



**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](http://www.longboatkey.org)

George Spoll, Mayor; Ed Zunz, Vice Mayor; Randy Clair, District 1;  
Ken Schneier, District 3; Jack Daly, District 4; Mike Haycock, At-Large;  
Irwin Pastor, At-Large

## **AGENDA REGULAR MEETING September 9, 2019 – 1:00 PM**

### 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".

### **Call to Order and Pledge of Allegiance**

#### **Public to be Heard**

#### **1. Opportunity for Public to Address Town Commission**

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

#### **Approval of Minutes**

- #### **2. February 26, 2019 Joint Meeting with Longboat Key and Manatee County Commissioners; June 3, 2019 Regular Meeting; June 13, 2019 Joint Meeting with Longboat Key and Sarasota City Commissioners; June 17, 2019 Special Workshop Meeting (Budget); June 17, 2019 Regular Workshop Meeting; and July 1, 2019 Regular Meeting Minutes.**

#### **Committee Reports**

- #### **3. Manatee County Special Liaison Report**
- #### **4. Sarasota County Special Liaison Report**
- #### **5. Other Reports**

#### **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 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.

- #### **6. Resolution 2019-13, Regarding Americans with Disabilities Act (ADA) Regulations by the U.S. Department of Justice**

Title II of the ADA covers programs, activities, and services of public entities which includes website accessibility. However, the official regulations are unclear and place municipalities in a difficult position regarding the information placed on their websites. Legal claims challenging business and public entities are forcing many to reduce, or completely remove much of the information posted on websites. The Florida League of Cities adopted a Resolution at their Annual Conference urging the Department of Justice to establish clear regulations relating to ADA compliance for websites and requested that municipalities adopt similar Resolutions. Recommended Action: Pass Resolution 2019-13.

## **Ordinances – Second Reading and Public Hearing**

### **7. Ordinance 2019-06, Amending Chapter 158, Comprehensive Plan**

In furtherance of the Town's efforts to address conforming and nonconforming redevelopments, staff proposed a number of housekeeping-type amendments to the Comprehensive Plan to maintain consistency with the Zoning Code adopted on April 1, 2019. Ordinance 2019-06 amends policies 1.1.9, 1.1.10, 1.1.11, and Table 1 ("Land Use Densities and Intensities in the Town of Longboat Key") within the Future Land Use (FLU) Element. At their June 3, 2019 Regular Meeting the Town Commission forwarded Ordinance 2019-06 to the September 9, 2019 Regular Meeting for second reading and public hearing, pending review by the State Department of Economic Opportunity (DEO). The State DEO comments were returned on July 10, 2019 and identified no concerns. Ordinance 2019-06 is placed on the September 9, 2019 Regular Meeting for second reading, public hearing and adoption. Recommended Action: Adopt Ordinance 2019-06.

## **Resolutions and Public Hearings**

### **8. Resolution 2019-16, Establishing Building Permit and Fire Fees (Correcting Scrivener's Error)**

The Town Commission adopted an updated Building and Fire Fees Resolution (No. 2019-03) on June 3, 2019. Subsequent to the adoption a scrivener's error was discovered in the Exhibit "A," Subdivision Code Fees section. The scrivener's error inadvertently left off an asterisk next to the listed fee for Preliminary Plat, Final Plat and Lot Line Adjustment and the noted requirement for a \$1,000 deposit to pay for all costs in connection with application processing. Resolution 2019-16 provides for correction of that error and addition of the asterisks. Recommended Action: Pass Resolution 2019-16.

### **9. Resolution 2019-10, Providing for Certification of the Annual Assessment Roll for Gulf of Mexico Drive Utility Undergrounding Project**

At their December 7, 2015 Regular Meeting the Town Commission adopted Ordinance 2015-30, which requires adoption of a resolution each year that certifies the annual assessment roll. The assessment rate has not changed from last year. Resolution 2019-10, provides for compliance with that administrative provision for the Gulf of Mexico Drive Undergrounding Project assessment roll, and must be passed prior to September 15, 2019. As part of this public hearing there are 16 new properties owners who are being assessed for the first time, have been mailed a notice of assessment, and will have an opportunity to address the Commission during the public hearing. This item is placed on the September 9, 2019 Regular Meeting for public hearing and formal action. Recommended Action: Pass Resolution 2019-10.

### **10. Resolution 2019-11, Providing for Certification of the Annual Assessment Roll for Neighborhood Utility Undergrounding Project**

At their December 7, 2015 Regular Meeting the Town Commission adopted Ordinance 2015-30, which requires adoption of a resolution each year that certifies the annual assessment roll. The assessment rate has not changed from last year. Resolution 2019-11, provides for compliance with that administrative provision for the Neighborhood Utility Undergrounding Project assessment roll, and must be passed prior to September 15, 2019. As part of this public hearing there are 17 new properties owners who are being assessed for the first time, have been mailed a notice of assessment, and will have an opportunity to address the Commission during the public hearing. This item is placed on the September 9, 2019 Regular Meeting for public hearing and formal action. Recommended Action: Pass Resolution 2019-11.

## **Time Certain 5:01 PM –**

### **11.A. Resolution 2019-08, Setting of Tentative Millage Rate for the Town's General Operating, General Obligation Debt Service, Beach Erosion Control District A, and Beach Erosion Control District B**

Resolution 2019-08 provides for tentative millage rates for Longboat Key's General Operating, General Obligation Debt Service, Beach Erosion Control District A, and Beach Erosion Control District B. Recommended Action: Following public hearing, forward Resolution 2019-08 to the September 23, 2019 Special Meeting (5:01pm time certain) for second public hearing.

## B. Resolution 2019-09, Adopting the Town of Longboat Key FY 2019-2020 (FY20)

### Budget

Resolution 2019-09 provides for a tentatively adopted budget of the Town of Longboat Key FY20 Budget, and provides for compliance with the Capital Improvements Element of the Town's Comprehensive Plan.

Recommended Action: Following public hearing, forward Resolution 2019-08 to the September 23, 2019 Special Meeting (5:01 pm time certain) for second public hearing.

### **Ordinances – First Reading and Public Hearing**

#### 12. Ordinance 2019-04, Amending the Capital Improvements Schedule of the Capital Improvements Element Concurrent with Adoption of the FY19-20 (FY20) Budget

Ordinance 2019-04 concurrently updates the five-year Capital Improvement Schedule of the Capital Improvements Element with adopting of the FY20 Budget as required by Florida Statutes. Ordinance 2019-04 is placed on the September 9, 2019 Regular Meeting for first reading and public hearing.

Recommended Action: Forward to September 23, 2019 Special Meeting for second reading and public hearing concurrent with FY20 Budget adoption.

### **New Business**

#### 13. Interlocal Agreement Between Longboat Key, Sarasota County and Manatee County, Providing for Coordination with Counties During a Declared Emergency

Florida Statutes designates the Florida Division of Emergency Management as the State agency responsible for a comprehensive Statewide program of emergency management, and authorizes Counties to work with municipalities in all aspects of emergency management during declared emergencies. The Town has had to coordinate emergency management functions with both counties and staff both Emergency Operations Centers during emergency activations. This Interlocal Agreement provides for the Town to receive direction from Sarasota County during emergency activations and the related operations and response. Recommended Action: Approve Interlocal Agreement and authorize the Mayor to execute the Interlocal Agreement.

#### 14. Bayfront Park Pickleball Expansion Update

At their June 17, 2019 Regular Workshop Meeting the Town Commission directed staff to evaluate the options to increase pickleball courts at Bayfront Park after adding public (free play) tennis courts adjacent to the Tennis Center. Staff will present their findings to the Commission at the September 9, 2019 Regular Meeting. Recommended Action: Provide direction.

#### 15. Longboat Key v. Equity Villa Fund, et al Settlement Agreement

On June 3, 2019 the Town Commission authorized the Town Attorney and special counsel to initiate a lawsuit against property owners Equity Villa Fund, LP and Equity Residences, LLC based on violations of Town Code Section 158.104, related to short-term rental restrictions. A declaratory and injunctive relief was filed on the Town's behalf. The property owners, and Town counsel have negotiated a settlement agreement that will not only settle this litigation, but will also establish a judicial precedent upholding and enforcing Section 158.104 of the Town's Zoning Code. Recommended Action: Approve Settlement Agreement.

### **Town Commission Comments**

#### **Town Attorney Comments**

#### **Town Manager Comments**

### **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 forty-eight (48) hours in advance of this proceeding. If you are hearing impaired, please call 941-316-8719.