

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
November 27, 2006**

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 Assistant City Manager Randy Knight, 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 Cindy Bonham

Mayor Strong briefly spoke about the Carlisle and expected the presentation to occur in mid December. He requested this item be tabled, and Mr. Michael Ellsberry, representative for the Carlisle, concurred. **Motion made by Commissioner Metcalf to table the Carlisle, seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners, Eckbert, Metcalf and DeVane voted yes and Commissioner Storer abstained from voting due to a conflict of interest. The motion carried with a 4-0 vote.**

Mayor Strong suggested that the presentation for Carlisle site plan review and discussion be held December 18, 2006 at 3:30 p.m. He asked that the Carlisle presentation be advertised as a special meeting on December 18, 2006. The Police Department Service Level Review meeting will be rescheduled.

Mayor Strong suggested that the regular scheduled Commission meeting on January 8, 2007 be rescheduled to Tuesday, January 16 after the Martin Luther King Day holiday. He explained that would give the public the opportunity to absorb what is discussed at the December 18 Carlisle meeting. Commissioner DeVane asked that the rescheduling of meetings be postponed until the next Commission meeting to allow her time to review her calendar. Mayor Strong agreed to discuss these dates at the next Commission meeting. He explained that the meeting for the Carlisle on December 18 will be a presentation and not a public hearing and should be a work session.

Commissioner DeVane stated she had concerns regarding the material/documents provided by the Carlisle and wanted clarification. She asked to speak with someone prior to the Carlisle presentation on December 18. Mr. Ellsberry responded that he would arrange that prior to the meeting.

MAYOR'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 addressed receiving a telephone call from a representative from the Orlando Regional Medical Center who asked for the opportunity to provide input to the Commission prior to the adoption of a resolution. Commissioner DeVane stated she would like for everyone to read the resolution adopted by Orange County. Copies were provided to the Commission. Commissioner Metcalf asked how this came about. Mayor Strong stated the resolution was sent to him and he placed it on the agenda for consideration and believed it was also sent to other municipalities in Central Florida. He stated they will discuss this on December 11 as to whether or not they would like to support the resolution from Nemours and or to support an alternate resolution.

- b) Discuss letter from State Attorney Lawson Lamar regarding campaign contributions, potential conflicts of interest, and disclaimer requirements.

Mr. Scott Pinion, representing the State Attorney's Office, answered questions and clarified the issues within Mr. Lamar's letter. Commissioner DeVane asked if his office recommended a draft ordinance or if they would provide one to the Commission. He explained that was more of a legislative branch issue and it was up to the local community to draft ordinances. Mr. Pinion felt that their main issue was identification of potential conflicts to the boards.

Mayor Strong stated he agreed with the goal of providing more transparency in elections and government and they need to rely on City Attorney Cheek to advise them. He asked Attorney Cheek to review this and to prepare an ordinance(s) for their consideration. Attorney Cheek concurred.

Commissioner Metcalf expressed concerns with only being allowed to collect small amounts from people. He spoke about the cost for a single mailing and did not believe this would be reasonable. He stated if there are questions about the ethics, morals or skills of the Commissioners, that should be addressed but he did not think they should make it more difficult to run a campaign. He stated he had no problems with the disclosure issues and if there was something not known, he was in favor of placing all the campaign finance reports on the Winter Park web site.

Commissioner DeVane asked that the Ethics Advisory Task Force add this to their discussion. She addressed the campaign contribution size and disagreed with Commissioner Metcalf. She explained that she would like to make it more stringent and only allow contributors to be registered voters who live in the City of Winter Park and not from corporations, LLC's or consultants. She stated this would be an important Charter amendment. Mayor Strong stated he believed the Ethics Task Force were presently looking into this and asked when they could report to the Commission. Task Force Chairman Jim Markel stated they will provide a report the end of January 2007. Mayor Strong stated they will consider this after hearing from the Ethics Task Force.

Commissioner Eckbert stated he would like to know more about campaign finance reform and what has been accomplished. He wanted to know what the process has been for people who have been successful in other jurisdictions before they lay out a game plan. He hoped there would be a consensus for a Charter review and he saw all of these issues coming together.

Commissioner Storer stated they need to review this and get as much information out to the public as possible. He had concerns with candidates not getting information about their candidacy out to the public because of a lack of contributions. He stated he was appalled at the amount of money being spent on campaigns and that it needs to be reviewed.

Mayor Strong thanked Mr. Pinion and State Attorney Lamar for bringing this to their attention. He stated they look forward to meeting with him after giving this further consideration.

c) Reschedule Fire Department Service Level Review.

City Manager Williams explained the need to reschedule the Fire Department and the Police Department Service Level Reviews. There was a consensus to schedule the Fire Department on December 11 at 2:00 p.m. and the Police Department on December 18 at 2:00 p.m.

CITY ATTORNEY'S REPORT:

a) De-annexation agreement for Benjamin Partners properties.

Planning Director Jeff Briggs explained this agreement sets the stage for the City to temporarily de-annex 13 properties in the Home Acres area north of Lee Road and east of US 17-92. He stated this will allow the developer to work with Orange County to determine the parameters possible for redevelopment. He stated once the properties are developed, Benjamin Partners, Inc. has agreed that these properties can be annexed back into the City of Winter Park which will provide a prospective increase in tax base for the City. He stated that Orange County will make the development decisions. Mr. Briggs explained they will need to advertise this de-annexation ordinance for future public hearings and see if this can be accomplished. Mr. Briggs responded to Commission questions and concerns. It was clarified that approval of the agreement sets into motion the adoption of an ordinance and future public hearings. Attorney Cheek will prepare an ordinance.

b) Housing Authority request – Plymouth apartments.

Planning Director Briggs explained the agreement already made with the Housing Authority regarding the Plymouth Apartments. He stated the Commission agreed to provide up to \$1,000,000 of financial assistance over a ten year period and \$100,000 per year, where the first three years may be a grant and the next seven years as a loan. He stated they passed the resolution but the terms of the loan were not worked out in detail and it was necessary for the closing to go through. He addressed the Housing Authority's request for the money to be loaned at a zero interest rate, with a repayment over 20 years and in year eleven (11). Mr. Briggs responded to board member questions and concerns. Mayor Strong stated his understanding was the first 3 years was not a grant and at the moment it was a loan. He was in favor of the zero percent interest but wanted a provision that if they refinanced this property, that the City would be repaid their loan.

Housing Authority Executive Director Lynda Hinckley explained they cannot do the deal without an infusion of cash and that has not changed. She stated unless they receive this concession from the City it will be very difficult for them to close on the property. Ms. Hinckley addressed the land use restriction agreement is presently five years and they have applied for a decoupling; if that is approved, it extends the land use restriction for another five years. She

explained that the City is still restricted for a minimum of a ten year period. Mayor Strong asked if she expected this financing to be outstanding for the entire ten years, with no feasibility of refinancing in the interim. Ms. Hinckley concurred. She stated that it may have cash flow in the fifth year, but because they are only doing 50 % of the rehab in year five they may be caught up in the balance of the rehab.

Mayor Strong asked if they could conceivably refinance this project by the end of the ten year period and repay the City. Ms. Hinckley stated that language would be acceptable to them if they are in a position to refinance and if they have the cash to do it. Mayor Strong asked about the other areas of the financing and the terms. She stated it was 20 year financing, no balloon and she was unsure about the right to pre-pay. He stated they cannot make a decision on how the City expects to be repaid until Ms. Hinckley knows what the underlying loan requires. Mayor Strong asked Ms. Hinckley to return and let the Commission know what is feasible. He stated the City should be repaid as soon as possible.

Commissioners Eckbert, Metcalf and DeVane discussed their recollection of this agreement. Commissioner DeVane recommended they continue with the evaluation of what should be done in the first three years and evaluate what they are going to do with the \$300,000 at the end of ten years. She explained at the end of the ten year period they have two things they can decide on; whether or not it was an outright grant for years 1-3 of \$300,000 and how they want to be repaid; either be repaid or decide if they would like to roll it into another loan, at that point they can specify if they want it with interest. Commissioner DeVane commented she would like the Housing Authority to have as much flexibility as possible as they move forward and commented that this was an important decision.

There was a consensus that there would be zero percent interest. Mayor Strong reconfirmed the City would provide \$100,000 per year and will determine whether it is a grant or a loan, up to ten years. He stated his only question was if the Housing Authority would have the ability to repay the Winter Park loan at the end of ten years or if they will need more time. He asked Ms. Hinckley to return on December 11 or meet privately and let the Commission know what their underlying loan requires so the Commission can take action on the repayment.

Commissioner DeVane suggested because this needs to close before the end of the year, to empower the Mayor as a Commission to go ahead and do what is appropriate. Mayor Strong stated he would be happy to do that; the only issue at this point is how the City will be repaid and the need for information from the underlying lender before they make a commitment. He addressed their support being 100% but that they need to work out this detail before they can move forward.

Ms. Hinckley stated she would prepare the information. Mayor Strong asked if Commissioner Eckbert would take responsibility for dealing with this. He questioned if the underlying lender would permit the forced refinancing of the City's maturity in year ten. Mayor Strong asked Ms. Hinckley to contact their financial advisor Scott Zimmerman and ask him to give the Commission a model. He suggested that maybe one or more of the Commission could meet with Mr. Zimmerman to try to understand what can and cannot be done with the underlying lender and resolve this issue. Mayor Strong asked Mr. Briggs if it was correct that the Affordable Housing Fund had sufficient monies to fund this in the future. Mr. Briggs concurred and stated the revenues were \$350,000 per year and there was plenty of money.

c) Proposed tree protection ordinance.

Parks and Recreation Director John Holland presented the proposed tree ordinance. Forestry Division Chief Lee Mackin recognized the Tree Preservation Board and explained their dedication and the research/man hours that went into this ordinance.

Beth Dillaha, Tree Preservation Committee, provided a powerpoint presentation explaining the importance of protecting trees. Margie Bridges continued the presentation regarding the proposed revisions made to the ordinance over the past 14 months.

Attorney Cheek stated this has not been presently advertised as an ordinance. Commissioner Eckbert stated this is an issue that affects every property owner in the City and he would like to see extended notice and the summary of proposed changes provided to the residents. Commissioner Metcalf stated that he read the letter from Stephen Patagas regarding camphor trees and that the Commission needs to address camphor trees and resolve the question about protecting them. Ms. Dillaha responded that they started researching ordinances in the State where they protect these trees; they do not feel that camphor trees are a threat to Winter Park and they can co-exist with other trees.

Mayor Strong agreed with providing City-wide notice to every household for a public hearing. Commissioner Metcalf suggested this be in the next Winter Park Update as a major article that would go out January 1, 2007. Director of Communications Howard said she would speak with the board; they can advertise the public hearing and say that more details will be forthcoming. There was a consensus that this be heard during the first meeting in February 2007. Mayor Strong asked Attorney Cheek to prepare the appropriate ordinance. Attorney Cheek stated there was a draft ordinance that needs a little technical review but it was almost ready.

Commissioner Eckbert suggested that the changes be reviewed by the responsible builders who will be asked to execute these new ordinances. Mr. Mackin stated that contractors attended a work session and the ordinance was well received. Commissioner DeVane spoke about the board including as many developers as possible in the conversation about the impact on trees during construction and she thanked the board for their hard work on the ordinance.

CONSENT AGENDA:

- a) Approve the minutes of 10/23/06 and 11/13/06.
- b) Approve the following bids and purchases:
 - 1) Purchase of electric transformers PR 130010, PR 130097, 130098, 130099 to Hughes Supply Utilities, LLC.; \$395,181.00 (Budget: Electric Utilities)
 - 2) PR 130010, to Hughes Supply Utilities, LLC, for transformers; \$181,750.00 (Budget: Electric Utilities)
 - 3) Award of bid WP-30-2006, Interior Plant Maintenance for Rachel D. Murrah Civic Center, Farmer's Market, City Hall East and West Wing, and Public Works Administration Building, to Plantmosphere Interior Landscaping, amounts noted on the attached tabulation sheet. (Budget: Various listed departments)
 - 4) PR 130149, to Cues for a TV inspection van cube for W/WW Utilities to inspect lines; \$129,800 (Budget: Vehicle Replacement Fund)

- 5) PR 130150 (after the fact) to Cues for a TV Test & Seal Truck, under the Indian River County contract #7056; \$184,530.00 (Budget: Vehicle Replacement Fund)
 - 6) PR 130151, to Southern Sewer Equipment for Va-Con sewer cleaner, from FDOT contract PO0384, item #3; \$227,671.00 (Budget: Vehicle Replacement Fund)
 - 7) Extension of ITN-9-05/6, Purchase of Custom Ambulances, to Medtec Ambulance Corporation, all prices, terms and conditions remain as in the original agreement.
- c) Approve the following budget adjustments:
- 1) Appropriate FY 2006 revenues in excess of budget estimates to cover expenditures.
 - 2) Carryover \$75,700 in funding for ongoing Building Maintenance special projects from FY 2006 to FY 2007 (FY 2007)
 - 3) Transfer one third of funding required to purchase two Auto Pulse defibrillation devices. Equal transfers will be made in FYs 2008 and 2009 to cover the cost of the purchase
- d) For Your Information – October 2006 Financial Report
- e) Authorize the Mayor to execute the Interlocal Agreement with Orange County regarding the Lake Bell Municipal Service Taxing Unit.
- f) Approve the North Highland proposal for the continuation of services as related to the strategic planning sessions in the amount of \$7,500.

Commissioner Storer requested items 3)b) 1 & 2 be removed from the Consent Agenda.

Motion made by Commissioner DeVane to approve the Consent Agenda with the exception of items 3)b)1&2, seconded by Commissioner Metcalf and carried unanimously.

Commissioner Storer disclosed a conflict of interest and did not vote on Consent Agenda items 3)b) 1&2 because it involved his employer. **Motion made by Commissioner Metcalf to approve items 3)b) 1 & 2; seconded by Commissioner DeVane. The motion carried with a 4-0 vote, with Commissioner Storer abstaining.**

PUBLIC HEARINGS:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO ABANDONMENT OF THE WEST 10 FEET OF A 15 FOOT UTILITY EASEMENT REDUCING THE UTILITY EASEMENT TO 5 FEET; ABANDONING THAT PORTION OF THE 15 FOOT PLATTED UTILITY EASEMENT ON LOT 2 AS RECORDED IN PLAT BOOK 8, PAGE 76, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS LYING WITHIN ANCHORAGE ESTATES, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Terry Hotard, Utilities Department, explained the request to abandon a portion of the utility easement. He explained when platted in 1981, there was a 15' utility easement running on the easterly side of the property and the applicant has requested to have 10' of the 15' abandoned. He stated they have letters from the utilities who are in agreement with the abandonment. He stated this only applies to Lot 2 and he did not receive a request from the other property owners. He spoke about their intention to have the

power in the front and is accomplishing part of that when servicing Lot 2; the transformer that serves that lot will be in the front and will not be served from the back. Commissioner DeVane asked if the remaining houses are still being served from the rear. Mr. Hotard stated the lots along McKean Circle which backs up to the east, are served from the back. He stated this is taking a major step of undergrounding that system within the platted subdivision. He stated they are moving fairly quickly in this area. No public comments were made.

Motion made by Commissioner Metcalf to accept the ordinance on first reading; seconded by Commissioner Storer. 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.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR A REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF THE EXPENDITURE OF PUBLIC FUNDS ON A COMMUTER RAIL STATION ON PROPERTY NOT OWNED BY THE CITY; PROVIDING AN EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR A REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF THE CONSTRUCTION OF OR OTHER CREATION OF A COMMUTER RAIL STATION WITHIN THE AREA OF CENTRAL PARK; PROVIDING AN EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR A REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF THE CONSTRUCTION OF OR OTHER CREATION OF A COMMUTER RAIL STATION WITHIN THE AREA OF CENTRAL PARK OR IN THE CENTRAL BUSINESS DISTRICT; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read all three ordinance titles and explained the differences in the three ordinances.

Michael Dick, 823 Granville Drive, spoke in favor of adopting the ordinances to allow a commuter rail voter referendum to allow the right to approve or reject commuter rail within the City.

Sally Flynn, 1400 Highland Road, spoke in favor of adopting the ordinance which also includes the possible location of a station in the Central Business District.

Carolyn Cooper, 1047 McKean Circle, addressed the lack of language in the ordinances to disallow a private developer to provide private funds to build a station anywhere outside of the newly defined CBD. She expressed concerns with a station being built without holding a referendum. She stated she was against the City paying operation and maintenance costs for a station built with private funds without holding a referendum.

Kit Pepper, 2221 Howard Drive, spoke in favor of a commuter rail station in Winter Park and asked that the Commission do what they are elected to do and make the decision regarding commuter rail.

Susan Gabel, 1539 Golfside Drive, clarified they want a referendum held so they have the right to vote on this issue and to be educated.

Richard Cave, 221 Salvador Square, spoke against commuter rail because of the possibility of attracting crime.

Will Graves (non-resident), 3048-D George Mason Avenue, spoke in favor of a referendum.

Marc Hagle, 1220 Park Avenue North, spoke about not being sure at this time where he stands on the issue of commuter rail because the information is still being gathered but addressed the need for major decisions to be put to the vote of the public.

Commissioner DeVane asked about the Orange County Commission decisions that Maitland and Winter Park be excluded from O&M costs. Commissioner Metcalf stated that is the proposal from Commissioner Siegel for their December 5 agenda. She expressed concerns with obligating the City with opened ended costs that the City will not know what they are until sometime in the future. She spoke about the substantial taxes that Winter Park pays to Orange County and she believed it to be their responsibility to pay the O&M costs. She also addressed and expressed concerns if the City will be required to repay the loan that the State is doing to purchase the property from CSX without having parameters as to those numbers. She asked about the timeline and how this will impact decisions whether or not to move forward with these ordinances, but that this is important information as the Commission moves forward.

Mayor Strong spoke about the Commuter Rail Task Force having preliminary numbers which they will present on December 4 and December 7. There was discussion about the timing necessary to adopt the ordinance so it is on the March ballot. Mayor Strong stated he believed they were a few days premature of having all the facts. Commissioner Metcalf commented about not knowing at this time what is going to happen with Orange County and spoke about other decisions that will need to be made in the future and funds he believed will be provided to the City. He addressed the importance for the Commission to go through the process and to obtain all the information from the task force.

Commissioner Eckbert spoke about it being premature to adopt these ordinances because of the lack of the facts at this time and asked that a decision be deferred until the task force brings back the facts. Don Marcotte, Assistant Public Works Director, reminded the Commission of the Commuter Rail Task Force Public Information Sessions that are designed to gather public input and that all the facts they currently have will be presented at those forums.

Mayor Strong asked if there are other remaining facts to be discerned, other than the decision to be made by Orange County on December 5 regarding who will fund the O&M costs. Mr. Marcotte stated they received information regarding the O&M costs that Winter Park would be charged with and which will be presented at the December 4 and 7 Winter Park forums. Mayor Strong spoke about the City having information provided by DOT as to what they believe the City should pay in the absence of a waiver by Orange County. It was clarified that number could go away at the Orange County meeting on December 5. He stated that the task force plans to provide the Commission with their recommendations the third week of January.

Mayor Strong commented that Orange County wants the City's decision by February 15. Commissioner DeVane stated that if it appears the City will have a referendum that Orange

County needs to be aware that it makes no sense to have a referendum then have an election directly following the referendum. She expressed the need for them to occur at the same time. Mayor Strong stated he suggested that to Orange County who was not very receptive. Commissioner DeVane spoke about the County not being easy to deal with all throughout this process. Mayor Strong expressed his preference of holding a referendum (if there is one) before the February 15 County deadline.

Commissioner Storer stated we do not have all the information the City would like to have to make a decision this evening and to keep it on track for Orange County's timing. He stated we need to ask if Orange County will push back their timeframe. He agreed that any substantial funds that are obligated to or spent should go to a referendum. He addressed the need to review the entire facts and that persons signing the petitions going around have not heard all the facts.

Commissioner DeVane agreed to postpone the ordinances until the next meeting to allow time to hear all the facts related to this issue. She suggested utilizing a trial period for 5-7 years to determine if Winter Park wants to remain a station after that time period. She stated at that point the City can figure out how to cover the costs if they decide to keep a station in Winter Park.

Commissioner Metcalf commented this would not begin for another three years and the O&M costs will not be dealt with for another few years. Commissioner DeVane commented about who she believed would use the commuter rail system and about the need to provide transportation from the station to other destinations within the City.

Motion made by Commissioner DeVane to postpone the first reading of all three ordinances until December 11, seconded by Commissioner Eckbert. Upon a roll call vote, Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. Mayor Strong voted no. The motion carried with a 4-1 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO REPEAL 58-90 "PLANNED DEVELOPMENT (PD) OVERLAY" AND AMENDING SECTION 58-86 "CONDITIONAL USES" TO PROVIDE THE CITY COMMISSION VARIANCE AUTHORITY FOR SETBACKS AND LOT COVERAGE AND LIMITED BUILDING HEIGHT, PROVIDING FOR APPLICABILITY, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Planning Director Briggs explained the comprehensive plan stating that the PD ordinance should either be repealed or be significantly overhauled as terms to its effectiveness and broadness of its scope within one year after adoption of the comprehensive plan. He addressed the residents request to not wait until the comprehensive plan is adopted. He stated the P&Z Commission recommended to repeal the PD ordinance as it currently is but to put parts of the ordinance into the existing code, i.e., the ability of the Commission to grant variances as they deal with conditional uses in terms of setbacks and lot coverage, which will maintain parts of the flexibility that they liked about the PD ordinance when first adopted. He spoke about the ordinance providing unlimited power to grant height and FAR variances which upset certain residents. He explained what other cities and counties do and that the P&Z wants to review other ordinances because they believe the PD should be a part of the code but want to refine it after the comprehensive plan is adopted. He

concluded that for now the recommendation is to repeal the ordinance and to save some of the important flexibility portions so flexibility exists on projects.

Commissioner Eckbert referenced comments made at the P&Z meeting about a temporary suspension period and if there needs to be other revisions made to the PD Overlay in the future. Mr. Briggs responded. Commissioner Eckbert asked other questions regarding the PD ordinances versus the comprehensive plan whereby Mr. Briggs responded. Mayor Strong asked if there was a reason we cannot work on a PD ordinance at this time. Mr. Briggs explained their workload and the lack of staff. Commissioner DeVane commented about the large workload currently in the Planning Department and a vacant frozen position in that department. She asked about the likelihood of that being filled in the near future. City Manager Williams explained it is a matter of finding a person capable to fill the position but they can move forward. She asked that this position be unfrozen so the position can be filled.

Carolyn Cooper, 1047 McKean Circle, spoke in favor of repealing the current ordinance. She commented that the ordinance is not in compliance with the State statute and that it needs certain revisions. She addressed her preference of not moving parameter setbacks as part of a conditional use.

Jack Rogers, 1002 Temple Grove, spoke in favor of repealing the current ordinance and addressed portions of the ordinance that he believed were in need of revision. He addressed the importance of following the vote of the P&Z.

Will Graves (non-resident), 3048D George Mason Avenue, reminded the Commission they cannot change their mind once the building begins on an approved project and spoke about the lack of limitations for building in Winter Park.

Beth Dillaha, 1801 Forrest Road, agreed with the need to hire an additional planner. She spoke against the current PD ordinance in place and the need to repeal it. She addressed the vote of the P&Z and why they voted the way they did.

Tom McMacken, 1821 Shiloh Lane, spoke on the need to repeal the ordinance, rewrite an ordinance that works and will eliminate the open end it currently has that allows more than it was intended to allow. He agreed a PD ordinance is necessary but that the current one needs revisions.

Motion made by Commissioner DeVane to accept the P&Z recommendation and accept the ordinance on first reading to repeal the PD Overlay, seconded by Commissioner Eckbert.

Commissioner Eckbert about the PD Overlay ordinance being staff's recommendation and was advised to adopt it by the P&Z so taking the staff and P&Z recommendation brought them in the mess they are in today. He stated that it is the Commission's job to scrutinize and that he will take his role very seriously. He addressed their responsibility to understand and comprehend issues but it is the Commission's decision, not the P&Z. He stated the Commission was never intended to be a rubber stamp for the City's advisory boards but addressed the importance of listening to them and to solicit their advice and take their input. He stated he is going to vote to repeal the PD Overlay ordinance so it is rewritten.

Commissioner Storer agreed with Commissioner Eckbert's comments and spoke about the need to work on how the ordinance will be rebuilt and how it is replaced. He addressed the need to be on a path to put into place the codes that will carry the City into the future.

Commissioner Metcalf agreed with Commissioner Eckbert. He spoke about the job of the Commission to make sure that all the issues are put into context and make sure that other factors are not being stomped on at the same time. Commissioner DeVane stated she was not going to comment on implications that she rubber stamps all 5-0 decisions of the P&Z because it is incorrect.

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

d) Carlisle project: THIS ITEM WAS MOVED UP FIRST ON THE AGENDA.

CITY MANAGER'S REPORT:

No report.

NEW BUSINESS (PUBLIC):

Carolyn Cooper, 1047 McKean Circle, asked if the de-annexation agreement for Benjamin Partners, Inc was signed. Mayor Strong stated it was not signed. She read a section of the agreement and Attorney Cheek stated the City was not obligated to annex.

Rudolph Scott, 750 Northwood Circle, thanked the Commission for rebuilding their community wall.

Susan Gable, 1539 Golfside Drive, asked that future calendars be provided on the web site earlier.

NEW BUSINESS (CITY COMMISSION):

- 1) Commissioner DeVane asked to hear about the Morse Museum exhibit from the two people who attended in the audience. They stated it was spectacular.
- 2) Mayor Strong stated that Commissioner Eckbert had raised the issue of the Charter Review and he believed this should be studied. He asked each Commissioner to think about people they would consider appointing to a five person Task Force to study this issue or address if they should even have a Task Force.

The meeting adjourned at 7:04 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>Storer, Douglas Ray</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>W.P. City Commission</i>
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>11/27/06</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Winter Park</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 Storer, hereby disclose that on 11/27, 2006:

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

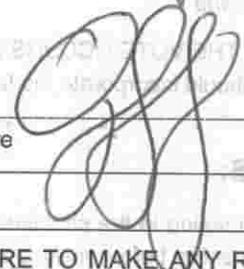
- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, HD Supply / Hughes;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, 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:

Consent Agenda Item
3 b) 1) 2) Purchase of
transformers

Also abstained from voting on
Public Hearing D due to past conflicts
related to
Business arrangement
Central Park
Station Partners

11/27/06
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.