

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
JULY 17, 2012 - 2:00 P.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Phill Younger, Pat Zunz, Terry Gans (following appointment)

Also: Town Manager Dave Bullock, Town Attorney David Persson,
Present: Town Clerk Trish Granger

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brown called the meeting to order at 2:00 p.m.

Following comments on the meeting process, Mayor Brown commended Commr. Hal Lenobel for his service to the Town.

2. Other Business

A. Planning, Zoning, and Building Department

Following comments by Mayor Brown, Town Manager Dave Bullock requested consideration to add an item to the Special Meeting agenda relating to the signage located at The Colony Beach and Tennis Club (The Colony).

Commr. Duncan moved to add a discussion regarding The Colony sign to the agenda. The motion, seconded by Commr. Younger, carried by a 6-0 roll call vote, as follows: Duncan, aye; Younger, aye; Larson, aye; Zunz, aye; Brenner, aye; Brown, aye.

1. Appointment to Fill Vacancy of At-Large Town Commission Seat Due to Resignation of Commissioner Lenobel

On July 5, 2012, Commissioner Hal Lenobel submitted a letter of resignation for the At-Large Commission Seat effective immediately. The Town Charter Article II, Section 8 provides options to fill the vacancy. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Brown thanked the applicants for their interest in serving the community on the Commission and reviewed the policies in place and the process for appointment to fill the vacancy.

Mayor Brown opened the floor for nominations.

Subsequent to comments, Commr. Younger nominated Mr. Ray Rajewski.

Commr. Larson nominated Mr. Woody Wolverton.

Commr. Brenner nominated Mr. Randy Clair.

Commr. Zunz nominated Mr. Terry Gans.

1. Appointment to Fill Vacancy of At-Large Town Commission Seat - Continued

Town Clerk Trish Granger proceeded with a roll call vote, as follows:

Commr. Duncan cast a ballot for Mr. Rajewski.
Commr. Larson cast a ballot for Mr. Wolverton.
Vice Mayor Brenner cast a ballot for Mr. Clair.
Mayor Brown cast a ballot for Mr. Gans.
Commr. Duncan cast a ballot for Mr. Rajewski.
Commr. Zunz cast a ballot for Mr. Gans.

Town Clerk Granger noted that no applicant had received the required four votes.

Commr. Younger moved to suspend Roberts Rules of Order. The motion died for lack of a second.

Town Clerk Granger proceeded with the second round of nomination voting, as follows:

Commr. Zunz cast a ballot for Mr. Gans.
Commr. Duncan cast a ballot for Mr. Rajewski.
Mayor Brown cast a ballot for Mr. Gans.
Vice Mayor Brenner cast a ballot for Mr. Gans.
Commr. Larson cast a ballot for Mr. Gans.
Commr. Younger cast a ballot for Mr. Rajewski.

Town Clerk Granger noted for the record that Mr. Gans had received the four required votes to be appointed to fill the District At Large vacancy.

Commr. Younger moved to make the appointment of Mr. Gans unanimous. The motion, seconded by Vice Mayor Brenner, carried by a 6-0 voice vote.

Town Clerk Granger administered the Oath of Office to newly appointed Commr. Gans.

2. Other Business - Continued

A. Planning, Zoning, and Building Department - Continued

Town Manager Dave Bullock noted previous Commission direction to review the condition of The Colony sign and that improvements had been completed, and advised that the sign has Historical Designation and any modifications need formal action by the Town Commission.

Upon inquiry, Town Manager Bullock and Town Attorney David Persson advised that any modifications to the sign required formal action by the Town Commission.

Following comments, Commr. Duncan moved to approve the modifications to the historical sign for The Colony allowing the owners or their representatives to remove the deteriorating letters from the existing sign and paint out the sign face. The motion was seconded by Commr. Larson.

2. Other Business - Continued

A. Planning, Zoning, and Building Department - Continued

Commr. Duncan commented on the status of the landscaping issue (palm tree) at the entrance.

The motion carried by a 7-0 roll call vote, as follows: Duncan, aye; Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Brenner, aye; Brown, aye.

B. Bonds

Town Manager Dave Bullock noted that the Town had utilized the services of Livermore and Freeman, P.A., as Bond Counsel for beach debt issuance, advised that one member of the firm had retired with another member joining another firm, and requested authorization to continue utilizing the attorney familiar with the Town's bond issues.

Town Attorney David Persson advised that it was a continuation of the bond services performed on the beach project.

Mayor Brown noted no objection to the utilization of the Bond Counsel as outlined by the Town Manager.

C. Public Works

Town Manager Dave Bullock noted that many communities on the West coast of Florida are hiring Contingency Counsel to represent them if funds become available resulting from the BP oil spill. Town Manager Bullock advised that the Town has been contacted in regards to the issue and suggested that the Town consider participation utilizing a law firm on a contingency basis (no expense unless a settlement is offered).

Town Manager Bullock requested authorization, with the assistance of Town Attorney David Persson, to do an evaluation of the firms and select one on a contingency basis to operate in the best interest of the Town.

Mayor Brown noted no objection to the request as outlined by the Town Manager.

D. Public Works

Town Manager Dave Bullock noted a meeting with the Florida Department of Environmental Protection relating to the North end structures and provided an overview of the discussions held at the meeting and advised that no decisions were made.

Following comments, Town Manager Bullock informed the Commission that he would be contacting 360 North Condominiums to advise them that the sand that eroded during Tropical Storm Debby would not be replaced by the Town during the permitting process and that they should take whatever protective action they feel is necessary for their property.

E. Litigation

Town Attorney David Persson advised of mediation scheduled for July 18, 2012, relating to the Longboat Key Club development and reviewed the process and actions required if there are modifications to a development order.

2. Other Business - Continued

E. Litigation

Town Attorney Persson requested consideration to provide authority to him to represent the Town and make recommendations for any settlement to be considered by the Town Commission, advising that any changes would have to be considered during a quasi-judicial hearing.

Commr. Larson inquired, and Town Attorney Persson advised that any changes to a Development Order could not be considered until September.

There was consensus to grant authority for the Town Attorney as requested.

ADJOURNMENT

Mayor Brown adjourned the July 17, 2012, Special Meeting at 2:25 p.m.

Trish Granger

Trish Granger, Town Clerk

James L. Brown

James L. Brown, Mayor

Minutes Approved: 09-04-2012