

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON THURSDAY, NOVEMBER 12, 2009

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Thursday, November 12, 2009, at 9:30 a.m., at 355 S. County Road, Palm Beach, Florida 33480, in the Central Fire Station, in the Emergency Operations Center (EOC). On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Cunningham gave the invocation. President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR JACK McDONALD

There were none.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Pro Tem Coniglio asked if any of the Council Members heard any feedback regarding the automated telephone attendant. No one responded to the question.

Council Member Diamond indicated that the audio on Wednesday, at the Firefighters' Retirement Board meeting, was not audible; President Rosow commented that he reported it.

V. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

There were none.

VI. APPROVAL OF AGENDA

Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond to approve the Agenda. On roll call, the motion carried unanimously.

VII. RESOLUTIONS

- A. RESOLUTION NO. 109-09 (4 El Bravo Way) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating That the Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."
[John S. Page, Director of Planning, Zoning, and Building]

There was no discussion on this item.

Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to approve Resolution No. 109-09. On roll call, the motion carried unanimously.

- B. RESOLUTION NO. 114-09 (1170 South Ocean Blvd.- The Bath and Tennis Club) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating That the Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."
[John S. Page, Director of Planning, Zoning, and Building]

There was no discussion on this item.

Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to approve Resolution No. 114-09. On roll call, the motion carried unanimously.

- C. RESOLUTION NO. 115-09 (455 North County Road) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating That the Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."
[John S. Page, Director of Planning, Zoning, and Building]

There was no discussion on this item.

Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to approve Resolution No. 115-09. On roll call, the motion carried unanimously.

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 16-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning and Chapter 18, Buildings and Building Regulations at Sections 134-2179, Relating to Decreasing the Amount of Required Enclosed Off-Street Parking for Single-Family and Two-Family Dwellings in the R-AA, R-A, R-B, R-C, R-D(1) and R-D(2) Zoning Districts; Section 134-893 Relating to Reducing the Front Yard Setback Provided That the Rear Setback is Increased on Lots in the R-B Zoning District; Sections 18-999 and 18-1000 Regarding the Creation of a Time Limit for Temporary Tents in the Beach Area Zoning District; Section 134-1474 Relating to Providing Regulations Limiting the Time Temporary Tents Can Remain in the Beach Area Zoning District; Section 134-1607 Eliminating Antiquated Point of Measurement Language for Lots Between A-1-A and the Ocean; ~~Section 134-1731 Relating to an Increase in the Height for Light Poles;~~ Section 134-796, 134-846, 134-896 and 134-1607 Relating to an Increase in the Amount of Roof Coverage Allowed for Solar Panels and Limiting Their Location; Section 134-1728 Relating to Reducing the Side Yard Setback for Air Conditioning Units on Wider Lots in the R-AA, R-A and R-B Zoning Districts and Providing Specific Regulations Requiring That Cooling Towers Meet the Same Setback as the Principal Structure in Those Districts; Sections 134-2327 and 134-2329 Relating to Modifying Provisions Pertaining to On-Street Visitor Parking Passes and Associated Fees; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John S. Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph read Ordinance No. 16-09 by title, as printed above.

Zoning Administrator Castro noted that the language in *Section 134-1731 Relating to an Increase in the Height for Light Poles*, should have been stricken from the Ordinance, prior to First Reading.

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio, to adopt Ordinance No. 16-09 without the following language, *Section 134-1731 Relating to an Increase in the Height for Light Poles*. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 17-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 22, Businesses, Division 2, Window Treatment, Providing for Definitions; Providing Specifications for Window

Treatments and Screening of Store Fronts in Commercial Zoning Districts; Providing Exceptions; Providing a Penalty; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date.
[John S. Page, Director of Planning, Zoning, and Building]

Planning Administrator Lindgren provided a presentation of policy and code revisions for vacant store fronts in the Town.

Discussion occurred among the Town Council Members regarding the acceptable level of window treatments for the vacant store fronts, such as: removal of the exemptions of curtains, blinds and shades to screen the interior; an example of what the windows should look like was necessary in order to have a standard, a minimum of 75 or 80 percent of the window must be covered, or staging to be used as an alternative; blinds would be allowed only if contiguous in the same building.

Staff was directed to come back with an example of an acceptable standard for vacant store fronts for the Town Council's approval, and to work out an acceptable solution for charitable organizations. The Town Council liked the Gucci Building display of vacant store fronts.

Laurel Baker, of the Chamber of Commerce, commented regarding the effort to create appropriate images for the vacant store fronts and expressed her appreciation.

Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, to defer First Reading of Ordinance No. 17-09, pending additional work by the Planning, Zoning and Building Department's staff to present an acceptable vacant store front design, and disallowing drape-type window treatments. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 20-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for a New Chapter 19 Relating to Unlicensed Contractors; Providing for the Adoption by the Town of Provisions of Section 489.127 Florida Statutes; Designating the Town's Code Enforcement Section to Enforce the Provisions of Said Statute Pursuant to its Terms; Providing for Code Enforcement Procedures and Penalties; Amending Chapter 2 of the Town Code Relating to Administration, at Article V Code Enforcement, Division 3 Procedure, Section 2-439 Citation Fine Schedule, So as to Include Class IV Violations of \$500.00; Providing That Violations of Section 19-1, Relating to the Adoption and Enforcement of Florida Statute Section 489.127 Relating to Unlicensed Contractors Shall Be Considered a Class IV Violation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [John C. Randolph, Town Attorney]

Town Attorney Randolph read Ordinance No. 20-09 by title, as printed above.

Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to approve on first reading Ordinance No. 20-09. On roll call, the motion carried unanimously.

IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes
None

2. New Business- Less Than 15 Minutes

Town Clerk Cunningham administered the oath to all those who would be providing testimony.

- a. VARIANCE #24-2009 The application of M. Timothy Hanlon, Attorney for Steven Finch and April Finch; relative to property commonly known as **271 and 275 Orange Grove Road**; described as lengthy legal description on file; located in the R-B Zoning District. Request approval of a variance to permit a west side yard setback of 9.9 feet to remain on an existing house in lieu of the 25 feet required in order to join two pieces of property together.
[Attorney: M. Timothy Hanlon, Esq.]

Ex-parte communication was declared by:

President Pro Tem Coniglio received a voicemail from Attorney Timothy Hanlon, did not return the call, and visited the site.

Attorney Hanlon, on behalf of the applicants, Mr. and Mrs. Steven Finch, provided an overview of the request. He noted that the parcels must be unified as part of the building permit for the proposed improvements, increasing the setback, and creating nonconformity, which was the hardship.

Zoning Administrator Castro provided staff comments, and reminded the applicant that in adding the additions to the back of the house, to be cognizant of the Federal Emergency Management Agency's (FEMA) requirements relative to major improvements and renovations.

Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, that Variance No. 24-2009 be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. On roll call, the motion carried unanimously.

- a. VARIANCE #25-2009 The application of James and Sara McCann; relative to property commonly known as **324 Garden Road**; described as Lots 23 and the West 75 feet of Lot 24, EDEN PROPERTIES, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 18, Page 49; located in the R-B Zoning District. Request approval of a variance to allow two 2) additional air conditioning units in the required east side yard setback in lieu of the maximum two (2) allowed, thus resulting in a total of four (4) a/c units in the side yard setback. The two (2) additional units will have a side yard setback of 20.8 feet in lieu of the 24 foot minimum required.
[Attorney: Maura A. Ziska, Esq.]

Ex-parte communication was declared by:

President Pro Tem Coniglio had a conversation with Mr. McCann, visited the site, and listened to the Architectural Commission (ARCOM) presentation.

Attorney Maura Ziska, on behalf of Mr. and Mrs. McCann, provided an overview of the request.

Zoning Administrator Castro provided staff's comments and indicated that the original setbacks were adopted in the larger, wider lots in the R-B District; the problem was never contemplated as to accessory equipment, such as air conditioning equipment. He noted that there was no difference in impact on the 100' wide lot versus 150' wide lot. The change in the code would be adopted and become effective in 31 days.

Attorney Ziska indicated that the neighbor that would be impacted said he had no problem with the request.

Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, that Variance No. 25-2009 be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. On roll call, the motion carried unanimously.

Amended motion by President Pro Tem Coniglio that Variance No. 25-2009 be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in

Section 134-201(a), items 1 through 7 had been met, and that the hardship, as described, was that it would be approved under the code that had been amended as of today. The seconder agreed. On roll call, the motion carried unanimously.

- b. VARIANCE #27-2009 The application of Suren Hovsepian, contract purchaser with owner's consent and authority; relative to property commonly known as **358 Hibiscus Avenue**; described as ROYAL PARK ADD S 55 FT of LTS 25 to 28 INC BLK 6; located in the R-C Zoning District. Request approval of variances to construct a single family home on a lot 55 feet wide in lieu of the 75 foot minimum width required; to allow a lot area of 5,500 square feet in lieu of the 10,000 square foot minimum required; to allow 32% lot coverage in lieu of the 30% maximum allowed; to allow 5 foot south side yard setback for swimming pool in lieu of 10 foot minimum required and to allow 42.77% landscape coverage in lieu of 45% minimum required. [Attorney: Lisa S. Small, Esq.]
[ARCOM Recommendation: Approval of the variance. Carried 7-0.]

Ex-parte communication was declared by:

Council Member Diamond received an email that he did not follow up on and he attended all Planning and Zoning Commission meetings and Landmarks Preservation Commission meetings.

President Pro Tem Coniglio received a voicemail from Attorney Lisa Small and was unable to connect with her.

Attorney Small, on behalf of Suren Hovsepian, provided an overview of the request. She noted that one letter of objection was received, but the owner did not reside in the Town; another letter of support was received from a neighbor that resided across the street. The hardship was that the lot was nonconforming, as it was 55' in width, with a 75' minimum required, and the lot was 5500 square feet in area, with a 10,000 square foot minimum required.

Zoning Administrator Castro indicated that staff was concerned regarding the neighbor that did not live behind the property; the neighbor had raised an objection relative to the size of the proposed house. The proposed house was going to be taller than the Ohio House, which was now known as the Pavilion, directly to the north. Staff was not sure what the hardship was, even though it was a very narrow and small lot.

Responding to President Rosow, Mr. Castro indicated that it was correct that there would be more open green space than currently existed, but when a building was torn down, the Town's current code should be met, unless there was a hardship that runs with the land or that a benefit was not being created that others in the neighborhood would not receive.

1 Architect Gene Pandula presented drawings to the Council.

2
3 **Motion made by Council Member Diamond that Variance No. 27-2009 be granted and**
4 **found, in support thereof, that all of the criteria applicable to this application as set forth in**
5 **Section 134-201(a), items 1 through 7 had been met. The motion was seconded by Council**
6 **Member Kleid. On roll call, the motion carried unanimously.**
7

- 8
9 c. SPECIAL EXCEPTION #14-2009 The application of PNC Bank;
10 relative to property commonly known as **240 Sunset Avenue and**
11 **245 Royal Poinciana Way**; described as lengthy legal descriptions
12 on file; located in the C-TS Zoning District. Request a Special
13 Exception to allow a new bank which merged with National City
14 Bank to operate in the existing location. This requires Town
15 Council approval and the demonstration that the new bank will be
16 town serving. [Attorney: Francis X. J. Lynch, Esq.]
17

18 Ex-parte communication was not declared by any members of the Town Council.

19
20 **Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, to**
21 **approve Special Exception #14-2009. On roll call, the motion carried unanimously.**
22

- 23
24 d. SPECIAL EXCEPTION #15-2009 The application of Palm V
25 Associates, LTD; relative to property commonly known as
26 **232/234 Worth Avenue**; described as Lots 5 through 16, Block
27 18, ROYAL PARK ADDITION, according to the Plat thereof, on
28 file in the Office of the Clerk of the Circuit Court in and for Palm
29 Beach County, Florida recorded in Plat Book 4, Page 1; located in
30 the C-WA Zoning District. Request a Special Exception to expand
31 an existing jewelry store (Christopher Kaufmann le salon) from
32 1995 square feet of gross leasable area to 2,913 square feet of
33 gross leasable area. Since the proposed space is in excess of 2,000
34 square feet of gross leasable area, the applicant is required to
35 obtain Town Council approval and a finding that the proposed use
36 is Town serving. [Attorney: Maura A. Ziska, Esq.]
37

38 Ex-parte communication was not declared by any members of the Town Council.

39
40 Attorney Ziska, on behalf of Christopher Kaufmann, provided an overview of the request.

41
42 Zoning Administrator Castro commented that administrative approval was granted to expand in
43 the frontage of the other tenant space, and was returning for approval to move into the remainder
44 of the space. Town serving documentation had previously been provided.
45

Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, that Special Exception No. 15-2009 shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met. On roll call, the motion carried unanimously.

3. Old Business- More Than 15 Minutes

- a. VARIANCE #22-2009 The application of Franklyn P. deMarco, Jr.; relative to property commonly known as **1098 North Lake Way**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a point of measurement of 10.50' NGVD (the existing main floor slab elevation) in lieu of 8.78' NGVD which is 18" above the highest point of the center line of the adjacent street. The applicant is requesting a Cubic Content Ratio (CCR) of 4.76 in lieu of the 4.50 allowed by Code and the 4.25 existing, which is the CCR when calculated from the existing main floor slab elevation. [Attorney: James R. Brindell, Esq.] [ARCOM Recommendation: The architecture presented merits the variance. Carried 7-0.] *Deferred from the September 9, 2009, and October 14, 2009, Town Council Meetings.*

Ex-parte communication was declared by:

Council Member Diamond had a conversation with Attorney James Brindell.

Council Member Kleid had a conversation with Attorney Brindell, who advocated the position of his client.

President Pro Tem Coniglio received a phone message from Attorney Brindell and Mr. Moore, but she was unable to reconnect with either of them.

Council Member Wildrick heard from both Attorney Brindell and Mr. Moore.

Town Clerk Cunningham administered the oath to Attorney Brindell who would be providing testimony.

Attorney Brindell, on behalf of Franklyn P. deMarco, Jr., provided an overview of the request.

Zoning Administrator Castro commented on the purpose of the variances, and the point of measurement. He noted that the confirmed numbers provided indicated that the point of measurement of 10.5 would not necessitate the additional variance for the CCR, and Attorney Brindell had spoken to the hardship.

Motion made by Council Member Diamond that Variance No. 22-2009 be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

4. New Business- More Than 15 Minutes

- a. VARIANCE #26-2009 The application of James C. Paine, Jr., Esquire, Attorney for Eugene R. Fagan III; relative to property commonly known as **135 Root Trail**; described as the west 12 feet of Lot 3 and all of Lot 4, Roots Subdivision, according to the plat thereof, recorded in Plat Book 13 Page 35 of the public records of Dade County, Florida and recorded in Plat Book 1, Page 22, of the public records of Palm Beach County, Florida, said lands lying and being and situate in Palm Beach County, Florida; located in the R-C Zoning District. Request approval of variances to modify and renovate an existing two story, flat roof, an eight unit apartment building and create two single family dwelling units within the approximate footprint of the existing building. The existing building consists of two, four unit sections connected by an exterior stair and breezeway. The renovation will comply with the requirement that no more than 50% of the structure be demolished so that the building footprint, which is nonconforming, may remain. They are proposing a change from a flat to a pitched roof which require the following variances to increase the height and overall height of the existing building within the required setbacks: (1) a 4.2 foot existing front yard setback in lieu of the 25 foot minimum required; (2) a 1.5 foot existing east side yard setback in lieu of the 15 foot minimum required; (3) a 2.2 foot existing west side yard setback in lieu of the 15 foot minimum required; (4) a 2.8 foot existing rear yard setback in lieu of the 15 foot minimum required.

[James C. Paine, Jr., Esq.]

[ARCOM Recommendation: Deferred to the November 20, 2009, Architectural Commission meeting.]

Item IX.C.4.a., Variance #26-2009 was deferred to the December 16, 2009, Town Council Meeting.

Motion made by President Pro Tem Coniglio to defer Variance #26-2009 to the December 16, 2009, Town Council Meeting. Council Member Wildrick seconded the motion. On roll call, the motion carried unanimously.

D. Other

1. Town Serving Documentation for Reback Realty, Inc., 235 Peruvian Avenue, Special Exception No. 14-2008.
[John S. Page, Director of Planning, Zoning, and Building]

Zoning Administrator Castro indicated that the information provided was certified by an independent accountant and stated that Reback Realty, Inc., had exceeded an amount necessary to demonstrate "town serving". The documentation was provided in the meeting's backup material.

President Pro Tem Coniglio recused herself as her daughter works for Reback Realty, Inc. Form 8b, Voting Conflict Form, had been provided to Town Clerk Cunningham.

Motion made by Council Member Diamond, seconded by Council Member Kleid, to accept staff recommendation that town serving documentation had been provided and were acceptable for Reback Realty, Inc. On roll call, the motion carried unanimously.

2. Town Serving Documentation for Seaside National Bank & Trust, 420 Royal Palm Way, Special Exception No. 15-2008.
[John S. Page, Director of Planning, Zoning, and Building]

Zoning Administrator Castro indicated that the documents indicated that 72% of the deposit account holders from the internal listing of deposit accounts for the branch were residents of Palm Beach, and the letter was provided by Hacker, Johnson, and Smith, PA, and recommended that Seaside National Bank & Trust's town serving documentation be accepted. The documentation was provided in the meeting's backup material.

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio, to accept staff recommendation that town serving documentation had been provided and were acceptable for Seaside National Bank & Trust. On roll call, the motion carried unanimously.

Zoning Administrator Castro asked that, as a point of clarification on both items, if the Council wanted town serving documentation provided every year.

It was the consensus of the Town Council that no additional town serving documentation was required, unless requested.

X. ANY OTHER MATTERS

Town Attorney Randolph announced that the court decision regarding the referendum question by Preserve Palm Beach PAC and Patrick Henry Flynn was denied and the Town's motion was granted; court granted the plaintiff's declaratory action and determined that the charter's

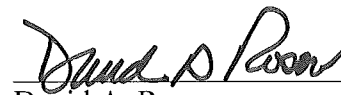
1 amendment would be unconstitutional as it was in conflict with existing state statutes. The Town
2 shall not place the proposed charter amendment on the ballot at the General Election or at any
3 Special Election called for such purpose.

4
5 President Rosow announced that the Town Council would not be going to a one day Town
6 Council meeting, and would continue to have two days of Council meetings until it was
7 determined that a meeting could be completed in one workday without going into the evening.

8
9
10 XI. ADJOURNMENT

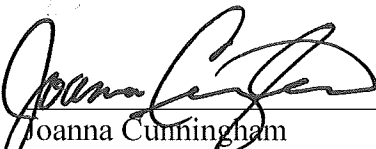
11
12 There being no further business, the November 12, 2009, Town Council Meeting was adjourned
13 at 10:43 a.m.

14
15
16 APPROVED:

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32


David A. Rosow
Town Council President

ATTEST:



Joanna Cunningham
Town Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Conzilio Gust</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Council</i>	
MAILING ADDRESS <i>360 S. City Rd.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach FL</i>	COUNTY <i>Palm Beach</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>11/12/09</i>		NAME OF POLITICAL SUBDIVISION: <i>Town Council</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 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, Gail L. Coniglio, hereby disclose that on 11/12/, 20 09:

(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, DAUGHTER WORKS AT LOCATION;

☐ 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.

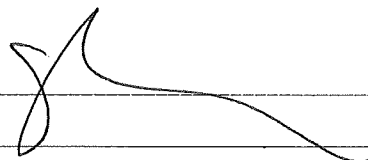
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Spec. Exec. 14-2008 - Ribach Realty

Date Filed

11/12/09

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.