

**TOWN OF REDINGTON SHORES
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, OCTOBER 7, 2003 5:00 P.M.
MINUTES**

Present upon roll call: Commissioner Kaplani, Commissioner Reynolds, Commissioner Holmes, Vice Mayor Lishamer, Mayor Beyrouiti and Attorney Denhardt

Mayor Beyrouiti opened the Special Meeting and explained to the Commission that Attorney Denhardt would need to leave early, so therefore will move item #2, up on the agenda.

Discussion - re: Resident's Allegations of Commissioner Kaplani's Residency - Commissioner Holmes

Commissioner Holmes stated to all that important town business is being discussed tonight and asked all to do so in a civil manner, treating all present with civility, dignity and respect. Commissioner Holmes told the Commission that there are two groups of residence that are to be respected in this discussion on determining residency of Commissioner Kaplani, those being the resident voters of District Three and the resident voters of the Town of Redington Shores who approved the charter of the Town of Redington Shores by referendum vote. The charter specifies the residency requirements pertaining to those seeking public office, there is really no doubt that the voters who approved the town charter would have any problem defining the term residency.

Commissioner Holmes asked Commissioner Kaplani if he would be agreeable to answer questions to enable the Board of Commissioners to make an informed decision concerning your residency that has been questioned by a resident of the community. Attorney Denhardt suggested that at this time for the Town Clerk to swear in the Commission, so as to have testimony under oath. Commissioner Kaplani told the Commission that he should have been notified to have an Attorney present. Attorney Denhardt explained that this is not a criminal proceeding but a proceeding before the Town Commission and he is simply suggesting having the Commission placed under oath, and anyone who does not wish to be, it is certainly their right not to be sworn in. Attorney Denhardt also stated anyone has a right to have an Attorney present.

Town Clerk, Mary Palmer sworn in all the Commissioners at this time.

At this time a lengthy answer and question discussion commenced amongst the Commissioners. (tape is available) During this discussion Attorney Denhardt was sworn in. Residents also addressed concerns to Commissioner Kaplani during this discussion.

After considerable discussion, Commissioner Reynolds moved that the Town of Redington Shores declare the Commission seat for District Three vacant due to compelling evidence shown this evening that the present Commissioner does not meet the residency requirements set by the Town Charter, seconded by Commissioner Holmes. Mayor Beyrouiti asked what the liability for the Town would be, since Commissioner Kaplani alluded to suing the Town for his seat on the Commission. Attorney Denhardt explained if the Town Commission votes that Mr. Kaplani is not a resident and therefore his seat is vacant, Commissioner Kaplani has the right to file a lawsuit to see if the court would overturn the Commission decision, the Commission is the legislative body, your findings and facts should be given great weight by the courts, this is not an area on which there is a whole lot of law or precedence, because it is an area under the local charter.

After discussion roll call: (verbatim) Commissioner Kaplani, I would abstain. Attorney Denhardt: What you

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need to do and again you can hear this from any other Attorney, but under the ethics law you can't abstain, but you have to (Commissioner Kaplani says something, but not clear) Attorney Denhardt continues: announce that you will not be voting because (Commissioner Kaplani no – no) Attorney Denhardt continues: because you have a personal financial interest in the vote and then there would be a form for you to fill out in the clerks office. Commissioner Kaplani, all right. Mayor Beyrouti: He voted no, he needs to say. Attorney Denhardt: I'm suggesting I think there is an ethical conflict in you voting, but I'm not your Attorney, I'm not telling you whether to vote or not. Commissioner Kaplani: this is why I should have an Attorney here, and I tell ya, tomorrow morning you will get and you will be, I'm telling ya, this will be over turned. Vote continues: Commissioner Reynolds, yes; Commissioner Holmes, yes; Vice Mayor Lishamer, yes; Mayor Beyrouti, yes.

Attorney Denhardt reminded the Commission to be thinking about filling the vacancy on the Commission as required by the charter.

Resolution 19-03 - Approving Floodplain Management Plan - Commissioner Holmes

Commissioner Holmes explained this concerns the Floodplain Management Plan of the Town. The committee has met and reviewed the changes as presented by the CRS Coordinator, Building Official, Mike Nadeau. Commissioner Holmes told the Commission approval of this by Resolution is establishing policy, the Town ordinance needs to be amended to address the 5-year cumulative. Attorney Denhardt read Resolution #19-03 by title. Vice Mayor Lishamer moved to adopt Resolution 19-03 as stated, seconded by Commissioner Reynolds. Roll call: all yes.

Mayor Beyrouti announced the following meeting time:
Workshop Meeting – November 4, 2003 - 7:00 p.m.

Respectfully submitted

Mary Palmer
Town Clerk