

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
January 16, 2007**

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

The invocation was offered by Pastor Collyns Moore, Winter Park Christian Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Barbara DeVane
Commissioner Douglas Storer

Also present:

City Attorney Trippe Cheek
City Manager James Williams
City Clerk Cynthia Bonham

MAYOR'S REPORT:

a) Proclamation - Ernie Manning Retirement

Mayor Strong presented Ernie Manning, Assistant Director, Parks & Recreation Department, with a proclamation proclaiming January 17, 2007 as "Ernie Manning Day" due to his retirement.

Mr. Manning was recognized for over 40 years of dedicated service and commitment with the City of Winter Park.

b) Proclamation - Arbor Day

Mayor Strong proclaimed January 19, 2007 as "Arbor Day" in the City and read a proclamation encouraging all citizens to support efforts to protect our trees and woodlands and to support the City's Urban Forestry Program.

c) Report from the Commuter Rail Task Force and approval of direct mail piece.

Task Force Chairman Ken Murrah provided a report and recommendation from their findings. He explained that the task force was asked to determine the benefits of a station in Winter Park and the cost. He identified the areas they studied: parking impacts and the effects on Central Park; capital, operating and maintenance costs; benefits and costs of an intra-transportation system linking commuter rail; economic benefits of a station; and the effects of not having a station.

He explained the recommendation that Winter Park become a Kiss and Ride stop adjacent to the Amtrak station which will include kiosks and a canopy with no parking. Mr. Murrah explained that FDOT estimated the Kiss and Ride stop would cost the City \$2.5 million to build but that Congressman John Mica has arranged for Federal funding for that construction. He stated that the State will pay the operation and maintenance (O&M) cost for the first seven (7) years and after that period, Winter Park's O&M assessment is expected to be \$587,000 a year.

Mr. Murrah stated on January 12 Orange County Commissioner Bill Segal announced that Winter Park must make a decision by March 13, 2007 whether or not they will have a stop and he wanted all the details of that agreement signed on that day.

Mr. Murrah explained the Commission has a 16 page report to review. He gave a brief outline of the report which included an overview of the commuter rail project; the benefits that may be expected with having a stop in Winter Park; the risk that could accompany a stop; and a report of unknown factors that they do not have at the present time. He stated the report was on the City website if the residents wished to read it.

Mr. Murrah addressed the recommendations of the task force. He stated they voted 10-2 in support of a stop in Winter Park and they recommended that the City Commission explore the construction of a new station on the site of the current Amtrak station. He stated the task force concluded that to decline a stop would be a major lost opportunity for the City, in both quality of life for residents and significant federal and state dollars.

Commissioner DeVane asked that a copy of the Commuter Rail Task Force Minority Recommendations be provided. She stated that all task forces need to provide all the members views in their report and asked that the written minority report be part of the record. Mr. Murrah provided the minority report to the Commission. Mayor Strong asked that this be on the website. Mr. Murrah explained that he submitted this report on his own because George McClure (the other minority member) could not be asked if he shared these recommendations since it would violate the Sunshine law. Mr. Murrah asked the Commission to consider changing the location of the stop to Lyman and Fairbanks, across from the Visitors Center and the Farmers Market. He briefly explained this in more detail if this location was chosen.

Commissioner DeVane thanked the task force and stated she was in support of commuter rail. She requested a commitment and support from Orange County regarding the request from the State and the Florida Department of Transportation (FDOT) for the unused right-of-way they are acquiring from CSX to be dedicated to the City and use CRA funds to help pay for this. She explained for this to happen, Orange County will have to allow the City to modify the CRA documents and asked to request from Orange County that they extend the CRA for an additional 10 years and consider raising the cap on the amount they can receive. She commented that she would like Orange County to allow the City and Maitland or any City that is going to have a stop, to implement an assessment for commuter rail on major employers in the City limits such as the City itself, Rollins College, Winter Park Memorial Hospital, Valencia Community College, the Towers and the Mayflower. She stated these are fine institutions and an important part of what Winter Park is about but are tax exempt and will be the direct beneficiaries of the commuter rail station. She commented that she would like to have the flexibility to enact an assessment on them when it gets to that point and time. She stated with this caveat she fully supports this and would like to move forward.

Commissioner Eckbert asked the committee what guidance they have for the Commission as they consider the impact of these ordinances on the commuter rail process in the City.

Vice Chairman, Commuter Rail Task Force, Joe Terranova, 700 Melrose Avenue, stated they considered the citizen ordinances but felt it was the prerogative of the Commission to make the decision as to whether or not to pass the ordinance. He stated that having made the report and being part of the majority that supported this recommendation, he enthusiastically supported a stop in Winter Park.

Commissioner Eckbert stated it would be helpful to have assistance from the committee with the policy perspective in the resolution. Mr. Terranova stated that he had no problem doing that as an individual or a committee as a whole and was sure they would all be willing to participate in any manner that the Commission sees fit.

Commissioner Metcalf asked City Attorney Cheek if there was wording for or against commuter rail in these ordinances. Attorney Cheek stated he has drafted two different ordinances that are in the packet, but needed some guidance from the Commission. Discussion occurred regarding the ordinances and a referendum. Attorney Cheek answered questions posed by the Commission.

Commissioner DeVane asked when the language has to be ready for the ballot. City Clerk Bonham explained when the language was due. Attorney Cheek stated the ballot language ideally would be adopted by ordinance and believed the Charter requires that. He stated the second reading needs to be advertised and we are governed by the rules that need to be followed, regardless of the Elections Office time considerations. The Commission thanked the task force for all their hard work and outstanding efforts.

Commissioner DeVane stated the concept of having this with the potential of being able to access the airport on commuter rail may cause the need for a small parking garage. She stated she would not like to see this in the center of Central Park and wanted to review either end of the park as a possible alternative.

Mayor Strong suggested that Mr. Murrah and the task force members bring a report to the next meeting to inform them of the cost and pros and cons of having the stop at Central Park versus Lyman and Fairbanks Avenues. Mr. Murrah stated the task force concluded after they submitted their report but that he would provide that information. Commissioner Eckbert asked that the task force reconvene rather than only have Mr. Murrah. Mayor Strong concurred with Commissioner Eckbert as long as the task force was willing to do this. Mr. Murrah stated he would reconvene the task force and expressed that it would be helpful if the Commission could give them specific directions so they could take this up in the meeting.

Communications Director Howard asked for approval on the direct mail piece or to make changes by the January 29 meeting. She stated the first draft was presented to the task force in its original form which was a summary of their final report draft and the second reflects the revisions made by the task force. Mayor Strong asked that this be deferred until the January 29 agenda for finalization.

- d) Presentation by Diedre McNab, President of the League of Women Voters of Orange County regarding a dedicated funding source for transit, which may benefit commuter rail.

Diedre McNab, President, League of Women Voters of Orange County, shared information and developments with regard to public transportation, locally, regionally and nationally. She stated that Central Florida is currently one of the only remaining major metropolitan areas in the country without a dedicated source of funding. She explained that this has resulted in the transportation system having low funding compared to a number of other cities around the country. She spoke about the success of ballot measures; transportation hot button issues; Federal and State partnerships; local initiatives; successful transit funding initiatives in sister cities; lessons learned; successful strategies; funding options; possible local sources towards transit dedicated funding; and the voters message to policy makers that they want better options and a better system and they are willing to pay for it.

Ms. McNab summarized that Central Florida's future without dedicated transit funding will result in a State that will double in population and there will be an increase with the congested freeways. She explained that elected officials at the county and regional level are interested in

this and they have been invited across the region to give this presentation and bring people up to date with what is happening nationally. She stated there is a high likelihood that Winter Park by the year 2017 will not need to pay O&M fees because by that time Central Florida will have a regional transportation plan with dedicated funding. Ms. McNab answered questions.

Commissioner Metcalf suggested they send a letter to State Representative Dean Cannon and encourage him to move forward on this matter. Commissioner DeVane agreed they need to speak with Rep. Cannon and Metroplan which represents the area responsible for commuter rail as well as the Orange County Commission. She stated she would like the County letter to include the objectives for helping the City pay for what will be asked of Winter Park until we receive a dedicated source.

Mayor Strong asked Ms. McNab if she would be willing to draft something for the Commission to consider in terms of a resolution or a letter to Orange County and their legislature. She stated she would be delighted to take this to her transportation committee and they would bring this back as a draft for the Commission.

e) Proclamation of the 2007 Primary/General Elections

Mayor Strong read the proclamation regarding the 2007 Primary/General Elections. Mayor Strong stated for informational purposes there will be no Primary Election with two candidates each for the two seats and the General Election will be on March 13, 2007.

f) Strategic Planning Session (not on the agenda)

Mayor Strong spoke about the Strategic Planning Session which was not on the agenda. He stated there was a question raised about possibly delaying the session until after the elections. There was a consensus to schedule the session only on January 25 and to abbreviate the planning considerations. Commissioner Metcalf suggested they invite all the candidates to attend the session. Commissioner DeVane concurred.

CITY ATTORNEY'S REPORT:

a) Resolution-Supporting the Nemours Orlando Children's Hospital.

RESOLUTION NO. 1961-06: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA IN SUPPORT OF NEMOURS ORLANDO CHILDREN'S HOSPITAL; ENCOURAGING SUPPORT OF OTHER MUNICIPALITIES AND LOCAL GOVERNMENTS IN CENTRAL FLORIDA FOR NEMOURS ORLANDO CHILDREN'S HOSPITAL, AND PROVIDING AN EFFECTIVE DATE.

Mayor Strong stated he received input from representatives from Nemours and Arnold Palmer Hospital for Children. Commissioner Storer disclosed his conversations with representatives from Nemours; Commissioner Eckbert and Metcalf disclosed conversations with representatives of Nemours and ORMC; and Commissioner DeVane disclosed discussions with representatives of Nemours, ORHS, Winter Park Memorial and Florida Hospital. Mayor Strong addressed the three resolutions before them. Commissioner DeVane suggested modifications to the Orange County version.

Motion made by Commissioner DeVane to adopt resolution using the Orange County version with the changes as suggested, seconded by Commissioner Eckbert. Upon a

roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

CONSENT AGENDA:

- a) Approve the minutes: 12/11/06 regular meeting and 12/18/06 special meeting.
- b) Approve the following bids and purchases:
 - 1) PR130573 to HD Supply Utilities LLC, for transformers for Electric Utility stock; \$65,820.00 (Budget: Electric Utility) **PULLED FROM CONSENT AGENDA. SEE BELOW.**
 - 2) PR 130356 to Cross Match Technologies, Inc. for Police ID system from the Federal GSA Contract # GS 35F 0199R, for law enforcement equipment and supplies; \$19,219.53 (Budget: Forfeiture funds)
 - 3) PR 130669, to Wesco Turf Supply, Inc. for a Reelmaster mower for Parks Maintenance, from the State contract #515-630-06-1; \$37,158.00, (Budget: Vehicle Replacement Fund)
 - 4) Reject all proposals received on Request for Proposals-3-2007, Professional Dry Cleaning Services for Public Safety uniforms. Allow staff to revise the specs and re-solicit at a later date.
 - 5) Reject all proposals received on Request for Proposals-2-2007, Tree Trimming for Electric Power Lines and General Tree Maintenance. Allow staff to revise the specs and re-solicit at a later date.
- c) For Your Information – University Water Treatment Plant appraisal. **PULLED FROM CONSENT AGENDA. SEE BELOW.**
- d) Approve the contract with ZHA for the Brookshire Elementary School and Community Center site plans.
- e) Approve the Permitting Mutual Aid Agreement with the City of Orlando.

Motion made by Commissioner Eckbert to approve the Consent Agenda with the exception of items 'b-1' and 'c'; seconded by Commissioner Metcalf and carried unanimously.

Consent Agenda Item 'b-1'

Commissioner Storer disclosed a conflict of interest because it is his employer and that he would not be voting on this item. **Motion made by Commissioner Eckbert to approve Consent Agenda item 'b-1'; seconded by Commissioner Metcalf and carried unanimously.**

Consent Agenda Item 'c'

Mayor Strong stated item 'c' should be discussed in terms of a sale if that is what the City wants to do. Commissioner DeVane stated she was not ready to sell this until they discuss it at the Strategic Planning Session. She stated at some point she would like to see the Commission speak with the community and have a conversation on guidelines on how they dispose of property. Commissioner Storer asked how the water site on University was acquired. Utilities Director Dave Zusi stated it was acquired when they purchased the utility in the 1980's. Attorney Cheek mentioned that anytime they acquire a property that is improved or if they built the improvements they need to be careful and see if there are any restrictions before they agree to sell. Mayor Strong asked that Attorney Cheek review this; he stated he would work with Mr. Zusi.

Commissioner Metcalf commented if there is a way of trading it or arriving at an assessment that will give the City valuable property in the future, he would like someone to continually look into opportunities to buy land. Attorney Cheek stated there were few restrictions on the City's ability to convey property and the Commission could make a decision on how to solicit offers.

Mayor Strong asked City Manager Williams and Attorney Cheek to provide a report at the next meeting as to whether or not the funds are restricted. Mayor Strong asked that it be determined if there is an alternative use of this property and believed this site would not serve the electric utility very well. Mr. Zusi explained that they did an internal analysis of who may have use for it and completed a report for the Commission. He stated the best and the most obvious use from a City perspective is to use that site as a fire station only if they were to annex further to the east. He also commented that there may be more benefit to the City on another piece that they could swap.

Motion made by Commissioner Metcalf to approve Consent Agenda item 'c'; seconded by Commissioner Storer and carried unanimously.

CITY MANAGER'S REPORT:

- a) Ethics Task Force Voluntary Campaign Contribution Limitation Agreement and letter.

Ethics Task Force Chairman Barry Greenstein spoke about the recent Commission meeting whereby many of the potential candidates indicated their desire to agree to various limitations. He explained that as result of this, the task force issued a letter to all the 2007 candidates, attached with a 2007 Election cycle voluntary campaign contribution limitations agreement. He stated the task force received responses from several of the candidates, some agreed and some disagreed and that the candidates want to reach a consensus on limitations and finance reform. Mr. Greenstein addressed the task force extending their offer to meet with all of the candidates to reach a consensus and asked the Commission to allow them to do this. He stated that he was fairly certain they could get a voluntary agreement that would help Winter Park pioneer the proper and appropriate campaign contribution limitations. Discussion occurred regarding campaign contributions and finance reform. Mr. Greenstein answered questions.

Mayor Strong asked if Mr. Greenstein was suggesting a voluntary replacement of state law by agreement of the candidates. Mr. Greenstein concurred and stated this has been done successfully several times across the country.

Commissioner DeVane addressed her concern with the volume and size of contributions from entities that do not vote in the City. She encouraged the task force to ask the candidates their thoughts on this and to make it a part of their campaign if they choose. She believed that a contribution limit of \$100 or \$250 was reasonable.

Commissioner Metcalf spoke about the literature mailed out in the last election from non-connected third parties and wanted to let candidates have more money to be able to mail out their own information. He explained he would be happy if the task force can address this and arrive at a solution. Mr. Greenstein stated they would work on this matter.

Motion made by Commissioner DeVane to empower this task force to attempt to reach an agreement with each of the candidates as far as campaign contributions. The motion failed for a lack of a second.

Mayor Strong stated since the motion failed, the task force is not empowered to do this and the candidates will need to operate under state law for this election.

PUBLIC HEARINGS:

ORDINANCE NO. 2693-07: A CITIZEN INITIATIVE ORDINANCE OF THE CITIZENS OF WINTER PARK, FLORIDA, REQUIRING APPROVAL BY THE ELECTORS OF THE CITY OF WINTER PARK BEFORE THE CITY CAN AUTHORIZE OR ALLOW TO BE AUTHORIZED THE USE OF ANY LANDS OWNED OR CONTROLLED BY THE CITY IN CENTRAL PARK OR THE CENTRAL BUSINESS DISTRICT OF WINTER PARK FOR THE CONSTRUCTION, RENOVATION, OR OPERATION OF A COMMUTER RAIL STATION; PROVIDING A DEFINITION OF THE TERM "CENTRAL BUSINESS DISTRICT" AND PHRASE "OWNED OR CONTROLLED;" PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2694-07: A CITIZEN INITIATIVE ORDINANCE OF THE CITIZENS OF WINTER PARK, FLORIDA, REGARDING THE APPROPRIATION OR EXPENDITURE OF CITY FUNDS ON A COMMUTER RAIL STATION WITHIN THE CITY OF WINTER PARK; SPECIFICALLY REQUIRING APPROVAL BY THE ELECTORS OF THE CITY OF WINTER PARK BEFORE THE CITY CAN AUTHORIZE OR ALLOW TO BE AUTHORIZED THE APPROPRIATION OR EXPENDITURE OF ANY CITY FUNDS FOR PURPOSES OF DESIGNING, PERMITTING, CONSTRUCTING, RENOVATING, MAINTAINING, OPERATING, OR SUPPORTING ANY STRUCTURE OR BUILDING FOR USE AS A COMMUTER RAIL STATION WITHIN THE CITY OF WINTER PARK; PROVIDING FOR A DEFINITION OF THE TERM "CITY FUNDS;" PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE. Second Reading

Attorney Cheek read both ordinances by title. Discussion ensued regarding the citizen initiative ordinances, if they can adopt an ordinance that would approve or disapprove a commuter rail station in Winter Park, and the importance of the ballot language to be easily understood by the citizens.

Mark Shabo (unknown address), asked for clarification of the term commuter rail station versus stop.

Sharon Strong, 155 Stovin Avenue, addressed their understanding of what takes place if the ordinances are adopted this evening and was not sure the Commission could change the content of the ordinances. Attorney Cheek stated the ordinances will be part of the code if adopted and if there is a ballot question that falls within their scope, that will go on the ballot but the Commission would establish the secondary ballot language.

Shay Silver, 755 Pansy Avenue, asked that the language within the ordinances be clarified for the public and commented on the need to be clear with the language on the ballot.

Carolyn Cooper, 1047 McKean Circle, asked that the citizens have the opportunity to vote whether a station and operations and maintenance costs for the commuter rail system is supported.

Paul Miller, 2863 Sanbina Street, asked for clarification on the location of the station/stop as related to the ordinances before them for second reading. Attorney Cheek responded.

Motion made by Commissioner Eckbert to adopt the first ordinance; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Motion made by Commissioner DeVane to adopt the second ordinance; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Attorney Cheek spoke about adopting the ballot language and the deadline to the Supervisor of Elections office and the ordinance he provided this evening with ballot language that is in draft form. Discussion ensued regarding the March 13 date that Orange County wants a decision by. Commissioner DeVane suggested adopting the ballot language by resolution this evening and tentatively by ordinance if the resolution is not sufficient. There was further discussion regarding how the ballot language should read to ensure it is clear. Comments were made regarding the funding provided by Congressman Mica to cover the cost of constructing the station.

Motion made by Commissioner DeVane to adopt the ballot language within the ordinance as provided by Attorney Cheek as a resolution and if an ordinance is needed to adopt it at the next meeting; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Attorney Cheek stated he will revise the ordinance and add comments made by Commissioner DeVane as follows: "for the third section, Use of City Funds to Support a Commuter Rail System, the question being "May the City of Winter Park appropriate or expend city funds for purposes of maintaining, operating, or supporting a commuter rail system within the City", Yes or No.

- b) Redevelopment of the Post Office property (Carlisle project) at 300 N. New York Avenue

Mayor Strong stated that his proposal was in a one page summary and would be available to the public via the website. He stated the developers interest is proposed to be acquired by the City; the post office be relocated to the Morse/Denning site (State Office Building site); an agreement with the post office requiring construction to begin by 2010; proposed that the existing library be sold and relocated to the Morse/Denning site; proceeds from the sale could pay for building a new library and a new post office on that site. He explained this as the first step in this process and the second related to City Hall and a Cultural Arts Center. He stated there were issues needing to be resolved before they could consider this; whether or not the existing library facility and a new post office could fit on the Morse/Denning site.

Jack Rogers, 1002 Temple Grove, explained that they had four architects and a landscape architect look at the site. He stated they will fit on the site; the post office would be a one story and the library a two story structure or expand it to three stories if necessary and there would be a parking structure involved. Mr. Rogers answered questions from the Commission.

Mayor Strong addressed the sale of the library possibly making available up to \$12 million more or less, four years from now, and the open question if that enough to build a new post office and library at that time. Mayor Strong spoke about the agreement of purchase and sale between Central Park Station Partners, LLC and the post office. He explained that agreement says that

CPSP can buy the post office for \$300,000 plus the cost of a new post office and they have a period of time to do that. He stated they put up \$100,000 as a deposit and there were various environmental assignments and title questions that had been resolved in the interim. Mayor Strong stated that was amended to provide for an extension for the closing date (2008) and the construction date.

He also explained the third agreement recently signed by the postal service. Mayor Strong addressed the issue if they do not relocate the postal facility to that complex, the City must build them a postal facility on the existing site. Attorney Cheek stated he spoke with Attorney Grindstaff, counsel for the developer, explaining that was not the Mayor's understanding of what had been discussed. Mr. Grindstaff responded this would not happen but he agreed with Attorney Cheek that if they could readdress that point if they chose to do so and to clarify it. Mayor Strong explained the third agreement (the assignment assumption of the agreement of sale and purchase between CPSP and the City).

Mayor Strong provided an update on the fundraising effort and stated they currently have commitments of \$1.5 - \$2.0 million. He asked if the City wants to bear the risk of the difference between what they have and the total obligation of \$5.3 million. He believed there will be more dollars contributed if this was a program to move forward as a Commission and as a community. However, he stated even if they do not receive this money it was a favorable transaction by the City; they have three years to put all of this together if they choose to buy out the Carlisle's interest. He asked if they wanted to make the commitment as a City to proceed on the track to obtaining the property.

Will Graves, (non-resident) 3048D George Mason Avenue, addressed the importance to retain the scale and character of Winter Park.

Lurline Fletcher, 790 Lyman Avenue, spoke against more traffic on Denning and Morse because of the close proximity to her residence and against large buildings and parking garages.

Michael Dick, 823 Granville Drive, spoke in favor of the City buyout of the developer's interest in the post office site.

Bob Melanson, Winter Park Public Library, spoke in support of a new library and provided a donation of \$1,000 toward the effort collected from their employees.

Pamela Roush, 733 Granville Drive, spoke in favor of the buyout and finding a solution.

Sally Flynn, 1400 Highland Road, thanked Mr. Walsh for backing off the project and asked for the opportunity to buy the property to expand the park.

Eleanor Fisher, 1620 Mayflower Court, spoke in favor of Mayor Strong's proposal.

Marc Hagle, 1220 Park Avenue N., spoke in favor of making the deal but spoke against raising taxes to help with a shortfall in contributions. He addressed business ideas he considered to help settle this issue.

Kathleen Kiely, 1800 Oneco Avenue, spoke about her belief that things will work out for the best.

Kevin Grail, 784 S. Pennsylvania Avenue, spoke in favor of the proposal to settle this issue.

Richard Cave, 221 Salvador Square, spoke in favor of keeping Winter Park a unique community.

Peter Weldon, 700 Via Lombardy, disagreed with the Mayor's proposal and spoke about ways to resolve this. He believed the US postal service has their own budget, the City should not pay for a new post office, and there are other ways to manage a constructive solution.

Ed Sabori, 446 Melrose Avenue, spoke against expending funds to buy out the developer.

Nancy Shutts, 2010 Brandywine Avenue, addressed her resentment with the deadline imposed by the developer and concerns with the City's reserve fund being depleted.

Bill Traylor, 150 Chelton Circle, spoke in favor of the proposal and to settle this issue.

Joe Terranova, 700 Melrose Avenue, commended the Mayor for his effort and spoke about the plan being good if it works. He addressed concerns with the City being at risk to build a post office to their specifications as well as other concerns regarding the proposal. He addressed his preference of moving forward with the Carlisle project as proposed.

Rosemary Gillett, 106 S. Interlachen Avenue, spoke in favor of the proposal presented by Mayor Strong because of the need to not build large buildings near the park.

Patty Heidrich, 1112 Schultz Avenue, spoke in favor of preserving the property as park land.

Patrice Shirer, 461 Fairfax Avenue, spoke against the proposal and the need for more facts.

Shay Silver, 735 Pansy Avenue, spoke in opposition. She asked for clarity on this and wanted to explore what monies we have.

Drew Krecicki, 1711 Chestnut Avenue, spoke in favor of the proposal and to move ahead.

John Christensen, 300 Carolina Avenue, opposed the proposal because of concerns with the financial shortfalls.

Richard Trismen, 1551 Laurel Road, spoke in favor of terminating the agreement and to pay off the developer and not form new partnerships.

Hattie Wolfe, 446 Melrose Avenue, addressed concerns about moving the post office because it belongs downtown. She spoke in favor of the Carlisle and believed it will be an addition to the City.

John Rogers, 1002 Temple Grove, explained a state of the art post office if the Carlisle moves forward. He spoke about the park and the village scale being the soul of the community. He urged the Commission to vote for the Mayor's proposal.

Forrest Michael, 130 North Center Street, Landscape Architect and a Master Planner for Central Park Master Plan, spoke in favor of the acquisition.

Tom McMacken, 1821 Shiloh Lane, believed that this presents a great opportunity but also has risk. He supported the Mayors initiative.

Mark Van Valkenburg, 319 Raintree Court, believed that this was a good opportunity and it was a great deal for Winter Park.

Mary Randall, 1000 S. Kentucky Avenue, spoke in favor of the proposal. She had concerns with the fragmenting occurring such as moving the post office and the library because these buildings should be located downtown.

Carolyn Cooper, 1047 McKean Circle, supported the Mayors plan as she thought it is a good opportunity for the City.

Kim Allen, 271 Virginia Drive, supported Mayor Strong's solution and explained that the City needs to move forward for the community to heal. Ms. Allen commented she received pledges of \$12,000 that evening from individuals and would continue to work on this.

Yvonne Traylor, 150 Chelton Circle, spoke in favor of the proposal and applauded everyone who came together to compromise on this issue.

Commissioner DeVane spoke about the problems with the proposed building as submitted in the last version. She thanked the development team for the opportunity to acquire this property as Central Park green space. She stated that \$5.3 million to the developers for facilitating this deal and the additional money to the post office seemed very reasonable. She suggested they find a location for a small retail unit (post office) downtown for convenience. Commissioner DeVane believed they will raise the money needed and addressed the uncommitted \$1 million in reserves from the sale of the Glenridge Middle school site. She spoke about CRA money that was initially committed which is between \$5 to \$5.1 million. She stated she will vote for this because it was important to the community.

Commissioner Metcalf discussed minimum and maximum costs such as building a parking garage, the post office and library.

Commissioner Eckbert spoke about the funds/pledges raised and commended the Mayor on his efforts to heal the community. He displayed a spread sheet that he put together on the financial commitment to gain a better understanding to make this proposition happen and what may be asked of the citizens of Winter Park in this endeavor. He explained the costs associated with the project; the opportunity costs to relocate the post office to the state office building site; the opportunity costs for not building the Carlisle building as proposed; and the library construction cost and opportunity costs which he stated it could mean for the citizens from an obligation perspective if they were to move forward tonight.

Commissioner Eckbert spoke about this not being an easy decision for him and his decision is based on what he believes is in the best interest of Winter Park. He stated there are many alternatives for the City and read his comments from March 30, 2006. He commented that the developers need to redesign the Carlisle; the City needs to examine relocating the sorting facilities to another location; and pledged that he would work with the Mayor to get past the acrimony of the election which he has worked to overcome. He stated that was his position then and it remains his position today. He named five alternatives: to buy back the rights of the developer; swap properties with the developer; scale back building compatibility with the city; proceed with litigation; or build it as it is. He did not believe it should be built as planned. He explained the financial analysis of the buy back as it stands today. He also stated that the public display of support and distain has been unhelpful to our public dialogue. He explained

the benefits of his alternatives. He stated he could not support the Mayor's proposal and he believed their efforts should focus on swapping properties or building a different building.

Commissioner Metcalf thanked the Mayor for taking on the challenge of trying to finding a middle ground. He stated with the creation of the post office and the parking garage he saw an \$8-\$10 million gap between the \$5.3 million which they still hope to raise. He believed that the Commission has some flexibility with how it handles its reserves for a short period of time. He expressed concern that they could not take on a \$10 million debt that requires bonds and a referendum without including all Winter Park citizens. He did not believe the citizens would agree to fund that but he was willing to let them try. He stated there needs to be a way to scale down the building. He stated he could not support a gap of \$10 million that is not in the budget.

Commissioner Storer reserved comment because he was not voting.

Mayor Strong stated he disagreed somewhat but not materially with Commissioner Eckbert's financial analysis; there is financial risk with proceeding with this transaction and we have not considered other opportunities to close the gap that he believed exists from other sources. He spoke about the lack of time to make a decision and believed with more time they could overcome many of the outstanding issues. He commented he was unsure if the developer was willing to allow more time, and given time he believed they can address this financial short fall. He stated he liked the idea of a scaled down Carlisle and/or relocation or trade of property but there was no agreement reached on that as of today. He asked Mr. Walsh if a decision needs to be made today or if they can address the issues over time. He stated Mr. Walsh is entitled to a decision today if that is their choice.

Commissioner Metcalf stated if there are opportunities to close the gap, he would be happy to have that discussion. Commissioner DeVane addressed the lack of communication recently regarding this issue because of the holidays and was amazed with the amount of funds raised to date. She further addressed opportunity cost using it as a commercial development and the difficulty of placing an economic value on a piece of park because it does not spin off hard ad valorem taxes. She spoke about her preference to have a bond referendum and to postpone making this decision for two more weeks to ask the community. Commissioner Eckbert stated the developer has dates whereby they must take certain legal action to preserve their positions. He stated he did not believe the door was closed to any alternatives and believed there was time and the deadline this evening is one which the developer needs to take certain actions.

Commissioner DeVane suggested to table this issue and meet with the developer, have an extension until January 29, and hold a work session to determine where the Commission wants to go and to communicate with the public as to what the Commission is trying to accomplish. Attorney Trippe stated they can legally table this item. Commissioner Metcalf asked if litigation was filed, if it gives the Commission the opportunity to have discussion as a shade meeting and determine if they can collectively come up with a better solution. Attorney Cheek explained the law.

Mr. Walsh thanked Mayor Strong for his honest and confidential discussions towards settling this matter. He stated they as two individuals had a handshake deal where they agreed there would be a decision made this evening for or against the settlement or the conditional use. He stated they all share the same desire to resolve this in the interest of Winter Park, its citizens and the development team. He explained that last year for months, they discussed a number of alternatives for the building of the Carlisle but that the only alternative that has publicly been presented has been the Mayor's proposal. He stated that Mr. Elsberry will address this as it

relates to the mediation process being confidential and held according to statute. He stated they believe they have been more than fair in trying to find and support alternative plans for the Carlisle and the time has now come for resolution on the approved plans that are before the Commission. He requested that the Commission vote yes or no on the Carlisle this evening. Commissioner DeVane asked if they wanted a decision on the P&Z's version. Mr. Walsh stated they want a decision on the matter before the Commission. Commissioner DeVane asked if they will allow the Commission to wait because of negotiations with buying out their position. Mr. Walsh stated he is always open to sitting down and having discussions.

Motion made by Commissioner Eckbert to approve the Mayor's proposal, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Strong and Commissioner DeVane voted yes; Commissioners Metcalf and Eckbert voted no. Commissioners Storer did not vote due to a conflict of interest. The motion failed with a 2-2 vote.

Mayor Strong stated they were moving on the consideration of the Carlisle plans as presented to the Planning and Zoning Commission (P&Z). He read a statement regarding the final development plans for the redevelopment of the Winter Park post office for the project known as the Carlisle. He explained the purpose of the hearing to review the final plan submittals and to determine if any significant changes or alterations have been made. He explained the options as spelled out in the code regarding any changes that may have been made and whether or not they are acceptable and the process already followed concerning this project. He addressed the format to be followed for the public hearing.

Planning Director Jeff Bridges stated that Planner Stacey Scowden would be the designated reader and that he would explain the important points. Mr. Briggs stated this is a two step process as done before on a number of projects. Ms. Scowden read the following into the record: "The conditional use and planned development review process is a two step approval process. Step one is the approval of the preliminary development plan; step two is the approval of the final development plan, together with the final draft of any development agreement that is needed for the project. According to City code, the two steps are designed to allow the applicant to gain review and approval of the general concepts prior to the preparation of detailed final plans. The City code further states that if the applicant so chooses and permitted by the Planning and Zoning Commission, the preliminary development plan and final development plan approvals may be combined in an attempt to reduce the time involved at the applicant's own risk. No such request was made by Central Park Station Partners LLC or approved by the Planning Commission or City Commission on January 11, 2005, January 24, 2005, or February 28, 2005. As another procedural step and in order to obtain a final draft of a development agreement as called for in the code, the applicant submitted to the City Commission and received approval on October 10, 2005 as to the form and content of such a final draft of the development agreement. As contemplated by both the City code and the City Commission at the time of approval of the form, that development agreement has not been signed by the City and will not be signed until the final development plans have been approved."

Mr. Briggs spoke about discussion with the press and the public that the applicant has received all approvals they need. He stated they need to go through this second step so they can build the project. Ms. Scowden summarized other projects that have come before the Commission as the two step process.

Mr. Briggs stated they are bringing a negative recommendation to the Commission for denial from the P&Z because of inconsistencies with the plans before the Commission this evening

that contrasted with the plans that were originally approved. Ms. Scowden addressed the motion by the P&Z for denial and listed the significant changes which are part of their motion. She addressed two of the criteria as important and read from Section 58-82(bb): (a) when there is an increase in the square footage of a proposed building of more than 250 square feet above grade, and (b) when there is a major shift or relocation of the site and floor plan(s) or the distribution of uses within a building. She stated that: "the issue involves whether the building's square footage has increased over the 250 square foot criteria founding Section 58-82 (bb) since the initial approvals. The original approved plans called for 194,385 gross square feet of above ground building (excluding parking garages and loading docks). The developer has indicated that this original space allocation did not include corridors, stairs and other internal circulation/support spaces, so those items and potentially other changes have increased the size of the building above grade by 33,415 square feet up to a 235,808 square foot building (again excluding parking garage spaces and loading docks)."

Mr. Briggs showed the plans from December 2004 that were at the meetings in January 2005 as well as the tabulation sheet showing 194,385 gross square feet that the project was approved for. He stated that is not what the Commission has before them today but has a project that is 33,000 or so larger than what was approved in 2005. He stated the project is larger than the number represented in January of 2005. He stated this is the most important issue in terms of the decision and rationale and defensibility of denial of this request. He stated it is not the same project that was before the Commission in January 2005. He explained the code where the applicant is supposed to bring back in the final plans the same building that was approved preliminarily which is not the case today. He spoke about the distribution of the uses in the building that changed.

Ms. Scowden continued with the shift of uses within the project. She stated: "the question is whether the shift of basement parking uses to the above ground post office, retail or residential condominium uses represents a major shift or relocation in the distribution of uses within the building. The intent of the provision is that if the City approves floor plans and uses proposed in a building and if those are changed significantly, the City should have some authority over such changes that occur between a preliminary and a final approval. For example, when the City approved this project with a prospective restaurant space on the first floor, it could be deemed to be a significant change if the developer decided to move the restaurant to the fourth floor. So it seems easy to conclude that switching the distribution of "uses" in the building from a basement parking use to an above ground retail, office or residential condominium use should be deemed a major shift in the distribution of uses within the building." Mr. Briggs stated we have a major change in the building plans from before, taking the parking space and moving it upstairs.

He summarized other issues that the Planning and Zoning Commission addressed that were differences in the plans: the building is 3 feet taller on the south end from January 2005; there has been change in the location of the stormwater retention; and the number of units from 130 to 69 was significant. Mr. Briggs entered a presentation provided on a CD prepared by P&Z member John Stevens regarding changes made the exterior façade of the project and the terraces becoming smaller. He stated the argument that the project is the same as before on the outside is no longer true because the project has changed on the outside and inside.

Mr. Briggs addressed the development agreement provided in the Commission agenda package from October 2005 that no longer contains the commitment for the CRA to invest \$275,000 for the New York Avenue streetscaping. He stated the applicant agreed at the P&Z to remove that and they believe the tax increment created by this project will more than fund that down the

road. He summarized each easement that the applicant would require to build the project. He stated if it goes to litigation, the applicant will not only have to convince the judge that the City did something wrong, but also that the City is obligated to grant the applicant the three easements over City property so they can use it to build their project. He concluded by addressing the approval given in 2005 and the City has to deal with it in some fashion. He stated the P&Z has said in their recommendation is that this is not what the Commission approved; the staff recommendation is for approval but with modifications to reduce the size and scale of the project with which it was originally approved. He stated that these final plans do not conform to the original approval. Commissioner DeVane addressed changes in the uses within the building regarding the parking level and the elimination of the commercial component that was to be on the corner of Canton and New York Avenues.

Attorney Michael Elsberry, representing the applicant Central Park Station Partners (with partner Janet Courtney), spoke about the agreement not approved this evening to settle this issue which forces them to move forward and enforce their legal rights. He provided copies of materials they previously submitted and provided an index of the 34 materials produced altogether in the binders provided. Mr. Elsberry spoke about the history of the project and the process that led to the Carlisle development. He addressed the points made by Mr. Briggs and some made by the P&Z. He asked that the project be given fair and equitable consideration based on the City code, Florida law and other applicable principles and not the publicity surrounding the project. Mr. Elsberry spoke about the development plan being approved in January 2005 and re-approved in their view when the development agreement was approved in October 2005. He stated there have been no legally significant changes since that time. He stated under the code, the developer is entitled to approval of the plans. He stated they are under the opinion they have already received all the approvals but have been told they have not; they are back in cooperation to move forward with reserving the right to take the position that they already have the approvals. He stated the developer's plan was approved in October 2005 and attached to it was the final development plan.

Mr. Elsberry addressed the history of the project since 2001. He stated they objected to the issues before the Commission this evening but will still address them. He spoke about staff's recommendation for approval of the final development plan subject to a change in size. He spoke about the conditions they agreed with and the P&Z reasons for denial and suggested that none of the P&Z recommendations are justified under the code. He addressed the P&Z denial was because of objecting to the location of a stormwater retention basin to an offsite location; Mr. Briggs stated an easement was required. Mr. Elsberry disagreed with this.

Mr. Elsberry objected to the issue of building size because they believed the new ordinance cannot be applied to the project. He commented about Section 58-82(bb) and that it was not the code in effect when the Carlisle was first approved. He spoke concerning the old code that he stated did not state anything above grade for building size and read what the old code stated versus the new code. He disagreed with Mr. Brigg's statement regarding the building increasing in size by 30,000 square feet above grade excluding parking and loading thus making the change significant and listed the reasons why he believed why this was incorrect. After further comments, he stated that if you compare the preliminary approved plan to the plan before the Commission this evening, you see a reduction in building square footage of 53,214 square feet because the second level of the parking floor has been eliminated. He argued that the building has not changed if you compare the visual perception of the building because the height nor the length or width has changed. He further addressed and disagreed with Mr. Brigg's analysis of the definition of gross floor area versus building. He stated if you do not apply the new ordinance retroactively, there is no legally cognizable significant change in the size of the plan

since the preliminary plan and the final plan. He stated the changes in size that were made were not significant and were all inside the building envelope and effectively invisible to the public. He continued to comment on the new code versus the old code. He stated the only legally operative code provisions involve shifts of the site plan and not uses within the building. He stated it is a change but it is not a legally significant change on which the developer's approval can be denied. He then addressed the setbacks on New York Avenue and stated the building setback has not changed. Mr. Elsberry spoke about comments made by Mr. Briggs regarding an easement for a terrace. He stated there has been no change in the planned terrace and it is a public use terrace and the P&Z was incorrect regarding the terrace. Mr. Elsberry addressed the P&Z being troubled by the absence of a final landscape and streetscape plan but that staff was not.

He stated at the time they received conditional use approval and preliminary development approval in January and February 2005 they invested approximately \$300,000 in the Carlisle project and that they have incurred extensive financial obligations and expenses in excess of \$5.6 million. He stated that applying the new ordinance to the Carlisle project after extensive reliance would be the equivalent of changing the rules in the middle of where they are now and would be unfair, highly inequitable and unlawful and would result in a manifest injustice which would cause legal damages to them in the magnitude of \$20-\$30 million. He stated in the absence of no significant change between the original preliminary development plan and the plan before the Commission today, their code requires approval of the final development plan regardless of who votes on the Commission or what adverse reaction will result among those. He stated the Carlisle before the Commission is in every major respect the same project approved by the Commission in 2005. He requested that the final development plan and conditional use approval be confirmed in accordance with the contract between Central Park Station Partners and the City that was created under their code when the preliminary approval was approved and in accordance with what the law requires and what is right.

Phillip Tieke, 1760 Gaines Way, stated if the City rejects the proposal, he pledged \$10,000 to defend that effort.

Jan Nichols, 1505 Bonnie Burn Circle, asked for denial and to fund the Mayor's proposal.

Bernard Essex, 269 E. Canton Avenue, spoke against the approval and against the developer.

Ann Saurman, 1041 Osceola Avenue, asked for denial.

Kathlyn Grammer, 200 S. Interlachen Avenue, spoke against the final approval.

Marc Hagle, 1220 N. Park Avenue, stated litigation should be avoided at all cost and issue needs to be negotiated.

Carolyn Cooper, 1047 McKean Circle, commented about the cost to the City because of a lawsuit and on the need to settle. She addressed the comprehensive plan. She asked for support of the Mayor's plan.

Martha Hall, 331 W. Lyman Avenue, spoke on the need to do what is right for our citizens and to avoid a lawsuit.

Bill Traylor, 150 Chelton Circle, asked that the Commission work in the best interest of Winter Park. He stated the citizens do not want this project in Winter Park.

Richard Trismen, 1551 Laurel Road, spoke against the developer's attorney in some of this statements made. He stated that he did not believe the City is going to have to defend people who are acting under the color of law.

Judy Green, 1006 Temple Grove, asked that the Mayor's proposal move forward.

Pete Weldon, 700 Via Lombardy, addressed the need for the Commission to act professional and respect the value of his taxes. He stated the Mayor's proposal has died because of the lack of funding. He suggested two proposals to resolve this.

George Wiggins, Director of Building, spoke on behalf of Planning Director Jeff Briggs. He stated that he knows the code better than anyone else and trusts his knowledge of the code.

Mr. Walsh made comments that they have not acted in bad faith and have not abused the process or gone around it. He addressed the Commissioners being a part of this process, the P&Z and Commission presentations over the past few years have been accurate and right. He addressed comments made by Mr. Hagle he believed were inappropriate and incorrect and by Mr. Briggs who he believed misrepresented the facts and were incorrect. He addressed wanting to settle this and working with the Mayor to try and resolve this matter and asked that the Commission to do the right thing and commented he is always willing to talk.

Will Graves, (non resident), 3048-D George Mason Avenue, asked to keep raising this money to settle this.

Pam Peters, 467 Lakewood Drive, addressed the need to preserve green space. She spoke about the importance of the process engaging the people when you propose to make fundamental changes. She expressed the importance to treat each other respectfully and to try and find a way out of this without litigation. She asked the Commission to support the Mayor.

Bob Harnett, 401 Lakewood Drive, suggested that because Commissioner Eckbert and Commissioner Metcalf were on the dissenting side and the motion to support the Mayor's program failed, that they make a motion to reconsider and leave it pending to a time certain which allows the Mayor to continue seeking public donations and other state and federal programs that may allow this issue to be concluded.

Unknown speaker (did not identify herself) spoke about the importance that the entire city participate in the campaign to raise the funds and to not put all of the burden on the Mayor.

Commissioner Eckbert asked if there is a staff response to the discussion made by the applicant this evening or by the discussion subsequent to the presentation this evening. Mr. Briggs did not wish to respond to the comments made the developer and stated that staff stands by the staff report and the numbers which are the numbers produced by the applicant, not staff.

Attorney Cheek stated there were comments made in favor of the project and against the project that he did not agree with but will be happy to answer questions to resolve issues the Commission may have. He stated the Commission has an application for final development approval and final conditional use approval.

Commissioner Eckbert addressed the difficulty of making a decision because of claims made this evening that were contrary to each other and without addressing this discordance, a

decision will be made uninformed about significant issues before them. He spoke about accusations and claims made by the applicant which are going left unaddressed and undefended. He stated he would like for someone to take Mr. Elsberry's claims and address them one by one and to defend the City.

Commissioner DeVane spoke about the building plans and controversy with the codes. She addressed her concern with not comparing the two plans and not seeing there are significant differences. She stated this project had special agreements as it moved forward to include the types of units and how many, and that it was a mixed use project. She disclosed meeting with Mr. Keen and Mr. Byran in the past couple of years trying to encourage changes in the building that would be acceptable to the community and that everyone would agree with.

Commissioner Metcalf expressed concerns with not having the opportunity to question some of the points that Mr. Elsberry made and spoke on some points he knew were correct. He stated there was very little controversy in the past concerning the project and that he would like more answers to the comments made by Mr. Elsberry from City staff so he understands exactly where they are. He stated he was not inclined to vote to give the permit. Comments were made by the Commission regarding their opinions and feelings on this issue.

Motion made by Commissioner Eckbert that the changes are significant and that final development approval and final conditional use approval of the Carlisle plan be denied this evening and do so with concern for the approach the developer has taken to this point upon he believes reasonable resolution of this depends and my movement on that behalf is to facilitate further discussion of the ultimate solutions for the Carlisle; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Eckbert, Metcalf and DeVane voted yes. Commissioner Storer did not vote. The motion carried unanimously with a 4-0 vote.

Mayor Strong commented to Mr. Walsh that he hopes they do the right things and that the door will be open to continue discussions to resolve this. He stated he will continue to raise the funds.

Motion made by Commissioner Eckbert that the Mayor continue with his efforts to raise funds as we consider other efforts to resolve these differences hopefully outside the bounds of litigation; seconded by Commissioner Metcalf and carried unanimously by a 4-0 vote.

NEW BUSINESS (PUBLIC):

No new business.

NEW BUSINESS (CITY COMMISSION):

No new business.

The meeting adjourned at 11:44 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Staler Douglas Ray</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Commissioner</i>
MAILING ADDRESS	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 _____	NAME OF POLITICAL SUBDIVISION <i>W.P.</i>
DATE ON WHICH VOTE OCCURRED <i>1/16/07</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Doug Stoner, hereby disclose that on 1/16, 20 07.

(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 _____, 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:

I have an agreement with Central Park Station Partners

Date Filed 1/16/07

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 <i>Storer Douglas Ray</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Commission</i>
MAILING ADDRESS	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 _____	NAME OF POLITICAL SUBDIVISION <i>W.P.</i>
DATE ON WHICH VOTE OCCURRED <i>1/16/07</i>	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.

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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, Doug Storer, hereby disclose that on 1/16, 20 07:

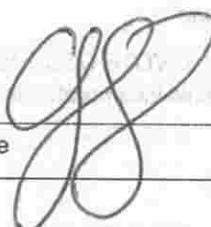
(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, H/D Supply;
- 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 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:

Purchase of Electric Utilities
Item 3 b) i)

Date Filed 1/16/07

Signature 

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