

**REGULAR MEETING OF THE CITY COMMISSION  
OCTOBER 28, 2019**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:38 p.m. in the Commission Chambers, 401 South Park Avenue, Winter Park, Florida. Minister Preston Free, First Christian Church, provided the invocation, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Todd Weaver

Also Present:

City Manager Randy Knight  
City Attorney Kurt Ardaman  
City Attorney Dan Langley  
City Clerk Rene Cranis

Mayor Leary asked everyone to remember long-time resident Thad Seymour and Congressman Lou Frey who passed recently.

**Approval of Agenda**

Mayor Leary stated that Valencia College's presentation and Harmon settlement agreement have been removed from the agenda.

**Motion made by Commissioner Sprinkel to approve the agenda as amended; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

**Mayor's Report**

Suzy Scarlatos, President of Winter Park High School Foundation, announced that the annual "Restore the Roar" event raised over \$100,000 which will be used for improvements to the high school and Ninth Grade Center, scholarships, and endowments. She expressed her appreciation for the city's support and presented the city with a check for \$10,000. Mayor Leary thanked the Foundation for their contribution and for their work to support the high school.

Mayor Leary read and presented the proclamation declaring November 2-9 as 2019 Week of the Family to Elizabeth Rahter and April Smith, Week of the Family Committee, and Melanie Williams, Orange County Council of PTA. Ms. Rahter thanked the city for their support and stated they received more than 1,000 essays based on the theme "Be Present" and on the topic "I should be present with my family because..." She encouraged everyone to spend more time with family.

**City Manager's Report**

Commissioner Seidel asked for an update on the new library construction. Mr. Knight stated a meeting with the design team to discuss changes is scheduled this week.

Bidding of the project has been started based on current design documents and the guaranteed maximum price is expected by mid-December with the expectation that this will be coming to Commission in January.

Commissioner Weaver complimented staff on purchase of four police hybrid interceptors.

### **City Attorney's Report**

No report.

### **Non-Action Items**

No items.

### **Consent Agenda**

- a. Approve the minutes of October 14, 2019
- b. Approve the following purchases:
  1. Wesco Turf: Toro Workman HDX with Sprayer Kit & Toro Greensmaster 3300 TriFlex Mower; \$81,501.30
  2. Duval Ford: 2020 Ford F550 with Dump Body (1), 2020 Ford F150 (1) & 2020 Ford Interceptor Utility (9); \$387,571.50
  3. Environmental Products of Florida: Envirosight Underground CCTV Equipment & Truck Build; \$266,892.42
  4. Rev Ambulance Group Orlando: Used 2017 Wheeled Coach F550 Firemedic 1170F; \$115,000
- c. Approve the following contract items:
  1. High Performance Sports Management: Amendment to renew RFP-17-2018 Tennis Programming & Instructional Services. The city has entered into a revenue-share structure with HPSM.
  2. HDD of Florida (PRIMARY): RFP-15-2019 – Underground Conduit/ Pipe Installation; Not to exceed \$1,750,000.
  3. Cathcart Construction Co. (SECONDARY): RFP-15-2019 – Underground Conduit/Pipe Installation; to be utilized on an as-needed basis.
  4. POWER Engineers: Amendment to renew RFQ-18-2018 – Design of Underground Conversion of Power Lines; Not to exceed \$120,000.
  5. Graef-USA: Amendment to renew RFQ-19-2018 – Professional Structural Engineering Consulting Services; To be utilized on an as needed basis.  
**(Pulled due to voting conflict of Commissioner Seidel).**
- d. Approve the following piggyback agreement:
  1. The Nidy Sports Construction Co.: NCPA contract #08-20 – Athletic Surfacing & Asphalt Maintenance (multi-year initial term); Not to exceed \$75,000 per year.

Mayor Leary advised that Commissioner Seidel filed a Memorandum of Voting Conflict on Item c(5). (Attached)

**Motion to approve the Consent Agenda excluding Item c(5) made by Commissioner Sprinkel and seconded by Commissioner Seidel.** There were no public comments. **Motion carried unanimously with a 5-0 vote.**

**Motion to approve Consent Agenda Item c(5) made by Commissioner Sprinkel and seconded by Mayor Leary.** There were no public comments. **Motion carried unanimously with a 4-0 vote. Commissioner Seidel abstained.**

### **Action Items requiring Discussion**

These agenda items were addressed after Public Hearings.

### **Public Hearings:**

- a. RESOLUTION NO. 2224-19: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE ACQUISITION OF THE PROPERTY CURRENTLY OWNED AND USED BY THE UNITED STATES POSTAL SERVICE FOR THE PURPOSE OF PUBLIC PARKLAND.

Attorney Ardaman read resolution by title.

City Manager Knight provided the background of the city's right and intent to purchase the post office property; however due to the high cost the city ceased negotiations in 2014. This resolution will reopen negotiations with the Post Office.

Commissioner Cooper explained that using CRA Funds, the City can pursue the purchase of the property to expand Central Park in perpetuity without bond issuance or tax increases. She stated the Parks and Recreation and CRA Boards have voted to support this resolution. She stated it is intended for the retail operations of the post office to remain in the downtown area but the distribution and sorting operations will be move to another location.

Mayor Leary clarified that this is a non-binding resolution and only expresses the city's interest in purchasing the property and is dependent on agreement of price and terms.

**Motion to approve the Resolution with the following amendments made by Mayor Leary and seconded by Commissioner Weaver:**

- **Delete the third "Whereas" paragraph which reads "Whereas, the New York Avenue corridor adjacent to the Property is prime for economic redevelopment, and**
- **Amend Section 2 to read "The City Commission humbly requests the USPS to work with the City of Winter Park..."**
- **Amend Section 3 to read "The City Commission respectfully requests Winter Park Congressional Representatives to assist the City ..."**

There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE 3152-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE 3143-19 AUTHORIZING THE LEASE OF THE EASTERN 33 FEET OF THE CITY OWNED STORM WATER RETENTION AREA SERVING ISRAEL SIMPSON COURT HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 06-22-30-3724-13-001; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read the ordinance by title.

**Motion made by Commissioner Sprinkel to approve the ordinance; seconded by Commissioner Cooper.** There were no public comments. **Upon a roll call vote, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.**

- c. ORDINANCE 3153-19: 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 MAP DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT DESIGNATION ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

ORDINANCE 3154-19: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

A simultaneous public hearing was held on these ordinances.

Attorney Ardaman read the ordinances by title.

**Motion to approve the Comprehensive Plan and zoning amendments made by Commissioner Sprinkel; seconded by Commissioner Seidel.**

Commissioner Cooper spoke in opposition as she feels rezoning is unnecessary.

Commissioner Weaver reviewed the zoning history of this property and C-2 zoning provisions and stated this project does not meet those provisions.

**Motion to deny the Comprehensive Plan amendment and zoning amendment made by Commissioner Weaver; seconded by Cooper.**

Commissioner Weaver asked for confirmation that off-storage is not allowed for unless it is tied to a retail use. Attorney Ardaman reviewed the clause in land development code which is subject to interpretation by staff. Mr. Stephenson reviewed provisions and allowances for accessory storage. He stated that other restaurants typically rent off-site storage nearby and that a Certificate of Occupancy, building permit or business license is not required for off-site storage. Staff's interpretation is that the clause is not meant to limit rental off-site storage.

**Motion to table this item made by Commissioner Seidel (Withdrawn).**

Commissioner Cooper stated she has no objection to storage use, but would like to see changes the code to allow for consistent interpretation and application of code.

Mayor Leary spoke in favor of this request but agreed that clarification of the code is needed.

Dan Bellows, representing Morney Partnership, stated this property is compatible with use of surrounding properties zoned C-2 and is consistent with comp plan. He pointed out that this has the unanimous support from staff and the Planning and Zoning Board. He stated he will comply with C-2 zoning.

There were no other public comments.

Additional discussion followed on C-2 zoning and compatibility of this property with surrounding properties. Commissioner Cooper said she could support the request if the applicant agrees to comply with C-2 zoning. Mr. Bellows stated he would follow zoning regulations.

**Upon a roll call vote on the motion to deny the Comprehensive Plan amendment, Commissioner Weaver voted yes. Mayor Leary and**

**Commissioners Seidel, Sprinkel and Cooper voted no. Motion failed with a 1-4 vote.**

**Upon a roll call vote on the motion to deny the zoning amendment, Commissioner Weaver voted yes. Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted no. Motion failed with a 1-4 vote.**

**Upon a roll call vote on the motion to approve the Comprehensive Plan amendment, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes and Commissioner Weaver voted no. Motion carried with a 4-1 vote.**

**Upon a roll call vote on the motion to approve the zoning amendment Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes and Commissioner Weaver voted no. Motion carried with a 4-1 vote.**

- d. ORDINANCE NO. 3155-19: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE COMMERCIAL FUTURE LAND USE DESIGNATION TO AN ORANGE COUNTY PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATION ON THE PROPERTY LOCATED AT 1501 LEE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3156-19: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE COMMERCIAL (C-3) DISTRICT ZONING TO ORANGE COUNTY PLANNED DEVELOPMENT (OC PD) DISTRICT ZONING ON THE PROPERTY LOCATED AT 1501 LEE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

A simultaneous public hearing was held on these requests.

Attorney Ardaman read the ordinances by title.

**Motion to approve the Comprehensive Plan and Zoning amendments made by Commissioner Sprinkel; seconded by Commissioner Seidel.**

**Upon a roll call vote on the Comprehensive Plan amendment Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.**

**Upon a roll call vote on the Zoning amendment Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.**

e. Request of Windermere Winter Park Ventures LLC for:

Conditional Use Approval to develop twelve two-story townhouses and two three-story townhouses along with one single family house on the combined properties at 472 and 510 West Swoope and 435 and 511 West Canton Avenue, zoned R-1A and R-3.

Planning Manager Jeff Briggs reviewed the request for a unified development of these properties with fewer units than is allowed. He showed the current zoning and use of these and surrounding properties. He reviewed the proposed layout of buildings and drives which allow for emergency access. Staff and P&Z recommend approval. He responded to questions regarding third-floor setbacks, impervious coverage calculations and emergency vehicle access.

Mark Nasrallah, architect representing the applicant, responded to questions regarding the interior layout, parking, emergency vehicle access, and quality of materials.

**Motion to approve the Conditional Use request made by Commissioner Sprinkel; seconded by Commissioner Cooper. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

f. Request of Chez Vincent and Hannibal's and the City of Winter Park for:

An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" Section 58-84 to provide for the same hours of sale of alcoholic beverages that exist within the Central Business District and the City at-large to be applied within the Hannibal Square Neighborhood Commercial district. (1)

An Ordinance amending Chapter 62, Division 2, Noise and Disturbance Control, providing for the same noise controls that exist within the Central Business District to be applied within the Hannibal Square Neighborhood Commercial district. (1)

A simultaneous public hearing was held on these two ordinances.

Attorney Ardaman read the ordinances by title.

Mr. Briggs reviewed the requests relating to consumption of sale of alcohol beverages and noise controls which will provide consistency in the rules with the downtown CBD. He provided the history of earlier closing hours for restaurants in the Hannibal Square

Neighborhood Commercial District. These rules have been a source of frustration for the restaurants as they lose business to the restaurants on Park Avenue which have longer hours. He explained the noise controls on Park Avenue have been successful and staff feels they would be appropriate in the Hannibal Square district. Commissioner Cooper expressed her concern with covering portions of Hannibal Square beyond New England Avenue.

Mr. Briggs responded to comments and questions by members of the Commission regarding live music impacting nearby residents. He explained that the area included in the ordinance was due to the commercial zoning; however the area could be revised for second reading of the ordinance.

Commissioner Sprinkel spoke in favor of the request to provide fairness and consistency. Mayor Leary agreed.

**Motion to approve the ordinances made by Commissioner Sprinkel; seconded by Mayor Leary.**

The following spoke against this request:

LaWanda Thompson, 664 W. Lyman Avenue  
Martha Bryant Hall, 450 S. Virginia Drive  
Maria Bryant, 450 S. Virginia Drive  
Barbara Chandler, 730 Minnesota Avenue

The following spoke in favor of this request:

John Skofield, 358 Vitoria Avenue  
Teri Gagliano, Chez Vincent and Hannibal's  
Betsy Gardner Eckbert, President & CEO of Winter Park Chamber of Commerce  
Jim Barnes, 7 Isle of Sicily  
Dan Bellows

Vincent Gagliano, applicant, stated that earlier closing hours were put in place for the Hannibal Square area more than 20 years ago for a one-year trial period; however those earlier closing hours are still in place. He asked for the same rights of restaurants in the downtown area.

Mr. Briggs responded to comments made regarding noise stating, currently, after 11:00 p.m. noise heard from 50 feet away (across the street) is a violation. If the ordinance passes, the time would change to 10:00 p.m.

Commissioner Seidel expressed his concern with extending hours in what is referred to as a neighborhood district.



Commissioner Cooper spoke in opposition to changing rules that were put in place to protect the community, although Chez Vincent has proven to be responsible and earned the extended hours for sale of alcoholic beverages. She suggested establishing a one-year period for new businesses for longer hours with an extension given based on performance. She would support tabling to see what legally can be done to address noise problems throughout the city.

Commissioner Sprinkel agreed that noise needs to be address city-wide. She suggested that the alcoholic beverage ordinance be applicable to New England Avenue businesses south of Welbourne.

Mayor Leary spoke in favor of this request as it is fair in every regard to other businesses in the area and denial would be punitive to Chez Vincent whose one-year test period turned into 21 years.

Commissioner Weaver expressed his support of the noise ordinance and for a noise ordinance applicable city-wide. He spoke in opposition to extending the hours for sale of alcoholic beverages due to the concerns of area residents.

**Motion to table these requests and have staff gather facts and alternatives and schedule a work session made by Commissioner Cooper. (Motion amended below); seconded by Commissioner Weaver.**

**Motion was amended by Commissioner Cooper to table without direction to staff; accepted by Commissioner Weaver. Upon a roll call vote, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.**

Commissioner Cooper requested the following information from staff: list and links to all noise ordinances throughout the city, police reports indicating where, when, and nature of calls and noise complaints; and from the City Attorney: how to address the pre-existing commitment to Chez Vincent.

Break from 5:40 to 5:56. Attorney Dan Langley replaced Attorney Kurt Ardaman.

### **Citizen Comments**

Jim Barnes, 7 Isle of Sicily, thanked the City for installing new buoys off Isle of Sicily.

### **Action Items Requiring Discussion**

1. Harmon v City of Winter Park Proposed Settlement Agreement

This item was removed from agenda.

## 2. Charter Review:

Mr. Knight explained the goal is to establish the questions for the March 2020 ballot which will be provided to the city attorney to develop the ordinance with the ballot questions. Public hearings on the ordinance will be in the two November meetings. He reviewed charter amendments as discussed at the work session.

- General Provisions: make gender neutral
- Preamble – Add the words “diverse and inclusive”
- Article I – Change title from “Generally” to “Powers and Form of Government”
- Section 1.01 – add language stating the powers of the city shall be construed liberally in favor of the city
- Section 6.04 – Delete as it is obsolete
- Section 2.06 - Change time of election of Vice-Mayor to first regular meeting after certification of all elections.
- Section 3.03 - Revise to conform with state law and Orange County Supervisor of Elections
- Section 3.04 – Delete (is controlled by state law and Supervisor of Elections.
- Section 2.17 - Change length of contract for independent audit from 3 to 5 years.
- Section 4.01 – Rename from “Generally” to “City Manager”
- Section 1.03 - Change title to Form of Government and identify Commission-Manager form of government

### **Consensus to include above questions on the ballot.**

Section 2.03 – Attorney Langley presented revised language based on comments from the work session: “The City Commission shall be judge of the qualifications and the grounds of forfeiture of its own members. The City Commission shall have the authority to adopt procedures for conducting proceedings and providing due process concerning such matters.” He stated the Commission would then adopt by resolution or ordinance the process for adjudicating grounds for forfeiture or qualifications of its members. **Consensus was to include as ballot question as revised.**

Section 2.05 – Establish a base compensation for Mayor and Commissioners and method for annual adjustment. **Consensus to include as ballot question as recommended by Charter Advisory Committee.**

Section 2.07 (b), Forfeiture of Office - Adds grounds for forfeitures. **Consensus was to exclude as ballot question.**

Section 2.07(c) – Changes process for filling a vacancy on the Commission. **Consensus was to include as ballot question.**

Section 2.08(a) – Changes requirements for calling a special meeting. **Consensus was to exclude as ballot question.**

Section 2.08(b) – Deletes reference to journal. **Consensus was to include as ballot question.**

Section 2.08(c) – Modifies voting to three affirmative votes from members present or using videoconferencing. Discussion ensued on videoconferencing technology, limiting the number of times allowed to use videoconferencing by members, and the matter of allowing a vote to count if not physically present at a meeting. **Consensus was to include as ballot question with the addition of limiting each member's attendance by videoconference to no more than three times per year and subject to rules and regulations as may be adopted by the Commission.**

Section 2.10 – Revises the section into three sub-parts for clarification. Attorney Langley stated that the recommended language is a re-write of what currently is not allowed by the charter or by state law and suggested consideration of leaving this section as is. **After discussion consensus was to exclude all recommended changes to this section as ballot question.**

Section 2.11 – (a) Removes "physically present" from voting requirements and (b) changes "any land" to "real property." **Consensus to include changes to (a) on the ballot and exclude changes to (b).**

Section 2.19 – Create new section, Investigations. **Consensus was to exclude as ballot question.**

Section 3.01 – identifies actions not allowed in nonpartisan election and creates a method for commission to establish fines. Attorney Langley reviewed state law relating to the prohibitions recommended by the Charter Advisory Committee. He explained that the Division of Elections has issued an opinion stating that nonpartisan candidates in municipal elections are prohibited from campaigning based on party affiliation. There is no state prohibition on nonpartisan candidates accepting contributions from a political party. He said he believes the reason for this language was that the committee's wanted an enforcement mechanism for violations. Discussion followed on State Statutes regarding nonpartisan elections. **Consensus was to include as a ballot question.**

Section 4.05(b) – Add majority vote of the entire commission for appointment of department heads and city clerk. **Consensus was to include as a ballot question.**

Section 4.05(d) & (e) - Deletes references to Civil Service. Mr. Knight stated that new language and a new ordinance will be presented at the first reading of the Charter ordinance. **Consensus was to move forward pending review of the proposed language and revised Civil Service Code.**

Section 4.07 – Rename from Police and Fire Departments to Civil Service Code; add a requirement that the electors of the city adopt a Civil Service Code **Consensus was to move forward pending review of Civil Service Code revisions.**

Section 5.08, Change time from 60 to 180 days to hold an election by petition. **Consensus was to include on the ballot.**

Section 5.05(d) - Time for filing referendum petitions. Commissioner Cooper questioned the ability to gather the required petitions within 30 days and suggested extending the time for 45 days. After discussion, **consensus was to include on the ballot changing 30 days to 45 days.**

Section 5.10 – Add new section to replace Section 1.03. **Consensus was to include on the ballot.**

Section 2.06, Board appointments - Commissioner Cooper distributed proposed language which creates five-member boards and an alternate with each Commission member appointing one member and the Mayor also appointing the alternate. Commissioner Seidel stated his approach to changing the process was to clear the perceived inequity in board appointments; however his recommendation was for the Mayor to appoint three members of a seven-member board and each commissioner making one appointment.

Mayor Leary stated that there is a misperception about a Commission member's interaction and influence of board members. He expressed concern with members of the Commission attending board meetings and providing input, particularly on matters that will come before the Commission at a later date and stated it is a disservice if a member has made a decision before it gets to the Commission. He supported changing the process but is concerned about the ability to have a quorum with only five members.

Commissioner Weaver agreed but spoke in opposition of designating a board member as a specific commissioner's appointment. He suggested a new process should be applied to all city boards and that all board members should be city residents but voter registration should not be required.

Discussion ensued on designating a board member as commission member's appointment and removing board members if the member of the Commission is no longer in office.

Commissioner Sprinkel stated she is not opposed to the current process but agreed that there is a misperception of the process and needs to be fixed. She favored applying the same appointment process to all boards and maintaining seven-member

boards. She opposed changing board members when a member of the Commission leaves office because continuity is needed on boards.

Mayor Leary spoke in favor of maintaining seven-member boards and proposed the following language "Boards shall have seven members. Three members shall be appointed by the Mayor and serve at the Mayor's pleasure. One member shall be appointed by each Commissioner and serve at that Commissioner's pleasure. Appointments shall be put in place at the 2nd board meeting after the election of the seat." He supported Commissioner Weaver's suggestion that members must be city residents but do not need to be a registered voter.

Commissioner Cooper suggested including ad-hoc committees and task forces to this section.

Discussion followed on board size and membership requirements which are set by ordinance. The Commission also discussed the perception of having a board member serve at a commission member's pleasure.

**Consensus was to include Section 2.06 on the ballot stating "City boards, ad-hoc committees and task forces shall have seven members. Three members shall be appointed by the Mayor and serve at the Mayor's pleasure. One member shall be appointed by each Commissioner and serve at that Commissioner's pleasure. Appointments shall be put in place at the second board meeting after the election of the seat."**

Section 2.08(c) – Commissioner Cooper suggested adding language to require a supermajority vote on ordinances that increase permitted density or intensity by 50%. Commissioner Weaver agreed.

Mayor Leary said he feels it is not needed and he cannot support this without having time to review and consider the impact.

Commissioner Seidel expressed concern about the impact or if it is appropriate. He said he would like to obtain input prior to making a decision.

**After discussion, consensus was address this in the next meeting.**

Commissioner Weaver spoke on single-member districts. He stated that he brought this question to the League of Women Voters and others and feels this has to do with inclusion and that there is under-representation by minorities. Although he feels it is reasonable to consider, it would be difficult to create only four districts that would address under-representation in a single district. He feels a good beginning would be to appoint board members from throughout the city.

Mayor Leary pointed out that minority representation on boards is not known because that information is not requested on the board application.

The following spoke in favor of placing single-member districts on the ballot:

Jennifer Anderson, 1621 Roundelay Lane  
Barbara Chandler, 730 Minnesota Avenue  
LaWanda Thompson, 774 W. Lyman Avenue

Steve Goldman, 2009 Venetian Way, spoke in favor of changing the board appointment process.

Lisa Coney, Sanbina Street, member of Charter Review Committee, thanked the Commission for consideration of changing board appointment process. She suggested that the ballot question on the Civil Service Code/Board language move forward without changing the ordinance at this time without further review.

### **City Commission Reports:**

#### Commissioner Seidel

No report.

#### Commissioner Sprinkel

- Thanked everyone for Trick or Treat event on the Avenue.
- Commented on the success of the recent Welbourne Day Nursery Fundraiser.
- Stated that she has received many concerns about Henderson Hotel and that it is scheduled before the Commission on November 25<sup>th</sup>, the week of Thanksgiving, when some may be on vacation.

#### Commissioner Cooper

- Agreed with Commissioner Sprinkel regarding the Henderson Hotel and asked if the date can be changed. Mr. Knight stated that city-wide notices have been mailed out. City Attorney Langley stated that staff should first talk to applicant and the Commission could move to continue it.
- Thanked everyone for support of the Post Office resolution.

#### Commissioner Weaver

- Stated there have been many complaints about coyotes and urged everyone to keep pets indoors.
- Stated he met with City Manager Knight about the urban forestry and lakes divisions, and the noise as a result of the stadium PA system.

- Attended WPHS Eco Club meeting whose members are students in International Baccalaureate Program and want put solar panels on the roof of the high school.
- Advised that the electric vehicle ordinance work session is on November 11 where four different electric vehicles will be available to drive prior to the work session.
- Spoke in favor of single-member districts and placing on the ballot for voters to decide.

Mayor Leary

- Advised that the Hispanic Chamber worked with the Boy Scouts to honor Jesse Martinez.
- Attended the Every Kid Outreach event hosted by Eatonville Mayor Eddie Cole where public safety agencies interact with kids in the community.
- Stated John Rivers celebrated the 10<sup>th</sup> anniversary of his 4Rivers restaurant.
- Expressed his concern that information and opinions are shared via e-mail on projects or issues that will be heard by the Commission. He asked that everyone give their fellow commissioners consideration when getting "in front of an issue." He said that it may be perceived by applicants or developers that members of the Commission have made their decision before it is presented to the Commission. He expressed his respect and appreciation for the work of Commission members.

Commissioner Cooper suggested that any communication include a disclosure that the Commission member is speaking as an individual and a note about the public records law.

The meeting adjourned at 6:37 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis, CMC

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>SEIDER, GREGORY STEPHEN</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CITY COMMISSION</b>	
MAILING ADDRESS <b>1251 LAKEVIEW DR</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	
DATE ON WHICH VOTE OCCURRED <b>10/28/19</b>		NAME OF POLITICAL SUBDIVISION <b>WINTER PARK</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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)



## 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, GREGORY S. SEIDEL, hereby disclose that on OCTOBER 29, 20 19:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling 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:

9.C.5. GRACE USA

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10/29/19  
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.