



Fort Myers Beach Town Council

**Bay Oaks Recreational Center
2731 Oak Street
Fort Myers Beach, FL 33931**

Minutes

Monday, January 8, 2024

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King (virtually) and Council Member Woodson.

- A. Request from Council Member King to appear virtually
Vice Mayor Atterholt moved to permit Council Member King to appear virtually; seconded by Council Member Woodson. The motion carried unanimously.

II. INVOCATION

Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Vice Mayor Atterholt moved to approve the final agenda with C., E. and G. pulled for discussion; seconded by Council Member Woodson.
The motion carried unanimously.

V. PUBLIC COMMENT

Dale and Jay Bonnema, residents, commented on the daily noise from the bar and his loss of income. He asked whether they could rent RV spaces on the lots for the next seven months. He played a recording of the noise from Rude Shrimp. Denise Klint, resident, questioned whether the town had the legal status to require property owners to take care of their property. She described houses falling down and requested help from the town.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King thanked former Council Member Veach for his service over the years and wished his family well.

Council Member Woodson thanked the anonymous donors and staff for the fireworks.

Vice Mayor Atterholt recognized former Council Member Veach for answering the call for public service. He thanked everyone affiliated with the race and those who donated money for the fireworks. He recognized the public who used the pedestrian overpass and encouraged more people to use it.

Mayor Allers thanked everyone for the fireworks and thanked Bill Veach for his service to the beach.

VII. PRESENTATIONS

No presentations.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Steve Johnson, Chair of the Marine and Environmental Task Force (MERTF), commented on using herbicides on the beach, removing invasive species in the EC (Environmentally Critical) zone and softening the designation of the CWA by renaming it. He reviewed prior discussions about using herbicides. He stated that Imazapyr was approved and used in 2022 and was unsure why the issue came up. Mayor Allers suggested that MERTF research whether that was the best herbicide today. Removing invasive species in the EC zone was ongoing and he questioned why that issue had come up. He stated that the CWA was already called Mulholland Point in the town's ordinances and questioned changing the name. Council members supported adding all three items to MERTF's next agenda.

IX. APPROVAL OF MINUTES**A. Town Council - December 18, 2023**

Council Member King moved to approve the minutes; seconded by Mayor Allers.

The motion carried unanimously.

X. CONSENT AGENDA

Council Member Woodson moved to approve the final agenda; seconded by Vice Mayor Atterholt.

The motion carried unanimously.

A. Resolutions 24-01, 24-02, 24-03 and 24-04 Extending Local State of Emergency - Hurricane Ian

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER

ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution; seconded by Vice Mayor Atterholt.

The motion carried unanimously.

- B. Resolutions 24-05, 24-06, 24-07 and 24-08 Extending Local State of Emergency - Hurricane Idalia

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

Council Member Woodson moved to approve the resolution; seconded by Vice Mayor Atterholt.

The motion carried unanimously.

- C. Resolution 23-182; Town Council Policies and Procedures

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING AND AMENDING THE TOWN COUNCIL POLICIES AND PROCEDURES MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE.

See XI.

- D. 24-10; Bayside Veterans Park Name Adoption

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE NAME CHANGE OF BAYSIDE PARK TO BAYSIDE VETERANS PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution; seconded by Vice Mayor Atterholt.

The motion carried unanimously.

- E. ITB-24-01-EN; Estero Island Beach Nourishment and Hurricane Recovery Project

Reject all ITB-24-01-EN proposals for the Estero Island Beach Nourishment and Hurricane Recovery Project with cause, since all bids far exceed the estimated or budgeted amount as provided in the Invitation to Bid and Section 2-480(11) of the Town Code, and provide direction to staff to re-bid the project.

See XI.

F. Electric to Town Hall Trailers

Request to waive the procurement policy based on an emergency finding and authorize the Town Manager to sign an agreement in the amount of \$73,620.00 with Kirkwood Electric to provide electrical services to the new Town Hall facility which will eliminate an interruption of the delivery of municipal services to the Town.

Council Member Woodson moved to approve the resolution; seconded by Vice Mayor Atterholt.

The motion carried unanimously.

G. Special Event: Farmer's Market

Request for use of Time Square for a Farmer's Market on Saturdays

See XI.

XI. ITEMS REMOVED FROM CONSENT AGENDA

Regarding item C., Council Member King noted that links for the Horizon Council, Human Services Council and the Estero Bay Agency on Bay Management needed to be updated. He indicated that the residency requirements conflict with ordinances and need clarification. Town Attorney Vose stated that the ordinances prevailed until they could be changed. Vice Mayor Atterholt suggested that the state statutes be included rather than refer to them.

Vice Mayor Atterholt moved to table the resolution to the next meeting; seconded by Council Member King.

The motion carried unanimously.

Council Member King requested an explanation and timeline regarding Item E. Michael Poff from Coastal Engineering explained that the bids were high due to the conflict with the shorebird nesting season. He recommended that the bids be canceled and the work be scheduled outside of nesting season. Areas that were scoured would be filled before the nesting season and he noted there would be a three to four month delay with the dredging project. He stated they were working on a third truck hall for the north end before the hurricane season. Mr. Poff indicated that sand would be trucked into the south end during the hurricane season and renourishment would begin after September. He noted that the difference in price between trucks hauling sand and dredging would be about \$60.00 - \$70.00 per cubic yard, with dredging being less expensive. Environmental Projects Manager Chadd Chustz confirmed that the bids were about \$14 million over budget, but they should be lower the second time due to a flexible timeline to get the project done.

Council Member King moved to approve rebidding the project; seconded by Council Member Woodson.

The motion carried unanimously.

Mayor Allers pulled item G. for clarification on the lack of parking under the bridge for residents. Operations and Compliance Director Frankie Kropocek explained that the vendors paid for parking between 7:00 a.m. to 2:00 p.m. Mayor Allers questioned whether residents were being refunded. Director Kropocek replied that residents had not complained about the parking or requested refunds. Linda Miller from the Farmers' Markets commented that she did not have a projected start date for Santini Plaza. She added that residents had requested a Farmers' Market on Saturday in Times Square for years and parking did not seem to be an issue on Saturday mornings.

Mayor Allers moved to approve the request; seconded by Council Member Woodson.

The motion carried unanimously.

XII. PUBLIC HEARINGS

A. Ordinance 24-01; TPI CPD Amendment

First Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Open the first public hearing and schedule for second reading and final adoption on January 22, 2024 at 9:00 a.m.

Town Clerk Baker stated that all items were properly advertised. Mayor Allers revealed he had a conflict with A. and would provide Form 8B to the Town Clerk. Town Clerk Baker swore in those providing testimony. Mayor Allers read the title of the ordinance.

Vice Mayor Atterholt moved to approve Attorney Steve Hartsell from Pavese Law Firm as an expert witness; seconded by Council Member Woodson.

The motion carried unanimously.

The property owner confirmed receipt of the agenda and material. Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet and noted changes

were made after the packet material was printed. He said the changes included a 10:00 p.m. closing for the Beach Club and Aquatic Venue and amplified music allowed at the Aquatic Venue until 9:00 p.m. for private events. The LPA (Local Planning Agency) requested a definition of private events. Senior Planner Smalley noted no end time for private events in the applicant's latest request.

Attorney Hartsell utilized PowerPoint for his presentation, which was included in the packet. The ordinance in the packet referenced Ordinance 18-04 and should be changed to reference the amended Margaritaville CPD Ordinance 23-09 and page numbers in the MCP (Master Concept Plan) need to be changed. He stated that they reduced the hours for amplified music at the Beach Club to 10:00 p.m. and the Aquatic Venue to 9:00 p.m. Slides included a 3-D rendering of the parcels; Condition #7; Beach Club Area Map; Requested Amendments to Condition #12, Ordinance #23-09; and Requested Amendments to Condition #18.b. Attorney Hartsell clarified that the red border on Slide 6 was the entire Beach Club area. He continued the presentation by addressing LPA Recommendations, Condition #6 and #18.a, and the Conclusion.

Applicant Tom Torgerson clarified that some of the speakers were elevated and faced the Gulf of Mexico. He explained that the stage was behind building 4 to help block the sound from the band. He stated he was trying to obtain flexibility within constraints from the neighborhood and the town and noted that the requirement of closing one hour after sunset was ambiguous. Attorney Hartsell clarified that private events would end at 10:00 p.m. when the Beach Club closed.

No public comment.

Vice Mayor Atterholt moved to approve the ordinance and schedule it to a second hearing on February 5, 2024; seconded by Council Member Woodson.

The motion carried unanimously by roll call vote with Mayor Allers abstaining.

B. Resolution 23-186; VAR20230212, 6642 Estero Blvd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230212 TO ALLOW AN ELEVATED EMERGENCY GENERATOR CLOSER TO THE ESTERO BOULEVARD STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING FOR THE PROPERTY LOCATED AT 6642 ESTERO BLVD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution.

Community Development Planner Sarah Propst reviewed the background of the request as stated on the blue sheet. She indicated that the LPA unanimously recommended approval at their meeting on December 19, 2023. Kara Stewart represented the applicant and explained that the emergency generator had to be located forward of the principal structure since the primary structure was located approximately 59 feet from Estero Blvd.

The location was chosen to minimize the impact on neighbors and landscape buffers would be installed on the side and in front of the generator. She noted they did not receive opposition from neighbors.
No public comment.

Vice Mayor Atterholt moved to approve the resolution; seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

C. Resolution 23-190; VAR20230162, 21391 Widgeon Terrace

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230162, TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. The property owner confirmed receipt of the agenda and materials.

Planner Propst reviewed the background of the request as stated on the blue sheet. She noted the LPA unanimously recommended approval of the request at their meeting on December 19, 2023.

Applicant Todd Plaisted stated that the raised pool would be on the existing deck and patio to allow for seating. He indicated that he had been working on the pool since 2021 when they purchased the property. He described the property and noted the pool was located where it would fit. He said there was a tall hedge between the neighbor and the pool, which helped hide the elevation. He stated he would add screening and landscaping to help buffer the pool from the neighbor. He added that the pool was 60–70 feet from the neighbor's house.

Public comment:

Robert Himmelstein, resident and neighbor, distributed plans to the council and noted he was not in favor of the pool because it was too close to his home and two decks. He said he missed the LPA meeting because he was in New Jersey and received notification too late. He provided pictures showing they were close to his trash bin enclosure. He explained that the pictures proved the application was misleading. He noted that staff originally denied the application before the LPA recommended approval. He described the layout of his property and guest house and stated he would not compromise with the applicant. He requested denial because he had not been properly notified of the LPA meeting, there were deed restrictions on the property, there was no hedge going out to the bay and there was no garbage next to the proposed pool.

Kara Stewart represented Mr. Himmelstein and discussed view corridors, protecting property, changing codes over the past few years and elevated structures in proximity to water structures. She stated an enclosure had been added to the pool since the LPA meeting and indicated that there was room for the pool in the front of the property.

Denise Klint, resident, commented that meeting agendas were online and could be checked anytime. Not receiving a notification while living in another state was not an excuse. She stated that lines between properties were decimated because of lan and she could see the pool next to her property.

Mr. Himmelstein explained that he tried to stay on top of things and was told he would be noticed if anything came about, but he was not noticed. He offered the applicants the use of his pool and suggested they install a hot tub. He requested that the council send it back to the LPA because the application was incorrect.

The landscaper hired by the applicant felt that sending it back to the LPA was a waste of time. He stated the survey was done by a professional and they would plant bamboo shoots to hide the structure. A landscaper explained how the structure could be blocked and offered to provide a site plan. Mr. Plaisted was shocked that the neighbor was worried about the view from the side garage. Applicant Kelly Moore noted that 11 or 12 of the 13 homes on Widgeon Terrace had pools. She stated that the room above the garage had been a rental and she never saw him or his family on that deck. She described the property and noted the main house had seven decks with views.

Judy Haataja, TriPower Vacation Rentals, commented that she did not rent the guest house. She felt that Mr. Himmelstein had to defend his rights without representation.

Planner Propst stated that the LPA postcard went out on December 8, 2023, and the Town Council postcard was sent on December 28, 2023.

Public comment closed.

Town Attorney Vose stated that notifications were a courtesy and not required. Planner Propst stated that the applicants requested a variance on the setbacks because they knew they did not meet the code and it was up to them to ensure compliance with all other codes. She noted that the process was normal. Town Attorney Vose confirmed that the council could send it back to the LPA. Mayor Allers supported sending it back to the LPA based on information from Planner Propst. Town Attorney Vose concurred.

Mayor Allers moved to send the resolution back to the LPA for their review at the February 13, 2024, meeting at 9:00 a.m. with location to be determined; seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

- D. Resolution 23-191; VAR20230264, 5350 Estero Blvd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING VARIANCE VAR20230264 TO DECREASE THE REQUIRED 15-FOOT SIDE YARD SETBACKS BY 8.5 FEET TO ALLOW 6.5-FOOT SIDE SETBACKS, FOR THE COMMERCIAL RESORT ZONED PROPERTY AT 5350 ESTERO BLVD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution.

Planner Propst reviewed the background of the request as stated on the blue sheet. The LPA unanimously recommended approval at their meeting on December 19, 2023. Staff received two letters of objection from adjacent property owners.

Ernie Jaime, Director of Construction for Homebound, represented the applicant. He noted the applicant wanted to build a single-family residence and the property had changed hands since Jan.

No public comment.

Vice Mayor Atterholt moved to approve the resolution; seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

XIII. ADMINISTRATIVE AGENDA

- A. Vacancy on Town Council

Acknowledge receipt of Council Member Veach's resignation on December 26, 2023, declare a vacancy on Town Council, and provide direction to the Town Manager and Town Attorney regarding next steps to fill the vacancy.

Vice Mayor Atterholt suggested that candidates fill out an application, affirm their eligibility, state why they think they should be appointed, address whether they plan to run for election for another term and provide a resume with references. Council Member King suggested that candidates be made aware of Form 6 requirements if selected.

Vice Mayor Atterholt moved approval of procedures discussed above to replace a vacancy on the town council, that they incorporate the procedure into the official procedures for future reference and that they acknowledge receipt of Council Member Veach's resignation; seconded by Mayor Allers. The motion carried unanimously.

XIV. FINAL PUBLIC COMMENT

Denise Klint suggested that details be added to the posting for the vacancy on the Town Council.

XV. TOWN MANAGER'S ITEMS

Town Manager Hyatt noted that Council Member Woodson was the representative for Resilient Lee since Mr. Veach resigned. He thanked Director Culture, Parks & Recreation Jeff Hauge and the staff for working hard to get the facility back open. Director Hauge described the Bay Oaks facility and fulfilling the interlocal agreement with the school. He hoped the weight room would be open next week and explained membership rates for residents and non-residents. He suggested that people visit the website for more details.

Town Manager Hyatt indicated the appropriation requests were submitted to the state and federal governments. He was focusing on evaluating open positions to get them filled. The biggest hangup to getting electricity to the trailers was with FP&L (Florida Power & Light). Furniture was ordered and the other trailers should be set up today.

Director Kropocek indicated that the duckbill project would start with Crescent and Third Street when the products arrived. He noted that once the project started it should take about three weeks to complete. Tier 1 projects were waiting for final approval from the FDEP (Florida Department of Environmental Protection) and should begin in the last part of January or early February. Streets addressed first would be those constantly underwater and below grade.

Town Manager Hyatt stated that they should receive confirmation of delivery and installation of the turtle-friendly streetlight project components this week. He will reach out to Captain Lalor regarding extra traffic coverage from the Sheriff's Department. Director Kropocek revealed that staff could attend training for certification to become a traffic person.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Vose stated that the town adopted the International Property Maintenance Code to force property owners to maintain their properties. The town had to send a notice to property owners with a deadline to address the problem. If they did not respond, another notice would be sent informing property owners that the town would hire a contractor to handle the problem and put a lien on the property. She indicated that putting a fence around the property would not suffice. The letters will be sent out no later than February 1, 2024, with a response due no later than March 1, 2024.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King thanked members for allowing him to participate virtually. Council Member Woodson noted she would fulfill the duties with Resilient Lee and Vice Mayor Atterholt volunteered to be the backup. She stated that Lee County was researching what rebuilding the pier would involve and requested an endorsement letter from the council supporting different design options. Town Attorney Vose received support to draft a resolution.

Vice Mayor Atterholt questioned whether the street sign project was ongoing and Town Manager Hyatt responded affirmatively.

Mayor Allers described the upcoming meeting with the condo owners. He noted that three Thursday M&P meetings conflicted with TDC (Tourist Development Council) meetings and would be changed to Wednesday. The new dates are May 8, August 7 and October 9, 2024. He commented that he was talking to Commissioner Sandelli about illuminating the Lenell Rd. crosswalk.

XVIII. ADJOURNMENT

Council Member King moved to adjourn; seconded by Vice Mayor Atterholt. The motion carried unanimously.

The meeting was adjourned at 1:21 p.m.

Minutes adopted as presented, January 22, 2024. Motion by Council Member King and seconded by Mayor Allers. Passed 4-0.



Amy Baker, Town Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Allers Daniel Lee</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town of Fort Myers Beach Town Council</i>	
MAILING ADDRESS <i>5485 Avenida Pescadora</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Fort Myers Beach</i>	COUNTY <i>LEE</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION: <i>Town of Fort Myers Beach</i>	
		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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

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, Dan Allers, hereby disclose that on January 8th, 2024:

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

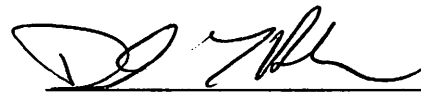
- ☒ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Tom Ryan;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling 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:

Ordinance 24-01; TPE CFP Amendment.
my business partner and I have a contract with MARGARITVILLE to provide bikes and golf CARTS.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/8/24
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.