MINUTES

FORT MYERS BEACH TOWN COUNCIL
TOWN HALL – COUNCIL CHAMBERS

2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

AGENDA **Monday April 4, 2011** **9:00 AM**

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 9:00 a.m. Present with Mayor Kiker was Vice Mayor Raymond, Council members Kosinski, and Mandel along with Town Manager Stewart, Town Attorney Miller and Town Clerk Mayher. Councilmember Jo List excused absence.

II. INVOCATION – Pastor Laurie Davidson, St. Peters Lutheran

III. PLEDGE OF ALLEGIANCE

All stood for Pledge of Allegiance

IV. APPROVAL OF FINAL AGENDA

Agenda stands.

V. PUBLIC COMMENT

Public Comment Opened

- **John Kakatsch** representing the LPA and residents of Connecticut Street who were concerned with the parking lot proposed for 216 Connecticut as well as the lack of sidewalks for those visiting the Mound House.

- **Al Durrett** thanked Council for the permitting of the Sand Bash, and he continued by reading a letter, from Fort Myers Beach Concerned Taxpayers, voicing disapproval regarding the expansion of the library. Mr. Durrett then provided Council with a copy of the letter.

- **Ed Scott** asked Council to write a letter indicating they had no power, and stating the library would be built.

Public Comment Closed

Councilmember Mandel asked to have discussion on Seafarer's added to the agenda. Mayor Kiker indicated it could be brought up during Councilmember items with limited discussion.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Councilmember Mandel and Mayor Kiker commented on the success of the Sand Bash on the beach.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

None

VIII. PROCLAMATION

National Arbor Day – Estero Island Garden Club

Proclamation read by Town Clerk Michelle Mayher, proclamation presented by Mayor Kiker.

IX. APPROVAL OF MINUTES

A. February 16, 2011 – Joint Town Council/BORCAB
B. February 22, 2011 regular Town Council

MOTION: Councilmember Mandel moved to approve with a second by Councilmember Kosinski.

VOTE: Motion passed 4 to 0 Councilmember List absent.

X. CONSENT AGENDA

A. Change Order, Mound House
B. Change Order, North Estero

MOTION: Councilmember Mandel moved to accept with a second by Vice Mayor Raymond.

VOTE: Motion passed 4 to 0 Councilmember List absent.

XI. ADMINISTRATIVE AGENDA

A. Appeal of Community Development Administrative Action, 2500 Estero Blvd.

Councilmember Kosinski announced he would abstain from voting as he had a conflict of interest with this matter, as he had been a partner in MKPD as they had provided the plans for the project, although he did not have direct contact with the plans.

Town Manager Stewart stated this was an appeal of a decision of the Community Development Director. Mr. Stewart continued to review the

issues regarding the property along with the changes in FEMA regulations and whether Council wanted to override the decisions made by the Community Development Director.

Attorney Miller swore in all those who would give testimony.

Walter Fluegel remarked on Senate Bill 360, it was staff's interpretation that the extension given on the property did not extend to the FEMA requirements, noting the building permit was vested however they would have to come into compliance with the FEMA requirements and any subsequent changes to the FEMA requirements.

Ken Miller, Building Safety Services Coordinator reviewed the application was made June 23, 2008 and approved August 27, 2008 the day before the new rate maps took effect with construction to begin within a 180 day period of issuance of the permit or the permit could not be extended with FEMA. Mr. Miller stated that 180 days passed with no construction at 2500 Estero so the permit expired. Mr. Miller continued by stating when the property owners requested an extension, Frank Shockey, the Community Development Director at the time denied the building permit but allowed the development order. A second request came in After Mr. Fluegel became Community Development Director
The decision was to extend both the development order and the building permit but the property owner would have to abide by the new FEMA regulations which placed them in a Velocity Zone. Mr. Miller stated the reason was, the statute stated if by extending the permit a life safety issue was incurred they did not have to allow the permit, indicating the original plan did not call for breakaway walls so the water would not flow through causing damage that would then be carried onto other properties on the beach.

Robert Pritt with the law firm of Roetzel & Andress addressed Council on behalf of 2500 Estero Boulevard, LLC. stated the issue dealt with the interplay between Federal, State and Local law. Mr. Pritt stated he agrees with the staff except for the final conclusions, noting that the State law required the town to extend and recognize the permits, with their decision that the permit was "grandfathered in" and asking Council to over ride staff's decision.

Public Comment Opened
No Public Comment
Public Comment Closed

No representation from LPA present.

Town Manager Stewart again reviewed staff's decision as well as reading subsection 4 of State Statutes 360/1752 pertaining to what permits could be extended.

Vice Mayor Raymond questioned the breakaway walls, asking if they could continue with the project if the plan was changed to incorporate those.
Ken Miller addressed Council indicating that for a V Zone the base flood

areas could be used for parking or storage only, but not for the original purpose per the permit.

Councilmember Kosinski asked what modifications would be needed to allow the project to continue, with Mr. Miller and Mr. Stewart stating they could only use the ground level for parking or storage, and a redesign was required if they wanted to maintain all the commercial space.

Councilmember Mandel questioned the possibility of jeopardizing the insurance rates should the project move forward per the plan. Town Manager Stewart indicated he could not state positively but FEMA could look at how the town enforced their regulations and make a determination at how the town was accomplishing that which could affect the insurance rates for the town.

Mayor Kiker asked how many other projects were in line, with Mr. Miller referencing a proposed project at the Shamrock location.

Mayor Kiker continued by asking about the 180 day time frame for starting a project, and whether something like pouring some cement would have constituted a start of the project with Mr. Miller replied "yes", and then extensions could have been issued.

Mayor Kiker questioned imminent harm with attorney Miller responding not only could that mean danger but Federal harm due to an increase in insurance rates. After additional discussion Town Manager Stewart again reminded Council that State nor Local Law does not preempt Federal Law.

Town Manager Stewart indicated that the applicant as well as the town contacted FEMA regarding the project. FEMA indicated it was up to the town whether they were going to enforce FEMA regulations which would then move the issue to a FEMA review.

Mayor Kiker felt there should be another resource and /or legal source for recommendations. Attorney Miller suggested the applicant get a ruling from FEMA. Councilmember Mandel was in favor of asking for FEMA's approval as well as a guarantee that there would not be increase in insurance rates if the project moved forward as planned.

Town Manager Stewart indicated the town had already gone to FEMA, stating they would not make a ruling.

Vice Mayor Raymond voiced his disapproval of obtaining packets of material the day of the meeting as well as Mr. Pritt's citing of new Senate Bills that had not yet been passed. Vice Mayor Raymond continued by asking why the applicant, knowing that they had to start something, did not go ahead and start something on the property instead of waiting until they decided they wanted to do something.

Joe McHarris replieded, due to the financial meltdown, no banks were lending, then the loan was approved 2 weeks after the permit expired. Mr. McHarris did indicate that Mr. Miller had been in contact with him reminding him the permit was going to expire and that with 20/20 hindsight they probably should have dug a hole and poured concrete to get the first inspection, but the applicant didn't know if he was going to get the loan and continue with the project.

Discussion continued over the implications of the town's insurance rating should the project move forward. Mayor Kiker asked Attorney Pritt for any other resource to assist in moving the issue forward. Mr. Pritt suggested a ruling from the Attorney General, however Attorney Miller cautioned it would cause additional attorney costs.

Councilmember Mandel asked if a decision from the State Attorney General had any power over a Federal issue, with Attorney Miller indicated it had no real binding power but could be something persuasive.

Mayor Kiker indicated he was not comfortable making a decision now, noting the staff should have gotten an opinion from the State Attorney General prior to coming to Council with the issue.

Town Manager Stewart stated he was just informed there had been another case where a town moved forward by granting a project that went against FEMA regulations with the town being found liable for costs.

Council Recessed (10:30 AM) ***Council Reconvened (10:52 AM)***

Mayor Kiker suggested the decision to table the issue to allow the town and applicant time to explore additional avenues. Mr. Stewart suggested Council move forward with the Attorney General's opinion.

MOTION: Vice Mayor Raymond moved to table the discussion and seek the Attorney General's opinion as well as any other pertinent information with a second by Councilmember Mandel.

VOTE: Motion passed 3 to 0 Councilmember List absent, Councilmember Kosinski abstained.

B. Resolution 11-03, Reaffirmation of Resolution 04-04, Santos RPD
Town Clerk read the Resolution with Town Manager Stewart informed the Council that in 2004 Resolution 11-03 had not been validated and staff was now requesting Council for a validation so development could move forward.

Public Comment Opened
No Public Comment
Public Comment Closed

MOTION: Councilmember Mandel to move forward with recommendation from town attorney with a second by Vice Mayor Raymond.

VOTE: Motioned passed 4 to 0 Councilmember List absent.

C. Introduction of 11-03, Limited Amendment, Noise Ordinance – Refuse Collection

Town Manager Stewart reviewed limited amendment to the noise ordinance explaining it dealt with all non-residential refuse collection to between the hours of 6:30 a.m. and 6:30 p.m.

Public Comment Opened
No Public Comment
Public Comment Closed

Town Clerk Michelle Mayher read:ORDINANCE NO. 11-03 **AN ORDIANCE AMENDING CHAPTER 14, ARTICLE II, IN THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, "NOISE CONTROL," AMENDING SECTION 14-22 "EXCEPTIONS," SUBSECTION (4), TO LIMIT THE EXCEPTION FOR ORDINARY NOISE CREATED BY THE OPERATION OF REFUSE AND RECYCLABLES COLLECTION FROM NON-RESIDENTIAL LOCATIONS SO THAT SUCH COLLECTION MAY ONLY OCCUR BETWEEN THE HOURS OF 6:30 A.M. AND 6:30 P.M.; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

MOTON: Councilmember Mandel moved to approve a public hearing date of April 18 at 6:30 p.m. with a second by Councilmember Kosinski.
MOTION: Motion passed 4 to 0 Councilmember List absent.

D. Introduction of 11-02, Ordinance Amending Flood Plain Regulations

Town Clerk Michelle Mayher read ORDINANCE NO. 11-02 **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH AMENDING THE FLOODPLAIN REGULATIONS AND REFRENCES TO THE FEDERAL FLOOD INSURANCE STUDY (FIS) AND FLOOD INSURANCE RATE MAPS (FIRM) IN THE LAND DEVELOPMENT CODE (LDC); ADOPTING AMENDMENTS TO ARTICLE IV (FLOODPLAIN REGULATIONS) OF CHAPTER 6 OF THE LDC, TITLED "MAINTENANCE CODES, BUILDING CODES, AND COASTAL REGULATIONS," AND WHICH PROVIDES ARTICLE IV FLOODPLAIN REGULATIONS, DIVISION 1 GENERALLY; PROVIDING AUTHORITY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Town Manager Stewart stated this was an introduction to be followed by one (1) public hearing. Community Development Director Fluegel indicated this was an amendment to the Floodplain regulations to bring it into compliance with Flood Plain requirements, which was part of the FEMA program.

Public Comment Opened
No Public Comment
Public Comment Closed

MOTION: Councilmember Mandel made a motion to set a public hearing for April 18, at 6:30 p.m. based on what was read with a second by Councilmember Kosinski.

VOTE: Motion passed 4 to 0 Councilmember List absent.

E. Approval of Extension of Contract with Central Parking Systems

Town Manager Stewart reviewed this was the 2nd extension (of a possible 3 of the original 3 year contract) with Central Parking Systems. There was no increase in cost from the provider.

Public Comment Opened
No Public Comment
Public Comment Closed

MOTION: Councilmember Kosinski made a motion to approve the service provider extension at the original contract price with a second by Councilmember Mandel.

VOTE: Motion passed 4 to 0 Councilmember List absent.

F. Discussion on Procedures for Town Manager Evaluation

Public Comment Opened
No Public Comment
Public Comment Closed

Town Manager Stewart indicated the his agreement did call for a Town Manager's performance no later than June 30th of each year, also noting in Council's packet there was a copy of a performance evaluation sheet Council could use.

Councilmember Kosinski questioned the need for a work session since there was already a form available. Vice Mayor Raymond indicated he liked the way it was handled previously with each Councilmember filling out the form in private and handing them in. It was however decided to schedule a discussion for a work session on agenda management.

XII. PUBLIC COMMENT

Public Comment Opened
No Public Comment
Public Comment Closed

XIII. TOWN MANAGER'S ITEMS

A. Evaluation and Appraisal Report

Town Manager Stewart stated that the State of Florida had a Comprehensive Land Use Legislation that defined how local communities are to accomplish their community planning for zoning and land use and as a part of that the town is

required to do an evaluation and appraisal report.

Community Development Director Walter Fluegel presented a brief synopsis of what would be occurring within the next year.

- Surveys
- Media Outreach
- 2 Public Workshops on Comp. Plan & Public Vision for Town
- Stakeholder Meetings
- Interdepartmental Meetings
- Data Analysis: Population Growth, Changes in Land Area, Financial Feasibility of Infra-Structure Provisions
- Evaluating Effectiveness of Existing Policies Overall
- Identifying Policies in Comp. Plan With Need For Modification
- Final Draft Evaluation & Appraisal Report to Council in Fall of 2011
- Final Assessment of Goals, Assessments and Policies for Public Hearing Before LPA in October of 2011
- Culminating before Town Council in April 2012

XIV. TOWN ATTORNEY'S ITEMS

Town Attorney Humphrey indicated the validation hearing meeting on the water utility would be April 14th with the actual hearing to be April 25th. Attorney Humphrey asked Mayor Kiker to be present on both dates, however Mayor Kiker stated that Councilmember Mandel had been involved with the issue. Attorney Humphrey stated they wanted to make sure the Judge understood that this was a matter of safety for the town and due to the length of the issue Mayor Kiker had been involved the longest. It was decided Mayor Kiker and the Town Manager would be present.

XV. COUNCILMEMBER'S ITEMS AND REPORTS

Councilmember Mandel questioned what could be discussed regarding Seafarer's during the work session. Attorney Humphrey indicated the Commission would require formal action. A discussion ensued regarding ending the present Council meeting then reconvening later in the day to discuss Seafarer's.

Mayor Kiker indicated there had been additional information discovered regarding Seafarer's that Council might want to discuss. A decision was made to finish the rest of the meeting and discussion Seafarer's at the end.

Councilmember Mandel then requested a change of the September 19th Council Meeting to September 26th due to personal matters. Staff would look into changing the dates and advise Council.

Vice Mayor Raymond requested the actual dates for meetings from present through September so he could make travel plans. Vice Mayor Raymond also asked for the Mound House opening with Town Manager Stewart stating it had opened that morning.

Mayor Kiker reviewed his upcoming meetings with TDC, the BOCC and the Chamber. Mayor Kiker then asked if things could be added to the computers

given to Council, requesting assistance from I.T.

XVI. AGENDA MANAGEMENT

Add Town Manager Evaluation to the May 2nd Worksession

Town Manager began discussion of Seafarer's Property

Mayor Kiker began discussing the BOCC's plan for Seafarer's indicating that none of their discussion included the other county properties, only whether Seafarer's would be demolished with no other options.

Mayor Kiker stated he had sent some questions through the Town Clerk, who was acting Town Manager at the time, asking that the questions be distributed to Council soliciting their ideas on what they would like to see happen to the property. Mayor Kiker felt the issue of Estero Boulevard had been lost and that the county had not been including the town in their conversations regarding the property.

Mayor Kiker continued by asking what will happen if the building is torn down, showing the backs of the remaining adjacent buildings once the building was gone. Mayor Kiker brought up the pedestrian traffic from the parking lot to the new park, the traffic issues with a parking lot, the grease pits on the property, the time frame the property would be empty as well as how the county would address the concerns of the town, and a desire for a written commitment from the county to the town.

Councilmember Kosinski expressed that the property could be dressed up with a buffer of plantings, indicating the only entrance to the parking lot would be in the back from 5th street, noting whatever happens on the property now would only be temporary and in the future would benefit Estero Boulevard.

Vice Mayor Raymond stated he had received an email noting that the Council had done nothing regarding the property for 7 months. He asked for a review of what the Council had done in the past 7 months in connection with Seafarer's.

Mayor Kiker reviewed the time line from when the town first considered taking over the property to the decision by the County to tear down the building.

Vice Mayor felt there was a consensus from Council regarding the property, however would like to see some alternatives, such as a private/public partnership.

Councilmember Mandel suggested Council submit a letter to the BOCC requesting the transfer of the Seafarer's building and property to the Town of Fort Myers Beach, with the town demolishing the building after season and moving forward to create parking as temporary steps and exploring the use of the entire property to improve traffic on Estero Boulevard with a possible public/private connection and remove blight in the area.

Councilmember Mandel continued by stating he had obtained demolition costs for the building as well as development costs for a parking lot.

Town Manager Stewart relayed Councilmember List's opinions that had been sent in via email due to her absence. Councilmember List indicated, at first, she was opposed to using the site as a town hall and voted for a delay in the county taking the building down because Council was told in the last meeting that only 12 spaces could be created on the lot. Since then, Barbara Manzo from the county has indicated there could be approximately 55 spaces. Councilmember List was now in favor of the building being demolished to develop revenue sharing which could lead to the town's ownership of the property, with the town having full participation in the design and landscaping.

Councilmember Mandel indicated his obtained analysis was based on 20 parking spaces on ground level. Mayor Kiker asked if there were access to the property from the rear of the property, with the town not yet having that information.

Town Attorney Humphrey reminded Council that even if they did not own the property the town did have jurisdiction over the property. Mr. Humphrey stated if Council chose to go with the letter to the BOCC it should read to turn over the building and the property, reminding them that it was paid for with TDC funds, however, if the town did not request the property be transferred then the town would retain full cooperation with the county.

Public Comment Opened

- **Lee Melsek** representing the FMB Civic Association indicated they had sent a letter to the BOCC and Council indicating their position regarding the property, also noting that there were many in the Civic Association that did not want to see a parking lot on the site. Mr. Melsek hoped there would be a focus on the Helmerick property behind Seafarer's which would be needed to really do anything with the Seafarer's property. Mr. Melsek also commented on how Council had been categorizing the county as well as stating he felt the county was not going to give the town the parks, telling others that it was not going to happen, asking Council to instead focus on the corner.

- **Ed Scott** felt the Council didn't discuss purchasing the property with the county.

Public Comment Closed

MOTION: Councilmember Mandel made a motion to continue the meeting after a lunch break with a second by Vice Mayor Raymond.

VOTE: Motion passed 4 to 0 Councilmember List absent

Mayor Kiker reconvened the regular Council meeting at 2:10 p.m.

Mayor Kiker then asked Council to move forward with the Work Session discussion of the Library since there were numerous residents present for that discussion. Mayor Kiker asked for a recess before reconvening as the regular Council meeting at 3:30 p.m.

MOTION: Councilmember Mandel made a motion to reconvene at 3:30 p.m. with a second by Vice Mayor Raymond.

VOTE: Motion passed 4 to 0 Councilmember List absent.

Council recessed at 2:17 p.m. ***Council reconvened at 3:40 p.m.***

Mayor Kiker reopened the regular Council Meeting.

MOTION: Councilmember Mandel made a motion to engage Nabors Giblin for the library with a second by Vice Mayor Raymond.

VOTE: Motion passed 4 to 0 Councilmember List absent

Council resumed Seafarer's discussion

MOTION: Councilmember Mandel made a motion for the Town Attorney write a letter for the transfer of the Seafarer's property to the town and for the Lee County BOCC to respond to the Mayor

Attorney Humphrey requested the letter come from the Mayor

Vice Mayor Raymond seconded the motion.

Councilmember Mandel indicated you would have the most leverage over the property if it were owned so he would like to ask for the BOCC to transfer the property to the town, as well as the intent of the town as to what would happen to the property should they own it.

Mayor Kiker indicated it would have to be agreed upon to make the property a parking lot for TDC purposes and the will of the BOCC, with Councilmember Mandel asking if the letter could be ready and to the BOCC before the 8th of April.

Discussion continued regarding demolition costs and who would be responsible and whether the town was financially able to accomplish that task.

VOTE: Motion passed 4 to 0 Councilmember List absent

There was a consensus from Council to allow Mayor Kiker to proceed.

XVII. RECAP OF ACTION ITEMS

None discussed

XVIII. ADJOURNMENT

MOTION: Councilmember Mandel made a motion to adjourn.

Meeting Adjourned at 3:58 p.m.

Adopted 5-16-11 With/~~Without changes~~. Motion by Raymond/Kasinski

Vote: 5-0

Michelle D. Mayher, Town Clerk

▪ End of Document

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Kosinski, Joseph C.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Ft Myers Beach Town Council
MAILING ADDRESS 135 Gulfview Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Ft Myers Beach, FL COUNTY: LEE	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 04-04-11	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joseph C. Kosinski, hereby disclose that on N/A 4 – 4, 20 ~~08~~ 11:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

✓ inured to the special gain or loss of my business associate, MKPD McHarris Planning and Design;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Blue Sheet Number:2011-031
Action on 2500 Estero Blvd.

At the time this Permit was originally filed I was a partner in MKPD. This firm provided the permitted plans for this project. Although I had no direct involvement with the project I feel I should not vote on this matter because of my association with MKPD.

04-02-11
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.