

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
DECEMBER 10, 2014 - 1:00 P.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 December 10, 2014, Special Meeting to order at 1:00 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

OTHER BUSINESS

3. Other Business

A. Litigation

Following comments by Mayor Brown, Town Attorney Maggie Mooney-Portale requested consideration to add an agenda item pertaining to the engagement of Special Counsel on matters pertaining to the Longboat Pass Bridge.

Discussion ensued on adding an item to the agenda and the basis for engaging Special Counsel at the current time.

Mayor Brown requested and there was majority consensus to add an agenda item to consider the engagement of Special Counsel on matters pertaining to the Longboat Pass Bridge. (See item later this meeting.)

PUBLIC TO BE HEARD

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

ORDINANCES – FIRST READING AND PUBLIC HEARING

2. Ordinance 2015-01, Providing for Referendum on Nonresidential Use in MUC-2 Zoning District

At the November 12, 2014, Regular Workshop Meeting Attorney John Patterson, representing NAECO LLC, an affiliate of Ocean Properties, requested Commission consideration of placing a referendum on a special election in accordance with Section 160.04 of the Town Code and Article II, Section 22(b) and Article VII, Section 1(a) of the Town Charter. The Town Commission directed staff to prepare and place Ordinance 2015-01 on the December 10, 2014, Special Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2015-01 to the January 5, 2015, Regular Meeting for second reading, public hearing, and discussion.

Town Clerk Trish Granger placed Ordinance 2015-01 on record by title only

Commr. Zunz moved to pass Ordinance 2015-01 on first reading and public hearing and to forward the Ordinance to the January 5, 2015, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

2. Ordinance 2015-01, Providing for Referendum on Nonresidential Use in MUC-2 Zoning District - Continued

Town Manager Dave Bullock noted that Staff had a presentation and advised that the petitioner would be addressing the request and to confirm the intent to reimburse the Town for all associated costs of a Special Referendum Election. Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2015-01.

The following individuals commented on Ordinance 2015-01 and discussions were held throughout speaker presentations:

- Mr. Gene Jaleski, Cedar Street
- Mr. Larry Grossman, St. Judes Drive North
- Mr. Bob White, representing the Islandside Property Owners Coalition (IPOC)

Attorney John Patterson, representing NAECO LLC, confirmed that his client will pay the costs to hold a Special Election.

As no others wished to speak, Mayor Brown closed the public hearing.

Commr. Larson noted conversations with individuals regarding the Special Election and Town Attorney Maggie Mooney-Portale advised that the action taken was legislative in nature.

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

OTHER BUSINESS - Continued

3. Other Business - Continued

A. Litigation - Continued

Town Attorney Maggie Mooney-Portale requested consideration for the engagement of the law firm of Norton-Hammersley, Lopez, and Skokos, P.A., as Special Counsel in matters relating to the Longboat Pass Bridge. (See item later this meeting.)

2. Ordinance 2015-01, Providing for Referendum on Nonresidential Use in MUC-2 Zoning District - Continued

Following comments on the method intended for a Special Election, Commr. Larson moved to hold an on-site election in lieu of an all mail ballot election. The motion died for lack of a second.

Discussion ensued with Town Attorney Maggie Mooney-Portale and Town Clerk Trish Granger on the process for an all mail ballot versus an on-site election.

Commr. Gans moved, pending final action on Ordinance 2015-01, to schedule an all mail ballot election. The motion, seconded by Vice Mayor Duncan, carried by a 7-0 roll call vote, as follows: Gans, aye; Duncan, aye; Larson, aye; Zunz, aye; Pastor, aye; Younger, aye; Brown, aye.

Commr. Larson moved for reconsideration of an all mail ballot. Subsequent to clarification of the motion, the motion died for lack of a second.

OTHER BUSINESS - Continued

3. Other Business - Continued

A. Litigation - Continued

Town Attorney Maggie Mooney-Portale provided an overview of the request for the engagement of Special Counsel in matters relating to the Longboat Pass Bridge.

Discussion ensued on the following topics/issues:

- defense by Town's insurer in lieu of engaging outside Special Counsel
- engagement for future use
- no monetary expenditures until utilization of services of any outside counsel
- option to instruct outside counsel to not perform review until specifically directed
- Town Attorney's discretion to utilize outside counsel on the matter as determined by Town Attorney.

Commr. Pastor moved to approve the engagement of the law firm of Norton, Hammersley, Lopez, and Skokos, P.A. The motion, seconded by Commr. Younger, carried by a 7-0 roll call vote, as follows: Pastor, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye.

ADJOURNMENT

Mayor Brown advised that the Regular Workshop Meeting was scheduled following the Special Meeting and adjourned the Special Meeting at 2:07 p.m.

Minutes Approved: 01/05/2015