

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR WORKSHOP (IN-PERSON/VIRTUAL)
MAY 18, 2021**

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

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

1. Call to Order and Pledge of Allegiance

Mayor Schneier called the May 18, 2021, Regular Workshop to order at 1:00 p.m., in the Commission Chamber, Town Hall, 501 Bay Isles Road, Longboat Key, Florida. Commissioner Dominick led the Pledge of Allegiance.

2. Pledge of Public Conduct

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

3. Statement of Hybrid Meeting Protocols

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

4. Public to be Heard

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

No items were presented.

5. Reports & Proclamations

A. Committee Reports

1. Organizations

Vice Mayor Haycock commented on issues discussed at the Sarasota Council of Governments noting that all agencies plan to move forward with reopening, scheduling in-person events, and noted the Sarasota-Bradenton International Airport statistics.

Vice Mayor Haycock noted attendance at the Sarasota Bay Estuary Program meeting and reviewed the issues discussed.

2. Organizations

Commissioner Bishop noted attendance at the ManaSota League of Cities meeting on May 13, 2021, reviewed issues discussed, and presented Mayor Schneier, on behalf of the Florida League of Cities, the Home Rule Hero Award.

Mayor Schneier noted that Town Manager Tom Harmer had also received a Home Rule Hero Award, and noted the request to forward correspondence to the Governor to veto the home based business legislation.

Town Manager Harmer distributed a draft copy or correspondence for Commission consideration.

B. COVID-19 Update

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

Town Manager Tom Harmer gave a PowerPoint presentation on the status of the COVID-19 pandemic.

Following comments, there was consensus for the Town Manager to provide a monthly COVID-19 update to the Commission and to do weekly e-mail updates.

C. Charles Hackney, Manatee County Property Appraiser and Mark Johns, Director of Appraisal Services

Following comments by Town Manager Tom Harmer, Manatee County Property Appraiser Charles Hackney and Director of Appraisal Services Mark Johns provided an overview of services provided by his office and reviewed the assessment process. Discussions ensued on the following topics/issues:

- anticipated values for 2020
- valuation based on market rates
- sales/ratio study valuation
- valuation of single family homes versus condominiums
- valuation versus millage rates between Manatee and Sarasota Counties.

D. Proclamation – National Public Works Week, May 16-22, 2021 - “Stronger Together” Mayor Schneier read and presented the National Public Works Week Proclamation to Public Works Team Members Curtis Vandermolen, Frank Scrivani, and Public Works Director Isaac Brownman.

6. Discussion Items

A. Request for Referendum from Mr. Bruce Franklin for Property Located at 597 Buttonwood Drive

A request for referendum has been submitted by Mr. Bruce Franklin, Land Resource Strategies, LLC, for property located at 597 Buttonwood Drive. Mr. Franklin requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter. Recommended Action: Provide direction to Manager.

Town Manager Tom Harmer provided an overview of the request. Town Attorney Maggie Mooney noted the action requested is a legislative matter, does not grant or authorize a change in property status, only permits the property owner to request a placement of a density question on the November 2021 ballot, and noted the timeframe for ballot placement. Discussion ensued on the following topics/issues:

- premise of petition process
- inconsistencies in the request as to information provided
- inclusion of details in an Ordinance for the ballot question
- second reading would be scheduled for July 6, 2021, (Regular Commission meeting)
- separate process for final approval of a rezoning request
- no deadline/timeframe for a voter approved referendum to enact the proposal.

Mayor Schneier clarified the action required to move the requests forward and upon inquiry, Town Attorney Mooney noted the actions available to the Commission in consideration of the requests.

Planning, Zoning, and Building Department Director Allen Parsons noted that the petition process had not been utilized since 1998 and noted that the last referendum passed in 2019 had not proceeded with a rezoning request. Mr. Parson identified the property under consideration and advised that any property owner can submit a request for consideration.

Mr. Bruce Franklin, Land Resource Strategies, LLC, agent for American Momentum Bank and Brista Homes, Inc., commented on the proposed referendum request and supported approval. Discussions were held on the following topics/issues:

- impact of change from office/instructional to residential would not impact abutting commercial properties
- builder is unrelated to the properties developed on the corner of Buttonwood and Gulf of Mexico Drive
- confirmation that builder has built homes on Longboat Key
- zoning of surrounding properties
- previous zoning of the property
- current property ownership
- limited to parcel under consideration
- current ownership
- development plans for abutting parcels.

Town Clerk Shinkle read comments from Mr. Eric Werneke into the record.

Subsequent to comments by Town Attorney Mooney, there was consensus to direct staff and the Town Attorney to work with the requestor to develop an ordinance, with a clear and concise statement describing the request, to be placed on a future ballot, and to include a provision that the requestor would be responsible for all costs associated with the referendum.

B. Request for Referendum from Mr. Ryan Snyder for Property Located at 6810 Gulf of Mexico Drive

A request for referendum has been submitted by Ryan Snyder, Whitney Plaza, LLC, from property located at 6810 Gulf of Mexico Drive. Mr. Snyder requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter. Recommended Action: Provide direction to Manager.

Planning, Zoning, and Building Department Director Allen Parsons gave an overview of the request.

Mr. Ryan Snyder, Lakewood Ranch Boulevard, commented on the proposed development and requested approval. Discussions were held on the following topics/issues:

- Staff's versus owner's estimated acreage
- anticipated development plan
- consideration of providing a conceptual plan for the public
- notification of commercial tenants on the intent to convert property
- previous referendum request
- available zoning districts (mixed use)
- previous requests
- parcel identifications (3 parcels)
- development options/number of units
- lack of clarity on proposed development.

There was majority consensus to deny the request and require the requestor to obtain 709 registered voter signatures, to be verified by the Supervisor of Elections staff, to place the issue on a future ballot.

C. Request for Referendum from Mr. Joel Freedman for Property Located at 6960 Gulf of Mexico Drive

A request for referendum has been submitted by Joel Freedman, agent for the Marterie Family Trust, UTD, for property located at 6960 Gulf of Mexico Drive. Mr. Freedman requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter. Recommended Action: Provide direction to Manager.

Planning, Zoning, and Building Department Director Allen Parsons gave an overview of the request.

Mr. Joel Freedman, Pineapple Avenue, representing the Marterie Family Trust, commented on the proposed development and requested approval. Discussions were held on the following topics/issues:

- current lease of property to Whitney's Restaurant for parking
- anticipated height of the proposed development
- zoning of surrounding property
- Whitney Overlay proposal
- previous referendum requests
- total number of proposed units
- property access.

There was consensus to direct staff and the Town Attorney to work with the requestor to develop an ordinance, with a clear and concise statement describing the request, to be placed on a future ballot, and to include a provision that the requestor would be responsible for all costs associated with the referendum.

RECESS: 2:45 p.m. - 3:00 p.m.

D. Florida Department of Environmental Protection (FDEP) Consent Order OGC File No. 20-1261, Revised In-Kind Projects

Town staff will present an updated recommendation for in-kind projects to FDEP to meet the requirements of the Consent Order negotiated between the Town and FDEP. Town staff has revised the in-kind projects list based on feedback received from the option presented to FDEP following the April 5, 2021, Regular Meeting. Recommended Action: Provide direction to Manager.

Following comments by Town Manager Tom Harmer, Public Works Director Isaac Brownman gave a PowerPoint presentation on the FDEP Consent Order and the proposed revisions to the in-kind projects list. Discussions were held on the following topics/issues:

- discussions with FDEP on time frame for completion
- time frame for proposed project with Florida Fish and Wildlife
- options for other projects/non-acceptance of routine maintenance projects
- collaboration with the Sarasota Bay Estuary Program
- options for commercial oyster venture
- consideration of other items by the FDEP (provide more than one project).

Dr. James Whitman, Norton Street, suggested improvements to Quick Point Park.

Following comments on additional options for consideration there was consensus to submit more possible projects in addition to the Bayfront Park Shoreline as in-kind projects.

E. Utilities Undergrounding Project Update

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

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

- project savings
- rebates received for old poles/wiring.

There was consensus to schedule the next presentations in July and September.

Town Manager Harmer noted that Staff will include all updated information in the presentations.

F. Review of Resolution 2013-33, Commission Policy Regarding Electronic Meeting Attendance and Participation

Town staff will present discussion regarding the current Commission policy for meeting attendance and participation via electronic means. The Commission may consider options for increased flexibility to participate remotely when a quorum is physically present. Recommended Action: Provide direction to Manager.

Town Manager Tom Harmer provided an overview of Resolution 2013-33. Town Attorney Maggie Mooney provided an overview of previous consideration of the issues and provided information on the Florida Attorney General's opinions on participation. Discussions were held on the following topics/issues:

- list of standards for electronic participation
- handling of unexpected emergencies
- providing flexibility/inclusion of restrictions
- Charter requirements
- consideration of legislative versus quasi-judicial issues.

There was consensus to develop a comprehensive list of emergency situations that allow participation in a voting meeting when a Commissioner is unable to attend and a physical quorum is present.

Town Manager Harmer noted the budget process for setting the tentative maximum millage. Discussion ensued on the July meeting schedule and remote participation.

7. Town Commission Comments

A. Organizations

Commissioner Bishop inquired and there was consensus to forward correspondence Governor DeSantis supporting the veto of the home based business legislation.

B. Police Department

Commissioner Bishop requested that the issue of noise on the north end of the island be moved up to the June Regular Meeting.

Town Attorney Maggie Mooney commented on issues to be reviewed, new State legislation, and the complicated factors to be reviewed.

Mayor Schneier requested that the Town Attorney provide a summary at the June Regular Meeting and to provide a comprehensive report at the June Workshop.

C. Government Agencies

Mayor Schneier noted attendance at the Sarasota City Commission meeting relating to the discussion regarding development on St. Armands Key and the lack of communication from the Sarasota City Manager. Individual comments followed.

8. Town Attorney Comments

No items were presented.

9. Town Manager Comments

Town Commission

Town Manager Tom Harmer noted an option to reschedule the July 6, 2021, Regular Meeting to July 2, 2021.

Upon inquiry, Finance Department Budget Manager Sandi Henley noted that the certification was due no later than August 4, 2021.

There was consensus to reschedule the July 6, 2021, Regular Meeting to 9:00 a.m. on July 2, 2021.

Town Manager Harmer noted that Manatee County Commission had requested rescheduling of the May 26, 2021, Joint Meeting and requested consideration to reschedule the meeting to September 30, 2021.

There was consensus to reschedule the May 26, 2021, Joint Meeting with the Manatee County Commission to September 30, 2021.

Town Manager Harmer noted that an Executive Session has been scheduled for June 7, 2021, at 10:00 a.m., to be followed by the Regular Meeting at 1:00 p.m., and noted items to be considered at the meeting.

Town Commission

Town Manager Tom Harmer inquired and there was consensus to remove the panels from the dais prior to the next Commission meeting.

10. Adjournment

Mayor Schneier adjourned the Regular Workshop at 4:40 p.m. and reconvened the Budget Workshop.



Trish Shinkle, Town Clerk

Minutes Approved: 7/2/2021



Kenneth Schneier, Mayor

