MINUTES

June 6, 2011

FORT MYERS BEACH TOWN COUNCIL
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

I. CALL TO ORDER
Mayor Kiker called to order the June 6, 2011 meeting of the Town Council at 9:02 am. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List and Mandel; Town Manager Stewart, Town Attorney Miller and Town Clerk Mayher.

II. INVOCATION – Reverend Jeanne Davis, Beach United Methodist Church
III. PLEDGE OF ALLEGIANCE
IV. APPROVAL OF FINAL AGENDA
Agenda accepted as presented.

V. PUBLIC COMMENT
Open Public Comment
- George Meek – referenced the rumor of a Hard Rock Café coming to Estero Island and questioned whether the Council was taking any action to prevent it.

Closed Public Comment

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS
VII. ADVISORY COMMITTEES ITEMS AND REPORTS
VIII. APPROVAL OF MINUTES
IX. A. April 4, 2011 Town Council work session
B. May 2, 2011 Town Council meeting
C. May 16, 2011 Town Council meeting

MOTION: Motion to approve minutes without changes by Council Member Mandel; Second by Vice Mayor Raymond.
VOTE: Motion passed 5-0.

X. CONSENT AGENDA
A. Transfer from Beach Renourishment Reserve for Vegetation Survey
B. Authorization to Apply for Arts & Attractions Grant
C. Proclamation – Pledge of Civility

D. Mound House Landscape Restoration Project Change Order

Council Member Mandel pulled Consent items A & D for discussion.

MOTION: Motion by Council Member Mandel to approve Consent items B&C; Second by Vice Mayor Raymond.
VOTE: Motion passed 5-0.
Council Member Mandel questioned why the requested funds for the beach vegetation survey were not part of the interlocal agreement and paid by the County. The Town Council directed staff to negotiate the funds with the Lee County and to bring back the vegetation survey item on the June 20, 2011 consent agenda.

Council Member Mandel questioned the Mound House landscape item.
Town Manager Stewart responded that this project is within budget; no additional dollars. Public Works Director Lewis clarified details of the project specific to the pathway; the change order was adding a 'cap' , designed to be a more fixed appearance.

MOTION: Council Member Mandel moved approval of the Mound House landscape change order. Council Member List seconded the motion.

VOTE: Motion passed 5-0.

XI. PUBLIC HEARINGS

A. Case Number FMBSEZ2010-0003, Mermaid Liquor & Lounge Special Exception

Mayor Kiker opened the public hearing.
Council Member Kosinski declared a voting conflict, and submitted **Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Public Officers.** CM Kosinski declared the disclosure of local officer's interest:

I, Joseph C. Kosinski, hereby disclose that on June 6, 2011, a measure came or will come before my agency which inured to my special private gain or loss; The measure before my agency and the nature of my conflicting interest in the measure is as follows:
Case Number FMBSEZ2010-003, Mermaid Liquor & Lounge Special Exemption
Approval of a special exception in the Downtown zoning district to allow consumption on premises of alcoholic beverages in a restaurant providing outdoor seating area within 500 feet of a dwelling unit under separate ownership. I wish to abstain from voting on this case due to the fact that my company, JC Kosinski Engineering, Inc., provide the permitted plans for the outside seating area. I feel that due to this conflict I should not vote on this issue.

Council declared ex-parte communication.
CM Kosinski – abstain, form 8B
VM Raymond – visited the site, no conversation
CM List – visited the site, no conversation
CM Mandel – visited the site, no conversation
M Kiker – visited the site and spoke with the business owner

Applicant defers to staff to present the case.

Leslee Chapman, Town Zoning Coordinator – staff recommends approval.

LPA representatives Rochelle Kay and Bill Van Duzer – LPA recommends approval; the back patio is enclosed and does not go on to the sandy beach.

PUBLIC COMMENT
Opened Public Comment

- Lucinda Keller – problem is in the winter with more traffic; would like to see the Mermaid do what they want but the bottleneck needs to be addressed.

Closed Public Comment
Discussion ensued: 150 square feet at the front to be defined by vegetation; music in front only by special permit. Mayor Kiker inquired whether the business sign is in compliance. Manager Stewart responded that the business has until December 31, 2011 to come in to compliance. Mayor Kiker wants mandatory recycling enforced. Vice Mayor Raymond wants the applicant to enclose the recycle bins on the north side.

Closed Testimony.

MOTION: Council Member Mandel moved approval of a special exception in the downtown zoning district to allow consumption on premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership with mandatory recycling in place, screening of refuse containers and the conditions recommended in the staff report.

VOTE: Motion passed 4-0, with Council Member Kosinski abstaining (Filed form 8B).

Mayor Kiker closed this hearing at 9:55 AM.

B. Case Number FMBSEZ2010-0006, Merlo's Bar & Grille Special Exception

Mayor Kiker opened the public hearing at 9:58 AM

Council declared ex-parte communication:
Mayor Kiker – visited the site and talked with the business owner
Vice Mayor Raymond – none
CM Kosinski – none
CM List – none
CM Mandel – none

Applicant defers to staff to present the case.

Leslee Chapman, Town Zoning Coordinator – Applicant requests COP in an outdoor seating area; staff recommends approval with conditions.

LPA Representatives – Rochelle Kay and Bill Van Duzer. The property is across the street from the beach; no spill-over on to the sand; parking spaces are identified in Primeau's parking; is ADA compliant; entertainment element is removed as the LPA is of the opinion that the deck is right on top of residential therefore they recommend restricting entertainment.

PUBLIC COMMENT
Opened Public Comment

- Lucinda Keller – There is a problem with the owner who obstructs her view; there is a problem with drainage; the right-of way is not to be changed.

Closed Public Comment

Mayor Kiker recommends that compliant signage and mandatory recycling be part of the conditions for approval; Council Member Kosinski recommends that the hours of operation should be with a permit.

MOTION: Council Member List moved approval of a special exception in the downtown zoning district to allow consumption on premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership, per Town Council resolution 11-06, adding that music is allowed and signage and mandatory recycling to be in compliance. Council Member Kosinski seconded the motion.

VOTE: Motion passed 5-0.

Public hearing closed at 10:25 AM

Recess: 10:25 AM ***Reconvene: 10:40 AM***

C. Case Number FMBDCI2011-0002, Rowe RPD

Mayor Kiker opened the public hearing at 10:00 AM

Council declared ex-parte communication

Vice Mayor Raymond – Spoke with Attorney Hartsell (Pavese Law Firm), representative for the applicant; visited the site
Council Member List - Spoke with Attorney Hartsell (Pavese Law Firm), representative for the applicant; visited the site
Council Member Mandel - Spoke with Attorney Hartsell (Pavese Law Firm), representative for the applicant; visited the site; participated in a phone conversation with a member of the LPA

Mayor Kiker - Spoke with Attorney Hartsell (Pavese Law Firm), representative for the applicant; visited the site; participated in a phone conversation with a member of the LPA
Council Member Kosinski - Spoke with Attorney Hartsell (Pavese Law Firm), representative for the applicant; visited the site; participated in a phone conversation with a member of the LPA

Applicant presented its case.

Steven Hartsell, attorney with Pavese Law Firm presented on behalf of the applicants, Christopher and Henrietta Rowe, who are requesting approval of a Residential Planned Development (RPD) rezoning to allow for the pre-disaster redevelopment of the property with a 3-unit condominium and residential accessory uses. The property consists of 18,831 s.f. of which 6,500 +/- is located within the mixed residential future land use category. The request is to rezone from RM to RPD.

Leslee Chapman, Town Zoning Coordinator – Staff recommends approval of the requested residential planned development rezoning and deviations subject to the conditions recommended in the staff report.

LPA Representative – Joanne Shamp and Bill Van Duzer – read a prepared statement. In summary, the LPA considers that this application is not allowable through the Objective and Policies of the Comprehensive Plan and the regulations of the Land Development Code and that the granting of these deviations violates the Comprehensive Plan. The LPA recommends that the Town Council deny the application.

PUBLIC COMMENT
Open Public Comment

- Bill Cox – with Suitor, Middleton Cox Management Company that represents Estero Island Beach Villas. Peter Hall and John Boucher: Peter Hall – 250 Estero Blvd. Adjacent property owner; feels this request undermines the integrity of the Town's Comprehensive Plan
  John Boucher – 250 Estero Blvd. If the intention is to allow such variances, recommends we change the Comp Plan.

- Doug Blye – Estero Island Beach Villas – His property will be negatively impacted if approved.

- Peter Lisich – adjoining property owner at 250 Estero and owns 351 Estero. The subject property has been taxed at, appraised at and been used as a single family home.

- Carleton Ryffel – concerned citizen – mis-interpretation of the LDC and Comprehensive Plan; recommends denial as it is inconsistent with the Comp Plan

Closed Public Comment

Steve Hartsell, with Pavese Law firm, on behalf of the applicant, requested that the power point presentation and staff report be entered as matter of record. The applicant has applied for an RPD as required under the pre-disaster build back. The process required allows for flexibility, allowing the application to apply for deviations where deviations make sense. The Rowes are requesting two deviations: one deviation to allow height increase from 3 stories at 30 feet, to 4 stories at 35 feet. The other deviation is an increase in square footage. The

original request for 13,000 square feet was high. Subsequently the applicant reduced it to under 9,000 sq. ft. The Rowes will accept and revise that request down to 8,990 square feet.

Regarding the question of whether the existing structure is three dwelling units, the applicant indicated that in 1978, the property appraiser identified the existing unit, the accessory apartment and the lock-off unit were existing. There have been 3 dwelling units on that property since 1978.

Under standard rezoning definitions, intensity relates to commercial development; density relates to residential. In Policy 4-E-1 in the Comp Plan, the limitations to square footage increase relates to commercial, it does not relate to residential.

Two dwelling units can be built to 30 ft over the required 17 feet base flood elevation, which takes it up to 47 feet of height for the roof, 62 ft in height to peak of roof. Being cognizant of neighbors, the Rowes agree to limit roof peak height. They have agreed that if the deviation for 3 stories and 35 ft height is approved, they will limit top peak to just 58 feet, max 58 ft to peak of structure. Actual height will be lower than what would presently be permitted under the existing code. The Rowes have also agreed to eliminate short term rentals from the list of uses for this property.

Mayor Kiker posed a question to Town Counsel; asking a legal opinion as to the number of units of this property, what the height restrictions are, what exactly is legal / not legal in terms of deviations, and asking that those issues be addressed when the council returns from lunch.

Recess: 12:10 PM ***Reconvene: 12:50 PM***

Town Attorney Jim Humphrey asked to address the Council before the public hearing was resumed. Council concurred.

Mr. Humphrey summarized a memo received from the Town's Bond Counsel, Nabors Giblin & Nickerson. Since the funds to construct the library improvements were obtained through a capital reserve fund, sometimes referred to as creating a "piggy bank", general budget and accounting rules would apply. All local governments are subject to pronouncements of Generally Accepting Accounting Principles which historically require capital reserve fund project financing to be separately identified in the budget as special revenue funds. Florida Statute 189 .415 requires that special districts foster coordination with local governments by preparing and filing a Public Facilities Report with each local general-purpose government in which the special district is located. The Town Attorney recommended that the Town Council correspond with the FMB Library through the Town Manager asking them to comply with the statutory requirements of the Special District Accountability Act and provide the Town with the public facilities report.

Mayor Kiker resumed the public hearing of Case Number FMBDCI2011-0002, Rowe RPD at 1:10 PM.

Attorney Miller stated that the Council's role is quasi-judicial – they are the judge and jury. There are some factual issues to be addressed, such as whether there are legally documented 3 units. The LPA raised issue regarding this violates the Comprehensive Plan.

FL statute 163.3194(4)(a) *A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the comprehensive plan, or element or elements thereof, relating to the issue justiciably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process (of law and the payment of just compensation).*
(b) It is the intent of this act [the local comprehensive planning act that requires local governments to adopt comprehensive plans] *that the comprehensive plan set general guidelines and principles concerning its purposes and contents and that this act shall be construed broadly to accomplish its stated purposes and objectives.*

The state statute is telling that the comprehensive plan is a general policy document not the same as the LDC which are specific regulations that have to be consistent with the general policy of the comprehensive plan.

In the Town Comprehensive Plan, Procedures and Monitoring, Page 15-1
Upon adoption of this plan, all development and all actions taken in regard to development orders shall be consistent with this plan. All land development regulations enacted or amended after its effective date shall be consistent... The terms "consistent with" and "in conformity with " shall mean that all development actions or orders will tend to further the goals, objectives and policies of the plan and will not specifically inhibit or obstruct the attainment of articulated policies.

The Comprehensive Plan, Pre- Disaster Buildback Policy, 4-E-1:
Owners of existing developments that exceed the current density or height limits may also be permitted to replace for the same use it (sic) at up to the existing lawful density and intensity (up to the original square footage) prior to a natural disaster.

Intensity is defined in the LDC as *meaning a measurement of the degree of customarily nonresidential uses based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation, or floor area ratios.*

Attorney Miller opined that the term "intensity" is not referring to the square footage of residential units.

As to **Density**, clearly two dwelling units are allowed in this RM zoning district; LDC Section (34-632(3) and 34-632(5)(c) which allows to count lock-off units for purposes of determining density. Applicant has 2 units by right, and are seeking through the pre-disaster buildback policy to go to one additional dwelling unit. They are allowed to do that under the pre-disaster buildback provisions under Sec. 34-3237, which then refers to Sec 34-3238(2)(d), post-disaster buildback for determining the number of dwelling units for residential buildings.

Attorney Miller opined that there is evidence of use as a lock-off unit, and the property appraiser has characterized it as a tri-plex, it is within the Council's right, as the finder of fact, to determine that there are legally documented three dwelling units.
Regarding the issue of square footage, the applicant is seeking a variance or deviation of 990 square feet; under the current RM zoning, they can build 4,000 square feet, within the setbacks, two stories, 8,000 square feet.

Discussion ensued regarding the cupola, the height and pitch of the roof, height of neighboring buildings, and proposed resolution with conditions.

MOTION by Council Member Kosinski; Second by Council Member Mandel

A motion to approve FMBDCI2011-0002 Rowe RPD with the condition that
1. The proposed building and all proposed amenities must comply with all FEMA regulations in effect at the time of Development Order and all provision found in LDC Chapter 34-3237, excluding the requested and approved deviations.
2. The mechanical cupola illustrated on applicant's Exhibit D-2-2 must remain non-habitable space and be relocated as close to Estero Boulevard as possible.
3. A sprinkler system shall be installed consistent with the building's intended use that will meet all Florida fire codes and must be included in Development Order plans and installed at the time of construction.
4. Applicant must meet all applicable environmental requirements of the LDC, including but not limited to protection of dune vegetation and appropriate sea turtle lighting.
5. At the time of Development Order, applicant must adhere to best stormwater management practices and all applicable LDC sections pertaining to stormwater and drainage when addressing the on-site stormwater conditions.
6. Applicant must provide any and all required Florida Department of Environmental Protection approvals and permits at the time of Development Order.

APPROVED DEVIATIONS

Deviation #1

Deviation from Table 34-3 of the LDC, to allow for a maximum height of 35 feet/4 stories; a maximum roof height of 58 feet not including the cupola.

Deviation #2

Deviation from Section 34-3237(4) which requires all interior square footage of a rebuilt dwelling not to exceed the interior square footage of the original dwelling unit, to allow for an increase of interior square footage to permit the proposed 8,990 square foot condominium.

VOTE: Motion passed 4-1 with Vice Mayor Raymond dissenting.

Mayor Kiker closed the public hearing at 2:00 PM.

XII. ADMINISTRATIVE AGENDA

B. Final Completion – North Estero Drainage Improvement Project

Public Works Director Cathie Lewis informed the Council that the punch-out list has been completed and the contractor will warrant the work for one year; the project is ready for acceptance.

Opened Public Comment
None

Closed Public Comment

MOTION: Council Member List moved to accept the final completion of the North Estero drainage improvement project and begin the one year warranty period with Southwest Utility Systems, Inc. effective Jun 1, 2011. Seconded by Council Member Kosinski.

VOTE: Motion passed 5-0.

C. Introduction to 11-05, Residential Rental Registration Ordinance

Town Clerk Mayher read the ordinance title:
ORDINANCE 11-05
AN ORDINANCE CREATING CHAPTER 10, ARTICLE VII, IN THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, TO BE ENTITLED "REGISTRATION OF RESIDENTIAL RENTAL PROPERTY;" PROVIDING FOR PURPOSE AND INTENT; APPLICABILITY; REGISTRTION OF RESIDENTIAL DWELLING UNITS REQUIRED; AGENCY; GENERAL PROVISIONS; REGISTRATION APPLICATIONS AND RENEWALS; POSTING AND NOTIFICATION REQUIRMENTS; TRANSFERABILITY; VIOLATIONS AND PENALTIES; SEVERABILITY AND AN EFFECTIVE DATE.

Opened Public Comment
None
Closed Public Comment

MOTION: Vice Mayor Raymond moved to introduce ordinance 11-05, Residential Rental Registration and Set a public hearing date for June 20, 2011 at 6:30 PM. Second by Council Member Kosinski.

VOTE: Motion passed 5-0.

A. Approve Funding Request – 4th of July Fireworks Event

The Town has received a request for funding for 4th of July fireworks event, the amount of $18,000.00 with an additional cost of $3,760.00.

MOTION: Council Member Mandel moved to authorize the Town Manager to come up with the necessary funds for this request, and in the meantime attempt to seek funds from other agencies to support this expense. Council Member List seconded the motion.

VOTE: Motion passed 5-0.

D. Selection of Voting Delegate for Florida League of Cities' Annual Conference Business Session

Opened Public Comment
None
Closed Public Comment

MOTION: Council Member List moved to designate Vice Mayor Raymond as the voting delegate to represent the Town of Fort Myers Beach at the Florida League of Cities' Annual Conference on August 11-13, 2011. Second by Council Member Kosinski.

VOTE: Motion passed 5-0.

XII. PUBLIC COMMENT

None.

XIII. TOWN MANAGER'S ITEMS

XIV. TOWN ATTORNEY'S ITEMS

Attorney Miller referenced having received the certificate of no appeal for the bond validation hearing.

XV. COUNCILMEMBERS ITEMS AND REPORTS

A. Discussion of Florida League Meetings for Committee Responsibilities – Vice Mayor Raymond

Vice Mayor Raymond sought approval from the Council to attend four different meetings for the Florida League of Cities' Growth and Transportation committee, and to have the travel expenses reimbursed by the Town.

MOTION: Council Member List moved to approve Vice Mayor Raymond's attendance and reimbursement. Council Member Kosinski seconded the motion.

VOTE: Motion passed 5-0.

Council Member List discussed work being done with the Beach Elementary School through teacher Mrs. Rockwell and Principal Wood.

Council Member Mandel suggested staff mail postcards regarding the Evaluation and Appraisal Report to northern residents; he asked staff to investigate the past weekend's power outage even though there was no storm; he referenced the new pedestrian signs at crosswalks and encouraged businesses or area groups to pledge for the cost of the signs.

Mayor Kiker inquired about the royal palm trees on North Estero; he asked about the Town staff who were trained to install the 'flex-paver' material in the Estero ROW; he inquired about signage at BORC; he inquirerd about a sign at Newton Park; he referenced a 'soft' opening at Crescent Beach Family Park on Friday June 10, 2011.

XVI. AGENDA MANAGEMENT

Strategic Planning to be moved to the August 15, 2011 agenda.

XVII. RECAP OF ACTION ITEMS

Possible reimbursement regarding the interlocal agreement and the Estero Island Beach Restoration – bring back on June 20 2011.
Submit the Arts & Attractions grant
Mound House change order
Mermaid request approved
Merlo's request approved
Rowe RPD approved
Fund the 4th of July fireworks request; seek additional dollars from the County
North Estero approved
Rental Registration ordinance to be heard on June 20, 2011
Bike path repairs
Letter to the library

XVIII. ADJOURNMENT

Motion by Council Member List, second by council member Mandel to adjourn. Meeting adjourned at 2:50 PM.

Adopted 8-1-11 With/Without changes. Motion by Mandel / List

Vote: 5-0

Michelle D. Mayher, Town Clerk

- End of document.

JUN 02 2011

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

LAST NAME—FIRST NAME—MIDDLE NAME Koinski, Joseph	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Fort 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 Fort Myers Beach / COUNTY LEE	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED June 6, 2011	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 June 6, 20 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, _____;

___ 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: 2011-058
Case Number FMBSEZ2010-0003, Mermaid Liquor & Lounge Special Exemption
Approval of a special exception in the Downtown zoning district to allow consumption on premises of alcoholic beverages in a restraunt providing outdoor seating area within 500 feet of a dwelling unit under separate ownership.
I wish to abstain from voting on this case due to the fact that my company, JC Kosinski Engineering Inc., provided the permitted plans for the outside seating area. I feel that due to this conflict I should not vote on this issue.

6-6-2011
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.