

**MINUTES
LONGBOAT KEY TOWN COMMISSION
REGULAR MEETING
MAY 2, 2011 - 7:00 P.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Hal Lenobel, Phillip Younger

Also Present: Town Manager Bruce St. Denis, Town Attorney David Persson,
Town Clerk Trish Granger

CALL TO ORDER

Mayor Brown called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor Brown requested and Commr. Lenobel led the Pledge of Allegiance.

Mayor Brown noted that Commr. Zunz would not be in attendance this date.

MINUTES APPROVAL

1. March 21, 2011 Statutory Meeting; and March 24, 2011 Regular Workshop Meeting Minutes.
Mayor Brown noted distribution of amendments to the March 24, 2011, Regular Workshop meeting.

Subsequent to comments, there was consensus to approve the Minutes of the March 21, 2011, Statutory Meeting and the March 24, 2011, Regular Workshop Meeting, as amended.

COMMITTEE REPORTS AND COMMUNICATIONS

A. Town Commission

Commr. Brenner noted the Town's Investment Advisory Committee had met earlier this date and commented on issues discussed.

PUBLIC TO BE HEARD

2. Opportunity for Public to Address Town Commission - No items were presented.

ORDINANCES - FIRST READING

3. Ordinance 2011-09, Amending Chapter 92, Beaches, Parks and Public Places and Section 33.18, Schedule of Violations and Fines

The Town Attorney and Police Chief are recommending an update and amendment to Chapter 92, Parks; and Chapter 33, Section 33.18, General Regulations, Schedule of Violations. Ordinance 2011-09 provides for streamlining regulations related to standards for the use of Town beaches, parks and public places, and fines imposed for violations. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-09 to the June 6, 2011 Regular Meeting for second reading and public hearing.

3. Ordinance 2011-09, Amending Chapter 92, Beaches, Parks and Public Places and Section 33.18, Schedule of Violations and Fines - Continued

Town Clerk Trish Granger placed Ordinance 2011-09 on record by title only for first reading.

Commr. Larson moved to pass Ordinance 2011-09 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Town Manager Bruce St. Denis reviewed the concerns expressed at the April 28, 2011, Regular Workshop, noted that Police Chief Al Hogle had followed up on the discussion, and requested consideration to amend the Ordinance to incorporate Bay accesses in addition to beach accesses.

Commr. Larson, seconded by Commr. Younger, amended the motion to incorporate the changes requested by the Town Manager without objection.

The motion, as amended, carried by a 6-0 roll call vote, as follows: Larson, aye; Younger, aye; Brenner, aye; Brown, aye; Lenobel, aye; Duncan, aye.

4. Ordinance 2011-12, Amending Chapter 34, Employment Policies, Firefighters' Retirement System Pension Mortality Table

At the February 23, 2011 Firefighters' Retirement System Board of Trustees meeting the Board voted to forward Ordinance 2011-12 for Commission consideration. Ordinance 2011-12 amends Chapter 34, Section 34.43 by updating the pension mortality table. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-12 to the June 6, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-12 on record by title only for first reading.

Commr. Lenobel moved to pass Ordinance 2011-12 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Lenobel, aye; Duncan, aye; Larson, aye; Younger, aye; Brenner, aye; Brown, aye.

5. Ordinance 2011-18, Amending Chapter 34, Employment Policies, General Employees' Retirement System Pension Mortality Table

At the February 23, 2011 General Employees' Retirement System Board of Trustees meeting the Board voted to forward Ordinance 2011-18 for Commission consideration. Ordinance 2011-18 amends Chapter 34, Section 34.73 by updating the pension mortality table. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-18 to the June 6, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-18 on record by title only for first reading.

5. Ordinance 2011-18, Amending Chapter 34, Employment Policies - Continued

Commr. Younger moved to pass Ordinance 2011-18 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Larson, carried by a 6-0 roll call vote, as follows: Younger, aye; Larson, aye; Brenner, aye; Duncan, aye; Brown, aye; Lenobel, aye.

6. Ordinance 2011-19, Amending Chapter 34, Employment Policies, Police Officers' Retirement System Pension Mortality Table

At the February 23, 2011 Police Officers' Retirement System Board of Trustees meeting the Board voted to forward Ordinance 2011-19 for Commission consideration. Ordinance 2011-19 amends Chapter 34, Section 34.13 by updating the pension mortality table. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-19 to the June 6, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-19 on record by title only for first reading.

Vice Mayor Brenner moved to pass Ordinance 2011-19 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Duncan, carried by a 6-0 roll call vote, as follows: Brenner, aye; Duncan, aye; Younger, aye; Lenobel, aye; Brown, aye; Larson, aye.

7. Ordinance 2011-20, Amending Chapter 34, Employment Policies, Elimination of Deferred Retirement Option Plan (DROP) Participant Voting Rights

At the February 23, 2011 Firefighters' Retirement System Board of Trustees meeting, the Board voted to forward Ordinance 2011-20 for Commission consideration. Ordinance 2011-20 amends Chapter 34, Section 34.45, eliminating a DROP participant's voting rights in elections for the Firefighters' Retirement System Board of Trustees. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-20 to the June 6, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-20 on record by title only for first reading.

Commr. Duncan moved to pass Ordinance 2011-20 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion, seconded by Larson, carried by a 6-0 roll call vote, as follows: Duncan, aye; Larson, aye; Lenobel, aye; Brown, aye; Brenner, aye; Younger, aye.

8. Ordinance 2011-22, Amending Chapter 34, Employment Policies, Incorporating Police Officers' Contract Changes

At the February 23, 2011 Police Officers' Retirement System Board of Trustees meeting, the Board forwarded Ordinance 2011-22 for Commission consideration. Proposed Ordinance 2011-22 amends Chapter 34, Section 34.40 to incorporate amendments as a result of the ratified Collective Bargaining Agreement (CBA) between the Town and the Southwest Florida Police Benevolent Association. Recommended Action: Pending first reading and discussion, forward Ordinance 2011-22 to the June 6, 2011 Regular Meeting for second reading and public hearing.

8. Ordinance 2011-22, Amending Chapter 34, Employment Policies - Continued

Town Clerk Trish Granger placed Ordinance 2011-22 on record by title only for first reading.

Vice Mayor Brenner moved to pass Ordinance 2011-22 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Younger, carried by a 6-0 roll call vote, as follows: Brenner, aye; Younger, aye; Larson, aye; Duncan, aye; Lenobel, aye; Brown, aye.

ORDINANCES - FIRST READING AND PUBLIC HEARING

9. Ordinance 2011-04, Amending Section 158.027, Appeals

At their March 15, 2011 Meeting the Planning & Zoning (P&Z) Board recommended approval of Ordinance 2011-04 which amends Town Code Chapter 158.027, Appeals to correct a scrivener's error. This item is housekeeping in nature and was forwarded from the March 24, 2011 Regular Workshop Meeting Consent Agenda for first reading and public hearing. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2011-04 to the June 6, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-04 on record by title only for first reading and public hearing.

Vice Mayor Brenner moved to pass Ordinance 2011-04 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Lenobel.

Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.

Following comments, the motion carried by a 6-0 roll call vote, as follows: Brenner, aye; Lenobel, aye; Brown, aye; Duncan, aye; Larson, aye; Younger, aye.

10. Ordinance 2011-10, Amending Section 158.152, Walls, Fences, Hedges, Berms, Landscape Logs and Firewood

At their February 15, 2011 Meeting the Planning and Zoning (P&Z) Board recommended approval with some modifications to Ordinance 2011-10. This ordinance was forwarded from the March 24, 2011 Regular Workshop Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2011-10 to the June 6, 2011 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2011-10 on record by title only for first reading and public hearing.

Commr. Larson moved to pass Ordinance 2011-10 and to forward to the June 6, 2011, Regular Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Brenner.

10. Ordinance 2011-10, Amending Section 158.152 - Continued

Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.

Following comments, the motion carried by a 6-0 roll call vote, as follows: Larson, aye; Brenner, aye; Younger, aye; Lenobel, aye; Duncan, aye; Brown, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

11. Ordinance 2011-06, Firefighters' Retirement System IRS Compliance Determination

Ordinance 2011-06 provides for compliance with all current qualification requirements, including Section 401(a)(9); and Section 415. The Firefighters' Retirement System Board Attorney advises that these are technical amendments that will not increase or decrease benefits payable by the pension plan. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2011-06.

Town Clerk Trish Granger placed Ordinance 2011-06 on record by title only for second reading and public hearing.

Commr. Lenobel moved to adopt Ordinance 2011-06 on second reading and public hearing. The motion was seconded by Vice Mayor Brenner.

Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.

The motion carried by a 6-0 roll call vote, as follows: Lenobel, aye; Brenner, aye; Brown, aye; Younger, aye; Larson, aye; Duncan, aye.

12. Ordinance 2011-17, Amending Chapter 74, Parking Schedules

The Florida Department of Transportation (FDOT) prohibits parking in the State right-of-way along Gulf of Mexico Drive (GMD), with few exceptions. Ordinance 2011-17 proposes to codify that parking in the GMD right-of-way is prohibited Island-wide, except for lawfully non-conforming parking areas. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2011-17.

Town Clerk Trish Granger placed Ordinance 2011-17 on record by title only for second reading and public hearing.

Commr. Larson moved to adopt Ordinance 2011-17 on second reading and public hearing. The motion was seconded by Younger.

Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.

The motion carried by a 6-0 roll call vote, as follows: Larson, aye; Younger, aye; Duncan, aye; Brenner, aye; Lenobel, aye; Brown, aye.

QUASI-JUDICIAL - RESOLUTION

13. Quasi-judicial - Resolution 2011-17, Providing Colony Beach and Tennis Club Association, Inc. an Extension of Time to Comply With Regulations Governing Nonconforming Uses and Structures

Chapter 158.138(B)(8)(b) of the Town's Zoning Code provides for property owners to file a petition to the Town Commission seeking a time extension for the legally nonconforming land use/structures. A nonconforming use not used for a period of one year is considered an abandonment of the legally nonconforming use. Resolution 2011-17 provides for an extension of the legally nonconforming use. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Town Clerk Trish Granger placed Resolution 2011-17 on record by title only.

Following comments by Mayor Brown, Town Clerk Granger administered the oath.

Town Attorney David Persson commented on the quasi-judicial requirements and requested disclosure of any ex-parte communications. Commr. Duncan noted a site visit and advised it would not impact his decision on the testimony and evidence provided this date. Attorney Don Hemke advised of no objection to Commr. Duncan's participation in the hearing.

Commr. Larson noted that several owners of the property had contributed more than \$100 to her election campaign in March 2010. Upon inquiry, Commr. Larson indicated that the contributions would not impact her decision on the testimony and evidence to be provided this date. Attorney Hemke advised of no objection to Commr. Larson's participation this date.

Mayor Brown noted the timeframes of the presentations for the public hearing.

Planning, Zoning, and Building Department Director Monica Simpson, duly sworn, presented Staff's report on the request for an extension received from the Colony Beach and Tennis Club of the non-conforming use and noted Staff's recommendation with conditions outlined in Resolution 2011-17.

Upon inquiry, Ms. Simpson advised that the extension does not impede any redevelopment of the site and noted that to her knowledge, the Colony Beach and Tennis Club had not filed a previous extension.

Town Attorney Persson advised that under the Buccaneer application, there was a previous extension granted.

Ms. Simpson commented on the time frame to be considered, noted that the deadline outlined in the Resolution would need to be discussed with the Colony's agent to determine if adequate time is being considered and options available to the owners, and advised that Section 3 of the Resolution provides the opportunity for the evaluation of the time frame provided, and noted the results of non-completion.

13. Resolution 2011-17, Colony Beach and Tennis Club - Extension of Time - Continued

Attorney Donald Hemke, duly sworn, representing the Colony Beach and Tennis Club, commented on the time frame and time line relating to the bankruptcy court's actions.

Mr. Jay Yablon, President of Colony Beach and Tennis Club Association, Inc., and duly sworn, commented on the history of the Colony and his family's connection with the property, supported the approval of the requested extension, and reviewed issues and legal constraints faced by the individual unit owners,

Dr. Murf Klauber, duly sworn, commented on the requested extension, the time line during the bankruptcy hearings, and noted non-support of the requested extension.

Attorney Hemke noted the request for an extension, discussed the urgency to bring the property up to standards for reopening, and supported approval.

Upon inquiry, Town Attorney Persson commented on the ownership of the units, the impact if the extension is granted as it relates to the density on the property, and the ability, as owners (Association) is properly vested before the Commission.

Discussions were held with Attorney Hemke on the following topics/issues:

- ability for the Association in running a tourism facility
- number of unit owners (approximately 250 owners), multiple ownership, and voting rights per unit (237)
- percentage of affirmative votes to move forward (75%)
- control/ownership of amenities/facilities and beach areas
- owners agreement for nine of the sixteen proposals/issues discussed
- possible results (condemnation of property) if extension is not granted.

Vice Mayor Brenner suggested a revision to Section 3 of the Resolution to require an additional public hearing in May of 2012 to determine the status of the improvements.

Attorney Hemke advised that March of 2012 is a half-way mark and noted agreement to provide a status update at that time.

RECESS: 8:32 p.m. - 8:45 p.m.

Attorney Morgan Bentley, duly sworn, advised of their intent to join in the petition for the extension submitted by the Colony Beach and Tennis Club Association, Inc.

Town Attorney Persson confirmed agreement of Dr. Klauber, the Association, and additional property owners noted the amended petition includes all of the property owners of the Colony Beach and Tennis Club property.

Vice Mayor Brenner requested and discussion ensued on proposed amendments to Resolution 2011-17, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

13. Resolution 2011-17, Colony Beach and Tennis Club - Extension of Time - Continued

~~SECTION 3. It is recognized by the Town that the Association may request an additional extension of time from the Town Commission; however, any extension request must be acted upon prior to December 31, 2012.~~

In order to evaluate progress made and in recognition that an additional extension of time may be requested, a hearing shall be held at the regular meeting of the Town Commission in March 2012, or at a time mutually agreed upon to examine and determine the status of the efforts to redevelop or reopen the Colony. Any additional extension must be acted upon prior to December 31, 2012.

WHEREAS, all property owners within the Colony Beach and Tennis Resort have joined in this application; and

SECTION 2. The Town Commission pursuant to 158.138 (B)(8)(b) of the Town's Zoning Code hereby grants the ~~Colony Beach and Tennis Club Association, Inc.,~~ an extension of the time until December 31, 2012, to redevelop or use the nonconforming uses and structures at the Colony without being deemed to have been abandoned in accordance with Section 158 (B)(8)(a).

Discussion ensued on the option to request consideration of the time extension by the individual property owners (75% of the Association).

Mayor Brown closed the public hearing.

Town Attorney Persson requested consideration for additional modifications to Resolution 2011-17, as follows (deletions shown as ~~strikethrough~~ text):

~~WHEREAS, the subject petitioned lands do not include approximately three (3) acres of land owned by a separate entities other than the Association upon which accessory recreational or commercial amenities were developed; and,~~

~~WHEREAS, abandonment of the nonconforming use or structure would result in the loss of tourism units that could be redeveloped or reopened in the future to approximately 85 units, a loss of approximately 152 units, based on 14.3 acres of land owned or controlled by the Association and its members; and,~~

Vice Mayor Brenner moved to pass Resolution 2011-17, with the recommended amendments outlined. The motion was seconded by Commr. Younger.

Subsequent to individual comments, the motion carried by a 6-0 roll call vote, as follows: Brenner, aye; Younger, aye; Larson, aye; Duncan, aye; Lenobel, aye; Brown, aye.

NEW BUSINESS

14. Appointments to Town Boards and Committees

Appointments for the expiring or open seats on Town Boards and Committees (Planning & Zoning Board, Zoning Board of Adjustment, Code Enforcement Board, and Metropolitan Planning Organization (MPO) Citizens' Advisory Committee) will be considered at the May 2, 2011 Regular Meeting. Recommended Action: Pending discussion, make appointments to Town Boards and Committees.

Following comments by Mayor Brown, Town Clerk Granger proceeded with a roll call for the appointment to Seat 4, currently held by Bradford Saivetz, for a term expiring on May 14, 2014, on the Planning and Zoning (P&Z) Board, as follows:

Mayor Brown cast a ballot for John Daly.
Vice Mayor Brenner cast a ballot for John Daly.
Commr. Younger cast a ballot for John Daly.
Commr. Larson cast a ballot for John Daly.
Commr. Duncan cast a ballot for John Daly.
Commr. Lenobel cast a ballot for John Daly.

Mr. John Daly was appointed to serve on the P&Z Board, Seat 4, with a term expiration of May 14, 2014.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 5, currently held by Allen Hixon for a term expiring on May 14, 2014, on the P&Z Board, as follows:

Vice Mayor Brenner cast a ballot for Allen Hixon.
Commr. Younger cast a ballot for Andrew Aitken.
Commr. Larson cast a ballot for Leonard Garner.
Commr. Duncan cast a ballot for Allen Hixon.
Commr. Lenobel cast a ballot for Allen Hixon.
Mayor Brown cast a ballot for Allen Hixon.

Mr. Allen Hixon was appointed to serve on the P&Z Board, Seat 5, with a term expiration of May 14, 2014.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 6, currently held by Walter Hackett for a term expiring on May 14, 2014, on the P&Z Board, as follows:

Commr. Younger cast a ballot for Walter Hackett.
Commr. Larson cast a ballot for Walter Hackett.
Commr. Duncan cast a ballot for Walter Hackett.
Commr. Lenobel cast a ballot for Herbert Jones.
Mayor Brown cast a ballot for Walter Hackett.
Vice Mayor Brenner cast a ballot for Leonard Garner.

Mr. Walter Hackett was appointed to serve on the P&Z Board, Seat 6, with a term expiration of May 14, 2014.

14. Appointments to Town Boards and Committees - Continued

Town Clerk Granger proceeded with a roll call for the appointment to Seat 9, due to the resignation of Ms. Pat Zunz, for a partial term expiring on May 9, 2012, on the P&Z Board, as follows:

**Commr. Larson cast a ballot for Leonard Garner.
Commr. Duncan cast a ballot for Andrew Aitken.
Commr. Lenobel cast a ballot for Herbert Jones.
Mayor Brown cast a ballot for Leonard Garner.
Vice Mayor Brenner cast a ballot for Leonard Garner.
Commr. Younger cast a ballot for Leonard Garner.**

Mr. Leonard Garner was appointed to serve on the P&Z Board, Seat 9 (partial term), with a term expiration of May 9, 2012.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 3, currently held by Edward Zunz, for a term expiring on May 14, 2014, on the Zoning Board of Adjustment (ZBA), as follows:

**Commr. Duncan cast a ballot for Lee Riley.
Commr. Lenobel cast a ballot for Lee Riley.
Mayor Brown cast a ballot for Lee Riley.
Vice Mayor Brenner cast a ballot for Thomas Bijou.
Commr. Younger cast a ballot for Lee Riley.
Commr. Larson cast a ballot for Thomas Bijou.**

Mr. Lee Riley was appointed to serve on the ZBA, Seat 3, with a term expiration of May 14, 2014.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 4, currently held by Kenneth Schneier, for a term expiring on May 14, 2014, on the ZBA, as follows:

**Commr. Lenobel cast a ballot for Kenneth Schneier.
Mayor Brown cast a ballot for Kenneth Schneier.
Vice Mayor Brenner cast a ballot for Kenneth Schneier.
Commr. Younger cast a ballot for Kenneth Schneier.
Commr. Larson cast a ballot for Kenneth Schneier.
Commr. Duncan cast a ballot for Kenneth Schneier.**

Mr. Kenneth Schneier was appointed to serve on the ZBA, Seat 4, with a term expiration of May 14, 2014.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 3, currently held by Seymour Rudes, for a term expiring on May 14, 2014, on the Code Enforcement Board (CEB), as follows:

**Mayor Brown cast a ballot for Joel Mangel.
Vice Mayor Brenner cast a ballot for Joel Mangel.**

14. Appointments to Town Boards and Committees - Continued

**Commr. Younger cast a ballot for Joel Mangel.
Commr. Larson cast a ballot for Joel Mangel.
Commr. Duncan cast a ballot for Joel Mangel.
Commr. Lenobel cast a ballot for Joel Mangel.**

Mr. Joel Mangel was appointed to serve on the CEB, Seat 3, with a term expiration of May 14, 2014.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 4, currently held by Beverly Shapiro, for a term expiring on May 14, 2014, on the CEB, as follows:

Vice Mayor Brenner cast a ballot for Beverly Shapiro.
Commr. Younger cast a ballot for Beverly Shapiro.
Commr. Larson cast a ballot for Beverly Shapiro.
Commr. Duncan cast a ballot for Beverly Shapiro.
Commr. Lenobel cast a ballot for Beverly Shapiro.
Mayor Brown cast a ballot for Beverly Shapiro.

Ms. Beverly Shapiro was appointed to serve on the CEB, Seat 4, with a term expiration of May 14, 2014.

Town Clerk Granger proceeded with a roll call for the appointment to Seat 5, currently held by Jack Brill, for a term expiring on May 14, 2014, on the CEB, as follows:

Commr. Younger cast a ballot for Jack Brill.
Commr. Larson cast a ballot for Jack Brill.
Commr. Duncan cast a ballot for Jack Brill.
Commr. Lenobel cast a ballot for Jack Brill.
Mayor Brown cast a ballot for Jack Brill.
Vice Mayor Brenner cast a ballot for Jack Brill.

Mr. Jack Brill was appointed to serve on the CEB, Seat 5, with a term expiration of May 14, 2014.

Town Clerk Granger proceeded with a roll call for the citizen representative appointment on the Metropolitan Planning Organization Citizen Advisory Committee (MPOCAC), currently held by Charlie Czech, for a term effective through May 2014, as follows:

Commr. Larson cast a ballot for Charlie Czech.
Commr. Duncan cast a ballot for Charlie Czech.
Commr. Lenobel cast a ballot for Charlie Czech.
Mayor Brown cast a ballot for Charlie Czech.
Vice Mayor Brenner cast a ballot for Charlie Czech.
Commr. Younger cast a ballot for Charlie Czech.

14. Appointments to Town Boards and Committees - Continued

Mr. Charlie Czech was appointed to serve on the MPOCAC for a term effective through May 2014.

TOWN COMMISSION COMMENTS - No items were presented.

TOWN ATTORNEY COMMENTS

A. Litigation

Town Attorney David Persson commented on a lawsuit filed several years ago in the State of Florida challenging the "Save Our Homes" and "Portability" Constitutional Amendments enacted relating to property taxes, advised that one plaintiff was a Longboat Key part time resident, and noted the status of the legal filings.

TOWN MANAGER COMMENTS

A. Organizations

Town Manager Bruce St. Denis noted an upcoming meeting of the Water Alliance Board and noted he will provide additional information when available.

PRESS TO BE HEARD - No items were presented.

ADJOURNMENT

Mayor Brown adjourned the May 2, 2011, Regular Meeting at 9:21 p.m.

/s/ Trish Granger

Trish Granger, Town Clerk

/s/ James L. Brown

James L. Brown, Mayor

Minutes Approved: 07/11/2011