



This meeting will be live-streamed via the Town's website.

Town of Longboat Key Town Commission

Town Hall, 501 Bay Isles Road

Longboat Key, FL 34228

www.longboatkey.org

Ken Schneier, Mayor; Maureen Merrigan, Vice Mayor;

Sherry Dominick, District 1; Penny Gold, District 2;

Debra Williams, District 4; Mike Haycock, At-Large;

and B.J. Bishop, At-Large

AGENDA REGULAR MEETING October 17, 2022 - 1:00 PM

Governor DeSantis issued a State of Emergency and Executive Order for all 67 counties of Florida in response to the threat of Hurricane Ian.

The Town rescheduled its September 27, 2022, Special Meeting and Budget Adoption to October 3, 2022, due to evacuation orders for the Town, and staff's preparation for Hurricane Ian. The October 3, 2022, Regular Meeting was then rescheduled to October 17, 2022, as the Town continued to focus on recovery efforts which were critical at that time.

You will note that several of the Staff Reports and PowerPoint presentations contain dates referencing October 3, which was the original meeting date for these items, which are now deferred to this meeting.

1. Call to Order and Pledge of Allegiance

2. Pledge of Public Conduct

- We may disagree, but we will be respectful of one another.
- We will direct all comments to issues.
- We will avoid personal attacks.
- Audience members wishing to speak must be recognized by the Chair.
- Speaking without being recognized will be considered as "Out of Order."

3. 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.

4. Reports

- A. Committee Reports
- B. Proclamation – Florida City Government Week, October 17 – 21, 2022
- C. Proclamation – Breast Cancer Awareness Month
- D. Hurricane Ian Update

5. Consent Agenda

The purpose of the Consent Agenda is to expedite formal action on agenda items that are routine in nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Meeting Agenda by any member of the Commission without a motion, a second, or a vote. Otherwise, all items on the Consent Agenda are voted upon in their totality by one action (motion, second, and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda provides the formal action noted for each item.

A. Approval of Minutes

September 12, 2022, Regular Meeting Minutes; and September 12, 2022, Special Meeting Minutes (Budget Hearing).

Recommended Action: Approve Minutes.

B. Request for Waiver of Public Forum Permit (PFP) Fee

The Town has received requests for waiver of \$100 PFP fee and related costs from the Paradise Center for a Breast Cancer Awareness Walk on October 22, 2022, and from St. Mary's Star of the Sea Church for the annual Rummage Sale on March 3, 2023.

Recommended Action: Waive \$100 PFP fee.

C. Approval of Town Manager's Contract Extension

At the September 12, 2022, Regular Meeting, the Town Commission approved a contract for the next Town Manager to begin on January 30, 2023. Town Manager Tom Harmer's contract terminates on December 10, 2022, and to ensure a smooth transition, the Town Commission is considering a contract extension for Town Manager Harmer's existing contract through February 6, 2023.

Recommended Action: Approve Town Manager Contract extension.

D. Approval of 2023 Town Commission Meeting Schedule

Each year the Town Commission adopts its annual meeting calendar for the upcoming year which includes all customary meetings and required meetings that can be reasonable anticipated at this time. The schedule accommodates Town-observed holidays, religious observances, Florida Statutes advertising requirements for Budget adoption, and incorporated Commission-stated preference regarding holidays and other conflicts.

Recommended Action: Adopt 2023 Town Commission Meeting Schedule.

E. Ratification of Town Manager's Execution of Special Counsel Litigation Authorization Schweitzer et al vs. the Town of Longboat Key & Special Litigation Counsel Services

The Town Commission was scheduled to consider a special counsel engagement agreement at the September 27, 2022, Special Meeting with the law firm of Garcia Dell relating to the pending litigation *Schweitzer, et al v. Town of Longboat Key*. Due to the meeting's postponement caused by Hurricane Ian and an upcoming court filing deadline, the Town Manager executed the engagement agreement with Garcia Dell on September 26, 2022. Request is being sought for the Town Commission to ratify and confirm the engagement agreement with Garcia Dell for this pending litigation. A copy of the engagement agreement is included in the agenda materials.

Recommended Action: Ratify Town Manager's Execution of Special Counsel Litigation Authorization Schweitzer et al vs. the Town of Longboat Key & Special Litigation Counsel Services.

6. Ordinance – First Reading

Ordinance 2022-07, Amending Chapter 38, Procurement Procedures

A thorough review of Chapter 38 was last performed approximately seven years ago. Florida Statutes, Town processes, and titles used, have changed during that period and necessitate an update to the Town Code. The amendments contained in Ordinance 2022-07 align our Code with Florida Statutes; reflect a change from the title Purchasing Manager to Procurement Manager, as well as Purchasing Procedures to Procurement Procedures; adds needed definitions; acknowledges new processes such as digital signatures; adds clarifying language; and some non-substantive changes.

Recommended Action: Forward Ordinance 2022-07 to the November 7, 2022, Regular Meeting for first reading.

7. Ordinance – Second Reading and Public Hearing

- A. Ordinance 2022-14, Amending Chapter 160, Comprehensive Plan Future Land Use Element (FLUE)

Ordinance 2022-14 incorporates the second batch of Comprehensive Plan amendments identified in the Evaluation and Appraisal Report. These changes are to update the Future Land Use Element. Following first reading, Ordinance 2022-14 was transmitted to the Florida Department of Economic Opportunity for review and comment, and is was scheduled for second reading and public hearing at the October 3, 2022, Regular Meeting and continued to October 17, 2022, Regular Meeting.

Recommended Action: Adopt Ordinance 2022-14.

- B. Ordinance 2022-20, Amending Chapter 92, Parks, Public Beaches, Public Beach & Bay Accesses, and Public Places, Banning Smoking

Effective July 1, 2022, Florida Statutes were amended to provide local governments the power to prohibit smoking in public places. At their July 1, 2022, Regular Meeting, the Commission directed staff to develop an ordinance to prohibit smoking in the Town's parks, public places, public beaches, and beach and bay accesses. Following consideration at the September 12, 2022, Regular Meeting, this item was forwarded for second reading and public hearing at the October 3, 2022, Regular Meeting and continued to the October 17, 2022, Regular Meeting.

Recommended Action: Adopt Ordinance 2022-20.

- C. Ordinance 2022-12, Amending Chapter 33 Code Enforcement

Ordinance 2022-12 removes references to the former Code Enforcement Board, adds clarifying provisions related to the Special Magistrate in the Town's Code Enforcement process, and adds new categories of citation enforcement. Following consideration at the September 12, 2022, Regular Meeting, this item was forwarded for second reading and public hearing at the October 3, 2022, Regular Meeting and continued to the October 17, 2022, Regular Meeting.

Recommended Action: Adopt Ordinance 2022-12.

8. Resolutions and Public Hearing

Resolution 2022-16, Providing for Additional Code Sections Enforcement by Citations

Following adoption of Ordinance 2022-12, which provided additional Code provisions to be enforced by citation, Resolution 2022-16 is presented for consideration. The Resolution provides for the addition of 10 additional Code provisions in the Schedule of Violations and Fines.

Recommended Action: Pass Resolution 2022-16.

9. New Business

Town of Longboat Key Legislative Priorities for 2023 Legislative Session

Each year the Town Commission establishes a list of the Town's Legislative Priorities to present to the Sarasota County Legislative Delegation, the Manatee County Legislative Delegation, and the ManaSota League of Cities.

Recommended Action: Establish the Town of Longboat Key's Legislative Priorities for the 2023 Legislative Session.

10. Town Commission Comments

11. Town Attorney Comments

- A. Charter Amendment Discussion
- B. Canal Navigability and Access
- C. Commission Meeting Attendance and Virtual Meetings

12. Town Manager Comments

13. Adjournment

No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, Fla. Stat.).

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing a special accommodation to participate in this proceeding should contact the Town Clerk's office at 941-316-1999 seventy-two (72) hours in advance of this proceeding. If you are hearing impaired, please call 941-316-8719.