

1. Agenda

Documents:

0 - 01-20-26 TCRW AGENDA.PDF

2. Meeting Materials

Documents:

01 - 4A - NO MATERIALS FOR THESE ITEMS.PDF

04B - PROJECT RECOGNITION, GULF OF MEXICO DRIVE TURN LANE.PDF

05A - STATUS OF THE POLICE DEPARTMENT.PDF

05B - FOOD TRUCK DISCUSSION.PDF

05C - TEMPORARY CERTIFICATES OF OCCUPANCY DISCUSSION.PDF

06 - 09 - NO MATERIALS FOR THESE ITEMS.PDF



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; Debra Williams, Vice Mayor;

Gary Coffin, District 1; Penny Gold, District 2;

Sarah Karon, District 5; B.J. Bishop, At-Large

Steve Branham, At-Large

AGENDA REGULAR WORKSHOP JANUARY 20, 2026 - 1:00 PM

1. Call to Order and Pledge of Allegiance

2. Pledge of Public Conduct

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

3. Public to be Heard

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

4. Reports

A. Committee Reports

B. Project Recognition – State Road 789 (Gulf of Mexico Drive) and Country Club Shores Turn Lane

5. NEW BUSINESS

A. Police Department Status Update

Chief of Police, Russ Mager, will provide an update regarding the current status of the Police Department.

Recommended Action: None, informational only.

B. Restrictions and Standards for Food/Beverage Trucks/Trailers

Town Staff will provide an overview of the Zoning Code Standards for food trucks.

Recommended Action: None, informational only.

C. Temporary Certificates of Occupancy Discussion

Town Staff will provide an overview of the requirements and process for obtaining Temporary Certificates of Occupancy.

Recommended Action: None, informational only.

6. Town Commission Comments

7. Town Attorney Comments

8. Town Manager Comments

9. Adjournment

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

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing a reasonable accommodation to participate in this proceeding should contact the Town Clerk's office at 941-316-1999 seventy-two (72) hours in advance of this proceeding. If you are hearing impaired or require an alternative means of communication, utilize Florida Relay Service by dialing 7-1-1 (TTY) or one of the following toll-free numbers:

1-800-955-8770 (Voice), 1-800-955-1339 (ASCII), 1-877-955-8260 (VCO-Direct), or 1-800-955-5334 (STS).

**January 20, 2026
Regular Workshop
Agenda Items 1 – 4A**

- 1. Call to Order and Pledge of Allegiance**
- 2. Pledge of Public Conduct**
- 3. Public to be Heard**
- 4. Reports**
 - A. Committee Reports**

No Material Provided for These Items

END OF AGENDA ITEM

M E M O R A N D U M

TO: Howard Tipton, Town Manager
FROM: Charlie Mopps, Public Works Director
REPORT DATE: December 31, 2025
MEETING DATE: January 20, 2026
SUBJECT: Country Club Shores Turn Lane Project Update

Background

The Florida Department of Transportation (FDOT) and the Town of Longboat Key entered into a Joint Participation Agreement (JPA) for the Gulf of Mexico Drive Country Club Shores Turn Lane Project on March 4, 2024. The JPA provides for a three-year agreement, compensation of \$1,440,729.00 for project costs, and includes project construction. The compensation amount was increased to \$2,648,056.00 on November 7, 2024, for construction.

Project Description

The project is located on State Road 789 (Gulf of Mexico Drive) from Channel Lane to Longboat Club Road. The limits of this project are from the intersection of Channel Lane, extending north to the intersection of Longboat Club Road for a total of 0.84 miles. The improvements included the widening of the existing pavement by 12 feet on the southbound side, for a 44-foot-wide total pavement section.

The roadway section includes the following:

- Two (2) 11-foot travel lanes
- One (1) 10-foot turn lane
- Two (2) six-foot wide paved shoulders (widened bike lanes)
- Swale with a 3-foot-wide bottom on the south side of the roadway
- Five (5) landscape medians

Project Milestones

The project design began in 2016 by DMK Associates, Inc., the Engineer of Record for this project. Design costs in the amount of \$210,232.00 were followed by bidding, which was opened on June 21, 2024. Superior Asphalt, Inc. was awarded the construction contract in the amount of \$2,559,963.35. Madrid Engineering Group, Inc., was responsible for the Construction Engineering and Inspection (CEI) services. Their contract totaled \$110,115.00.

- FDOT issued a Notice to Proceed (NTP) on November 19, 2024, for Construction Phase Services.
- NTP for Superior Asphalt was issued on February 3, 2025, and work began on February 17, 2025.
- Construction contract time was 270 days (October 30, 2025) to substantial completion and 330 days (December 30, 2025) for final completion.

Project Improvements and Benefits Achieved

- With community engagement, a decision was made to reduce the size of the five (5) medians. This allowed for an increased length of the turn lanes for vehicles to queue, amplifying the safety measures previously designed into the project.
- This project achieved substantial completion on November 14, 2025.
- Utilizing input from the Town Utilities team, we were able to reduce the number of irrigation taps into our water system from five (5) taps to two (2) taps, yielding a savings of thousands of dollars in deductive change orders.
- Collaborative efforts reduced the necessity of any night work change orders and facilitated minimizing traffic flow or congestion issues. This helped avoid adverse impacts on the community.
- Additional savings have been achieved due to a reduction in materials utilized, which will be realized in the final reconciliation change order.
- A final completion walk-through was satisfactorily completed on December 29, 2025. This project was completed without any timeline extensions or cost overages.

Staff Recommendation

None, informational only.

Attachments (Available in the Town Clerk's Office)

PowerPoint Presentation

End of Agenda Item

M E M O R A N D U M

TO: Howard Tipton, Town Manager
FROM: Russ Mager, Chief of Police
REPORT DATE: January 9, 2026
MEETING DATE: January 20, 2026
SUBJECT: Police Department's Year in Review 2025

Background

The Longboat Key Police Department's 2025 Year in Review provides an overview of departmental operations, performance, and progress throughout the past year. This report reflects our continued commitment to public safety, professionalism, and community service.

During 2025, the department maintained stable staffing levels throughout the year with two staff members leaving in December (the retirement of the Deputy Chief and one police officer resigning for family needs outside of the state). However, we remain actively engaged in recruitment, retention, and professional development.

Operational data highlights overall crime trends, calls for service, self-initiated activity, and community engagement. Crime remained at historically low levels, while traffic enforcement and crash investigations remain a priority.

Marine patrol operations continue to play a crucial role in public safety, environmental protection, and enforcement of boating regulations. The department also emphasizes training and accreditation, ensuring compliance with professional standards and enhancing officer readiness through ongoing instruction and certifications.

The department successfully pursued grant funding to support equipment, technology, marine operations, and pedestrian and bicycle safety initiatives. The grants improved operational efficiency and enhanced fiscal responsibility. Accreditation efforts remained a priority, reinforcing accountability and best practices.

Looking ahead, the report outlines key priorities for 2026, including workforce development, technology enhancements, traffic and marine initiatives, continued accreditation compliance, and strengthening community partnerships.

The Longboat Key Police Department remains dedicated to providing exceptional service and safeguarding the quality of life for our residents, visitors, and businesses.

Attachments (Available in the Town Clerk's Office)

PowerPoint Presentation

End of Agenda Item

M E M O R A N D U M

TO: Howard Tipton, Town Manager

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

REPORT DATE: December 24, 2025

MEETING DATE: January 20, 2026

SUBJECT: Overview of Zoning Code Standards for Food Trucks

Background

At the November 3, 2025, Town Commission Regular Meeting, Commissioner Bishop requested a staff report relating to restrictions and standards for food/beverage trucks/trailers.

The Zoning Code does not expressly allow Food Trucks as permanent or long-term uses in any Zoning District. Food trucks are allowed via Concessionaire's Agreements (no agreements for a food truck are currently in place with the Town). Alternatively, Food Trucks may be permitted through a Temporary Use Permit (TUP) on private property or as a Public Forum Permit (PFP) on public property. TUPs and PFPs are typically associated with special events such as art and craft shows, fundraisers, garage sales, or farmers' markets.

The Town requires compliance with minimum standards (see attachment) related to food safety, public safety, and the minimization of nuisance and impacts to adjacent properties. Approvals are time-limited and contain conditions that address appropriate safeguards during the approved duration.

Per Florida Statute (F.S. 509.102), the regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees is preempted to the state. A municipality, county, or other local governmental entity cannot require a separate license, registration, or permit other than the license required under F.S. 509.241, or require the payment of any license, registration, or permit fee, other than the fee required under F.S. 509.251, as a condition for the operation of a mobile food dispensing vehicle within the entity's jurisdiction. In addition, local governments cannot prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction.

Recent Issuance of a TUP for a Food Truck

The focus of this topic is related to the issuance of a TUP for a mobile coffee kiosk at the site of the former Turtle Cafe (3172 Gulf of Mexico Drive) for a period of up to 6 months, with 90-day renewals required (initially approved on September 2, 2025, and extended for 90 days on December 2, 2025). The subject property experienced storm surge damage from Hurricane Helene. This atypical TUP was associated with ongoing hurricane recovery efforts, requested by the building's owners. The owner was seeking a retail service to generate revenue by providing drink and food offerings, similar to those provided by the Turtle Cafe.

Staff reviewed the TUP request and determined that approval was warranted due to the unique circumstances and the specific features of the property. The approved TUP

includes conditions prohibiting the sale or distribution of alcoholic beverages, amplified music, limitations on the use of temporary signs, banners, and other attention-getting devices, and prohibitions related to placing the food truck in a public right-of-way or on public roadways.

Staff determined that the approved TUP would not establish a precedent for food trucks on other commercial properties in the Town; the TUP for the proposed Coffee Kiosk *permitted the use only within the footprint of the Turtle Café's outdoor seating area*. The photos below show the location of the Coffee Kiosk within the Turtle Café's footprint.



Aerial View of Kiosk Location



Street View of Kiosk Location

Food Truck Regulations in Nearby Jurisdictions

A sampling of Sarasota County jurisdictions indicates that all jurisdictions allow food trucks. They are generally allowed in non-residential zoning districts with standards that address licensing, liability, maintenance/cleanliness, insurance and health rules, hours of operation, limitations on signage, amplified music, and alcohol sales.

Staff Recommendation

None, informational only.

Attachment

Town Food Truck Service Minimum Requirements (Available in Town Clerk's Office)

End of Agenda Item

MEMORANDUM

TO: Mayor Schneier and Town Commissioners
CC: Howard N. Tipton, Town Manager
Allen Parsons, Director of Planning, Zoning, and Building
FROM: Maggie Mooney, Town Attorney
Amy Farrington, Esq.
REPORT DATE: January 9, 2026
MEETING DATE: January 20, 2026
SUBJECT: Certificates of Occupancy and Temporary Certificates of Occupancy

The Town Attorney's office was asked at a public meeting to examine the existing state and local laws related to the issuance of a Certificate of Occupancy and a Temporary Certificate of Occupancy as part of the Town's evaluation on whether locally adopted deadlines should be adopted for Temporary Certificates of Occupancy. At the time of the Town Commission's request, the Town Attorney's office requested time to provide the Town Commission with an overview of the applicable state and local governing laws.

Authority Background

Florida law establishes the Florida Building Code (FBC), which is adopted by statute and rule, and is intended to contain Florida's minimum standardized rules and laws pertaining to building construction standards. The responsibility for "enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency." (Section 553.79(1)(e), F.S.). The Town has adopted the Florida Building Code in Section 150.01 of the Town's Code of Ordinances, and that section states:

The Florida Building Code together with appendices is hereby adopted as the building code of the town.

See, Sec. 150.01, Town Code.

For purposes of the Town's implementation of the FBC, the Town Manager hires and appoints a Building Official who is then responsible for the administration and enforcement of the state and local building standards pursuant to the Florida Building Code.

Building Official Authority

A Certificate of Occupancy (CO) is the final approval document that a building official issues, certifying that a building complies with all applicable building codes and standards (state and local) and is safe for occupancy for its intended use. The Florida Building Code (FBC) provides that a "building or structure shall not be used or occupied...until the building official has issued a certificate of occupancy." (FBC Section 111.1)¹ After the

¹ All references to the Florida Building Code are from the 8th edition, 2023.

building official inspects a building or structure and finds no violations of the FBC or other safety laws, the building official “shall” issue a certificate of occupancy. (FBC Section 111.2)

A Temporary Certificate of Occupancy (TCO) may be issued prior to the completion of the entire work covered by a permit, “provided that such portion or portions shall be occupied safely.” (FBC Section 111.3) The FBC authorizes the building official to issue a TCO for portions of a building prior to the completion of the entire structure and requires that the building official “set a time period during which the temporary certificate of occupancy is valid.” (FBC Section 111.3) The FBC does not outline specific time limits or schedules for TCOs.

Current Process

The Town adopted the current building user fee structure that includes a fee for TCO issuance in thirty (30) day increments. The schedule includes additional fees for the extension of TCO periods, and such extensions are granted at the discretion of the building official.

The TCO application form outlines that “[i]n certain circumstances, a Temporary Certificate of Occupancy (TCO) may be approved when the majority of the construction is completed, and only minor issues remain.” (emphasis added). A copy of the current TCO application form is attached as Exhibit A. The application also provides that a TCO is valid for a thirty (30) calendar day period only and that requested extensions are “not guaranteed to be approved.”

Regardless of these internal TCO time limits, applicants are required to obtain a CO following the expiration of the TCO. Further, the Town currently has a CO deadline embedded in the Town’s Land Development Code and considers an approved Site Development Plan null and void if, among other things, a CO has not been issued for all phases of the project within three (3) years from the final building or development phase of the project.² The Town does allow for some flexibility based on conditions outside of the voluntary actions of the applicant. However, this existing Town Code provision establishes an outer time frame of three (3) years for the issuance of a CO for projects subject to Site Development Plan approval.

Instituting Timeframes

Local governing boards, as entities with authority to enforce the Florida Building Code (FBC), are required to comply with the standards for issuance of mandatory certificates of occupancy.³ However, local governments may adopt amendments to the

² Town Code Section 158.029(3) provides: “An approved Site Development Plan becomes null and void if: ... (3) A final Certificate of Occupancy for all phases of the project has not been issued within three years from the date set for receipt of a complete application for Building Permit for the final building or development phase of the project.” This language previously appeared in Section 158.099 (2018) and was later renumbered to Section 158.029 without substantive change.

³ In Florida, the issuance of a certificate of occupancy is not considered a discretionary function. “All entities authorized to enforce the Florida Building Code...shall comply with the applicable standards for issuance of mandatory certificates of occupancy.” (Sec. 553.73(4), F.S.) “After the building official inspects the building or structure and does not find violations of the provision of this code or other laws that are enforced by the department of building safe, the building official shall issue a certificate of occupancy.” (FBC Section 111.2)

administrative provisions of the FBC within certain parameters. (Section 553.73(4), F.S.). Local administrative amendments must:

- (a) be more stringent than the minimum FBC standards; and
- (b) be transmitted to the Florida Building Commission within 30 days of enactment.

A TCO time limit would likely qualify for this process as it does not affect actual construction requirements (which would require technical amendments) and would constitute a supplement to the FBC requirement regarding time periods for TCOs.

Notwithstanding the foregoing, Town Code amendments to the Land Development Code, whether administrative or technical, must be viewed through the perspective of the recently passed Senate Bill 180 (2025). In relevant part, SB 180 prohibits local jurisdictions impacted by Hurricanes Debby, Helene, or Milton from proposing or adopting more restrictive or burdensome amendments in land development regulations. The legislation also provides that any adopted restrictive or burdensome amendments prior to October 1, 2027, will be considered null and void *ab initio*, meaning that the amendments have no legal authority at the moment they are passed by the governing body.⁴

Since Sarasota and Manatee counties were designated within the Federal Disaster Declaration for all three hurricanes, the Town of Longboat Key is also a jurisdiction subject to the SB 180 legislation. The Town's Building Code (Chapter 150 of the Town Code) is integrated within the Town's Land Development Code (Title 15), and potential amendments to Chapter 150 that are interpreted as imposing new or more restrictive requirements could be rendered null and void at this time.

Once again, this Memorandum is provided in response to the Town Commission's inquiry into the subject of COs and TCOs and is intended to provide general information relating to applicable Florida laws and Town Code. This Memorandum is not intended to address any specific CO or TCO questions associated with particular properties or projects. For additional questions, please do not hesitate to contact us directly to discuss.

Staff Recommendation

None, informational only.

Attachment (1) (Available in the Town Clerk's Office)

Exhibit A: Town of Longboat Key's Temporary Certificate of Occupancy Application

⁴ Section 28 of SB 180 provides:

(1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-1322 4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void *ab initio*. This subsection applies retroactively to August 1, 2024.

End of Agenda Item

**January 20, 2026
Regular Workshop
Agenda Items 6 – 9**

- 6. Town Commission Comments**
- 7. Town Attorney Comments**
- 8. Town Manager Comments**
- 9. Adjournment**

No Material Provided for These Items

END OF AGENDA ITEM