board, Consolidated Retirement System Board of Trustees, and the Citizens' Tax Oversight Committee. Recommended Action: Make appointments to Boards and Committees or provide direction to Manager.

Town Manager Tom Harmer provided an overview of the appointments to Bboards and Committees, advised that no applications were received for the Citizens' Tax Oversight Committee, and noted one application for appointment was received from Mr. Steve Branham for the Consolidated Retirement System (CRS) Board of Trustees. Town Manager Harmer noted that the Town Commission is charged with appointing the Chair and Vice Chair of the CRS Board of Trustees and the current Chair and Vice Chair are willing to continue to serve in that capacity.

Upon inquiry, Town Manager Harmer advised that the Citizens Tax Oversight Committee does have a quorum and ability to meet and commented on the process for filling the vacancies.

Commissioner Spoll moved to reappoint Mr. Steve Branham to the CRS Board of Trustees for a three-year term effective until September 30, 2023. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Spoll, aye; Haycock, aye; Bishop, aye; Dominick, aye; Daly, aye; Zunz, aye; Schneier, aye.

Commissioner Bishop moved to appoint Mr. Steve Branham to serve as Chair and Mr. Frank Cona to serve as Vice Chair on the CRS Board of Trustees. The motion, seconded by Commissioner Zunz, carried by a 7-0 roll call vote, as follows: Bishop, aye; Zunz, aye; Spoll, aye; Daly, aye; Dominick, aye; Haycock, aye; Schneier, aye.

Following comments, Mayor Schneier opened the floor for nominations to fill a partial term until May 2021 on the Planning and Zoning Board.

Commissioner Bishop nominated Ms. Maryl Levine. Commissioner Spoll nominated Mr. Aaron Kleiner. Vice Mayor Haycock nominated Mr. Jay Plager.

Subsequent to individual comments and following a roll call vote, Mr. Jay Plager was appointed to fill the partial term vacancy on the Planning and Zoning Board.

B. Subaqueous Wastewater Line Update

At their June 1, 2020, Regular Meeting the Town Commission heard a staff report on the status of the environmental permitting of a planned redundant subaqueous force main. This item is placed for staff to provide updated information regarding that effort as well as a report on the recent subaqueous wastewater line leak. Recommended Action: None, informational only.

Following comments by Town Manager Tom Harmer, Public Works Director Isaac Brownman gave a PowerPoint presentation on the Town's subaqueous wastewater line. Discussion ensued on the following topics/issues:

- restoration/mitigation requirement
- options for construction of new line/redundant line
- estimated timeline for delivery of BRG (Berkeley Research Group) report
- process for review of fines and penalties

Subaqueous Wastewater Line Update - Continued

- shade meeting to be scheduled
- timing for report on cause of leak
- “dry pipe” options/prices
- permit application requirements/approvals in uplands portion
- option to engage lobbyist to solicit funding for project.

Mayor Schneier commended staff’s efforts for the work accomplished in a short period of time.

C. Town’s Emergency Notification Systems

At their June 1, 2020, Regular Meeting, the Town Commission requested a discussion on the use of sirens as part of a review of the Town’s emergency notifications systems utilized for communications to the public during disasters or critical incidents requiring immediate public information. Recommended Action: Continue utilization of the current platforms for emergency notifications to the public.

Following comments by Town Manager Tom Harmer, Fire Chief Paul Dezzi gave a PowerPoint presentation on the Town’s current Emergency Notification System. Discussions were held on the following topics/issues:

- dangers of tornados
- opinion on the need for additional options due to climate change
- emergency alert notifications
- expert opinions received on utilization of newer technology
- anticipated costs to install/maintain a siren system
- equipment needed to operate a system/number of sirens needed for Longboat Key
- lack of a notification system for an “all clear” to return to normal activities.

Commissioner Spoll moved to investigate the options to install sirens at the two fire stations during construction. The motion died for a lack of a second.

14. Town Commission Comments

Town Commission

Commissioner Bishop noted and congratulated Euphemia Haye on celebrating their 40 years in business on Longboat Key.

15. Town Attorney Comments

No items were presented.

16. Town Manager Comments

Town Commission

Town Manager Tom Harmer noted a conflict with scheduling the Commission retreat on October 9, 2020, advised that October 23, 2020, had been selected as an alternate date and that it would be an in-person meeting with social distancing guidelines.

Town Manager Harmer advised that if the Governor did not extend the Executive Order providing for virtual meetings, the October 5, 2020, Commission meeting would also be an in-person meeting.

17. Adjournment

Mayor Schneier adjourned the September 14, 2020, virtual Regular Meeting at 8:00 p.m.

Trish Shinkle, Town Clerk

Kenneth Schneier, Mayor

Minutes Approved: _____

Note: Minutes in draft form and not official until approved by the Commission.

**MINUTES
LONGBOAT KEY TOWN COMMISSION
VIRTUAL REGULAR WORKSHOP
SEPTEMBER 29, 2020**

Present: Mayor Ken Schneier, Commissioners George Spoll and Ed Zunz

Participating by

Remote Access: Vice Mayor Mike Haycock, 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 Virtual Regular Meeting to order at 1:07 p.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida, with limited Staff members present.

Mayor Schneier noted Executive Order No. 20-69 (subsequently amended and extended) providing for the continuation of holding remote meetings utilizing Communications Media Technology (CMT).

2. Roll Call

Town Clerk Trish Shinkle called roll for attendance by remote participation with all 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. Approval of Virtual Meeting Protocols and Process

Town Manager Tom Harmer reviewed the procedures and the protocols for the virtual meeting.

There was consensus to approve the procedures and protocols of the virtual meeting.

6. Public to be Heard

*Virtual public participation instructions were provided as an attachment to the meeting agenda.

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

No items were presented.

B. All other agenda items except public hearings.

Mayor Schneier noted that all speakers were signed up for Item 8A and that he would call on the public at that time.

7. Reports

COVID-19 Update

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

COVID-19 Update - Continued

Town Manager Tom Harmer discussed the new infections and daily death data and reviewed the Phase 3 impacts relating to virtual meetings and enforcement of the mask ordinance (fines/penalties suspended). Town Manager Harmer commented on the daily statistics and number of active cases on Longboat Key.

Mayor Schneier commented on Longboat Key's response and the impact of the recent Governor's order.

Upon inquiry, Town Manager Harmer commented on the action taken when a violation of the mask ordinance is reported.

Town Attorney Maggie Mooney commented on the Town's mask ordinance and the requirements outlined in Ordinance 2020-13.

Discussions were held on the following topics/issues:

- unrestricted travel/lack of inclusion in non-resident cases in the data
- concern on monitoring of cases (Manatee versus Sarasota County reporting format)
- recourse against businesses if they elect to ignore Ordinance 2020-13.

8. Discussion Items

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

Proposed Ordinance 2020-09, proposed to amend Chapter 74, Parking Schedules to add Schedule IV to establish an area where only residents of Longbeach Village could park. Recommended Action: Provide direction to Manager on proposed Ordinance 2020-09 and forward to the November 2, 2020, Regular Meeting for first reading.

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on proposed Ordinance 2020-09. Discussions were held on the following topics/issues:

- consideration of requiring contractors to obtain some type of verification of active work
- determination of residency (two-week versus full time)/property ownership requirements
- balance of enforcement with impact to resources
- Staff recommendation presented on June 15, 2020, relating to exclusion of Broadway Street from the resident only parking
- actions taken to date to improve safety on Broadway Street
- option to include parking for all Longboat Key residents to park on Broadway Street
- definition of parking permit area
- number of parking spaces available throughout the Village
- input from other Longboat Key residents opposed to resident only parking in the Village
- option to issue permit to contractor's when pulling a permit for construction
- ways to control contractor/service provider parking for services provided to residents
- non-enforcement of parking on private streets
- consideration of on-site parking for individual properties
- objectives, purpose, and intent of ordinance

Proposed Ordinance 2020-09, Amending Chapter 74 - Continued

- actions taken by the City of Holmes Beach allowing all residents to obtain permits
- impact of excluding Broadway from restricted parking.

The following individuals commented on the proposed Ordinance;

- Mr. Henry Smith, Linley Street
- Ms. Madeleine Stewart, Hughes Street
- Ms. Rebecca Parrish, Hughes Street
- Mr. Pete Rowan, Broadway Street
- Mr. Robert Lopez, Broadway Street
- Ms. Carla Rowan, Broadway Street.

Town Clerk Trish Shinkle read public comments into the record from Mr. Stephen Garrod and Mr. Christopher Carman.

Mayor Schneier noted that numerous e-mail correspondence had been received and all documents would be part of the permanent record.

RECESS: 2:42 p.m. - 2:52 p.m.

Following individual comments, there was majority consensus to forward Ordinance 2020-09 to the November 2, 2020, Regular Meeting for first reading.

Mayor Schneier requested consideration to have Staff review of possible locations for an additional public boat ramp on Longboat Key, without objection.

Mr. Parsons reviewed the Commission direction relating to clarification of items discussed.

Town Manager Harmer noted that Staff would make recommendations on fees/fines at the November 2, 2020, Regular Meeting.

Following individual comments, Town Attorney Maggie Mooney advised that the Commission could have Staff develop an option to include a review of the program during a specific time frame.

There was consensus to not include a review of the program on a regular basis.

B. Proposed Ordinance 2020-11, Establishing a Master Water and Wastewater Bond Ordinance

Proposed Ordinance 2020-11, establishes a base document for future borrowings and authorizing the issuance of \$3,100,000 Wastewater Refunding Revenue Notes to refinance the State Revolving Fund (SRF) loan agreements. Recommended Action: Forward Ordinance 2020-11 to the October 5, 2020, Regular Meeting for first reading and public hearing.

Following comments by Town Manager Tom Harmer, Finance Director Sue Smith, Bryant-Miller-Olive Bond Attorney Duane Draper, and Hilltop Securities Public Finance Director Joel Tindal gave a PowerPoint presentation on proposed Ordinance 2020-11. Discussions were held on the following topics/issues:

- impact on bond covenants (stricter or loosen restrictions)
- impact of changes to covenant to other loan documents
- lack of conflict with any other utility enterprise fund
- intent/purpose to raise more than is needed for outstanding balance

Proposed Ordinance 2020-11 - Continued

- anticipated interest rates/option to seek lower rates
- ability to not proceed with refinancing if loan proposals are unfavorable
- utilization of unused bonding authority.

There was consensus to forward Ordinance 2020-11 to the October 5, 2020, Regular Meeting for first reading.

Upon inquiry, Ms. Smith noted the proposal deadline of September 30, 2020.

C. Utilities Undergrounding Project Update

At each Regular Workshop Meeting the Town Manager and staff provide an update on various components of the Utilities Undergrounding Project. Recommended Action: None, informational only.

Following comments from Town Manager Tom Harmer, Public Works Project Manager James Linkogle and Mr. Mark Porter, with CDM Smith, gave a PowerPoint presentation on the undergrounding project. Discussions were held on the following topics/issues:

- amount underbudget
- no contingency utilized to date
- review of entire project budget
- opportunity to further reduce costs
- challenges in Phase 3 due to mobile home park issues
- option to add additional poles if underbudget and lighting found to be insufficient
- types of poles to be installed
- inclusion of path lighting on Gulf of Mexico Drive
- functionality/adequacy of poles for P3 partnerships
- timing and process for activation of Phases 1 and 2.

9. Town Commission Comments

Town Commission

Mayor Schneier noted that the Reports Section of the Agenda will be included on upcoming agendas.

10. Town Attorney Comments

Town Commission

Town Attorney Maggie Mooney noted the request for a Special Meeting/Attorney-Client Session meeting on September 30, 2020, at 1:00 p.m., relating to the matter of the Florida Department of Environmental Protection versus the Town of Longboat Key, and explained the virtual meeting process for the public meeting and the closed door Attorney-Client session.

Upon inquiry, Town Attorney Mooney advised that the Town's Environmental Counsel would provide direction relating to review of the final report from the environmental experts.

11. Town Manager Comments

Town Commission

Town Manager Tom Harmer noted the Special Meeting at 5:01 p.m. this date and reviewed the process to be utilized for the October 5, 2020, Town Commission Regular Meeting.

Town Attorney Comments - Continued

Town Commission - Continued

Commissioner Bishop noted she was unable to participate in the Special Meeting/Attorney-Client Session due to a previously scheduled medical procedure.

12. Adjournment

Mayor Schneier noted the Special Meeting at 5:01 p.m. for the final Budget hearings and adjourned the September 29, 2020, Regular Workshop at 4:35 p.m.

Trish Shinkle, Town Clerk

Kenneth Schneier, Mayor

Minutes Approved: _____

Note: Minutes in draft form and not official until approved by the Commission.

**MINUTES
LONGBOAT KEY TOWN COMMISSION
VIRTUAL SPECIAL MEETING
SEPTEMBER 29, 2020**

Present: Mayor Ken Schneier, Commissioners George Spoll and Ed Zunz

Participating by

Remote Access: Vice Mayor Mike Haycock, 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 Virtual Special Meeting to order at 5:01 p.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida, with limited Staff members present.

Mayor Schneier noted Executive Order No. 20-69 (subsequently amended and extended) providing for the continuation of holding remote meetings utilizing Communications Media Technology (CMT).

2. Roll Call

Town Clerk Trish Shinkle called roll for attendance by remote participation with all 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. Approval of Virtual Meeting Protocols and Process

Town Manager Tom Harmer reviewed the procedures and the protocols for the virtual meeting.

Commissioner Zunz moved to approve the procedures and the protocols as outlined by the Town Manager. The motion, seconded by Commissioner Dominick, carried by a 7-0 roll call vote, as follows: Zunz, aye; Dominick, aye; Spoll, aye; Bishop, aye; Daly, aye; Haycock, aye; Schneier, aye.

6. Public to be Heard

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

No items were presented.

B. All other agenda items except public hearings.

No items were presented.

7. Resolution and Public Hearing

A. Resolution 2020-13, Setting Millage Rates for the Town's General Operating, General Obligation Debt Service, Gulfside District, and Bayside District

B. Resolution 2020-14, Adopting the Town of Longboat Key Fiscal Year 21 Budget

Resolution 2020-13, Setting Millage Rates - Continued

Resolution 2020-14, Adopting the FY21 Budget - Continued

Resolution 2020-13 provides for establishing millage rates for the Town's General Operating, General Debt Service, Gulfside District, and Bayside District. Resolution 2020-14 provides for adoption of the Town of Longboat Key's FY21 Budget, the 5-year Capital Improvement Plan, and provides for compliance with the Capital Improvements Element of the Town's Comprehensive Plan. The first public hearings for Resolution 2020-13 and Resolution 2020-14 were held at the September 14, 2020, Special Meeting at 5:01 p.m., and both were forwarded to the September 29, 2020, Special Meeting at 5:01 p.m. for second public hearing. Recommended Action: Pending public hearing, pass Resolution 2020-13 and Resolution 2020-14.

Mayor Schneier opened the public hearing on Resolution 2020-13.

Town Clerk Trish Shinkle placed Resolution 2020-13 on record by title only.

Town Manager Tom Harmer and Finance Director Sue Smith gave a PowerPoint presentation on Resolution 2020-13 and Resolution 2020-14. Finance Director Smith noted the rolled back rate for the record.

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

Mayor Schneier commended staff for their efforts on the budget with no millage increase or service reductions.

Commissioner Dominick moved to pass Resolution 2020-13 levying ad valorem taxes for the Town of Longboat Key of 2.1144 mills for general operating purposes, 0.0607 mills for general obligation facility improvement bonds, 0.9458 mills for the Longboat Key Gulfside District, and 0.2365 mills for the Longboat Key Bayside District for the fiscal year beginning October 1, 2020, and ending September 30, 2021, resulting in a total millage rate for properties within Longboat Key Gulfside District of 3.1209 and a total millage rate for properties within Longboat Key Bayside District of 2.4116. The motion, seconded by Commissioner Spoll, carried by a 7-0 roll call vote, as follows: Dominick, aye; Spoll, aye; Daly, aye; Zunz, aye; Bishop, aye; Haycock, aye; Schneier, aye.

Mayor Schneier opened the public hearing on Resolution 2020-14.

Town Clerk Trish Shinkle placed Resolution 2020-14 on record by title only.

Town Manager Harmer and Finance Director Smith reaffirmed their previous testimony.

As no one wished to speak, the public hearing on Resolution 2020-14 was closed.

Commissioner Bishop moved to pass Resolution 2020-14 adopting a budget for the Town of Longboat Key for the fiscal year beginning October 1, 2020, and ending September 30, 2021; making appropriations for the purpose of meeting expenses and expenditures set forth in said budget; providing for compliance with the capital improvements element of the Town's comprehensive plan; and adopting a five-year capital improvements program and capital improvements schedule for fiscal years 2021 - 2025. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Bishop, aye; Haycock, aye; Schneier, aye; Dominick, aye; Spoll, aye; Daly, aye; Zunz, aye.

8. Ordinances – Second Reading and Public Hearing

Ordinance 2020-08 Amending the Capital Improvements Schedule of the Capital Improvements Element Concurrent with Adoption of the FY21 Budget

Ordinance 2020-08 concurrently updates the five-year Capital Improvement Schedule of the Capital Improvements Element of the Town's Comprehensive Plan, with adoption of the FY21 Budget. First reading and public hearing was held at the September 14, 2020, Special Meeting at 5:01 p.m. and forwarded to the September 29, 2020, Special Meeting at 5:01 p.m. for second reading and public hearing. Recommended Action: Pending second reading and public hearing, adopt Ordinance 2020-08.

Town Clerk Trish Shinkle placed Ordinance 2020-08 on record by title only.

Mayor Schneier opened the public hearing.

Town Manager Tom Harmer provided an overview of Ordinance 2020-08.

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

Commissioner Dominick moved to adopt Ordinance 2020-08. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Dominick, aye; Haycock, aye; Bishop, aye; Zunz, aye; Daly, aye; Spoll, aye; Schneier, aye.

9. Adjournment:

Mayor Schneier noted the Special Meeting/Attorney-Client Session scheduled for September 30, 2020, at 1:00 p.m. and adjourned the September 29, 2020, Special Meeting at 5:31 p.m.

Trish Shinkle, Town Clerk

Kenneth Schneier, Mayor

Minutes Approved: _____

Note: Minutes in draft form and not official until approved by the Commission.

**MINUTES
LONGBOAT KEY TOWN COMMISSION
ATTORNEY-CLIENT SESSION
VIRTUAL SPECIAL MEETING AND SHADE MEETING
SEPTEMBER 30, 2020**

Participating by

Remote Access: Mayor Ken Schneier, Vice Mayor Mike Haycock, Commissioners Jack Daly, Sherry Dominick, George Spoll, Ed Zunz

Present: Deputy Town Clerk Savannah Cobb

Also Participating by

Remote Access: Town Manager Tom Harmer, Town Attorney Maggie Mooney

Not Present: Commissioner B.J. Bishop

1. Call to Order, Roll Call

Mayor Schneier called the virtual Special Meeting to order at 1:00 p.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida.

Mayor Schneier requested Deputy Town Clerk Savannah Cobb call the roll and noted all Commissioners were present except for Commissioner B.J. Bishop, and all present were utilizing Communications Media Technology.

2. Approval of Virtual Meeting Protocols and Process

Mayor Schneier noted Executive Orders issued by Governor Ron DeSantis providing for the continuation of holding remote meetings utilizing media communication technology.

Town Manager Tom Harmer provided an overview of the virtual meeting protocols and process.

There was consensus to accept the virtual meeting protocols and process.

3. Pending Litigation/Administrative Proceeding

The Commission will consider the request of the Town's Legal Counsels' to hold an Attorney-Client Meeting relating to pending litigation relating to a proposed consent order in the administrative matter of *Florida Department of Environmental Protection v. Town of Longboat Key*, OGC File No. 20-1261.

Town Attorney Maggie Mooney provided an overview of the limitations on the issues to be discussed during the Attorney-Client session and addressed the scope of the meeting.

Mayor Schneier had technology difficulties, Town Attorney Maggie Mooney moved forward with the agenda and noted the session would be approximately one to two hours long, and advised that the following individuals would be in attendance:

- Kenneth Schneier, Mayor
- Mike Haycock, Vice Mayor
- Sherry Dominick, Commissioner
- George Spoll, Commissioner
- Jack Daly, Commissioner
- Ed Zunz, Commissioner
- BJ Bishop, Commissioner (not present at virtual meeting and session)
- Tom Harmer, Town Manager
- Maggie Mooney, Town Attorney

- Attorney Ed Steinmeyer (litigation counsel from law firm of Steinmeyer Fiveash LLP)
- Attorney John “Jack” Fiveash (litigation counsel from law firm of Steinmeyer Fiveash LLP)

Following comments, Commissioner Dominick moved to approve the request to hold an Attorney-Client Session. The motion, seconded by Commissioner Daly, carried by a 6-0 roll call vote, as follows: Zunz, aye; Dominick, aye; Daly, aye; Spoll, aye; Haycock, aye; Schneier, aye.

Mayor Schneier recessed the Special Meeting at 1:09 p.m.

RECESS: 1:09 p.m. – 3:10 p.m.

Mayor Schneier reconvened the Special Meeting at 3:10 p.m.

Town Attorney Mooney noted a motion would be required to hold another Client-Attorney Session to further discussion relating to a proposed consent order in the administrative matter of *Florida Department of Environmental Protection v. Town of Longboat Key*, OGC File No. 20-1261.

Commissioner Zunz moved to hold another Attorney-Client Session on October 19, 2020 at 10:00 a.m. The motion, seconded by Vice Mayor Haycock, carried by a 6-0 roll call vote, as follows: Zunz, aye; Haycock, aye; Daly, aye; Spoll, aye; Dominick, aye; Schneier, aye.

4. Adjournment

Mayor Schneier adjourned the September 30, 2020, Virtual Special Meeting at 3:12 p.m.

Savannah Cobb, Deputy Town Clerk

Kenneth Schneier, Mayor

Minutes Approved: _____

Note: Minutes in draft form and not official until approved by the Commission.

**MINUTES
LONGBOAT KEY TOWN COMMISSION
VIRTUAL REGULAR MEETING
OCTOBER 5, 2020**

Present: Mayor Ken Schneier, 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

Not Present: Vice Mayor Mike Haycock

1. Call to Order

Mayor Schneier called the Virtual Regular 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.

Mayor Schneier noted Executive Order No. 20-246 providing for the continuation of holding remote meetings utilizing Communications Media Technology (CMT) until October 31, 2020.

2. Roll Call

Town Clerk Trish Shinkle called roll for attendance by remote participation with six Commissioners present and Vice Mayor Haycock absent.

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. Approval of Virtual Meeting Protocols and Process

Town Manager Tom Harmer reviewed the procedures and the protocols for the virtual meeting.

Mayor Schneier requested and Commissioner Bishop moved to accept the virtual meeting protocols and approve the developed process. The motion, seconded by Commissioner Dominick, carried by a 6-0 roll call vote, as follows: Bishop, aye; Dominick, aye; Daly, aye; Zunz, aye; Spoll, aye; Schneier, aye.

6. Public to be Heard

*Virtual public participation instructions were provided as an attachment to the meeting agenda.

A. Public Works

Mayor Schneier noted and Town Clerk Trish Shinkle read written comments into the record from Mr. David Novak.

Mayor Schneier thanked Mr. Novak for his comments and requested that Staff review the issue and report back, without objection.

B. All other agenda items except public hearings.

No items were presented.

7. Reports

A. Commission/Committee Reports

1. Boards/Committees

Commissioner Zunz commented on discussions held at the Bradenton Area Economic Development Corporation (EDC) meeting.

2. Boards/Committees

Commissioner Dominick commented on discussions held at the Sarasota County Tourist Development Council (TDC) meeting.

3. Boards/Committees

Commissioner Daly commented on discussions held at the Metropolitan Planning Organization (MPO) meeting.

B. 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:

- upcoming seasonal residents and visitors/option for Health Department to notify Town officials of any cases identified as seasonal residents or visitors
- no quarantine restrictions after traveling from other states currently in place in Florida
- complications of being in two Counties
- safety provisions to be instituted at Town Hall upon reopening
- lack of recommendations from Governor's office on limiting group size
- notification of any issues regarding current requirements
- estimated number of total cases in both Counties on Longboat Key.

C. Resolution 2020-28, Ratifying and Confirming All Actions Taken by the Town Commission, Boards, and Committees During Virtual Meetings During COVID-19 Pandemic Response

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. Recommended Action: Pass Resolution 2020-28.

Town Manager Tom Harmer advised that consideration of Resolution 2020-28 was being withdrawn from this meeting.

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.

Consent Agenda - Continued

A. Approval of Minutes

September 14, 2020 Special Meeting (Budget) Minutes. Recommended Action: Approve Minutes

B. Consolidated Retirement System Investment Policy Statement Adoption

The Chair of the Town's Consolidated Retirement System Board of Trustees has forwarded a revised Investment Policy Statement (IPS) for the fund for Commission review and approval. Pending approval, the IPS will have an effective date of October 30, 2020. Recommended Action: Adopt Consolidated Retirement System Investment Policy Statement.

C. Resolution 2020-23, State of Florida Local Government Funding, Request for Beach Management Funding Assistance Program

To qualify for the State of Florida Beach Management Funding Assistance Program each project application must be filed with a resolution by the governing body. Resolution 2020-23 will accompany the FDEP Beach Management Funding Assistance Program FY 2021/2022 Local Government Funding Request Beach Projects Application. Typically project costs are reimbursed at a 26.94% rate. Recommended Action: Pass Resolution 2020-23.

Commissioner Spoll moved to approve the Consent Agenda, confirming the recommended action in Staff's report. The motion, seconded by Commissioner Dominick, carried by a 6-0 roll call vote, as follows: Spoll, aye; Dominick, aye; Bishop, aye; Schneier, aye; Zunz, aye; Daly, aye.

9. Ordinances – First Reading

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. Recommended Action: Forward Ordinance 2020-15 to the November 2, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-15 on record by title only.

Commissioner Dominick moved to pass Ordinance 2020-15 and to forward to the November 2, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Spoll.

Following comments from Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on Ordinance 2020-15. Discussions were held with Town Manager Harmer, Mr. Parsons, and Town Attorney Maggie Mooney on the following topics/issues:

- preemption on for noise violations from vessels in the intercoastal waterway
- current procedural process in responding to complaints
- Attorney General opinion on regulating noise on the water
- lack of enforcement by County
- complaints relating to Jewfish Key activity.

Ordinance 2020-15, Amending Chapter 93 - Continued

Mayor Schneier requested that Staff contact Manatee County to discuss actions that could be implemented relating to the noise issue, without objection.

Town Manager Harmer noted some strategies under consideration. Discussions continued on the following topics/issues:

- option for Manatee County to respond in addition to Longboat Key Police on noise complaints
- Section 93.09, page 3, Disturbing the Peace, regarding “manmade” (request for the word to be removed)
- Subsection (E) of Section 93.10 requesting clarification of the wording of the language
- ability to hold second reading if language is not modified this date.

Commissioner Zunz moved to delete the word “manmade” from Section 93.09 and to direct staff to clarify the language in Section 93.10(E) as provided this date. The motion, seconded by Commissioner Bishop, carried by a 6-0 roll call vote, as follows: Zunz, aye; Bishop, aye; Schneier, aye; Daly, aye; Spoll, aye; Dominick, aye.

The main motion to pass Ordinance 2020-15, as amended, carried by a 6-0 roll call vote, as follows: Dominick, aye; Spoll, aye; Zunz, aye; Daly, aye; Schneier, aye; Bishop, aye.

B. Ordinance 2020-11, Master Water and Wastewater Bond

The Town Commission will consider Ordinance 2020-11, which establishes a base document for future borrowings and authorizes the issuance of \$3,100,000 Wastewater Refunding Revenue Notes to refinance the State Revolving Fund (SRF) loan agreements. This item was forwarded for first reading from the September 29, 2020, Regular Workshop Meeting. Recommended Action: Forward Ordinance 2020-11 to the November 2, 2020, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2020-11 on record by title only.

Commissioner Zunz moved to pass Ordinance 2020-11 and to forward to the November 2, 2020, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Bishop.

Following comments by Town Manager Tom Harmer, Finance Director Sue Smith gave a PowerPoint presentation on Ordinance 2020-11. Upon inquiry, Financial Advisor Joel Tindal provided the rates quoted by the other respondents.

Town Attorney Maggie Mooney noted the requirement for each Commissioner to execute the Certificate as to Public Meetings and No Conflict of Interest form relating to the bond.

The motion carried by a 6-0 roll call vote, as follows: Zunz, aye; Bishop, aye; Daly, aye; Dominick, aye; Schneier, aye; Spoll, aye.

10. Ordinances – Second Reading and Public Hearing

A. Ordinance 2020-05, Privately Initiated Zoning Text Amendment, Amending Zoning Code Section 158.098, Height and Daylight Plane Regulations

The Town received a privately initiated text amendment request from a property owner seeking approval for lightning protection systems to be included as an exception to height and daylight plane regulations in the Town Code. At their September 14, 2020, Regular

Ordinance 2020-05, Privately Initiated Zoning Text Amendment - Continued

Meeting the Commission continued the public hearing of Ordinance 2020-05 to the October 5, 2020, Regular Meeting. Recommended Action: Adopt Ordinance 2020-05.

Town Clerk Trish Shinkle placed Ordinance 2020-05 on record for continued public hearing.

Mayor Schneier opened the continued public hearing.

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on Ordinance 2020-05. Discussions were held on the following topics/issues:

- previous consideration and action at the June 30 and September 14, 2020, meetings on the Ordinance
- safety concerns
- required height of an Early Streamer Emission (ESE) system
- alternate technology available
- types of lightning protection system
- Special Exception procedure, estimated costs, and approval process.

RECESS: 2:46 p.m. - 2:56 p.m.

Mr. John Barber, applicant's representative, commented on the various types of ESE systems and the Special Exception process.

Ms. Lynn Larson, Yardarm Lane, commented on Ordinance 2020-05 and previous Commission action.

Town Clerk Shinkle read comments from the following individuals into the record:

- Ms. Lynn Cook, Gunwale Lane (also viewed PowerPoint submitted by Ms. Cook)
- Mr. Ron and Kathryn Lee, Halyard Lane
- Mr. Pete and Carla Rowan, Broadway Street

Mayor Schneier noted the e-mail correspondence received on the matter will be retained as a part of the public hearing record.

(Note: Ante-Chamber lost connectivity from 3:16 p.m. to 3:20 p.m.)

Commissioner Bishop moved to adopt Ordinance 2020-05. The motion was seconded by Commissioner Dominick.

Following individual comments, Commissioner Daly moved to amend Ordinance 2020-05 to reflect the action taken at the June 30, 2020, Regular Meeting, providing for a one-foot exception in the R4 and R6 zoning districts with an option to seek a Special Exception up to a total of six feet. The motion was seconded by Mayor Schneier.

Following individual comments, the motion to amend Ordinance 2020-05 failed by a 2-4 roll call vote, as follows: Daly, aye; Schneier, aye; Bishop, no; Dominick, no; Zunz, no; Spoll, no.

Mayor Schneier closed the public hearing.

The motion to adopt Ordinance 2020-05 carried by a 4-2 roll call vote, as follows: Bishop, aye; Dominick, aye; Spoll, aye; Schneier, no; Daly, no; Zunz, aye.

B. Ordinance 2020-02, Amending Chapter 94, Fire Prevention Code
Ordinance 2020-02 provides a re-write and replacement of Chapter 94, Fire Prevention Code. It contains updated language, definitions, other required updates, and a more intuitive document for ease of use. The Town Commission held first reading at the September 14, 2020, Regular Meeting and forwarded for second reading, public hearing, and adoption at the October 5, 2020, Regular Meeting. Recommended Action: Adopt Ordinance 2020-02.

Town Clerk Trish Shinkle placed Ordinance 2020-02 on record by title only.

Commissioner Spoll moved to adopt Ordinance 2020-02. The motion was seconded by Commissioner Bishop.

Mayor Schneier opened the public hearing.

Following comments by Town Manager Tom Harmer, Fire Chief Paul Dezzi gave a PowerPoint presentation on Ordinance 2020-02.

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

The motion carried by a 6-0 roll call vote, as follows: Spoll, aye; Bishop, aye; Zunz, aye; Schneier, aye; Daly, aye; Dominick, aye.

C. Ordinance 2020-12, Amending Section 72, Parking, Fines
Ordinance 2020-12 provides for increased fines for illegal parking, and updated processes for hearing appeals. The Town Commission held first reading at the September 14, 2020 Regular Meeting and forwarded for second reading, public hearing, and adoption at the October 5, 2020 Regular Meeting. Recommended Action: Adopt Ordinance 2020-12.

Town Clerk Trish Shinkle placed Ordinance 2020-12 on record by title only.

Commissioner Bishop moved to adopt Ordinance 2020-12. The motion was seconded by Commissioner Spoll.

Mayor Schneier opened the public hearing.

Town Manager Tom Harmer provided an overview of the proposed Ordinance. Town Attorney Maggie Mooney advised that amendments were made to the original Ordinance and reviewed the proposed amendments as follows:

- deletion of references to "hearing officer" and incorporating "Special Magistrate" throughout
- clarification of cases to be heard by Special Magistrate (parking enforcement)
- clarification of appeal process
- deletion of the word "ticket" and incorporating "citation" throughout
- authority to dismiss citation, appeal process if not dismissed
- authority of Special Magistrate to impose additional and supplemental penalty.

Town Attorney Mooney noted that an amendment to Chapter 33 of the Town Code will be required by Ordinance to provide the authority to the Special Magistrate to consider parking citations, which will be scheduled for first reading in November, with second reading and adoption in December 2020, noting Staff's recommendation for Ordinance 2020-12 to become effective in December 2020. Discussion ensued with Town Attorney Mooney, Police Chief Pete Cumming, and Town Manager Harmer on the following topics/issues:

Ordinance 2020-12, Amending Section 72, Parking, Fines - Continued

- legal authority to enforce non-payment
- various options available for collection of citations
- issuance by Police Officers only
- current collection rate of parking tickets issued
- citation review process and enforcement
- authority to hold Special Magistrate hearings (following amendments to Chapter 33 of the Town Code).

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

Following comments by Town Attorney Mooney, Mayor Schneier noted for the record that the adoption of Ordinance 2020-12 incorporates the modifications reviewed this date by the Town Attorney.

The motion to adopt Ordinance 2020-12, as amended, carried by a 6-0 roll call vote, as follows: Bishop, aye; Dominick, aye; Spoll, aye; Zunz, aye; Schneier, aye; Daly, aye.

11. Resolution and Public Hearing

A. Resolution 2020-21, Amending Building Permit and Fire Fees

Resolution 2020-21 provides for updating building permit and fire fees to provide an equitable level of cost recovery for the Town to provide these services. Staff reached out to 2,200 local contractors to advise of the proposed update to building permit and fire fees with no expressions of concern or other feedback. Recommended Action: Pass Resolution 2020-21.

Town Clerk Trish Shinkle placed Resolution 2020-21 on record by title only.

Commissioner Zunz moved to pass Resolution 2020-21. 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 Resolution 2020-21. Discussions were held on cost for lightning protection systems and the impact of the changes to the upcoming budget year.

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

The motion carried by a 6-0 roll call vote, as follows: Zunz, aye; Spoll, aye; Schneier, aye; Daly, aye; Dominick, aye; Bishop, aye.

B. Resolution 2020-24, Supplemental Resolution, Beach Bonds, Authorizing the Issuance of Not-To-Exceed \$22,000,000 General Obligation Bonds

Resolution 2020-24 supplements Resolution 2020-11 (Master Bond Resolution passed on June 1, 2020) and authorizes the issuance of up to \$22 million in general obligation bonds through a competitive bid sale. Recommended Action: Pass Resolution 2020-24.

Town Clerk Trish Shinkle placed Resolution 2020-24 on record by title only.

Commissioner Spoll moved to pass Resolution 2020-24. The motion was seconded by Commissioner Bishop.

Resolution 2020-24, Supplemental Resolution, Beach Bonds - Continued

Mayor Schneier opened the public hearing.

Town Manager Tom Harmer gave an overview of Resolution 2020-24. Discussions were held with Town Manager Harmer, Finance Director Sue Smith, and Hilltop Securities Public Finance Director Joel Tindal on the following topics/issues:

- net of bond proceeds/closing costs/fees
- reference to purchase of bond insurance
- maturity date.

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

The motion carried by a 6-0 roll call vote, as follows: Spoll, aye; Bishop, aye; Dominick, aye; Daly, aye; Zunz, aye; Schneier, aye.

12. New Business

A. Town Attorney Annual Evaluation

The Town Attorney's Contract provides for an annual review and job performance evaluation by the Town Commission. This item is placed on the October 5, 2020, Regular Meeting for Commission discussion. Recommended Action: None.

Mayor Schneier commended the services of the Town Attorney and her law firm and upon inquiry, Town Attorney Maggie Mooney noted the law firm was waiving the automatic fee increase for Fiscal Year 2021 (FY21) and noted the basis (consumer price index) for a rate increase.

Following individual comments, Mayor Schneier moved to honor the contractual terms and approve the designated fee increase for FY21. The motion, seconded by Commissioner Bishop, carried by a 6-0 roll call vote, as follows: Schneier, aye; Bishop, aye; Dominick, aye; Spoll, aye; Daly, aye; Zunz, aye.

B. Town Manager Annual Evaluation

The Town Manager's employment agreement calls for a review and job performance evaluation by the Town Commission at least once annually. This item is placed on the October 5, 2020, Regular Meeting for Commission consideration. Recommended Action: None.

Following individual comments, Commissioner Daly moved to provide a salary increase in line with the General Employees increase (average 2.5%) effective with the contract date. The motion, seconded by Commissioner Spoll, carried by a 6-0 roll call vote, as follows: Daly, aye; Spoll, aye; Zunz, aye; Dominick, aye; Bishop, aye; Schneier, aye.

Town Manager Harmer noted appreciation and thanked the Commissioners for their support and comments, and thanked all Town employees for their efforts and dedication over the past year.

13. Town Commission Comments

No items were presented.

14. Town Attorney Comments

Town Attorney Maggie Mooney thanked the Commissioners for their support and feedback.

15. Town Manager Comments

A. Town Commission

Town Manager Tom Harmer recommended that the Commission Retreat scheduled for October 23, 2020, be rescheduled to November 4, 2020, from 10:00 a.m. to 3:00 p.m.

There was consensus to reschedule the Commission Retreat to November 4, 2020.

B. Town Manager

Town Manager Tom Harmer commented on the format of his daily COVID-19 report to the Commissioners, noted feedback received on the format, and noted he was going to revise the format and requested Commissioner feedback on the information included.

C. Town Commission

Mayor Schneier inquired and Town Manager Tom Harmer confirmed that a Special Meeting/Attorney-Client Session was scheduled for October 19, 2020, at 10:00 a.m.

16. Adjournment

Mayor Schneier adjourned the October 5, 2020, Regular Meeting at 4:55 p.m.

Trish Shinkle, Town Clerk

Kenneth Schneier, Mayor

Minutes Approved: _____

Note: Minutes in draft form and not official until approved by the Commission.

End of Agenda Item