



This meeting will NOT 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](http://www.longboatkey.org)

Ken Schneier, Mayor; Mike Haycock, Vice Mayor; Sherry Dominick, District 1  
George Spoll, District 2; Jack Daly, District 4;  
Ed Zunz, District 5; and B.J. Bishop, At-Large

### AGENDA

#### ATTORNEY-CLIENT SESSION

#### SPECIAL WORKSHOP MEETING (Hybrid)

January 5, 2021 – 9:00 AM

##### 1. Call to Order

Notice is hereby given that the Town of Longboat Key has called a Hybrid Special Meeting and Shade Meeting of the Town Commission to be held on January 5, 2021, at 9:00 a.m. Due to the ongoing State of Emergency and threat from COVID-19 and pursuant to applicable Gubernatorial Executive Orders, Town Emergency Ordinance 2020-21, and the Town Manager's Executive Orders, the Special Meeting and Shade Meeting shall be conducted in a hybrid format such that a physical quorum of the Town Commission will be physically present in the Town Commission Chambers at Town Hall while other members of the Town Commission will appear at the Special and Shade Meeting virtually using Zoom. The Special and Shade Meeting is requested by the Town's legal counsel pursuant to Section 286.011, Florida Statutes, for purposes of seeking advice and direction in the pending administrative/litigation matter of *Florida Department of Environmental Protection (FDEP) v. Town of Longboat Key*, OGC File No. 20-1261

##### 2. Review of Hybrid Meeting Protocols

###### In Person Public Meeting Attendance

The Town Commission Meeting will convene in a public hybrid meeting setting that will accommodate public in-person attendance within the Town Commission Chambers at Town Hall. There will be limited seating for individuals choosing to attend the Special Meeting in person in the Commission Chambers. The Town will require that all persons attending the public meeting/hearings in Town Hall observe and follow applicable CDC and Health Department guidelines on social distancing and public gathering size limitations. The public must also observe the face covering requirements set forth in Emergency Ordinance 2020-21 within Town Hall. Seating in Town Hall is limited to a maximum of 50 people, which includes overflow seating outside the Commission Chambers. The Special Meeting will convene in public before the Town Commission recesses into a separate virtual Attorney-Client Shade Meeting with its legal counsel and a certified court reporter. Members of the public who choose to attend the public Special Meeting in person at Town Hall, will be asked to leave the Town Commission Chambers before the Attorney-Client Shade Meeting will commence.

## Virtual Public Meeting Attendance & Instructions

The Town encourages public participation in all of its public meetings. To participate in the public portion of the Special Hybrid Meeting on January 5, 2021, which begins at 9 a.m. the public has the following virtual options:

- Listen to the public portion of the meeting via phone:

You may listen to the audio only from your phone by dialing 1-646-558-8656 and when the meeting ID is requested, enter 267390984 and then press the # key.

- Watch the public portion of the meeting using Zoom:

Zoom instructions:

For the January 5, 2021, Special Hybrid Meeting, please use the meeting link <https://zoom.us/j/267390984> to virtually attend and watch the public portion of the meeting by computer, tablet, or smartphone. If joining from a tablet or smartphone, you will need to download the free Zoom app from your device's app store. If joining from a computer, your computer will automatically download and install (if needed) the Zoom program. If you currently have Zoom installed on your computer, tablet, or smartphone, you may join the meeting by entering the meeting ID 267390984. In the event you encounter difficulties in participating with this option, alternate option A, above, should be selected to continue participation.

For additional information or assistance please contact one of the following staff members prior to the meeting:

- Trish Shinkle, Town Clerk, [tshinkle@longboatkey.org](mailto:tshinkle@longboatkey.org) or (941) 316-1999; or
- Jason Keen, Information Technology Director, [jkeen@longboatkey.org](mailto:jkeen@longboatkey.org) or (941) 316-1999.

### 3. PENDING LITIGATION/ATTORNEY-CLIENT SESSION (HYBRID)

#### FDEP v. Town of Longboat Key, OGC File No. 20-1261

Pursuant to Section 286.011(8) Florida Statutes, the Attorney-Client Session will convene following the opening of the Hybrid Special Meeting. There will be a separate Zoom log in for participants appearing virtually in the Attorney-Client Session. The subject of the Attorney-Client Session meeting shall be confined to the topics allowed by Florida Statutes 286.011(8). It is anticipated that the Attorney-Client Session will last approximately 1-2 hours. Those who will attend the Attorney-Client Session (in person and virtually) will be announced at the beginning of the public Special Hybrid Meeting. Attendance at the Attorney-Client Session will be limited to the following named persons:

- Kenneth Schneier, Mayor
- Mike Haycock, Vice Mayor
- Sherry Dominick, Commissioner
- George Spoll, Commissioner
- Jack Daly, Commissioner
- Ed Zunz, Commissioner
- BJ Bishop, Commissioner
- Tom Harmer, Town Manager
- Maggie Mooney, Town Attorney

- Attorney Ed Steinmeyer (litigation counsel from law firm of Steinmeyer Fiveash LLP)
- Attorney John “Jack” Fiveash (litigation counsel from law firm of Steinmeyer Fiveash LLP)

A certified court reporter will attend the Attorney-Client Session. A transcript of the Attorney-Client Session shall be made and available as a public record upon conclusion of the pending administrative litigation.

At the conclusion of the Attorney-Client Session, the Hybrid Special Meeting will be reopened to the public such that the public will be allowed to re-enter the Commission Chambers and resume virtual participation in the public meeting (using the instructions provided in Paragraph #2, above). The termination of the Attorney-Client Session shall be announced in the Hybrid Special Meeting. If needed, the Town Commission shall take formal action in the public Hybrid Special Meeting setting.

#### **4. Adjournment**

Please be advised that the Florida Governor’s Office has declared a State of Emergency due to the Coronavirus (COVID-19) pandemic. As reported by the Center for Disease Control and World Health Organization, COVID-19 can spread from person-to-person through small droplets from the nose or mouth, including when an individual coughs or sneezes. These droplets may land on objects and surfaces. Other people may contract COVID-19 by touching these objects or surfaces, then touching their eyes, nose or mouth. Therefore, merely cleaning facilities, while extremely important and vital in this crisis, may not be enough to stop the spread of this virus. Those with weakened immune systems may want to avoid attending the Town Commission’s meeting in person order to avoid a potential exposure to the virus.

While it is necessary to hold the above referenced meeting(s) of the Town Commission despite the current public health emergency, the Town Commission fully encourages public participation in a safe and efficient manner. Toward that end, anyone wishing to listen to the meeting can do so by participating virtually (following the phone or Zoom meeting instructions).

No verbatim record by a certified court reporter is made of public portion of the Shade Meeting. A certified court reporter will be in attendance during the Attorney-Client session. A transcript shall be made part of the public record upon conclusion of the pending litigation/administrative proceeding. 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 special 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, please call 941-316-8719.