

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

**MINUTES OF THE
COMMUNITY REDEVELOPMENT AGENCY
MEETING OF MAY 13, 2009
DEBERRY ROOM 3RD FLOOR
200 CANAL STREET
NEW SMYRNA BEACH, FLORIDA**

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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

Answering to roll call:

**Linda DeBorde, Chair
Steve Dennis, Vice-Chair
James Kosmas
Douglas Hodson
Cynthia Lybrand
Thomas Williams**

Also present were Kevin Fall, CRA Director; Noeleen Foster, CRA Coordinator; Michelle Martin, CRA Project Manager; Mark Hall, CRA Attorney; and Claudia Soulie, Administrative Specialist. Commissioner Charles Belote was absent.

CONSENT AGENDA

Approval of Minutes – April 1st, 2009 CRA Meeting.

Mr. Hodson made the motion to approve the minutes of the April 1st, 2009 CRA meeting, seconded by Mr. Dennis. The motion carried on roll call vote 5 – 0. Ms. Lybrand abstained, as she was absent at the last meeting.

PUBLIC PARTICIPATION

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

Ms. DeBorde asked that only topics that did not pertain to the Florida Avenue Request for Proposal (RFP) be addressed during the Public Participation portion of the meeting. Any requests to speak in reference to the Florida Ave RFP would be honored at a later time in the meeting. Ms. DeBorde stated that the three-minute limitation would still apply.

Brian White, 111 Cedar Dunes Drive, handed out a brochure and elaborated on his idea to commission local artists to paint all the white concrete trash receptacles on Flagler Ave. Mr. White stated that he was not asking for funding, but just asked the CRA to consider his idea.

48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94

Mr. Fall informed the CRA that he had received emails from local schools interested in expanding their art program by painting the trash receptacles on the Streetscapes and this could tie in to Mr. White's ideas.

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

OLD BUSINESS

A. Responses to Florida Avenue Request for Proposals

Mr. Fall stated that at the February 4, 2009 meeting, the CRA directed staff to issue a Request for Proposals (RFP) for the redevelopment of CRA properties located at 207 and 215 Florida Avenue "Florida Avenue RFP" and continued that staff had received two (2) proposals in response to the Florida Avenue RFP, from:

- Frank Marshall
- Premiere Development Group

Mr. Fall stated that the proposal received from Frank Marshall suggested the vacant land (215 Florida Avenue) be converted into informal parking lots and the use of the existing shell parking lot (207 Florida Avenue) remain the same.

Mr. Fall continued that the proposal received from Premiere Development Group suggested the use of both properties (207 and 215 Florida Avenue) for surface parking in support of a small-scale hospitality facility to be built on Flagler Avenue.

Mr. Fall reiterated that the purpose of the RFP was to solicit market interest in a redevelopment project that would include the purchase, lease and/or joint use of the properties located 207 and 215 Florida Avenue that would generate the highest economic benefit to the City of New Smyrna Beach while maintaining the character of the Florida Avenue business district.

Mr. Fall listed the evaluative criteria against which each Proposal would be considered, including but not limited to the following:

- 1) Project benefit, impact to City, Flagler Avenue Business District and citizens
- 2) Project approach including property acquisition, lease and/or joint utilization
- 3) Proposed development process and land use components
- 4) Proposed role of the Community Redevelopment Agency, City of New Smyrna Beach, Florida and the City of New Smyrna Beach and extent of public investment
- 5) Financial capability to complete the project
- 6) Managerial capability
- 7) Technical expertise in similar projects

- 95 8) Performance record of past development projects
96 9) Market experience
97 10) Staff, organization and industry reputation
98 11) Compatibility with, and responsiveness to, the Community Redevelopment
99 Agency, City of New Smyrna Beach, Florida and City of New Smyrna Beach
100 objectives and goals.
101

102 Mr. Fall informed the CRA Commissioner that upon completing the evaluation of each
103 proposal as indicated above, the following options were available to the CRA:
104

- 105 1. Recommend one of the Proposals to be forwarded to the City Commission with or
106 without CRA recommendations
107 2. Reject both proposals as presented
108 3. Defer a recommendation and/or request additional information
109

110 and asked the Commissioners to provide a recommendation to the City Commission
111 regarding the Proposals submitted in response to the Request for Proposals for the
112 Redevelopment of CRA Properties located at 207 and 215 Florida Avenue
113

114 Ms. Lybrand stated that she remembered that the CRA authorized staff previously to
115 create this Request for Proposal (RFP) to have outside sources gather ideas what those
116 properties may be used for and to forward this information to the consultants doing the
117 Redevelopment Plan update (RPU).
118

119 Mr. Fall asked the CRA Chair for permission to present Pete Sechler with Glatting
120 Jackson, the consultants performing the RPU to address Ms. Lybrand's concern. Mr.
121 Sechler, Principal-in-Charge, stated that he had had a conversation with Mr. Fall about
122 the relationship between the Florida Ave. RFP and the Plan update his company was
123 performing and felt that there was no benefit in deferring a decision in regards to the
124 Request for Proposal as his team had gathered enough information in their study to-date,
125 that could possibly influence the CRA's decision. Mr. Sechler stated that the feedback
126 they had received strongly suggested that the broad majority of the community was
127 interested in hospitality/hotels and felt that this would probably not change between now
128 and August, the proposed completion date of the update.
129

130 Ms. Lybrand felt it was important for the CRA to have a clear idea on how this proposed
131 project on Flagler Ave. would impact the parking situation on this street. Mr. Sechler
132 suggested making the CRA's recommendation pertaining to the RFP contingent upon
133 additional evaluations and negotiations and felt that the parking issues on Flagler needed
134 to be addressed regardless.
135

136 Mr. Kosmas inquired as to the inter-relationship between the proposed hotel and the
137 surrounding neighborhoods. Mr. Sechler felt that the proposed hotel would have a
138 beneficial impact on the retail business community and invited any interested parties to
139 an Issues and Opportunities Workshop pertaining to the Redevelopment Plan update
140 scheduled for that evening at 6:00 pm at the Brannon Center that addressed this subject.
141

142 Mr. Kosmas stated that he was hoping to solicit a more detailed analysis from Glatting
143 Jackson about the proposal received from Premiere Development Group. Mr. Sechler
144 offered to create a detailed technical memorandum of what their thoughts were and stated
145 that he felt that Florida Avenue was the best opportunity for New Smyrna Beach to
146 satisfy a part of the market that currently was not being tapped.

147
148 Ms. DeBorde thanked Mr. Sechler for his input and invited all the business owners to
149 attend tonight's workshop.

150
151 Ms. DeBorde continued that it was the CRA's purpose to rank the proposals and make a
152 recommendation to the City Commission. Ms. DeBorde opened the Public Participation
153 portion of the meeting.

154
155 Ms. Debra Dugas, resident at the corner of Pine St and Florida Ave. was not anti-growth
156 or anti-business, but she did not feel that the Florida Ave site was the appropriate site for
157 the proposed hotel. Ms. Dugas continued that she understood the economic value of the
158 hotel, but felt it would be detrimental to her community. Ms. Dugas asked the CRA to
159 consider other sites. Ms. Dugas thought that the residents were not being kept updated as
160 was promised to them and felt that the CRA had already made up their mind.

161
162 Mr. Kosmas was concerned with these statements and stated that this was the first
163 conversation the CRA was having in regards to the proposed hotel and inquired of Ms.
164 Dugas why she felt that it was already a done deal and why she felt that the residents
165 were not being informed, as all the meetings and workshops were advertised publicly.

166
167 Max Dugas asked to read the lyric of the song by Joanie Mitchell called "Big yellow
168 taxi" where they paved Paradise and put up a Parking lot and asked that the CRA
169 consider a location other than Flagler Ave.

170
171 Melanie Emanuel stated that it was brought up earlier that the trees would be gone, but
172 she had looked at the proposal for the hotel and realized that out of over two hundred
173 trees all but eight (8) were being saved and some relocated. Ms. Emmanuel continued
174 that the economic impact of a hotel was very important to New Smyrna Beach.

175
176 Mr. Jay Pendergast asked that a decision be made and felt that this was an opportunity to
177 start an economic recovery. Mr. Pendergast continued that a company was willing to
178 provide jobs and redevelop vacant lots and they had been very accommodating to the
179 needs of New Smyrna by revising their plans accordingly. Mr. Pendergast felt that
180 nothing was ever going to be perfect but he wanted to show that New Smyrna could start
181 a project, build it and start economic development. Mr. Pendergast was in favor of
182 moving forward with the project.

183
184 Sue Williams, 201 Middle Way, felt that timing was of the essence and was glad that
185 Glatting Jackson was present to ease some of her concerns. Ms. Williams wanted to
186 remind everybody that the CRA stood for community redevelopment and felt that this
187 was exactly what the two (2) proposals were about. Ms. Williams continued that the
188 parcels would be taken from a tax liability to an economic generator and felt that the

189 proposal from the Premiere Development Group had done that in the realm of \$ 40
190 million dollars, which could be used to redevelop other distressed areas of New Smyrna.
191 Ms. Williams asked the CRA to please make a decision today and to move forward with
192 this project.

193

194 Ms. Diane Hughes, 201 N. Peninsula Ave, stated that she lived diagonally from the
195 property in questions and disagreed with Ms. Williams' statement of the properties being
196 a taxpayer liability. Ms. Hughes continued that she thought that the CRA was supposed to
197 create development where there were blighted areas and felt that Flagler Ave was not
198 blighted. Ms. Hughes asked the CRA if Premiere was interested in buying or leasing the
199 parcels and felt that this should be an important topic. Ms. DeBorde stated that this had
200 not been negotiated, as the CRA was only making a recommendation today to the City
201 Commission. Ms. Hughes was surprised that only the Flagler Ave. sites had been
202 considered and listed a few other sites that she felt would be more appropriate sites for a
203 hotel. Ms. Hughes asked why those other sites were not considered.

204

205 Mr. Fall stated that the CRA has site control of the Florida Ave. lot and that it was
206 purchased for the purpose of redevelopment. Mr. Fall continued that all of the others sites
207 were available, but the market has "chosen" the Florida Ave site.

208

209 Ms. Hughes felt that if the hotel was to be build on Florida Ave. the reason why people
210 want to come to this area would be gone and her neighborhood would be destroyed (i.e.
211 increased theft, partying during events like Bikeweek and Spring Break). Mr. Hughes
212 stated that only the positive impact on the retail businesses was mentioned but what about
213 the negative impact on the local residents and she asked the CRA to consider this.

214

215 Shelly Pestine, longtime business and homeowner, stated that this had been a mixed-use
216 area long before the Community Redevelopment Agency was even created and
217 everybody that lived there had chosen this location. Mr. Pestine continued that the
218 residents near Flagler needed to realize that the charm they were talking about was
219 already leaving the area as businesses were closing up and that he had seen the proposal
220 and felt that it would be a travesty to not act on this opportunity.

221

222 Ms. Cherie Coccia, 1300 W. Roberts, Orange City, stated the residents of New Smyrna
223 Beach, and she was not talking Florida Ave. were not included in decisions. Ms. Coccia
224 also addressed the 2:00 pm start time for the CRA meetings and stated that non-business
225 owners were not able to attend. She felt that this (the proposal for Flagler Ave.) was
226 maybe the most important decision the CRA Commissioners were going to make and
227 asked to move the CRA meetings to 6:00 pm, so everybody had a chance to attend. Ms.
228 Coccia complimented the design of the hotel but stated that it should not be put on
229 Flagler Ave and residents were in the process of having yard signs made to broadcast
230 their opinions. Ms. Coccia urged the CRA to consider another location for this project.

231

232 Mr. Kosmas reiterated the fact that all CRA meetings, workshops etc. were announced
233 publicly, also the CRA was not the decision making body as all proposals were going to
234 the City Commission for final approval and their meetings were held in the evening,
235 giving the people who wanted to be involved a chance to get their concerns addressed.

236

237 Mr. George Richford, owner of a new business in New Smyrna, presented job
238 applications his new business had received within the past six (6) months without ever
239 having advertised. Mr. Richford stated that the people needed a place to work and that the
240 City needed the income that this hotel could generate. Mr. Richford continued that he had
241 created a list of concerns that people voiced at today's meeting and stated that no real
242 reasons were given as to why they don't want a hotel on Flagler. Mr. Richford felt that
243 the purpose of the CRA Commission was to decide if this proposal was a good idea and
244 not what the hotel would ultimately look like and thought that the CRA should vote to
245 have it go forward.

246

247 Mr. Bob Lott, Flagler Ave. business owner, also commented on the tax revenue that
248 would be generated by this project and all the other positive outcomes. Mr. Lott quoted a
249 phrase out of a movie that stated "The needs of the many outweigh the needs of the few
250 or the one". Mr. Lott reiterated that the CRA please look at all the benefits the proposal
251 had to offer to the entire City of New Smyrna Beach.

252

253 Mr. Michael Kosmas, New Smyrna Beach resident, stated that he had listened to all the
254 comments made today and gathered that there may be a fear of the unknown as to what
255 this proposed hotel may look like. Mr. Kosmas continued that there is usually never
256 100% agreement, but that all could agree on smart growth, which he felt this proposal
257 offered. Mr. Kosmas continued that everybody should work together to build an eco-
258 friendly, LEED-certified hotel that could be New Smyrna's flagship and blend into the
259 environment.

260

261 Mr. Jim Kosmas asked Mr. Michael Kosmas to clarify the term "LEED-certified". Mr.
262 M. Kosmas stated that "LEED" meant Low Energy Emission Design Standards and was
263 awarded by the State Government to eco-friendly buildings. Mr. M. Kosmas had been
264 chosen by Al Gore in 2007 to travel to Nashville as one of a 1000 presenters worldwide
265 to give a presentation on climate change and adverse impacts. Mr. M. Kosmas stated that
266 having experience in the hospitality field, he was an avid supporter of smart and green
267 hotel growth, which this proposal entailed.

268

269 Ms. DeBorde thanked everybody and closed the Public Participation portion.

270

271 Ms. DeBorde asked the CRA Commissioners for a motion on the RFP's.

272

273 **Mr. Hodson made the motion that the CRA recommend the Premiere Development**
274 **Group's Request for Proposal be forwarded to the City Commission for**
275 **consideration, seconded by Mr. Kosmas. The motion carried on roll call vote 6 - 0.**

276

277 Mr. Kosmas stated that he did not make this decision lightly, but felt that this economy
278 could not sustain economic growth if green and open spaces were just being perpetuated
279 on every functional commercial site. Mr. Kosmas continued that the economy needed to
280 be promoted now in order for later generations to be able to enjoy New Smyrna as a
281 viable place to live and work.

282

283 Mr. Williams commented on the need for hospitality space on Flagler and came to the
284 meeting with an open mind, looking for significant reasons for or against the proposed
285 hotel and felt that the developer had made significant efforts to accommodate the
286 Community.

287
288 Ms. Lybrand stated that she heard that some of the concerns were the elimination of
289 parking and green space and felt that this needed to be addressed and also it needed to be
290 determined what the CRA was planning to do with the parking spaces that had been
291 leased.

292
293 Ms. DeBorde agreed that the parking issue needed to be addressed and felt that the CRA
294 was already working on that. Ms. DeBorde thought that beachside has a lot of green
295 spaces/parks.

296
297 Mr. Williams inquired about Volusia County's position on the TIF standing. Mr. Fall
298 stated that this wouldn't affect the base year.

299
300 Ms. DeBorde stated that we need to look to the future and save New Smyrna Beach for
301 our future generations and that economic development was needed. Ms. DeBorde felt
302 that this was an opportunity of a lifetime, and that it would benefit everybody in the long
303 run.

304
305 Mr. Dennis mentioned that all of the CRA Commissioners also have an investment in the
306 community and it was incumbent on them to use all their knowledge and influence to
307 ensure that this project turns out to be a benefit to the community.

308
309 Mr. Kosmas wanted to clarify that there had been no negotiations about how the parcel
310 on Florida Avenue would be transferred and other options for parking could be discussed.

311
312 Ms. DeBorde recognized Vice-Mayor Grasty and thanked him for attending.

313

314

315 **B. Myrtle Avenue Property Improvement Project**

316

317 Mr. Fall asked the CRA to defer this topic to a future CRA meeting, but presented
318 pictures included in the agenda package of the public right-of-ways (ROW) on Myrtle
319 Avenue and felt that the whole street really needed a complete overhaul. Mr. Fall
320 continued that some of the issues needed to be addressed by Code Enforcement before
321 they could be presented under the grant program and would come back with a proposal
322 after conferring with the consultants.

323

324 Ms. DeBorde felt that parking on the grass was a big contributor to the "rough" condition
325 of the front yards and suggested to modify the yards to accommodate the necessity for
326 parking on the grass, as the roads are very narrow. Mr. Fall will forward Ms. DeBorde's
327 suggestion.

328

329 Mr. Williams felt that this was an area that could possibly tie into the Mary Ave.
330 Streetscape and be extended to SR 44. Mr. Williams thought it would be wise to learn
331 from other streetscape projects and use that knowledge to overcome possible hurdles. Mr.
332 Williams suggested having commercial properties on Julia St., Washington St. and Mary
333 Ave. should be made aware that grants were available.

334
335 Ms. DeBorde was in favor of seeing a Myrtle Ave. Streetscape project.

336
337 Mr. Kosmas would like other options to be pursued before the City was asking property
338 owners for easements. Mr. Fall duly noted that suggestion.

339

340 **2. NEW BUSINESS**

341

342 **A. Property Improvement Grant – 319 Flagler Avenue**

343

344 Mr. Fall stated that the property improvement grant application for 319 Flagler Avenue
345 that staff had received, qualified for the necessary number of points and staff
346 recommended approval in the amount of \$3,250.

347

348 **Mr. Dennis made the motion to approve the property improvement grant request**
349 **for 301 Flagler Ave. in the amount of \$3,250.00, seconded by Mr. Hodson. The**
350 **motion carried on roll call vote 6 – 0.**

351

352 Ms. DeBorde asked the CRA if they would like to authorize staff to move forward with
353 the painting of trash receptacles on Flagler Ave as presented by Brian White in the Public
354 Participation portion of the meeting.

355

356 Mr. Kosmas commented that a certain type of coating could be used to prevent vandalism
357 to painted surfaces.

358

359 **The CRA came to the consensus to have staff move forward to work with Brian**
360 **White on this project.**

361

362 **B. Property Improvement Grant – 106-112 Live Oak Street**

363

364 Mr. Fall stated that the property improvement grant application for 106-112 Live Oak
365 Street that staff had received, qualified for the necessary number of points and staff
366 recommended approval in the amount of \$5,000.

367

368 **Mr. Dennis made the motion to approve the property improvement grant request**
369 **for 106-112 Live Oak Street in the amount of \$5,000, seconded by Mr. Hodson. The**
370 **motion carried on roll call vote 6 – 0.**

371

372 Mr. Dennis referred back to the Florida RFP and asked what the value of the properties
373 for sale/lease was. Mr. Hall, CRA Attorney, stated that an appraisal had not been
374 performed, but that two (2), possibly three appraisals would be needed as part of a formal
375 notice procedure.

376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421

Mr. Kosmas inquired if a third party could bid on this property. Mr. Hall needed to check into that and offered to bring a more formal answer back to the CRA at a subsequent meeting.

Mr. Dennis felt that the staff should go ahead with getting appraisals. A brief discussion ensued about the possible cost of appraisals, incremental costs, ad valorem taxes and if it was necessary to obtain them now or wait until after negotiations with Premiere Development Group.

Mr. Kosmas was selected to work in conjunction with Mr. Fall in obtaining two (2) appraisals. Mr. Kosmas agreed.

Mr. Dennis made the motion to authorize staff to move forward with obtaining appraisals for the Florida Ave. properties in an amount not to exceed \$8,000, seconded by Mr. Williams. The motion carried on roll call vote 6 – 0.

3. REPORTS AND COMMUNICATIONS

A. Director's Report (verbal)

Mr. Fall reported on the following seven (7) topics:

- At the County Commission meeting, set up for May 21, 09 at 9:00 am, a consultant hired by Volusia County will present his report on the budgeting and reporting practices of its CRA's. Mr. Fall continued that staff was still in the process of creating a historical revenue and expenditure spreadsheet of the entire CRA's "life". Mr. Fall elaborated that Volusia County was trying to create more consistency throughout its existing CRA's and for new CRA's. Mr. Fall commented that Volusia County can impose stricter rules and regulations, but those cannot be in conflict with the State of Florida's laws.

Mr. Williams asked if it was appropriate to invite a County Commissioners to a CRA meeting. Mr. Fall stated that staff had sent out invitations to the Community Redevelopment Update meetings to the representatives, but had not received any response.

- West Canal Streetscape update – easement verbiage modifications have been completed by the Utilities Commission's attorney and staff was working on securing the remaining easements.
- CRA Lease Agreement with McHenry's had been executed and staff was negotiating parking Flip Flop's restaurant.
- The City of New Smyrna Beach was awarded a Brownfields Assessment grant by the Federal Environmental Protection Agency (DEP). Staff was in the process of attending briefing meetings explaining the next steps in the application procedure.

422 A brief discussion ensued about possible contamination throughout the City and how this
423 grant can aid in the clean up.

424

425 Ms. DeBorde asked for clarification on a Federal Assessment Grant versus a clean-up
426 fund from the State. Ms. Fall stated that the State clean-up funds were for local
427 communities that have properties with a less than substantive level of contamination and
428 has a cap of \$200,000.

429

430 • Development of an impact fee exemption or impact fee deferral program - Mr.
431 Fall stated that these fees could sometimes keep smaller business owners from
432 being able to open a business. Mr. Fall was asked to gauge the CRA's interest in
433 funding the impacts fees either as a loan or a grant program. Mr. Fall would bring
434 back a program with the options for a loan versus a grant for the CRA's review.

435

436 **The CRA came to the consensus to have staff move forward in establishing an**
437 **Impact Fee Loan program for their review.**

438

439 • The old Skateboard Park across from City Hall needs to be repaired and Mr. Fall
440 asked the CRA to assist in funding these repairs. Liz Yancey, Parks and Recreation
441 Director had solicited quotes.

442

443 A brief discussion ensued about the need to renovate this park; the City's possible future
444 plans for this lot; having City staff performing some of the repairs; securing matching
445 funds from additional sources and a way of keeping the skaters off the City's
446 streetscapes.

447

448 Mr. Williams abstained from voting as he may have a possible conflict of interest by
449 currently working with the contractor that had submitted a quote for the repairs (Form 8B
450 Memorandum of Voting Conflict attached).

451

452 **Mr. Kosmas made the motion to approve an amount up to \$50,000 to improve the**
453 **Skate Board Facility across from City Hall and to amend the CRA budget**
454 **accordingly, seconded by Mr. Hodson. The motion carried on roll call vote 5 – 0.**

455

456 • Christmas Tree for Riverside Dr. – Mr. Fall stated that Liz Yancey was asking to
457 purchase a large, artificial Christmas tree that could be placed at Riverside Park to help
458 promote events to be held in this area. The tree would be assembled and disassembled
459 every year by City staff.

460

461 Mr. Kosmas hoped that Santa Claus could appear again at Christmas Park and was
462 willing to support CRA funding.

463

464 **Mr. Hodson made the motion to approve an amount up to \$9,000 to purchase an**
465 **artificial Christmas tree for Riverside Dr., seconded by Mr. Dennis. The motion**
466 **carried on roll call vote 6 – 0.**

467

468 Ms. Yancey thanked the CRA for their time and support.

469

470 Mr. Fall encouraged all CRA Commissioners to attend tonight's workshops.

471

472

473 B. Commissioners Reports

474

475 None

476

477 C. Correspondence

478 None

479

480

481

ADJOURNMENT

482

483 **Mr. Hodson made the motion to adjourn, all agreed. Meeting adjourned at 4.20 pm.**

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Williams, Thomas Calvin</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>CRA</i>
MAILING ADDRESS <i>201 Middle Way</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>N.S.B.</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY <i>Volusia</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>5/13/09</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

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, Thomas C. Williams, hereby disclose that on May 13, 2009:

(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:

I may be hired for Engineering Services &/for the rehabilitation / Repair of the Downtown skatepark

5/13/09
Date Filed

Thomas C Williams
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.