



CITY COMMISSION

REGULAR MEETING

MINUTES

MONDAY, JUNE 10, 2019 AT 6:30 PM

CITY HALL - COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

CALL TO ORDER

The Regular Meeting of Monday, June 10, 2019 of the City Commission was called to Order by Mayor Charles Lacey at 6:30 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor Charles Lacey, present
Deputy Mayor Kevin Cannon, present
Commissioner Jean Hovey, present
Commissioner Ted Johnson, present
Commissioner TiAnna Hale, present
Commissioner Geoff Kendrick, present
Interim City Manager Shawn Boyle, present
City Attorney Anthony A. Garganese, present
City Clerk Andrea Lorenzo-Luaces, present

A moment of silence was held. The Pledge of Allegiance followed.

Mayor Lacey advised the City Commission that in terms of Awards and Presentations "100", the recipient who was to be in attendance this evening could not attend, therefore, Mayor Lacey requested that the Agenda is approved without Agenda Item "100"... Deputy Mayor Kevin Cannon stated, "...I agree..." Mayor Lacey continued, "Is there any objection?" Commissioner Geoff Kendrick commented, "No objection." Hearing no objections, Mayor Lacey noted, "Consider the Agenda adopted."

AWARDS AND PRESENTATIONS

100. Presentation of Resolution 2019-10 to James Flannigan

This presentation was not held as noted earlier.

101. Recognition of the Winter Springs High School Softball Team, 2019 State Champions, undefeated at 31-0, with their Coach, Mark Huaman

The Winter Springs High School Softball Team was recognized in honor of their undefeated season and being named as 2019 State Champions.

In acknowledgement of the team's incredible success, Mayor Lacey presented a Proclamation to the team members: Kiersten Adams, Madison Adams, Celia Burgos, Destiny Colgate, Lindsay Corazzini, Brianna Driscoll, Aynslie Furbush, Kennedi Gatton, Megan Hagge, Breanna Layton, Mykala Layton, Cierra Montes, Kaley Mudge, Roneice Pharoah, Sky Ramos, Nicole Schricker, Taylor Thomas, and their Coach Mark Huaman.

INFORMATIONAL AGENDA

200. Current Development Projects Update

This Agenda Item was not discussed.

201. Therapy Pool Salt-Water System Installation

No discussion.

202. Emergency Operation Center (EOC) Room Test

There was no discussion on this Agenda Item.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

Ms. Sheila Benton, 414 Cedarwood Court, Winter Springs, Florida: spoke of transparency and said that many people did not know about the survey related to the *Waste-Pro of Florida* Agenda Item, and could not find where this Survey had been publicized. Additionally, Ms. Benton questioned that some of the numbers listed in that Agenda Item were inconsistent.

Mr. James Evans, 217 Almaden Court, Winter Springs, Florida: commented about a Winter Springs resident and friend of his who recently passed away. Mr. Evans then read a poem his friend had written, recognized his friend and asked everyone to be nice and considerate to others.

Mr. Andrew Zacharias, 222 Oak Road, Winter Springs, Florida: said that he and others were against high density growth and the impact on traffic and schools, thought a hotel would thrive with an airport not too far away, spoke in favor of tree canopy, thought the City could implement an online survey to find out what residents wanted, mentioned some aspects that he liked in Winter Springs, and commended the City Manager for his assistance with an issue.

Mr. Zacharias was advised that Regular Agenda Item "500" on this Agenda would address more about some planned visioning and a survey.

Commissioner Jean Hovey asked that the City Clerk send Mr. Zacharias the applicable dates when the upcoming Visioning Sessions were planned.

Mayor Lacey closed "Public Input".

❖❖ AGENDA NOTE: SOME OF THE FOLLOWING CONSENT AGENDA ITEMS WERE DISCUSSED, HOWEVER, NOT NECESSARILY IN THE ORDER NOTED BELOW. ❖❖

CONSENT AGENDA

300. Surplus Assets

No discussion.

301. FY 2019 Mid-Year Budget Amendment

Ms. Kelly Balagia, Director, Finance Department was asked to give a very brief overview of the Budget which she did.

Deputy Mayor Cannon extended his thanks to Ms. Balagia, the City Manager and Staff for all their work with the Budget.

Commissioner Kendrick briefly clarified aspects related to certain projects, calendar year, and fiscal year.

302. Summer Camp Donations Acceptance

This Agenda Item was not discussed.

303. Torcaso Park Basketball Courts

Commissioner Hovey asked about the status of the Parks Master Plan and mentioned that recently she and her grandchildren were at the Torcaso Park splash pads and asked if there was a plan to provide cover for the benches as it was very hot.

Mr. Chris Caldwell, Director, Parks and Recreation Department stated, "The splash pad is currently being renovated." Mr. Caldwell added, "We are doing a resurfacing project, we're replacing all the benches and we are considering shade around each bench."

Continuing, Mr. Caldwell then went over additional planned improvements for Torcaso Park for this year and next year.

With further remarks, Mr. Caldwell noted, "I will be glad to come before the Commission and give you a real update on the Parks, planning, and so forth, especially when they're done."

304. Minutes from the April 29, 2019 City Commission Special Meeting

There was no discussion on this Agenda Item.

305. Minutes from the Monday, May 6, 2019 City Commission Workshop

No discussion.

306. Minutes from the Monday, May 13, 2019 City Commission Regular Meeting

This Agenda Item was not discussed.

Mayor Lacey stated, "Looking for a Motion to Approve Consent Agenda."

"SO MOVED." MOTION BY COMMISSIONER HOVEY. MAYOR LACEY NOTED, "SECONDED BY DEPUTY MAYOR CANNON." DISCUSSION.

VOTE:

COMMISSIONER JOHNSON: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER KENDRICK: AYE

COMMISSIONER HALE: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA

400. Ocean Bleu Retail Aesthetics, Final Engineering, and Special Exceptions

Mr. Bryant Smith, III, P.E., CFM, City Engineer, Public Works Department gave an overview of this Agenda Item.

Discussion ensued on road ingress and egress, traffic light signalization, landscaping, signage, and enhanced parking options.

Comments continued on the possibility of a café or restaurant type business to go in this facility.

Mr. Bryan Schultz, 6414 Montclair Bluff Lane, Windermere, Florida: addressed the Commission and as he referenced a plan, stated, "We made a patio here a little bigger and alongside here, as well as up front here, that you could have tables, so they can go in and we set up the bays for this particular development so you could have even smaller ones facing out this way, so you can either go this way or this way and have restaurants. And that's kind of our goal is to be able to have outdoor seating."

Comments continued.

Mayor Lacey opened "Public Input" on this Agenda Item.

Mr. Kevin McCann, 1109 Pheasant Circle, Winter Springs, Florida: mentioned a preference for more greenspaces and trees and noted that the submitted plans seemed to show mostly palm trees which he said were not as full as other kinds of trees, and hoped the Developer could be encouraged to include as much greenspace as possible.

Ms. Loretta "Dolly" Ames, 150 3rd Street, Winter Springs, Florida: commented on her concern with the few handicapped parking spaces and thought there should be more.

Brief comments followed on requirements related to handicapped parking spaces.

Deputy Mayor Cannon said to Mr. Schultz, "On some of these Special Exceptions that your two (2) projects required, I think Bryant (Smith) has been working on some Text Amendments with Anthony (Garganese), to try to fix some of those, to make those burdens go away. Will you please, if you haven't already Bryant, would you guys get together and see if there is some other suggestion you have where we can streamline some of that as we go through that Text Amendment process." No objections were voiced.

Mayor Lacey pointed out, "Let the Record reflect that Mr. Shultz nodded yes."

Mayor Lacey closed "Public Input" on this Agenda Item.

“MOTION TO APPROVE.” MOTION BY DEPUTY MAYOR CANNON. MAYOR LACEY STATED, “SECONDED FROM COMMISSIONER KENDRICK.” DISCUSSION.

MAYOR LACEY NOTED THE MOTION WAS, “TO APPROVE THE AESTHETICS, FINAL ENGINEERING, AND FOUR (4) SPECIAL EXCEPTIONS FOR THE OCEAN BLEU PROJECT.”

VOTE:

**DEPUTY MAYOR CANNON: AYE
COMMISSIONER HALE: AYE
COMMISSIONER HOVEY: AYE
COMMISSIONER JOHNSON: AYE
COMMISSIONER KENDRICK: AYE
MOTION CARRIED.**

401. West End Professional Center Monument Sign Special Exception and Development Agreement Modification

This Agenda Item began with introductory comments from Mr. Smith who remarked, “In the Town Center, monument signs are only permitted by Special Exception, which is one of the reasons for this; and with this site in particular, they’re also seeking a DA (Development Agreement) Modification. The original DA (Development Agreement) for this site required six (6) planter beds with trees planted in them. Only four (4) of those seat walls were ever constructed of the six (6) required; so, the Modification is seeking an approval for only four (4) of six (6) seat walls to be constructed and one (1) of those seat walls to allow the construction of a monument sign within it. The seat wall would stay intact.”

Mr. Smith then spoke of the specifications of the sign, added that landscaping would be added, and a tree would need to be removed. Mr. Smith then remarked, “There are no site distance issues with coming in or out of the driveway.”

Deputy Mayor Cannon said to City Attorney Anthony A. Garganese, “My law office is a small tenant in this building. I have no financial interest in the building whatsoever – I am not an owner and so forth. I will not be utilizing that advertising sign. Am I required to recuse from Voting on this matter?”

Brief discussion followed with Attorney Garganese.

Deputy Mayor Cannon then stated, "In abundance of caution, I have no financial or special gain or loss attributed to this, but I am going to recuse from voting on this. I have disclosed on the Record that I am a small tenant in the building but would not have any rights to the sign and have had no involvement in it so I am going to go ahead and recuse."

Deputy Mayor Cannon left the dais at approximately 7:19 p.m.

Commissioner Kendrick noted that he was pleased that the Special Exception process was being streamlined.

Mayor Lacey then mentioned, "This DA (Development Agreement) has been in effect for over twelve (12) years and the comment is that only four (4) of the six (6) seat walls were constructed. Do you know the history of why in the past twelve (12) years, the DA (Development Agreement) wasn't complied with?"

Mr. Smith responded, "I'm not sure why they were never constructed. I know the original DA (Development Agreement) required the six (6); then there was the first Modification which actually allowed for only four (4) of the six (6) to be constructed and the two (2) near the entry were supposed to be set aside for some type of sculpture or a fountain. Then the Second Modification to that DA (Development Agreement) basically repealed the first Modification. So, we're back to the seat walls being required. I'm not sure why they were never constructed."

Attorney Garganese was asked for any input and he said he did not know why some of the technical aspects of the Development Agreement were not fully completed. Mr. Smith added, "There are six (6) planters with only four (4) seat walls." Mayor Lacey pointed out that the six (6) planters were for six (6) trees, to which Mr. Smith confirmed, "Yes." Mayor Lacey then said, "So, we are losing one (1) tree." Mr. Smith said, "That's correct."

Mayor Lacey opened "Public Input" on this Agenda Item.

No one addressed the City Commission at this time.

Mayor Lacey closed "Public Input" on this Agenda Item.

“I WOULD LIKE TO MAKE A MOTION TO APPROVE THE SIGN.” MOTION BY COMMISSIONER KENDRICK. MAYOR LACEY STATED, “SECONDED BY COMMISSIONER JOHNSON.” DISCUSSION.

VOTE:

**COMMISSIONER HOVEY: AYE
COMMISSIONER KENDRICK: AYE
COMMISSIONER JOHNSON: AYE
COMMISSIONER HALE: AYE
DEPUTY MAYOR CANNON: (RECUSED)
MOTION CARRIED.**

Deputy Mayor Cannon returned to the dais at approximately 7:23 p.m.

402. Second Reading of Ordinance 2019-09 regarding the Application, Notice, and Review Criteria Procedures for Special Zoning Permits

Attorney Garganese read Ordinance 2019-09 by “Title” only and noted, “I made a few little technical amendments based on the First Reading that the Commission held a few weeks ago - on page 5 and 6 of 31, I did address the Commissioner’s concerns relative to single family homes. I also made it clear that the Application requirements for Administrative Appeals are governed in the administrative appeals section; and in the Administrative Appeals section, I added the requirement for transcripts to also be included as part of the record; and just cleaned up a couple of little wordsmith items in the Ordinance.”

Mayor Lacey opened “Public Input” on this Agenda Item.

Mr. Dan Edwards, Vice President of Land, Central Florida Division, Dream Finders Homes, 8529 Southpark Circle, Orlando, Florida: asked about the term “Site Plans” as it relates to Final Engineering and the review process.

Attorney Garganese pointed out that the provision on page 15 cross-references Chapter 9 of the Code and addresses criteria associated with Site Plans and Final Engineering.

It was then noted that there was a typo on Sec. 10.33. to which Attorney Garganese agreed the section should be 20.33.1.

With further comments, Attorney Garganese pointed out that in working on streamlining and creating uniform Application requirements, the Application requirements in Chapter 20 would relate to Special Zoning Permit Applications including Site Plans as well as Final Engineering; and technical requirements as noted in Chapter 9 will remain applicable as well as additional criteria noted in this Ordinance would also be pertinent to Site Plans and Final Engineering.

Discussion continued.

Mr. Chad Minor, Beazer Homes, 151 Southhall Lane, Suite 200, Maitland, Florida: asked about projects currently in the review process and the applicability of this Ordinance.

Attorney Garganese said that the proposed Ordinance would go into effect if adopted by the City Commission, immediately upon signature.

Mayor Lacey closed "Public Input" on this Agenda Item.

"MOTION TO APPROVE ORDINANCE 2019-09 ON FINAL READING." MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.

VOTE:

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HALE: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER JOHNSON: AYE

MOTION CARRIED.

REGULAR AGENDA

500. Waste Pro Annual Performance Review

Ms. Balagia began this Agenda Item with information on how the survey was structured, the reason for differences in some of the numbers noted in the Agenda Item, and data related to some of the complaints. Ms. Balagia pointed out that any residents listed on the survey who had asked to be called back, have been contacted by City Staff.

Commissioner Hovey referenced the discrepancies that were noted in the Agenda Item. Brief remarks followed.

Next, Commissioner TiAnna Hale referenced some of the comments, including past year results, and suggested the service provider should provide immediate and continued improved service.

Remarks ensued on whether a bonus was a normal arrangement to which Mr. Boyle said that bonus arrangements were typical in this industry.

Commissioner Ted Johnson said he concurred with Commissioner Hale's comments regarding customer complaints, and he thought there seemed to be issues in getting replacement trash toters as he personally had been waiting several weeks. Commissioner Johnson suggested improvements were needed in expediting processes.

Mr. Tim Dolan, Waste-Pro of Florida, 3705 St. Johns Parkway, Sanford, Florida: stated, "Yes, it does and that's something that I need to go back and work on." Mr. Dolan mentioned some purchasing and vendor issues related to such delays. Commissioner Johnson said he would appreciate improvements. Mr. Dolan added, "I will be personally following up on that."

Commissioner Johnson then spoke of the size of recycle bins, whether there was a middle size of recycling containers and asked if this could be looked into. Mr. Dolan said there were no middle size containers and commented on recycling processes.

Commissioner Kendrick remarked that Waste-Pro of Florida's employee retention seemed consistent, that their employees adhere to the set rules in terms of what they pick up, and suggested that commercial account pricing may be a little high but thought the City Commission could discuss this further.

Discussion followed on what type of system was used for tracking complaints, and how the process works. Mr. Dolan briefly addressed how service requests are handled.

Mr. Michael D Maximenko, Utility Billing Manager, Finance Department commented on the system that Waste-Pro of Florida uses, mentioned some concerns he had, and noted that he was working with a colleague of Mr. Dolan's on service requests.

Deputy Mayor Cannon said that he thought complaints had risen, mentioned that for a trend analysis, data sets could be used to identify problem areas and suggested this be looked into, as keeping track of current issues would help everyone involved and could provide survey information on an ongoing basis.

Mayor Lacey added that the survey responses confirmed this.

Mr. Dolan responded by saying, "I agree" and added, "I'm a little disappointed with the results myself." Continuing, Mr. Dolan then mentioned that they were planning to update their fleet with new trucks and pointed out, "We should have two (2) new trucks here on the street probably in the next two to three (2-3) weeks."

Deputy Mayor Cannon mentioned a complaint he often heard was that trucks drop fluids which often stain the roads, and asked if there was something Mr. Dolan could do. Mr. Dolan said that newer equipment would help and with them taking the oldest trucks off the route soon, that should be an improvement. Mr. Dolan added, "That is something we can check."

Comments followed on seals and criteria related to the survey.

"MOTION THAT WE APPROVE THE WASTE-PRO [OF FLORIDA] BONUS." MOTION BY COMMISSIONER KENDRICK. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: AYE

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

MOTION CARRIED

501. East Central Florida Regional Planning Council Adopted Vision and Trend Analysis Presentation

Mr. Fred Milch, East Central Florida Regional Planning Council, 455 North Garland Avenue, Orlando, Florida: reviewed a PowerPoint presentation with the Mayor and City Commission and spoke of trends, goals, demographics and information related to other cities around the country which they felt had attributes and services that Winter Springs could adopt.

Next, Mr. Milch spoke of the community survey that would be provided.

Ms. Casey Howard, Director, IT and Administrative Services Department pointed out that the Visioning Session for businesses would be held on Thursday, June 27, 2019 and the Visioning Session for residents was set for Thursday, July 11, 2019. Ms. Howard confirmed that the Visioning Sessions would be held at City Hall. Regarding a time, Deputy Mayor Cannon suggested 6:30 p.m. as the starting time. No disagreements were noted by the City Commission.

Deputy Mayor Cannon commented on data that Mr. Milch had mentioned, referenced a document with different data which he said he would then provide to the City Clerk who could send it to Mr. Milch.

Commissioner Hovey asked that the City Clerk email the same document to the City Commission to which City Clerk Andrea Lorenzo-Luaces said, "Of course."

Discussion ensued on the proposed survey which was originally planned to be done at the July 4th event, however, Interim City Manager Shawn Boyle pointed out, "The Survey – what they want to do is have the meeting with the public first in order to incorporate and derive those questions for the Survey. Unfortunately the last information I was given is we won't make the Fourth of July with the Survey."

Commissioner Hovey inquired why the three (3) cities showcased in the PowerPoint, were all northern cities. Mr. Milch responded, "We were looking for something unique that other cities were doing, that perhaps Winter Springs could do also. Something that would make it stand out, something that the City could get behind and the residents could get behind, just looking at different niches."

Continuing, Commissioner Hovey asked if there were some cities in the southern part of the country that were considered. Mr. Milch responded, "I did not do this portion of the work, but I will definitely ask."

Further comments ensued on the differences in the climate and lifestyles between cities in the north and the south. Commissioner Hovey asked if something more similar could be considered in the south. Discussion.

Remarks followed on the different kinds of trees found around the country.

Commissioner Hale spoke of cooperative housing, thought this concept could be looked into, and said she would provide a document to the City Clerk to be forwarded to the City Commission.

Next, Commissioner Hale commented on the excellent Senior Center that Winter Springs has, and suggested that regarding Seniors, perhaps the City could have something like a Utility kiosk at the Senior Center and/or City staff could go over once a week to help Seniors with permitting, etc.

With additional remarks, Commissioner Hale referenced the 2009 Strategic Plan and questioned why some of the tasks were not completed.

Deputy Mayor Cannon noted that he thought provisions in the Comprehensive Plan were not being done and was interested in hearing some recommendations on how to best proceed.

Furthermore, Deputy Mayor Cannon spoke of greenspaces and felt that Lake Jesup was underutilized and suggested that a boardwalk on Lake Jesup would be a great addition; and asked Mr. Milch that if any individual Commissioners had further ideas, could they contact Mr. Milch and his colleagues, who could perhaps look into any of their suggestions.

Mr. Milch responded, "I would be very happy to do that."

"MOTION TO EXTEND TIME THROUGH THE SECOND PUBLIC INPUT, NOT TO GO PAST 9:15." MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION

MOTION CARRIED UNANIMOUSLY.

Comments ensued on demographic inconsistencies mentioned earlier and Census data.

Commissioner Johnson mentioned the importance of branding and suggested that this process could contribute to a brand for Winter Springs and hoped we could try to consider doing this. Mr. Milch replied, "We could probably work that into the Visioning and into the Survey."

502. The City Clerk wishes to inform the City Commission of upcoming Appointment(s)/Reappointment(s) to the Code Enforcement Board related to Terms of Office which will be expiring in July 2019.

MOTION TO REAPPOINT MATT CRISWELL TO THE CODE ENFORCEMENT BOARD. MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE:

**COMMISSIONER HOVEY: AYE
COMMISSIONER HALE: AYE
DEPUTY MAYOR CANNON: AYE
COMMISSIONER JOHNSON: AYE
COMMISSIONER KENDRICK: AYE
MOTION CARRIED.**

MOTION TO APPOINT MATT BENTON TO AN AT LARGE SEAT ON THE PARKS AND RECREATION ADVISORY COMMITTEE. (THIS APPOINTMENT FILLS THE VACANCY WHICH RELATES TO THE RECENT RESIGNATION OF MS. LYNN DEHLINGER). MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

CITY CLERK LORENZO-LUACES NOTED THAT MR. BENTON'S APPLICATION HAD BEEN RECEIVED EARLIER TODAY AND ASKED IF THE MOTION COULD BE CONTINGENT UPON THE NORMAL VERIFICATIONS THAT WE HAVE NOT YET RECEIVED.

MAYOR LACEY STATED, "DO WE HAVE CONSENSUS FROM THE COMMISSION TO AMEND THE MOTION?" NO DISSENT WAS NOTED. MAYOR LACEY THEN REMARKED, "WITHOUT OBJECTION, THE MOTION IS AMENDED."

VOTE:

**COMMISSIONER KENDRICK: AYE
COMMISSIONER HOVEY: AYE
COMMISSIONER JOHNSON: AYE
COMMISSIONER HALE: AYE
DEPUTY MAYOR CANNON: AYE
MOTION CARRIED.**

MOTION TO APPOINT JEFF CRANDALL TO FILL THE SEAT TWO OPENING ON THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE. MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.

VOTE:

COMMISSIONER HALE: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER KENDRICK: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER JOHNSON: AYE

MOTION CARRIED.

Deputy Mayor Cannon suggested that the Board and Committee Appointment process be streamlined and thought all Appointments could be handled during a specific month as a “once a year process”, and added that the length of Terms did not need to change. With remarks about vacancies that sometimes occur, Deputy Mayor Cannon suggested that vacancies would be filled as they arise.

Commissioner Hovey thought the City Attorney, City Manager, and the City Clerk could come back with some suggestions. Commissioner Kendrick noted, “Agreed.” No objections were voiced.

Interim Manager Boyle said that he and the City Clerk had spoken about this and added, “We just need to plug Anthony (Garganese) in and we’ll come back with some options.”

503. City Manager Recruiting Advertisement and Recruitment Process

Ms. Howard informed the City Commission that Attorney Garganese and herself put together a job description/recruiting advertisement for the City Manager position as well as recommendations for posting and the selection timeline.

Commissioner Hovey noted, “On page 4, there’s a duplicate entry. The third bullet is a duplicate of the one above it.” Ms. Howard responded, “That should be ‘Special and Board meetings’, so that will be corrected.”

Continuing, Commissioner Hovey remarked, “One thing that I think should be added at the last bullet - I think we should have a bullet that says ‘Other duties as assigned’.” Ms. Howard mentioned this was listed at the bottom and asked if this second reference should be added. Commissioner Hovey said she thought this would make it more noticeable. No objections were voiced.

Furthermore, Commissioner Hovey remarked that on the last page it says how to apply and there is a deadline to apply by email. Commissioner Hovey inquired that in terms of the application deadline by mail, should it be postmarked by that date or is it 'received in our office by that date'?"

Attorney Garganese said, "As received"; it would have to be received by that date."

Commissioner Hovey suggested that the addition of "As received by that date" should be included. No dissent was noted. It was then explained that Ms. Howard would be the one who received any submitted Applications.

Deputy Mayor Cannon recommended that the current posting and application window which has a closing date of July 9, 2019 be expanded and suggested a sixty (60) day timeline. Mayor Lacey said that he agreed.

With further remarks on the suggested sixty (60) days, Commissioner Hale added, "Agreed." Mayor Lacey asked, "Any objection from the Commission to the sixty (60) days?"

Commissioner Hovey commented, "I object to that but I will go with the Consensus. I think it should be shorter versus the sixty (60)." Commissioner Hovey then pointed out that a sixty (60) day timeline would push things out and suggested forty-five (45) days as a compromise.

Mayor Lacey said, "I would say August 1st." Deputy Mayor Cannon stated, "I am fine with August 1st." No objections were voiced.

REPORTS

600. City Attorney Anthony A. Garganese, Esquire

No Report.

601. Interim City Manager Shawn Boyle

Interim Manager Boyle introduced the new Community Development Director, Christopher Schmidt to the City Commission.

Mr. Schmidt said, "Thank you for the opportunity, I look forward to working with you all."

Brief comments.

Interim Manager Boyle noted, in reference to Waste Pro performance measures, that he gets frequent reports and tracks the handling of complaints.

Next, Interim Manager Boyle brought up the construction of a parking lot adjacent to the Town Center and remarked, "The parking lot was approved back in I believe, December, unanimously on Consent. The original budget for the parking lot was two hundred and fifty thousand dollars (\$250,000.00). It came in just over six hundred thousand dollars (\$600,000.00). It's about 135 parking spaces."

Interim Manager Boyle then mentioned the strong economy and everyone's concern with tree canopy, and added, "This is the last time I can sit before you before we pull the trigger on this contract. The area that's in question for the parking lot will be clear-cut."

Continuing, Interim Manager Boyle explained, "It's that big treed area that's adjacent to the Trail and I just want to make sure that this is what you guys want to do. I don't want to be the cause of anybody getting any backlash." Interim Manager Boyle mentioned there were some different options if the City Commission wanted to revisit this project, and suggested, "You could talk about a redesign, you could talk about a phased approach. There are several different unlimited options that we can do."

Deputy Mayor Cannon noted his concern about the high costs. Deputy Mayor Cannon spoke favorably of a phased approach and suggested an improved green space that would be suitable for parking. Deputy Mayor Cannon added, "My thought is ask Staff to look at a multiple phase where we clean up what we have got there where they're parking and it's kind of sandy and the sidewalk, it could definitely use some sprucing up, but keep it green." Deputy Mayor Cannon added, "Keep some of those trees."

Mr. Smith remarked, "We can look at design alternatives and even give you a couple options on it."

Commissioner Kendrick noted the need for daily parking in the Town Center and as overflow for events, and was not in favor of clear-cutting the trees.

Commissioner Johnson asked if there was any data regarding the necessity of clear-cutting the entire parcel and possibly putting a hold on this project.

Mr. Smith pointed out, "This was in order to maximize the parking and also provide kind of a walking area in the middle. There is a pretty significant grade change from Tuskawilla down to the Trail."

Commissioner Johnson commented that he understood the need for more parking, however, he did not see the need for clear-cutting the property.

Mr. Smith then said, "We can look at alternatives. Our direction at the time was to maximize parking and make it almost a park like atmosphere, so that was the design we came up with. We ranged, the initial designs were upwards of around 200 stalls. That was all asphalt and this was sort of the compromise of including the walkability, a trail connection, and the future connection to the amphitheater if that was built; but we can go back to kind of where we started and sort of focus on the area that's already cleared and maybe clear out some of the underbrush as well. We just need to make sure that we meet some of the standards for parking and we can still make it safe."

Deputy Mayor Cannon remarked about parking, and expressed concern about the use of City funds for private business parking and the original determination of parking needs for the Town Center.

Mr. Smith responded that now, "Generally in the Town Center Code, you don't necessarily have to adhere to what the normal parking guidelines are. You can provide a study on that and that's probably what was followed there. The idea of this parking lot was really the future amphitheater as well as providing a new Trail connection and really just utilizing an empty piece of City property and bringing it up a little bit."

Deputy Mayor Cannon suggested this could possibly be completed in a couple of phases. With further comments, Mr. Smith noted, "I think we can look at alternatives with at least the parking stalls being that way, and then having an improved drive aisle." Discussion.

Mayor Lacey said to the City Commission, "Would it be acceptable if we just put in abeyance the award of this contract and have it as an Agenda Item at our next meeting where we can have a more thorough discussion?"

Deputy Mayor Cannon stated, “Yes.” Other Members of the Commission said “Yes.” No objections were voiced.

Discussion followed about the previous passage of the project, the availability of specific project information, that more parking is needed, and to bring options for the City Commission to consider.

Mayor Lacey pointed out, “The Consensus, without objection, is for the City Manager to put this in abeyance and have it as an Agenda Item for further discussion.” Additional suggestions dealt with providing the City Commission information on possible stages and options.

Finally, Interim Manager Boyle noted that the 60th anniversary [June 20, 2019] of the City was approaching and asked for direction on how the City Commission would like this occasion commemorated.

Mayor Lacey suggested, “Why don’t we do it at the 4th of July.” Commissioner Hovey added, “That is what I was thinking.” Deputy Mayor Cannon stated, “We could do that – that is a good idea.” No disagreements were noted.

602. City Clerk Andrea Lorenzo-Luaces, MMC

No Report was given.

603. Seat Three Commissioner Ted Johnson

Commissioner Johnson noted last Thursday was the 75th anniversary of D-Day and noted that Winter Springs resident Mr. Emil Abrahamian was a World War II Veteran. Commissioner Johnson mentioned that he had spoken to Mr. Caldwell about Mr. Abrahamian being considered as a Hometown Hero.

604. Seat Four Commissioner TiAnna Hale

Commissioner Hale noted her attendance at an Honor Flight Orientation held last week at the Senior Center and commended the work they do.

Additionally, Commissioner Hale mentioned that Indian Trails Middle School is holding a farm-to-table event and are looking for Volunteers starting the week of August 15th.

Continuing, Commissioner Hale noted that the Octopus Car Wash and the Victoria Edward Spa were now open.

In conclusion, Commissioner Hale mentioned working with Chief of Police Chris Deisler and Seminole County Sheriff Dennis Lemma and commended them on their efforts with the opioid crisis.

605. Seat Five Commissioner Geoff Kendrick

Commissioner Kendrick noted that Florida League of Cities Policy Committee meetings were scheduled for this week.

Continuing, Commissioner Kendrick congratulated Chief Deisler on being officially Appointed as the City's new Chief of Police.

Chief Deisler thanked everyone for the opportunity and their support.

Commissioner Kendrick then mentioned he was looking forward to former Chief of Police Kevin Brunelle's Retirement Dinner being held on Thursday, June 13, 2019.

Finally, Commissioner Kendrick noted his disappointment regarding Metroplan Orlando's decision to lower the priority of expanding State Road 434 eastward and stated that he would look into this further.

606. Mayor Charles Lacey

No Report.

607. Seat One Commissioner Jean Hovey

“I WOULD LIKE TO MAKE A MOTION TO EXTEND FOR AN ADDITIONAL FIFTEEN (15) MINUTES.” MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

Commissioner Hovey commented on the current agenda format and asked that for future Agendas, could the Agenda Packet be split into separate sections, perhaps by section. Mr. Boyle stated, “Anything is possible with the Consensus of this group, absolutely.”

Comments followed on printing out the Agenda, and/or dividing the Agenda into separate sections, such as the Consent Agenda, Regular Agenda, etc.

City Clerk Lorenzo-Luaces was asked for her input, to which she said, “We’re happy to do whatever you would like.”

Commissioner Kendrick remarked, “Logistically, whatever works.” Commissioner Hovey added, “Smaller would be easier.”

Mayor Lacey stated, “I am going to call it a Consensus unless I hear objections.” No one noted any objections.

Mr. Ed DeJesus, IT Manager, IT and Administrative Services Department suggested that a navigation tab could be used with PDF’s which might be more helpful to the City Commission. Deputy Mayor Cannon noted his agreement. Mr. DeJesus then said that they could certainly check into that.

Discussion followed on having the Agenda, exhibits as PDF’s, and a navigation tab possibly available on the website so that the City Commission and others could access or print whatever documents they were interested in.

With further brief remarks, Mr. DeJesus said, “I will definitely work with the City Clerk’s Office.”

Next, Commissioner Hovey mentioned she had been Appointed to serve on the Municipal Administration Policy Committee for the Florida League of Cities.

Lastly, Commissioner Hovey asked about Donations and whether we had a standing Policy or if one should be considered, whether it be for services, time, and/or money.

Attorney Garganese mentioned that previously, proposed donations were brought before the City Commission, and there has been a type of Policy for Volunteers.

Interim Manager Boyle explained, "Our standing protocol goes like this, anytime anybody wants to donate any money, materials, work or time - we put it on, most of the time it's Consent; we bring it before the Commission so that you all have the opportunity to agree to it or not."

Furthermore, Interim Manager Boyle noted that there might be a future situation when the City Commission would prefer to not get involved with a specific donation. Interim Manager Boyle added, "We bring it before you also so that you can direct it; in other words - let's say we received a hundred thousand dollars (\$100,000.00) in a cash donation, Staff doesn't want to be responsible for directing where that money goes.

I think that should reside up here with the five (5) of you; so, right now, our standing protocol and there is some state statute behind it also, is that any gifts, frankly any gifts over \$100 we bring before you and you guys will accept it or not accept it and then you'll direct, if it's cash, you'll direct what you want to do with it. So - since I have been here for ten (10) years, that's been the standing protocol."

Regarding a potential donation of services, Interim Manager Boyle explained, "Anybody donating services to the City depending on what department or what they're doing, there's a due diligence that Staff has to do to make sure that they're insured, they're capable, and competent."

Commissioner Hale mentioned the "Cities of Service" program and said she would provide the City Clerk with a related document for consideration.

Further remarks followed on a written Volunteer Policy the City has, especially to ensure the safety of Volunteers around the elderly and children.

608. Seat Two Commissioner/Deputy Mayor Kevin Cannon

Following up on the last comments, Deputy Mayor Cannon mentioned that he had suggested to the Winter Springs High School Principal to try to get their students more involved with our City events which would help build community, and asked if this could be looked into.

Furthermore, Deputy Mayor Cannon suggested that the Winter Springs High School Softball Team be recognized at the July 4th Celebration of Freedom event, and also suggested signs be placed below the Welcome to the City signs with information about the Winter Springs High School Softball Champions. Commissioner Kendrick stated, "That is a wonderful idea."

Interim Manager Boyle said they could take care of this.

Lastly, Deputy Mayor Cannon mentioned a recent Central Florida Boy Scout Council awards ceremony that he attended.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

Ms. Gina Shafer, Winter Springs Village, Winter Springs, Florida: spoke of the need for speed reduction at Michael Blake Boulevard and State Road 434 and asked if the City could work with the Florida Department of Transportation on this matter. Ms. Shafer further commented about some type of barriers near the Blake Apartments which she thought needed reflective tape on them; and that she had been told in South Florida that palm trees were not counted as trees.

Deputy Mayor Cannon said to Chief Deisler, "The speed limit westbound on 434 drops to 45 right around the pedestrian bridge right..." Chief Deisler stated, "...From recollection, westbound, the signs are actually posted west of Michael Blake [Boulevard] before the intersection was reconfigured."

Deputy Mayor Cannon then remarked that one of the best signs erected was the "NO U-TURN" sign with a small orange flag at Indian Trails Middle School as drivers did in fact stop making such turns. Deputy Mayor Cannon continued, "Could we maybe ask for some enhanced signage - that the speed drops from 50." Deputy Mayor Cannon added that perhaps a couple of these enhanced, oversized signs could be erected for those driving westbound.

Chief Deisler noted his agreement with Deputy Mayor Cannon's comments and said, "For purposes of discussion if it goes beyond the discussion here I could definitely support moving the 45 sign further east..." Deputy Mayor Cannon stated, "...Yes." With additional brief comments, Chief Deisler said, "Anything we can do to make it happen, we'll make it happen."

Further, Commissioner Johnson suggested the speed limit should be reduced in the area of Tuscora Drive and State Road 434, and added that he thought there should also be a light there, and hoped the City would expedite this.

Mr. Jeff Crandall, 1239 Stone Harbour Road, Winter Springs, Florida: thanked Commissioner Hale for visiting Parkstone when she met with cleaning staff and recognized their work. Mr. Crandall also offered his thanks to Commissioner Johnson who drove to the bus depot to look into issues that some Parkstone residents have concerns with.

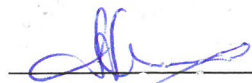
Commissioner Hale asked Mr. Smith if he could assist with getting reflective lights on poles. Mr. Smith said they would go out to the site and check into this.

Mayor Lacey closed "Public Input".

ADJOURNMENT

Mayor Lacey adjourned the Regular Meeting at 9:31 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the July 8, 2019 City Commission Regular Meeting.

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

LAST NAME—FIRST NAME—MIDDLE NAME Cannon, Kevin Scott	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Commission
MAILING ADDRESS PO Box 195447	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 Winter Springs, FL 32719	COUNTY Seminole
DATE ON WHICH VOTE OCCURRED June 10, 2019	NAME OF POLITICAL SUBDIVISION: City of Winter Springs
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

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

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kevin Scott Cannon, hereby disclose that on June 10, 20 19:

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

- inured to my special private gain or loss; SEE BELOW
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Commission Agenda #401 - Quasi Judicial Hearing on application for Special Exception to construct a monument sign in front of the West End Professional Center located at 1135 E. SR-434, Winter Springs, FL. The owner of said building and Applicant for the Special Exception is West End Professional Center One, LLP. I have no financial ownership interest in said LLP. However, my business, Law Office of Kevin Cannon, PA, is a tenant in said building and thus, the requested monument sign could in some way inure to my special private gain or loss although it is unlikely because I have no plans for my business or my name to appear on said monument sign as I am the smallest tenant in said building. As advised by the City Attorney, my recusal was based on the provisions of Section 112.3143(3)(a) Florida Statutes "No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss ..." and Section 286.012 Florida Statutes "If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice". This supercedes my disclosure filed June 14, 2019.

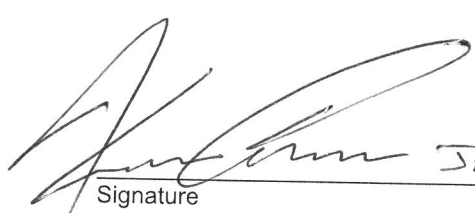
If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the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

RECEIVED

JUN 19 2019

CITY OF WINTER SPRINGS
OFFICE OF THE CITY CLERK

Date Filed _____


Signature _____

JUNE 19, 2019

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.



PUBLIC HEARINGS AGENDA ITEM 401

CITY COMMISSION AGENDA | JUNE 10, 2019 | REGULAR MEETING

TITLE

West End Professional Center Monument Sign Special Exception and Development Agreement Modification

SUMMARY

APPLICANT AND PROPERTY INFORMATION:

- Applicant/Property Owner's Name (s): West End Professional Center One LLP
- Property Address(es): 1135 East State Road 434
- Property Parcel ID Number(s): 36-20-30-502-0000-0010
- Current FLUM Designation: Town Center District
- Current Zoning Designation: T-C (Town Center District)
- Development Agreements:
 - Binding Development Agreement (2006)
 - First Modification of Binding Development Agreement (2007)
 - Second Modification to Binding Development Agreement (2008)
- Pending Code Enforcement Actions: None
- City Liens: None

APPLICABLE LAW, PUBLIC POLICY, AND EVENTS:

Home Rule Powers

Winter Springs Code of Ordinances

City of Winter Springs Comprehensive Plan

Project Overview

The applicant is seeking a Special Exception and modification to the Development Agreement for the construction of one monument sign (Exhibit A) at the multi-tenant office building located at 1135 E. SR 434. The subject property is located within Transect 5 of the Town Center zoning district. Per Section 20-327.1 - Signs, freestanding monument signs are permitted by special exception in the Town Center along SR 434 frontage. The sign generally conforms to the standards set forth in Section 16-82 "Special Supplemental regulations for properties located on SR 434", pertaining to monument signs. The signs architectural features and colors match the existing building and provide acceptable aesthetics in relation to the surrounding Town Center buildings.

As part of the Binding Development Agreement, adopted December 11, 2006, by the City Commission, the developer was required to construct six seat walls around trees located in the plaza at the north end of the property. Only four of the six seat walls were constructed. The proposed Third Modification to Binding Development

Agreement (Exhibit C) would reduce the number of seat walls required from six to four. This modification would also allow for one of the four seat walls to contain a monument sign and landscaping, as opposed to a tree, which was originally required in the original Binding Development Agreement. Based on Staff review of the plaza area, there will still be adequate seating in the plaza area with only four seat walls.

At the May 23, 2019, Planning and Zoning Meeting, the Board recommended approval of the Special Exception to construct a monument sign in the Town Center with a 5-0 vote.

Special Exceptions (Exhibit B)

The applicant is requesting approval of a Special Exception requests. In granting a Special Exception, per the Town Center Code, the City Commission must find substantial competent evidence that:

- a) The proposed development contributes to, promotes, and encourages the improvement of the Winter Springs Town Center and catalyzes other development as envisioned in the Winter Springs Town Center regulations.
- b) The proposed development will not have an unfavorable effect on the economy of the Winter Springs Town Center and complies with the economic fiscal impact requirements set forth in the City's Comprehensive Plan and code.
- c) The proposed development abides by all rules in this code other than those specially accepted.

RECOMMENDATION

Staff recommends the approval of the Special Exception to construct a monument sign in the Town Center and the Third Modification to Binding Development Agreement related to seat wall requirements.

Select Year: 2018 [Go](#)

The 2018 Florida Statutes

[Title X](#)
PUBLIC OFFICERS, EMPLOYEES,
AND RECORDS

[Chapter 112](#)
PUBLIC OFFICERS AND EMPLOYEES:
GENERAL PROVISIONS

[View Entire
Chapter](#)

112.3143 Voting conflicts.—

(1) As used in this section:

(a) “Principal by whom retained” means an individual or entity, other than an agency as defined in s. [112.312\(2\)](#), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

(b) “Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) “Special private gain or loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer’s special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. [112.312\(2\)](#); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible