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**MINUTES OF THE  
COMMUNITY REDEVELOPMENT AGENCY  
MEETING OF NOVEMBER 4, 2009  
DEBERRY ROOM 3<sup>RD</sup> FLOOR  
200 CANAL STREET  
NEW SMYRNA BEACH, FLORIDA**

19 **Chair Linda DeBorde called the CRA meeting to order at 2:00 p.m.**

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28

**Answering to roll call:**

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38

**Linda DeBorde, Chair  
Steve Dennis, Vice-Chair  
James Kosmas  
Cynthia Lybrand  
Charles Belote  
Thomas Williams**

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41  
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43  
44  
45

Also present were Kevin Fall, CRA Director; Michelle Martin, CRA Project Manager; Noeleen Foster, CRA Coordinator; Claudia Soulie, Administrative Specialist and CRA Attorney Mark Hall. Commissioner Douglas Hodson arrived 2:40 pm.

Ms. DeBorde thanked former Mayor Sally Mackay and former Commissioner Randy Richenberg for their years of great service to the City of New Smyrna Beach and she wished them good luck in their future endeavors. Ms. DeBorde congratulated the new Mayor Adam Barringer and new Commissioner Judy Reiker and stated that she was looking forward to working with them.

**CONSENT AGENDA**

Mr. Fall asked that item A and B be approved by separate motion as the Property Improvement Grant application had been submitted by Commissioner Kosmas, which created a conflict of interest. Ms. DeBorde noted this request.

A. Approval of Minutes – October 7, 2009

**Mr. Dennis made the motion to approve the above minutes as written, seconded by Mr. Williams. The motion carried on roll call vote 6 – 0.**

B. Property Improvement Grant Application – 111 Live Oak Street

Mr. Kosmas declared his conflict of interest and stated that he had submitted the Voting Conflict form to Ms. Soulie.

**Mr. Dennis made the motion to approve the above referenced Property Improvement Grant, seconded by Mr. Williams. The motion carried on roll call**

46 **vote 5 – 0. James Kosmas abstained due to a conflict of interest** (Form 8B,  
47 Memorandum of Voting Conflict is attached).

48  
49 Mr. Belote stated that he was under the impression that it was decided at the last meeting  
50 that the Property Improvement grants would not be listed under the Consent Agenda.

51  
52 Mr. Fall stated that it was his understanding that this pertained only to the \$10,000 grants  
53 and asked for further clarification from the Commissioners.

54  
55 Ms. DeBorde recognized the new Mayor Adam Barringer, who joined the meeting.

56  
57 **PUBLIC PARTICIPATION**

58 In accordance with the City Commission Resolution #11-89, a three-minute limitation will be  
59 imposed unless otherwise granted by the CRA Commissioners.

60  
61 Ms. Flare Elliot, 421 Canal Street, thanked the Commissioners for their assistance with  
62 the new Mexican Restaurant on Canal Street and stated that this restaurant was bringing  
63 welcomed night traffic to Canal Street.

64  
65 Hearing no further requests, Ms. DeBorde closed the Public Participation portion of the  
66 meeting.

67  
68 Mr. Fall commended Ms. Elliott for continuing the interests in regards to the Canal Street  
69 initiatives that the CRA was trying to implement.

70  
71 Mr. Dennis called out Jackie Hercheck with the South East Volusia Hospital Board and  
72 asked her to come to the podium.

73  
74 Ms. Hercheck stated that she was in the audience today to observe and learn and not as a  
75 representative of the Hospital Board, but was in favor of the Hospital Board and the CRA  
76 working closer together.

77  
78 Ms. DeBorde thanked Ms. Hercheck for attending the meeting and invited her and any of  
79 the Hospital Board members to all CRA meetings and workshops.

80  
81 Mr. Dennis extended an invitation to the Hospital Board for the joint-meetings pertaining  
82 to the Redevelopment Plan update as a way of showing solidarity. Ms. Hercheck will  
83 make sure that the hospital would be represented.

84

85

86 **OLD BUSINESS**

87 A. Mary Avenue Streetscape Project - Additional Design Services

88

89

90

**1) FDOT Permitting / Drainage Improvements, GAI Consultants**

91 Mr. Fall stated that the existing stormwater pipe crossing US1 at Mary Avenue had been  
92 found to be badly deteriorated and was in need of immediate replacement as the proposed

93 pipe for the Mary Ave. Streetscape was to tie into this existing pipe. Mr. Fall continued  
94 that staff had negotiated with GAI to modify the current FDOT utility permit to include  
95 the additional services.

96  
97 Mr. Fall stated that funds were available in the Mary Avenue Streetscape Project capital  
98 account within the adopted CRA budget and recommended the CRA approve the request  
99 to provide professional services to modify the FDOT Utility Permit and design for the  
100 removal and replacement of the deteriorated stormwater pipe in the amount of  
101 \$11,840.00.

102  
103 Mr. Williams inquired if this pipe fell under the City's jurisdiction, as he wanted to make  
104 that the CRA spent their money in a legal fashion.

105  
106 Mr. Fall understood Mr. Williams' concern and felt that the emergency nature of this  
107 situation, discovered by the exploratory work necessary due to the Mary Ave. Streetscape  
108 improvements, warranted the CRA covering those costs, but deferred to Mr. Hall for his  
109 legal opinion.

110  
111 Mr. Fall continued that the Florida Redevelopment Association's (FRA) legal counsel  
112 had agreed to meet with Volusia County CRAs to discuss interpreting a list of items  
113 where legal assistance was needed, especially funding. Mr. Fall was hopeful that this  
114 special meeting would take place within the next two (2) months.

115  
116 Ms. Lybrand asked for clarification that these costs were only for the design. Mr. Fall  
117 affirmed that question.

118  
119 Mr. Hall was asked to give his opinion on the matter and he stated that CRA funding for  
120 this matter was warranted, however he felt that the City Engineer or Public Works  
121 Director should look over the proposal and check on the validity of the costs from an  
122 engineering standpoint.

123  
124 Mr. Dennis inquired about the total cost for the repair and Mr. Fall stated that an actual  
125 figure had not been produced yet.

126  
127 Mr. Dennis felt that the CRA should partner with the City on the actual repair.

128  
129 Mr. Fall suggested meeting with the new City administration to delineate the CRA's  
130 responsibilities.

131  
132 Mr. Kosmas asked if it was possible to ascertain what impact the exploratory work for the  
133 Mary Ave. Streetscape had on the damaged storm pipe in order to determine the CRA's  
134 portion of the repair cost. Mr. Fall noted this request.

135  
136 Mr. Williams suggested determining how much additional run-off water the Mary Ave.  
137 Streetscape would be generating and felt that if the CRA's improvements were increasing  
138 the flow then the CRA could carry some of the repair cost.

139

140 **Mr. Belote made the motion to approve the request for additional professional**  
141 **services to modify the FDOT Utility Permit and design for the removal and**  
142 **replacement of the deteriorated stormwater pipe in the amount of \$11,840, seconded**  
143 **by Mr. Kosmas. The motion carried on roll call vote 6 – 0.**  
144

## 145 **2) Final Design, GAI Consultants**

146  
147 Mr. Fall stated that the design plans for the Mary Avenue Streetscape Project required  
148 additional professional design services related to the provision of additional on-street  
149 parking, and to provide for the installation of decorative streetlights.  
150

151 Mr. Fall continued that originally the CRA was in coordination with the Utilities  
152 Commission (UC) to minimize the cost associated with maintenance, renewal and  
153 replacement of the streetlight inventory. However, the UC had since notified the CRA  
154 that they did not wish to expand their (decorative streetlight) inventory at this time and  
155 that the design, construction and maintenance of decorative streetlights was the  
156 responsibility of the CRA and therefore, electrical design plans for the decorative  
157 streetlights needed to be completed as an additional service to the existing scope of  
158 services with the consultant, GAI Consultants Inc.  
159

160 Mr. Fall stated that funds were available in the Mary Avenue Streetscape Project capital  
161 account within the adopted CRA budget and that staff recommended approval of the  
162 Request for Additional Design Services in the amount of \$22,050 to finalize the Mary  
163 Avenue Streetscape design plans.  
164

165 Mr. Dennis stated that vendors at the Florida Redevelopment Association conference in  
166 Orlando had presented several examples of solar powered lighting and inquired if any of  
167 them could be incorporated into the Mary Ave. Streetscape design.  
168

169 A brief discussion ensued about that technology not yet being readily available on the  
170 market but this being a good bid add-alternate.  
171

172 Ms. Lybrand felt that any commitments made with the Utilities Commission (UC) should  
173 be received in writing and stated that the City Commission, CRA and UC needed to start  
174 working together. Mayor Barringer applauded this comment. Mr. Williams felt that the  
175 CRA did not have a partner in the UC and would like to see changes in that regard.  
176

177 Mr. Kosmas suggested looking into a way of establishing binding commitments that can  
178 not be changed so easily.  
179

180 **Mr. Dennis made the motion to approve the request for Additional Design Services**  
181 **in the amount of \$22,050 to finalize the Mary Avenue Streetscape design plans,**  
182 **seconded by Mr. Williams. The motion carried on roll call vote 6 – 0. Mr. Hodson**  
183 **abstained as he joined the meeting just before the motion was made.**  
184

## 185 **3) Railroad Crossing Improvements, Florida East Coast Railway**

186

187 Mr. Fall stated that the original concept design and budget for the Mary Avenue  
188 Streetscape Project did not include right-of-way (R/W) improvements within the Florida  
189 East Coast Railway (FECR) railroad at-grade crossing. Mr. Fall continued that the  
190 existing FECR crossing gate structures were in conflict with the proposed sidewalks and  
191 multi-use trails approaching the FECR railroad at-grade crossing from either direction.  
192 Therefore the proposed sidewalks and multi-use trails would have to end at the FECR  
193 R/W on each side of the railroad tracks leaving an unsafe condition for pedestrians and  
194 bicyclists. Mr. Fall informed the CRA that staff had acquired an estimate from FECR to  
195 upgrade and widen their at-grade crossing to provide safe crossing for pedestrians and  
196 bicyclists at an additional cost of \$450,000.00. Mr. Fall agreed with legal counsel to  
197 review the estimate with a fine-tooth comb and attempt to negotiate something a little bit  
198 more palatable.

199  
200 Mr. Fall felt that this was a time-sensitive matter as several projects, including FDOT  
201 road resurfacing were planned for this area but he deferred the decision of approval for  
202 this substantial amount to the CRA.

203  
204 Ms. DeBorde commended staff for being able to obtain an estimate from the FEC.

205  
206 A brief discussion ensued about redesigning the original construction plans versus going  
207 with the FEC proposal and the pros and cons of this action along with possible legal  
208 ramifications of having the sidewalk stop at the railroad crossing, leading pedestrians and  
209 bicyclists into the road.

210  
211 The CRA came to the consensus to defer this agenda item with the intent of redesigning  
212 the current construction plans.

213  
214 Mr. Kosmas would like to see a more graphic FEC design and supporting design  
215 documents before making a decision and was in favor of deferring this topic.

216  
217 **Mr. Dennis made the motion to direct staff to work with the design consultant to**  
218 **create a re-design of the intersection with the railroad property and to bring topic**  
219 **back at the next meeting, seconded by Mr. Williams. The motion carried on roll call**  
220 **vote 7 – 0.**

221  
222 **Ms. Lybrand made the motion to defer this agenda item to a time uncertain,**  
223 **seconded by Mr. Hodson. Motion carried on roll call vote 7 - 0.**

224  
225  
226 **B. W. Canal Street Streetscape/Drainage Project – Utilities Commission Invoice**

227  
228 Mr. Fall informed the CRA that the Utilities Commission (UC) had completed the review  
229 of the final electrical design for the West Canal Streetscape and Drainage Improvements  
230 Project and had initiated work activities to accomplish the relocation of overhead power  
231 lines and poles underground, as this design was not contemplated in the proposal and  
232 existing contract with Thadcon, LLC. Mr. Fall continued that Thadcon would provide a

233 credit to the CRA for the allocation of costs that were included within the existing  
234 contract related to the undergrounding of electrical utilities.

235

236 Mr. Fall stated that the UC had submitted a lump sum invoice for this work and was  
237 seeking payment in the amount of \$68,921.55. Mr. Fall continued that the CRA had  
238 previously established a contingency for the project and funds were available within the  
239 project budget and appropriated in the West Canal Streetscape and Drainage  
240 Improvements capital project budget.

241

242 Mr. Fall recommended the CRA approve the UC's invoice in the amount of \$68,921.55  
243 for the relocation of electrical facilities as part of the W Canal Streetscape and Drainage  
244 Improvements Project.

245

246 **Mr. Belote made the motion to approve the Utilities Commission's invoice of**  
247 **\$68,921.55, seconded by Mr. Dennis. The motion carried on roll call vote 7 – 0.**

248

249

250

#### NEW BUSINESS

251

##### A. Public Art - Images 2010 Sponsorship Request

252

253 Ms. DeBorde stated that at the last CRA meeting she had read a letter into record from  
254 Atlantic Center for the Arts (ACA) asking the CRA to sponsor their annual Images for  
255 the Arts event in the amount of \$5,000 for the Patron's Program and \$2,500 for the  
256 Creative Education Program.

257

258 Ms. DeBorde continued that staff recommended approval of this request for assistance in  
259 the amount of \$7,500 from the CRA Public Art Program.

260

261 Ms. DeBorde informed the CRA that ACA staff apologized for not being able to attend  
262 this CRA meeting as they usually do.

263

264 **Mr. Hodson made the motion to approve the request for assistance in the amount of**  
265 **\$7,500 from the CRA Public Art funds to participate in the Patron's Program and**  
266 **to provide sponsorship for the Creative Education Program as part of the Images**  
267 **2010: A Festival of the Arts, seconded by Mr. Williams. The motion carried on roll**  
268 **call vote 7 – 0.**

269

270 Mr. Belote inquired about a previous discussion that there might be a surplus of public art  
271 in the City's inventory. Mr. Fall stated that this was being checked into, but was in favor  
272 of supporting this event based on the economic impact it had on New Smyrna Beach.

273

274 A brief discussion ensued about the public art purchased with CRA funds and the best  
275 locations for display, so that the public had access to it; other avenues of creating and  
276 displaying "outdoor" public art and identifying its sponsors as well as using the CRA's  
277 public arts funds for something other than the ACA's patron award.

278

279 Mr. Williams seconded Mr. Kosmas previous request of receiving a list of all public art  
280 purchased by CRA funds and its location. Mr. Williams also suggested partnering with  
281 the ACA to work with artists to create durable art that could be displayed in the open.  
282

283

284

## REPORTS AND COMMUNICATIONS

285

286

### A. Director's Report

287

288 • Mr. Fall stated that staff, in conjunction with Glatting Jackson, was looking into  
289 ways of creating an impact fee assistance program to facilitate small-scale redevelopment  
290 projects. Mr. Fall continued that Development Services was in the process of creating a  
291 cost sheet to give the developer an idea of what additional cost could apply.  
292

293

294 Mr. Fall elaborated on different ways other Cities were handling this issue and continued  
295 that the goal should be exemption of certain City impact fees within the CRA district, as  
296 long as this did not adversely affect the infrastructure.

297

298 Mr. Fall asked the CRA to direct him to come up with a temporary program that allowed  
299 the CRA to pay the City impact fees up to a pre-set amount, until such time a formal  
300 program can be adopted under the Community Redevelopment Plan update.

301

302 Mr. Dennis stated that this would be a budget amendment that needed to be resubmitted  
303 to the City Commission for approval and inquired where the funds would be coming  
304 from. Mr. Fall informed that this could come out of the CRA's contingency account.

305

306 Mr. Kosmas was in favor of such a program and hoped that this would open the door for  
307 other waivers, especially parking requirements in specific downtown areas. Mr. Kosmas  
308 felt that parking should be an entrepreneurial concern and not the City's.

309

310 **The CRA came to the consensus to direct staff to compile an impact fee schedule  
311 plan.**

312

313 • Mr. Fall informed the CRA that he was working on a matrix of CRA projects that  
314 the CRA Commissioners needed to rank and prioritize. Mr. Fall stated that he would  
315 schedule individual meetings with the Commissioners to answer any questions or  
316 concerns and that the results would be discussed at the joint City Commission/CRA  
317 meeting on November 17, 2009 at 6:00 pm.

318

319 Mr. Kosmas felt it might be more advantageous to have the Community Redevelopment  
320 Plan update completed prior to this assignment in order to get some ideas of which  
321 projects should be ranked higher than others or, if possible, reserve the right to be able to  
322 re-evaluate his rankings once the Plan update had been completed. Mr. Fall noted that  
323 request and stated that this could happen during budget time.

324 Mr. Williams inquired if there were any new projects on the ranking sheet. Mr. Fall  
325 affirmed that questions and stated that the list was compiled of existing and new projects  
326 and suggested the Commissioners may add additional projects to the list.  
327

328 • Mr. Fall stated that the proposed Hotel project was moving forward and informed  
329 the CRA that the Planning and Zoning Board approved the PUD agreement at their last  
330 meeting and that this item was scheduled to be heard by the City Commission at their  
331 November 10, 2009 meeting. Ms. DeBorde urged the CRA to attend that City  
332 Commission meeting as the proposed Hotel was an agenda item, but also to show support  
333 for the new administration being sworn in that day.  
334

335 Mr. Williams stated that the CRA had approved funds for RCLCO to do a study at the  
336 last CRA meeting and inquired if any work had been started and about a turn-around  
337 time. Mr. Fall informed that some work had started, but this consultant was hired on an as  
338 needed-basis.  
339

340 • Mr. Fall informed the Commissioners that staff was in the process of creating a  
341 system that would allow them to respond to Commissioner requests in a timely manner to  
342 avoid possible back logs.  
343

344 • Mr. Fall received requests for enhanced holiday lighting on Canal Street and felt  
345 this was a necessary investment. Mr. Fall continued that the Parks and Recreation  
346 Department had a lighting package that was placed on the streetlights, however, he felt  
347 that the palm trees lining Canal Street were very conducive to light placement as well.  
348 Mr. Fall recommended the CRA approve a request for enhanced Christmas lights in the  
349 amount of \$15,000.  
350

351 A brief discussion ensued about the light color, the lifespan of the LED light, the  
352 ambiance enhancement, the budget amount/line item and installation cost.  
353

354 Mr. Kosmas stated that he saw the overall picture of enhancing the downtown for the  
355 holidays, as it drew business to its stores and suggested encouraging the business owners  
356 to participate with similar lights and similar colors.  
357

358 Mr. Fall stated that the Florida Redevelopment Association was handing out awards for  
359 the best Streetscapes and staff would attempt to secure one for the West Canal  
360 Streetscape, once it was completed.  
361

362 Mr. Dennis was in favor of the enhanced Christmas lights; however, he cautioned the  
363 CRA that purchasing them may draw renewed scrutiny from certain members of the  
364 public. The CRA agreed that the additional lights were a great investment and hoped that  
365 the public would agree.  
366

367 **Mr. Dennis made the motion to authorize the purchase of enhanced Holiday lighting**  
368 **for Canal Street not to exceed \$15,000, seconded by Mr. Hodson. The motion**  
369 **carried on roll call vote 7 – 0.**  
370

371 • Mr. Fall reiterated that a Volusia County councilman had called for a State audit  
372 of the New Smyrna Beach CRA. Mr. Fall commented on the response letter from the  
373 Florida Legislative Joint Legislative Auditing Committee, which stated that Committee  
374 staff would not recommend that the Auditor General be directed to perform an audit of  
375 the NSB CRA.

376  
377 Mr. Fall stated that the City had hired a new auditing firm to perform the regular internal  
378 audit.

379  
380 Ms. Lybrand asked staff for a treasurer's report. Mr. Fall stated that he would have one  
381 prepared for the next CRA meeting.

382  
383 B. Commissioner Reports

384  
385 Ms. DeBorde:

386  
387 Ms. DeBorde thanked her fellow Commissioners who attended the FRA conference in  
388 Orlando and commented on the things they had learned which would help the CRA to  
389 stay within the statutes.

390  
391 Mr. Williams:

392  
393 Mr. Williams stated that he had had lunch at the new Mexican restaurant and felt that the  
394 CRA did well in supporting this new business as this was the kind of redevelopment the  
395 CRA was looking for.

396  
397 Mr. Williams inquired if the position for an Ombudsman or Redevelopment Coordinator  
398 that CRA had budgeted for had been put on hold. Mr. Fall stated it was not on hold and  
399 that he was in touch with the City Manager as he felt that the CRA needed a full-time  
400 person.

401  
402 Mr. Williams asked for the CRA to receive a report explaining the City Commission's  
403 approval or denial of any CRA issue that they were voting on.

404  
405 Mr. Kosmas asked Mr. Fall to consider allowing this position to also assist new  
406 businesses outside of the CRA district, at least on a small scale, to ensure a smooth  
407 transaction.

408  
409 Mr. Williams reiterated that the theme of the FRA conference rested on partnerships and  
410 he felt that the CRA supported partnering with the City Commission, the Utilities  
411 Commission and the Hospital. Mr. Williams commended Kevin Fall for moderating a  
412 session at the FRA conference and stated that he really had learned a lot and he would  
413 like to see other Boards within the City be able to attend. Mr. Williams suggested hosting  
414 the Volusia County CRA's in New Smyrna Beach to showcase this district.

415  
416 Ms. Lybrand:

417

418 Ms. Lybrand commended the contractor for West Canal Streetscape on their work ethics.  
419 She also inquired about the status of the Flagler Ave. Boardwalk. Mr. Fall informed that  
420 this would be an item on the prioritization matrix.  
421

422 Mr. Kosmas:

423  
424 Mr. Kosmas inquired if the next CRA meeting would be held that the City Commission  
425 Chamber at City Hall. Mr. Fall stated that from now on the CRA would meet at the City  
426 Commission Chambers.  
427

428 Mr. Kosmas inquired about a form-based code that allowed for a larger flexibility in  
429 designing projects and hoped that the City would look into that.  
430

431 Mr. Williams informed that he had found reference on the City of New Smyrna's website  
432 about form-based codes.  
433

434 Mr. Kosmas asked to receive a capital status report from staff to be able to keep track of  
435 CRA projects.  
436

437 Mr. Kosmas felt that the CRA did not have to sunset in 2015 and suggested some  
438 affirmative action to have the CRA continue.  
439

440 Mr. Kosmas suggested a CRA Commissioner retreat.  
441

442 Mr. Kosmas commended Kevin Fall on his moderator function at the FRA and felt that  
443 Mr. Fall brought a prestige to the CRA and that he was one of the CRA's biggest assets.  
444

445 Mr. Hodson:

446  
447 Mr. Hodson apologized for having missed a few meetings due to health issues lately and  
448 stated that he was back in business.  
449

450 Mr. Dennis:

451  
452 Mr. Dennis commented on Amendment 4 coming up for vote next November dictating  
453 that any comprehensive plan amendments go to a referendum and he inquired about the  
454 City's position on this amendment and what impact it may have on the City's  
455 comprehensive plan. Mr. Dennis stated that the Florida Chamber was working on  
456 opposing it as they felt it was a severe piece of legislation.  
457

458  
459  
460 Mr. Belote:

461  
462 Mr. Belote asked for a status report that would list all projects from auxiliary agencies  
463 within the CRA district.  
464

465 C. Correspondence

466

467 None

468

469 ADJOURNMENT

470

471 **Mr. Dennis made the motion to adjourn; all agreed. Meeting adjourned at 4:00 pm.**

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>KOSMAS JAMES M.</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Community Redevelopment Agency</b>
MAILING ADDRESS <b>111 Live Oak St.</b>	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 <b>New Smyrna Beach</b>	NAME OF POLITICAL SUBDIVISION: <b>New Smyrna Beach FL</b>
COUNTY <b>Volusia</b>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED <b>11-04-09</b>	

## 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, JAMES M. KOSMAS, hereby disclose that on 11-04, 20 09:

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

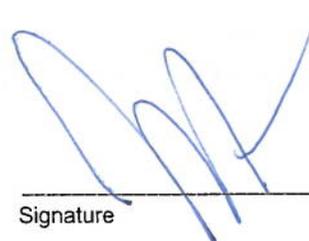
- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, 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:

Property improvement grant application for my office at 111 Live Oak Street, New Smyrna Beach, Florida.

11-04-09

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.