



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 MEETING (Hybrid)

February 22, 2021 – 2:00 PM

##### 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 February 22, 2021, at 2:00 p.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 any overflow seating outside the Commission Chambers, if needed. 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 February 22, 2021, which begins at 2 p.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 February 22, 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

- David Jackson, Assistant 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.

## Hybrid Meeting Protocols and Process

The Town Commission's February 22, 2021, Special Meeting at 2:00 pm will be conducted both in-person and virtually with limited seating for the public and limited staff in attendance in the Commission Chamber at Town Hall.

The Town encourages public participation in its public meetings and hearings and is providing multiple options for the public to participate in the proceedings in a manner that accommodates individual needs and health concerns. In-person gatherings by the public at Town Hall shall be governed by applicable Gubernatorial Executive Orders in effect at the time, CDC and Health Department recommendations, Town Emergency Ordinance 2020-21, and the Town Manager's Executive Orders. The Town will require that all persons attending the public meeting/hearings within 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 is limited to a maximum of 50 people, which includes overflow seating outside the Commission Chamber. Individuals may sign up to speak after completing a health screening upon entering the building.

In that regard, the Town is offering the public the option of participating in the Town's public meetings in-person at Town Hall, or virtually by following the login instructions below.

Further, should you encounter difficulties in viewing or participating in the meeting with the option you choose, please consider using an alternate form of participation from the options listed below.

To participate in the Town Commission Special Meeting on February 22, 2021, at 2:00 pm in virtual format, you have the following options:

### **1. Listen to 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.

You may also provide written comments by e-mailing Town Clerk Trish Shinkle by **February 22, 2021, at 10:00 am** at [tshinkle@longboatkey.org](mailto:tshinkle@longboatkey.org), or by regular mail at 501 Bay Isles Road, Longboat Key, FL, 34228, or submit the on-line form available on the Town's website ([www.longboatkey.org](http://www.longboatkey.org)). The on-line form will be available from Thursday, February 18, 2021, at 10:00 am until Monday, February 22, 2021, at 10:00 am. If you do not wish to speak during the meeting, you may request that your written comments be read into the record at the appropriate time. All other written comments received by the deadline will be distributed to the Commission and the appropriate staff prior to the start of the meeting. Time limits will be enforced so written comments that are read into the record must be limited to 3 minutes.

## **2. Watch the meeting and participate during the public comment and/or public hearing in the meeting using Zoom**

Request to Speak instructions:

To request to speak during the virtual meeting or public hearing, you must complete the Request to Speak form **no later than 10:00 am on Monday, February 22, 2021**, to be placed on a virtual participant list. You may access the Request to Speak form by visiting [www.longboatkey.org](http://www.longboatkey.org), select the "Agendas & Meetings" tab, and then select "Virtual Meeting Information" link. You must fill out and submit all required information on the form **no later than 10:00 am on Monday, February 22, 2021**, to participate during the public comment and/or public hearing items on the agenda. The on-line form will be available from Thursday, February 18, 2021, at 10:00 am until Monday, February 22, 2021, at 10:00 am. All Public to be Heard comments will be taken at the beginning of the meeting for Non-Agenda items. If you are requesting to speak during the agenda item, please indicate that specific agenda item number on the Request to Speak form as your comments will be considered during that portion of the meeting when that item is considered by the Town Commission. Please indicate on the form whether you will be attending in person or through the virtual Zoom feature.

### **Zoom instructions:**

For the February 22, 2021, meeting, please use the [meeting link](https://zoom.us/j/267390984) (<https://zoom.us/j/267390984>) to virtually attend and watch the meeting by computer, tablet, or smartphone. Those whom have pre-registered to speak, will be called upon and the Town's 3-minute time limit will be enforced. 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, an alternate option should be selected to continue participation.**

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

- For public comment questions: Trish Shinkle, Town Clerk, [tshinkle@longboatkey.org](mailto:tshinkle@longboatkey.org) or (941) 316-1999
- For questions on connecting to the meeting: Jason Keen, Information Technology Director, [jkeen@longboatkey.org](mailto:jkeen@longboatkey.org) or (941) 316-1999.