CALL TO ORDER

A. Roll Call- 9:00 A.M.

Commissioner Sheri Scarborough, Chair Present
Commissioner Sam Caliendo, Vice Chair Absent
Commissioner Amir Kanel Present
Commissioner John Kern Present
Commissioner Marcelle Griffith Burke Absent
Commissioner Mark Beatty Present
Commissioner Robert Currie Absent
Commissioner Brumfield Present

B. Opening Prayer and Pledge of Allegiance
C. Remarks of the Chair
D. Notice
E. Proof of Publication
F. Adoption of the Minutes

Motion to receive and file 5-0

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G. Swearing In
H. Disclosures

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POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA
A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

1. **SV/ABN/Z/W-2018-01211**
   - **Title:** A Development Order Abandonment application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. **Request:** to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.
   - **Title:** an Official Zoning Map Amendment application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. **Request:** to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District.
   - **Title:** a Type 2 Waiver application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. **Request:** to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space.

   **General Location:** Northeast corner of Congress Avenue and Ohio Street. *(ETC Office/Warehouse)* *(Control 1984-00020)*

   **Pages 1 - 48**
   - Conditions of Approval Pages (9 - 12)
   - Project Manager: Donna Adelsperger
   - Size: 1.31 acres + BCC District: 2

   **Staff Recommendation:** Staff recommends approval of the requests subject to a Conditional Overlay Zone (COZ) for the rezoning and 6 Conditions of Approval as indicated in Exhibit C-1; and 13 Conditions of Approval as indicted in Exhibit C-2.

   **MOTION:** To recommend approval of a Development Order Abandonment to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.

   **Decision:** To postpone to May 2, 2019 due to lack of quorum.

   **MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

   **Decision:** To postpone to May 2, 2019 due to lack of quorum.

   **MOTION:** To recommend approval of three Type 2 Waivers to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space subject to the Conditions of Approval as indicated in Exhibit C-2.
2. **DOA-2018-02347** Title: a Development Order Amendment application of SR II, LLC by Urban Design Kilday Studios, Agent. **Request:** to delete a Condition of Approval (Engineering).

General Location: East side of Pratt Whitney Road, approximately 1,000 feet north of Corporate Road North. *(Palm Beach Park of Commerce Surf Ranch Florida)* (Control 1981-00190)

Pages 49 - 69
Conditions of Approval Pages (55 - 59)
Project Manager: Lorraine Fuster
Size: 78.91 acres +
(affected area 46.66 acres +)

Staff Recommendation: Staff recommends approval of the request subject to 27 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to delete a Condition of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 5-0-0

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**Recommended approval of a Development Order Amendment by a vote of 5-0-0.**

3. **ZV/DOA/CA-2018-01558** Title: Type 2 Variance application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. **Request:** to reduce the setback for a dumpster; and, to reduce foundation planting width.

**Title:** Development Order Amendment application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. **Request:** to reconfigure the Site Plan, modify uses, delete square footage, and, modify or delete Conditions of Approval (Architectural Review, Engineering, Landscape).

**Title:** Class A Conditional Use application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. **Request:** to allow a Type 1 Restaurant with a Drive-through.

General Location: Northwest corner of Southern Boulevard and North Benoist Farms Road. *(Wawa SB 1327)* (Control 1991-00037)

Pages 70 - 113
Conditions of Approval Pages (78 - 88)
Project Manager: Meredith Leigh
Size: 3.13 acres +
(affected area 0.60 acres +)

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; 44 Conditions of Approval as indicated in Exhibit C-2; and, 4 Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To adopt a resolution approving a Type 2 Variance to reduce the setback for a dumpster; and, to reduce foundation planting width subject to the Conditions of Approval as indicated in Exhibit C-1.
MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, modify uses, delete square footage, and, modify or delete Conditions of Approval (Architectural Review, Engineering, Landscape) subject to the Conditions of Approval as indicated in Exhibit C-2.

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Recommended approval of a Development Order Amendment by a vote of 5-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

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Recommended approval of a Class A Conditional Use by a vote of 5-0-0.

**4. ZV/DOA-2018-00972** Title: a Type 2 Variance application of Tjac Palmetto Park LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow up to 100 percent easement overlap in a required Right-of-Way (R-O-W) Buffer; and, to allow a controlled plant species to remain within 15 feet of any vehicular use area. Title: a Development Order Amendment application of Tjac Palmetto Park LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the Site Plan and to add square footage.

General Location: Southwest corner of Palmetto Park Road and Powerline Road. (Boca Del Mar PCD) (Control 1981-00115)

Pages 114 - 155

Conditions of Approval Pages (122 - 129)

Project Manager: Carrie Rechenmacher

Size: 48.59 acres +

(affected area 8.20 acres +)

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; and, 50 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type 2 Variance to allow up to 100 percent easement overlap in a required Right-of-Way (R-O-W) Buffer; and, to allow a controlled plant species to remain within 15 feet of any vehicular use area subject to Conditions of approval as indicated in Exhibit C-1.

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Approved a Type 2 Variance, with conditions, by a vote of 5-0-0.
Approved a Type 2 Variance, with conditions, by a vote of 5-0-0.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and to add square footage subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-0

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Recommended approval of a Development Order Amendment by a vote of 5-0-0.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA
REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

5. ZV/PDD/CA-2018-01515 Title: a Type 2 Variance application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to reduce the rear setback for Townhouses; and, modify Mixed Use Planned Development land use mix percentages. Title: an Official Zoning Map Amendment application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Mixed Use Planned Development (MXPD) Zoning District. Title: a Class A Conditional Use application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow Retail Gas Fuel Sales with a Convenience Store; and, two Type 1 Restaurants with Drive-throughs.

General Location: Southwest corner of Lake Worth Road and Polo Road. (Polo Legacy MXPD) (Control 2007-00096)

Pages 156 - 201

Conditions of Approval Pages (167 - 175)

Project Manager: Meredith Leigh

Size: 38.54 acres + BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; 24 Conditions of Approval as indicated in Exhibit C-2; 4 Conditions of Approval as indicated in Exhibit C-3; 4 Conditions of Approval as indicated in Exhibit C-4; and, 4 Conditions of Approval as indicated in Exhibit C-5.

People who spoke on this application

Ken Tuma, Agent and staff provided brief presentation. One member from the public Gerald Bank, spoke in support

MOTION: To adopt a resolution approving a Type 2 Variance to reduce the rear setback for Townhouses; and, modify Mixed Use Planned Development land use mix percentages subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-0-0

Beatty  Kanel  Burke  Caliendo  Scarborough  Kern  Currie  Brumfield
Moved  Yes  Yes  Absent  Absent  Yes  Yes  Absent  Yes

Second

Approved a Type 2 Variance, with conditions, by a vote of 5-0-0

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Mixed Use Planned Development (MXPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-0

Beatty  Kanel  Burke  Caliendo  Scarborough  Kern  Currie  Brumfield
Moved  Yes  Yes  Absent  Absent  Yes  Yes  Absent  Yes

Second

Recommended approval of an Official Zoning Map Amendment by a vote of 5-0-0

MOTION: To recommend approval of a Class A Conditional Use to allow Retail Gas Fuel Sales with a Convenience Store subject to the Conditions of Approval as indicated in Exhibit C-3.
Recommended approval of a Class A Conditional Use, with conditions, by a vote of 5-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building C) subject to the Conditions of Approval as indicated in Exhibit C-4.

Recommended approval of a Class A Conditional Use, with conditions, by a vote of 5-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building E) subject to the Conditions of Approval as indicated in Exhibit C-5.

6. Partners, LTD LLLP by WGINC, Agent. Request: to abandon a Class B Conditional Use for a Wholesale Plant Nursery with accessory Type II Excavation.
   Title: an Official Zoning Map Amendment application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.
   Title: a Class A Conditional Use application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a Type 3 Congregate Living Facility (CLF); and, to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent.
   General Location: West side of Military Trail, approximately 0.60 miles north of Lantana Road. (Heathwood Reserve) (Control 1997-00008)

   Pages 202 - 233
   Conditions of Approval Pages (212 - 217)
   Project Manager: Carolina Valera
   Size: 22.54 acres ± BCC District: 3

   Staff Recommendation: Staff Recommends approval of the requests subject to 17 Conditions of Approval as indicated in Exhibit C-1; 6 Conditions of Approval as indicated in Exhibit C-2; and, 4 Conditions of Approval as indicated in Exhibit C-3.

   MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Class B Conditional Use for a Wholesale Plant Nursery with accessory Type II Excavation.
MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 3 Congregate Living Facility (CLF) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional Use to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent subject to the Conditions of Approval as indicated in Exhibit C-3.

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT 9:25 A.M.
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, co-owner 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, MARK STEVEN BEATTY, hereby disclose that on APRIL 04, 2019:

(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 THE WANTMAN GROUP INC.,

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:

THE WANTMAN GROUP INC. PURCHASED THE STRUCTURAL ENGINEERING FIRM OF BRIDGE DESIGN. MY FIRM, ARCHITECTURE GREEN LLC. HAD PROFESSIONAL SERVICE CONTRACTS WITH BRIDGE DESIGN. THESE CONTRACTS HAVE BEEN TRANSFERRED TO THE WANTMAN GROUP INC.

Agenda APRIL 04, 2019

Item #6 ABN/PDD/CA-2017-00983

APRIL /04/2019

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

LAST NAME—FIRST NAME—MIDDLE NAME
BEATTY MARK STEVEN

MAILING ADDRESS
2461 PALM HARBOR DRIVE

CITY
PALM BEACH GARDENS, FLORIDA

DATE ON WHICH VOTE OCCURRED
ABSTAINED FROM VOTING - 04/04/2019

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.

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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, MARK STEVEN BEATTY, hereby disclose that on APRIL 04, 2019:

(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 THE WANTMAN GROUP INC. ____________________________, 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:

THE WANTMAN GROUP INC. PURCHASED THE STRUCTURAL ENGINEERING FIRM OF BRIDGE DESIGN. MY FIRM, ARCHITECTURE GREEN LLC. HAD PROFESSIONAL SERVICE CONTRACTS WITH BRIDGE DESIGN. THESE CONTRACTS HAVE BEEN TRANSFERED TO THE WANTMAN GROUP INC.

Agenda APRIL 04, 2019

Item #6 ABN/PDD/CA-2017-00983

Date Filed: APRIL 04/2019

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.