



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING AGENDA
WEDNESDAY, September 5, 2018
6:30 P.M.**

Town Hall

Assembly Hall

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. PUBLIC FORUM: Non-Agenda Items Only** NOTE: A three minute time limit applies to all comments from the public on non-agenda items only. If a person wishes to address the Board of Commissioners, please fill out a "Speakers Card" and give it to the Town Clerk prior to the start of the meeting.
- 6. REPORTS**

Public Safety	Commissioner Kornijtschuk
Building/Code	Vice Mayor Will
Public Works/Parks	Commissioner Steiermann
Finance	Commissioner Dorgan
Mayor	
Town Clerk	
Attorney Daigneault	
Boards & Committees	
- 7. CONSENT AGENDA**
 - A. Board Regular Meeting Minutes, August 15, 2018**
 - B. Bill list for Day Ending August 31, 2018**
- 8. OLD BUSINESS**
 - A. 2018-2019 Budget**
 - B. Land Use Attorney**
- 9. NEW BUSINESS**
 - A. Memo of Understanding: Regional Resiliency Coalition**
- 10. OTHER BUSINESS**



11. ADJOURNMENT

Note: The Town of Redington Beach Board of Commissioners meet the First and Third Wednesday of each month beginning at 6:30 p.m.

The Town of Redington Beach Board of Commissioners may take action on any matter during this meeting, including items that are not set forth within this agenda.

Minutes of the Board of Commissioners meeting may be obtained from the Town Clerk's office. The meetings may be recorded. The Minutes are not transcribed verbatim. It is the policy of the Board of Commissioners to make "action minutes" of all meetings

Persons requiring a verbatim transcript of any Town meeting (for purposes of appeal or otherwise) should make arrangements to have a certified Court Reporter, at their own cost and expense, present at the meeting.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. (F.S. 286.0105) **Notice Regarding Special Accommodations: (F.S. 286.26)**



TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Wednesday, August 15, 2018
6:30 p.m.

Having been duly advertised as required by law, the **Regular Meeting** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on **Wednesday, August 15, 2018, 6:30 p.m.**, in Redington Beach Town Hall at 105 164th Avenue, Redington Beach Florida.

Mayor Simons called the **Regular Meeting** to order and led the pledge of allegiance.

Roll Call

	Present	Absent
Commissioner Steiermann		X
Commissioner Kornijtschuk	X	
Vice Mayor Will	X	
Commissioner Dorgan	X	
Mayor Simons	X	
Town Attorney Perez	X	
Town Clerk Clarke	X	

Agenda: Mayor Simons noted that Commissioner Steiermann is at the Florida League of Cities conference. A motion by Vice Mayor Will and seconded by Commissioner Kornijtschuk to accept the agenda. Motion passed with all ayes.

Public Forum: None

REPORTS

Public Safety

- Nothing to report

Building

- Nothing to report

Public Works

- Absent

Finance

- Nothing to report

Mayor

- Nothing to report

Town Clerk

- Received an email from Waste Connections and per their contract, they are increasing the rates by 2.4% effective October 1, 2018. The tables that are used for events are in bad shape and would like to order new ones. The cost is approximately \$500.00. The old tables will be stored in the public works building and will be for beach use only. The new tables will be used exclusively for town hall and will not be removed.

Town Attorney

- Nothing to report

Boards and Committees

- Nothing to report

CONSENT AGENDA

A. Board Regular Meeting Minutes, August 1, 2018

B. Bill list ending for Day ending August 10, 2018

A motion by Commissioner Kornijtschuk and seconded by Vice Mayor Will to approve the consent agenda as presented. No public comment. Motion passed with all ayes.

OLD BUSINESS

- A. 2018-2019 Budget:** Town clerk reported that the \$25,000.00 for technical review of the FIRM maps have been entered. The wind insurance is now combined with the property insurance as there is not a break down from the insurance company. The transfer into the capital fund is \$49,508.00. This is a surplus of revenue over expenditures. The park board is requesting \$2,500.00 to be put in their budget for handicap accessibility to the beach. Kris Johanson, chair of the park board spoke on the options that they are discussing, but no formal plans have been agreed upon. The consensus of the commission was to have this added to the budget. Commissioner Dorgan noted that he reviewed this with the town clerk and was in agreement with the budget.
- B. Salary Raises:** Commissioner Dorgan noted that compared to the other Redington's the salaries are the lowest. He believes the merit raises are in line with the other towns. This would be a 2.2% cost of living increase and a merit of 2.8%, for a total of 5%. Commissioner Dorgan is in agreement to the five percent increase. Vice Mayor Will and Commissioner Kornijtschuk suggested a 4% increase. Tim Thompson, 205 162nd addressed the commission regarding the pay raises. He would hate to see the town lose an employee over 1%. He believes the commission should give the employees the five percent raise. Mayor Simons is in agreement with the 5% raise. He requested that the budget reflect the 5% raise until the first public budget hearing set for September 4, at which time Commissioner Steiermann will be in attendance.

NEW BUSINESS

- A. Final Reading Ordinance 2018-06: An Ordinance of the Town of Redington Beach, Florida, Amending Chapter 21, Traffic, Vehicles, and Parking, Article II-Stopping, Standing, and Parking, Division 1. – Generally Section 33- Residents only Parking Areas, of the Town Code; Creating a new Parking Area, correcting Scrivener's Errors; Providing for Penalties; and Providing for Codification, Severability, and an effective date.** Attorney Perez read the ordinance by title only. A motion by Commissioner Kornijtschuk and seconded by Vice Mayor Will to adopt Ordinance 2018-06. Discussion amongst the commissioner. Town Clerk noted that signs and new stickers would need to be ordered and installed. Mayor Simons requested that leeway be given for three

months, until signs are installed and new stickers have been ordered and to educate the residents. Jim Hoffman, 15910 Redington Drive, asked if there should be an adjustment made to the budget. Town Clerk noted that there is monies available in the budget this fiscal year. Roll Call vote was taken. Motion passed with all ayes.

	Motion	Second	Aye	Nay	Absent
Commissioner Steiermann					X
Commissioner Kornijtschuk	X		X		
Vice Mayor Will		X	X		
Commissioner Dorgan			X		
Mayor Simons			X		

- B. Final Reading Ordinance 2018-07: An Ordinance of the Town of Redington Beach, Florida, submitting to the Electors of the Town, an Ordinance Relating to Zoning: Amending Appendix A-Zoning, Section 3-[Permitted Buildings and Uses], Subsection (1C), and Section 14, - Definitions of the Code of Ordinances of the Town of Redington Beach; Providing for a Purpose and Intent; Making Certain Findings; Providing Definitions; Prohibiting the Operation of Any Medical Marijuana Dispensing Facilities within the Town of Redington Beach Providing for Severability; and Providing an effective date.** Attorney Perez read the Ordinance by title only. A motion by Vice Mayor Will and seconded by Commissioner Kornijtschuk to adopt Ordinance 2018-07. Town attorney noted that the town set a moratorium last year to prohibit a medical marijuana facility within the town limits. Due to the town's charter, a referendum question must go to the electors of the town and be passed by a 2/3 vote. Bruce McLaughlin, town planner noted that this is consistent with the town's comp plan and has been approved by the planning board. The staff report is attached to the minutes. Roll Call vote was taken. Motion passed with all ayes.

	Motion	Second	Aye	Nay	Absent
Commissioner Steiermann					X
Commissioner Kornijtschuk		X	X		
Vice Mayor Will	X		X		
Commissioner Dorgan			X		
Mayor Simons			X		

- C. Pinellas Public Library Cooperative Interlocal Agreement:** Town Clerk noted that the current interlocal agreement expires on September 30, 2018. If the extension is approved it will continue through September 30, 2023. This is an interlocal agreement to provide free public library service to the town's residents. A motion by Commissioner Kornijtschuk and seconded by Vice Mayor Will to approve the interlocal agreement. Motion passed with all ayes.
- D. Tampa Bay Telephone Proposal:** Town Clerk noted that the existing telephone lines are original to the building. They are outdated and the phones crackle. They will run new lines and replace the "brain box" for the phones. The cost for the installation and equipment is \$2,188.15. A motion by Vice Mayor Will and seconded by Commissioner Kornijtschuk to accept the Tampa Bay Telephone proposal. Motion passed with all ayes.

OTHER BUSINESS

None

With no further business, a motion was made by Commissioner Kornijtschuk and seconded by Commissioner Steiermann to adjourn. Regular meeting was adjourned at 7:02 p.m.

Adopted: , 2018

Missy Clarke, CMC, Town Clerk

Date: 08/31/2018
Time: 11:30 am
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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 101 General Fund							
Dept: 512 Town Clerk							
101-512-512.230	Group Insurance						
	FLORIDA MUN INSURANCE -	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	705.08
	FLORIDA MUN INSURANCE -	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	14.44
							719.52
101-512-512.231	Life Insurance						
	FLORIDA MUN INSURANCE -	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	9.75
	FLORIDA MUN INSURANCE -	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	9.75
							19.50
101-512-512.232	Dental Insurance						
	FLORIDA MUN INSURANCE -	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	61.35
	FLORIDA MUN INSURANCE -	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	61.35
							122.70
101-512-512.409	Con Education/R						
	FLORIDASSOC OF CITY CI	2018-08-22	2018 Fall Academy Nieves	0	08/22/2018	08/22/2018	400.00
							400.00
101-512-512.420	Postage						
	CHASE CARD SERVICES	2018-08-20	Postage	0	08/20/2018	08/20/2018	50.00
							50.00
101-512-512.440	Utilities- Water/EI						
	DUKE ENERGY	73928-48713 2018-08	August 2018	0	08/30/2018	08/30/2018	641.12
							641.12
101-512-512.473	Newsletter						
	APEX OFFICE PRODUCTS	1817702-0	copy paper, newsletter paper	0	08/15/2018	08/15/2018	40.00
							40.00
101-512-512.510	Office Supplies						
	ADRIANA NIEVES	2018-08-24	Cleaning supplies	0	08/24/2018	08/24/2018	15.92
	APEX OFFICE PRODUCTS	1817702-0	copy paper, newsletter paper	0	08/15/2018	08/15/2018	38.99
	DELUXE BUSINESS CHECKS	02043220259	500 business checks	0	08/24/2018	08/24/2018	239.58
							294.49
Total Dept. Town Clerk:							2,287.33
Dept: 513 Finance & Admin							
101-513-513.230	Group Insurance						
	FLORIDA MUN INSURANCE -	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	696.37
	FLORIDA MUN INSURANCE -	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	5.73
							702.10
101-513-513.231	Life Insurance						
	FLORIDA MUN INSURANCE -	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	9.75
	FLORIDA MUN INSURANCE -	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	9.75
							19.50
101-513-513.232	Dental Insurance						
	FLORIDA MUN INSURANCE -	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	30.61
	FLORIDA MUN INSURANCE -	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	30.61
							61.22
Total Dept. Finance & Admin:							782.82
Dept: 521 Law Enforcement							
101-521-521.340	Law Enforcement						
	PINELLAS COUNTY SHERIFF	624299	Sept 2018 Law Enf.	0	09/01/2018	09/01/2018	20,598.00
							20,598.00

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Total Dept. Law Enforcement:							20,598.00
Dept: 539 Department of Public V							
101-539-539.230	Group Insurance						
	FLORIDA MUN INSURANCE	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	1,392.74
	FLORIDA MUN INSURANCE	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	11.46
							1,404.20
101-539-539.231	Life Insurance - L						
	FLORIDA MUN INSURANCE	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	19.50
	FLORIDA MUN INSURANCE	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	19.50
							39.00
101-539-539.232	Dental Insurance						
	FLORIDA MUN INSURANCE	2018-09-01 FH0506	9/01-9/30/18 Group Ins.	0	08/22/2018	08/22/2018	130.91
	FLORIDA MUN INSURANCE	2018-08 FH0506	08/01-08/31/18 Group Ins	0	08/22/2018	08/22/2018	130.91
							261.82
Total Dept. Department of Public Works:							1,705.02
Dept: 541 Roads & Streets							
101-541-541.467	Maint - Street Lig						
	DUKE ENERGY	73928-48713	2018-08 August 2018	0	08/30/2018	08/30/2018	2,290.77
							2,290.77
Total Dept. Roads & Streets:							2,290.77
Dept: 572 Parks and Recreation							
101-572-572.340	Landscaping Exp						
	WILLIAM WOLLMAN	2018-08-30	8-16-18 to 8-29-18	0	08/30/2018	08/30/2018	270.00
							270.00
101-572-572.430	Utilities						
	DUKE ENERGY	60814-47178	2018-08 Aug 2018	0	08/27/2018	08/27/2018	13.02
	DUKE ENERGY	73928-48713	2018-08 August 2018	0	08/30/2018	08/30/2018	62.19
							75.21
101-572-572.522	Gasoline & Oil						
	HOME DEPOT CREDIT SERV	023560/3086685	Oil, herbicide	0	08/23/2018	08/23/2018	20.82
	SHELL	798900	Unleaded	0	08/15/2018	08/15/2018	71.51
	SHELL	808873	Unleaded	0	08/21/2018	08/21/2018	43.16
	SHELL	808881	Diesel	0	08/21/2018	08/21/2018	29.67
	SHELL	812347	Diesel and unleaded	0	08/23/2018	08/23/2018	69.15
	SHELL	820696	Unleaded and diesel	0	08/28/2018	08/28/2018	63.52
							297.83
101-572-572.524	Fertilizer & Mulch						
	HOME DEPOT CREDIT SERV	023560/3086685	Oil, herbicide	0	08/23/2018	08/23/2018	127.76
							127.76
Total Dept. Parks and Recreation:							770.80
Total Fund General Fund:							28,434.74
Fund: 300 Capital Accounts							
Dept: 700 Capital Fund Expenses							
300-700-541.633	Vision Planning /I						
	PINELLAS LANNING COUNC	83	EAR based amendments	0	08/20/2018	08/20/2018	620.00
							620.00
Total Dept. Capital Fund Expenses:							620.00
Total Fund Capital Accounts:							620.00

INVOICE APPROVAL LIST BY FUND REPORT

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Town of Redington Beach qqqq

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
						Grand Total:	29,054.74

8/15/2018	8228 Payroll	277.05
	8229 Payroll	277.05
	8230 Payroll	381.75
	8231 Payroll	277.05
	8232 Payroll	277.05
	8233 Payroll	1,679.44
	8234 Payroll	1,267.30
	8235 Payroll	1,143.88
	8236 Payroll	1,194.67
8/21/2018	8256 Chase Card Services	164.99
	8257 Duke Energy	240.02
	8258 Fred Steiermann	427.63
	8259 Hip Cleaning Service	180.00
	8260 Marshall Pest Control	55.00
	8261 Pinellas County Utilities	550.80
	8262 Tampa Bay Telephone	2,045.00
8/29/2018	8263 Payroll	1,693.42
	8264 Payroll	1,289.36
	8265 Payroll	1,143.88
	8266 Payroll	1,222.66
EFT	Payroll Liabilities	4,355.72
EFT	Retirement	3,486.21
		23,352.88

MAYOR SIMONS

VICE MAYOR WILL

COMMISSIONER KORNIJTSCHUK

COMMISSIONER DORGAN

ATTEST:

COMMISSIONER STEIERMANN

Missy Clarke, CMC, Town Clerk

Regular Meeting of September 5, 2018



THOMAS J. TRASK, B.C.S.*
JAY DAIGNEAULT
RANDY MORA
ERICA F. AUGELLO
DAVID E. PLATTE
PATRICK E. PEREZ
ROBERT M. ESCHENFELDER, B.C.S.*

** Board Certified by the Florida Bar in
City, County and Local Government Law*

MEMORANDUM

TO: Mayor Nick Simons
Town Commissioners

CC: Missy Clarke, Town Clerk

FROM: Jay Daigneault, Esq.

DATE: August 29, 2018

RE: Short-term rentals, independent legal opinions

Dear Mayor and Commissioners:

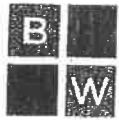
You have recently directed me to compile a list of attorneys qualified and willing to offer independent legal analyses of the Town's ordinance governing short-term rentals and the applicable law associated with same. You issued a similar directive in October, 2016, and I provided you then with the resumes and rates of four attorneys who were both qualified and willing to accept the engagement. I am providing you again with that same information, as I know the attorneys proposed as the most qualified to perform the work, and I have reached each of the attorneys and confirmed their willingness and availability to do so.

I am again presenting the information to you in alphabetical order and with no recommendation other than to observe that all are eminently qualified to opine on the issue at hand.

Please do not hesitate to contact me should you have any questions or concerns regarding this matter.

Sincerely,

Jay Daigneault, Esq.
Town Attorney



**BLALOCK
WALTERS**
ATTORNEYS AT LAW

WE MAKE A DIFFERENCE



Rate: \$230.

Mark P. Barnebey

Principal

Board Certified in City, County and Local Government Law

The Florida Bar
802 11th Street West
Bradenton, Florida 34205
941.748.0100

mbarnebey@blalockwalters.com

Mark Barnebey has practiced in land use and local government law for the past thirty (30) years. He has successfully represented clients regarding a wide variety of development projects including multiuse projects, an arena, and a power plant. He served as the senior land use attorney for Manatee County for 13 years and as School Board Attorney or special counsel for another 12 years. He currently serves as City Attorney for the City of Palmetto, and counsel for several special districts and agencies. He is Board Certified in City, County and Local Government Law. Among his lecture presentations, he participated in all twenty (20) certification review courses and in the first Florida Bar live simulcast seminar, speaking on the topic of quasi-judicial proceedings. He received the Paul S. Buchman Award for outstanding contributions to local government law from the City, County and Local Government Law Section and was awarded the George W. Simons, Jr. Award by the Florida Planning and Zoning Association for contributions to planning and land use for the State of Florida. He received the 2011 Community Service Award from the Manatee County Bar Association for his record of service to the community.

Honors

- AV® Preeminent™ Peer Review Rated, *Martindale-Hubbell*
- Ralph A. Marsciano Award from the City, County, Local Government Section, The Florida Bar (2012)
- Outstanding Community Service Leader, Manatee County Bar Association (2011)

BRADENTON
802 11th Street West
Bradenton, FL 34205



SARASOTA
2 North Tamiami Trail
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Sarasota, FL 34236



941.748.0100 phone
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www.blalockwalters.com



Mark P. Barnebey, Esquire

- George W. Simons, Jr. Award for Outstanding Contributions to Planning and Zoning in the State of Florida, Florida Planning and Zoning Association (2010)
- Selected for inclusion in 2011 *Florida Super Lawyers*®
- American Planning Association, Palmetto Elementary Complex Project of Merit (2011)
- Florida Planning and Zoning, Palmetto Elementary Complex Outstanding Public/Private Project (2011)
- *Florida Trend*, Legal Elite (2011)
- Paul S. Buchman Award for outstanding contributions to local government law from the City, County and Local Government Section, The Florida Bar (2004)
- Contribution to Promoting Professionalism and Ethics, The Florida Bar (2001)
- Outstanding Contributions to the Section, The Florida Bar, Local Government Law Section (1994)
- Outstanding Contributions in the Area of Legal Writing, Local Government Law Section, The Florida Bar (1992)
- Who's Who in American Law
- Who's Who in America

Education

Legal

Florida State University College of Law
Received Juris Doctorate with "Honors", 1983

Graduate

Florida State University College of Social Sciences
Received Masters of Science in Planning, 1983

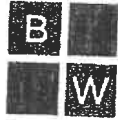
Undergraduate

Florida State University College of Business
Received Bachelor of Science, Cum Laude, 1978
Major: Finance Minor: Government
Garnet and Gold Key Leadership Society

Affiliations

Bar Associations

- Manatee County Bar Association
- Florida Bar Association, City, County and Local Government Law Section
 - Chair, 1999 – 2000
 - Committee Co-Chair, Professionalism and Ethics, 2000 – 2008
 - Executive Council, 1994 – present
- Florida Bar Association, Environmental and Land Use Law Section, 1983 – present
- Florida Bar Association, Grievance Committee, Circuit 12B



Mark P. Barnebey, Esquire

- Chair, 1997 – 1998
- Member, 1995 – 1998

Professional

- Bradenton Area Economic Development Corporation
 - Chair 2015-2016
 - Chair-Elect, 2014 – 2015
 - Secretary, 2013 – 2014
 - Executive Committee, 2012
- Florida Planning and Zoning Association
 - State President, 1993 – 1994
 - State Director, 1985 – present
 - Chair, 1991 Annual State Conference
- Manatee American Inn of Court
 - Master, 2014-2015
 - Emeritus, 2016 - present
- Florida Planning and Zoning Association, Gulf Coast Chapter
 - President, 1988 – 1989; 1991 – 1992
 - Outstanding Chapter Award, 1989
- City of Bradenton Architectural Review Board
 - Vice Chairman, 1991 – 1997
 - Member, 1985 – 2000

Community

- Manatee Chamber of Commerce
 - Board of Directors, 2015
 - Member, 1990 - present
- Florida Railroad Experience, Inc.
 - Director, 2012 – 2014
 - Secretary, 2012
- Girls Club Foundation of Manatee County, Board Member, 2010 – present
- Habitat for Humanity, Finance Committee, 2010
- USF Brunch on the Bay Committee, 2005 – 2014
- Manatee County Library Foundation
 - Director, 2002 – 2012
 - Vice President, 2004 – 2006
 - President, 2006 – 2008

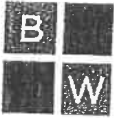


Mark P. Barnebey, Esquire

- Golden Herald Student Awards Judge, 2009 – 2012, 2015-2016
- Jessie P. Miller Elementary School Advisory Council
 - Member, 1995 – 2001
 - Chair, 1996 – 1998
- Manatee River Fair Association
 - Associate Director, 1998 – 2000
 - Director, 2001 – present
- The Great Outdoors Conservancy, Board Member, 2003 – 2006
- Gold Star Club
 - Founding Member, 1999 – present
 - Vice President, 2006 – present
- Manatee Players, Director 2001 – 2011
- Arts Manatee
 - Member, 2006 – present
- Head Start, Policy Council Member, 2001 – 2003
- Faith United Methodist Church
 - Founding Member; Trustee; Finance Committee; Teacher; Administrative Council Member; Youth Leader, 1982 – present
- Imagine Manatee, Steering Committee, 2003
- Realize Bradenton, Steering Committee, 2008 – 2009
- Manatee County Historical Commission
 - Member, 2007 – 2011
 - President, 2008 – 2010
- Bradenton Community Redevelopment Agency Public Art Committee
 - Chair, 2011 – present
 - Member, 2009 – present
- Take Stock in Children
 - Board of Directors, 2015 - present

Publications

- Author, "Zoning Disclosure Ordinances: How Much Does the Public Need To Know," *The Florida Bar Journal*, Vol. 46, No. 9 (October 1992)
- Co-Author, "Quasi-Judicial Land Use Hearings: Does Your Evidence Pass Muster?", *The Florida Bar Journal*, Vol. 49, No. 3 (March 1995)
- Co-Author, "Community Approaches of Development Impact Fees," in *Development Impact Fees*, edited by Arthur C. Nelson, Planners Press (Washington 1988)



Mark P. Barnebey, Esquire

Presentations

- "Land Use Law," The Florida Bar, City, County, and Local Government Law Certification Review Course, 1996 – 2016
- Impact Fees: A Fair Revenue Generation or An Affordable Housing Killer? Manatee Tiger Bay Luncheon, Bradenton, FL, April 21, 2016
- "Transportation Mobility Fees," Finance and Taxation panel, 33rd Annual Seminar of Florida Municipal Attorneys Association, Bonita Springs, FL, July 24, 2014
- "Demystifying Development and the Regulations that Govern Development", Manatee Tiger Bay Luncheon, Bradenton, FL, June 5, 2014
- "Community Government Board Involvement," Leadership Manatee, Local Government Day, Bradenton, FL, 2014
- Sunshine Law, Public Records Act, and Ethics for Elected Officials," Florida Planning and Zoning Association State Conference, Orlando, FL, 2012
- "Community Government Board Involvement," Leadership Manatee, Local Government Day, Bradenton, FL, 2013
- "Land Use Law and Planning," Florida Planning and Zoning Association Planning Commission, various locations, 2003, 2007, 2009 – 2013
- "Growth Management Short Course Regarding Regulatory Takings," Florida Chamber of Commerce Orlando, FL, 1991; 2000
- "Private Property Rights," CLE International Seminar, Orlando, FL, 1996
- "Quasi-Judicial Hearings," Florida Municipal Attorneys Seminar, Ft. Myers, FL, 1995
- "Quasi-Judicial Hearings," Florida Bar Teleconference Seminar, Orlando, FL, 1994
- "Non-Conforming Uses," Florida Bar Seminar, Tampa, FL, 1992
- "Vested Rights," Florida County Attorneys' Association Conference, Orlando, FL, 1991
- "Impact Fees," American Planning Association Conference, New York, NY, 1987



802 11th Street West | Bradenton, FL 34205
2 North Tamiami Trail, #408 | Sarasota, FL 34236

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GRAY | ROBINSON
ATTORNEYS AT LAW

**Thomas A. Cloud, B.C.S.
Shareholder**

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Experience

For over three decades, Tom has been a local and state government, utility, land use, and environmental law attorney. Board certified in City, County and Local Government Law, Tom has represented over 60 Florida cities, including five as city attorney. His practice includes negotiating complex contracts, drafting dozens of city and county legislative initiatives and ordinances, creation and defense of municipal rates, fees, assessments, and charges, obtaining state and local government regulatory approvals and all matters attendant to the acquisition, development and utilization of both real property and business acquisitions. He has been responsible for the application and approval of over 25 Developments of Regional Impact throughout central Florida, as well as dozens of other complex land use matters. In addition to handling municipal, land use, and environmental matters, Tom is one of the preeminent municipal utility attorneys in Florida, having successfully handled a wide variety of both transactional and litigation matters within the field. He has handled a variety of complex municipal, county, and special district financial transactions, including the defense of various capital and operational rates, fees, assessments, and charges. He currently serves as city attorney in three cities in Central Florida, is the President-Elect of the Florida Municipal Attorneys Association, and has represented numerous cities and counties throughout Florida in a variety of legal matters throughout his career.

Cities:		
Apopka	Marathon	Tampa
Atlantis	Marco Island	Umatilla
Bartow	Melbourne	Utilities Commission of New Smyrna Beach
Belleair	New Smyrna Beach	Valparaiso
Bunnell	Newberry	Vero Beach
Bushnell	North Port	Wauchula

Cape Coral	Orlando	Winter Park
Casselberry	Orlando Utilities Commission	
Daytona Beach	Oviedo	Counties:
Eagle Lake	Palatka	Bay
Edgewood	Palm Bay	Brevard
Estero	Palm Beach	Charlotte
Fellsmere	Palm Springs	Citrus
Fort Meade	Pensacola	DeSoto
Fruitland Park	Plant City	Flagler
Groveland	Polk City	Lake
Haines City	Fort St. Lucie	Martin
Hollywood	Riviera Beach	Marion
Howey-in-the-Hills	Royal Palm Beach	Orange
Kissimmee	Sanibel	Seminole
Lakeland	Sebastian	VGMC
Lake Mary	South Bay	
Lantana	South Miami	
Longwood	South Palm Beach	
Maitland	South Pasadena	
Manalapan	Space Coast League of Cities	

Areas of Practice

- Administrative & Regulatory
- Environmental
- Government
- Land Use Law
- Litigation
- Transportation
- Utilities

Background

Tom is a native Floridian hailing from Lakeland, Florida. He graduated from Wake Forest University in Winston-Salem, North Carolina, with a bachelor of arts, magna cum laude, with

honors in history in 1976, and received his juris doctor with honors from Florida State University in 1979. Tom has been a practicing attorney in Orlando since 1979, focusing on city, county, and local government law, environmental and land use law, municipal finance law, public utilities law and administrative law.

Education

- **Lakeland High School (1972)**
- **Wake Forest University, B.A. (*magna cum laude*, honors in history, 1976)**
- **Florida State University, J.D. (honors, 1979)**

Admissions

- Florida

Professional Associations & Memberships

- The Florida Bar
 - Board Certified in City, County, and Local Government Law
 - Environmental and Land Use Law Section, 1990-present
 - Executive Council, 1981-present
 - Chairman, 1987-1988
 - City, County and Local Government Law Section, Member
 - Governmental and Public Policy Advocacy Committee
- Florida Municipal Attorneys Association
 - President-Elect, 2015-2016
 - Executive Council, 2014-2015
- American Bar Association

Awards & Recognitions

- AV Preeminent™ rated by *Martindale-Hubbell*
- *Best Lawyers in America*, 2012-2017
- *Best Lawyers*, Orlando Magazine, 2014
- *Florida Trend*, Legal Elite, 2004-2005, 2013
- *Daily Business Review*, Top Rated Lawyer, Energy, Environmental and Land Use Law, 2013
- *Florida Super Lawyers*, 2006-2007

Civic

- League of Cities Energy, Environment & Natural Resources Legislative Policy Committee
- Florida Chamber Growth Management Leadership Committee
- Boone High School Foundation Member, Board of Directors
- Wake Forest University National Alumni Council
- Greater Orlando Chamber of Commerce Leadership Programs, Board of Directors
- Mid-Florida Homebuilders Association, Program Committee
- Leadership Orlando Program, Greater Orlando Chamber of Commerce
- Leadership Central Florida Program

- Leadership Florida Program
- Lake Apopka Restoration Council
- Music Mission Kiev, Board of Directors
- Orange County Historical Commission
- First Florida Battery, Inc., Board of Directors
- Historic Lakeland, Inc.
- Historical Society of Central Florida, Inc., Board of Directors
- Florida Chautauqua, Inc., Member

Articles & Publications

For 30 years, Tom has been a frequent author and lecturer in Florida on a variety of municipal, land use and legal topics.

- "Allocating Limited Sewage Treatment Plant Capacity," *The Florida Bar Journal*, February 1982
- Co-Editor, *ELULS Manual*, Volume I & II, 1986
- "Public Facilities and Land Development Contracts," *ELULS*, 2005
- "Birch Rods in the Cupboard: The Link Between Municipal Franchise Purchase Options and Franchise Fees in Florida," *Stetson Law Review*, Vol. 35, No. 2, Winter 2006

Presentations & Seminars

- "Birch Rods Revisited: An Updated Look at Municipal Franchise Fees in Florida," FMAA, 2014
- "Formation, Annexation, Dissolution and Contraction: The Florida Law of Municipal Territory and Its Boundaries," 31st FMAA Annual Seminar, Marco Island, Florida, July 2012
- "2011 Growth Management Law Changes: City Impacts," Florida League of Cities 2011 Annual Conference, Orlando, Florida, August 2011
- "500 Years of Florida Cities," 30th FMAA Annual Seminar, West Palm Beach, Florida, July 2011
- "Case Law Update: What You Need to Know About Recent Decisions and Trends," Land Use Law Conference, Jacksonville, Florida, May 2010
- "Annexation and Contraction: A Brief Essay on the Florida Law of Municipal Boundaries," Land Use Law Conference, Tampa, Florida, August 2009
- "Defense of Municipal Rates in Florida," 28th FMAA Annual Seminar, Bonita Springs, Florida, July 2009
- "Standing to Sue and Florida Cities," 27th FMAA Annual Seminar, Key Largo, Florida, July 2008
- "Turf Wars 2005: A Brief Study of Water and Sewer Service Area Authority and Disputes in Florida," 24th FMAA Annual Seminar, Amelia Island Plantation, Florida, July 2005
- "Birch Rods in the Cupboard: Municipal Franchise Purchase Options in Florida," 22nd FMAA Annual Seminar, Amelia Island Plantation, Florida, July 2003
- "Turf Wars: A Brief Study of Water and Sewer Service Area Authority and Disputes in Florida," 18th FMAA Annual Seminar, Amelia Island Plantation, Florida, July 1999
- "A Brief Overview of Florida Municipal Franchise Law," 11th FMAA Annual Seminar, Amelia Island Plantation, Florida, July 1992

Rate: \$225/hr.



GARGANESE, WEISS & D'AGRESTA, P.A.



Shareholder

Anthony A. Garganese is the managing shareholder of Garganese, Weiss & D'Agresta, P.A. He is certified by The Florida Bar as a specialist in city, county and local government law, and has an extensive background in land use zoning and First Amendment law as well. He is the recipient of the highest rating (AV) given by Martindale-Hubbell for legal ability and ethics. He has been chosen as one of the best lawyers in his area of municipal law by Best Lawyers in America, Orlando Magazine, Florida Legal Elite, Orlando Business Journal and as a Florida Super Lawyer by Law and Politics. He previously served as the executive board President (2015/2016) for the Florida Municipal Attorneys Association. In 2007, Mr. Garganese was named City Attorney of the Year by the Florida League of Cities.

He currently serves as the City Attorney for the cities of Cape Canaveral, Cocoa, Winter Springs, and also serves as special counsel to numerous other cities throughout Florida. In addition, he serves as general counsel for the Housing Authority of the City of Titusville. He has represented cities in a significant number of complex and precedent setting cases in state and federal court.

Mr. Garganese is admitted to practice in Florida state and federal courts, the U.S. Court of Appeals for the Eleventh Circuit, and the Supreme Court of the United States. He earned his law degree from Nova Southeastern University. He also earned his bachelors and masters degree in business administration from Bryant College.

Practice Areas

- Appellate Law
- City, County and Local Government Law
- Civil Rights and Constitutional Disputes
- First Amendment Disputes
- Land Use and Zoning Law
- Real Estate Transactions and Litigation

Board Certifications

Certified by The Florida Bar in City, County and Local Government Law. Certified lawyers in city, county and local government law deal with legal issues of county, municipal or other local governments such as special districts, agencies and authorities. City, county and local government law also includes litigation in the federal and state courts and before administrative agencies, and the preparation of legal instruments for city, county and local governments.

Recognitions

- Served as executive board President 2015/2016 for the Florida Municipal Attorneys Association.
- Appointed to the Florida League of Cities, Legislative Committee 2013/2014
- Received Distinguished Service Award 2013 from the Tri County League of Cities for his outstanding service to the citizens of Seminole County
- Appointed to the Florida Municipal Attorneys Association's (FMAA) Board of Directors.
- Serves as General Counsel for the Tri-County League of Cities.
- Appointed to serve as an At Large member of the 2011 Legislative Committee of the Florida League of Cities.
- Featured in the September 2011 issue of Orlando Style Magazine, Spotlight on the Law.
- 2007 City Attorney of the Year, Florida League of Cities' *"Florida Cities of Excellence"* award
- The Best Lawyers in America 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016
- Florida Super Lawyers 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016
- Florida Super Lawyers featured article, "Government Guru"
- Florida Legal Elite 2007, 2008, 2009, 2010, 2013, 2015, 2016
- Recognized as Best Lawyer in Municipal Law by Orlando Magazine (2007)
- Orlando Business Journal Best of the Bar 2004, 2005, 2006
- "AV" Rating by Martindale-Hubbell

Published Cases

- *Binford v. City of Winter Springs*, 969 So. 2d 1098 (Fla. 5th DCA 2007)
- *Board of County Commissioners v. City of Cocoa*, 953 So. 2d 8 (Fla. 5th DCA 2007)
- *City of Cocoa v. Leffler*, 741 So. 2d 612 (Fla. 5th DCA 1999)
- *City of Cocoa v. Leffler*, 762 So. 2d 1052 (Fla. 5th DCA 2000)
- *City of Cocoa v. Leffler*, 803 So. 2d 869 (Fla. 5th DCA 2002)
- *City of Cocoa v. Leffler*, 791 So. 2d 487 (Fla. 5th DCA 2001)
- *City of Winter Springs v. State*, 776 So. 2d 255 (Fla. 2001)
- *Crystal Dunes Owners Ass'n, Inc. v. City of Destin, Fla.*, 476 Fed. Appx. 180 (11th Cir. 2012)
- *Daytona Grand, Inc. v. City of Daytona Beach, Fla.*, 490 F.3d 860 (11th Cir. 2007) (Appearance on behalf of Amici Curiae)
- *George v. City of Cocoa*, 78 F.3d 494 (11th Cir. 1996)
- *Koziara v. City of Casselberry*, 239 F. Supp. 2d 1245 (M.D. Fla. 2002)
- *Koziara v. City of Casselberry*, 347 F. Supp. 2d 1223 (M.D. Fla. 2003)
- *Koziara v. City of Casselberry*, 392 F.3d 1302 (11th Cir. 2004)
- *Masone v. City of Aventura*, 147 So. 3d 492 (Fla. 2014) (Appearance on behalf of Amici Curiae)
- *McKee v. City of Casselberry*, 873 So. 2d 373 (Fla. 5th DCA 2004)
- *Morris v. City of Cape Coral*, 163 So. 3d 1174 (Fla. 2015) (Appearance on behalf of Amici Curiae)
- *Rowe v. City of Cocoa, Fla.*, 16 Fla. L. Weekly Fed. D 600 (M.D. Fla. 2003)
- *Rowe v. City of Cocoa, Fla.*, 358 F.3d 800 (11th Cir. 2004)
- *Seminole County v. City of Winter Springs*, 935 So. 2d 521 (Fla. 5th DCA 2006)
- *Seminole Entm't, Inc. v. City of Casselberry*, 768 So. 2d 1135 (Fla. 5th DCA 2001)
- *Seminole Entm't, Inc. v. City of Casselberry*, 811 So. 2d 693 (Fla. 5th DCA 2001)
- *Seminole Entm't, Inc. v. City of Casselberry, Florida*, 813 So. 2d 186 (Fla. 5th DCA 2002)
- *Seminole Entm't, Inc. v. City of Casselberry*, 866 So. 2d 1242 (Fla. 5th DCA 2004)

Rate: \$250/hr



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Practice Areas

Land Use & Zoning

Local Government Law

Administrative Law

Urban & Regional Planning

Community/Homeowners Association Law

Real Property Disputes

Civil Litigation and Appellate Advocacy

Education

1989: J.D., Florida State University, with High Honors

- Florida State Law Review, Associate Editor
- Order of the Coif
- Environmental Law Achievement Award

1989: M.S.P. (Master of Science in Planning), Florida State University

- Edward E. McClure Award for Academic Achievement
- Joint Law & Planning Thesis: "Federal Reserved Water Rights of the Seminole Tribe of Florida: Just What Can the State Regulate?"

1985: B.S., Westfield State College, Massachusetts, Major: Biology, cum laude

Bar Admissions

Florida, 1989

Court Admissions

U.S. District Court, Middle District of Florida

U.S. Court of Appeals, Eleventh Circuit

United States Supreme Court

Professional Memberships

The Florida Bar, Sections on Environmental and Land Use Law, Administrative Law, and City, County and Local Government Law

American Bar Association, Section on State and Local Government Law

American Planning Association, Division of Intergovernmental Affairs

American Planning Association – Florida Chapter

Awards/Honors

AV-Preeminent rated – Martindale-Hubbell's highest rating for legal ability and ethical standards

Florida Super Lawyers, 2010-2016 – Land Use & Zoning Law

Top Orlando Attorneys, *Orlando Life* magazine, 2011-2013 – Land Use & Zoning Law

Top Rated Attorneys, *Daily Business Review*, 2013 – Energy/Environmental Law

Special Friend of Florida Award (1999) – 1000 Friends of Florida, Inc.

Charter Life Member of Florida Wildlife Federation

President's Award (2016) – Florida Wildlife Federation

Prior Professional Experience

City of Destin Special Land Use Counsel

Former Adjunct Professor at the Florida State University Department of Urban and Regional Affairs, Graduate Program

Apgar, Pelham, Pfeiffer & Theriaque, P.A., Partner

Judicial Law Clerk for the Honorable Susan H. Black, U.S. District Court, Middle District of Florida

Published Works and Presentations

"Law Session," Emerald Coast Section of the Florida Chapter of the American Planning Association, July 2016

"Law Session," Florida Planning & Zoning Association's Annual Conference, June 2016

"Planning in the Courts," Florida Chapter of the American Planning Association's 14th Annual Public Policy Workshop, February 2016

"Private Property and Development Rights Update," Florida Chapter of the American Planning Association's Annual Conference, September 2015

"Planners as Expert Witnesses – A Survival Guide," Florida Chapter of the American Planning Association's Annual Conference, September 2015

"Private Property and Development Rights Update," Florida Municipal Attorneys Association's 34th Annual Conference, July 2015

"Planning in the Courts," Florida Chapter of the American Planning Association's 13th Annual Public Policy Workshop, February 2015

"Case Law Update," Quarterly Column, *Florida Planning*, Florida Chapter of the American Planning Association (2011-present)

"Land Use Law Update," Emerald Coast Section of the Florida Chapter of the American Planning Association, October 2014

"What's New in the Law: Legal Hot Topics and Recent Cases," Florida Chapter of the American Planning Association's Annual Conference, September 2014

"Planners as Expert Witness – A Survival Guide," Florida Chapter of the American Planning Association's Annual Conference, September 2014

"Special Exceptions, Variances, and Non-Conforming Uses," Florida Municipal Attorneys Association's 33rd Annual Conference, July 2014

"Site Visits Done . . . Legally," *Planning*, American Planning Association, June 2014 Issue

"Planning Law Update," Florida Planning & Zoning Association's Annual Conference, June 2014

"Planning in the Courts," Florida Chapter of the American Planning Association's 12th Annual Public Policy Workshop, February 2014

"Planners As Expert Witnesses -- A Survival Guide," Florida Chapter of the American Planning Association's Annual Conference, September 2013

"The Bert Harris Property Rights Act," Florida Municipal Attorneys Association's 32nd Annual Conference, July 2013

"The Bert Harris Act from a Local Government Perspective," Florida Association of County Attorneys' Annual Conference, June 2013

"Who is Bert J. Harris?," Florida Planning & Zoning Association's Annual Conference, June 2013

"21st Century Planning Commissioner Short Course: Legal Framework for the Planning Commission," American Planning Association's National Conference, Chicago, Illinois, April 2013

- "What's New in the Law: Legal Hot Topics and Recent Cases," Florida Chapter of the American Planning Association's Annual Conference, September 2012**
- "Quasi-Judicial Hearings -- Lessons from the Trenches," CLE International's 15th Annual Land Use Law Conference: Growth Management in Transition, August 2012**
- Co-Authored with S. Brent Spain, "Is Cross-Examination by Affected Parties a Due Process Requirement in Quasi-Judicial Hearings?," CLE International's 15th Annual Land Use Law Conference: Growth Management in Transition, August 2012**
- "When Does a Development Exaction Become a Taking?," Florida Municipal Attorneys Association's 31st Annual Conference, July 2012**
- "Legal Issues for Planning Commissioners," American Planning Association's National Annual Conference, Los Angeles, California, April 2012**
- "Let It Be: Non-Conformities and Sustainability," Rocky Mountain Land Use Institute's 21st Annual Conference, Denver, Colorado, March 2012**
- "Planning in the Courts," Florida Chapter of the American Planning Association's 10th Annual Public Policy Workshop, February 2012**
- "Quasi-Judicial Hearings," Emerald Coast Section of the Florida Chapter of the American Planning Association, November 2011**
- "A New Era for Land Use Management in Florida: So What Happens Next?," Florida State University College of Law's Fall 2011 Environmental Law Forum, November 2011**
- "2011 Legislative & Case Law Update," Urban Land Institute-North Florida & Emerald Coast APA, May 2011**
- "Growth Management Legislative Update," Leesburg Area Chamber of Commerce, February 2011**
- "Case Law Update," Florida Chapter of the American Planning Association's 9th Annual Public Policy Workshop, February 2011**
- Co-Authored with S. Brent Spain and Allara Mills Gutcher, AICP, "Bert Harris Act Update" in *Florida Planning*, Florida Chapter of American Planning Association, Winter 2011 Issue**
- "Planning and Land Use Law Update," Emerald Coast Section of the Florida Chapter of the American Planning Association, September 2010**

"Planners as Expert Witnesses," Florida Chapter of the American Planning Association's Annual Conference, September 2010

"Takings Law Update," Florida Municipal Attorney's Association Annual Conference, July 2010

"Planners as Expert Witnesses," Florida Planning & Zoning Association's Annual Conference, June 2010

"Variances, Special Uses, & Board of Adjustment Operations," American Planning Association's National Annual Conference, New Orleans, Louisiana, April 2010

"Dealing with Nonconformities in a Down Economy," American Planning Association's National Annual Conference, New Orleans, Louisiana, April 2010

Moderator, "Climate Change at the Local Level," Florida Chapter of the American Planning Association's 8th Annual Public Policy Workshop, February 2010

Co-Authored with V. Gail Essley, FAICP, "Nonconformities" in *Zoning Practice*, American Planning Association, Issue No. 11, November 2009

"Takings & Eminent Domain Update," Florida Municipal Attorney's Association Annual Conference, July 2009

"Variances, Special Uses, & Board of Adjustment Operations," American Planning Association's National Annual Conference, Minneapolis, Minnesota, April 2009

"Expert Witness Testimony in Quasi-Judicial Hearings," Emerald Coast Section of the Florida Chapter of the American Planning Association, March 2009

"Informed Land Use Decisions: A Guide to Gathering Facts & Evidence," American Planning Association - Lincoln Institute of Land Policy, February 2009

"Local Government Quasi-Judicial Hearings from Public and Private Perspectives," Land Use Law Superconference, CLE International, September 2008

"Avoiding the Legal Pitfalls," Florida Chapter of the American Planning Association's Annual Conference, September 2008

"Florida's Growth Management Act -- Has It Made a Difference?," Florida Planning & Zoning Association's Annual Conference, June 2008

"Local Government Quasi-Judicial Hearings from Public and Private Perspectives," Land Use Law, CLE International, May 2008

- "Variances, Special Uses, and the Board of Adjustment," American Planning Association's National Annual Conference, Las Vegas, Nevada, April 2008**
- "The Planner as Expert: How Far From Out of Town Do You Need to Be?," Florida Planning & Zoning Association's Annual Conference, June 2007**
- "Variances, Special Uses, and the Board of Adjustment," American Planning Association's National Annual Conference, Philadelphia, Pennsylvania, April 2007**
- "Procedural and Legal Issues," Pinellas Planning Council EAR-Based Amendment Forum, September 2006**
- "Variances, Special Uses, and Board of Adjustment Operations," American Planning Association's National Annual Conference, San Antonio, Texas, May 2006**
- Co-Authored with V. Gail Easley, FAICP, The Board of Adjustment, American Planning Association 2005**
- Co-Authored with S. Brent Spain, "Development Exactions," Florida Municipal Attorney's Association Annual Conference, July 2005**
- "Testifying as an Expert Witness – Tips & Tools," Florida Chapter of the American Planning Association, 2004 Annual Conference**
- "Avoiding the Legal Pitfalls," Florida Chapter of the American Planning Association, 2004 Annual Conference**
- Co-authored with S. Brent Spain, "What's the Point of Omnipoint? An Analysis of Miami-Dade County v. Omnipoint Holdings, Inc.," Florida Municipal Attorney's Association Annual Conference, July 2004**
- "The Constitutional and Legal Framework of Planning," Florida Planning Officials Training Program, July 2004**
- "Hands-On Training for Board of Adjustment Members," 2002 APA Midwest Planning Conference, Cincinnati, Ohio, September 2002**
- "Contextual Development Guidelines for Urban, Suburban, and Rural Areas," 2002 APA Midwest Planning Conference, Cincinnati, Ohio, September 2002**
- "Group Homes & Community Residences: A Local Government's Regulatory Perspective," Florida Municipal Attorney's Association Annual Conference, July 2002**

- "Preparing for Expert Testimony and Depositions," American Planning Association's National Conference. Chicago, Illinois, April 2002
- "Takings and Quasi-Judicial Update," Florida Municipal Attorney's Association Annual Conference, July 2000
- "Swearing In Planners, Commissioners, Attorneys & Citizens in Quasi-Judicial Hearings," Florida Chapter of the American Planning Association, 1998 Annual Conference
- "Quasi-Judicial Hearings," Nuts and Bolts Municipal Government Seminar, Panama City, Florida, September 1998
- Water Resources Planning, Chapter Three, "Water Law" & Chapter Four, "Federal and State Water Regulation," Rowman & Littlefield, Second Edition 1996
- "Takings, Temporary Takings and Moratoria," Seventh Annual Growth Management Short Course, Florida Chamber of Commerce, April 1996
- "Making Snyder Work," Seventh Annual Growth Management Short Course, Florida Chamber of Commerce, April 1996
- "Law Update," Florida Planning & Zoning Association State Conference, October 1995
- "What is a Taking?," Coastal Management & Takings Workshop, Apalachee Regional Planning Council, June 1995
- "Making Snyder Work: Part II: Mock Planning Commission Meeting," Sixth Annual Growth Management Short Course, Florida Chamber of Commerce, April 1995
- "Emerging Trends & Issues: Application of Lucas' Common Law Test in Florida," Sixth Annual Growth Management Short Course, Florida Chamber of Commerce, April 1995
- "Growth Management, Advanced Session for Elected Municipal Officials," Florida Institute of Government, December 1994
- "Quasi-Judicial Zoning Workshop," Florida Planning & Zoning Association State Conference, October 1994
- "Takings, Temporary Takings & Moratoria," Fifth Annual Growth Management Short Course, Florida Chamber of Commerce, April 1994
- "Application of Lucas' Common Law Test in Florida," Fourth Annual Growth Management Short Course, Florida Chamber of Commerce, April 1993

"Contemporary Issues in Government," Florida Institute of Government, November 1992

"Permitting Process & Environmental Liabilities and Growth Management & the Concept of Concurrency," Conference on Advanced Real Estate Law in Florida, National Business Institute, November 1992

"The Future of Zoning," Florida Planning & Zoning Association State Conference, October 1992

"Lucas vs. South Carolina Coastal Council, Advanced Discussion on Takings Issue," Third Annual Growth Management Short Course, Florida Chamber of Commerce, April 1992

Co-Authored with Richard Babcock, "Landmarks Preservation Ordinances: Are the Religion Clauses Violated by Their Application to Religious Properties?," Journal of Land Use & Environmental Law, Vol. 7, 1992

Water Resources Planning, Chapter Three, "Water Law" & Chapter Four, "Federal and State Legislation," Rowman & Littlefield 1990

Co-Authored with Steve Pfeiffer, "Third Party Practice in Environmental Permitting and Land Use Adjudicatory Practices," Annual Environmental and Land Use Law Update, Florida Bar, August 1989



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Winter Garden, Florida 34787

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Practice Areas

Land Use & Zoning Law

Local Government Law

Administrative Law

Community/Homeowners Association Law

Land Use Litigation

Appellate Advocacy

Education

2000: J.D., Florida State University, with High Honors (Class Rank – 7th/214)

- Florida State Law Review, Administrative Editor

- Order of the GOLF

- Phi Kappa Phi Honor Society

- Katzentine-Simon Scholarship Recipient

1995: B.S., University of California, Davis, Major: Economics; Minor: Environmental Policy Analysis & Planning

Bar Admissions

Florida, 2000

California, 2002 (*inactive*)

Board Certifications

Board Certified Specialist in City, County, & Local Government Law

Awards/Honors

AV-Preeminent rated – Martindale-Hubbell's highest rating for legal ability and ethical standards

Florida Legal Elite, *Florida Trend*, 2014 & 2016 – Environmental & Land Use Law

Top Orlando Attorneys, *Orlando Life*, 2011-2013 – Land Use & Zoning Law

Rising Star, *Florida Super Lawyers*, 2010 & 2013 – Land Use & Zoning Law

Top Rated Attorneys, *Daily Business Review*, 2013 – Energy/Environmental Law

Prior Professional Experience

Judicial Law Clerk for the Honorable Harry Lee Anstead, Florida Supreme Court, 2000-2002

Akerman Senterfitt, Attorney

Court Admissions

U.S. District Court, Northern, Middle, & Southern Districts of Florida

U.S. Court of Appeals, Eleventh Circuit

Professional Memberships

The Florida Bar, Sections on Environmental and Land Use Law, Administrative Law, and City, County and Local Government Law

American Planning Association – Florida Chapter

Florida Planning & Zoning Association

The Florida Bar, Member of the Animal Law Committee

Orange County Bar Association, Member of Appellate Practice Committee

Published Works and Presentations

Co-Authored with Gregg R. Morton, Chapter 4, "Administrative Adjudication," Florida Administrative Practice (11th ed., The Florida Bar *forthcoming*)

"The 'Nuts & Bolts' of Defending a City's Land Use Permit Decisions," Florida Municipal Attorney's Association Annual Conference, July 2016

"Florida Zoning and Land Use," Lorman Education Services, May 2016

Co-Authored with Gregg R. Morton, Chapter 4, "Administrative Adjudication," Florida Administrative Practice (10th ed., The Florida Bar 2015)

"Discretionary Review," Practicing Before the Florida Supreme Court, The Florida Bar, June 2014

"What's This? – Dealing With Special Zoning Issues That May Arise During The Land Use Approval Process," Practical Guide to Zoning & Land Use Law, National Business Institute, December 2013

"Ethical Issues in the Land Use Arena: Professional Responsibility, Ex Parte Communications, and Conflicts of Interest," Practical Guide to Zoning & Land Use Law, December 2013

"Citizen Referenda – Past, Present, & Future," Florida Chapter of the American Planning Association's 11th Annual Public Policy Workshop, February 2013

"The 'Eagle' has Landed – Environmental Considerations in the Land Use Arena," Current Issues in Subdivision, Annexation & Zoning, National Business Institute, December 2012

"Ethical Issues in the Land Use Arena: Professional Responsibility, Ex Parte Communications, and Conflicts of Interest," Current Issues in Subdivision, Annexation & Zoning, National Business Institute, December 2012

Co-Authored with David A. Theriaque, "Is Cross-Examination by Affected Parties a Due Process Requirement in Quasi-Judicial Hearings?," CLE International's 15th Annual Land Use Law Conference: Growth Management in Transition, August 2012

Chapter 4, "Administrative Adjudication," Florida Administrative Practice (9th ed., The Florida Bar 2011)

- Co-Authored with David A. Theriaque and Allara Mills Gutchner, AICP, "Bert Harris Act Update" In Florida Planning, Florida Chapter of American Planning Association, Winter 2011 Issue
- "Challenging Local Zoning Decisions," Practical Guide to Zoning & Land Use Law in Florida, National Business Institute, February 2011
- "Case Law & Legislative Update," Practical Guide to Zoning & Land Use Law in Florida, National Business Institute, February 2011
- "Challenging Local Land Use & Zoning Decisions," Guest Lecturer, Real Estate Development Course, Barry University School of Law, June 2010
- "A Tree, A Flag, No It's a Cell Tower -- A General Overview of FCC Regulations for Cell Tower Siting," 7th Annual Hillsborough County Neighborhoods Conference, March 2010
- Co-Authored with Steve Pfeiffer, Chapter 4, "Administrative Adjudication," Florida Administrative Practice (8th ed., The Florida Bar 2009)
- "Overview of Florida Land Use Law," Mastering Land Use & Planning Processes, National Business Institute, November 2008
- "Drawing the Line: Ethical Issues in Land Use," Mastering Land Use & Planning Processes, National Business Institute, November 2008
- "Challenging Local Land Use & Zoning Decisions," Practical Guide to Zoning & Land Use Law In Florida, National Business Institute, June 2008
- "Current Case Law & Legislative Update," Practical Guide to Zoning & Land Use Law in Florida, National Business Institute, June 2008
- "Local Government Financing Options: The Impact of *Strand v. Escambia County*," Strategies for Smart Growth & Development, The Florida Bar, November 2007
- "Municipal Annexations in Florida," Florida Land Use: Current Issues in Subdivision, Annexation & Zoning Law, National Business Institute, November 2007
- "Challenging Local Land Use & Zoning Decisions," Practical Guide to Zoning & Land Use Law in Florida, National Business Institute, June 2007
- "Current Case Law & Legislative Update," Practical Guide to Zoning & Land Use Law in Florida, National Business Institute, June 2007
- "Annexations in Florida," Florida Land Use: Current Issues in Subdivision, Annexation & Zoning Law, National Business Institute, November 2006
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**Memorandum of Understanding
Creating the Tampa Bay
Regional Resiliency Coalition**

WHEREAS, the Tampa Bay Regional Resiliency Coalition has been formed to coordinate climate adaptation and mitigation activities across county lines, to advance local and regional responses to and preparations for economic and social disruption projected to result from sea-level rise, and to provide state and local agencies with access to technical assistance and support in addressing the effects of climate change; and

WHEREAS, the Counties of Citrus, Hernando, Pasco, Pinellas, Hillsborough, Manatee, and Sarasota of the Tampa Bay region and the municipalities within (the "Coalition Members"), are a unique and extraordinary area, sharing a sense of community, economy, and critically important environmental resources; and

WHEREAS, the Tampa Bay region has some of Florida's most remarkable beaches, rivers, estuaries, and springs which are closely coupled to the region's cultural heritage; and

WHEREAS, the Tampa Bay region has approximately 4 million residents, which represents approximately 19% of Florida's population, and is projected to exceed 5 million residents by 2040; and

WHEREAS, the Tampa Bay region has a Gross Domestic Product of more than \$2.5 billion annually, more than 37% of statewide economic output; and

WHEREAS, the resiliency of the Tampa Bay region's economic, environmental, and social health relies on crucial coastal transportation infrastructure, including: seaports, rail systems, roads, and airports; and

WHEREAS, the Tampa Bay region is vulnerable to the impacts of a changing climate, including: sea-level rise, rainfall, heat events, wildfires, droughts, flooding and storms, which threaten current community priorities, human well being and natural resources; and

WHEREAS, rising sea levels, intense rainfall and other climatic stresses will compromise crucial drainage infrastructure and drinking water supplies (through saltwater intrusion into rivers and the aquifer); and



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WHEREAS, extreme weather events can impact the lives of residents, damage property and disrupt business; and

WHEREAS, natural areas including forests, beaches with dunes, wetlands, mangroves, and oyster reefs can provide valuable flood risk reduction and water quality benefits and may be compromised by changing climate conditions; and

WHEREAS, climate resiliency is the planning for and implementation of activities to reduce the Tampa Bay region's vulnerability to a changing climate, and is amongst the most consequential actions the Tampa Bay region could pursue; and

WHEREAS, the Coalition Members are committed to being resilient to a changing climate, and will consider adaptation and risk reduction strategies intended to ensure public safety and safeguard infrastructure, property, environmental assets, and basic quality of life for current residents and future generations; and

WHEREAS, many of the activities undertaken to enhance resiliency to a changing climate will be concurrent with existing local efforts and objectives addressing aging infrastructure, emergency management, and public health; and

WHEREAS, while counties and cities in the Tampa Bay region have independently identified and undertaken activities to address vulnerabilities, a collaborative commitment working together to build the region's resiliency will best serve the Tampa Bay region; and

WHEREAS, proactively preparing for a changing climate will be less costly and enhance the major sectors of the regional economy, maintaining and growing manufacturing, health care, tourism, agriculture, and other economic segments; and

WHEREAS, measures to mitigate hazard risks provide a significant return on investment because resilient communities and regions support a thriving economy and create opportunities to attract new businesses and economic investments; and

WHEREAS, local governments play a critical role in fostering social equity in the face of climate related challenges, including the potential for community displacement; and

WHEREAS, the Coalition Members have joined in formation of the Tampa Bay Regional Resiliency Coalition to coordinate their efforts and enhance their abilities to prepare, adapt, and mitigate for the effects of sea-level rise and climate change in their individual communities and throughout the entire Tampa Bay region.



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NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARDS OF THE COALITION MEMBERS THAT:

Section 1. Findings – The findings set forth above are adopted and set forth as the reasons and statement of purpose for the formation of the Tampa Bay Regional Resiliency Coalition.

Section 2. Regional Cooperation – The Coalition Members shall work together to maximize their efforts to mitigate and adapt to the effects of sea-level rise by: identifying vulnerabilities to the effects of climate change in their communities; identifying common vulnerability assessment methodologies; planning for mitigation and adaptation actions that will enhance the resiliency of their communities; learning from each other and their prior efforts and planning documents; leveraging their resources; and pursuing public private partnerships.

Section 3. Regional Resiliency Action Plan - The Coalition Members shall develop a Regional Resiliency Action Plan which shall include strategies for coordinated regional preparation for and adaption to a rapidly changing global environment based on mapping of projected sea-level rise and resulting amplification of localized impacts of hurricanes and tropical storms, and which shall identify funding strategies at the local, state, and federal levels for mitigation and adaptation actions to deal with those impacts.

Section 4. Science Based Decisions – It is essential that the Coalition Members base their strategies and actions on sound science and technical data, and for this reason they shall work together to identify experts for guidance and shall use the regional recognized sea-level rise projections as produced by the Tampa Bay Climate Science Advisory Panel to assess sea-level rise vulnerability, inform planning efforts, and provide guidance on what sea-level rise projections should be incorporated into local planning efforts.

Section 5. Legislative Strategy – The Coalition Members shall develop a legislative strategy which includes a joint position statement recognizing the vulnerabilities of the Tampa Bay region to the impacts of sea-level rise and includes recommendations for the allocation of state and federal resources, which may include designation of the Tampa Bay region as uniquely vulnerable for the purpose of securing enhanced levels of federal participation and funding in regional adaptation and mitigation programs.

Section 6. Community Involvement – Recognizing the importance of involvement in these regional, cooperative efforts by all members of the community, the Coalition Members shall engage and involve local business, organizations, associations and individuals in developing



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policies and recommendations which will have the support and commitment of community members and organizations, which is essential for successful implementation.

Section 7. Intent – The Coalition Members each join the Tampa Bay Regional Resiliency Coalition as an expression of their intent and commitment to work together on a regional level to identify and address the effects of sea-level rise, but by joining this Coalition the Coalition Members do not hereby commit local resources or staffing and acknowledge that the governing body of each Coalition Member retains that power and authority.

Section 8. This Memorandum of Understanding shall take effect on this 5th day of September, 2018.

Mayor

Town Clerk