

**REGULAR MEETING OF THE CITY COMMISSION**  
**January 14, 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.

The invocation was provided by Electric Utility Director Jerry Warren, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Members absent:

Commissioner Steven Leary

**Approval of the agenda**

**Motion made by Commissioner McMacken to accept the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 4-0 vote.**

**Mayor's Report**

a. Board Appointments

Civil Service Board

Todd Meadors (Re-appoint 2013-2014 – Fire representative)  
Jeff Marcum (Re-appoint 2013-2014 – Police representative)

**Motion made by Mayor Bradley that the Civil Service Board appointments are accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote.**

Keep Winter Park Beautiful and Sustainable Board

Patricia Schoknecht (Appoint to regular position to replace Barbara Chandler)  
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 McMacken and carried unanimously with a 4-0 vote.**

Planning and Zoning Board

Peter Weldon (Appoint to alternate position)

**Motion made by Mayor Bradley that the Planning and Zoning Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried with a 3-1 vote. Commissioner Cooper voted no.**

Miscellaneous. Mayor Bradley announced the following events:  
Annual Mayor/City Commission Luncheon - January 18th at 11:30 a.m.  
11<sup>th</sup> Annual Unity Heritage Festival - January 20th at 1:00 p.m.  
Martin Luther King Jr. Park Dedication Ceremony - January 21st at 9:30 a.m.

**City Manager's Report:**

City Manager Knight advised that on January 8, 2013 Orange County Public Schools (OCPS) held a meeting with the local Mayors to discuss elementary school safety whereby Vice Mayor Steven Leary and Police Chief Brett Railey attended. City Manager Knight provided a brief summary and answered questions. Following a brief discussion the Commission requested City Manager Knight to issue a letter to OCPS on behalf of the Commission stating that we support their safety measures.

Public Works Director Troy Attaway provided a brief update on the Lee Road median and noted that FDOT is still reviewing the item.

CRA Director Dori Stone advised that the Fairbanks Avenue ULI presentation is scheduled for the January 28th meeting.

**City Attorney's Report**

Attorney Brown advised that the Federal Court has still not ruled on the Bell litigation case (challenging anti-picketing ordinance). He said that once a ruling has been made he will notify the Commission.

Attorney Brown provided an update on the election challenge and the qualification issue. He explained that a Petition for Writ of Mandamus was filed against Cynthia Bonham as City Clerk for the City of Winter Park on January 10<sup>th</sup> by Ross Johnston and that a hearing is scheduled for January 16th at 9:00 a.m. Attorney Brown answered questions including the election process. He noted that according to the Orange County Supervisor of Elections office the deadline for printing ballots is January 25, 2013 and that a final ruling should be issued before that date.

Commissioner Cooper felt that due to the recent litigation that she is now opposed and asked if she could continue campaigning and receive campaign funds. Attorney Brown advised that she is to retain her own attorney and pay for legal costs.

**Non-Action Item** – No items.

### **Consent Agenda**

- a. Approve the minutes of 12/10/2012.
- b. Approve the following purchases and contract:
  1. PR 150974 to Duval Ford for the purchase of nine (9) 2013 Ford Police Interceptors; \$231,804.
  2. PR 151017 to Associated Consulting International for professional services for the Winter Park train station; \$92,860.
  3. After-the-fact Purchase Order 148945 to Sternberg Lanterns for lamps and photo control buttons; \$163,687.
  4. Continuing services contract with Gerhartz & Associates, Inc. (RFQ-16-2012), for Geographic Information System (GIS) Services and authorize the Mayor to execute the contract; \$90,000.

**Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote.**

### **Action Items Requiring Discussion**

a. 90 Day Plan

City Manager Knight presented the 90 day plan and answered questions. Discussion followed whereby there was a majority consensus for the Denning Drive/17-92 item to be brought forward within the next month.

Mayor Bradley referenced the Comprehensive Plan and requested to have a policy discussion with the Commission on annexation and enclaves throughout the City. A majority of the Commission agreed that it be added to the 90 day plan. City Manager Knight acknowledged.

**Motion made by Mayor Bradley to adopt the 90 day work plan; seconded by Commissioner McMacken. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

b. Extension of power supply contract with Seminole Electric Cooperative, Inc.

Electric Utility Director Jerry Warren provided a PowerPoint presentation which included the power supply realities, wholesale power supply SECI extension offer, and the suggested power supply strategy. He provided background regarding the current power supply contract and explained in detail the numerous advantages the City can gain by extending this contract. Mr. Warren answered questions including what happens 25 years from now and the need to establish a future plan.

Mayor Bradley requested that staff bring back a 10 year pro-forma for the utilities prior to the budget season. City Manager Knight acknowledged.

**Motion made by Mayor Bradley to approve the extension of the contract with Seminole Electric Cooperative, Inc.; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

c. Purchase \$700,000 of outstanding Electric Revenue Bonds, Series 2005A

Finance Director Wes Hamil provided background and answered questions including the various options for financing the purchase of \$700,000 of the bonds and the pros/cons associated with each option.

David Moore, Public Financial Management, answered questions and noted that if approved there would be a positive impact on the City's bond ratings.

**Motion made by Mayor Bradley to approve the purchasing of the \$700,000 in bonds and for that cash be taken from our Electric Utility; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

d. RFP for Federal Lobbyist

City Manager Knight presented the RFP for Federal lobbyist. He explained that for RFP's of this nature it is customary for the Commission to either appoint a member of the Commission to serve with the selection committee or to have the Commission as a whole sit as the selection committee.

**Motion made by Mayor Bradley to approve the RFP for the Federal Lobbyist and for the selection committee to be made up of staff per City Manager Knight's selection and Commissioner Sprinkel to bring back a recommendation to the Commission; seconded by Commissioner McMacken.**

A brief discussion ensued whereby City Manager Knight answered questions including the RFP process and the timeframe. He explained our RFP was based upon other RFP's that we obtained from other cities and counties.

No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

A recess was taken from 4:53 p.m. to 5:00 p.m.

Public Comment

Lisa Coney, 1350 W. Fairbanks Avenue, commented on the City's election process.

Mary Randall, 1000 South Kentucky Avenue, provided precautionary measures to try and avoid the flu epidemic.

Shay Silver, 735 Pansy Avenue, inquired if citizens would be permitted to make a monetary donation to be used to seek outside legal counsel to gain a better understanding on election campaign laws.

e. Discussion regarding use of Lake Mendsen for stormwater from CNL and Casto properties

Commissioner McMacken recused himself from voting due to a conflict of interest; see Form 8B attached.

City Manager Knight explained that staff has been approached by the developers of both the CNL property and the Casto property on Denning Drive to determine if the City would be willing to partner with them on stormwater runoff related to their projects. Under their proposals, the developers would each pay the City \$40,000 (for a total of \$80,000) in exchange for the right to expand the lake in Martin Luther King, Jr. Park to accommodate the stormwater runoff from their projects. While staff had some reservations about the impact of the expansion of the lake for stormwater purposes there has been a long time desire by the Parks Department to construct a gazebo or pavilion near the lake behind the Civic Center to serve as a wedding venue. Staff has suggested to the developers that \$50,000 each might be more in line with what such an amenity would cost; however, that project has neither been designed nor priced at this point.

City Manager Knight advised that if approved, staff would like the opportunity to refine the dredging plan to reduce park impacts and improve the usability of the lakeshore area.

Rebecca Wilson of the Lowndes, Drosdick, Kantor and Reed Law Firm, spoke on behalf of the applicant. She introduced the project team and provided a brief summary regarding the request.

Rick Baldocchi, representing Avcon Inc., Civil Engineer on the project, provided more detail regarding the proposed stormwater runoff concept and answered questions.

City Manager Knight noted that staff has been working with Mr. Baldocchi this past week to finalize the pond/lake configuration. Mr. Baldocchi then presented staff's recent recommendation to the Commission.

Commissioner Cooper felt this item should go to Lakes Advisory Board since they are charged with the responsibility of maintaining and approving issues related to the exfiltration/drainage of lakes. She also mentioned that when the State Office Building/Progress Point negotiations were being discussed she inquired as to what the cost would be to have the same underground exfiltration system installed on the Progress Point site and what the value would then be for that property. She noted that no cost analysis and/or value has been provided to date and asked that this item be tabled until that information is presented.

Following a brief discussion, **a motion was made by Mayor Bradley to approve the request for \$100,000 and give staff the latitude to have the least impact on the pond; seconded by Commissioner Sprinkel.**

**Motion amended by Commissioner Cooper that it first has a value assessment by staff prior to setting a dollar value on the approval. Motion failed for lack of a second.**

**Motion amended by Commissioner Cooper to table until such time as the Lakes Advisory Board reviews it. Motion failed for lack of a second.**

No public comments were made.

**Upon a roll call vote, Mayor Bradley and Commissioner Sprinkel voted yes. Commissioner Cooper voted no. The motion carried with a 2-1 vote. (Commissioner McMacken recused himself from voting.)**

### **Public Hearings**

a. Request of Atlantic Housing Partners, LLLP:

ORDINANCE NO. 2901-13: 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 SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2902-13: 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 SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title. Since this was a quasi-judicial proceeding, communications were disclosed. Mayor Bradley noted that when

speaking with City Manager Knight he was advised that this item was scheduled to come before them. Commissioners Sprinkel, Cooper and McMacken noted that there were no ex-parte communications since the last meeting.

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

**Motion made by Mayor Bradley to adopt the second ordinance (zoning); seconded by Commissioner**

No public comments were made.

**Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

**Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

b. Request of Atlantic Housing Partners, LLLP:

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 SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON 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 CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. Since this was a quasi-judicial proceeding, communications were disclosed. Mayor Bradley noted that when speaking with City Manager Knight he mentioned that this item was on the agenda. Commissioner McMacken spoke with the applicant's attorney. Commissioners Sprinkel and Cooper did not have any communications.

Building Director George Wiggins explained that last month the City Commission approved the Conditional Use and Development Agreement for the Atlantic Housing development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton. However, what was overlooked was the Future Land

Use and zoning for the small piece of the project that will be used as the stormwater retention area. During the City Commission public hearing it came to staff's attention that this small portion of the property (approximately 6,900 sq. ft.) is still zoned single family on the official zoning map. Mr. Wiggins noted that both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements.

**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 Sprinkel.**

Commissioner Cooper spoke in opposition and shared her concerns with changing this property from R-1A to R-4 which is the highest maximum density allowable. She disagreed with encroaching on single family homes and moving the allowance of 4 story buildings from the west side of Denning Drive to the east side of Denning Drive.

Rebecca Wilson of the Lowndes, Drosdick, Kantor and Reed Law Firm, spoke on behalf of the applicant. She apologized for the slight error and explained what had transpired since the last meeting and the justification for the correction.

No public comments were made.

**Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

**Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 500 EAST LAKE SUE AVENUE; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. **Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**



No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

d. Police and Fire Pension Ordinances:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-206, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-209, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-159, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. A simultaneous public hearing was held on this matter.

City Manager Randy Knight explained that in 2010 the City hired Foster and Foster to assist in the development of potential cost cutting options for both the Police and Fire pension programs. At the completion of the study, two measures were agreed upon by the City and were negotiated with the respective unions of each department. The Fire union agreed to the changes in their 2011-2013 contract and the changes were imposed as part of the Police union's 2011 contract and agreed upon in 2012.

While the changes were being negotiated with the unions, the City was also lobbying the State to change their interpretation of the law on the use of insurance premium tax revenues. The administrative ruling was reversed in August 2012. Until this reversal was recognized, it would have been cost prohibitive for the City to implement the modifications.

The two modifications are as follows:

1. Members contributions are not credited with interest (previously 5%, compounded annually)
2. Members who retire on or after Early or Normal Retirement Date (including DROPs) are entitled to COLA at age 60 (previously it was all members); Vested termination benefits are deferred to age 55 (previously 55 or 20 years of service)

The cost savings would be as follows:

- Winter Park Police Officers' Pension – FY2013 1.8% of covered payroll or \$77,537
- Winter Park Firefighters' Pension – FY2013 2.5% of covered payroll or \$106,199
- Total savings in current FY - \$183,736

**Motion made by Mayor Bradley to accept the first ordinance (police pension) on first reading; seconded by Commissioner Cooper.**

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

City Manager Knight answered questions and concerns. No public comments were made.

**Upon a roll call vote on the first ordinance (police pension), Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

**Upon a roll call vote on the second ordinance (fire pension), Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" TO REVISE THE DEVELOPMENT STANDARDS FOR DOCKS ON LAKEFRONT LOTS, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Building Director George Wiggins explained that the Lakes and Waterways Advisory Board and the Planning and Zoning Board voted 7-0 recommending approval for a code modification to permit additional length for docks but only when a hardship is proven "that the additional length is needed and essential for normal boathouse/boatlift operation".

Mr. Wiggins requested to add a slight modification to the ordinance for clarification purposes. Section 1, Page 2, Paragraph 3, fourth sentence add the following underlined verbiage so that it reads "additional 10 feet in length and corresponding area (reference to Section 58-87(c)(2)(3)) for docks when the applicant has provided.....". Mr. Wiggins explained that this modification provides a reference back to the ability to add 25 square feet for every 5 foot for both scenarios.

Mayor Bradley indicated this is a minor modification and suggested that it be dealt with in the second reading of the ordinance. A majority of the Commission agreed.

Mr. Wiggins answered questions including what the process would be in order to extend a boat dock and which boards are involved regarding the approval process. Attorney Brown provided legal counsel regarding the process.

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

Commissioner Sprinkel shared her concerns with adding verbiage to the ordinance which would allow boat dock extensions in other lakes as well as Lake Killarney rather than limiting it to Lake Killarney. She did not want to move forward with the item and suggested that it be sent back to the perspective boards.

**Commissioner Cooper withdrew her second to the above motion.**

A brief discussion followed whereby a majority of the Commission directed City Manager Knight and Mr. Wiggins to take this item and their concerns back to the appropriate boards.

**City Commission Reports:**

- a. Commissioner Leary – Not present.
- b. Commissioner Sprinkel

Commissioner Sprinkel followed up on a suggestion by Elizabeth Watson, a 4<sup>th</sup> grader from Lakemont Elementary to create a "Protect a Pet" box in every public park so that citizens could leave pet items such as leashes, toys, etc. Mayor Bradley advised that Parks and Recreation Department is addressing this.

Commissioner Sprinkel asked who will be attending the Florida League of Cities meeting this Thursday. Commissioner Cooper said she will be attending. City Manager Knight noted that the City will be hosting the March meeting. Attorney Brown advised that if two or more Commissioners will be attending such a meeting and they know in advance that a public notice should be posted so they are compliant with the Sunshine law.

- c. Commissioner Cooper

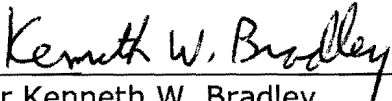
Commissioner Cooper announced that this week she and others celebrated her re-election as Commissioner.

- d. Commissioner McMacken - No items.


e. Mayor Bradley

Mayor Bradley asked City Manager Knight to provide him and Attorney Brown with a copy of the financial auditor's current contract so they can sit down together and review it. He explained that he is specifically interested in what he described as financial and managerial independence and what that means.

The meeting adjourned at 6:20 p.m.

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

ATTEST:

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

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>McMACKEN THOMAS JAMES</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>WINTER PARK CITY COMMISSION</b>
MAILING ADDRESS <b>1021 SHILOH CANE</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <b>WINTER PARK      ORANGE</b>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <b>14 JANUARY 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.

## 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.

### APPOINTIVE OFFICERS:

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 before or after the meeting.

**YOU MUST NOT MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN.**

You must 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 McMAKON hereby disclose that on 14 JANUARY, 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 wife (who works on the project);
- 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:

14 JANUARY 13  
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.