

**APPROVAL OF MINUTES FOR  
APRIL 19, 2021 - SPECIAL MEETING  
APRIL 19, 2021 - REGULAR WORKSHOP  
APRIL 23, 2021 - SPECIAL WORKSHOP (RETREAT)  
MAY 3, 2021 - REGULAR MEETING  
MAY 17, 2021 - SPECIAL WORKSHOP (TRAINING)**

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING (IN-PERSON/VIRTUAL)  
APRIL 19, 2021**

**Present:** Mayor Ken Schneier, Vice Mayor Mike Haycock, Commissioners B.J. Bishop, Penny Gold, Debra Williams

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

**Participating by**

**Remote Access:** Commissioner Sherry Dominick, Town Attorney Maggie Mooney

**1. Call to Order and Pledge of Allegiance**

**Mayor Schneier called the April 19, 2021, Special (Hybrid) Meeting to order at 11:30 a.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida. Mayor Schneier 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. Statement of Hybrid Meeting Protocols**

Town Manager Tom Harmer provided an overview of the Hybrid Meeting protocols.

**4. Public to be Heard**

Opportunity for Public to Address Town Commission  
No items were presented.

**5. Town Commission Vacancy - District 5**

At the March 1, 2021, Regular Meeting, District 5 Commissioner Ed Zunz advised that, following the Statutory Meeting on March 22, 2021, he would be resigning effective immediately. At the Statutory Meeting, there was Commission consensus to advertise, seeking applicants to fill the vacancy, and forward for consideration to the April 19, 2021, Special Meeting. The Commission can make nominations and vote to fill the seat at the Special Meeting or schedule a Special Election as provided for in the Charter. Recommended Action: Nominate and vote on the candidate to fill the District 5 vacancy.

Town Manager Tom Harmer commented on the process utilized to fill the vacancy and noted the names of the three applicants for the District 5 seat, as follows: Mr. Christopher Carman, Mr. Gene Jaleski, and Ms. Maureen Merrigan.

**Mayor Schneier opened the floor for Commissioner comments and nominations.**

**Commissioner Bishop nominated Ms. Maureen Merrigan. As no other nominations were made, Mayor Schneier closed the nominations.**

**Vice Mayor Haycock moved to appoint Ms. Merrigan to the District 5 Commission seat effective until the March 15, 2022, General Election. The motion, seconded by Commissioner Williams, carried by a 6-0 roll call vote, as follows: Haycock, aye; Williams, aye; Gold, aye; Dominick, aye; Bishop, aye; Schneier, aye.**

**Mayor Schneier noted the process and advised that during his tenure, he has received numerous recommendations and requests for Ms. Merrigan to serve on the Commission.**

**6. Oath of Office**

The Town Clerk will administer the Oath of Office to the appointed Commissioner.

Town Clerk Trish Shinkle administered the Oath of Office to newly appointed Commissioner Maureen Merrigan.

**7. Adjournment**

**Mayor Schneier adjourned the April 19, 2021, Special Meeting at 11:36 a.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  
REGULAR WORKSHOP (IN-PERSON/VIRTUAL)  
APRIL 19, 2021**

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

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

**Participating by**

**Remote Access:** Commissioner Sherry Dominick, Town Attorney Maggie Mooney

**1. Call to Order and Pledge of Allegiance**

Mayor Schneier called the Regular Workshop to order at 1:00 p.m. in the Town Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida. Vice Mayor Haycock led the Pledge of Allegiance.

Mayor Schneier noted that Commissioner Dominick was participating via Zoom.

**2. Pledge of Public Conduct**

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

**3. Statement of Hybrid Meeting Protocols**

Town Manager Tom Harmer provided an overview of the hybrid meeting protocols.

**4. Public to be Heard**

Opportunity for Public to Address Town Commission

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

No items were presented.

**5. Reports**

**A. Committee Reports**

**Organizations**

Vice Mayor Haycock advised that he was receiving the weekly updates regarding the former Piney Point phosphate plant. Commissioner Bishop requested that the e-mails be sent separately and not included in the batch mail. Town Manager Tom Harmer advised he would coordinate with the Clerk's office to avoid duplication.

**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 on the status of the COVID-19 pandemic. Discussions were held on the following topics/issues:

- requirement to wear masks
- lower testing/spike in cases.

**C. Sarasota County Chief Deputy Property Appraiser Brian Loughery, and Melissa Lombardo, Appraisal Operations Director**

Following comments by Town Manager Tom Harmer, Mr. Loughery and Ms. Lombardo provided an overview of web services available to the public and options to meet with the

property appraisers office. Ms. Lombardo provided an overview of the increase in property values, trends of market values, increase in high-end properties sales, and opined that Longboat Key values would not be decreasing. Discussions ensued on the following topics/issues:

- determination of high-end property values (those selling over \$8 million)
- cash buyers in the market
- determination of Colony property value (currently as vacant property)
- value of new construction on Longboat Key
- number of homesteaded versus non-homesteaded properties
- values based on previous year's valuation
- valuation process between the two Counties/statutory requirements.

Mayor Schneier thanked Mr. Loughery and Ms. Lombardo for their presentation.

## 6. Discussion Items

### A. Proposed Amendments to Town Code Chapter 100, Marine Turtle Protection

As a follow-up to the February 16, 2021, Regular Workshop Meeting, the Town staff will provide a response to Commission questions, an update on their recommendations based on additional research, and a proposed ordinance for review and discussion by the Commission. Recommended Action: Forward Ordinance 2021-01 to the May 3, 2021, Regular Meeting for first reading.

Following comments from Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on proposed amendments to Town Code, Chapter 100 (proposed Ordinance 2021-01). Discussions were held with Mr. Parson son the following topics/issues:

- withdrawal of the recommendation relating to window tinting
- pricing costs of manufactured windows at the 15% ratio
- visibility through higher tint
- heat increase for the higher tint percentage
- options for tinting ratios
- placement of tint on the glass
- lack of data to distinguish disorientations for single family versus tourism units.

**There was consensus to approve the withdrawal of staff recommendation for 15% tinting ratio.**

Discussions continued with Mr. Parsons and Planning, Zoning, and Building Department Code Enforcement Officer Chris Kopp on the following topics/issues:

- availability of turtle "friendly" lights/different varieties and wattage
- determination of property designated as "on the beach"
- current requirements relating to window tinting for replacement windows
- lack of height requirements to meet lighting standards
- option to shield nests with screening materials to reduce light impacts
- effective date of the Ordinance, if adopted
- feedback received from public workshop held in December, 2020.

**There was consensus to approve the staff recommendation for the bulbs, permitting, and temporary lighting as outlined.**

Discussions continued with Mr. Parsons on the following topics/issues:

- Recreational Use Agreements for upland property owners
- lack of restrictions on removal of recreational items by individuals
- provisions applicable to beach front property only
- determination of what, where, volume, and type of equipment that can be stored
- circumstances that require a Recreational Use Agreement.

**There was consensus to approve the staff recommendation relating to the Recreational Use Agreements.**

Commissioner Bishop commended Code Enforcement Officer Kopp on his efforts with code enforcement.

Ms. Cyndi Seamon, Norton Street, commented on the proposed Ordinances and commended Mr. Kopp on his service.

**RECESS:** 2:35 p.m. – 2:45 p.m.

**Following comments, there was consensus to forward Ordinance 2021-01, as discussed this date, to the May 3, 2021, Regular Meeting for first reading.**

B. Snapshot of 2021 Beach Project

Town staff will present a brief snapshot of the beach project that is currently underway, including progress of sand placement, rock mats for groins, and North end structures. Recommended Action: None, informational only.

Following comments from Town Manager Tom Harmer, Public Works Project Manager Charlie Mopps gave a PowerPoint presentation on the 2021 Beach Nourishment and Structure Project. Discussions were held on the following topics/issues:

- navigability of New Pass
- depth of beach
- safety issues/concerns for individuals on groins
- lack of sand placement in the Sleepy Lagoon and Promenade areas
- sand placement on Greer Island
- preparation for unintended consequences of sand loss at the North end
- redesign of web site link for the project
- Segments 5 and 6
- timeframe for removal of equipment for Segments 2 through 4
- options to utilize equipment for canal dredging.

Dr. James Whitman, Norton Street, inquired as to property extending further along the shoreline than others.

Mr. Mopps commented on the properties extending into the beach line.

### 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 by Town Manager Tom Harmer, Public Works Project Manager James Linkogle and CDM-Smith Project Engineer Mark Porter gave a PowerPoint presentation on the Undergrounding Project. Discussions were held on the following topics/issues:

- funds expended to date
- Phase 3 project description/minimal impact
- “Smart-City” plan
- multi-use/low profile lighting system for sidewalks
- status on partnering with mobile carriers
- percentage of dropped calls/carrier comments
- consideration of joint funding for infrastructure
- carriers/providers interest in placing towers.

### 7. Town Commission Comments

No items were presented.

### 8. Town Attorney Comments

#### A. Town Commission

Town Attorney Maggie Mooney welcomed newly appointed Commissioner Merrigan.

#### B. Legislation

Town Attorney Maggie Mooney noted that she continues to follow proposed legislation and commented on the proposed short term rental legislation.

### 9. Town Manager Comments

#### A. Boards and Outside Committees

Town Manager Tom Harmer noted that Commissioner Dominick indicated a standing conflict with her representation on the Sarasota County Economic Development Corporation (EDC) her request to become alternate instead of primary representative. Town Manager Harmer noted that Commissioner Gold was agreeable to becoming the primary contact on the Town's behalf.

**There was consensus to amend the appointments with Commissioner Gold as the primary and Commissioner Dominick as the alternate on the Sarasota County EDC.**

#### B. Police Department

Town Manager Tom Harmer advised that Mr. George Turner had been appointed to serve as Interim Police Chief for a six month period and provided background information on Mr. Turner.

#### C. Town Commission

Town Manager Tom Harmer distributed documentation to be utilized at the Commission Retreat on April 23, 2021, reviewed the issues to be discussed, and noted the venue at Seaplace Condominium Clubhouse.

D. Boards and Outside Committees

Upon inquiry, Town Manager Tom Harmer noted the Board and Committee appointments for newly appointed Commissioner Merrigan.

**10. Adjournment**

**Mayor Schneier adjourned the April 19, 2021, Regular Workshop at 4:00 p.m.**

\_\_\_\_\_  
Trish Shinkle, Town Clerk

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Kenneth Schneier, Mayor

Minutes Approved: \_\_\_\_\_

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



**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL WORKSHOP  
STRATEGIC PLANNING  
APRIL 23, 2021**

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

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

**Not Present:** Commissioner Sherry Dominick

**1. Call to Order**

**Mayor Schneier called the Special Workshop to order at 10:02 a.m. in the Seaplace Condominium Clubhouse, 2045 Gulf of Mexico Drive, Longboat Key, Florida.**

Mayor Schneier thanked Seaplace staff for the use of their facility. Commissioner Dominick was not present.

**2. Public to be Heard**

Opportunity for Public to Address Town Commission  
No items were presented.

**3. Discussion Items**

- A. Town Manager's Introduction
- B. Town Attorney Overview
- C. Mission/Vision/Community Expectations
- D. Review and Development of FY22 Initiatives and Long-Term Strategic Issues

Following comments on the process for the meeting, Town Manager Harmer noted the Town has received the permit from the Southwest Florida Water Management District which include allowances for two of the planned facilities for the Town Center and noted the Senate President had approved the OPPAGA (Office of Program Policy Analysis and Government Accountability) review request.

Town Manager Harmer provided an overview of the Town Charter, discussed the FY21 highlights as outlined in the Staff report, and requested input on what the Commission felt was working well. Discussions were held with Town Manager Harmer and Town Attorney Maggie Mooney on the following topics/issues:

- challenges of being in two Counties
- Manatee County's position on a move to Sarasota County
- County's contributions to Longboat Key
- lack of communication/events/recognition for/with volunteers on advisory boards **(consensus to plan annual recognition event for volunteers and advisory board members)**
- duties of advisory boards/challenges of joint meetings
- determination for the need of additional advisory boards
- required compliance with Sunshine and public records laws by advisory board/committee members
- relationship of Commission with administration and Town Attorney

- Commissioner communication to staff on personal items/issues
- Manager's communication with Commission
- Town Manager's monthly brief/distribution efforts
- daily e-mail distribution/option to limit batch sizes  
**(consensus to limit each batch size to 3 items)**
- reporting issues relating to police dispatch for immediate safety issues
- options to provide a "pipeline" of future items to be considered by the Commission.

**Following comments about wildlife protection, there was consensus to add a line item in the Community Expectations/Core Values statement relating to wildlife protection.**

**RECESS:** 11:49 a.m. - 11:59 a.m.

Town Attorney Mooney provided an overview of the Sunshine and public records laws during a working lunch. Discussions were held with Town Manager Harmer and Town Attorney Mooney on the following topics/issues:

- annual reviews of Town Manager and Town Attorney
- participation in meetings under a declared emergency
- options to increase Sunshine exemptions for other issues.

Town Manager Harmer reviewed the Strategic Plan Process and the 2022 Strategic Plan Initiatives. Discussions were held on the following topics/issues:

- coordination with other government agencies/traffic/pedestrian crosswalks
- inclusion of crosswalks in the roundabout at Longboat Club Road
- Village parking
- repairs/improvements to Bayfront Park Recreation Center building
- activities moving from Recreation Center to Town Center in the future
- anticipated improvements to Town Center
- Bayfront Park Recreation Center unfunded capital item
- maintaining staffing levels/impact of adding full time staff members
- project management staffing
- red tide budgeting
- Town portion of new sales tax litigation
- IAFF (International Association of Fire Fighters) contract negotiations
- funding for sea level rise study/capital portion on unfunded list
- Florida Appropriations Requests/recognition of delegation members assisting with requests
- options to invite State legislators and Town's lobbyist to make presentations at future Commission meetings
- options to consider a flooding study
- distribution of Phase I Sea Level Study/anticipated outcome of Phases 3 and 4  
**(consensus to add Sea Level Rise Implementation as an unfunded item)**
- Pedestrian Monitors issues on St. Armands Key/options for discussion about "intelligent crossing"
- needed improvements to Quick Point Nature Preserve (Quick Point) and North Shore Road beach access area
- signage and parking for Quick Point

- design and funding for Town Center outdoor venue/stage concept and pricing
- change “advance” to “complete” Town Center Phase 2 on 2022 Strategic Plan
- impact of Education Center moving to the Temple
- meeting with Ringling representative regarding the Town Center
- required evaluation of the Comprehensive Plan and amendments to the Comprehensive Plan
- Property Maintenance Code
- 3-D modeling
- GMD (Gulf of Mexico Drive) Corridor Study/inclusion of sidewalks
- formal Debt Policy
- items included under Fiscal Sustainability/identify funding
- design and funding for Longboat Club roundabout
- funding methodology for canal project
- inclusion of statement relating to mitigation in red tide under Environmental/Resiliency category/public education/red tide
- monitoring of Florida Department of Environmental Protection Consent Order requirements
- removal of feasibility study for Quick Point Nature Preserve
- stronger language relating to improved cellular coverage/coordination with carriers
- inclusion of recognition of advisory board members under Services category
- inclusion of reference relating to hurricane events
- options for trolley between Longboat Key and St. Armands/lack of coordination between County transit systems
- Commission tour of Emergency Operations Center
- Town conversion to electrical vehicles/long term solutions relating to gas versus battery/electric (pursue Green Technology).

**RECESS:** 2:35 p.m. - 2:45 p.m.

The Town Commission individually rated their priority projects for the upcoming fiscal year.

Town Manager Harmer advised he would follow up on the issues discussed, tabulate the rated priority projects, and work with staff to provide updates and strategies for the items on the long-term issues list.

#### **4. Adjournment**

**Mayor Schneier adjourned the April 23, 2021, Special Workshop, at 3:00 p.m.**

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Trish Shinkle, Town Clerk

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Kenneth Schneier, Mayor

Minutes Approved: \_\_\_\_\_

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

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
REGULAR MEETING (IN-PERSON/VIRTUAL)  
MAY 3, 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 Clerk Trish Shinkle, Information Technology Director Jason Keen

**Participating by**

**Remote Access:** Town Attorney Maggie Mooney

**1. Call to Order and Pledge of Allegiance**

Mayor Schneier called the 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. Statement of Hybrid Meeting Protocols**

Town Manager Tom Harmer provided an overview of the hybrid meeting protocols.

**4. Public to be Heard**

Opportunity for Public to Address Town Commission

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

No items were presented.

**5. Reports**

**A. Committee Reports**

No items were presented.

**B. Police Department**

Town Manager Tom Harmer introduced Interim Police Chief George Turner, noted his previous service to the Town, advised he became Chief of the Brooksville Police Department in 2007, retiring in 2018.

Interim Police Chief Turner thanked Town Manager Harmer for his confidence in him and noted he was happy to be back.

**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 COVID-19 pandemic. Discussions were held on the following topics/issues:

- 96% percent of LBK residents vaccinated
- 263 cases on LBK
- Number/percent of staff members vaccinated
- State of Florida Surgeon General Public Health Advisory items covered.

## **6. 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.

### Approval of Minutes

March 22, 2021 Regular Workshop Meeting; April 5, 2021 Special Workshop Meeting (Meet & Greet); April 5, 2021 Regular Meeting; April 19, 2021 Special Workshop (Goals & Objectives) Meeting Minutes. Recommended Action: Approve Minutes.

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

## **7. Resolution and Public Hearing**

Resolution 2021-08, Amending the FY21 Budget, Amending the FY21 Water and Wastewater Operating Fund Budget and Capital Fund Budget

The Florida Department of Environmental Protection (FDEP) and the Town of Longboat Key entered into a Consent Order as a result of the force main leak in June 2020. Resolution 2021-08 provides for the necessary budget transfers to provide funding for costs associated with compliance with the terms of the negotiated Consent Order and establishes the project budget accounting for the FY21 assessment of the existing pipe. Recommended Action: Pass Resolution 2021-08.

Town Clerk Trish Shinkle placed Resolution 2021-08 on record by title only.

**Commissioner Bishop moved to pass Resolution 2021-08. The motion was seconded by Commissioner Williams.**

**Mayor Schneier opened the public hearing.**

Town Manager Tom Harmer provided an overview of Resolution 2021-08.

**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; Gold, aye; Dominick, aye; Haycock, aye; Schneier, aye; Merrigan, aye.**

## **8. Ordinances - First Reading**

A. Ordinance 2021-01, Amending Chapter 100, Marine Turtle Protection

At the April 19, 2021, Regular Meeting, the Town Commission reviewed and discussed proposed amendments to Chapter 100 and forwarded Ordinance 2021-01 to the May 3, 2021, Regular Meeting for first reading. Recommended Action: Forward Ordinance 2021-01 to the June 7, 2021, Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle place Ordinance 2021-01 on record by title only.

**Vice Mayor Haycock moved to pass Ordinance 2021-01 on first reading and to forward to the June 7, 2021, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Bishop.**

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Director Allen Parsons gave a PowerPoint presentation on Ordinance 2021-01. Mr. Parsons reviewed proposed changes to the draft Ordinance presented in the agenda packet. Discussions were held with Mr. Parsons and Town Attorney Maggie Mooney on the following topics/issues:

- enforcement for property east of Gulf of Mexico Drive (GMD) subject to the regulations if lights are visible from the beach
- elimination of motion detecting lights (required to be turtle friendly bulbs)
- requirements for pool lighting/pool deck (clarification for lighting within a pool)
- tinting (notation in Ordinance regarding additional window tinting requirements)/ options to include specific requirement
- provisions recommended by Staff relating to abandoned sand structures/large holes
- variance hearings by Town Commission
- language relating to stacking requirements for recreational equipment/enforceability/ removal of the phrase "if possible" in 2.iv. (page 11)
- trash receptacles at beach access area/application to properties on the west side of GMD/cost of replacement/requirements by franchisee to use specific containers
- consideration of garbage/trash receptacles at a later date
- deletion of proposed Section 100.11 – Garbage and trash receptacles
- work in concert with franchisee
- deletion of Section 100.20
- feedback on determination of "turtle friendly lighting"
- enforcement options by citations.

Ms. Cyndi Seamon, Gulf of Mexico Drive, commented on the proposed Ordinance. Ms. Seamon responded to inquiry regarding the size of holes encountered by the Longboat Key Turtle Watch members.

Individual comments followed on the sand structures/holes, trash receptacles, recreational equipment, and littering.

**There was consensus to remove the requirement for turtle friendly lighting requirements inside a pool and sand structures from the Ordinance.**

**The motion to pass Ordinance 2021-01, as amended, and to forward to the June 7, 2021, Regular Meeting for second reading and public hearing carried by a 7-0 roll call vote, as follows: Haycock, aye; Bishop, aye; Merrigan, aye; Dominick, aye; Gold, aye; Williams, aye; Schneier, aye.**

**RECESS:** 2:40 p.m. - 2:50 p.m.

B. Ordinance 2021-02, Amending Chapter 34.50, Firefighters' Retirement System, Disability

Florida Statutes Section 112.1816 mandates certain employer-funded cancer benefits for firefighters who are diagnosed with certain cancers and eligible to receive disability or death benefits. Ordinance 2021-02 was recommended for adoption by the Consolidated

Retirement System Board of Trustees and placed for Commission consideration. Recommended Action: Forward Ordinance 2021-02 to the June 7, 2021 Regular Meeting for second reading and public hearing.

Town Clerk Trish Shinkle placed Ordinance 2021-02 on record by title only.

**Commissioner Bishop moved to pass Ordinance 2021-02 on first reading and to forward it to the June 7, 2021, Regular Meeting for second reading and public hearing. The motion was seconded by Commissioner Williams.**

Following comments by Town Manager Tom Harmer, Town Attorney Maggie Mooney introduced Attorney Jim Linn and reviewed his participation in the pension revisions. Attorney Linn noted review of the Ordinance drafted by Pension Board Attorney Ron Cohen and reviewed the provisions of the Ordinance. Discussions were held with Attorney Linn and Consolidated Retirement System (CRS) Board of Trustees Chair Steve Branham on the following topics/issues:

- impact on Town Code provisions if Statute is changed or repealed
- basis for inclusion in the Town Code
- requirements for presumption to meet the Town's Firefighters' Pension plan for permanent and total disability
- level of disability pension amount as specified in Town's plan
- impact to changes in frozen Firefighters' Pension plan
- impact/cost to the Pension plan and/or health insurance costs
- Other Post Employment Benefit (OPEB) impact
- inclusion of other types of disabilities outlined in the Town Code
- impact of successful cancer treatment on the funds paid-out
- number of fires actually occurring on Longboat Key
- purpose of inclusion of the provision in the Town Code
- ability to modify Town Code if the law is amended/repealed
- impact on collective bargaining.

**The motion carried by a 6-1 roll call vote, as follows: Bishop, aye; Williams, aye; Schneier, aye; Gold, aye; Merrigan, aye; Dominick, no; Schneier, aye.**

C. Ordinance 2021-04, Renewal of Waste Management Franchise Agreement for Solid Waste and Recycling Collection

Ordinance 2021-04 provides for renewal of the Town's solid waste and recycling franchise agreement with Waste Management for another three-year term through June 30, 2024. The proposed renewal provides for an increase in recycling rates. Recommended Action: Forward Ordinance 2021-04 to the June 7, 2021 Regular Meeting for second reading and public hearing.

Mayor Schneier noted that Ordinance 2021-04 was pulled from consideration this date and would be placed on a future agenda for consideration.

Following comments by Town Manager Tom Harmer, CRS) Board of Trustees Chair Steve Branham provided a flash report on the status of the Pension fund and advised a report would be forthcoming.

## **9. Quasi-Judicial Public Hearing**

Subdivision Replat: Collier-Walker Subdivision, Phase III

At their March 16, 2021, Regular Meeting, the Planning & Zoning Board recommended approval of the Subdivision Replat application for 640 Neptune Avenue and Parcel ID No. 0005090059. The accompanying staff report also recommends approval. This public hearing for the Subdivision Replat application is scheduled for approval by the Town Commission at their May 3, 2021, Regular Meeting. The Commission will base their decision on competent and substantial evidence submitted at the May 3, 2021, Regular Meeting.

Mayor Schneier reviewed the process for a quasi-judicial public hearing,

**Commissioner Bishop noted recusing herself from consideration of the replat and submitted Form 8B, Memorandum of Voting Conflict.** (Copy available in the Town Clerk's office.)

Town Attorney Maggie Mooney inquired on ex parte communications, other disclosures, or a conflict of interest for the Commissioners. No ex parte communications or disclosures were made.

Town Clerk Trish Shinkle placed Order No. 2021-02 on record by title only.

**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 Oder No. 2021-02. Discussions were held on the following topics/issues:

- purpose of replat to create two buildable lots
- ability for existing Lot 24 variance if Zoning Codes could not be met.

Mr. Mark Ursini, representing the applicant, noted that he was available to answer any questions on the replat request, was in agreement with the statements presented by Staff, and would be the builder on both lots.

Mr. David Bishop, Buttonwood Drive, commented on the request relating to drainage in the Neptune/Triton Avenue area.

Ms. Arnold noted approval of Collier-Walker subdivision in 2008 and advised the developer would have to abide by the Master Drainage Plan.

Upon inquiry, Public Works Director Isaac Brownman commented on remedies available if the Master Drainage Plan does not function properly, noted that the area has an on-site and by-pass system, advised that Public Works has worked with the Buttonwood Homeowners Association on drainage issues in the past, and noted that Staff will be required to review the Stormwater Plan for the replat.

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

**Commissioner Williams moved to approve Order No. 2021-02. The motion, seconded by Commissioner Dominick, carried by a 6-0 roll call vote, with Commissioner Bishop abstaining, as follows: Williams, aye; Dominick, aye; Haycock, aye; Schneier, aye; Merrigan, aye; Gold, aye.**



## 10. Discussion Items

### FY21 Mid-Year Update

As of March 31, 2021, we have completed the first six months of FY21. The Town Manager and Finance Director will provide an update on year to date accomplishments and a financial overview of the FY21 Budget at the May 3, 2021, Regular Meeting. Recommended Action: None, informational only.

Town Manager Tom Harmer gave a PowerPoint presentation on the Fiscal Year (FY) 2021 mid-year update. Discussions were held on the following topics/issues:

- use of Rescue plan money for previous losses due to Covid-19
- line item funds for the American Rescue Plan Act reimbursement
- inability to measure tourists/year-round populations through revenues
- schedule for directing funds to priority projects.

## 11. Town Commission Comments

### A. Police Department

Commissioner Bishop commented on the noise issues from the boating traffic at the north end of Longboat Key and requested that the Town Attorney and Town Manager further research possible enforcement tools.

Mayor Schneier inquired and Town Attorney Maggie Mooney noted previous consideration of the issue and the opinions received and noted that Staff will schedule the issue for discussion at a future Workshop.

Commissioner Merrigan noted that the issue is going to be raised with the Manatee County Commission by the neighborhood association.

### B. Town Commission

Commissioner Merrigan commented on the Commission's Retreat and inquired as to the review of the Five-Year Strategic Plan.

Town Manager Tom Harmer noted that the Five-Year Plan is tied into the five-year Capital Improvement Plan (CIP) and that it will be discussed at the May 18, 2021, Budget Workshop.

## 12. Town Attorney Comments

### A. Request for Appointment of Special Counsel for Right-of-Way Acquisitions

Recommended Action: Authorize Town Manager to execute engagement agreement for special counsel.

Town Attorney Maggie Mooney discussed her request to engage the law firm of Gaylord, Merlin, Ludovici, & Diaz as Special Counsel for potential right-of-way acquisitions.

**Commissioner Bishop moved to authorize the Town Manager to execute the engagement agreement for Special Counsel. The motion was seconded by Vice Mayor Haycock.**

**Following comments on review of existing rights-of-way, the motion carried by a 7-0 roll call vote, as follows: Bishop, aye; Haycock, aye; Gold, aye; Merrigan, aye; Williams, aye; Dominick, aye; Schneier, aye.**

**B. Legislation**

Town Attorney Maggie Mooney noted two appropriation requests included in the State budget (subaqueous force main and seal level rise study) and opportunities to thank the Town's Legislative Delegation for their support of the Town's projects.

Upon request, Town Attorney Mooney advised that she would prepare a summary of passed legislation that may impact Longboat Key and noted that Staff was trying to schedule the Town's lobbyist to meet with Commissioners or make a presentation at a future meeting.

**13. Town Manager Comments**

Town Manager Tom Harmer noted the following:

- meetings with or presentations by State Representatives in the future
- tax holidays outlined in the State budget (Disaster Preparedness from May 28 to June 6; Back To School from July 31 to August 9, and Freedom Week from July 1 to July 7, 2021)
- upcoming issues to be discussed at future workshops/meetings to include a presentation by the Manatee County Property Appraiser, proposed referendum requests (Whitney Plaza and Gulf of Mexico Drive/Buttonwood).

Discussion ensued on the anticipated referendum requests and process for placement on the ballot.

**14. Adjournment**

**Mayor Schneier adjourned the May 3, 2021, Regular Meeting at 4:38 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  
INCIDENT COMMAND SYSTEM TRAINING  
G 402 EXECUTIVE AND ELECTED OFFICIALS  
MAY 17, 2021**

**Present:** Vice Mayor Mike Haycock, Commissioners B.J. Bishop, Sherry Dominick, Penny Gold, and Maureen Merrigan

**Also Present:** Town Manager Tom Harmer, Deputy Town Clerk Savannah Cobb

**Not Present:** Mayor Ken Schneier, Commissioner Debra Williams

**1. Introduction**

Town Manager Tom Harmer introduced the purpose and framework of the training session.

**2. Incident Command System Training**

Scott Montgomery, Sarasota County Emergency Management, Certified Trainer for G 402, provided a PowerPoint presentation on G 0402 National Incident Management System (NIMS) overview for senior officials (Executives, Elected, and Appointed).

Following the presentation, discussions were held on the following topics/issues:

- evacuation procedures
- “evacuation fatigue”
- emergency management technology
- traffic issues during evacuation
- Commissioners reporting/staying at hotel during an emergency.

Town Manager Harmer handed out Certificates of Completion to the Commissioners present, and thanked the members from the Sarasota County Emergency Management Department for providing the training.

**3. Adjournment**

The training session was adjourned at 2:51 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.

**End of Agenda Item**