

**REGULAR MEETING OF THE CITY COMMISSION**  
**May 13, 2013**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

A moment of silence was given in honor of the recent passing of Winter Park resident and Orange County Clerk of the Court Lydia Gardner. The invocation was provided by Pastor David Barker, Aloma Baptist Church, followed by the Pledge of Allegiance.

Mayor Bradley proclaimed May 17, 2013 as a day of remembrance and sympathy for Lydia Gardner and requested that all City flags be flown at half mast.

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**

Mayor Bradley requested Public Hearing item 'g' be postponed to the June 10, 2013 meeting. **Motion made by Mayor Bradley to approve the agenda with this adjustment; seconded by Commissioner Cooper and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Presentation – Habitat for Humanity, dedication of 626 W. Comstock

Habitat for Humanity Chairman Dr. Thaddeus Seymour and President Hal George announced the dedication of the 49th house located at 626 W. Comstock Avenue. They thanked the City for the continued partnership.

b. Proclamation – Robert Melanson Day

Mayor Bradley proclaimed May 15, 2013 as Bob Melanson Day in recognition of 25 years of service to the Winter Park Public Library. A special thank you was given to Mr. Melanson for his contributions to our community by making our library one of the best in the country.

c. Proclamation - Building Safety Month

Mayor Bradley proclaimed May 2013 as Building Safety Month. He gave special recognition to Building Director George Wiggins and the entire team in Building and Permitting Services for the work they perform.

d. Proclamation - Emergency Medical Services Week May 19-25, 2013

Mayor Bradley proclaimed the week of May 19-25, 2013 as "Emergency Medical Services Week" and thanked the EMS department for their continuous support. Citizens, Bill Rose and Ronald Staler thanked the City's EMS team for providing immediate medical intervention which saved their lives.

Fire Chief James White noted that last year they were asked to participate in the creation of the next edition of the EMS Technician Instructor book. Chief White provided Mayor Bradley with a copy of the book and noted that both the City and the Mayor are recognized in this edition.

e. Award from the Insurance Services Office (ISO) of their Class 1 Public Protection Classification for Fire Protection

Fire Chief James White and ISO representative Ralph Roberts briefed the Commission on the ISO ratings and how it affects property owner reductions in premium rates. Mr. Roberts announced that the City recently went from a Class 2 rating to a Class 1; making Winter Park rank number ten in the state. Chief White thanked Lieutenant Dan Hagedorn and his staff for making this certification possible through their efforts and hard work.

f. 2013 Board appointments

Mayor Bradley thanked all the citizens who previously served and/or applied for board positions. The following appointments were made:

Board of Adjustment:

Robert Trompke (Re-appointment) (2013-2016)  
Jeffrey Jontz (Appoint to regular position from alternate to replace Cynthia Strollo) (2013-2016)  
Patrice Shirer (Appoint to alternate position) (2011-2014)

**Motion made by Mayor Bradley that the Board of Adjustment appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Code Enforcement Board

Burley Adkins (Appoint to regular position to replace Larry Sadler) (2013-2016)  
Alternate position remained open (Camille Goodin resigned).

Note: Sheila De Ciccio was appointed to the Planning and Zoning Board which created a vacancy (one more full time position exists).

**Motion made by Mayor Bradley that the Code Enforcement Board appointment is accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

CRA Advisory Board (all 2013-2016)

John Dowd (Re-appointment)  
Hal George (Re-appointment)  
Joe Terranova (Re-appointment)

Mayor Bradley sought counsel from the Commission regarding the reappointment of Hal George for a third term so that he can continue to work on updating the board's strategic plan. Following a brief discussion regarding the current ordinance and what is allowed, **motion made by Mayor Bradley that the CRA Advisory Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Construction Board of Adjustment and Appeals (all 2013-2016)

Robert Harris (Re-appointment)  
Raymond Holloway (Re-appointment)  
Mark Kirby (Re-appointment)  
Mark Sylvain (Re-appointment)

**Motion made by Mayor Bradley that the Construction Board of Adjustment and Appeals appointments are accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

Economic Development Advisory Board (all 2013-2016)

Marc Reicher (Re-appointment)  
John Caron (Appoint to regular position; replaced Daniel Smith)

**Motion made by Mayor Bradley that the Economic Development Advisory Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Ethics Board

Simon Snyder (Re-appointment) (2013-2016)

**Motion made by Mayor Bradley that the Ethics Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Fire Pension Board

Anthony Grey (Re-appointment) (2013-2015)-2 year term

**Motion made by Mayor Bradley that the Fire Pension Board appointment is accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

Historic Preservation Board (all 2013-2016)

Candace Chemtob (Re-appointment)  
Michael Miller (Appoint to regular position; replaced Patrick Doyle who resigned)  
Rebecca Talbert (Re-appointment)  
Christi Underwood (Re-appointment)  
Louise Sprimont (Appoint to alternate position)

**Motion made by Mayor Bradley that the Historic Preservation Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Housing Authority Board (all 2013-2016)

Hal George (Re-appointment)  
Michael Miller (Re-appointment)  
Joseph E. Regner, Jr. (Re-appointment)

**Motion made by Mayor Bradley that the Housing Authority Board appointments are accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.**

Keep Winter Park Beautiful and Sustainable Board (all 2013-2016)

Michele Hipp (Appoint to regular position; replaced Brad James)  
Michael Poole (Appoint to regular position; replaced Martha McHenry)  
Raymond Randall (Re-appointment)  
James Robinson (Re-appointment)  
Julie Tensfeldt (Re-appointment)  
Carol Kostick (Appoint to alternate position)

**Motion made by Mayor Bradley that the Keep Winter Park Beautiful and Sustainable Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Lakes and Waterways Board

David Moorhead (Re-appointment) (2013-2016)  
Todd Weaver (Re-appointment) (2013-2016)  
Thomas Smith (Appoint to regular position from alternate) (2013-2016)  
Macauley (Mike) Whiting (Appoint to alternate position) (2012-2015)

**Motion made by Mayor Bradley that the Lakes and Waterways Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Parks and Recreation Advisory Board (all 2013-2016)

Michael Palumbo (Re-appointment)  
Joel Roberts (Re-appointment)

**Motion made by Mayor Bradley that the Parks and Recreation Advisory Board appointments are accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

Pedestrian and Bicycle Safety Advisory Board

Thomas Hiles (Re-appointment) (2013-2016)  
Scott Redmon (Re-appointment) (2013-2016)  
Jill Hamilton Bus (Appoint to regular position; replaced Gordon Blitch who resigned) (2011-2014)

**Motion made by Mayor Bradley that the Pedestrian and Bicycle Safety Advisory Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Planning and Zoning Board (all 2013-2016)

Robert Hahn (Re-appointment)  
Peter Weldon (Appoint to regular position from alternate; replaced Sara Whiting)  
Sheila De Ciccio (Appoint to regular position; replaced Drew Krecicki)  
Ross Johnston (Appoint to alternate position)

**Motion made by Mayor Bradley that the Planning and Zoning Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Police Pension Board

Robert Harvie (Re-appointment) (2013-2015 – 2 year term)

**Motion made by Mayor Bradley that the Police Pension Board appointment is accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

Public Art Advisory Board

Francine Newberg (Appoint to regular position; replaced Chuck Robbins who moved) (2013-2016)  
Robert Lemon (Re-appointment) (2013-2016)  
Joan Pohl (Re-appointment) (2013-2016)  
Joseph Roviario (Re-appointment) (2013-2016)  
Jan Clanton (Appoint to regular position; replaced Susan League who resigned) (2012-2015)  
Leonard Feinberg (Appoint to regular position; replaced Michele Hipp who moved to the KWPB&S Board) (2013-2016)

**Motion made by Mayor Bradley that the Public Art Advisory Board appointments are accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

Tree Preservation Board

Christine Menkin (Appoint to regular position from alternate) (2013-2016)  
Paul Mandelkern (Appoint to alternate position) (2012-2015)

**Motion made by Mayor Bradley that the Tree Preservation Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Utilities Advisory Board (all 2013-2016)

Mukesh Joshi (Appoint to regular position; replaced Donald Doyle)  
Michael Smith (Appoint to regular position; replaced Ron Ellman who resigned)  
Katherine Johnson (Re-appointment)  
Dan Swanson (Re-appointment)

**Motion made by Mayor Bradley that the Utilities Advisory Board appointments are accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

**City Manager's Report:**

1) City Manager Knight explained that per the request of the CDD, the Ravaudage Infrastructure Cooperation Agreement was pulled from the agenda to schedule a work session with the intent of bringing the item back to the Commission for formal discussion on June 10. Following a brief discussion, a work session was scheduled for May 22 from 3:00-5:00 p.m.

2) City Manager Knight provided a follow-up on the possible acquisition of the Minnesota Avenue property near Azalea Lane. He said the property is for sale and the asking price is \$575,000. At this price staff recommended not pursuing this at this time unless directed otherwise by the Commission. Mayor Bradley thanked him for investigating this option.

3) City Manager Knight acknowledged the receipt of an email this week regarding street musicians on Park Avenue. He explained that on July 9, 2011, during the 90 day plan discussion, the Commission directed staff to remove the street musician ordinance from the list. Recently, he received feedback from one of the Commissioners saying that maybe it's time for them to consider the ordinance. He asked for direction. Following a brief discussion, a majority of the Commission agreed to schedule the item for discussion.

4) Building Director George Wiggins addressed Commissioner Sprinkel concerns regarding the proposed childhood development/daycare facility at the New Hope

Baptist Church by providing an update regarding the safety barriers which are in place and the recent improvements/inspections completed to date. He said a letter addressed to the Pastor and contractor has been prepared giving them further notice about their insufficiency to proceed. Commissioner Cooper asked if the City has the authority to remove the modular buildings if they do not use them for a childcare and education center. Mr. Wiggins said yes since the Commission approved a conditional use permit request for that specific purpose.

**City Attorney's Report** – No items.

**Non-Action Item**

a. Financial Report – March 2013

Finance Director Wes Hamil provided the financial report and answered questions.

**Motion made by Commissioner McMacken to approve the report as presented; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.**

**Consent Agenda**

- a. Approve the minutes of 4/22/13. – **PULLED FOR DISCUSSION, SEE BELOW**
- b. Approve the following purchases, contracts and formal solicitations:
  - 1. PR 152089 to Garland/DBS, Inc. for roof replacement at Police Training Building; \$140,360.00
  - 2. PR 152089 to Schuller Contractors, Inc. for construction on Canton Avenue Stormwater Outfall Project; \$78,461.05.
  - 3. PR 152056 to Vermeer Southeast Sales & Service for purchase of bore equipment; \$55,487.99.
  - 4. After-the-fact PO149915 to Brown & Brown of Florida, Inc. for City property insurance renewal (April 2013-April 2014) and authorize the Mayor to execute the Commercial Property Insurance Application; \$375,523.99.
  - 5. Contract renewal with Universal Engineering Sciences, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Environmental Services) and authorize the Mayor to execute Amendment 1.
  - 6. Contract renewal with John J. Christie & Associates for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Mechanical & Electrical Engineering) and authorize the Mayor to execute Amendment 1.
  - 7. Contract renewal with BASE Consultants, P.A. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Structural Engineering) and authorize the Mayor to execute Amendment 1.
  - 8. Contract renewal with Florida Bridge & Transportation, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Structural Engineering) and authorize the Mayor to execute Amendment 1.

9. Piggybacking the City of Wilton Manors contract RFP 2012-11-06-01 for purchasing card services with SunTrust Bank, Inc. and authorize the Mayor to execute the Piggyback Contract.
  10. Piggybacking Orange County contract Y9-1063 for gravity main and manhole lining with Layne Inliner, LLC and authorize the Mayor to execute the Piggyback Contract.
  11. Award RFP-16-2013, Pest Control Services, to Massey Services and authorize the Mayor to execute the Contract.
  12. Award ITN-6-2013, Utility Vegetation Management, to The Davey Tree Expert Co. and authorize the Mayor to execute the Contract.
- c. Approve the Winter in the Park holiday ice rink contract with Magic Ice.

**Motion made by Commissioner McMacken to approve Consent Agenda items 'b.1-12' and 'c'; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.**

Consent Agenda Item 'a' – Approve the minutes of 4/22/13:

Mayor Bradley requested to amend the minutes by adding a sentence on page 4, paragraph 6 regarding "Surplus of Blake Yard property" and amend the first sentence on page 8, paragraph 3 regarding "Resolution 2123-13".

**Motion made by Mayor Bradley to approve Consent Agenda item 'a' as amended; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.**

### **Action Items Requiring Discussion**

- a. Proposal to swap 645 Symonds Avenue in exchange for 813 W. New England Avenue

Planning Director Jeff Briggs advised that a proposal was received by CRDI, LLC (Dan Bellows) requesting to exchange or swap the city owned lot at 645 Symonds Avenue for his lot at 813 W. New England Avenue. The lot at 645 Symonds is 6,250 sq. ft. in size and the lot at 813 W. New England is 5,500 sq. ft. in size. Both lots are zoned R-2.

The City purchased the lot at 645 Symonds in 2006 with funding from the Affordable Housing Trust Fund. The intention was/is to use the lot for a home built either by Habitat for Humanity or the Hannibal Square Community Land Trust. Mr. Briggs said the City could just as easily build that home on New England as we could on Symonds.

Mr. Briggs advised that CRDI, LLC (Mr. Bellows) owns the lot directly to the east of the City lot at 631 Symonds and is in the process of buying the next adjacent lot at 621 Symonds. With the exchange, it would give them a combined three lots. Under the R-2 zoning, the three lots in combination could be used for up to four



townhomes. Mr. Briggs answered questions and noted that staff has no objection to the property exchange provided the applicant pays all of the closing costs.

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

b. Request for extension of Vehicle Sales Agreement and Settlement and Use Agreements for the Orlando RV properties

Planning Director Jeff Briggs explained that the property owners at 860, 805 and 710 W. Fairbanks Avenue are seeking approval to extend the vehicle sales and settlement/use agreement permitted on these properties for an additional five years. The City previously approved agreements to allow vehicle sales on these properties until December 1, 2015 (the initial term was for seven years). The property owners are requesting another five year extension and the tenant, Orlando RV is requesting a three year extension.

Mr. Briggs advised that the City changed the zoning code in 2006 to make car/vehicle sales a prohibited use rather than a conditional use. In order to be fair to other property owners, the City has similar agreements at three other locations at 1891, 2250 and 2286 W. Fairbanks that permit car/vehicle sales until the same December 1, 2015 date. So any action on this request may likely lead to requests from those other three Fairbanks Avenue properties for a similar time extension for equitable treatment. Mr. Briggs answered questions.

Attorney Frank Hamner, 405 Balmoral Avenue, spoke on behalf of the applicant and provided background history. He explained that they have modified their request to a three year extension which would take them through the end of December 2018.

**Motion made by Mayor Bradley to approve the extension for three years (ending December 1, 2018); seconded by Commissioner Cooper.**

Mary Randall, 1000 S. Kentucky Avenue, spoke about the obstruction of traffic on Holt Avenue due to RV trailers being parked on the road and asked the City to address this matter with the merchant.

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

A recess was taken from 5:30 p.m. to 5:47 p.m.

c. High Performance Sports Management, Inc. contract (RFP-7-2013)

**Motion made by Mayor Bradley to approve the contract as presented; 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 with a 5-0 vote.**

d. Video broadcasting of City Commission meetings

Communications Director Clarissa Howard explained the three options for video broadcasting, the estimated costs including the one-time setup fee and what is included in the monthly costs. Ms. Howard answered questions and asked for direction on how they would like to proceed.

A brief discussion transpired regarding the different options presented including the need for a part time camera operator. Commissioner McMacken and Mayor Bradley addressed the need to make sure that whatever choice is made that we have the ability to upgrade in the future to keep up with the current technology.

**Motion made by Mayor Bradley to approve the pursuit of videoing our Commission meetings at a price up to \$50,000 for a one time capital investment, to be determined with a start time based on our capital schedule and would want that preferably ASAP or by October 1; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.**

**Public Hearings:**

- a. Request of SunTrust Bank: To extend until August 27, 2014, the conditional use approval granted to permit the redevelopment of the property at 301 S. New York Avenue with a new drive-in bank teller facility on this property zoned C-3.

Planning Director Jeff Briggs explained that this public hearing is to consider a request to extend, for one additional year, until August 27, 2014, the conditional use approval granted for the new SunTrust drive-thru branch bank to be developed at 301 S. New York Avenue.

**Motion made by Mayor Bradley to approve the conditional use to August 27, 2014; seconded by Commissioner Cooper.**

Dan Bellows, 558 W. New England Avenue spoke in opposition.

Commissioner Cooper shared her concern with approving another drive-thru bank in the downtown area. She spoke about the need to focus on retaining the

walkability character in the Hannibal Square/Park Avenue district and thought that if they deny the conditional use request that the drive-in bank teller will not be built. Mr. Briggs clarified that the applicant has submitted their construction plans and have until August 27 to apply for a permit so it is just a matter of time when the drive-thru bank will be built, but it will not go away.

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

- b. Request of the Jewett Orthopedic Clinic on the properties at 930, 950 and 960 Minnesota Avenue:

ORDINANCE NO. 2918-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM-DENSITY RESIDENTIAL TO PARKING LOT ON THE PROPERTIES AT 930, 950 AND 960 MINNESOTA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2919-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT TO PARKING LOT (PL) DISTRICT ON THE PROPERTIES AT 930, 950 AND 960 MINNESOTA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title. Mayor Bradley and Commissioner McMacken recused themselves from voting due to a conflict of interest. See Form 8B attached.

**Motion made by Commissioner Leary to adopt the first ordinance (comprehensive plan); seconded by Commissioner Sprinkel.**

**Motion made by Commissioner Leary to adopt the second ordinance (zoning); seconded by Commissioner Sprinkel.**

Planning Director Jeff Briggs advised that the ordinance was revised from the first reading to incorporate the condition that the parking lot is not to be leased for any alternate commercial use, such as off-site restaurant parking.

Commissioner Sprinkel requested staff to include all redline changes made to the ordinance in the agenda packet for ease of reference.

No public comments were made.

**Upon a roll call vote on the first ordinance (comprehensive plan), Commissioners Leary, Sprinkel and Cooper voted yes. The motion carried unanimously with a 3-0 vote. Mayor Bradley and Commissioner McMacken abstained from voting.**

**Upon a roll call vote on the second ordinance (zoning), Commissioners Leary, Sprinkel and Cooper voted yes. The motion carried unanimously with a 3-0 vote. Mayor Bradley and Commissioner McMacken abstained from voting.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING CERTAIN STREETS WITHIN THE RAVAUDAGE PLANNED DEVELOPMENT AND HOME ACRES SUBDIVISION AREA INCLUDING THE RIGHT-OF-WAY OF ELVIN AVENUE LYING BETWEEN BENNETT AVENUE AND LOREN AVENUE; THE RIGHT-OF-WAY OF LOREN AVENUE LYING BETWEEN ELVIN AVENUE AND GLENDON PARKWAY; THE RIGHT-OF-WAY OF KINDEL AVENUE LYING BETWEEN LEWIS DRIVE AND BENJAMIN AVENUE; THE RIGHT-OF-WAY OF KINDEL AVENUE LYING BETWEEN BENNETT AVENUE AND LEWIS DRIVE AND THE RIGHT-OF-WAY OF BENJAMIN AVENUE SOUTH OF GLENDON PARKWAY TO A POINT 50 FEET NORTH OF KINDEL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read the ordinance by title.

Planning Director Jeff Briggs explained that Benjamin Partners LLC has requested the City to vacate certain streets within the Ravaudage PD area as listed within the ordinance. Those streets are:

1. The right-of-way of Elvin Avenue lying between Bennett Avenue and Loren Avenue;
2. The right-of-way of Loren Avenue lying between Elvin Avenue and Glendon Parkway;
3. The right-of-way of Kindel Avenue lying between Lewis Drive and Benjamin Avenue;
4. The right-of-way of Kindel Avenue lying between Bennett Avenue and Lewis Drive; and
5. The right-of-way of Benjamin Avenue, south of Glendon Parkway to a point 50 feet north of Kindel Avenue.

Mr. Briggs noted that the City advertised the public hearing and notices were mailed out to all property owners within the Ravaudage area. Mr. Briggs explained that we have received clearance from the utilities; therefore, it is at the discretion of the Commission whether to act on any of these matters. The Public Works Department recommended adoption of this ordinance. Mr. Briggs answered questions.

**Motion made by Commissioner McMacken to accept items 1, 2 and 4 and that we do not permit at this time items 3 and 5 on first reading of the ordinance; seconded by Mayor Bradley.**

**Motion amended by Commissioner Cooper that they not move forward with item 4 at this time but that they maintain access and egress to the long standing company; the business that is on the corner of Benjamin and Lewis Drive. Motion failed for lack of a second.**

Commissioner Sprinkel asked for clarification as she recalled from the last meeting that City Manager Knight and Attorney Brown were preparing a policy/agreement which would clearly define the proper process and procedures regarding the various permits and approvals that will be required within the Ravaudage CDD. City Manager Knight said as of this date the policy has not been agreed to by all parties so it has not been completed by the City Attorney's office and staff.

**Motion amended by Commissioner Cooper to table. Motion failed for lack of a second.**

Commissioner Sprinkel said the Commission previously agreed upon a specific course of action and since a city policy/agreement has not been established as of this date she felt it is premature to move forward with this new action. After hearing Commissioner Sprinkel's rationale; **Commissioner McMacken agreed and withdrew his original motion.**

Commissioner Leary felt that since all of the appropriate parties are present that it would be advantageous to hear what the applicant is proposing so that everyone involved can gain a better understanding regarding the vacation of easements and the attached detailed street map that was provided by the applicant.

**Motion made by Commissioner Leary to approve all five of the vacations simply to have this discussion; seconded by Mayor Bradley.** Attorney Brown provided legal counsel and agreed that it would be helpful to have the applicant clarify their request. **Mayor Bradley withdrew his second. Commissioner Leary withdrew his motion.**

Kim Booker, Booker & Associates, spoke on behalf of the applicant and provided clarity regarding the existing and proposed right-of-way access points. She reassured the Commission that the existing property owners would not be landlocked.

Stumpy Harris of the Harris, Harris, Bauerle, Sharma Law Firm, 1500 Bonnie Burn Circle, spoke on behalf of Doug and Ronda Loft, owners of one of the outparcels. He shared concerns with the vacating of Benjamin Avenue since that is the only way to access 17/92 northbound. He recalled that the issues pertaining to access on all excluded parcels would be covered in the City policy statement that is still

being drafted. He commented that it is inappropriate to discuss this item since it is premature and that this matter should be tabled or put aside until such time so that everyone involved, including the affected property owners can meet and determine if an agreement can be reached. He said as of this date that opportunity has not occurred.

**Motion made by Commissioner Leary to proceed with the vacation of items 1, 2 and 4. Motion failed for lack of a second.**

A brief discussion transpired regarding whether or not a policy should be drafted since a meeting is to take place and if a policy is drafted if it should come back to the Commission. Attorney Brown provided legal counsel regarding the denial, approval or tabling of the item.

**Motion made by Commissioner McMacken to table; seconded by Mayor Bradley. Upon a roll call vote, Mayor Bradley and Commissioner McMacken voted yes. Commissioners Leary, Sprinkel and Cooper voted no. The motion failed with a 3-2 vote.**

City Manager Knight advised the Commission that should they pass this on first reading they can amend/modify the ordinance on second reading prior to adoption.

**Motion made by Mayor Bradley to approve the abandonment of items 1, 2 and 4; seconded by Commissioner Sprinkel.**

Commissioner Cooper expressed that item #4 should not be abandoned until Morgan Avenue is in place and paved providing for ease of access and egress.

Stumpy Harris, 1500 Bonnie Burn Circle, explained the reasoning for the policy and spoke in favor of the facilitation of a meeting between all involved parties.

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

- d. Establishing City zoning on the non-Ravaudage properties in the Home Acres annexation area:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH LOW DENSITY RESIDENTIAL AND COMMERCIAL FUTURE LAND USE DESIGNATIONS TO THE RECENTLY ANNEXED PROPERTIES AT 970, 1000, 1008, 1306 AND 1308 LOREN AVENUE; 933, 1101, 1123, 1211, 1253 AND 1313 LEWIS DRIVE; 1141 BENJAMIN AVENUE; 600, 1449, 1471, 1501 AND 1531 LEE ROAD AND AT 1175 N. ORLANDO AVENUE; MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING AND LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE RECENTLY ANNEXED PROPERTIES AT 970, 1000, 1008, 1306 AND 1308 LOREN AVENUE; 933, 1101, 1123, 1211, 1253 AND 1313 LEWIS DRIVE; 1141 BENJAMIN AVENUE; 600, 1449, 1471, 1501 AND 1531 LEE ROAD AND AT 1175 N. ORLANDO AVENUE; MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. Planning Director Jeff Briggs explained that we are establishing the City's zoning on these properties that were not part of the Ravaudage PD. He said they will retain the same commercial or residential zoning designation just as they have today.

**Motion made by Mayor Bradley to accept the first ordinance (comprehensive plan) on first reading; seconded by Commissioner Sprinkel.**

**Motion made by Mayor Bradley to accept the second ordinance (zoning) on first reading; seconded by Commissioner Leary.**

Mr. Briggs answered questions. No public comments were made.

**Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.**

**Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.**

A recess was taken from 7:09 p.m. to 7:19 p.m.

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR NON-RESIDENTIAL ZONING DISTRICTS" SO AS TO ESTABLISH HOURS OF OPERATION FOR STATE LICENSE MASSAGE THERAPY BUSINESSES AND TO PROHIBIT RESIDENTIAL USE OF SUCH COMMERCIAL AND OFFICE SPACE, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Planning Director Jeff Briggs explained that this ordinance is in response to complaints about all night activity and noise at 24 hour massage spas. One major purpose of zoning laws is to protect the peaceful enjoyment of residential properties and also to protect property values. This proposed ordinance establishes hours of

operation for state license massage therapy businesses from 7:00 am until 10:00 pm. It would also prohibit using any massage therapy business as a residential occupancy which is in effect, how they can operate when they are open 24 hours a day. The exception would be for massage therapy provided in hotels where guests may be arriving late from flights or other late travel.

Mr. Briggs answered questions and advised that the Planning and Zoning Board voted 4-1 in favor of the ordinance with a recommendation that a medical necessity exemption be provided. The Code Enforcement and the Police Department fully support this.

A brief discussion ensued regarding the overall intent of the ordinance. City Attorney Larry Brown provided legal counsel including regulation and enforceability. He mentioned that the proposed ordinance could be improved by adding some 'findings of fact' or 'Whereas clauses' to better buttress any legal challenges. A majority of the Commission favored this idea and directed him to do so.

**Motion made by Commissioner Leary to accept the ordinance on first reading; 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 with a 5-0 vote.**

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, TO AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT", TO REVISE THE PERMITTED USES ALONG PARK AVENUE, SOUTH OF COMSTOCK AVENUE AND AMENDING SECTION 58-95 "DEFINITIONS" TO PROVIDE DEFINITIONS FOR FAST CASUAL AND FINE DINING RESTAURANTS, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Planning Director Jeff Briggs explained that last November the Planning and Zoning Board (P&Z) voted 7-0 by approving the proposed ordinance as presented to revise the definitions for restaurants. On November 26, 2012 the City Commission tabled the proposed ordinance to a time uncertain since there was no consensus on how they should address this situation regarding the proposed changes to amend the C-2 commercial zoning rules along Park Avenue for the one block south of Comstock Avenue.

Since the time of tabling, Mr. Briggs advised that Firehouse Subs is planning to open up a location on Park Avenue next to Burger Fi. In order to meet the definition in the code for "fine dining" they have committed to be the only Firehouse Sub franchise in America that is going to offer table service with waiters and waitresses. Due to this request, staff felt a necessity to bring back a partial change to the definitions in the ordinance to tighten up the rules on what qualifies "fine dining".



Mr. Briggs explained that the City's C-2 zoning code, in effect along Park Avenue and New England Avenue makes "fine dining" restaurants a permitted use. Other restaurants (not meeting that definition) are conditional uses which require the provision of parking in order to create a new restaurant location. In effect, "fine dining" restaurants are given a 'free pass' or parking variance if they meet that definition. The intent was to allow, as has occurred, for new restaurants such as Luma, Prato, Paris Bistro, Cocina 214 and Nalore Steakhouse to start up on Park Avenue without having to provide parking. Unfortunately the only differentiator for "fine dining" versus other restaurants is table service versus counter service.

Mr. Briggs advised that the proposed definition change tightens the rules to accomplish the original intent and to clarify what table service means. The proposed definition change is also patterned after Worth Avenue in Palm Beach that prohibits "formula restaurants" with more than three locations in the nation, which in our case will be more than three in the Orlando Metro area. The proposed definition changes will also help staff deal with the coffee shops and bakeries that now sell breakfast and lunch items.

Mr. Briggs explained that due to the upcoming holiday there is a four week timeframe prior to second reading. He said they could refer the item back to P&Z for discussion at their June 4 meeting since they have not seen the most recent changes.

**Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner McMacken for discussion.**

Discussion ensued regarding the proposed changes to the current ordinance and how it affects the current/future businesses on Park Avenue, if franchise restaurants should be permitted on Park Avenue if they can meet the parking requirements and if a designated food court area should be created to allow these businesses establishments an opportunity to operate within our City.

Commissioner Cooper suggested amending the language in Section 59-95 Definitions, regarding franchises. She felt that we need to be careful not to define it as "with no more than three locations in the Orlando area" because that totally negates what we are trying to do. As a way to protect the branding of Park Avenue she recommended adding "and non-fine dining establishments" to the last sentence in Section 58-75 Commercial (C-2) District, item (b) Permitted uses.

**Motion amended by Mayor Bradley that this also be referred to the P&Z Board and Economic Development Advisory Board (EDAB) before the second reading; seconded Commissioner Leary.** Commissioner McMacken recommended that this be reviewed by the City Attorney. **Mayor Bradley and Commissioner Leary agreed and added it to this amended motion.**

**Motion amended by Commissioner Cooper to amend Section 58-95 Definitions, Fine dining, third sentence, to delete "in the greater Orlando metropolitan area"; seconded by Commissioner McMacken.**

**Motion amended by Commissioner Cooper to amend Section 58-75 Commercial (C-2) District, item (b) Permitted uses, where it says "bars, taverns and cocktail lounges" she would like to prohibit "non-fine dining" in this zoning district.**

Attorney Brown advised that in order for this to be added the ordinance would have to come back for another first reading since the title of the ordinance was never changed from the last time it was presented. **Commissioner Cooper said she would like to make this amendment to this particular ordinance with the understanding that after it goes to P&Z and EDAB it will come back to them for first reading; seconded by Commissioner McMacken.**

Frank Hamner, 1011 North Wymore Road, agreed that this ordinance will need to come back for a first reading since there is no definition of fast casual and/or fine dining restaurants.

Attorney Brown answered questions and provided legal counsel. City Manager Knight requested that the ordinance be tabled so that staff can take it to P&Z, EDAB and the Park Avenue Area Task Force for feedback prior to moving forward.

**Motion made by Mayor Bradley to table the ordinance as presented; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.**

Patrick Chapin, Winter Park Chamber of Commerce, recommended that we also reach out to the local merchants for feedback.

Lambrine Macejewski, 151 E. Welbourne Avenue, recommended that we add another category/definition for "casual dining" in the ordinance.

Joe Terranova, 151 N. Virginia Avenue, agreed with the tabling of this item and urged the Commission to take their time and get it right prior to adoption.

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 42-1, DEFINITIONS, AND 42-7, QUALIFICATION OF CANDIDATES AND CLERK'S CERTIFICATION, OF CHAPTER 42, ELECTIONS, TO ADD DEFINITIONS FOR "QUALIFICATION DEADLINE", "QUALIFICATION DOCUMENTS", AND "QUALIFICATION PERIOD", AND TO CLARIFY QUALIFICATION REQUIREMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First Reading

This item was postponed to the next meeting, June 10, 2013.

**City Commission Reports:**

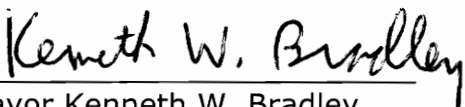
- a. Commissioner Leary – No items.
- b. Commissioner Sprinkel – No items.

Commissioner Sprinkel mentioned that Winter Park was well represented at the Orange County Law Enforcement Memorial event and that she was delighted to kick off the Relay for Life cancer walk event held at Showalter Field this past Friday.

- c. Commissioner Cooper – No items.
- d. Commissioner McMacken - No items.
- e. Mayor Bradley

Mayor Bradley sent his deepest condolences to Lydia Gardner's family during this difficult time.

The meeting adjourned at 8:45 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>BRADLEY, Kenneth Wayne</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Winter Park City Commission</b>	
MAILING ADDRESS <b>1612 Elizabeth's Walk</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <b>Winter Park</b>	COUNTY <b>Orange</b>	NAME OF POLITICAL SUBDIVISION: <b>City of Winter Park</b>	
DATE ON WHICH VOTE OCCURRED <b>May 13, 2013</b>		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input 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, Kenneth W. Bradley, hereby disclose that on May 13, 20 13:

(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 potentially of my 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 matters coming before our Commission may be used for an expansion / re-building of a surgery center which I am a board member.

May 13, 2013  
Date Filed

Kenneth W. Bradley  
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 <b>McMACKEN THOMAS JAMES</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CITY COMMISSIONER</b>	
MAILING ADDRESS <b>1821 SHILOH CIRCLE</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <b>WINTER PARK</b>	COUNTY <b>ORANGE</b>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: <b>CITY OF WINTER PARK</b>	
DATE ON WHICH VOTE OCCURRED <b>13 MAY 13</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.

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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, THOMAS JAMES McMAKER, hereby disclose that on 13 MAY, 20 13:

(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, my spouse \_\_\_\_\_;

☐ 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:

13 MAY 13

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.



