

**TOWN OF ASTATULA
MAYOR AND TOWN
COUNCIL MINUTES**



**REGULAR SESSION
TUESDAY NOVEMBER 12, 2019
TOWN HALL**

Having been duly advertised as required by law, Mayor Mitchell Mack called the Regular Session meeting to order at 7.00pm. He gave the invocation and led the Pledge of Allegiance.

Members Present:

Mitchell Mack, Mayor
Stephen Cross
Kimberly Kobera
Gayle Sikkema

Staff Present:

Graham Wells, Town Clerk
Wally Hoagland, Police Chief
Tom Wilkes, Town Attorney
Jane Whaley, Deputy Clerk (7:34 pm)

Roll Call was performed, and it was determined that a quorum was present. Mayor Mack welcomed Town Planner, Tim Green, representatives from National Storm Recovery, Tony Raynor and Ed Lee; Attorney Tom Wilkes, Mr. & Mrs. Issartel and Mrs. Wells.

CITIZENS QUESTIONS AND COMMENT

There were no citizens questions or comments.

AGENDA REVIEW

There were no amendments to the agenda.

MINUTE APPROVAL

Approval of Minutes for October 14, 2019 Regular Council Meeting

MOTION by Councilman Cross to approve the minutes shown above; SECONDED by Councilwoman Sikkema

For: Cross, Kobera, Mack, Sikkema

MOTION CARRIED 4-0

PUBLIC HEARING

FINAL READING OF ORDINANCE 2019-26 – APPROVAL OF AN UPDATED CODIFICATION OF ALL TOWN ORDINANCES

ORDINANCE 2019-26

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, REGARDING THE TOWN'S CODE OF ORDINANCES; APPROVING AN UPDATED CODIFICATION OF ALL TOWN ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN THE UPDATED TOWN CODE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN THE UPDATED TOWN CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

The Town's code of ordinances has not been codified since 2006. A full review has taken place and the entire republication of the Charter, Code of Ordinances (through Ordinance 2019-01) and the Land Development Regulations (appendix 1) is now available on Municode. Ordinances adopted after 2019-01 will be codified as supplements to the code.

The title was read by Mayor Mack. Public comment was opened and there being none was closed.

MOTION by Councilman Cross to approve Ordinance 2019-26; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross YES

MOTION CARRIED 4-0

FINAL READING OF ORDINANCE 2019-27 – VACATION OF RIGHT-OF WAY ON PARK AVENUE.

ORDINANCE NO. 2019-27

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, VACATING A PORTION OF PARK AVENUE ALONG THE EAST AND SOUTH BOUNDARIES OF THE PROPERTY POPULARLY KNOWN AS JOE SWAFFER PARK AND LEGALLY DESCRIBED AS LOT 21, BLOCK D, OF THE MAP OF ASTATULA, AT PLAT BOOK 1, PAGE 12; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

A portion of the right-of-way for Park Avenue contains land that (i) has no portion of the pavement for Park Avenue, and (ii) contains land, facilities, and structures used for the Park's operations, not for vehicular movement on Park Avenue. The Town Council has determined, therefore, that the portions of the right-of-way described above should be removed from the Park Avenue right-of-way and made legally and formally part of the Park.

The title was read by Mayor Mack. Public comment was opened and there being none was closed.

MOTION by Councilman Cross to approve Ordinance 2019-27; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Kobera RECUSED

Sikkema YES

Cross YES

MOTION CARRIED 3-0

NEW BUSINESS

FIRST READING OF ORDINANCE 2019-29 - APPLICATION TO REPLACE THE EXISTING PUD APPROVED WITH ORDINANCE 2012-A WITH A NEW PUD WITH NEW USES AND STANDARDS.

ORDINANCE 2019-29

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF ASTATULA, FLORIDA, BY REPLACING THE EXISTING PUD ZONING APPROVED WITH ORDINANCE 2012-A WITH A NEW PUD. THE PROPERTY IS LOCATED SOUTH OF TENNESSEE AVENUE AND EAST OF CR 561 IN ASTATULA, FLORIDA, AND CONTAINS APPROXIMATELY 100 ACRES, AND MORE PARTICULARLY DESCRIBED BELOW; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE TOWN OF ASTATULA, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The PUD was created in 2012 for the Central Florida Motorsports Park to hold events at the site. Having tried with two lessees, with disastrous consequences, the owner, Paul Faircloth of Faircloth Family Ltd has entered into an agreement to sell the site to National Storm Recovery, LLC who wish to use it for a wood debris processing facility.

The proposed uses and standards for the property are outlined in Section 3 of the Town Planners Report, where there are also items that are recommended for discussion and consideration by Council. The application has been heard before the Planning and Zoning Board. The public hearing notice has been sent to nearby residents and businesses, posted in town hall and sign at the parcel as per the code.

The Mayor deferred to Planner Green to give an overview from his report and the suggested changes. He stated that he had compiled the report from items that had been included in the application with his own comments and suggestions on each section and the concerns raised by the Planning and Zoning Board.

- *The location on the site through a detailed Site Plan illustrating all of the proposed items with setback restrictions, buffer widths, buffer types, maximum impervious area.*
- *The location on the site through a detailed Site Plan illustrating all of the proposed items with setback restrictions, buffer widths, buffer types, maximum impervious area.*
- *The water system for RV sites will have to meet FDOH standards for public water. RV sites have to meet all State of Florida regulations for restroom facilities, etc.*
- *Special Events such as the proposed Tree and Lumberjack festival will require coordination with the Town.*
- *The hours of operation should be discussed for each of the items listed. Storm and disaster events should be defined and given a duration in days to return to normal hours.*
- *All lighting should meet Dark Sky criteria and should not be allowed from dusk to dawn.*

- *A detailed site plan should be required as a condition of the PUD rezoning approval. The site plan should detail the location of each use proposed, outdoor equipment, access, driveways, parking, loading, buildings, setbacks, buffers, landscape, lighting levels along all outer property lines and within the site, sound mitigation, water retention, etc.*
- *A noise mitigation plan should be reviewed and approved as a condition of the PUD approval. The plan should illustrate the expected highest decibel levels allowed along all of the outer property lines. A site plan should illustrate the location of all physical mitigation requirements.*

Planner Green said that the Planning and Zoning Board had spent a great deal of time discussing this application and their individual comments and concerns are shown below.

Member Issartel said that her concern was the additional traffic coming through town with the noise of the traffic and from the processing plant. She also asked whether the debris from storms would be just trees or general debris? Mr. Lee said that they have an agreement for general debris to go to the landfill and only trees would come to this site. This should be specified in the agreement.

Member Reagan asked if there were any hazardous chemicals that are used in the processing plant. Mr. Lee stated that only dyes to color the mulch would be used and no other processing chemicals.

Member Smith asked how many jobs the plant would create for the town. Mr. Lee responded that many of their current employees lived in Lake County, but he could not forecast accurately if or how many may be produced from Astatula in the future. Ms. Smith was also concerned about the complaints that would come from the noise.

Chairman Boyd asked Mr. Lee what part of the operation would produce the most noise. He responded that it would likely be the backup beepers from the loading trucks and forklifts. This was beyond the operators control as they are mandated by OSHA. The grinders were operated by big diesel engines that would have mufflers on to reduce the noise to a minimum.

Clerk Wells asked whether the mulch bagging line facility would be inside of a building which was confirmed but also that the vehicles that would operate outside would be required between the hours of operation 7:00 am to midnight. Mr. Lee's response was that they would like to operate two shifts and therefore the vehicles and forklifts with the backup alarms would be operating during those hours. Mr. Wells said that this would likely not fly as the town receives constant complaints from the alarms at County Materials. There is also the issue of trucks coming and going during this period as well.

Chairman Boyd said that they would have to look at the hours of operation and asked what their hours of operation were at the existing plant in Apopka. Mr. Lee responded that it was 7:00 am to 5:00 pm Monday thru Saturday.

There was a motion from Planning and Zoning to recommend approval of the PUD contingent upon the concerns being above conveyed to the Council. Mayor Mack opened the floor for questions for the Board. Councilman Cross asked whether they would need to operate 24 hours a day in the event of a major storm. Mr. Raynor responded that it depended on the severity of the storm, but he would like the opportunity if it was needed.

Mr. Cross suggested that it should be included in the Ordinance so that they can be ready the day after the Governor declares a state of emergency. This can remain in force for thirty-days after which they would come back to council for an extension. Mr. Lee also requested that they can use the RV park during an emergency where they would bring in portable toilets. Mr. Cross said that he wanted the annual event to state that it is an industry event and not open to the public. They would go through the normal special event permit process prior to the event.

Special permission would have to be granted to bring any storm debris other than trees; no mobile homes or other storm debris. Mayor Mack opened public comment; Orita Issartel reiterate he comments from the Planning and Zoning meeting about traffic. The Mayor closed public comment, read the title and requested a motion to approve Ordinance 2019-29 and send to second reading.

**MOTION by Councilman Cross to approve Ordinance 2019-29 and send to second reading;
SECONDED by Councilwoman Kobera**

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross YES

MOTION CARRIED 4-0

Mayor Mack requested a five-minute recess at 7:54 pm. The meeting resumed at 8:04 pm.

RESOLUTION 2019-28 APPROVING A VARIANCE FOR THE VISTAS OF ASTATULA SUBDIVISION.

RESOLUTION 2019-28

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA;
GRANTING A VARIANCE FROM SECTION 7.6.3 OF THE LAND DEVELOPMENT REGULATIONS
TO ALLOW FOR AN ALTERNATIVE FIRE PROTECTION FOR PROPERTY LOCATED NORTH
OF MASSACHUETTS, EAST OF JACKSON STREET, AND SOUTH OF FLORIDA AVENUE;
PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.**

A variance is requested from Chapter 7 - Zoning Regulations: 7.6.3 Fire Protection and Hydrant Requirements of the Town of Astatula Land Development Regulations. The Variance is for installing alternative fire protection for single family homes in an area zoned R-2 of the Town where municipal provided fire flows are not available. The public hearing notice has been sent to nearby residents or businesses, posted in town hall and on three sides of the parcel as per the code.

Planner Green went over the history and the options that were looked at. This was the best solution to resolve the fire protection issue. He stated that the special conditions were not the making of the applicant rather than a deficiency of the Town to provide a hydrant and adequate fire flow. The system to be installed in the homes would be superior to having a hydrant closer to the property. The code requires the following determination:

A hardship exists that is the result of this chapter or the natural features of the land and not the fault of the developer.

The variance will not adversely affect the adjacent property, nor will it be detrimental to the general public's interest.

It was determined that the hardship was not the fault of the applicant. Mayor Mack asked for comments from the board. Attorney Wilkes said that it was a good variance. There being no public comment he read the title and requested a motion.

MOTION by Councilman Cross to approve Resolution 2019-28; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross YES

MOTION CARRIED 4-0

RESOLUTION 2019-30 END OF YEAR BUDGET AMENDMENT FOR FY 2018-2019.

RESOLUTION 2019-30

A RESOLUTION OF THE TOWN OF ASTATULA, LAKE COUNTY, FLORIDA, AUTHORIZING BUDGET AMENDMENTS FOR THE TOWN OF ASTATULA FOR FISCAL YEAR 2018-2019.

The annual budget for the Town was adopted by fund and department. The expenditures for Legal Fees (514), Law Enforcement (521) and Protective Inspections (524) were over the budget set at September 20, 2019 and an amendment is required to be passed by November 30, 2019.

Clerk Wells gave a breakdown of the expenditures that were over budget and the corresponding revenues used to make the budget balance. Following discussion a motion was requested.

MOTION by Councilman Sikkema to approve Resolution 2019-30; SECONDED by Councilwoman Kobera

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross NO

MOTION CARRIED 3-1

RESOLUTION 2019-32 AMENDING SECTION 7.1 OF THE POLICY AND PROCEDURE MANUAL.

RESOLUTION 2019-32

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, LAKE COUNTY, FLORIDA, AMENDING THE POLICY AND PROCEDURE MANUAL.

Part time employment before benefits are paid is currently less than 32 hours per week. It is the intention of the resolution to increase this to less than 36 hours per week before the Town is required to pay benefits. Current employees considered full time, working more than 32 hours will not be affected. Shown below is our legal counsels' opinion in this matter.

1. *There is no requirement to provide healthcare insurance to employees other than Obamacare, which does not apply to the Town as we understand the Town has fewer than 50 employees.*
2. *The Town can work with its insurance carrier to determine which employees the Town wants to be eligible for health insurance. If the Town wants to offer insurance to those who work as few as 25 hours or more on a regular basis, we understand that under Florida law the insurance carrier must cover those employees but can exclude temporary employees. Otherwise, we are not aware of any requirement to provide health insurance to the Town employees.*
3. *All this provides the Town the option to decide who is eligible, but you must address it with the insurance carrier and be sure the insurance plan is consistent with how the Town defines an eligible employee.*

MOTION by Councilman Cross to approve Resolution 2019-32; SECONDED by Councilwoman Kobera

A Roll Call vote was taken

Mack YES
Kobera YES
Sikkema YES
Cross YES

MOTION CARRIED 4-0

CONSIDERATION AND APPROVAL OF THE PROPOSAL FROM SOUTHEASTERN SURVEYING TO STAKE THE CEMETERY.

This project was discussed at the October meeting where it was tabled to be brought back with an alternate quote which was provided from CPWG at a cost \$4,075.00. Mayor Mack entertained a motion to approve the less expensive proposal from Southeastern Surveying.

MOTION by Councilman Cross to approve the bid from Southeastern Surveying to stake Section O, Block 5 of the cemetery at a cost of \$3,363.00; SECONDED by Councilwoman Kobera

A Roll Call vote was taken

Mack YES
Kobera YES
Sikkema YES
Cross YES

MOTION CARRIED 4-0

CONSIDERATION AND APPROVAL FOR THE INSTALLATION OF A FENCE AT KIRKWOOD PARK.

This fence was approved in last year's budget; however, it was not installed until October 2019 and must be accounted for in the FY that the work took place. Resolution 2019-31 provides for a budget amendment to cover the cost of the project from Park Impact Fees.

RESOLUTION 2019-31 BUDGET AMENDMENT FOR THE SURVEYING OF THE CEMETERY AND THE FENCE AT KIRKWOOD PARK

RESOLUTION 2019-31

A RESOLUTION OF THE TOWN OF ASTATULA, LAKE COUNTY, FLORIDA, AUTHORIZING BUDGET AMENDMENTS FOR THE TOWN OF ASTATULA FOR FISCAL YEAR 2019-2020.

MOTION by Councilman Cross to approve Resolution 2019-31; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross YES

MOTION CARRIED 4-0

REVIEW OF THE CONTRACT FOR THE NEW COMMUNITY BUILDING AND REQUESTING THE MAYOR TO NEGOTIATE THE TERMS AND SIGN THE CONTRACT.

The contract with Signature Construction was drafted by the architects for the project, Bessolo Design Group, Inc. The contents have been reviewed by the grant administrator, Fred Fox Enterprises and by attorney, Mr. Guy Haggard from Gray Robinson. The contract has been sent to Signature Construction for their review.

Mayor Mack gave a detailed overview of the history and issues surrounding the contract and the contractor and suggested that he be given the authority to negotiate the final details and the addendum.

MOTION by Councilman Cross to give that authority; SECONDED by Councilwoman Kobera
For: Cross, Kobera, Mack, Sikkema

Against: NONE

MOTION CARRIED 4-0

APPROVAL OF CHRISTMAS BONUS TO BE PAID ON DECEMBER 6. PAYROLL.

Councilwoman Kobera asked if the bonuses were approved in the budget and as they were, she suggested that we move forward to approve. Councilman Cross said that he had a big problem with it and stated the history when the Town could not afford to pay wage increases.

Councilwoman Sikkema said that she partly agreed with him, however as it was put in the budget, she thought they should be paid, and the situation reviewed for next years budget. There being no further discussion the Mayor entertained a motion.

**MOTION by Councilwoman Kobera to pay the Christmas bonus on the December 6 payroll;
SECONDED by Councilwoman Sikkema**

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross NO

MOTION CARRIED 3-1

CONSIDERATION OF CLOSING TOWN HALL OVER THE CHRISTMAS AND NEW YEAR PERIOD.

Mayor Mack said that he had brought this up due to the days falling between Christmas Day and the New Year holidays. The additional days would be the 26th, 30th, 31st of December and January 2nd which would be additional vacation for Jane. The clerk had booked vacation from the 26th to January 6, 2020.

Councilman Cross said that we should abide by the holidays in the policy manual and Town Hall still needed to be open to the public. Mayor Mack stated that it was a gesture and that if it was a problem then he would move onto the next item.

LIGHT UP ASTATULA - REPORT ON PROPOSED ACTIVITIES - CLERK WELLS

Clerk Wells went over the itinerary; the start time was being brought forward to 6:00 pm to help the Farley Family with the photos with Santa. The Town is partnering with Astatula Baptist Church again and instead of the movie in the park we are having a cake walk. The raffle and ticket sales for the cake walk are going towards a veteran's memorial in the cemetery.

Council will be asked to come up front to be introduced to the crowd and Mayor Mack will make a speech, welcome Santa and Mrs. Claus and light the tree. 1300 flyers will be sent out with the newsletter on the reverse side; posters at the post office and businesses and ten signs will be placed at intersections around the town.

At this time the Mayor made a motion; seconded by Councilman Cross to extend the meeting by ten minutes. This was unanimously approved.

COUNCIL DEPARTMENT & COMMITTEE REPORT

Economic Development - Councilwoman Sikkema - NONE

Public Works - Mayor Mack - NONE

Public Safety/Code Enforcement - Councilwoman Kobera - NONE

Finance – Councilman Cross – NONE

Office – LDR’s, Ordinances, Legal – Councilman Cross - NONE

STAFF REPORTS

Town Attorney – Tom Wilkes – Announced that in future he was going to attend the Howey meetings and Heather Ramos would cover the Astatula meetings.

Police Department – Chief Hoagland – Gave an update on an incident in the town and a report on the Halloween even held in the community building. They had around 200 people come through in a steady manner from 7:00 pm till around 9:00 pm. He thanked the Mayor, all his officers and Jane for volunteering their time to make the event successful.

He said that there was a trash issue with the WCA trucks dumping trash while they are driving along, and the wind blows it into the street. They have been advised that if it continues then they will be cited. They did come back and clear the trash up

The annual shoot out and barbeque would take place on Sunday December 8 for anyone who wanted to attend. This would be catered this year. There would be four officers participating in shop with a cop this year.

Town Clerk – Graham Wells – NONE

BUDGET AND FINANCE REPORT REVIEW

Finance Officer Wells gave an overview of the revenues and expenditures for September along with the closing bank balances at September 30, 2019. There was true up in the discretionary Surtax in the Infrastructure fund which increased the revenues. This report was as accurate as it could be to show the position against budget for the whole year.

The October report was discussed, with revenues \$2,727 more than budget and expenditures \$942 under budget and he added that despite the general fund balance shown below at the end of October looking healthy, there were checks cut since and with the payroll due, the balance was just \$9,000 as of that morning. Clerk Wells stated that he was holding sending some checks out pending receiving the first payment of Ad Valorem Taxes.

October 2019 Balances:

General Fund:	72,971.99
Impact Fees:	104,870.50
Transportation Fund:	114,337.69
Infrastructure Fund:	389,601.45
CDBG Fund:	25.00
Cash Drawer:	150.00

REVIEW


- a. Items for Workshops and possible dates – NONE
- b. Items put forward for the next Council meeting - NONE
- c. Review of items needing Special Meetings and possible dates - NONE

COUNCIL MEMBER MISCELLANEOUS COMMENTS – NONE

ADJOURNMENT

There being no further business Mayor Mack adjourned the meeting at 9:37 pm.

Respectfully submitted,



Mitchell Mack, Mayor

ATTEST:



Graham Wells, Town Clerk



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

LAST NAME—FIRST NAME—MIDDLE NAME Kobera, Kimberly Mae	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Astatula Town Council
MAILING ADDRESS 25122 CR 561	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Astatula	COUNTY Lake
DATE ON WHICH VOTE OCCURRED November 12, 2019	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> 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, Kimberly Mae Kobera, hereby disclose that on December 9, 20 19 :

(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 did not have a voting conflict of interest in the Town Council's vote on first reading of the ordinance to vacate part of the Park Avenue right-of-way (agenda item E.2). However, the only house with access to/from Park Avenue where right-of-way is to be vacated was owned by my family until a few weeks ago, when we sold it.

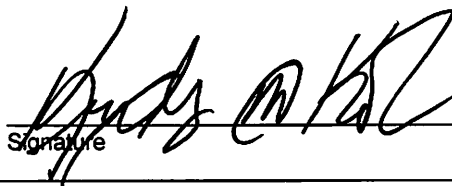
Therefore, I had the appearance of a voting conflict. On advice of the Town Attorney, I elected to abstain from the vote. For the same reason I have abstained from voting on the second reading, at the Regular Council meeting on December 9, 2019.

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.

December 10, 2019

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.