



Fort Myers Beach Town Council

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Monday, May 2, 2022

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Murphy, Vice Mayor Hosafros, Council Member Allers, Council Member Atterholt and Council Member Veach.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member Veach moved to approve the final agenda; second by Vice Mayor Hosafros.

Council Member Allers stated that he filed paperwork to recuse himself from discussing and voting on proposed Ordinance 22-06.

Motion carried unanimously.

V. PUBLIC COMMENT

John R. King, Board of Directors for Islands End, discussed the 15% tinted glass and noted that only two manufacturers produced the glass and had trouble getting the product. He commented that he should not be penalized due to the actions of his neighbors. He suggested the town work with FGCU (Florida Gulf Coast University) regarding protecting sea turtles. He thought the town should scrap the ordinance and start over.

Dave Nausbaum, President of Island Winds Condominiums, submitted a letter from Bob Lorier, Board member of Mariner's Boathouse & Beach Resort, and a report from FWC (Fish & Wildlife Conservation) regarding six turtle disorientations last year. Mr. Nausbaum stated that Mariner's Boathouse & Beach Resort missed the 15% window tint cutoff by one week. He noted the 45% tinted windows were ready to be installed, but the resort had to go back to zero tint due to the new ordinance. He commented that education and participation were key to keeping

the turtles safe, not an ordinance that kept residents in darkness all year. He questioned why condominiums were singled out regarding submitting a plan. Bill Althoff, President of Shamron Beach Condominiums, requested that Town Council reconsiders the 15% tinted glass requirement and repeal the ordinance. He stated their building was planning to replace the windows but the 15% glass added significant costs to their project. He supported protecting the sea turtles but noted the 15% tint requirement was not consistent with state guidelines, which required 45% tint.

George Repetti, Islands End Condominiums, commented on the last MRTF (Marine Resources Task Force) meeting, which discussed the 15% window tint. He stated that imposing a moratorium for a year or two would not make a difference. He suggested that Environmental Project Manager Chadd Chustz take pictures of the hotels, motels and restaurants that had lights on all night long.

Bob Galvanoni, President of Carlos Point Beach Club, discussed the 15% tinted glass and described how owners were educated regarding light pollution during turtle season. He stated their Board recently passed a resolution that allowed the Board to pass through any light fines to violating owners. He discussed how the citations should be handled so the Board could inform the renters as soon as possible. He wanted enforcement to be applied equally.

Ginger Weber, owner of Mid-Island Water Sports, discussed part of the new turtle ordinance and requested that the Town compromise on removing all man-made objects on sandy areas. She noted that she sent an email to Council Members with suggestions.

Sue O'Brien, Sand Caper Condominiums, commented that education concerning the lights was the most important part of turtle season. She agreed with previous comments.

Jan Coyne, Sand Caper Condominiums, agreed and shared the concerns of previous commenters. She supported the efforts of the town to protect turtles. She discussed the availability and price of the 15% windows and noted many owners would be forced to keep their 40-year-old windows rather than replace them. She requested that the Council reconsider the ordinance.

Sharon Faircloth, owner of Holiday Water Sports, requested that Town Council add a review of beach furniture and obstructions in the turtle lighting ordinance. She read part of an email she previously sent to Council Members regarding the new language added to Chapter 14. She noted it was stricter than the previous ordinance and there was no public comment regarding the change. Ms. Faircloth stated that MRTF refused to revisit the language despite MRTF's mission statement.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Hosafros recognized people on the Island who volunteered with Building for Habitat and contributed over 500 hours of work this year.

Council Member Atterholt noted that he and his wife spent a day with the same group of people a couple of years ago and commended Vice Mayor Hosafros for recognizing the organization.

Council Member Veach described engaging with FGCU students at their Eagle X day this year.

No items from other members.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

Chair of CELCAB (Cultural and Environmental Learning Center Advisory Board) Barbara Hill, reported that the Mound House and Newton Beach Park enjoyed many visitors due to new programs and events. She indicated that the Mound House was one of the top three attractions in Lee County from October to December 2021, according to the Lee County Visitors and Convention Center. She noted that CELCAB recommended replacing the bocce ball court with two swing sets at Newton Beach Park and replacing the entrance sign on Estero Blvd. CELCAB also recommended that the price of admission to the Mound House be increased by \$5.00. Chair Hill commented that CELCAB's feedback was positive concerning merging three advisory boards into one and they would discuss it at their meeting later in the month. BORCAB (Bay Oaks Recreational Campus Advisory Board) will discuss the issue at their May 3, 2022 meeting. She suggested that Town Council delay its decision until the advisory boards could weigh in. Cultural Parks & Recreation Director Alison Giesen stated that she would provide the numbers and research regarding the fee increase recommendation.

VIII. PROCLAMATIONS

A. Safe Boating Week

The U.S.Coast Guard Auxiliary respectfully requests May 21- May 27, 2022 be designated as "Safe Boating Week" in the Town of Fort Myers Beach

Mayor Murphy read and presented the proclamation to Past Flotilla Commander Nick Kaveski and Financial Officer Ted Lawwill of the U.S. Coast Guard Auxiliary Flotilla 91.

IX. APPROVAL OF MINUTES

A. April 18, 2022 Town Council

Council Member Veach moved to approve the minutes; second by Vice Mayor Hosafros.

Motion carried unanimously.

X. PUBLIC HEARINGS**A. Ordinance 22-10 Restructuring Advisory Committees**

1st Reading and Public Hearing on proposed Ordinance 22-10 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 2-94 “QUALIFICATIONS AND APPOINTMENTS OF MEMBERS” OF ARTICLE IV “BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES”, CHAPTER 2 OF THE CODE OF ORDINANCES, TOWN OF FORT MYERS BEACH, FLORIDA, DISSOLVING THE BAY OAKS RECREATIONAL CAMPUS ADVISORY BOARD (“BORCAB”), COMMUNITY RESOURCE ADVISORY BOARD (“CRAB”), AND CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD (“CELCAB”); ESTABLISHING A NEW ADVISORY BOARD TO TAKE OVER THE FUNCTIONS OF BORCAB, CRAB, AND CELCAB; RENAMING THE MARINE RESOURCE TASK FORCE (“MRTF”); AND PROVIDING FOR CODIFICATION; CONFLICTS; SCRIVENER’S ERRORS; SEVERABILITY AND AN EFFECTIVE DATE.

Open the first public hearing and schedule for second reading and final adoption on May 16, 2022 at 9:00 AM

Mayor Murphy read the title of the ordinance. Town Attorney Herin, Jr. reviewed the reason for the proposed ordinance. Council Member Veach submitted suggested language.

Council Member Allers moved to delay Ordinance 22-10 until June to give the advisory committees a chance to discuss the topic.

Vice Mayor Hosafros suggested that they delay the second hearing to June to allow the committees to provide input. Council Member Allers agreed and withdrew his motion.

Town Manager Hernstadt stated that the Audit Committee requested their membership be reduced from seven to five. He questioned whether Council wanted to incorporate the topic into the discussion. Town Attorney Herin, Jr. revealed that the ordinance did not address how many members were required for the Audit Committee. Consensus was reached to address the Audit Committee on May 16, 2022.

Vice Mayor Hosafros moved to schedule the proposed ordinance for a second hearing on June 6, 2022; second by Council Member Atterholt.

Town Attorney Herin, Jr. indicated that Town Clerk Baker found that Ordinance 18-06 set the Audit Committee Board membership at seven. Town Attorney Herin, Jr. stated that the ordinance was in effect even though it was not codified (or published by Municode).

No public comment.

Motion carried unanimously.

B. Ordinance 22-06; Tuckaway Cafe CPD Amendment

Second Reading and Public Hearing for proposed Ordinance 22-06: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 12-07, AND AMENDING THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Murphy read the title of the ordinance and noted that Council Member Allers was recused. Town Attorney Herin, Jr. swore in those providing testimony for this hearing and VAR20220021. Ex parte communications: Town Council Members disclosed their familiarity with the property. The Mayor stated he had no ex parte communications to disclose. Community Development Planner Sarah Propst reviewed the request. She noted that staff recommended approval with conditions.

Tre Gillet, applicant, explained why he wanted to add a brewing operation to his restaurant.

Council Member Veach moved to approve Ordinance 22-06; second by Vice Mayor Hosafros.

Public comment:

Ronald McClarin supported the request.

Public comment closed.

Motion carried 4-0 by roll call vote with Council Member Allers recused.

C. VAR20220021 -- 292 Ohio Ave. -- Pool Setback

Approve/Approve with Conditions/Deny VAR20220021. Jesse Hallman, owner of the property at 292 Ohio Ave., is seeking a 5-foot variance from LDC Sec.34-1174(d)(1)(d), to allow an in-ground pool closer to a side-yard property line than allowed for under current LDC requirements.

Mayor Murphy read the title of the variance.

Community Development Director Jason Green stated the applicant provided an updated site plan on page 68. He noted that staff recommended denial because there was room in the back for the pool. He added that the applicant did not provide information concerning tiebacks to the seawall. Attorney Beverly Grady from Roetzel & Andress represented the applicant. She utilized visual aids for her presentation. Slides included: Request Variance; Legislative History of Ordinance 22-01; Memos to LPA; Ordinance 20-19; LDC 34-1174 Accessory Setbacks; Review of 292 Ohio Avenue; Variance Criteria; Gulf-Bay-View Subdivision Plat; Site Plan; Bayview Yacht Basin Site Plan; Approving an Inground Pool in Side Yard; Boundary Survey and LPA approval. Jesse Hallman, applicant, explained why he wanted the pool on the side of

his house and why he did not want to cut the tiebacks to the seawall. He stated his neighbor agreed with the side pool. Mark Levitson, resident, helped to renovate Mr. Hallman's home. He described expenses incurred during the process and explained why there was no alternative for the pool placement.

Director Green clarified that an alternative layout design in the rear yard was provided by Pacific Pools at some point and would meet all setbacks.

Mr. Hallman stated that he had no idea the alternate rear design would be attached to the application for submittal.

No public comment.

Vice Mayor Atterholt moved to approve Variance 20220021 as approved by the LPA with a variance of five feet for a setback of six feet; second by Mayor Murphy.

Motion carried unanimously.

XI. ADMINISTRATIVE AGENDA

A. Mulholland Stewardship Award

Select the recipient of the 2022 Mayor John Mulholland Stewardship Award. The MRTF, at their April 13, 2022 meeting, recommended Cindy Johnson for the 2022 Mulholland award by a vote of 5-0 with one member recused. If awarded, the recipient will be recognized at the June 6th Town Council meeting.

Council Member Veach stated that Cindy Johnson was awarded the Mulholland Stewardship Award based on her advocacy for the environment. She will be unavailable on June 6 and will be presented with the award on May 16, 2022.

B. Purchase of AC unit for Bay Oaks Recreation Center

Authorize the award of a contract to Page Mechanical Group, LLC to install a new AC unit for Bay Oaks Recreation Center, as the low, responsive and responsible bidder, in response to ITB-22-13-PR "Air Conditioner Replacement at Bay Oaks Recreational Campus" in the amount of \$43,900.00; authorizing the Town Manager to execute the contract documents and expend FY22 budgeted Capital funds on behalf of the Town, and to waive the DBE participation form which is not required for this project.

Vice Mayor Hosafros moved to authorize the award of the contract; second by Council Member Veach.

Motion carried unanimously.

C. Resolution 22-18; FDOT Maintenance Agreement

Adopt Resolution 22-18; Approving a Maintenance Agreement with FDOT for dinghy dock and features within the leased area under the Matanzas Pass Bridge and allowing for all associated documents to be executed by the Town Mayor and/or Town Manager or his designee.

Council Member Veach moved to adopt Resolution 22-18; second by Vice Mayor Hosafros.

Motion carried unanimously.

D. Special Event - Hands Across the Sand

Sierra Club is requesting permission to hold an event in Times Square and on the Beach - Hands Across the Sand. Requesting waiver of the permit fee.

Council Member Veach moved to approve; second by Vice Mayor Hosafros. Motion carried unanimously.

E. Ordinance 21-03: Sea Turtle Conservation

Review the Marine Resources Task Force (MRTF) recommendations and discuss modifying:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE V OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH ENTITLED "SEA TURTLE CONSERVATION" ESTABLISHING AN IMPLEMENTATION SCHEDULE FOR THE FIFTEEN PERCENT (15%) TINTED GLASS LIGHT TRANSMITTANCE VALUE; PROVIDING FOR CODIFICATION; CONFLICTS OF LAW; SCRIVENER'S ERRORS; SEVERABILITY; AND AN EFFECTIVE DATE.

Town Manager Hernstadt noted changes could be made to the ordinance. Vice Mayor Hosafros agreed with the recommendations by MRTF. Environmental Project Manager Chadd Chustz described a spectrometer and indicated it was not a useful tool to determine light violations from interior lights. He stated that one's eyesight was the best way to identify light violations on the beach and explained how turtle disorientations occur.

Council Member Atterholt supported passing an ordinance with a 45% tint. He felt that the ordinance assumed residents who lived on the beach were bad actors who had to be punished. He supported protecting the turtle population and acknowledged that the problem was real. He preferred tougher enforcement and stated people had to close their blinds. People who refuse to comply should be held accountable and fined.

Project Manager Chustz stated that he inspected lights all over the island, not only on the south end.

Mayor Murphy felt that condominiums should have an internal plan on how to handle their property without the Town telling them what to do, as long as the end result was positive. Project Manager Chustz indicated he could handle enforcement without help.

Council Member Allers felt that a darker tint might cause people to open their windows without thinking about what they were doing. He supported the education efforts of the condominiums. He was in favor of going back to the 45% tint and continuing to educate the community.

Project Manager Chustz explained how violators were notified.

Council Member Atterholt stated that the 15% tint was Draconian and would affect the quality of life for condo owners. He described alternate options.

Council Member Veach described the difficulty of multiple condominium owners educating renters. He felt that a year-long moratorium might encourage people to install the 15% tinted glass.

Vice Mayor Hosafros described the email that identified nine condominiums that were violating the light ordinance during turtle season. She suggested that owners visit the beach at night and address violations from their buildings.

Vice Mayor Hosafros moved to implement the recommendations from MRTF; second by Council Member Veach.

Council Member Veach suggested that condominium associations create a management plan with teeth to manage rentals violating the light ordinance.

Council Member Atterholt did not think a one-year moratorium would solve the problem. He preferred to comply with the state guideline at 45% and continue to enforce and educate. Council Member Veach questioned whether Council Members had been in a unit with 15% glass. None had.

Council Member Allers noted that it took over one year to get windows even before the pandemic.

Vice Mayor Hosafros amended her motion to make it clear that should a person receive a permit and prove that they ordered the glass to replace the windows within that year, even though the product had not arrived, they would still be good; second by Council Member Veach.

Motion failed 3-2 with Mayor Murphy and Council Members Allers and Atterholt dissenting.

Council Member Atterholt moved that they reinstate the 45% designation in the ordinance and couple that with additional enforcement and education initiatives; second by Council Member Allers.

Mayor Murphy stated there had to be strict enforcement equally for everyone on the gulf front.

Vice Mayor Hosafros inquired as to whether the motion was intended to change the ordinance or bring the ordinance back for consideration? Council Member Atterholt confirmed that it was to bring the ordinance back for consideration. ** As amended at May 16, 2022 Town Council meeting.

Motion carried 3-2 with Vice Mayor Hosafros and Council Member Veach dissenting.

XII. FINAL PUBLIC COMMENT

Dave Nausbaum, Island Winds, thanked Council for going back to the 45% tint. He discussed education efforts in his building and suggested scheduling a MRTF pop-up event at Santini Plaza. He stated that they were trying to be stewards of the beach and educate visitors. He committed to addressing violators as quickly as possible.

Robert Galvanoni, Carlos Point, thanked Council. He noted he would text his renters every night to remind them to close their drapes.

George Repetti, Islands End, thanked Council. He supported strict, honest and fair enforcement. He brought up hotel and motel violations.

John R. King, Islands End, thanked the Mayor for emphasizing equal enforcement.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt reported that the Fourth of July parade started at 10:00 a.m. Council Members interested in riding the float should be at the Bay Oaks pool parking lot at 9:00 a.m. He stated that he would spend time with the Town Attorney to discuss the parasailing and jet ski ordinance. He planned to bring it back for input.

Town Manager Hernstadt suggested that condo owners be proactive and police their buildings by walking on the beach at night. He described how he dealt with violations at hotels and motels.

XIV. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. stated that he helped staff prepare light violation cases for the Special Magistrate and most were related to specific turtle disorientations. He described audits by the FWC for light violations. He stated that the town staff were very vigilant and worked closely with property owners.

Town Attorney Herin, Jr. reported that the four-plus hours of mediation with Mr. Rood was unsuccessful. Mr. Rood did not mention an alleged ADA claim once. The case will move forward and outside council felt confident regarding the outcome.

Town Manager Hernstadt noted that Project Manager Chustz's workload would be adjusted to allow him to spend more nights on the beach.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Veach noted they had not discussed lighting side streets. Vice Mayor Hosafros stated that she suggested waiting on side streets so they could focus on lighting Estero Blvd. and work it into budget discussions to get something accomplished. Council Member Veach questioned whether they wanted to separate side streets from Estero Blvd. Council Member Allers supported lighting Estero Blvd. before the side streets.

Council Member Atterholt questioned whether the town ticketed people with a disability plate if they violated the time limit on the meter. Town Manager Hernstadt replied that the town followed state law.

He stated there were handicapped spots with no meter, handicapped spots with a meter and handicapped spaces with a two-hour limit. He explained that the two-hour duration was created by businesses on Old San Carlos Blvd. to encourage turnover. He remarked that Council could modify a parking spot. Council Member Atterholt suggested that anyone with a disabled veteran license plate not be required to move their car every two hours.

Vice Mayor Hosafros replied that the disabled veteran he referred to was an employee at a business and would get a free parking spot all the time. Town Manager Hernstadt stated that handicapped people with placards or plates who don't pay to park in a metered spot typically are not given citations unless they exceed the time limit. He added that handicapped spots were available for the employee, but they were a little further away. Vice Mayor Hosafros reiterated that handicapped license plate owners already had free parking. Council Member Atterholt discussed pushing the Times Square project to after Easter of 2023 due to the timing of obtaining a \$2 million grant. He reported that the Times Square merchants agreed to delay the start date and read other comments concerning the project. Town Manager Hernstadt noted the goal was to implement the project with minimal disruptions.

Vice Mayor Hosafros addressed questions in the Public Works monthly report and suggested they discuss the items at the next M&P. She received support.

Council Member Allers stated that residents close to Lenell Rd. complained about the dangerous crosswalk. He questioned whether Council was okay with the Fire Chief writing a letter requesting a flashing beacon at the crosswalk. Town Manager Hernstadt replied that if the Fire Department requested a device at the crosswalk, the County was obligated to do something. Council Member Atterholt indicated that a beacon for the Fire Station was different from the pedestrian safety issue. Council Member Allers suggested that a beacon for the fire department would also help with pedestrian safety in the crosswalk. Vice Mayor Hosafros revealed that the Town Council unanimously requested help at the intersection six years ago, but the County refused. She stated the town had to hire a crossing guard to assist people with crossing. Consensus was reached for Council Member Allers to contact the Fire Chief. Mayor Murphy congratulated Jackie Liszak and staff for a successful taste of the beach event. He congratulated Janine Paulauskis and the crew at the Beach Theater on a successful beach film festival. Town Manager Hernstadt thanked local community groups who contributed money to the film festival.

XVI. ADJOURNMENT

Council Member Allers moved to adjourn; second by Mayor Murphy.

Motion carried unanimously.

The meeting was adjourned at 12:38 p.m.

Minutes adopted as amended, May 16, 2022; Motion by Vice Mayor Hosafros seconded by Council Member Allers. Adopted 5-0.



Amy Baker, Town Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME Allers Daniel Lee		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Fort Myers Beach Town Council	
MAILING ADDRESS 5485 Avenida Pescadora		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Fort Myers Beach	COUNTY LEE	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 5/2/2022		NAME OF POLITICAL SUBDIVISION: Town of Fort Myers Beach	
		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 May 2, 20 22:

(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, _____;
- ☐ 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:

I'm directly involved in the potential future brewing at Tuckaway CAFE.

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.

5/2/2022

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.