

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
MAY 28, 2014 - 9:00 A.M.**

Present: Mayor Jim Brown, Vice Mayor Jack Duncan, Commrs. Terry Gans, Lynn Larson, Irwin Pastor, Phill Younger, Pat Zunz

Also Present: Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Town Clerk Trish Granger

CALL TO ORDER

Mayor Brown called the May 28, 2014, Special Meeting to order at 9:00 a.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key.

PUBLIC TO BE HEARD

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

QUASI-JUDICIAL - RESOLUTION AND PUBLIC HEARING

2. Quasi-judicial Public Nuisance Hearing, 1620 Gulf of Mexico Drive (Commonly Known as The Colony) - Continued from March 4, 2014

At the December 11, 2013 Town Commission Special Meeting, the Town Building Official gave his report in regard to the condition of the buildings and structures at 1620 Gulf of Mexico Drive (GMD), more commonly referred to as the Colony Beach and Tennis Resort. Based on this report, the Town Commission adopted Resolution 2013-40 scheduling a quasi-judicial public hearing to determine whether the individual structures and buildings at 1620 GMD are a public nuisance pursuant to the provisions provided for in section 150.22 of the Town Code. The Town Manager and staff will present updated investigations and status of the buildings and structures. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Mayor Brown noted the process for the meeting this date.

Town Clerk Trish Granger administered the oath to all individuals wishing to present testimony.

Mayor Brown opened the public hearing.

Town Manager Dave Bullock noted options for consideration by the Town Commission this date. Upon inquiry, Town Attorney Maggie Mooney-Portale noted discussion of the procedures/options for today's public hearing with the Colony representatives

Town Attorney Mooney-Portale further discussed the Commission's process to follow this date and the subsequent action that will need to be accomplished if the Commission proceeds with the public nuisance process, noted statutory requirements relating to the declaration of demolition, and reviewed options outlined in the Town Code to provide for Staff's actions in lieu of Commission action.

2. Quasi-judicial Public Nuisance Hearing, 1620 Gulf of Mexico Drive (Commonly Known as The Colony) - Continued

Discussions were held with Town Attorney Mooney-Portale and Town Manager Bullock on the following topics/issues:

- instruction to Town Staff under Section 150.21 of the Code
- Building Official's duties to inspect buildings throughout the Town
- action needed to implement provisions of Section 150.21 of the Code
- targeted action/issues outlined in Staff's report relating to the enforcement of the Code
- option for an emergency appeal as outlined in Section 150.21/process for the emergency appeal to the Town Commission
- notice requirements/emergency appeal restricted to identified emergency situation
- clear definition of an emergency situation (imminent danger).

Commr. Larson moved to terminate the public nuisance hearings associated with 1620 Gulf of Mexico Drive and to repeal Resolution 2013-40 (the Resolution that set the public nuisance hearing). The motion was seconded by Commr. Pastor.

Mayor Brown opened the floor for public testimony. As no members of the public wished to present testimony, the public hearing was closed.

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

Upon inquiry, Attorney Jeffrey Warren commented on the bankruptcy hearing relating to the Colony that was held in Tampa, Florida, on May 27, 2014, and reviewed the outstanding issues.

Town Manager Bullock advised that the Colony property was fenced as previously directed by the Commission in April, 2014.

3. Other Business

Town Attorney

Town Manager Dave Bullock noted electronic distribution of the proposed Request for Proposal (RFP) for Town Attorney services and advised that some Commissioners had submitted requested modifications relating to the required experience.

Upon inquiry, Assistant Town Manager Anne Ross commented on the experience requirements and discussion ensued on the suggested experience outlined in the RFP.

Town Attorney Maggie Mooney-Portale noted the language included in the RFP reflected provisions outlined in the Town Charter relating to the minimum qualifications for a Town Attorney's experience. Discussion ensued on options to include additional language for preferred qualifications exceeding the minimums outlined in the Charter.

There was majority consensus to move forward with the RFP process.

3. Other Business

Town Attorney

Town Manager Bullock outlined the RFP schedule to be followed.

ADJOURNMENT: 9:53 A.M.

Mayor Brown adjourned the May 28, 2014, Special Meeting at 9:53 a.m.

Minutes Approved: 07-07-2014