

**REGULAR MEETING OF THE CITY COMMISSION**  
**April 23, 2012**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:36 p.m. in the Winter Park Community Center, 721 West New England Avenue, Winter Park, Florida.

Mayor Bradley requested a moment of silence in memory of Winter Park High School students Nicholas Presha and Jeremy Stewart who recently passed away.

The invocation was provided by Pastor Eric Doran, Kress Memorial Seventh Day Adventist; followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley  
Commissioner Steven Leary  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Tom McMacken

Also present:

City Manager Randy Knight  
City Attorney Larry Brown  
Deputy City Clerk Michelle Bernstein

**Approval of the agenda**

**Motion made by Mayor Bradley to approve the agenda as presented moving item 4.f to Action Items Requiring Discussion which would follow after 10.a and 10.b; and adding a new item 10.d which is a review of our lawyers contract; seconded by Commissioner Leary.**

**Motion amended by Commissioner Cooper that they move the discussion of our tree canopy (item 5.a) to Action Items Requiring Discussion; seconded by Mayor Bradley.**

**Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary, Sprinkel, and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.**

**Upon a roll call vote on the main motion, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

**Mayor's Report**

- a. Recognition of Dr. Barbara Jenkins, Orange County Public Schools Superintendent

Mayor Bradley announced that the long standing Superintendent of Education for Orange County Public Schools Dr. Ron Blocker is retiring.

**Motion made by Mayor Bradley to offer a proclamation in honor of Dr. Ronald Blocker and approved by acclamation with a 5-0 vote.**

Mayor Bradley recognized Dr. Barbara Jenkins for her contributions to the education system and for being elected as the new Superintendent for the School Board of Orange County. Ms. Jenkins was present and thanked the City for recognizing her.

b. Proclamation – WPHS Cheerleading State and National Championships Day

Mayor Bradley proclaimed April 23, 2012 as Winter Park High Varsity Cheerleading Day in Winter Park. Assistant Coach Robin McCormick and the cheerleading team members were present to accept the proclamation.

c. Proclamation – North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day

Mayor Bradley proclaimed the week of May 6-12, 2012 as North American Occupational Safety and Health Week and May 9, 2012 as Occupational Safety and Health Day. Jennifer Zipeto, Central Florida Chapter of American Society of Safety Engineers, was present to accept the proclamation.

d. Employee of the Quarter – Craig M. O’Neil, Assistant Director of Communications

Mayor Bradley recognized Assistant Communications Director Craig M. O’Neil as employee of the Second Quarter of 2012. He thanked him for his hard work and dedication.

e. Appointment of ‘Wired for Winter Park’ Task Force

Mayor Bradley advised that he will appoint three additional members to this board at the next meeting.

f. Resolution – Supporting Fair Trade when possible among merchants in the City of Winter Park

This item was moved to Action Items Requiring Discussion.

**City Manager’s Report**

a. Presentation – Interim report on tree/vegetation management

City Manager Knight provided background and explained that the City purchased the electric utility in 2005 and since that time the line clearance pruning has been under the electric utility services. He noted that the City spends a considerable amount of money on tree trimming so about a year ago the City brought in a

consultant to look at the overall operations and tell us what we can do differently. We learned that the trees were not being pruned properly and cuts were being made in the wrong place resulting in rapid regrowth.

In January, the Commission approved the hiring of a forestry manager to manage electric system line clearance functions and coordinate the City's tree trimming activities with those of electric to help reduce the cost of City's tree trimming functions. The Commission requested that staff provide a follow up report regarding the in-house tree task force that was to be created and present their potential goals and recommendations to the Commission.

Assistant City Manager Michelle del Valle introduced the members of the in-house tree task force: Parks and Recreation Director John Holland, Electric Utility Director Jerry Warren, Chief of Forestry Lee Mackin, Contracted Tree Manager Ms. Drew Denson, ENCO Operations Manager Dave Mullholand, Code Enforcement Director Sylvia Hawkins and Code Enforcement Arborist Alan Lee.

Ms. del Valle provided a PowerPoint presentation and provided a brief outline for each item. She advised that currently they are working on revising the guidelines for utility vegetation and street tree maintenance which will increase electric system reliability and safety, creating a comprehensive educational program, enhancing the tree planting and reforestation program and recommending changes to the tree preservation code and the landscape code. Questions were answered by Ms. del Valle, City Manager Knight, Ms. Denson and Mr. Holland regarding the different management plans, the age/species diversity for tree replacement, educational support and guidelines for tree pruning, and the health of the trees at the City's tree farm on Lee Road and if they can be used/replanted.

Commission discussion ensued as to what the timeline would be to complete the overall package for the vegetation management plan, tree preservation plan and forestry management plan and that a decision should not be made until all of the items are presented at the same time since they are all integrated. Ms. del Valle advised that staff has been working on this for about four (4) months and should take approximately five (5) more months.

Commissioner Cooper shared her concerns and said we need to have a balance between aesthetics, the impact on property values and electric utility reliability. She wanted to have a plan in place that everyone agrees with prior to sending anymore crews out with chain saws.

Steve Goldman, 2009 Venetian Way, spoke about liability and aesthetics and encouraged the City to settle this issue right away so they can save the tree canopy.

Pete Weldon, 700 Via Lombardy, said one positive outcome regarding this controversial issue is that everyone will be better educated.

Mark Hagle, 1220 Park Avenue North, said while the City addresses the health of trees and the safety of the public, the City should take into consideration the image that the citizens desire and not the power company's image.

Nancy Shutts, 2010 Brandywine Drive, suggested establishing a team of residents to work with the City's team so they can move forward more quickly.

John Murphy, 2221 Hawick Lane, addressed the relationship between the trees and the electric company. He encouraged the City to move forward quickly so they can trim the trees in the right-of-way by his home.

Michele Meskos, 634 Penn Place, said she likes receiving Commissioner Cooper's emails regarding upcoming topics but disliked that her email address was provided in a public record request.

A recess was taken from 5:51 p.m. to 6:14 p.m.

### **City Managers Report**

City Manager Knight addressed the following items:

- After speaking with the Merchant's Association regarding the street performer issue they felt this is not a huge problem; therefore, there is no need to implement legislation. Since this item was previously tabled, the Commission requested to place this item on the next agenda and provide recommendations so they can address it.
- The Urban Land Institute Technical Assistance Panel has tentatively scheduled their forum for May 21 and 22. It was noted that this meeting may be rescheduled to June depending on the Commissioners schedule.
- The cancellation of "Dinner on the Avenue" due to the forecast of bad weather. After a brief discussion, the Commission suggested having a right of first refusal for next year or to possibly schedule a backup venue.
- The legislative delegation visit is scheduled for May 8. Mr. Knight asked the Commissioners to review the priority list that was handed out and if they have changes to send them via email.
- The Hazardous Waste Collection held this past Saturday was extensive and there was an overwhelming response. There was talk about having this more frequently to allow for shorter lines.
- The next Commission meeting will be held at the Rachel D. Murrah Civic Center since this venue was previously booked.

City Manager Knight responded to Commissioner Cooper's concern with developing a strategy for pension reform and requested that a shade meeting be scheduled. The Commission agreed to schedule the meeting for May 14 following the Commission meeting and for staff to provide recommendations. A reminder was given that there is a CRA meeting scheduled for 2:00 p.m. this same day.

## **City Attorney's Report**

### a. Tolling agreements

Attorney Brown provided a status report regarding the three tolling agreements that the City entered into in March and May of 2010. He advised that the New England Partners LLC and Dan Bellows tolling agreements have been terminated and provided a brief background regarding these two terminations.

Attorney Brown then noted that the 2010 tolling agreement with the Holler family still remains open and recommended that the City terminate it. He asked for direction and suggested communicating with Frank Hamner, counsel for the Holler family, to explain the City's basis for proposing the termination.

Commission discussion ensued as to how they should proceed. Attorney Brown provided legal counsel regarding the Bert Harris statute and the City's legal rights. He mentioned that last year he suggested that the City consider adding additional procedures, including notice to property owners who may be affected by land regulations enacted by the City.

**Motion made by Commissioner Cooper to sit down and communicate with the owners of the tolling agreement to see if we can come to a resolution of their concerns on their individual properties; seconded by Commissioners McMacken.**

Attorney Brown advised that he can only speak with the Attorney representing the Holler family and not the individual family members. **Commissioner Cooper clarified her motion that the City Attorney contacts the representative of this particular tolling agreement; seconded by Commissioner McMacken.**

Mayor Bradley asked what the above motion accomplishes. Attorney Brown said he would speak with Attorney Hamner and find out if the Holler family has any interest in taking advantage of the tolling agreement and if they do not, he will let the Commission know so they can decide whether or not to cancel the agreement. If the Holler families are interested in working with the City, then his firm and the Planning Department can start the process once again. Commissioner Leary asked if a formal motion is needed to ask the City Attorney to make a telephone call and speak with the Attorney representing the Holler family.

**Commissioners Cooper and McMacken withdrew their motion.**

## **Non-Action Item**

No items.

### **Consent Agenda**

- a. Approve the minutes of 4/9/12.
- b. Approve the following purchase, change order and contract:
  1. Staff to enter into negotiations with the top ranked firms, BASE Consultants, Inc.; Florida Bridge & Transportation, Inc. (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Structural Engineering)
  2. Staff to enter into negotiations with the top ranked firm, John J. Christie & Associates (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Mechanical & Electrical Engineering)
  3. Staff to enter into negotiations with the top ranked firm, Universal Engineering Sciences; RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Environmental Services)
- c. Approve the Cemetery Disinterment Policy.
- d. Approve the mid-year budget adjustment for the General Fund.
- e. Approve the adjustment to the Waste Pro rates. **PULLED FOR DISCUSSION, SEE BELOW**

**Motion made by Commissioner McMacken to approve Consent Agenda items 'a'-'d'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'e' – Approve the adjustment to the Waste Pro rates.

Mayor Bradley asked what would happen if they said no to this adjustment. City Manager Knight said Waste Pro would then have to decide if we are in breach of our contract. He noted that the current contract allows for the CPI adjustment.

**Motion made by Commissioner Leary to approve Consent Agenda item 'e'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

### **Action Items Requiring Discussion**

- a. Approval of the strategic planning session list of priorities

**Motion made by Mayor Bradley to approve as presented; seconded by Commissioner McMacken.**

Commissioner Cooper spoke about the Tier Two Objectives, specifically the one labeled "Assessment of potential efficiencies right sizing of City". She said they have two different things going on with right sizing of the City; if we have the right number of departments, if we have the right amount of staff and if we have the right amount of cars. The other relates to how many annexations, how far we should annex and what our annexation schedule is. She requested for these two items be tracked as two separate objectives.

City Manager Knight clarified that staff will develop a work plan for each of the individual items and agreed that some items need to be grouped.

**Motion made by Commissioner Cooper that under key objectives, right sizing of the City be separated between an annexation analysis and a staffing facilities analysis. By acclamation, a consensus was reached to change the circle bullet to be a dark bullet for both items labeled Staff and Annexation.**

Commissioner Sprinkel shared her concerns with the list not being finalized and felt that it does not clearly represent what the Commission spoke about. Even though some items did not earn enough dots to make the list there needs to be a way to track these items so they are not forgotten about.

**Motion made by Commissioner Cooper to amend our strategic issues and key objectives to include a maintenance program for our tree canopy under the Environmental Section of our strategic plan. Motion failed for lack of a second.**

Discussion ensued as to the next steps moving forward. Commissioner Sprinkel wanted for the Commission to have another 3 hour session to finalize the list without a facilitator so that it can be distributed to the community as a final plan.

Mayor Bradley recommended keeping this item on our agenda for a short period of time until it becomes more directional. He also agreed that they should seek citizen input and advised that with the help of staff he will be sending an email this week to the citizens asking for their input on these key issues.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

b. Winter Park train station design development update from ACi

Public Works Director Troy Attaway provided background and informed the Commission that staff is requesting approval of the preliminary plans for the Amtrak Station so that ACi can move forward with the plans for development.

John Cunningham, ACi, provided a PowerPoint presentation illustrating the schematic design of the train station building which included the conceptual site plan, floor plan and building elevations.

Mr. Attaway and Mr. Cunningham answered questions regarding the site plan and parking lot layout, the landscaping, the possible need for additional restrooms and operable windows and the style of the columns and coupla.

The Commission shared their concerns regarding the canopy/overhang at the drop-off location and requested to extend it a few more feet to avoid exposure to rain when entering/exiting a vehicle. The request was acknowledged.

**Motion made by Mayor Bradley to approve the design development as presented; seconded by Commissioner Sprinkel.**

Joe Terranova, 151 North Virginia Avenue, spoke in favor of the project. He said this is the best plan he has seen so far and suggested the Commission approve it.

Shay Silver, 735 Pansy Avenue, spoke in favor of the request to extend the canopy or overhang at the drop off location to protect citizens from the rain.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. RESOLUTION NO. 2107-12: A RESOLUTION OF THE CITY OF WINTER PARK IN SUPPORT OF THE WINTER PARK, FLORIDA LOCAL STEERING COMMITTEE'S INITIATIVE TO BECOME A FAIR TRADE TOWN

Attorney Brown read the resolution by title.

CRA Director Dori Stone explained that the purpose of the Fair Trade Towns USA campaign is to strengthen our local community by connecting with and supporting those in our global community. It is a way to educate local businesses, community organizations and consumers about fair trade. It is also a platform for growing awareness, availability and commitment to fair trade in the United States. Ms. Stone noted that the Park Avenue Area Association recommended approval of the resolution.

Lisa Dunaway, member of the Winter Park Fair Trade Town Committee and co-owner of Ten Thousand Villages of Winter Park spoke in favor of the campaign and the benefits associated with the approval of the resolution. She advised that currently there are 26 Fair Trade Towns in the United States. Based on the support of the local businesses and organizations, the City of Winter Park will be the first to receive the Fair Trade Town designation in the Southeast. This prestigious recognition will allow the City of Winter Park, Florida to be a leader in the Fair Trade community and a role model for other cities and towns in the United States.

**Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner McMacken.**

**Motion amended by Commissioner Cooper that in the second paragraph to change the word "commit" in the second sentence to "consider"; seconded by Mayor Bradley.**



Ms. Stone answered questions and advised that the Purchasing Department reviewed the resolution to make sure it was in compliance with our current purchasing policy and there was no negative feedback.

Patrick Chapin, President/CEO of the Winter Park Chamber of Commerce, spoke in favor of the resolution.

**Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote on the resolution as amended, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- d. Review of City Attorney Contract (Brown, Garganese, Weiss & D'Agresta, P.A)

Mayor Bradley advised that the City Attorney and City Manager serve at the will of the Commission; therefore, he would like to review the procurement of our City Attorney's services. He asked City Manager Knight if they could do an RFP for professional services while maintaining the current contract and/or look at establishing an in-house firm/counsel to see if that might be less expensive.

City Manager Knight advised that the Commission has the option to do both; continue the existing contract while looking to solicit for bids or they can continue to look into bidding while considering in-house counsel.

**Motion made by Mayor Bradley to send an RFP for the provision of City Attorney services and to also ask staff to review whether or not an in-house counsel is appropriate at this time in our City's history; seconded by Commissioner Leary.**

Commission discussion ensued as to the reason for the current motion, the disadvantages created by not listing the item on the agenda with supporting documentation and the potential RFP process. It was noted that the City Attorney's contract has a 30 day notice clause and was signed in August of 2009.

**Motion made by Commissioner Cooper to have an opportunity to have this officially placed on the agenda, to have this contract made available to all Commissioners and to have an opportunity to speak with senior staff relative to anything that they may not know that they are privy to relative to their performance; seconded by Commissioner McMacken.**

Commissioners Cooper, Sprinkel and McMacken agreed that from a procedural standpoint they would have preferred for this item to be listed on the agenda with

supporting documentation prior to voting. Commissioner Leary mentioned that he is open to seeking other options for the City and felt it might be worthwhile to see what other services can be provided by other organizations. Commissioner comments were made that our current firm does a great job at representing the City.

Commissioners Sprinkel and Cooper requested that City Manager Knight provide the following supporting documentation prior to the RFP process: The yearly bills/costs, a cost comparison with other cities of same size for similar services, a cost comparison with like cities who have in-house attorneys, the prior costs from the previous City Attorney (Winderweedle Law Firm), and the resumes and client list from Attorney Brown's firm.

**Motion amended by Mayor Bradley to table this agenda item to our next meeting (May 14, 2012); seconded by Commissioner Leary.**

**Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

### **Public Hearings**

- a. ORDINANCE NO. 2874-12: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO PAIN MANAGEMENT CLINICS AND PHARMACIES; REPEALING THE MORATORIUM ON PAIN MANAGEMENT CLINICS ADOPTED BY ORDINANCE NO. 2840-11 AS EXTENDED BY ORDINANCE NO. 2872-12; ESTABLISHING REGULATIONS OF PHARMACIES AND PAIN MANAGEMENT CLINICS; TO BE CODIFIED AS ARTICLE II, CHAPTER 54 WINTER PARK CITY CODE; CREATING REGISTRATION AND SUPPLEMENTAL MONTHLY REPORTING REQUIREMENTS FOR ALL PAIN MANAGEMENT CLINICS; CREATING SUPPLEMENTAL ZONING REGULATIONS FOR NEW PAIN MANAGEMENT CLINICS; CREATING SUPPLEMENTAL REGULATIONS FOR ALL PHARMACIES; PROVIDING THAT PHARMACIES AND PAIN MANAGEMENT CLINICS SHALL NOT CO-LOCATE; ALLOWING FOR APPLICATION FOR VARIANCE FROM THE COLOCATION BAN; CREATING A REQUIREMENT FOR ALL PHYSICIANS AND PHARMACISTS TO CHECK THE PRESCRIPTION DRUG MONITORING PROGRAM PRIOR TO PRESCRIBING OR DISPENSING DANGEROUS DRUGS; PROVIDING DEFINITIONS, TO ADD A DEFINITION FOR "PAIN MANAGEMENT CLINIC" AND TO EXCLUDE PAIN MANAGEMENT CLINIC FROM THE TERM "CLINIC"; AMENDING SECTION 58-78 PERMITTED ZONING USES, ADDING PAIN MANAGEMENT CLINIC AS A PERMITTED USE IN THE I-1 ZONING DISTRICT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and**

**McMacken voted yes. The motion carried with a 4-0 vote. (Commissioner Cooper was not present for the vote.)**

- b. RESOLUTION NO. 2106-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1509 NORTH ORANGE AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Brown read the resolution by title.

**Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried with a 4-0 vote. (Commissioner Cooper was not present for the vote.)**

A recess was taken from 8:16 p.m. to 8:24 p.m.

- c. Request of Mr. Barry Render:

- Subdivision approval to split the property at 1200 Howell Branch Road into two single family lots zoned R-1AA. A variance is requested for the lot widths of 82.5 feet in lieu of the required 100 feet and lot areas of 6,850 square feet in lieu of the required 10,000 square feet.

Planning Director Jeff Briggs explained that the applicant Barry Render owns the 2.2 acre property to the rear (south) at 2630 Via Tuscany. Mr. Render bought the property at 1200 Howell Branch Road with an existing house in a deteriorated condition so he could control its destiny and its effect upon his property. However, now that he owns the property, Mr. Renders does not feel (and staff concurs) that this is an economically viable location for a new 3,000-4,000 square foot home on Howell Branch Road with 39,000 cars a day going by. Mr. Render's idea is to build two small one story homes of about 1,500 square feet in size.

The Planning and Zoning Board voted 5-0 to approve the lot split and establish 15 foot rear setbacks and 5 foot side setbacks on the interior/common property line. P&Z approved the request with the condition that the resultant house plans be subject to review and approval by the Planning Board following notice to neighbors prior to issuance of building permits. Mr. Briggs answered questions.

**Motion made by Commissioner Cooper to approve the request; seconded by Commissioner McMacken.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

d. Request of CNL Commercial Real Estate:

- Conditional Use approval to construct a three story; 88,366 square foot office building on the former State Office Building site at 941 W. Morse Boulevard

Planning Director Jeff Briggs explained that this is a conditional use because it is over 10,000 square feet and because it has a drive-in teller component. City-wide notices of the public hearings were mailed to all 14,500 households in the City as well as notices mailed to the property owners within 1,500 feet.

The Planning and Zoning Board voted 4-0 to recommend preliminary conditional use approval of the request, subject to the following conditions:

1. That the dumpster is relocated to the rear of the property.
2. That the drive-in teller component be screened substantially from view from the property to the west (Bank First) and that the direction of the car traffic be reversed so that it is a one-way exit onto Morse Boulevard.
3. That the two parking spaces along Denning Drive at the northeast corner of the site/parking lot are eliminated in order to increase the landscape frontage and visual appeal of the site.
4. That the building height variance be approved as requested (4.5 feet) and that any variance needed for the building height screen wall for the rooftop AC/mechanical be also granted to match the specifications for the height of that equipment. The parapet will be equal or less than three feet and that the mechanical/AC equipment is to be screened and recessed from the edge for visual purposes. That the site be granted the minor parking variances to accommodate for the dumpster relocation, drive-in teller screening, increased landscaping on Denning and usable/leasable floor area of the building.
5. Relocation of the building approximately 2.5 feet to the west so that all floors of the building rotunda meet the 10 foot setback from Denning Drive.
6. That the street landscape strip be according to code which is 7 feet.

Commissioner McMacken advised his employer is currently under a subcontract agreement with the Civil Engineer on this project. He clarified that he will participate in the discussion but will be recusing himself from voting on this issue (conflict of interest). Form 8B is made part of this record.

Mr. Briggs answered questions regarding the setbacks and the drive-thru teller. He verified that all of the stormwater treatment is on site with underground exfiltration.

Commissioner McMacken presented PowerPoint pictures of a streetscape program to enhance Denning Drive which would require a 9 foot easement on the CNL property. He suggested eliminating one row of landscape islands to allow the space

for the installation of the streetscape as depicted. Mr. Briggs indicated the P&Z had discussed this at their work session and liked the streetscape program but suggested eliminating the bike lane so it could be done with no impact on the CNL property. Mr. Cunningham indicated that CNL wished to retain all of their landscaping in order to benefit their Class A office building.

**Motion made by Commissioner Leary to approve the request; seconded by Mayor Bradley.**

**Motion amended by Commissioner Cooper to request that the applicant reserve an opportunity for a 9 foot sidewalk right-of-way (easement); seconded by Commissioner Leary.**

Applicant Paul Ellis of CNL Real Estate spoke in response to the amendment and said it does not seem reasonable. He also provided a brief update on the project said they are at 60% pre-leasing. They are finalizing their programming with Brassfield & Gorrie and CNL Bank and both groups are currently reviewing the lease documents. He also noted that the financing packages will be sent out to the banks this week for review and they will be finalizing the remaining items in 30-60 days.

After hearing comments from the applicant; **Commissioner Leary withdrew his second to the amendment.**

Shay Silver, 735 Pansy Avenue, asked where the location of the bus stop is.

Jim Barnes, 7 Isle of Sicily, spoke about the bank drive-in and agreed that the landscaping will help control the noise. He supported the project.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. The motion carried with a 4-0 vote. Commissioner McMacken abstained from voting.**

**City Commission Reports:**

- a. Commissioner Leary – No items to report.
- b. Commissioner Sprinkel

Commissioner Sprinkel announced the following events:

- This week starts "Week of the Young Child" an annual event that celebrates young children.
- Winter Park High School Annual "Picnic in the Park", Saturday, April 28<sup>th</sup>.
- Winter Park High School Girls and Boys Lacrosse teams won the District playoffs and now moved onto Regional playoffs; both have games scheduled for this Friday, April 27<sup>th</sup> at Showalter Field.
- Winter Park Day Nursery will hold their annual event this Friday, April 27<sup>th</sup>.

Commissioner Sprinkel requested to schedule another work session to finish up the "Planning the Possibilities" conversation. The Commission agreed to set aside one hour at the next meeting to start the conversation and if time does not allow, they will officially schedule a work session.

c. Commissioner Cooper

Commissioner Cooper mentioned that last week City Manager Knight hosted the Florida League of Cities benefits training and did a fabulous job.

d. Commissioner McMacken – No items to report.

e. Mayor Bradley

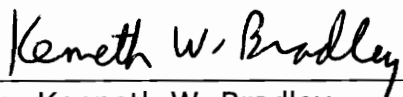
Mayor Bradley requested support to discuss at the next meeting a modification or amendment to our purchasing policy that would provide some extra credit points for Winter Park businesses that are headquartered or work here. There was Commission support to add this item to the next meeting agenda.

Mayor Bradley requested support to discuss establishing a policy that governs City Commissioners emails and communications especially those that go out in mass quantities. There was Commission support to add this item to the next meeting agenda.

Mayor Bradley requested support to review our Federal Lobbyist contract upon their return from Washington to discuss whether or not they maintain this service or send it out for an RFP. There was Commission support to add this item to the next meeting agenda.

Mayor Bradley thanked City staff, the local businesses and vendors for their outstanding efforts conducting the Hazardous Waste Day event and the Earth Day event.

The meeting adjourned at 9:22 p.m.

  
\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:

  
\_\_\_\_\_  
City Clerk Cynthia S. Bonham

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>McMACKEN, THOMAS J.</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CITY COMMISSION</b>
MAILING ADDRESS <b>1821 SHILOH WAY</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      COUNTY <b>WINTER PARK      ORANGE</b>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <b>23 APRIL 12</b>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies 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, TOM McMACKEN, hereby disclose that on 13 APRIL, 2012:

(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 AECOM (EMPLOYER), 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:

THE VOTE COULD HAVE A NEGATIVE IMPACT ON MY EMPLOYER IF THE PROJECT DID NOT GO FORWARD

13 APRIL 12  
Date Filed

[Signature]  
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.