



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; Mike Haycock, Vice Mayor; Sherry Dominick, District 1;

George Spoll, District 2; Jack Daly, District 4;

Ed Zunz, District 5; and B.J. Bishop, At-Large

AGENDA

REGULAR MEETING (Virtual)

June 30, 2020 - 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

Roll Call

Pledge of Allegiance

Approval of Virtual Meeting Protocols and Process

Public to be Heard *

1. Opportunity for Public to Address Town Commission
 - A. At each meeting, the Town Commission sets aside time for the public to address issues not on the agenda.
 - B. All other agenda items except public hearings.

* Virtual public participation instructions provided as in attachment to this agenda.

Reports

2. COVID-19 Update

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

3. Consolidated Retirement System Board Chair – Annual Update

Each year the Town Commission hears a presentation from the Consolidated Retirement System Board of Trustees Chair to provide an update on the Retirement System Fund, performance, and anticipated effect on the Town's FY21 Budget. Recommended Action: None, informational only.

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.

4. Approval of Minutes

May 18, 2020 Special Workshop Meeting (Budget) and June 1, 2020 Regular Meeting Minutes.
Recommended Action: Approve Minutes

5. Resolution 2020-18, Support of State College of Florida (SCF) Grant for the Rebuild Florida Critical Facilities Hardening Program

The Town has a Memorandum of Understanding with SCF for temporary facilities in the event a hurricane or other natural disaster precludes us from operating and providing public services from our Longboat Key facilities. SCF has applied for a grant to harden their facilities and has asked the Town to pass a Resolution of support for the grant. Recommended Action: Pass Resolution 2020-18.

6. Resolution 2020-20, Adoption of the 2019 Manatee County Local Mitigation Strategy

The Town formally adopts the Sarasota and Manatee County Local Mitigation Strategies (LMS) plans under an agreement with the Department of Community Affairs to implement disaster mitigation activities that reduce losses to public and private infrastructure resulting from major disasters. Recommended Action: Pass Resolution 2020-20.

Ordinances – First Reading and Public Hearing

7. 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. Ordinance 2020-05 was forwarded from the Planning & Zoning Board following public hearing at their May 26, 2020 Regular Meeting. Recommended Action: Forward Ordinance 2020-05 to the September 14, 2020 Regular Meeting for second reading and public hearing.

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

The Town Commission discussed the Town's Daylight Plane standards and options to address compatibility of new single-family homes being built with contrasting heights relative to existing nearby homes. The issue was sent to the Planning & Zoning (P&Z) Board for development of a recommendation for Commission review. Ordinance 2020-07 was forwarded from the P&Z Board's May 26, 2020 Regular Meeting following public hearing. Recommended Action: Forward Ordinance 2020-07 to the September 14, 2020 Regular Meeting for second reading and public hearing.

New Business

9. Discussion Regarding Planning & Zoning (P&Z) Board Appointments

The Planning & Zoning Board has one open seat for appointment for a partial term through May 12, 2021. Due to COVID-19 precautions the traditional in-person Meet & Greet was postponed. The Commission will be asked if they would like to appoint a member at the June 30, 2020 Regular Meeting, or postpone appointments until an in-person Meet & Greet can be scheduled. Recommended Action: Make appointment to P&Z Board, or provide direction to Manager.

10. Ratification of Contract Between Police Benevolent Association (PBA) and Town of Longboat Key

The last PBA Contract terminated on September 30, 2019 and due to reaching impasse on a new Contract the Commission imposed a one-year contract through September 30, 2020. Since that time the Town and PBA have resumed negotiations and members have voted to accept the proposed Contract. Recommended Action: Ratify PBA Contract.

11. Setting of Maximum Millage Rate

In accordance with Florida Statutes the Town must establish a proposed maximum millage rate by July so that it can be included in the Notice of Proposed Property Taxes mailed in August by each County. Although it can be reduced in later budget hearings, these millage rates cannot be increased. Recommended Action: Set Maximum Millage Rates and forward required documents to adopt millage rates, and budget, based on these tentative rates to September 14, 2020 Regular Meeting for first public hearing.

12. Sarasota In Motion Master Plan, Town Response

The Sarasota City Commission will be discussing their new Sarasota in Motion Plan Transportation Plan on July 20, 2020. The Town Commission will discuss the City's Plan and consider a draft response to the City in conjunction with their July 20 2020 Commission Meeting. Recommended Action: Authorize the Mayor to execute a letter responding to the Sarasota In Motion Plan and to finalize the Town's presentation points for the July 20, 2020 City Commission Meeting.

13. 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 public emergency notifications.

Town Commission Comments

Town Attorney Comments

Town Manager Comments

Adjournment

Please be advised that the Florida Governor's Office has declared a State of Emergency due to the Coronavirus (COVID-19) pandemic. As reported by the Center for Disease Control and World Health Organization, COVID-19 can spread from person-to-person through small droplets from the nose or mouth, including when an individual coughs or sneezes. These droplets may land on objects and surfaces. Other people may contract COVID-19 by touching these objects or surfaces, then touching their eyes, nose or mouth. Therefore, merely cleaning facilities, while extremely important and vital in this crisis, may not be enough to stop the spread of this virus. Those with weakened immune systems may want to avoid the Town Commission's meeting in order to avoid a potential exposure to the virus.

While it is necessary to hold the above referenced meeting of the Town Commission despite the current public health emergency, the Town Commission fully encourages public participation in a safe and efficient manner. Toward that end, anyone wishing to listen to the meeting can do so at <https://www.longboatkey.org/town-government/commission-meetings-live>. Additionally, the public can submit comments on agenda items to the Town Clerk in advance at tshinkle@longboatkey.org. Please submit comments on agenda items to the Town Clerk no later than Sunday, June 29, 2020 at 10:00am, to facilitate the Town Commission's consideration of such questions and comments during the meeting.

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.

Virtual Meeting Protocols and Process

The June 30, 2020, Town Commission meeting will be conducted virtually with limited staff in attendance in the Commission Chamber at Town Hall.

The Town encourages public participation in its virtual meetings. If you do not plan on participating in the meeting but only wish to view, please consider viewing the meeting via the Town's online streaming option as described in option #2 so that there can be more available bandwidth for individuals who wish to participate in the virtual meeting using the Zoom medium as described in option #4.

Please be advised that there is a 45 second delay due to closed captioning when the Town Commission meeting is viewed using the online option.

Further, should you encounter difficulties in viewing or participating in the meeting with the option you choose, please consider using an alternate form of participation from the options listed below.

To participate in the Town Commission virtual meeting on June 30, 2020, which begins at 1 p.m., you have the following options:

1. Listen to the meeting via phone:

You may listen to the audio only from your phone by dialing 1-646-558-8656 and when the meeting ID is requested, enter 267390984 and then press the # key.

2. Watch the meeting online, but not participate:

You may access the meeting by visiting <https://www.longboatkey.org/town-government/commission-meetings-live>. As noted above, there is a 45 second delay when viewing and streaming the meeting through this online option.

3. Watch the meeting online and provide public comment prior to the meeting:

Please follow all of the instructions provided for in #2 above. You may also provide written comments by e-mailing Town Clerk Trish Shinkle by **June 30, 2020, at 10:00 a.m.** at tshinkle@longboatkey.org, by regular mail at 501 Bay Isles Road, Longboat Key, FL, 34228, or submit the on-line form available on the Town's website (www.longboatkey.org). The on-line form will be available from Thursday, June 25, 2020, at 12:00 p.m. (noon) until 10:00 a.m. on Monday, June 30, 2020. If you do not wish to speak during the meeting, you may request that your written comments be read into the record at the appropriate time. All other written comments received by the deadline will be distributed to the Commission and the appropriate staff prior to the start of the meeting. Time limits will be enforced so written comments that are read into the record must be limited to 3 minutes.

4. Watch the meeting and participate during the public comment and/or public hearing in the meeting using Zoom:

Request to Speak instructions:

To request to speak during the virtual meeting or public hearing, you must complete the Request to Speak form **no later than 10:00 a.m. on June 30, 2020**, to be placed on a participant list. You may access the Request to Speak form by visiting www.longboatkey.org, select the "Agendas & Meetings" tab, and then select "Virtual Meeting Information" link. You must fill out and submit all required information on the form no later than **no later than 10:00 a.m. on June 30, 2020**, to participate during the public comment and/or public hearing items on the agenda. The on-line form will be available from

Thursday, June 25, 2020, at 12:00 p.m. (noon) until 10:00 a.m. on Monday, June 30, 2020. Except for the public hearing agenda item(s), all Public to be Heard comments will be taken at the beginning of the meeting for both Agenda and Non-Agenda items. If you are requesting to speak during the public hearing agenda item, please indicate that specific agenda item number on the Request to Speak form as your comments will be considered during the public hearing portion of the meeting when that public hearing item is considered by the Town Commission.

Zoom instructions:

For the June 30, 2020, meeting, please use the meeting link <https://zoom.us/j/267390984> to virtually attend and watch the meeting by computer, tablet, or smartphone. Those whom have pre-registered to speak, will be called upon and the Town's 3-minute time limit will be enforced. If joining from a tablet or smartphone, you will need to download the free Zoom app from your device's app store. If joining from a computer, your computer will automatically download and install (if needed) the Zoom program. If you currently have Zoom installed on your computer, tablet, or smartphone, you may join the meeting by entering the meeting ID 267390984. **In the event you encounter difficulties in participating with this option, an alternate option should be selected to continue participation.**

For additional information or assistance please contact one of the following staff members prior to the meeting:

1. For public comment questions: Trish Shinkle, Town Clerk, tshinkle@longboatkey.org or (941) 316-1999
2. For questions on connecting to the meeting: Jason Keen, Information Technology Director, jkeen@longboatkey.org or (941) 316-1999.

June 30, 2020
Regular Meeting

Agenda Item #1

**No material provided for this
agenda item**

M E M O R A N D U M

TO: Town Commission
FROM: Tom Harmer, Town Manager
REPORT DATE: June 24, 2020
MEETING DATE: June 30, 2020
SUBJECT: COVID-19 Report

Recommended Action

None, informational only

Background

As the Commission is aware, the Town continues to respond to the COVID-19 pandemic. In accordance with our Interlocal Agreement with Sarasota and Manatee Counties, we coordinate our response with Sarasota County Emergency Management. I have tasked Fire Chief Dezzi with coordinating the Town's response to COVID-19. He and I continue to closely collaborate on all actions regarding the Town's operations.

I remain committed to providing daily updates to the Commission as well as to the public through various means, including our daily website posting and social media. We have enforced the Governor's Orders, as well as the Town's Emergency Orders.

The most recent Executive Order issued was EO 20-150 on June 23, 2020 extending EO 20-69 to allow Local Government Public Meetings to be held in a virtual format through August 1, 2020. As the Commission is aware, the Town previously moved its July 1, 2020 Regular Meeting to June 30 to allow for the continued flexibility provided by the virtual format and to accommodate advertising requirements based on the previous Order which expired on June 30.

The Town continues operating in Phase 2 of the State's Recovery Plan originally issued through EO 20-139 on June 3, 2020. Over the past week or so we have seen increased positives in both Manatee and Sarasota County. As of this report, the Town continues to have no new positive test results since April.

Based on recent increases across the State, the Florida Department of Health (FDOH) issued an updated Public Health Advisory on June 20 2020 related to masks, vulnerable population, and group gatherings. The current position of the public health officials is to strongly encourage masks but not make them mandatory. Some jurisdictions around the State are implementing a mandatory order regarding masks, but it is universally recognized that it is very difficult to enforce.

We are holding to our current restrictions and plan to delay the opening of our Town buildings until the test results are more favorable. We are also delaying any further actions to lift restrictions at our Town amenities and will continue to evaluate the data and available information on a daily basis.

We believe it is critical to carefully consider which actions to take, and align those based on data, and input from public health officials.

At the June 30, 2020 Regular Meeting, I will update the Commission on the current status of COVID-19 as it relates to Longboat Key. Chief Dezzi and I will be available to answer any questions the Commission may have.

Staff Recommendation

None, information only.

End of Agenda Item

**Town of Longboat Key Consolidated Retirement System
Board of Trustees**

501 Bay Isles Road
Longboat Key, FL 34228
Phone: 316-1999 Fax: 316-1940

Board of Trustees

RADM Steve Branham, Chair; Frank Cona, Vice-Chair;
Chief Pete Cumming, Joe Fabrizio, Andy Sawyer, Tom Batchelor,
Rabbi Peter Kasdan, Chris Skinner

June 23, 2020

TO: Town Commission, Town of Longboat Key
Town Manager, Town of Longboat Key

FROM: RADM Steve Branham, Chairman
Town of Longboat Key Consolidated Retirement System Board of Trustees

RE: Update on Status of Funds

Dear Commissioners and Town Manager:

On behalf of the Board of Trustees for the Town of Longboat Key Consolidated Retirement System, I am forwarding to you as Enclosure (1) an update on the status of the Retirement Fund, and expected effects on the Town Budget.

Bottom line: The Fund is doing well and we are carrying out your direction as specified in the applicable Town Ordinances. Our annualized return since inception on July 1, 2016 stands at 6.67 percent, just slightly below our Assumed Rate of Return (ARR) of 7.0 percent. Our investment consultant is pleased with this level of performance, particularly given the recent extreme impacts on global markets. They recommend that we maintain our current Fund allocation as reflected in our Investment Policy Statement. Participant numbers are slowly decreasing, the funded ratio is increasing, and the Town's annual contribution is decreasing with projections decreasing in the future, of course, dependent upon market performance. I plan to appear at your June 30, 2020 Regular Meeting where I will review a PowerPoint presentation to elaborate on these topics and be available to answer your questions.

On behalf of the Board of Trustees, I thank you for your continued support, and look forward to speaking with you soon.

Sincerely,

Steve Branham
Rear Admiral, U. S. Coast Guard (retired)
Chairman, Town of Longboat Key Consolidated Retirement System Board of Trustees

Encl: (1) Town of Longboat Key Consolidated Retirement Fund PowerPoint briefing
(available in Town Clerk's Office)

End of Agenda Item

**MINUTES
LONGBOAT KEY TOWN COMMISSION
VIRTUAL SPECIAL WORKSHOP
MAY 18, 2020**

Present: Mayor Ken Schneier

Participating by

Remote Access: Vice Mayor Mike Haycock, Commissioners B.J. Bishop, Jack Daly, Sherry Dominick, George Spoll, Ed Zunz

Also Present: Town Manager Tom Harmer, Town Clerk Trish Shinkle. Information Technology Director Jason Keen, Deputy Town Clerk Savannah Schield

Also Participating by

Remote Access: Town Attorney Maggie Mooney

Call to Order, Roll Call, and Pledge of Allegiance

Mayor Schneier called the virtual Special Workshop to order at 9:00 a.m.

Town Clerk Trish Shinkle took a roll call vote, with Commissioner Spoll absent.

Mayor Schneier noted a quorum present, and following the Pledge of Allegiance, noted the Town's Civility Policy and read the Pledge of Public Conduct.

Approval of Virtual Meeting Protocols and Process

Mayor Schneier noted Executive Order Nos. 20-69 (March 20, 2020) and 20-112 issued by Governor Ron DeSantis and effective on May 4, 2020, 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.

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

Public to be Heard*

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

1. Opportunity for Public to Address Town Commission

A. *Public Works*

Ms. June McGroary commented on flooding on Lyon's Lane and requested improvements be made in the area to alleviate flooding.

B. All other agenda items except public hearings.

No items were presented.

Reports

2. COVID-19 Report

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 provided an update on the Town's response to the COVID-19 pandemic. Discussions were held on the following topics/issues:

2. COVID-19 Report - Continued
 - drive through test sites and delayed test results
 - false negative results.

Discussion Item

3. Discussion Regarding Strategic Initiatives, FY21 Budget Development, and FY21-25 Capital Improvement Plan (CIP)

The Town Manager will review Strategic Initiatives for FY21 to assist staff in the budgeting process followed by an update on the FY20 Budget. This includes a preliminary look at the FY21 Budget, and review the FY21-25 Five Year Capital Improvement Plan (CIP), currently under development. Recommended Action: Provide direction to Manager.

Note: Commissioner Spoll joined the meeting at 10:15 a.m.

Mayor Schneier noted participation in the Florida League of Mayor's call, reviewed discussions he had with the Mayor of Sanibel regarding the impact of COVID-19 on revenues, and provided an overview of the budget review.

Town Manager Tom Harmer gave a PowerPoint presentation on the current Strategic Initiatives, 2020 Citizen Survey results, input from Community organizations to be considered, draft Strategic Initiatives for FY21, and the FY21 Budget development. Discussions were held with Town Manager Harmer, Public Works Director Isaac Brownman, and Finance Director Sue Smith on the following topics/issues:

- staff accomplishments
- one county initiative
- inclusion of sea level rise on FY21 initiatives
- continue to review funding opportunities from both Counties in FY21
- inclusion of Town Center public/private partnership to advance activities/Phase 3 activities
- prioritization of on-going flooding issues throughout the Town
- long and short term initiatives/option to meet in person in the fall for discussion
- inclusion of Police Union contract
- medical providers within the Town
- public transit opportunities
- weather alert sirens/current public emergency notification system
- schedule for issuance of beach bonds
- Tennis Center capital versus operational budgets
- Country Club Shores asbestos pipe replacement/impact of undergrounding project line breakage.

RECESS: 10:54 a.m. - 11:06 a.m.

Discussions continued on the following topics/issues:

- identification of Commission priorities in the Capital Improvement Program
- impact of reduced gas cost on revenue
- Hazard Mitigation Grant Program funding

3. Discussion Regarding Strategic Initiatives, FY21 Budget Development, and FY21-25 CIP - Continued

- Federal and State budget concerns/impact on funding
- Town projects impacted by State appropriations
- Infrastructure Surtax projects outlined on pages 50 and 52
- undergrounding watering system for the Tennis Center
- pickleball courts (close-out of previous project)
- restricted use of Road and Bridge Fund
- Broadway roundabout
- Gulf of Mexico Drive (GMD) Corridor Plan
- consideration for improvements to pedestrian/bicycle paths
- timing for estimate of Phase II costs for Town Center property
- option to include “ballpark” estimate in FY21 budget for Town Center development
- timeframe for construction of Phase II
- basis for revenue sources
- inclusion of capital assets
- dredging of sand in area of Jewfish Key
- timeframe for reimbursement from State grants.

Town Commission Comments

No items were presented.

Town Attorney Comments

No items were presented.

Town Manager Comments

A. Human Resources

Town Manager Tom Harmer thanked Staff for the development of the Budget and the IT Staff for their assistance with the virtual meetings.

Adjournment

Mayor Schneier adjourned the May 18, 2020, virtual Special Workshop at 12:47 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 MEETING
JUNE 1, 2020**

Present: Mayor Ken Schneier

Participating by

Remote Access: Vice Mayor Mike Haycock, Commissioners B.J. Bishop, Jack Daly, Sherry Dominick, George Spoll, Ed Zunz

Also Present: Town Manager Tom Harmer, Town Clerk Trish Shinkle. Information Technology Director Jason Keen, Deputy Town Clerk Savannah Schield

Also Participating by

Remote Access: Town Attorney Maggie Mooney

Call to Order, Roll Call, and Pledge of Allegiance

Mayor Schneier called the virtual Special Workshop to order at 9:00 a.m.

Town Clerk Trish Shinkle took a roll call vote, with Commissioner Spoll absent. (Note: Commissioner Spoll joined the meeting at 1:05 p.m.)

Mayor Schneier noted a quorum present, and following the Pledge of Allegiance, noted the Town's Civility Policy and read the Pledge of Public Conduct.

Approval of Virtual Meeting Protocols and Process

Mayor Schneier noted Executive Order Nos. 20-69 and 20-112 issued by Governor Ron DeSantis (effective on May 4, 2020) 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.

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

Public to be Heard*

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

1. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building/Police Departments

The following individuals commented on Village parking issues:

- Ms. Maureen Merrigan, North Shore Road (statement read by the Town Clerk)
- Ms. Kimberly Ross, Hibiscus Way (read and submitted written statement)
- Ms. Becky Parrish, Hughes Street (read and submitted written statement)
- Ms. Patricia Lopez, Broadway Street (read and submitted written statement)
- Mr. Pete Rowan, Broadway Street (statement read by Town Clerk)
- Mr. Carla Rowan, Broadway Street

Public to be Heard - Continued

1. Opportunity for Public to Address Town Commission
B. All other agenda items except public hearings.
No items were presented.

Reports

2. 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 provided a COVID-19 update, noting Executive Order 20-123 (full Phase 1 Recovery Order), reviewed the June meeting schedule, and requested direction on scheduling a discussion on the Village parking issue.

Subsequent to individual comments, Commissioner Zunz moved to schedule a discussion item on June 15, 2020, at 1:00 p.m., as a virtual Workshop Meeting to discuss Village parking. The motion was seconded by Commissioner Bishop.

Mayor Schneier requested that previous reports be recirculated and that additional options raised this date be researched, without objection.

RECESS: 2:07 p.m. - 2:13 p.m.

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

See item later this meeting.

Resolution and Public Hearing *

3. Resolution 2020-12, FY20 Budget Amendment and Public Hearing for Miscellaneous Grant Fund

Resolution 2020-12 provides for amendment of the Miscellaneous Grants Fund as a result of a \$5,000 Sarasota Marine Safety Foundation Grant to improve boating safety in Sarasota County waters. Recommended Action: Pass Resolution 2020-12.

Town Clerk Trish Shinkle placed Resolution 2020-12 on record for public hearing by title only.

Commissioner Bishop moved to pass Resolution 2020-12. The motion was seconded by Commissioner Spoll.

Mayor Schneier opened the public hearing.

Town Manager Tom Harmer provided an overview of Resolution 2020-12.

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

4. Resolution 2020-11, Authorizing General Obligation Beach Bonds, Not to Exceed \$34,500,000 for Cost of Capital Improvement Projects Associated with the Comprehensive Beach Management Plan

On March 17, 2020, the Town's electors voted to authorize a \$34,500,000 borrow for the beach projects as outlined in the 5-year Capital Improvements Project, and Comprehensive Beach Management Plan. Resolution 2020-11 was prepared by the Town's Bond Counsel and Financial Advisors to formally authorize issuance of the General Obligation Bond. Recommended Action: Pass Resolution 2020-11.

Town Clerk Trish Shinkle placed Resolution 2020-11 on record for public hearing by title only.

Commissioner Spoll moved to pass Resolution 2020-11. The motion was seconded by Commissioner Zunz.

Mayor Schneier opened the public hearing.

Town Manager Tom Harmer provided an overview of Resolution 2020-11. Upon inquiry, Town Attorney Maggie Mooney confirmed full review of the Resolution.

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

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

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.

5. Approval of Minutes

May 4, 2020 Regular Meeting Minutes. Recommended Action: Approve Minutes

6. Cancellation of July Regular Workshop Meeting, and August Meetings

The Town Charter authorizes the Commission to cancel the July Regular Workshop Meeting and August Meetings. The Commission has traditionally canceled these meetings.

Recommended Action: Cancel July Regular Workshop Meeting, and August Meetings

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

Ordinances – Second Reading and Public Hearing

7. Ordinance 2020-03, Amending Chapter 158, Zoning Code, Article V, Supplemental Standards, and Section 158,100, Off-Street Parking

Ordinance 2020-03, was forwarded from the March 2, 2020 Regular Meeting following first reading and public hearing. The Ordinance provides for an increase in the minimum

7. Ordinance 2020-03, Amending Chapter 158, Zoning Code, Article V, Supplemental Standards, and Section 158,100, Off-Street Parking - Continued
number of required off-street parking spaces for restaurant parking based on total indoor floor area and delineated outdoor dining area. Recommended Action: Adopt Ordinance 2020-03.

2. COVID-19 Update - Continued

Commissioner Bishop inquired as to discussion regarding the cancellation of the Joint Meeting with the City of Sarasota (page 2) and the transportation issues that continue to impact Longboat Key. Mayor Schneier noted the matter will be addressed later this meeting.

7. Ordinance 2020-03, Amending Chapter 158, Zoning Code, Article V, Supplemental Standards, and Section 158,100, Off-Street Parking - Continued
Town Clerk Trish Shinkle placed Ordinance 2020-03 on record for second reading and public hearing by title only.

Vice Mayor Haycock moved to adopt Ordinance 2020-03. The motion was seconded by Commissioner Bishop.

Mayor Schneier opened the public hearing.

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Senior Planner Maika Arnold advised of scrivener's errors in the Staff memo and the Whereas clause in Ordinance 2020-03 noting the date of the second public hearing had been corrected. Discussions were held on the following topics/issues:

- hybrid model developed by Mayor Schneier
- consideration of square footage by Planning and Zoning Board
- per seat basis of 1 parking space per 3 seats
- inclusion of outdoor areas in calculations/defining seats
- impact of the Commercial Revitalization
- lack of consideration of parking needs for staffing if number of seats is utilized.

RECESS: 3:05 p.m. - 3:49 p.m.*

*Due to technical issues, the meeting was recessed and resumed at 3:49 p.m. No audio recording is available for the remaining agenda items, however, a video recording is available on the Town's website.

Following additional comments on the impact of two restaurants in a residential area, Town Clerk Shinkle read comments received from Mr. Gene Jaleski into the record.

Following comments, Mayor Schneier closed the public hearing.

The motion carried by a 5-2 roll call vote, as follows: Haycock, aye; Bishop, aye; Dominick, aye; Spoll, aye; Schneier, no; Zunz, no; Daly, aye.

8. Ordinance 2020-04, Amending Chapter 158.095, Zoning Code, Accessory Use or Structure, Swimming Pools

Ordinance 2020-04, was forwarded from the March 2, 2020, Regular Meeting following first reading and public hearing. The Ordinance codifies a simplified reformatting of the requirements for Swimming Pools in the form of a user-friendly table. Recommended Action: Adopt Ordinance 2020-04.

8. Ordinance 2020-04, Amending Chapter 158.095, Zoning Code, Accessory Use or Structure, Swimming Pools - Continued

Town Clerk Trish Shinkle placed Ordinance 2020-04 on record for second reading and public hearing by title only.

Commissioner Bishop moved to adopt Ordinance 2020-04. The motion was seconded by Vice Mayor Haycock.

Mayor Schneier opened the public hearing.

Following comments by Town Manager Tom Harmer, Planning, Zoning, and Building Department Planner Tate Taylor gave a PowerPoint presentation on Ordinance 2020-04. Discussions were held on the following topics/issues:

- option to incorporate footnotes into the chart
- clarification of footnotes
- inclusion of language in footnotes to clarify superseding Code Section (footnote “b”) for the special canal waterfront yards.

Commissioner Bishop incorporated the amendment to footnote “b.”

Ms. Lynn Larson, Yardarm Lane, commented on the pool setback requirements for Country Club Shores.

Mr. Taylor confirmed that no setbacks were changed for the Country Club Shores area.

Town Attorney Maggie Mooney provided the following language to incorporate into footnote “b:”

In the event of a conflict between Section 158.095(B) and Section 158.094(C) the provisions of the later shall prevail.

Commissioner Dominick requested the inclusion of the phrase “rather than toward the lot (building) coverage” following the word “district” in footnote “c.”

Commissioner Bishop incorporated the language proffered by Town Attorney Mooney and Commissioner Dominick into the motion.

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

The motion to adopt Ordinance 2020-04, as amended, carried by a 6-0 roll call vote, as follows: Bishop, aye; Haycock, aye; Dominick, aye; Schneier, aye; Daly, aye; Zunz, aye.

New Business

9. Project Update on Redundant Subaqueous Wastewater Forcemain

Town staff will update the Commission on efforts to advance planning and acquire permits for the redundant subaqueous wastewater forcemain. Recommended Action: None, informational only.

Following comments from Town Manager Tom Harmer, Public Works Director Isaac Brownman provided an overview on the redundant subaqueous wastewater forcemain and introduced Mr. Ricardo Borromeo, with Carollo Engineers, Inc.

Mr. Borromeo, Ms. Laura Baumberger, Mr. Scott Richards, with Carollo Engineers, Inc., and Mr. Doug Robinson, with Environmental Science Association, gave a PowerPoint

9. Project Update on Redundant Subaqueous Wastewater Forcemain - Continued presentation on the redundant subaqueous wastewater forcemain. Discussions were held on the following topics/issues:

- project planning
- permitting requirements
- pipe inspections
- permit issuance/duration/possible extensions
- financing options
- time frame for project
- current contract provisions
- budgeted funds/estimated cost
- current versus future costs
- permit costs
- opportunities/options for public funding/grant awards.

10. Consideration of Appointments to the Planning & Zoning (P&Z) Board, Zoning Board of Adjustment (ZBA), and Citizens' Tax Oversight Committee (CTOC)

Due to health advisories and precautions related to the COVID-19 pandemic, a Meet & Greet for an open seat and a term expiration on the Planning & Zoning (P&Z) Board was postponed. There are also open seats on the Zoning Board of Adjustment (ZBA) and Citizens' Tax Oversight Committee (CTOC). Staff is seeking Commission direction regarding the Board and Committee appointments. Recommended Action: Make appointments/reappointments, and/or provide direction to Manager.

Town Manager Tom Harmer commented on the previous consideration of appointments to the P&Z Board, noting additional vacancies on the CTOC and the ZBA.

Town Clerk Trish Shinkle provided an overview of the vacancies on the CTOC.

Following comments by Mayor Schneier, Commissioner Bishop moved to reappoint Mr. Christopher Carman and to appoint Mr. Kenneth Gorman to the Citizens' Tax Oversight Committee. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Bishop, aye; Haycock, aye; Schneier, aye; Zunz, aye; Daly, aye; Spoll, aye; Dominick, aye.

Town Clerk Trish Shinkle provided an overview of the vacancies on the ZBA.

Mayor Schneier advised that Mr. Kleiner had also applied for the vacancy on the P&Z Board and noted he was very qualified for consideration.

Commissioner Bishop moved to reappoint Mr. Neal Colton and Mr. Aaron Kleiner to the Zoning Board of Adjustment. The motion, seconded by Vice Mayor Haycock, carried by a 7-0 roll call vote, as follows: Bishop, aye; Haycock, aye; Dominick, aye; Spoll, aye; Daly, aye; Zunz, aye; Schneier, aye.

Following individual comments. Commissioner Daly moved to postpone the appointment to fill the vacancy on the Planning and Zoning Board until a Meet and Greet can be scheduled. The motion, seconded by Commissioner Zunz, carried by a 7-0 roll call vote, as follows: Daly, aye; Zunz, aye; Schneier, aye; Haycock, aye; Dominick, aye; Spoll, aye; Bishop, aye.

10. Consideration of Appointments to the P&Z Board, ZBA, and CTOC - Continued
Mayor Schneier encouraged Commissioners to make contact with the applicants to discuss their interest and qualifications in serving on the P&Z Board.

Town Commission Comments

A. Town Commission

Commissioner Bishop noted that only 37% of the Town's residents had completed the 2020 census and inquired as to options to encourage residents to participate.

Discussion was held with Town Manager Tom Harmer on options to identify ways to notify and encourage residents to participate.

B. Governmental Agencies/Transportation

Vice Mayor Haycock commented on the recent vision meeting on traffic held by the City of Sarasota and inquired as to additional methods to express the Town's strong concerns on the traffic congestion when leaving the Island.

Town Manager Tom Harmer commented on efforts made and future meetings scheduled, noted discussions with the Florida Department of Transportation (FDOT) and City of Sarasota staff on being involved in the planning process as an affected party.

Individual comments followed. (See item later this meeting.)

C. Planning, Zoning, and Building Department/Code Enforcement

Upon inquiry, Town Manager Tom Harmer noted options to notify property owners of the short term rental restrictions.

Town Attorney Maggie Mooney noted concern with providing special notice to individuals on one section of the Code and not all areas which relate to code enforcement action.

B. Governmental Agencies/Transportation - Continued

Commissioner Daly commented on the Barrier Island Traffic Study (BITS) Recommendation/Implementation Committee, advised of a June 22, 2020, meeting, discussed the City of Sarasota's goal to promote pedestrian mobility and the adverse impact to traffic circulation, noted support to promote elevated walkways/crosswalks, and encouraged the Mayor and Town Manager to continue discussions of the walkways during future meetings.

Subsequent to comments by Mayor Schneier, Town Manager Harmer noted the cancellation of the joint meeting with the City of Sarasota, advised that he and the Mayor will continue discussions with the Sarasota City Mayor and City Manager (June 8, 2020), in addition to FDOT representatives, and confirmed that the Gulfstream roundabout would proceed under the alternate MOT (Maintenance of Traffic).

Vice Mayor Haycock indicated his request to have FDOT make a presentation on how the Gulfstream roundabout was going to function during high traffic seasons and Town Manager Harmer indicated he would make the request and that the latest update reflected some additional changes in the roundabout and time frame for FDOT entering into a construction contract.

Town Attorney Comments

A. Town Commission

Town Attorney Maggie Mooney commented on the receipt of position papers by the Commission and reminded that Commissioners should not respond to the positions presented. Upon inquiry, Town Attorney Mooney noted that there was no pending litigation.

Town Manager Comments

A. Town Commission

Town Manager Tom Harmer reviewed the remaining Commission meeting schedule prior to the summer break.

Adjournment

Mayor Schneier adjourned the June 1, 2020, virtual Regular Meeting at 5:54 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

M E M O R A N D U M

TO: Town Commission

FROM: Tom Harmer, Town Manager

REPORT DATE: June 19, 2020

MEETING DATE: June 30, 2020

SUBJECT: Support of a Grant Application by State College of Florida for the Rebuild Florida Critical Facilities Hardening Program

Recommended Action

Pass Resolution 2020-18.

Background

The Town received correspondence from Ms. Katie LaBarr, Project Manager with Stantec, who is assisting State College of Florida (SCF) with a grant application for the Rebuild Florida Critical Facilities Hardening Program (CFHP), administered through the Florida Department of Economic Opportunity.

Ms. LaBarr noted that eligibility for the CFHP grant application is limited to local governments, State agencies, and other non-governmental organizations (in partnership with their local governments or State agencies). The Town currently has a Memorandum of Understanding with SCF to provide us with a temporary location for operations for the continuity of government (COG) and continuity of operations (COOP) in the event of a natural disaster or other emergency. The current agreement is in effect until August 25, 2021, with an option to renew every three years.

SCF would like to submit a grant application to add a roof-mounted generator, chiller plant (to ensure air conditioning), and a dedicated fiber optic line to Building 6 of the SCF Bradenton campus. These improvements would directly benefit the Town by ensuring power, air conditioning, and IT capabilities to this building, should we have to relocate and establish municipal business, including public access to Commission meetings, from an alternate location.

The grant application requires support of a local government through the adoption of a Resolution identifying a staff member to be the primary point of contact for the grant application and authorizing execution of any related grant documents by the designee. Stantec and SCF will provide all application materials and supporting documentation and will coordinate with the designated staff member (Town Manager or his designee) during the grant process. No costs will be incurred by the Town. If the grant is awarded, SCF will provide the required support for grant management and administration.

Staff Recommendation

Pass Resolution 2020-18.

Attachments

- A. Resolution 2020-18 (available in Town Clerk's Office)

End of Agenda Item

M E M O R A N D U M

TO: Tom Harmer, Town Manager
FROM: Isaac Brownman, Public Works Director
REPORT DATE: June 19, 2020
MEETING DATE: June 30, 2020
SUBJECT: Resolution 2020-20, Adoption of the 2019 Manatee County Local Mitigation Strategy

Recommended Action

Pass Resolution 2020-20

Background

In October 1999, the Town Commission passed Resolution 99-13, formally adopting the Sarasota and Manatee County Local Mitigation Strategies (LMS) under an agreement with the Department of Community Affairs. These documents set the standards for guiding principles to implement disaster mitigation activities that in turn can reduce losses to public and private infrastructure resulting from major disasters.

Congress passed the Disaster Mitigation Act of 2000 (DMA2K) which requires States to update the Local Mitigation Strategies on a five-year cycle, and requires local community participation in order to pursue and receive future pre- and post- disaster mitigation funding opportunities, such as the Hazard Mitigation Grant Program (HMGP).

Staff continues participation with both Sarasota and Manatee County LMS Working Groups to update and amend the goals, objectives, mitigation project lists and initiatives. The final updates for the 2019 Manatee County LMS were completed by the Working Group this past Fall of 2019 and Spring of 2020.

The Manatee County Commission adopted the current 2019 update to the Manatee County LMS via Resolution R-20-086 on June 16, 2020. Upon the Town adopting the 2019 update, the LMS Plans will be submitted to the State and FEMA for formal recognition.

Staff Recommendation

Pass Resolution 2020-20

Attachments

- A. Resolution 2020-20 (Available within Town Clerk's Office)
- B. Manatee County Resolution R-20-086 (Available within Town Clerk's Office)

End of Agenda Item

MEMORANDUM

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP
Director, Planning, Zoning and Building Department

REPORT DATE: June 19, 2020

MEETING DATE: June 30, 2020

SUBJECT: Ordinance 2020-05, Privately-Initiated Zoning Text Amendment Amending Section 158.098, Height and Daylight Plane Regulations of the Zoning Code

Recommended Action

Forward Ordinance 2020-05 to the September 14, 2020 Regular Meeting for second reading and public hearing.

Background

The applicant, John Barber, Windemuller Technical Services on behalf of property owner Boris Miksic, 640 Halyard Lane, is seeking approval of a Zoning Text Amendment to Section 158.098. Height Regulations, that would allow for “lightning protection systems” to be included as an exception to the height and daylight plane regulations of the Zoning Code.

Section 158.098 Height Regulations, contains named exceptions to the aggregate height permissible in each Zone Districting in which a property is located (Zoning Code Article IV). This Section of the Code allows specifically designated features to exceed height limitations: by right; by right with limitations; or by Special Exception approval by the Planning & Zoning (P&Z) Board. By right exceptions include: television or dish antennas, worship center spires or towers and any attached religious symbols or religious identification emblems. A Special Exception is required to exceed the height regulations for enclosed elevator shafts and vestibules, enclosed stairwells and landings, enclosed mechanical equipment areas, and parapet walls in all Zoning Districts except the R-4SF and R-6SF Zoning Districts which do not permit such Special Exceptions.

Because these are the only features that are specifically identified as exempt, the Code presently does not allow the common rooftop appurtenance device of “lightning protection systems” to exceed the maximum allowable height or daylight plane requirements.

This issue came to light during the recent building permitting review of a newly constructed house on 640 Halyard Lane, which had proceeded with installation of a lightning protection device that exceeded the house’s 30 ft. Zoning Code height requirement. Staff identified the height aspect as an issue and further investigation revealed that permitting for these devices is commonly unregulated by local jurisdictions, as the Florida Building Code (FBC) does not contain permitting requirements for lightning protection systems. Staff contacted adjacent communities¹

¹ Comparison communities consisted of Sarasota County, City of North Port, City of Sarasota, City of Venice, Manatee County, and the City of Bradenton. All of these jurisdictions permit, by right, the ability for lightning protection system installations to exceed the height limitations with no limit on the size, dimensions, or height of such devices provided within their respective Zoning Regulations. In addition, these communities do not require the submission of building permits for the installation of these systems.

and found that, similar to the Town previously², none of the area jurisdictions require building permits for lightning protection systems. Lightning protection systems have typically been treated like installations of television antennas, which do not require a building permit.

The Florida Building Code provides the authority for Building Officials to require a building permit, with associated building inspections where appropriate. Staff believes that lightning protection systems do meet applicable criteria for building permitting and going forward will be requiring permits for their installation. These permits will include details on the system's height, size, dimensions, wind load, and electrical components to ensure that the installation of these systems are in compliance, safely installed, and meet the requirements of the Town's Zoning Code and Building Code.

Completion of the house at 640 Halyard, with a Certificate of Occupancy, has been withheld due to this issue. In response, the applicant filed a Zoning Text Amendment seeking the addition of Lightning Protection Systems as an additional named exception to the maximum zoning height requirements.

As initially filed, the Applicant was seeking a Zoning Text Amendment to allow lightning protection devices that would have no limitations as to the maximum height, size or other dimensions. Note: This is similar to the treatment of lightning protection systems or other allowed "roof-top appurtenances" found in most jurisdictions.

Staff worked with the applicant to craft the proposed amendment language to limit the sizes to those of the more typical lightning protection systems. These limitations include systems that have demonstrated testing by a Nationally recognized testing laboratory (NRTL) limiting overall height and the typical component sizes. These limitations were intended to minimize the aesthetic impacts of devices that would exceed building height limitations and to address potential ambiguities of determining that lightning protection systems that may be proposed are authorized for lightning protection.

Staff recognized that the Code provides several existing height exemptions that are not specifically related to life or safety and are allowed to exceed the Zoning District height without any restriction or limitation as to size or dimension. Television antennae for example, are exempt outright from the height requirements of the Zoning Code with no limitation to their height, size, or dimensions. In addition to the relatively unregulated scale of this existing allowed appurtenance exception, the possibility exists that an applicant could make the case that a proposed lightning protection system also acts as a television antenna and therefore would be permissible under the Code presently without limitation as to the overall height, size, or dimension.

The proposed amendment would permit lightning protection system devices to exceed the Town's height limitations similar to the comparison communities, but with restrictions to their overall allowed height and size.

² Information contained in the application for this amendment provides a sampling of photos and examples of over 150 installations in the Town of lightning protection system installations by Windemuller Technical Services. These installations, which the applicant asserts were permitted exceptions under a prior building official, are located on various buildings throughout the Town, including multiple residences, condominiums, commercial, and municipal buildings.

The privately-initiated Zoning Text Amendment application provides the primary rationale that allowing for the above-roof installation of lightning protection systems is a life and property safety issue. The application asserts that all structures, occupants and property owners could benefit by reducing the risk of damage by lightning. The damage and potential for injury³ from lightning or surge events can cost lives, along with the potential for hundreds, or thousands of dollars to repair, replace or reprogram equipment in residences and businesses, in addition to the costs of downtime and inconvenience.

Staff, including the Town Fire Marshall, are supportive of the primary rationale the application provides that lightning protection is a life and property safety issue that can benefit from properly installed lightning protection systems. These naturally occurring hazards can be highly impactful to properties and are difficult to predict, as lightning is not selective about which buildings or domains it strikes. While the NFPA (National Fire Protection Association) Code does not provide requirements or standards for lightning protection devices on single or two-family construction, it does contain requirements for the installation of such systems on various commercial and multi-family structures for their protection.

There are four primary types of lightning protection systems for protecting structures against lightning, depicted in Figures 1-4 below:

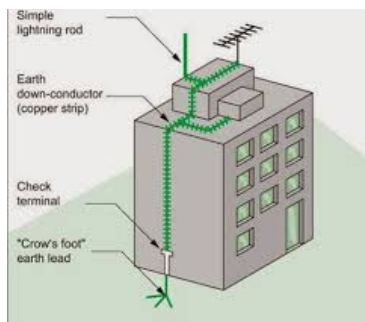


Figure 1 Rods

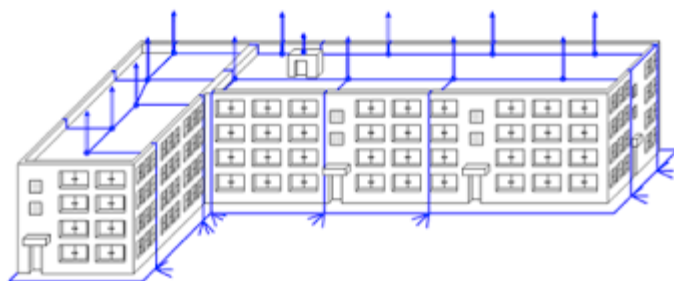


Figure 2 Meshed Conductors

³ The types of damage and injury caused by lightning strikes can include:

- Injury to people and fatalities caused by high voltage;
- Fire, explosion, and destruction of machinery, structures, and vegetation due to lightning current;
- Interruption and failure of systems due to lightning electromagnetic impulse (LEMP) to air conditioners, computers, appliances, security systems, televisions, internet and cable modems, lighting systems, pool controls, sprinkler systems, security gates, and home automation systems.

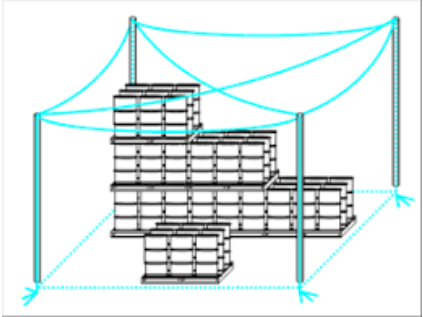


Figure 3 Catenary Wires

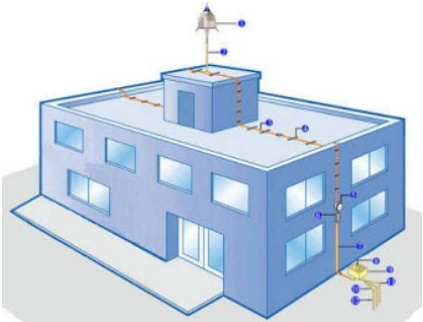


Figure 4 Early Streamer Lightning Protection Systems

This amendment would generally permit the installation of three of the four types of lightning protection systems as exceptions to the applicable Zoning District heights permissible: rods, meshed conductors, and early streamer lightning protection systems. The Catenary Wires System, would not be allowed as an exception to building height limits. Each of these systems are explained in greater detail in Attachment E and include the advantages and disadvantages of each system.

Town Process

The applicant has submitted a Zoning Text Amendment request, meeting the requirements set forth in Section 158.021, Zoning Text Amendments, of the Zoning Code.

Section 158.021, of the Town Code provides for the filing and review of Zoning Text Amendments. 158.021(A) *Initiation of Proposals for Zoning Text Amendments* further provides:

The Town Commission may, from time to time, amend, supplement or repeal the regulations and provisions of this Chapter after public notice and hearings as provided by the Charter and upon initiation in one of the following ways:

- (1) On its own motion;*
- (2) On recommendation of the Planning & Zoning Board;*
- (3) On application by a person who is a fee simple owner of any property in the Town*

Based upon the mechanisms above, the Planning, Zoning & Building Director received a Zoning Text Amendment application from fee simple owner, Boris Miksic, to change a provision of the Town's Zoning Code, Section 158.098. Pursuant to Code, the P&Z Board was required to hold a public hearing on the proposed Zoning Text Amendment, with due public notice, and submit in writing its recommendation on the proposed change to the Town Commission for official action (see Section 158.021). Following consideration by the P&Z Board this legislative matter has been forwarded onto the Town Commission for consideration.

Comprehensive Plan Consistency

The Zoning Text Amendment has been evaluated for consistency with the Comprehensive Plan. The following Comprehensive Plan Elements have been evaluated for consistency with the proposed project:

COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF EVALUATION
FLU Goal 1: To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity, and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade	The proposed text amendment is consistent with the goal of maintaining an environment that supports the health, safety and welfare of the community.

systems; and 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.	
FLU Policy 1.1.7: In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.	The proposed text amendment has been crafted to reduce the impacts from unregulated allowance of a typical roof top appurtenance to assist in maintaining the aesthetic character of neighborhoods.

Planning & Zoning Board Recommendation

At their May 26, 2020 Regular Meeting, the P&Z Board recommended approval (5-1) of Ordinance 2020-05 to the Town Commission and, forwarded the proposed Zoning Text Amendment to the Town Commission for consideration.

The P&Z Board recommended modifications to the originally proposed limits of the height of lightning protection devices for single and two-family structures. The amendment was originally drafted to allow for lightning protection systems up to a maximum of sixteen feet in height. The P&Z Board recommended a maximum allowance of up to six feet in height, for single-family and two-family residential structures, with the ability to request an increase in the height to a maximum of up to sixteen feet above the height permissible in the Zoning District, by Special Exception approval.

The P&Z Board’s modifications have been incorporated into Ordinance 2020-05. The proposed amendments to Sections 158.098 (C) and (E) are highlighted in yellow below:

(C) No exceptions to the height regulations shall be permitted except as authorized by Article IV, and as specifically provided for below:

(6) Lightning protection systems that are listed and labeled by a Nationally Recognized Testing Laboratory (NRTL), under the Lightning Protection components category, subject to the following:

- *a. Total lightning protection device height for single family and two-family residential structures, including mast and lightning protection devices, shall not exceed 6’ feet above the maximum height of the zone district, and may be increased by Special Exception to not exceed 16’ feet above the maximum height of the zone district.*
- *b. Total lightning protection device height for non-residential, and multifamily residential structures, including mast and lightning protection devices, shall not exceed 16’ feet above the maximum height of the zone district.*
- *c. Lightning protection devices, attached to the mast, shall not be more than 9” inches in diameter and 10” inches in height.*
- *d. Non-residential, and multi-family residential structures’ mast diameter shall be a minimum of 5/8” inches and shall not exceed 5” inches in diameter.*

- e. *Single family, and Two-family residential structures' mast diameter shall be a minimum of 5/8" inches and shall not exceed 1-1/4" inches in diameter.*

(E) The daylight plane requirements of Subsection (DC) above shall not apply to:

- (4) *One television antenna or dish antenna measuring less than three feet in diameter, and lightning protection devices;*

Upon final deliberation, P&Z Board asked staff to research and provide for Town Commission available data specific to Longboat Key regarding damage due to lightning. Based upon Longboat Key Fire Department research back to 2016, no fires were related to lightning as the cause. If there was a lightning strike that did not cause a fire, the Department may not have been notified.

Staff Recommendation

Forward Ordinance 2020-05, to the September 14, 2020 Regular Meeting for second reading and public hearing.

Attachments

- A. Privately initiated Zoning Text Amendment application (Available in Town Clerk's Office)
- B. Ordinance 2020-05 (Available in Town Clerk's Office)
- C. May 26, 2020 P&Z Board Minutes (Available in Town Clerk's Office)
- D. PowerPoint Presentation (Available in Town Clerk's Office)
- E. Lightning Protection System Types (Available in Town Clerk's Office)
- F. Public Correspondence Received (Available in Town Clerk's Office)

End of Agenda Item

M E M O R A N D U M

TO: Tom Harmer, Town Manager
FROM: Allen Parsons, Director, Planning, Zoning and Building Department
REPORT DATE: June 17, 2020
MEETING DATE: June 30, 2020
SUBJECT: Ordinance 2020-07, Amending Chapter 158.098(D), Daylight Plane and Single-Family Residential Structure Buffering Requirements

Recommended Action

Forward Ordinance 2020-07, to the September 14, 2020 Town Commission Regular Meeting for second reading and public hearing.

Background

At their April 15, 2019 Goals & Objectives Workshop Meeting, the Town Commission (Commission) heard community concerns citing examples of newer single-family homes that had been constructed that were out of scale and character with nearby older existing homes. Concerns included that many of the new single-family homes being constructed in existing neighborhoods, built prior to requirements to elevate structures to meet Federal Emergency Management Agency (FEMA) and Town flood requirements, would loom over adjacent yards of single-story homes that were built on grade.

The Commission requested to have a workshop meeting discussion on the Town's Daylight Plane standards and other options for further addressing compatibility when new single-family homes are built with contrasting heights relative to existing nearby homes.

The Commission held a discussion on this topic at their October 15, 2019 Regular Workshop Meeting and addressed a number of subjects including:

- Federal Emergency Management Agency (FEMA) requirements;
- Options to consider lowering maximum height of homes;
- Creation of nonconforming structures, if regulations are modified;
- Options to modify the way Daylight Plane may be measured and regulated;
- Daylight Plane waivers that have been granted; and
- Engaging architectural expertise on Daylight Plane requirements.

Following discussion, there was consensus to authorize the Planning & Zoning Board (P&Z Board) to have further discussions and make recommendations relating to the height of single-family structures and Daylight Plane requirements. The P&Z Board initially held two workshop discussions on this topic. This was followed by a discussion with the P&Z Board Chair, the Planning, Zoning & Building Department Director and the Town Commission on the P&Z Board's preliminary recommendations at the February 18, 2020 Town Commission Regular Workshop. The P&Z Board discussed the Town Commission's February 18, 2020 feedback at their February 19, 2020 meeting and provided direction to staff to develop aspects addressed in Ordinance 2020-07. The P&Z Board subsequently held a public hearing on Ordinance 2020-07 at their May 26, 2020 Regular Meeting and recommended approval (6-0).

Summaries of these meetings and the P&Z Board's recommendation on Ordinance 2020-07 are provided below.

At their December 17, 2019 Regular Meeting, the P&Z Board discussed numerous factors that govern how the Town of Longboat Key (Town) regulates building heights. Those factors, along with market demands, influence the development and introduce issues of compatibility of new single-family residential structures that are often noticeably taller than surrounding homes.

The P&Z Board identified the following topics for more detailed consideration:

- **Enhanced privacy standards**, including screening and design features.
- **Criteria to address scale and massing of homes**, including the potential for required articulation and mitigating measures.
- **Options to modify existing Daylight Plane requirements**, including measuring from existing grade, instead of from a structure's Minimum Habitable Elevation, and/or applying a single Daylight Plane angle requirement, regardless of lot width.
- **Use of an "Overlay" Zoning District** that could apply differing (e.g. reduced) height requirements in area, or neighborhood specific, contexts. Properties West of Gulf of Mexico Drive were initially discussed, as they have increased minimum habitable floor elevation heights due to their proximity to the Gulf of Mexico.

At their January 23, 2020 Regular Meeting discussion, the P&Z Board thoroughly reviewed and discussed criteria to address scale and massing of homes and use of an overlay district. The Board did not support further development of those issues. The P&Z Board narrowed its recommendations to the following two topic areas: enhanced privacy guidelines/standards and modifications to the Town's Daylight Plane requirements, which are further described below:

Privacy Related Guidelines or Standards: The P&Z Board considered whether to add building review guidelines or standards that contribute to factors of compatibility, including the size, shape, form of the houses, their architecture, and the relationship of each house to the street and nearby homes. Options provided by staff addressing scale and massing were not recommended for further consideration.

The P&Z Board did reach consensus to further develop standards to address ground level impacts with additional screening and buffering (i.e. vegetative and/or fence/wall). Existing Zoning Code requirements (found in Sec. 158.103, Screening Regulations) mandate some screening requirements where a nonresidential use abuts a residential district or where a multi-family district or use abuts a single-family district. The Zoning Code does not include buffering requirements in cases where new, larger-scale single-family structures may be abutting existing lower-scale single-family structures.

Modification of Existing Daylight Plane Requirements: The P&Z Board initially sought further information on the potential to modify existing Daylight Plane¹ requirements. After deliberation, which included a recommendation that was not acted on to eliminate the Daylight Plane requirements, the P&Z Board recommended that the Daylight Plane measurement

¹ The Zoning Code defines daylight plane as "*The angle in degrees for single-family homes measured from side lot line boundaries projecting upward toward the center of the parcel beginning at minimum habitable floor elevation as established by law.*" The required angle for daylight plane is dependent upon the width of a lot. For example, if a property is 100 feet wide, the required daylight plane angle is 50 degrees. The angle lessens as the width of the property becomes greater (Note: 50° to 65° degrees is the maximum lower and upper limit, respectively).

begin from a property's established grade, instead of from the minimum habitable floor elevation. A single Daylight Plane angle requirement of 75° degrees, regardless of a property's width was also recommended.

The P&Z Board's recommendations, described and illustrated below, would generally have the effect of being more permissive than existing requirements. The P&Z Board's deliberations reflected that the competing goals of elevating structures for resiliency over time, and maintaining an existing at-grade single-story character can be viewed as conflicting. The consensus recommendation reflected a desire to encourage redevelopment, with such homes generally being required to be elevated to meet floodplain requirements, and a recognition that the scale of houses may therefore increase

Two illustrations of the recommended Daylight Plane requirements, applied to new single-family home designs, on two different lot sizes (100 ft. wide and 60 ft. wide, respectively), are provided below. In the first example, the house is required to be elevated 7 ft. 6 in. above the established grade in order to meet FEMA and Town floodplain elevation requirements. The green dashed line shows the current Daylight Plane requirement, for a 100 ft. wide lot (currently a 50° degree angle is required for this size lot), applied from the Design Flood Elevation (minimum FEMA habitable floor elevation, plus 1 ft. of "freeboard"). The red dashed line shows the proposed requirement of a 75°-degree Daylight Plane angle, measured from established grade.

Daylight Plane Beginning Point of Measurement

Existing Code Requirement 50' (100 ft. wide lot)

Recommended Requirement 75° from Grade



In the second example below, the house is required to be elevated approximately 6 ft. above its surrounding established grade in order to meet FEMA and Town floodplain elevation requirements. The green dashed line shows the Daylight Plane requirement, for a 60 ft. wide lot (with a current 62°-degree angle required), applied from the Design Flood Elevation. The red line shows the proposed requirement of a 75°-degree Daylight Plane angle, measured from established grade.

Daylight Plane Beginning Point of Measurement

Existing Code Requirement 62° (60 ft. wide lot)

Recommended Requirement 75° from Grade



Prior to directing the Planning staff to prepare Zoning Code language and/or amendments to the Zoning Code, the P&Z Board, by consensus, wanted to seek feedback from the Commission on the recommendations noted above. The P&Z Board Chair Bishop and the Planning, Zoning & Building Department Director presented these recommendations to the Town Commission at their Regular Workshop on February 18, 2020.

Feedback to the P&Z Board, from the Town Commission at that meeting, included suggestions to reconsider the use of an overlay zoning district concept and the expression of concern with the P&Z Board's recommendation regarding increasing the Daylight Plane requirement to a single 75° degree angle, thereby allowing for the potential for more building mass than presently allowed.

One Commissioner suggested a concept for the P&Z Board to consider regarding potential changes to Daylight Plane requirements. The concept would have kept the sliding scale with the current daylight plane angles, based on lot width. It was suggested to add a new Daylight Plane requirement, which would be added to the existing requirement. The concept would then apply two Daylight Plane angle requirements to any proposed construction. The first test would have been that any proposal that failed to meet the applicable Daylight Plane angle requirement from the Design Flood Elevation (the current requirement) would be prohibited. The second test would have introduced a new Daylight Plane requirement, measured from the established grade elevation, that would include requirements to incorporate mitigating design features if a structure was within the applicable new Daylight Plane angle, to mitigate for mass. Options such as including second story setbacks and roofline variations or other measures were suggested to be included. This proposed second test, from established grade, would have only been applicable to structures that meet the existing requirements for Daylight Plane.

This feedback, from the Town Commission at their February 18, 2020 Regular Workshop discussion, was shared with the P&Z Board at its February 19, 2020 Regular Meeting by P&Z Board Chair

Bishop and the Planning, Zoning & Building Department Director. The P&Z Board did not recommend proceeding with further consideration or development of an overlay Zoning District. The consensus recommendation was for staff to prepare an ordinance which included the P&Z Board's prior recommendations addressing the concept of providing requirements for screening privacy for single-family homes and maintaining the P&Z Board's proposed revisions to the Daylight Plane requirements of a single 75° degree angle to be measured from established grade.

The P&Z Board held a public hearing on May 26, 2020 on Ordinance 2020-07 (Attachment A). The proposed Ordinance incorporates changes to the height and Daylight Plane provisions of Zoning Code Section 158.098(D) through a newly added subsection (F). The proposed changes would eliminate the Daylight Plane Table (Exhibit A) that provides a sliding scale of reduced daylight plane angles associated with larger lot sizes and replaces it with the P&Z Board's recommended single measurement of a 75° degree angle, measured from established grade. There is an associated change to the Daylight Plane definition in Sec. 158.144 to reflect that Daylight Plane would be "*measured from established grade at the side lot line boundaries*" rather than from the current minimum habitable floor elevation.

In addition, Ordinance 2020-07 includes new building permit review criteria (copied below), which would apply to new single-family home construction, or additions, that are developed immediately adjacent to the sideyard(s) of established at-grade single-family residences that were constructed prior to 1975. The significance of the 1975 date is that homes constructed prior to that date were not required to be elevated to meet FEMA flood zone requirements.

The proposed criteria would require a demonstration that "sight line views" (which is also proposed as a new definition), from a newly constructed structure, utilize methods to preserve the privacy of the immediately adjacent at-grade property(ies). Methods are deliberately general in nature and include options of building design, construction materials, landscaping or other means, which would be left to a designer/builder to demonstrate and implement. The proposed language is provided below:

Sec. 158.098(E) Single-family residences, and any redevelopment of a nonconforming residential use in a single-family residential Zoning District, or any addition to an existing single-family residence, is located immediately adjacent to the side yard of an existing at-grade single-family residence (constructed prior to 1975), shall demonstrate the following to the satisfaction of the Planning & Zoning Official on the building permit application:

(1) Sight line views, from the newly constructed structure, to the immediately adjacent existing at-grade single-family property(ies) shall be controlled in a manner that preserves the privacy of the immediately adjacent at-grade property(ies) and shall consist of one or more of the following to minimize views into the side yard(s):

- i. Building design;
- ii. Construction materials;
- iii. Trees, shrubs or other landscaping;
- iv. Screening by other means;

Note: This provision shall not apply in the case where an immediately adjacent existing at-grade single-family residence has an active building permit for demolition.

In addition, while addressing the Daylight Plane provisions, the P&Z Board took the opportunity to modify one of the allowed exceptions to the Daylight Plane requirements (Sec. 158.098(F)). There are exceptions for chimneys, roof overhangs, dormer windows, television and dish antennas, sides of properties that abut nonresidential zoned properties, and homes within Planned Unit

Developments. The P&Z Board recommended that the chimney exception be limited to chimneys that are less than four feet in width. This change has been incorporated into Ordinance 2020-07.

Staff Recommendation

Forward Ordinance 2020-07, to the September 14, 2020 Town Commission Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2020-07 (Available in Town Clerk's Office)
- B. P&Z Board Memos and Meeting Minutes, December 17, 2019, January 23, 2020, February 19, 2020, May 26, 2020 including Town Commission Meeting Minutes February 18, 2020 (Available in Town Clerk's Office)
- C. P&Z Board Meeting Minutes, May 26, 2020 (Available in Town Clerk's Office)
- D. Public Correspondence Received (Available in Town Clerk's Office)
- E. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item

M E M O R A N D U M

TO: Town Commission
FROM: Tom Harmer, Town Manager
REPORT DATE: June 18, 2020
MEETING DATE: June 30, 2020
SUBJECT: Appointment to the Planning & Zoning Board

Recommended Action

Make appointment or provide direction to Manager.

Background

Due to a vacancy on the Planning & Zoning (P&Z) Board, the Commission would have had to hold several individual Meet and Greets on June 30, 2020, providing an opportunity to meet the applicants who have applied for the seats.

Under the current public health advisory for COVID-19, the Meet and Greets were postponed. The formal appointment to the P&Z Board will be considered at the June 30, 2020, Regular Meeting. If the Commission would like to further defer the appointments until a face to face meet and greet can be scheduled we will bring back the appointments in September.

The seats were advertised in both the Longboat Observer and the Longboat Key News.

The Planning & Zoning (P&Z) Board has one seat open for appointment for a partial term until May 12, 2021. The following individuals submitted applications for consideration:

- Mr. Christopher Carman, District 5 (also seeking reappointment to the CTOC and/or appointment to the ZBA)
- Mr. Gary Coffin, District 1
- Mr. Gary Ehlers, District 2 (previously served on Code Enforcement Board)
- Mr. Aaron Kleiner, District 4 (currently serves on Zoning Board of Adjustment)
- Ms. Maryl Levine, District 2
- Ms. Margaret Nuzzo, District 2
- Mr. S. Jay Plager (Jay), District 1
- Mr. Jack Wilson, District 4 (currently serves as representative for MPO CAC and previously served on Code Enforcement Board).

Mr. Aaron Kleiner was reappointed to the Zoning Board of Adjustment (ZBA) on June 1, 2020. However, Mr. Kleiner could be considered and if appointed, the vacancy created on the ZBA could be considered in September.

Staff Recommendation

Make appointment to the P&Z Board or provide direction to Manager.

Attachments

- A. Membership Roster for the P&Z Board (available for review in the Town Clerk's office)
- B. Talent Bank Applications (available for review in the Town Clerk's office)

End of Agenda Item

M E M O R A N D U M

TO: Tom Harmer, Town Manager
FROM: Carolyn Brown, Support Services Director
REPORT DATE: June 24, 2020
MEETING DATE: June 30, 2020
SUBJECT: Ratification of Contract Between the Town of Longboat Key and the Southwest Florida Police Benevolent Association Police Officers' Bargaining Unit

Recommended Action

Ratify Contract between the Town of Longboat Key and the Southwest Florida Police Benevolent Association Police Officers' Bargaining Unit (PBA).

Background

The last PBA Contract terminated on September 30, 2019. Negotiations took place over a number of months, with the Town and Union unable to come to terms on retirement and wages. An Impasse Resolution Hearing was held on November 20, 2019. Following the presentation of all evidence, each party presented its arguments. The Commission considered the parties' positions and rendered its final decision to not accept the Union's requests. Based on that action, the Commission imposed a one-year contract through September 30, 2020 with the new step plan, a salary increase and an increase to the Town's mandatory contribution to the 401(a) to 11% retroactive to 10/1/19. All other negotiated changes were not included. The PBA has been operating under the former agreement, with its members receiving retroactive pay increases dating back to September 30, 2019.

On June 12, 2020 a meeting was held with the PBA to resume conversations about the contract. The Town presented the original package that the Town offered at the conclusion of last years' negotiations. After a few brief caucuses, the meeting concluded with two items added to the package offer. The two items were vesting of employees Town contribution to their 401a to the benefit of their beneficiary if they were killed in the line of duty while working in their capacity as a Town employee and increasing the Extra Duty Details to \$50 an hour. The Town Manager agreed to include those two items in the Contract that would be recommended to the Town Commission. The Town was notified on June 15, 2020 that the Union would tentatively accept the terms of the agreement.

On June 19, 2020, the Town Manager and the Union representative tentatively signed the proposed Contract. The Union scheduled a ratification vote for June 23rd and June 24th. The Town was notified on June 23rd that a majority of the bargaining unit voted in favor of the Contract (8-0). The remaining members will vote this evening. However, with an 8-0 vote, the majority have determined the outcome.

The following list highlights the changes to the October 1, 2020 – September 30, 2023 contract:

- Wages - Years 1 and 2 move up one step each year. No step movement in Year 3 but provide a 3.5% increase to the pay plan.
- Capped out employees will receive one shift off with pay unless pay plan increases.
- Specialty Pay for Boat Captain and Detective \$65, 4 Field Training Officers \$50 biweekly.
- Other employees temporarily assigned to work in a higher paid classification than their classification will receive \$2 per hour after 4 continuous hours when acting in higher position in the event the squad Field Training Officer is unavailable.
- Extra duty pay increased from \$30 to \$50.
- Retirement – add 1% to the Town’s contribution to the 401(A) Defined Contribution Plan (12% in Year 1, 13% in Year 2) and continue to match employee’s voluntary contribution up to 3%. There will be no change in Year 3.
- Grievance Procedure – increase time limits.
- PBA Pool Time – increase contribution rates to minimum of 2 and maximum of 12 hours.
- Lump sum payout from holiday pay bank October 1st of each year.
- Comp time substitution for overtime by agreement with the Police Chief.
- Medical Leave Payout – 50% paid on retirement of Town plan or death. Maximum use of medical leave for personal leave for 12-hour employees from 24 to 36 hours.
- Town’s contribution to the Defined Contribution Plan shall be paid to the employees designated beneficiaries in the event of death while on duty in the line of duty regardless years of service with the Town.
- Service pistol at separation after 10 years available for \$200. After 15 years – free.
- Emergency Leave up to 36 hours.
- Vacation – extra shift after 10 years of service.

The Finance Department participated in the negotiations and priced the Contract. The annual wage increases averages 3.5% over the three-year period for a total increase of 10.5%, or \$96,100 over the life of the Contract.

The incentive pay changes in the Contract are approximately \$10,270 a year. The additional 1% 401a Defined Contribution Plan increase in year 1 would add approximately \$15,515 a year to the Town’s cost. With incentives, and the additional 1% 401a contribution, the year 1 total increase would be an additional 1.1% or approximately 4.6%.

The additional 2% Defined Contribution Plan increase over the life of the Contract and the new incentive pay program would average 1.7% a year or 5.1% over the three-year period.

Funding is available in the preliminary FY21 budget to support the implementation of the new Contract.

Staff Recommendation

Ratify Contract between the Town and the Southwest Florida Police Benevolent Association.

Attachments

- A. Proposed Contract (available in Town Clerk's Office)
- B. PowerPoint (available in Town Clerk's Office)

End of Agenda Item

M E M O R A N D U M

TO: Town Commission
FROM: Tom Harmer, Town Manager
REPORT DATE: June 17, 2020
MEETING DATE: June 30, 2020
SUBJECT: FY21 Preliminary Budget – Set Maximum Millage

Recommended Action

Set the Maximum Millage Rates for General Fund Operating Millage, General Obligation Facilities (Fire Stations) Debt, and Beach Gulfside and Bayside Districts

Background

The Town Commission is required to set a maximum millage rate, that will appear on the Truth in Millage (TRIM) notices, at the June 30, 2020 Regular Meeting for Fiscal Year 2021 (FY21). The Counties Property Appraisers have until July 1 to certify taxable values to the Taxing Authorities. Therefore, the Finance Director will not receive the information early enough to provide completed materials before your meeting. As soon as the Finance Department receives the certified taxable values, staff will complete the calculations and forward materials as they are completed.

Prior to setting the maximum millage rate for FY21, Town staff will provide an update on final values from the Property Appraisers and the calculated rolled-back rate. The rolled-back rate is the millage that would generate the same amount of tax revenue, exclusive of new construction, as the previous year.

We provided an update on the General Fund and all other Funds' budget development during the June 15, 2020 Special Workshop for Budget. As a result of that Workshop discussion we are adding a transfer of \$370,000 from the General Fund to the Land Acquisition Fund for Town Center Phase 2. We will also reduce the Economic Uncertainty Reserve by \$200,000, leaving a remaining balance of \$1,150,000.

The Maximum Millage Rate is the highest millage rate that the Town Commission may levy in September. The final millage rates could be lower, but not higher, than the maximum millage rate set at this meeting, including debt millages. I am recommending that the General Fund Budget maximum millage be set the same as the FY20 final millage which is **2.1144**.

The Debt Service millage rates for Facilities (Fire Stations) and Beach Nourishment are pending Certified Values. The pending borrow amount (\$21 million or \$28.5 million) for the Beach project depends on the Governor's actions regarding line item vetoes on the State budget. The Town is ranked to be eligible for approximately \$10.9 million in reimbursements under the FDEP Beach Management Funding Assistance Program, which may be subject to veto. The Governor has until June 30, 2020 to finalize and sign the Budget, which is the same day we are setting the maximum millage. Due to the timing of our meeting, our presentation will provide maximum millage calculations on debt for both the \$21 million and the \$28.5 million borrow amounts. It is our intent to provide the correct value on the TRIM notice which must be reported to the property appraiser by August 4, 2020.

Please feel free to contact me if you have any questions.

End of Agenda Item

M E M O R A N D U M

TO: Tom Harmer, Town Manager
FROM: Isaac Brownman, Public Works Director
REPORT DATE: June 22, 2020
MEETING DATE: June 30, 2020
SUBJECT: City of Sarasota “Sarasota in Motion” Transportation Master Plan:
Town Talking Points

Recommended Action

Authorize Mayor to execute a letter responding to the Sarasota in Motion Plan and finalize the Town’s presentation points for the July 20, 2020 City Commission Meeting.

Background

The City of Sarasota developed the first draft of “Sarasota in Motion,” the City’s first Transportation Master Plan. The report was developed by their consultant, ADEAS-Q Transportation Engineering + Planning, and is the result of almost 18 months of work with input from many community members throughout the planning process. Public feedback sessions occurred throughout 2019 via workshops and online surveys. The report outlines the primary goals and strategies of within-the-city traffic mitigation strategies, which is more geared towards safer and expanded amenities for bicycles, pedestrians, and public transit. This strategy attempts to reduce congestion within the City by reducing cars from the roadways by accommodating shorter inner-city trips using alternative modes.

The stated core values of the City’s Transportation Master Plan are outlined below and further defined in the plan:

- Take Action
- Be Active
- Provide Diverse Transportation Choices
- Be Resilient
- Provide Greater Safety

Similar to the Barrier Island Traffic Study (“BITS”) approach, the City of Sarasota is looking to combine a number of strategies to accomplish the Transportation Master Plan goals, as there is no one solution that will solve congestion and/or accommodate multiple travel modes at various locations.

The report includes 40 project recommendations and establishes a Top 10 list based on ranking criteria centered around the core values.

The Top 10 projects in ranked order are as follows:

1. Expand City Trail Network
2. Streetscapes for East-West Corridors
3. North Legacy Trail
4. Shade Avenue Complete Street

5. Core Route Transit Improvements
6. Coconut Avenue & 2nd Street Roundabout
7. Fruitville Road Complete Street
8. Redesign Main Street
9. Ringling Causeway/ Coon Key Bridges
10. Boulevard of the Arts

Estimated costs and timeframes for the Top 10 are also noted for planning purposes. The Sarasota-in-Motion Plan will be presented to the City Commission on July 20, 2020.

The Town Commission has expressed a concern that the focus of this Plan is more on alternative transportation strategies for downtown residents and does not adequately address the drive to, and through, traffic in the downtown area. There is also concern that it does not fully recognize the regional nature and responsibility of the City of Sarasota. The Town Commission has emphasized the need for continued focus on traffic congestion mitigation strategies from the barrier islands as part of the context of overall City master planning as future projects are planned. The barrier islands must travel through the City and FDOT roadway network when traveling to the mainland. In addition, the Town advocates for those projects or project combinations that mutually enhance vehicular movement, reduce congestion and provide alternative modes. Finally, the Town continues to emphasize BITS recommendations and other improvements that can directly improve vehicular traffic flow.

Of the overall 40 project recommendations from the Sarasota-in-Motion plan, several of the project opportunities favored by Longboat Key include:

- Project: Ringling Causeway/Coon Key Bridges – dedicated alternative lane/transit priority (BITS)
 - Sarasota-In-Motion Rank: 9
- Project: Regular counter-flow of barrier island bridges (BITS)
 - Sarasota-In-Motion Rank: 39
- Project: Pedestrian Crossing at U.S. 41/McAnsh – North of Ringling (BITS)
 - Sarasota-In-Motion Rank: 35
- Project: Water Taxis (BITS)
 - Sarasota-In-Motion Rank: 30 and 31
- Project: Civic Transit Loop combined with Island transit connection
 - Sarasota-In-Motion Rank: 21 and 34
- Project: Complete the Grid (complete greenways, MURT, and improve ROWs)
 - Sarasota-In-Motion Rank: 11

The Town Commission also respectfully requests a preserved route for evacuation and traveling from barrier island into Sarasota County. The route of choice is Gulfstream to U.S. 41, North to Fruitville Road and East on Fruitville to I-75.

Staff is prepared to discuss these issues with the Town Commission at their June 30, 2020 Regular Meeting to finalize a Town position in advance of the July 20, 2020 City of Sarasota Meeting to adopt this Plan. Key areas that we would recommend emphasizing to the City include:

1. Reemphasize the balance necessary to safely address non-vehicle traffic while positively impacting traffic flow to and from the barrier islands
2. Recognize the regional nature of the City of Sarasota
3. Agree that the roadway and lane capacity to and from I-75 along the Gulfstream, U.S. 41, Fruitville Road route be preserved
4. Address in season traffic congestion. The City should develop a measurement/metric to track the current conditions and evaluate over time changes in the traffic flow. One of the goals of the Transportation Master Plan should be to reduce that travel time.
5. The Town agrees with and supports efforts to create alternative transportation to and from the islands including water taxis, dedicated transit lanes, etc., which are consistent with the Barrier Island Traffic Study (“BITS”).
6. Include language in the Transportation Master Plan about coordinating with the barrier islands and Florida Department of Transportation (“FDOT”) regarding short-term and long-term operational and CIP improvements consistent with BITS. Of interest to the Town are elements such as pedestrian overpass(es) in the U.S. 41/Gulfstream area, St. Armand’s Circle pedestrian monitors during season, and strategically reducing parking spaces on the Lido leg of St. Armand’s to improve traffic flow.

Staff has prepared a draft letter from the Town Commission regarding the Sarasota in Motion Plan and will review the draft with the Commission and will be prepared to discuss presenting the letter to the City.

Staff Recommendation

Authorize Mayor to execute a letter response to the Sarasota in Motion Plan and to finalize the Town’s presentation points for the July 20, 2020 City Commission Meeting

Attachments

- A. Sarasota in Motion Document (Available within Town Clerk’s Office)
- B. Draft Letter from Mayor to City Commission (Available within Town Clerk’s Office)

End of Agenda Item

M E M O R A N D U M

TO: Tom Harmer, Town Manager
FROM: Paul B. Dezzi, Fire Chief
REPORT DATE: May 19, 2020
MEETING DATE: June 29, 2020
SUBJECT: Town's Emergency Notification System

Recommended Action

Continue utilization of the current platforms for emergency notification of the public.

Background

In times of crisis, the residents of Longboat Key continually demonstrate resilience. A true example of this is the COVID-19 Pandemic. Timely and effective emergency alert and warning messages can add to that resilience by providing information that citizens (residents) can use to make informed decisions and act to save lives and reduce property loss.

Receiving timely information about weather conditions and other emergency events can make a difference when to take protective measures to be safe. The Town of Longboat Key strives to improve public safety through the rapid dissemination of emergency messages to as many people as possible over as many devices as possible before, during, and after a disaster. This has been proven during Hurricane Irma with the messaging that was initiated through Code Red, www.longboatkey.org website, and conference calls with several stakeholder groups and property management groups.

The implementation of Integrated Public Alert and Warning Systems (IPAWS) to augment existing public alert and warning technologies has vastly improved citizen awareness. The Town of Longboat Key continues to work with Sarasota County to leverage IPAWS' capabilities to expand the delivery of alert and warning information, increase resilience of local systems, as well as support the mission of the Town of Longboat Key Emergency Management to provide protection, prevention, mitigation, response, and recovery efforts.

On May 1, 2020 the Town of Longboat Key transitioned from the previous emergency alert system, CodeRED, to Everbridge, also known as Alert Longboat Key. This new emergency notification system is being used in 65 of the 67 Florida counties, and a vast majority of municipalities, providing timely emergency alerts for residents who signed up for the service. Everbridge has contracted with the State of Florida whereby the State has offered all counties the service for free through 2024. Alert Longboat Key is free to residents, and allows public safety officials to notify residents of local emergencies such as a hazardous materials incident, road and bridge closures, law enforcement advisories, and severe weather incidents (hurricane, tornado, tsunami, tropical storm and storm surge warnings) issued by the National Weather Service. The National Weather

Servic(NWS) alerts, for those severe weather events are launched directly by the NWS to the affected area without any action by the Town.

Everbridge utilizes a public database to populate the system and periodically updates it. The Town also transferred the CodeRED database to ensure the database was as up-to-date as possible for all those previously registered with CodeRED. We have also widely publicized the transition and encouraged residents to register, or call to update their contact information. The system currently has 14963 total contacts registered. This includes manual registrations, residential landlines, residential wireless devices, business landlines and wireless devices. Residents can register as many phones, emails, text messaging options as needed in an attempt to ensure the timeliest delivery of emergency messages.

To work effectively, Alert Longboat Key is only as good as the information available and provided by the recipient or resident. Keeping the contact information current is essential.

The Town of Longboat Key encourages residents to use multiple communication tools to better prepare for disasters before they happen. During an emergency, staying advised of weather reports and information from the Town of Longboat Key is essential for the safety of the public.

The Town of Longboat Key takes safety of the public seriously and utilizes a broad and multi-faceted approach to emergency. The strategies include:

- **Emergency Notification Alert Longboat Key:** Residents that are not signed up for this are encouraged to do so by visiting www.longboat.org or they may call or e-mail Assistant to Town Manager, Susan Phillips who can assist with registrations. 941-316-1999 x 1212 or sphillips@longboatkey.org
- **Emergency Notification NOAA Weather Radio:** Battery powered with tone alert for home use. During an emergency, the weather service forecasters interrupt routine broadcasts and send a special tone activating local weather radios. Weather radios equipped with a special alarm tone feature sound an alert to give immediate information about a life-threatening situation.
- **Emergency Notification Device Cell Phone Apps:** The Town of Longboat Key supports emergency applications such as Everbridge whereby residents can receive all emergency notifications in a timely manner. Local television stations have weather applications that provide a daily weather forecast as well as alerts for immediate severe weather conditions/changes. Cell phones can accept text messages, automated voice messages, email messages, social media messages all of which provide alerts and guidance to residents.
- **Emergency Updates Social Media:** Twitter, Facebook, and Instagram are all applications used by the Town to push out information regarding emergencies.
- **Emergency Updates Town of Longboat Key Website:** www.longboatkey.org provides updated information on emergencies that affect the Town. During an emergency, this site is updated frequently to provide residents with important information.

- **Emergency Updates Radio:** Local radio stations broadcast updates to keep the public informed. This is especially important during a severe weather event.
- **Emergency Updates Television:** Local television station affiliates as well as local government channels provide information during emergencies. The local ABC affiliate WWSB-TV would provide the best local updates.
- **Emergency Updates Newspaper:** The Town of Longboat Key has two newspapers but they are not daily information rather weekly. These papers provide information but if residents are looking for daily information they should seek the Herald Tribune of Manatee and Sarasota County.

When an unexpected weather emergency, security advisory or a health alert is encountered within the Town of Longboat Key, the Town wants to be ready to communicate quickly, effectively, accurately and intelligently in order to contain the situation, limit miscommunication, and lead our citizens responsibly. The Emergency Management Team is confident that citizens/residents will be kept informed and safe with the use of the above.

Communication is vital in any emergency and having a communication plan that includes effective mass emergency messaging (via multiple platforms) is key to efficient emergency management efforts.

Our mobile home parks are an area especially vulnerable to severe weather emergencies such as a tornado, storm surge, and high wind events. We have specifically reached out to those properties to make sure they are registered for our emergency notification system and to also encourage them to utilize weather alert radios.

As the Town of Longboat Key's Emergency Manager, I utilize best practices in our communication efforts during an emergency. As mentioned, the Town takes advantage of automated voice messages, email, text, social media postings, website, NWS use of polygons for specific notifications (prevents over-warning), and mass notification.

As the Town continues to look for ways to enhance public notification outdoor sirens and their effectiveness in today's modern technology have also been considered.

A civil defense siren (also known as an air-raid siren or tornado siren) is a siren used to provide warning of approaching danger and sometimes to indicate when the danger has passed. Initially designed to warn of air raids in World War II, they were adapted to warn of nuclear attack and of natural destructive weather patterns such as tornadoes. The generalized nature of the siren led to many of them being replaced with more specialized warnings, such as the Emergency Alert System or EAS.

In the days before the internet, smart phones, and auto-activating weather radios, communities across the Country repurposed their wartime air raid sirens for tornado alerts. These systems allowed people who were outside to run for shelter before the storm arrived. That is the key; they're designed for people who are outside. You are not meant to hear tornado sirens indoors, especially today,

when homes and businesses are able to muffle sound better than they were half a century ago. This is especially true on Longboat Key with hurricane rated windows and enclosures. There are millions of people across this Country putting their lives on the line by listening for a sound they cannot hear.

After the 2016 tornado that damaged property on Siesta Key and claimed two lives in Eastern Manatee County there were many asking questions to local Emergency Managers as to why tornado sirens are not available.

Both Emergency Managers in Manatee and Sarasota County preach the importance of having a National Weather Service (NWS) radio in the home so that if a storm approaches it will provide an alert. As well as the importance of registering with an emergency alerting system such as Alert Longboat Key (Everbridge) and finally having a weather app on your smart phone. The new and evolving technology is providing better and more timely communication to the public on severe weather than ever before.

Outdoor sirens have communication/messaging limitations (sirens convey sound but no specifics as far as what the problem is, where to go, or when it's safe or clear to resume normal activity).

Sirens are not designed to alert residents that are inside nor are they designed to alert persons with a hearing impairment who are some of Longboat Key's most vulnerable residents.

As the Town's Emergency Manager, I reached out to several emergency management and weather professionals to get their insight in the use of outside sirens. Below are their comments:

Steve Litschauer, Manatee County Emergency Manager Chief states, "Manatee County does not use tornado sirens nor is there any plans in the future to use tornado sirens. To be effective you must have 24/7 coverage to monitor and operate them. With so many new technologies including weather radios, IPAWS alerts and numerous smart phone applications, we believe those new technologies can better serve the public than that of the sirens."

Paul Dellegatto, Chief Meteorologist with FOX13 shares, "I am not a big fan of tornado sirens in Florida. We simply do not have enough tornadic activity to warrant the expense of properly installing tornado sirens throughout a community. The money spent could instead be used to promote the importance of receiving severe weather warnings via a NOAA weather radio or a weather app. In this day and age, everyone has a weather app, and if people don't, they should. It's how we communicate. If we were in tornado alley the expense may make sense. Here in Florida, education and promoting weather radio and weather apps makes more sense. Once again, this is just my personal opinion. It may be worth your time to reach out to the NWS office in Ruskin for their opinion."

Dan Noah, Warning Coordination Meteorologist with the National Weather Service, Tampa Bay states:

"Outdoor warning system only"

“Hard to hear inside”

“Expensive to install and maintain”

“Liability if siren doesn't go off during a warning and someone is hurt”

Bob Harrigan, Chief Meteorologist with WWSB-TV states, “They would be OK but in reality, our tornadoes are so fast and are on the ground for just a short period of time that they don't make a lot of sense on top of that I heard the maintenance is tough due to the salt water.”

Ed McCrane, Sarasota County Emergency Management Chief states:

“In the days before the internet, smartphones, and auto-activating weather radios, communities across the Country repurposed their wartime air raid sirens for tornado alerts. These systems allowed people who were outside to run for shelter before the storm arrived and caught them away in the fields. They were designed for people who are *outside* so they could get indoors and into the cellar or into the safe area inside their homes. It is very difficult to hear tornado sirens indoors, especially today in Florida, when homes and businesses are able to muffle sound better than they were half a century ago.

Here are just a few reasons tornado sirens are not suited for use in Florida:

- Salt air in coastal areas will cause the sirens to rust and need replacement often
- Sirens need a power source with a battery back up
- Sirens are expensive and depending on the type can be \$20,000 or more each
- Sirens need regular maintenance and testing
- Sirens would have to be monitored 24/7 in order to be activated when needed
- The person responsible for the siren would have a way to get the warning from the Tampa Bay National Weather Service in Ruskin.
- In order to be heard by all a siren would have to be placed every quarter mile and
- If a tornado hit and the siren did not work or alert people, the Town could possibly be held liable.

The National Weather Service broadcasts forecasts and warnings from radio antennas that cover nearly every square inch of the United States, and specially-designed weather radios can decode these signals and sound a loud tone when a severe weather watch or warning is issued for your county. Weather radios are smoke detectors for the weather, and they should be just as common in homes, schools, and business. These devices save lives—much more than tornado sirens ever could—and they're especially useful for households that don't have smartphones with wireless emergency alert capabilities.

The wireless Emergency Alerts provide the following types of alerts: Imminent Threat Alerts that include extreme weather, and other threatening emergencies in your area

- Public Safety Alerts that are less severe in nature than Imminent Threat Alerts
- AMBER Alerts
- Presidential Alerts during a national emergency”

Craig Fugate: Former FEMA Director states:

“With today’s home insulation, hard to hear at night over the AC. Cell phone Wireless Emergency Alerts reach most people day and night. Also, sirens have limitations, lack of compliance under ADA for deaf and hard of hearing. Unless you get an outdoor speaker system, other than making noise, what’s the emergency?”

In summary, the information obtained and the contacts that were made regarding this topic, I have concluded that “outdoor sirens” may be useful in some very specific cases such as beaches and parks where people may not have their mobile devices readily available. However, literature highlights a number of pitfalls of using sirens, including unrealistic societal dependence on them, desensitization towards them, sound-limiting geographic factors such as wind direction and varying topography, ineffectiveness in elderly and hearing-impaired populations, and the fact that sirens are designed to be heard only in outdoor settings. Not to mention building Codes and the insurance industry have been more stringent by requiring hurricane windows, shutters, and other weather-related items that dampen sound for protection of the structure and occupants.

In closing, with the evolving changes in technology, and better reliability with forecasting, I would recommend the Town continue promoting the weather applications including Alert Longboat Key so residents have access on their personal mobile devices. We will continue to work with media outlets, property managers, and use mailers to enhance the promotion and education of the importance of mobile device weather applications including the purchase of a NWS radio that residents should have in their home. The NWS radio should be considered a lifesaver for weather alerts just as a smoke detector is for smoke in fires.

Recommendations

Continue utilization of the current platforms for emergency notification of the public

Attachments

- A. PowerPoint Presentation (on file in the Town Clerk’s office)

End of Agenda Item