

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

FRANK A. HAMNER, a citizen
of the City of Winter Park, Florida,

Plaintiff,

v.

Case No.: _____

TODD WEAVER, a municipal officer
of the City of Winter Park, Florida

Defendant.

_____ /

COMPLAINT

COMES NOW Plaintiff, FRANK A. HAMNER, a citizen of the City of Winter Park, Florida, a municipal corporation in the State of Florida and sues TODD WEAVER in his capacity as a City Commissioner of the City of Winter Park, Florida, (“City”) a municipal office of the City, for his knowing and willful failure to comply with Chapter 119, Florida Statutes governing the production of public records to a citizen of the City in a timely fashion and states:

1. Plaintiff is a resident of the City. Defendant is a municipal officer of the City where he serves as a City Commissioner.

2. A municipal officer is considered an “agency” for the purposes of Florida's public record law as set forth in Chapter 119, Section 119.011(2), Florida Statutes.

4. This Honorable Court has jurisdiction over the subject matter of this case pursuant to Sections 26.012, 86.011 and 119.11, Florida Statutes.

5. Venue is proper in this Honorable Court pursuant to Section 47.011, Florida Statutes as the cause of action accrued, and the Defendant resides, in Orange County, Florida.

6. All conditions precedent to this action have occurred, excused or otherwise been waived.

7. Section 119.01(1) sets forth the state's "general state policy on public records" and provides "it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records **is a duty of each agency.**" (**emphasis**) Thus, it is the duty of each municipal officer to provide ready access to public records.

8. Florida law also provides that an agency's electronic mail, is considered a public record. Section 119.011(12), Florida Statutes provides:

"Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

9. While there are some exemptions to public records concerning confidential information, there is no exemption exempting a municipal officer's personal e-mail from inspection and copying if that e-mail is used as a means of transmission in connection with the transaction of official business by any agency.

10. The Florida Constitution reiterates Florida's strong public policy of access to public records; indeed, access is a Constitutional right:

"Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created hereunder; counties, municipalities, and districts; and each constitutional officer, board or commission or entity created pursuant to law or this Constitution."

Fla. Const., art.1, Sec. 24

11. The City has adopted, in pertinent part, similar standards in Section 2-132(c) of the Code of Ordinances of the City:

Sec. 2-132. – City manager; city clerk

(c) Adoption of Public Records Act policy.

(1) *Introduction.* It is the policy of the City of Winter Park ("city") that all municipal records, with the exception of exempted records identified by F.S. § 119.07 or other applicable sections of Florida Statutes, shall be open for personal inspection by any person.

"Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the city. (F.S., § 119.011(1)).

(2) *Objective.* The purpose of this policy is to affirm the public's right to access city records, to set forth the procedures that will facilitate accessibility of information to members of the public, and to establish fees to be levied by the city to cover the cost of responding to public records requests.

(3) *Effective date.* This policy will become effective immediately upon adoption of the ordinance from which this subsection derives.

(4) *Procedure.*

a. *Processing public records requests.* The city clerk/city manager have the authority to determine that the request is routine and can appropriately be handled by a department head or other staff person at a department level. In that case, the person requesting public records will be directed to schedule a time to examine the records and to make copies at his or her cost (see costs below).

The city clerk is the official custodian of all city records, and any person requesting records is on notice that there may be a delay in receiving access to public records if he or she requests records from someone other than the city clerk.

Although requests are not required to be in writing, a written request will facilitate clear communication and a concise statement of what is being requested and is encouraged. Requestors should specify whether they wish to simply inspect records or obtain copies.

Any city employee who receives a request for this type of information should comply as soon as practicable. After assisting the requestor, staff should transmit information regarding any unusual requests to the city clerk's office. The city clerk will determine if the nature of the request requires a copy be sent to the city attorney. The city clerk does not need to be informed of routine requests; only ones requiring extensive time and research.

If departments that have records in their possession indicate that the retrieval of the records will take more than 20 minutes in order to retrieve, produce, maintain custody of and to return the records, staff will provide the requestor with an estimate of the cost for doing such work. The estimate should include sufficient information so that the person requesting the records will understand the scope of work involved that justifies the estimate amount of time and deposit amount.

The person requesting can either schedule on a reasonable basis a review of the records (which will require supervision because of the need to maintain security of the records; and that time spent in supervising may trigger the right to receive a deposit for extraordinary work) or may pay for a copy of all the records with the cost of shipping added to the bill if it is mailed. Payment should be received before copies are made and mailed.

Departments should provide the city clerk's office with the name and hourly pay rate of the employee who will be doing the retrieval for requests requiring a significant amount of time to complete. They should select the lowest paid employee capable of efficiently retrieving the records. No benefits multiplier shall be added to the labor charge. The city clerk's office shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the labor charges and copying charges, if any. A request will be made by the city clerk for a deposit for extraordinary requests. The city clerk's office will confirm with the requestor that the city must be paid in advance of the requestor's receipt of the records.

Exemptions must be identified promptly. Exceptions are generally found in [F.S.] § 119.071, but there are other exemptions provided in the law. Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary by the custodian of the records. The city attorney's office should be contacted for clarification of exemptions under F.S. ch. 119 that you are unsure of.

The public records law does not require staff to create or reassemble records in a new format. The law only requires staff to provide access to records that already exist. Also, the public records law does not require staff to answer questions or to conduct analysis.

12. In keeping with that policy, on February 7, 2020 at 12:12 p.m., Plaintiff sent an e-mail to the City Manager and City Clerk titled "Public Records Request." (Exhibit "A") In that request, Plaintiff stated:

"Good afternoon, Ms. Cranis,

Please accept this as my request under Chapter 119, Florida Statutes for the following information:

1. Records of any and all communications about which the City has knowledge that any sitting City Commissioner may have had with representatives of the City or others concerning the Orange Avenue Overlay project. This includes any and all electronic mail communications, whether to or from a City e-mail address or using a non-City electronic mail address (personal e-mail).

2. Any executed or unexecuted contracts or proposals exchanged by any party representing the City of Winter Park and the United States Postal Service regarding the City's possible purchase of the existing post office property and/or facilities at New York Avenue adjacent to the City's Central Park area.

Many thanks as always.

Frank”

13. Both the Orange Avenue Overlay project and the City's potential purchase of the Post Office property had been subjects of extensive discussion at recent City Commission meetings.

14. The City promptly responded that afternoon (Exhibit “B”) acknowledging receipt of the request and that they would work on gathering the information requested.

15. Within 3 days, the City shared the Post Office information.

16. In addition, on the date of the request, February 7, 2020, the City Clerk advised all Commissioners of the need to turn over not only City generated email or those from their City e-mail addresses, but also those from their personal addresses, “I received the public records request below. As personal e-mails are public records, please provide me with the e-mails in accordance with the request below...” (Exhibit “B-1”, p.2)(emphasis added)

17. During that same period, the City provided a thumb drive with numerous e-mails saved by City employees concerning the Orange Avenue Overlay. The City also confirmed that they had received e-mails from at least one commissioner and the City attorney and would have those prepared within the next day. The City did so on February 11.

18. On or about February 14, the City Clerk confirmed her responses from various commissioners other than Commissioner Weaver and, once Plaintiff enquired about that absence, the clerk responded that she thought she had produced those in an earlier file transfer.

19. After Plaintiff reviewed the provided DropBox files and thumb drive again, he determined that Commissioner Weaver had not yet produced any personal e-mails. Thus, Plaintiff sent Exhibit "C" and stated:

"Sorry for the second e-mail. Also, below you reference personal e-mail addresses. I just want to be sure I have captured all the Commissioners' personal e-mails discussing City business, not only with City Commission and City staff and personnel, but also with the public at large which is also a public record.

For example, the attached e-mail shows Commissioner Weaver asking you and planning to forward e-mails to his personal e-mail address toddweaver99@gmail.com. I have also seen e-mails from Commissioner Weaver's campaign address todd@weaver4winterpark regarding the Henderson Hotel project. (See Attached.)

I just want to be sure you made it clear to all commissioners that any city matters discussed on their personal emails need to be disclosed as public records.

Please provide those or a confirmation [from] each Commissioner that none exist. Thank you I think that will close the loop on this. I appreciate all your efforts.

Frank"

Plaintiff attached Exhibit "D" and Exhibit "E" to that e-mail.

20. On the same day, the City attorneys forwarded additional e-mails, but there was no further response from Commissioner Weaver.

21. Later that afternoon, the City Clerk provided Plaintiff with an e-mail wherein she advised all sitting City Commissioners of their responsibility, "Good afternoon, if you haven't already, please provide the e-mails requested by tomorrow so I can comply with this request. Thank you." and forwarded the request No. 1 from Exhibit "A" (See Exhibit "B-1").

22. The next day, the City Clerk provided the responses from Commissioners Cooper and Leary indicating that they either did not have any further records or they had been produced. The clerk also provided the e-mails from Commissioner Sprinkle. Still no e-mails from Commissioner Weaver.

23. On February 20, the clerk emailed to confirm Plaintiff had received everything requested. In response, Plaintiff provided Exhibit "F" stating, "I think the best I can say is that I have everything you sent, but for example, the "new" Dropbox re: Commissioner Weaver had no new emails in it, not even the two I sent you as examples of city business on personal e-mails.

Can you please have him send those and any others? Surely there were replies and responses to both at a minimum. Frank"

24. The clerk responded the next morning to confirm that, to her knowledge, those were Commissioner Weaver's personal e-mails.

25. It was not until February 26 that the clerk provided further information from Commissioner Weaver wherein he stated for the first time, almost 3 weeks after the request was made, "I'm acknowledging the request. It will take me a while to get them together. Please stand by." (Exhibit "G")

26. This was in response to the clerk's direct request to him (Exhibit "H"), "Todd, Mr. Hamner has advised that the e-mails regarding OAO that you provided did not include e-mails to/from your personal e-mail address. See his e-mail below and attachments. To respond to his request, please provide me with OAO e-mails to/from your personal e-mails or confirm that none exist. Thanks, Rene." (Exhibit "G", p.2)

27. The next day, the clerk provided a further response from Commissioner Weaver (Exhibit "H"), stating:

“Hi, Rene,

After reviewing the request by Mr. Hamner, I discovered that I'd included emails to my personal address (toddcweaver99@gmail.com), since I asked Mr. Stephenson to COPY e-mails sent to my City address. **Thus, I've already sent those with copies of my City e-mails.** I only use my personal address as "sent only" to be able to print attachments, as my City computer does not link to my printer. The Constant Contact e-mails are sent from todd@weaver4winterpark.com by Constant Contact with my City e-mail address listed as the reply address, so I've included those replies previously as citizens responses to my City e-mail address.

Best regards,

Todd”

28. Noting the flaws in that response, Plaintiff sent the attached Exhibit “I” noting that the e-mails already in Plaintiff’s possession contradicted Commissioner Weaver’s statements.

29. Hearing nothing further from Commissioner Weaver, on March 4, Plaintiff sent a more complete e-mail to the Mayor and all Commissioners at the City, the City Manager, the City attorneys and the City Clerk, trying once again to compel Commissioner Weaver to comply with the now almost one-month old request to which all Commissioners and the City Attorney had previously complied. In addition, City departments and City staff had also complied. Commissioner Weaver, thus, became the lone hold out on providing his e-mails. (Exhibit “J”).

30. Upon Plaintiff’s review of all the emails, Plaintiff discovered a probable reason for why Commissioner Weaver was withholding emails. Barely 24 hours past the time that the City had voted to approve the first reading of the Orange Avenue Overlay Ordinance, a motion which Commissioner Weaver voted against, e-mails from others in the City had revealed that Commissioner Weaver was attempting to undermine his own commission by sending e-mails from his personal address seeking ways to “amend or delay the OAO” at the state level "with a little encouragement. (Exhibit “M”).

31. A recipient of that e-mail responded and added a then candidate for another City Commission seat, Marty Sullivan, recommending Mr. Sullivan as someone who could be helpful to the "amend or delay" effort. Plaintiff attached Exhibits "K", "L", and "M" in part as examples of e-mails that Plaintiff knew existed from the Commissioner's personal e-mails, but that had not been produced.

32. It was only after this e-mail that Commissioner Weaver responded directly to Plaintiff copying the City Clerk, (Exhibit "N"), wherein he stated in direct contradiction to his previous e-mail (where he said he had produced all personal emails):

"Mr. Hamner,

I am in receipt of your request.

I am also not a retired person and have been tied up with business concerns for the past several weeks.

I am currently in New York state on said business.

When I have time to review emails, they will be sent to you.

Thank you,

Todd Weaver"

33. Plaintiff responded in Exhibit "O" reminding the Commissioner as well as the City Clerk, City Manager, the Mayor, other Commissioners and the City Attorney that he was not the only working Commissioner and yet they had all found time to respond in the almost month previously. Plaintiff also reminded Mr. Weaver of the inconsistencies of his statement wherein he said he had already fully responded.

34. To ensure that he was not misreading anything, on March 5, Plaintiff sent Exhibit "P" telling the Clerk that he had looked through the information that had been provided and had found none of Commissioner Weaver's personal e-mails. He also asked the Clerk if

perhaps he is missing anything in his review and sought help if there were other things that needed to be reviewed.

35. Having heard nothing further from Commissioner Weaver, on March 6, Plaintiff sent the attached Exhibit “Q” asking the Commissioner to produce his personal e-mails as required by law no later than March 11. Plaintiff reminded Commissioner Weaver that he had enjoyed plenty of time to do so and, given that there were specific communications between him and a candidate for another City Commission seat regarding trying to amend or delay a duly passed first reading of an ordinance, that it was even more important that the public know the truth of what occurred. Plaintiff implored the Commissioner to prove him wrong.

36. Having still received no further response from Commissioner Weaver, Plaintiff tried again via Exhibit “R”. This time noting that while Commissioner Weaver had said he was simply too busy to get to his legal duty, he had nonetheless had time to attend a celebratory event with yet another City Commission candidate the day after Plaintiff's previous effort to implore Commissioner Weaver to comply with the law.

37. Commissioner Weaver responded hours later (Exhibit “S”) stating again that he has not had “sufficient free time” despite being able to appear for a celebratory event outside the jurisdiction of the City to compile the e-mails. He blamed further delay on the power being out on his street, setting aside that he could access his Gmail and other accounts from virtually anywhere.

38. At 4:31 on that same afternoon, Plaintiff responded that he expected full compliance and that the Commissioner's excuses rang hollow. Exhibit “T”.

39. Nonetheless, as of the filing of this Complaint, Commissioner Weaver has failed to respond with a verifiably complete accounting of his personal e-mails. While he produced

some files late in the afternoon and evening of March 10, many of those files were password protected (thus leading to further delay) and incredibly duplicative, thus increasing the burden on Plaintiff to find the full scope of truly responsive emails. Further demonstrating his willful non-compliance, upon information and belief based on the records produced, the emails from Commissioner Weaver's personal emails addresses that are known to exist, and attached as Exhibits hereto, were not produced, much less any replies or forwarding emails in context of the chain of emails. Neither Commissioner Weaver nor the City have claimed any exemption to disclosure.

40. Plaintiff fears that Commissioner Weaver's efforts are to protect at least one other City Commission candidate from the exposure of these troubling e-mails.

41. Plaintiff did not make the request for these public records primarily to cause a violation of Chapter 119 as Plaintiff expected full compliance, nor did Plaintiff file the action for any frivolous purpose. Thus, neither request nor this Complaint was filed for an improper purpose as that term is defined under Section 119.12(3) Florida Statutes.

42. Plaintiff provided written notice identifying the public records request to the agency's custodian of public records at least 5 business days before filing this action. Indeed, the public records request was properly directed to the City Manager and the City Clerk on February 7, 2020, well over 30 days prior to the filing of this civil action.

43. The unconscionable failure to timely comply with and delay his response, coupled with Commissioner Weaver's unlawful refusal to actually provide the full scope of the public records constitutes an improper purpose and mandates that the award of reasonable costs of enforcement, including reasonable attorney's fees, against Commissioner Weaver is appropriate under Section 119.12(1)(a) and (b).

44. Florida Statutes establishes the “unlawful nature” of Commissioner Weaver's actions in Section 119.10(1) which states that any public officer who (a) violates any provision of Chapter 119 commits a noncriminal infraction, punishable by a fine not exceeding \$500.00 or (b) who knowingly violates the provisions of Section 119.07(1) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree.

45. Section 119.10(2) provides that any person who knowingly and willingly violates any provision of Chapter 119 commits a misdemeanor of the first degree. Plaintiff contends that Commissioner Weaver's actions were demonstrably willful and knowing and, thus, constitute a violation of Chapter 119.10.

46. Pursuant to Section 119.11, Florida Statutes, Plaintiff requests an immediate hearing and an order that Commissioner Weaver be required to open his records for inspection in accordance with this chapter within 48 hours. Additionally, Plaintiff requests the appointment of a qualified professional to inspect Commissioner Weaver's electronic devices and hard drives for proof of full compliance with the public records request. Given the upcoming election and Commissioner Weaver’s delay in producing these documents, such haste is necessary.

WHEREFORE Plaintiff pleads that this Honorable Court order the full production of records *post haste*, award Plaintiff his attorney's fees and costs for the filing of this action, and for any other relief this Court deems just and proper.

Dated: March 12, 2020

Respectfully submitted,

/s/ FRANK A. HAMNER

FRANK A. HAMNER, Esquire
Florida Bar No. 0059153

Frank A. Hamner, P.A.
1011 N. Wymore Road
Winter Park, Florida 32789
Telephone: 407-645-4549
Facsimile: 407-539-2257
fhamner@fahpa.com

Frank Hamner

From: Frank Hamner
Sent: Friday, February 7, 2020 12:12 PM
To: 'RCranis@cityofwinterpark.org'
Cc: 'Randy Knight'
Subject: Public Records Request

Good afternoon Ms. Cranis,

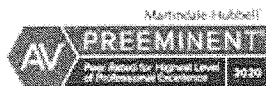
Please accept this as my request under Chapter 119, Florida Statutes for the following information:

1. Records of any and all communications about which the City has knowledge that any sitting City Commissioner may have had with representatives of the City or others concerning the Orange Avenue Overlay project. This includes any and all electronic mail communications, whether to or from a City email address or using a non-City electronic email address (personal email).
2. Any executed or unexecuted contracts or proposals exchanged by any party representing the City of Winter Park and the United States Postal Service regarding the City's possible purchase of the existing post office property and/or facilities at New York Avenue adjacent to the City's Central Park area.

Many thanks as always.

Frank

Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road
Winter Park, Florida 32789
tel 407.645.4549
fax 407.539.2257



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EXHIBIT A

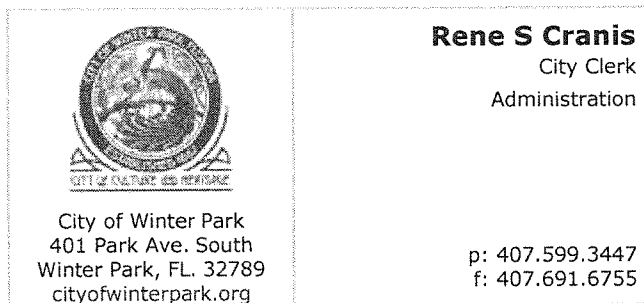
Frank Hamner

From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Friday, February 7, 2020 2:36 PM
To: Frank Hamner
Subject: RE: Public Records Request

Mr. Hamner,

This acknowledges receipt of your request. We are working on gathering the information you requested.

Rene



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Frank Hamner <fhamner@fahpa.com>
Sent: Friday, February 7, 2020 12:12 PM
To: Rene S Cranis <RCranis@cityofwinterpark.org>
Cc: Randy Knight <Rknight@cityofwinterpark.org>
Subject: [External] Public Records Request

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

Good afternoon Ms. Cranis,

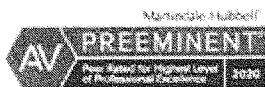
Please accept this as my request under Chapter 119, Florida Statutes for the following information:

1. Records of any and all communications about which the City has knowledge that any sitting City Commissioner may have had with representatives of the City or others concerning the Orange Avenue Overlay project. This includes any and all electronic mail communications, whether to or from a City email address or using a non-City electronic email address (personal email).
2. Any executed or unexecuted contracts or proposals exchanged by any party representing the City of Winter Park and the United States Postal Service regarding the City's possible purchase of the existing post office property and/or facilities at New York Avenue adjacent to the City's Central Park area.

Many thanks as always.

Frank

Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road
Winter Park, Florida 32789
tel 407.645.4549
fax 407.539.2257



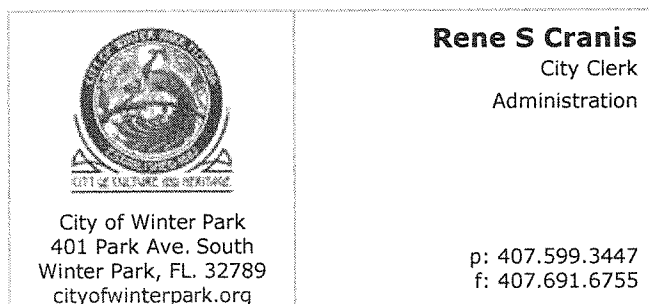
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Frank Hamner

From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Wednesday, February 19, 2020 2:58 PM
To: Frank Hamner
Subject: FW: Public Records Request

Below are the e-mails I sent to the Mayor and Commissioners



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Rene S Cranis
Sent: Thursday, February 13, 2020 3:21 PM
To: Steven Leary <Sleary@cityofwinterpark.org>; Greg Seidel <gseidel@cityofwinterpark.org>; Sarah Sprinkel <SSprinkel@cityofwinterpark.org>; Carolyn Cooper <CCooper@cityofwinterpark.org>; Todd Weaver <TWeaver@cityofwinterpark.org>
Subject: RE: Public Records Request

Good afternoon,

If you haven't already, please provide the e-mails requested by tomorrow so I can comply with this request.

Thank you.

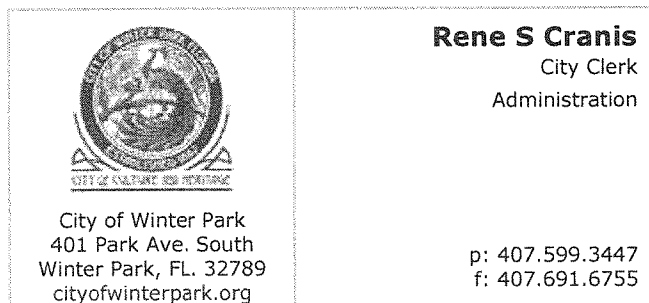


EXHIBIT B-1

Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public

and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Rene S Cranis

Sent: Friday, February 7, 2020 3:29 PM

To: Steven Leary <Sleary@cityofwinterpark.org>; Greg Seidel <gseidel@cityofwinterpark.org>; Sarah Sprinkel <SSprinkel@cityofwinterpark.org>; Carolyn Cooper <CCooper@cityofwinterpark.org>; Todd Weaver <TWeaver@cityofwinterpark.org>

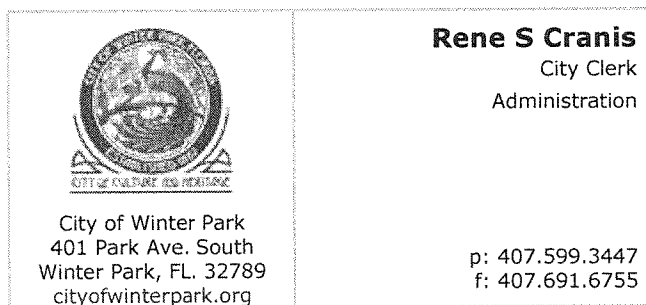
Subject: FW: Public Records Request

I received the public records request below. As personal e-mails are public records, please provide me with the e-mails in accordance with the request below. I would appreciate if you could provide me with the e-mails by next Thursday, February 13th. Thank you.:

1. Records of any and all communications about which the City has knowledge that any sitting City Commissioner may have had with representatives of the City or others concerning the Orange Avenue Overlay project. This includes any and all electronic mail communications, whether to or from a City email address or using a non-City electronic email address (personal email).

Thank you.

Rene



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

Frank Hamner

From: Frank Hamner
Sent: Wednesday, February 19, 2020 11:47 AM
To: 'Rene S Cranis'
Subject: RE: E-mails
Attachments: Forward OAO amendments; Untitled

Sorry for the second email. Also, below you reference personal email addresses. I just want to be sure I have captured all the Commissioners' personal emails discussing City business, not only with City Commission and City staff and personnel, but also with the public at large which is also a public record.

For example, the attached email shows Commissioner Weaver asking you and planning to forward emails to his personal email address toddweaver99@gmail.com. I have also seen emails come from Commissioner Weaver's campaign address todd@weaver4winterpark regarding the Henderson Hotel project. (See Attached)

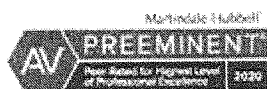
I just want to be sure you made it clear to all commissioners that any city matters discussed on their personal emails need to be disclosed as public records.

Please provide those or a confirmation form each commissioner that none exist.

Thank you....I think that will close the loop on this. I appreciate all your efforts.

Frank

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tel 407.645.4549
fax 407.539.2257



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From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Friday, February 14, 2020 1:14 PM

EXHIBIT C

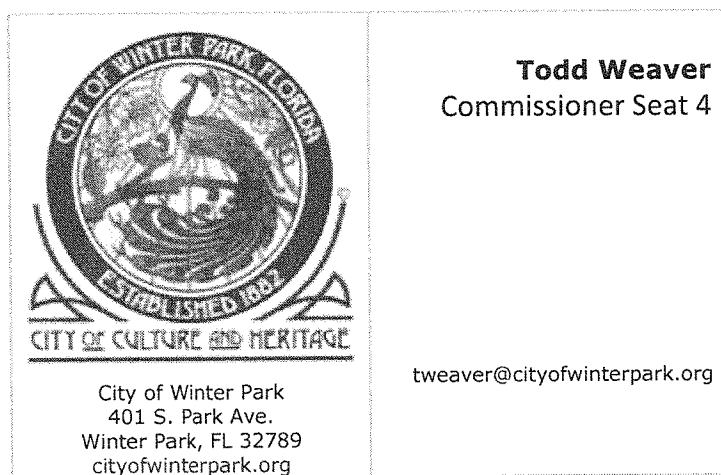
Frank Hamner

From: Todd Weaver
Sent: Wednesday, January 15, 2020 4:46 PM
To: Bronce Stephenson; Rene S Cranis
Subject: Forward OAO amendments

Hi Bronce and Rene,

Please copy my personal email address (toddcweaver99@gmail.com) when you transmit the OAO amendment documentation.

Thanks,
Todd



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

EXHIBIT D

Frank Hamner

From: Frank Hamner
Sent: Wednesday, February 19, 2020 11:46 AM
To: Frank Hamner

From: Weaver 4 Winter Park <todd@weaver4winterpark.com>
Date: October 25, 2019 at 8:54:00 PM EDT
Subject: The Proposed Henderson Hotel
Reply-To: todd@weaver4winterpark.com



Should Winter Park Abandon our Zoning Codes and Comprehensive Plan?



The "Henderson Hotel" developer is asking us to.

How do you feel about this prospect?



This massive building would require the City to:

- 1) Abandon sections of 3 City streets and turn the land over to the developer (3/4 acre)
- 2) Rezone 4 Residential Lakefront Lots to Commercial Zoning
- 3) Rezone 2 Office Lots to Commercial Zoning
- 4) Allow a 5-story building 10 to 12 feet from 17-92
- 5) Allow a Floor Area Ratio (FAR) of 187% where Commercial Zoning allows 45%
- 6) Zero setbacks from some adjacent properties; setbacks less than code elsewhere
- 7) Allow a 75-foot setback from Lake Killarney where zoning requires 150 feet
- 8) Allow less parking than code requires
- 9) Add more traffic to 17-92 near Fairbanks
- 10) Cut off access and egress from/to 17-92 for dozens of adjacent single-family residences

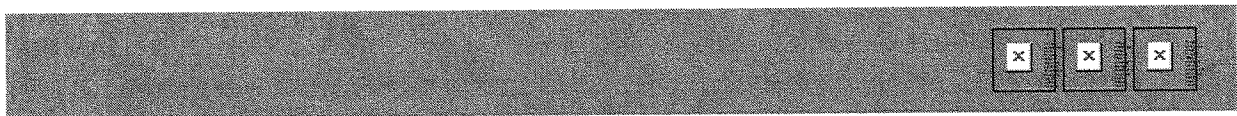
- 11) Change the Comprehensive Plan to NO LONGER protect single-family neighborhoods
- 12) Allow 5-stories adjacent to 1- and 2-story single family homes

We would like to hear what you think.

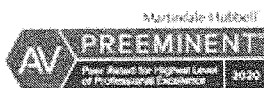
- 1) Email your commissioners: mayorandcommissioners@cityofwinterpark.org
- 2) Talk with your neighbors
- 3) Attend the Planning & Zoning Board meeting November 5th at 6 pm (City Hall)



Winter Park City Commissioner Todd Weaver (Seat 4)
tweaver@cityofwinterpark.org



Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road
Winter Park, Florida 32789
tel 407.645.4549
fax 407.539.2257



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Frank Hamner

From: Frank Hamner
Sent: Thursday, February 20, 2020 6:59 PM
To: 'Rene S Cranis'
Subject: RE: E-mails

I think the best I can say is that I have everything you sent, but for example, the "new" Dropbox re: Commissioner Weaver had no new emails in it, not even the two I sent to you as examples of city business on personal emails.

Can you please have him send those and any others? Surely there were replies and responses to both at a minimum.

Frank

Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road
Winter Park, Florida 32789
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From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Thursday, February 20, 2020 8:44 AM
To: Frank Hamner <fhamner@fahpa.com>
Subject: RE: E-mails

Frank,

Please confirm that you have now received everything you requested.

Rene



Rene S Cranis
City Clerk
Administration

EXHIBIT F



City of Winter Park
401 Park Ave. South
Winter Park, FL. 32789
cityofwinterpark.org

p: 407.599.3447
f: 407.691.6755



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From: Frank Hamner <fhamner@fahpa.com>
Sent: Wednesday, February 19, 2020 5:49 PM
To: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: [External] RE: E-mails

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

How about Commissioners Sprinkel and Weaver.

Frank A. Hamner
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From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Wednesday, February 19, 2020 3:00 PM

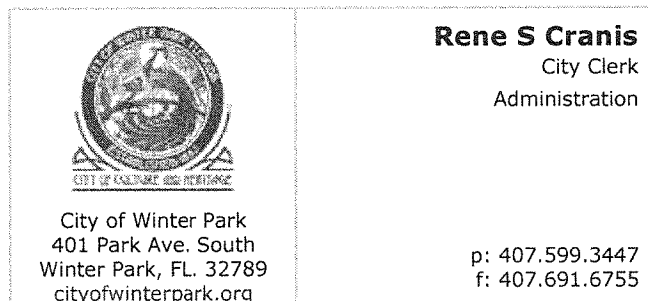
To: Frank Hamner <fhamner@fahpa.com>

Subject: RE: E-mails

Frank,

I just forwarded you the e-mail I sent to the Mayor and Commissioners requesting their e-mails. I will forward the responses from Mayor Leary, Commissioner Cooper. I have not received anything from Commissioner Seidel but will send him another reminder.

Rene



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From: Frank Hamner <fhamner@fahpa.com>

Sent: Wednesday, February 19, 2020 11:47 AM

To: Rene S Cranis <RCranis@cityofwinterpark.org>

Subject: [External] RE: E-mails

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Sorry for the second email. Also, below you reference personal email addresses. I just want to be sure I have captured all the Commissioners' personal emails discussing City business, not only with City Commission and City staff and personnel, but also with the public at large which is also a public record.

For example, the attached email shows Commissioner Weaver asking you and planning to forward emails to his personal email address toddcweaver99@gmail.com . I have also seen emails come from Commissioner Weaver's campaign address todd@weaver4winterpark regarding the Henderson Hotel project. (See Attached)

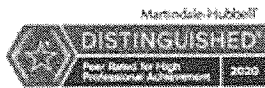
I just want to be sure you made it clear to all commissioners that any city matters discussed on their personal emails need to be disclosed as public records.

Please provide those or a confirmation form each commissioner that none exist.

Thank you....I think that will close the loop on this. I appreciate all your efforts.

Frank

Frank A. Hamner
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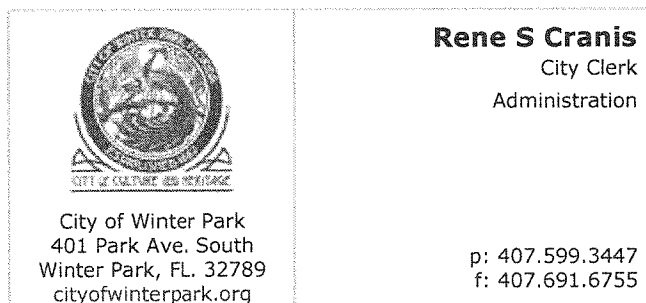
From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Friday, February 14, 2020 1:14 PM
To: Frank Hamner <fhamner@fahpa.com>
Subject: E-mails

You should have just received a link to Commissioner Sprinkle's e-mails.

Commissioner Cooper responded that she copies her e-mails to her city e-mail address so the city should have those (which you should have on the thumb drive.) Mayor Leary responded that he is checking his e-mails but is fairly certain he doesn't have any communication to/from it regarding the project. I sent him a follow-up e-mail.

I have not received a response from Commissioner Seidel but have sent him a follow-up e-mail.

Rene



and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

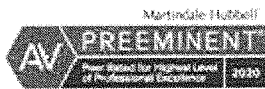
Frank Hamner

From: Frank Hamner
Sent: Wednesday, February 26, 2020 11:04 AM
To: 'Rene S Cranis'
Subject: RE: E-mails

Thank you Rene. How much time is typically allowed in these situations?

I'm interested in why he didn't "acknowledge" it before?

Frank A. Hamner
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From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Wednesday, February 26, 2020 10:14 AM
To: Frank Hamner <fhamner@fahpa.com>
Subject: FW: E-mails

Below is Commissioner Weaver's response to your request for e-mails.

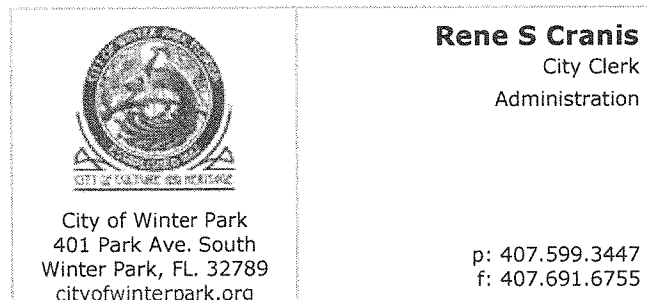


EXHIBIT G



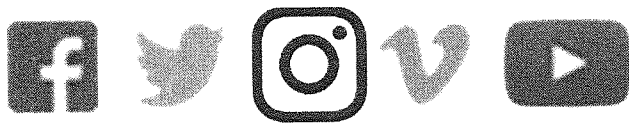
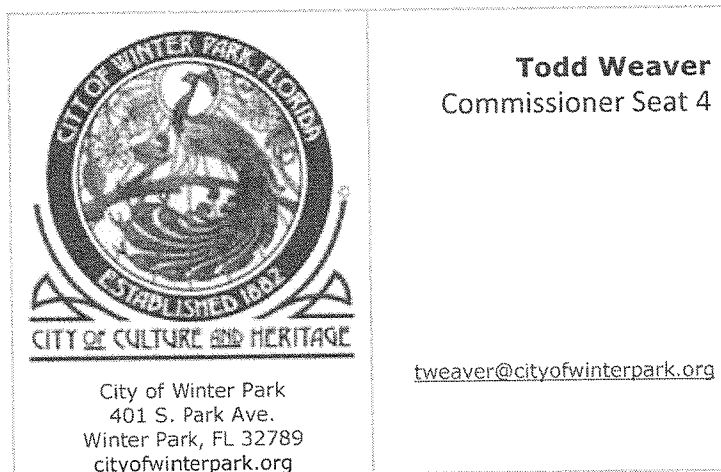
Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Todd Weaver
Sent: Wednesday, February 26, 2020 9:24 AM
To: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: RE: E-mails

Hi Rene,

I'm acknowledging the request. It will take me a while to get them together.
Please stand by.

Best,
Todd



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From: Rene S Cranis
Sent: Monday, February 24, 2020 9:52 AM
To: Todd Weaver <TWeaver@cityofwinterpark.org>
Subject: FW: E-mails

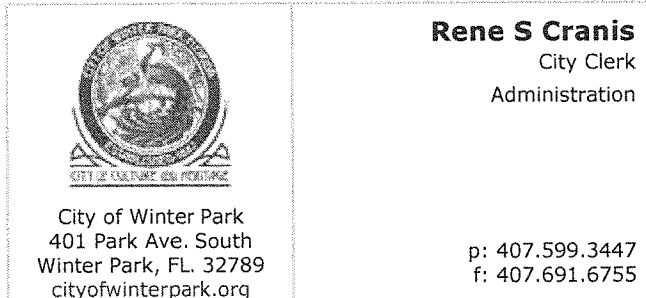
Todd,

Mr. Hamner has advised that the e-mails regarding OAO that you provided did not include e-mails to/from your personal e-mail address. See his e-mail below and attachments.

To respond to his request , please provide me with OAO e-mails to/from your personal e-mails or confirm that none exist.

Thanks

Rene



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From: Frank Hamner <fhamner@fahpa.com>
Sent: Wednesday, February 19, 2020 11:47 AM
To: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: [External] RE: E-mails

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For example, the attached email shows Commissioner Weaver asking you and planning to forward emails to his personal email address toddeweaver99@gmail.com . I have also seen emails come from Commissioner Weaver's campaign address todd@weaver4winterpark regarding the Henderson Hotel project. (See Attached)

I just want to be sure you made it clear to all commissioners that any city matters discussed on their personal emails need to be disclosed as public records.

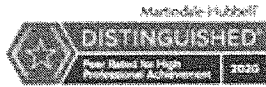
Please provide those or a confirmation from each commissioner that none exist.

Thank you....I think that will close the loop on this. I appreciate all your efforts.

Frank

Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.

1011 N. Wymore Road
Winter Park, Florida 32789
tel 407.645.4549
fax 407.539.2257



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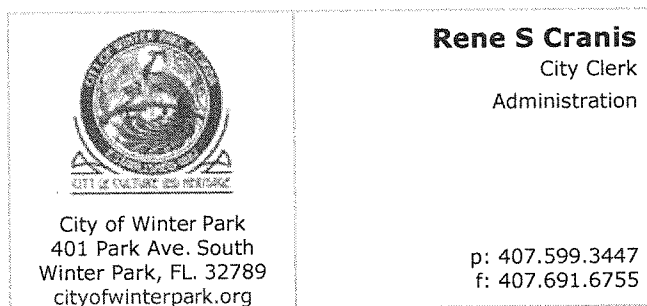
Frank Hamner

From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Thursday, February 27, 2020 7:54 AM
To: Frank Hamner
Subject: FW: E-mails

Frank,

Below is Commissioner Weaver's response to the request for his personal e-mails.

Rene



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From: Todd Weaver
Sent: Wednesday, February 26, 2020 4:16 PM
To: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: RE: E-mails

Hi Rene,

After reviewing the request by Mr. Hamner, I discovered that I'd included emails to my personal address (toddcweaver99@gmail.com), since I asked Mr. Stephenson to COPY emails sent to my city address. Thus I've already sent those with copies of my city emails.

I only use my personal address as "sent only" to be able to print attachments, as my city computer does not link to my printer.

The Constant Contact emails are sent from todd@weaver4winterpark.com by Constant Contact with my city email address listed as the reply address, so I've included those replies previously as citizen responses to my city email address.

Best regards,

Todd

EXHIBIT H



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From: Rene S Cranis
Sent: Monday, February 24, 2020 9:52 AM
To: Todd Weaver <TWeaver@cityofwinterpark.org>
Subject: FW: E-mails

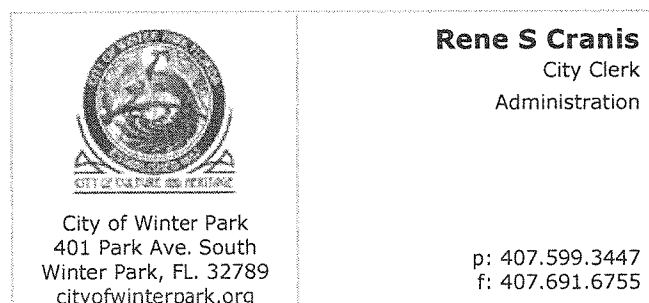
Todd,

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To respond to his request , please provide me with OAO e-mails to/from your personal e-mails or confirm that none exist.

Thanks

Rene



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From: Frank Hamner <fhamner@fahpa.com>
Sent: Wednesday, February 19, 2020 11:47 AM
To: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: [External] RE: E-mails

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Sorry for the second email. Also, below you reference personal email addresses. I just want to be sure I have captured all the Commissioners' personal emails discussing City business, not only with City Commission and City staff and personnel, but also with the public at large which is also a public record.

For example, the attached email shows Commissioner Weaver asking you and planning to forward emails to his personal email address toddeweaver99@gmail.com . I have also seen emails come from Commissioner Weaver's campaign address todd@weaver4winterpark regarding the Henderson Hotel project. (See Attached)

I just want to be sure you made it clear to all commissioners that any city matters discussed on their personal emails need to be disclosed as public records.

Please provide those or a confirmation form each commissioner that none exist.

Thank you....I think that will close the loop on this. I appreciate all your efforts.

Frank

Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road
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Frank Hamner

From: /O=ASN/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FHAMNER on behalf of Frank Hamner
Sent: Thursday, February 27, 2020 11:03 AM
To: 'Rene S Cranis'
Cc: 'Randy Knight'; 'Bronce Stephenson'
Subject: RE: E-mails

I am guessing he believes this to be true, however, NONE of the emails that I previously sent as examples are in his production. There are ZERO emails from either of the 2 addresses he references and we all know that he has discussed City business on them. So his statement, "I only use my personal address as "sent only" to be able to print attachments, as my city computer does not link to my printer." is simply incorrect at best.

My request, and the law, clearly encompass any disposition of the emails he forwarded to his personal emails (were they then forwarded to others or was there any discussion on them?) as well as the emails generated organically from either of his 2 personal addresses that we know about, plus any that we don't know about.

For example, to whom did the Henderson Hotel email go to? Again, his statement, "The Constant Contact emails are sent from todd@weaver4winterpark.com by Constant Contact with my city email address listed as the reply address, so I've included those replies previously as citizen responses to my city email address." Is insufficient and as shown below, simply not true --- the email header clearly states "Reply-To: todd@weaver4winterpark.com"

From: Weaver 4 Winter Park <todd@weaver4winterpark.com>
Date: October 25, 2019 at 8:54:00 PM EDT
Subject: The Proposed Henderson Hotel
Reply-To: todd@weaver4winterpark.com

Should Winter Park Abandon our
Zoning Codes and Comprehensive Plan?

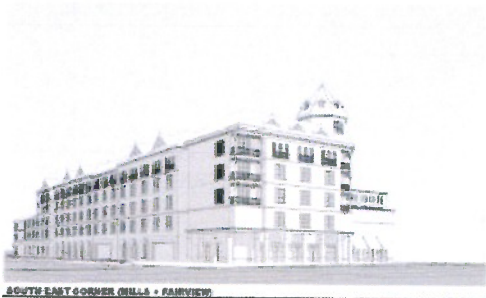
EXHIBIT I



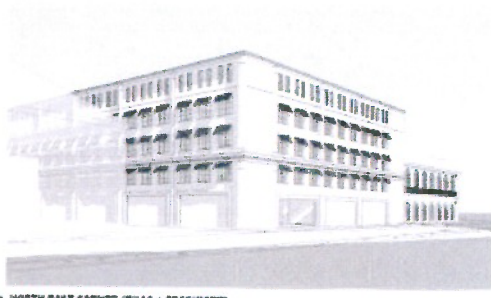
3 NORTH WEST CORNER



4 SOUTH WEST CORNER



1 SOUTH EAST CORNER (HILLS + FAIRVIEW)



2 NORTH EAST CORNER (HILLS + BEACH VIEW)

The "Henderson Hotel" developer is asking us to.

How do you feel about this prospect?

This massive building would require the City to:

- 1) Abandon sections of 3 City streets and turn the land over to the developer (3/4 acre)
- 2) Rezone 4 Residential Lakefront Lots to Commercial Zoning
- 3) Rezone 2 Office Lots to Commercial Zoning
- 4) Allow a 5-story building 10 to 12 feet from 17-92
- 5) Allow a Floor Area Ratio (FAR) of 187% where Commercial Zoning allows 45%
- 6) Zero setbacks from some adjacent properties; setbacks less than code elsewhere
- 7) Allow a 75-foot setback from Lake Killarney where zoning requires 150 feet
- 8) Allow less parking than code requires
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- 10) Cut off access and egress from/to 17-92 for dozens of adjacent single-family residences
- 11) Change the Comprehensive Plan to NO LONGER protect single-family neighborhoods
- 12) Allow 5-stories adjacent to 1- and 2-story single family homes

We would like to hear what you think.

- 1) Email your commissioners: mayorandcommissioners@cityofwinterpark.org
- 2) Talk with your neighbors
- 3) Attend the Planning & Zoning Board meeting November 5th at 6 pm (City Hall)

Winter Park City Commissioner Todd Weaver (Seat 4)
tweaver@cityofwinterpark.org



The public has a right to see to whom those emails go to and the responses received at that email address, not filtered by what he chooses to forward to his City email address.

Perhaps Dan or Kurt can remind him of the seriousness of his responsibility to produce ALL his emails discussing city business, whether "to", "from", "cc", "bcc" or other.

As someone who has stated on the record his commitment to transparency and public knowledge, this seems a little disingenuous.

Frank

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1011 N. Wymore Road
Winter Park, Florida 32789
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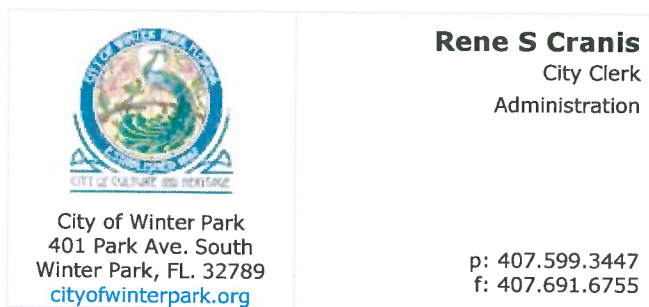
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Sent: Thursday, February 27, 2020 7:54 AM
To: Frank Hamner <fhamner@fahpa.com>
Subject: FW: E-mails

Frank,

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Rene



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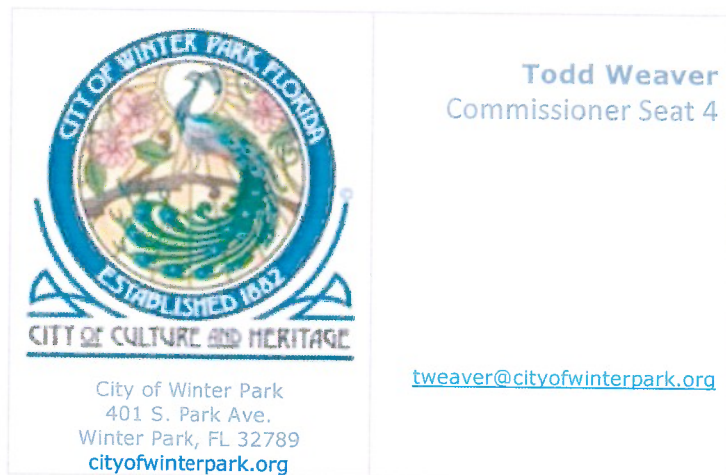
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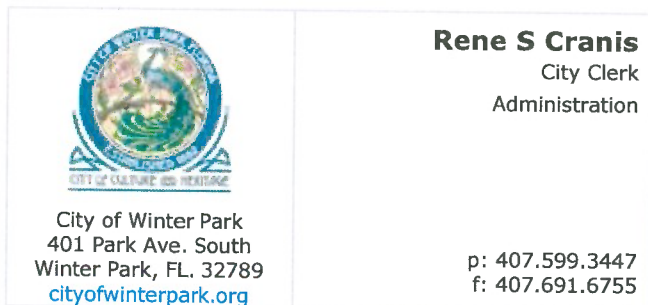
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Sent: Wednesday, February 19, 2020 11:47 AM
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Subject: [External] RE: E-mails

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Sorry for the second email. Also, below you reference personal email addresses. I just want to be sure I have captured all the Commissioners' personal emails discussing City business, not only with City Commission and City staff and personnel, but also with the public at large which is also a public record.

For example, the attached email shows Commissioner Weaver asking you and planning to forward emails to his personal email address toddeweaver99@gmail.com. I have also seen emails come from Commissioner Weaver's campaign address todd@weaver4winterpark regarding the Henderson Hotel project. (See Attached)

I just want to be sure you made it clear to all commissioners that any city matters discussed on their personal emails need to be disclosed as public records.

Please provide those or a confirmation form each commissioner that none exist.

Thank you....I think that will close the loop on this. I appreciate all your efforts.

Frank

Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road
Winter Park, Florida 32789
tel 407.645.4549
fax 407.539.2257



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Frank Hamner

From: Frank Hamner
Sent: Wednesday, March 4, 2020 4:08 PM
To: mayorandcommissioners@cityofwinterpark.org; 'Randy Knight'; 'aardaman@fishbacklaw.com'; 'dlangley@fishbacklaw.com'
Cc: 'Rene S Cranis'
Subject: Public Records Request
Attachments: Rene S Cranis shared »OAO email files TCW.pst« with you; FW: E-mails; Fwd: [External] Fwd: process

In an effort to cut to the chase on this request regarding Commissioner Weaver, I want to first reiterate my request of February 7:

Good afternoon Ms. Cranis,

Please accept this as my request under Chapter 119, Florida Statutes for the following information:

1. Records of any and all communications about which the City has knowledge that any sitting City Commissioner may have had with representatives of the City or others concerning the Orange Avenue Overlay project. This includes any and all electronic mail communications, whether to or from a City email address or using a non-City electronic email address (personal email).
2. Any executed or unexecuted contracts or proposals exchanged by any party representing the City of Winter Park and the United States Postal Service regarding the City's possible purchase of the existing post office property and/or facilities at New York Avenue adjacent to the City's Central Park area.

Many thanks as always.

Frank

The City has acknowledged and confirmed in writing that any personal email discussing city business is a public record. I have been assured the other Commissioners have produced their emails and that appears to be confirmed in the review of the emails.

Attached hereto (Rene Cranis shared >>OAO email files TCW.pst<< with you) is the Dropbox file Ms. Cranis timely delivered to me on February 20 after being advised by Commissioner Weaver that it was all his email, city and personal, responsive to the request. When you look at that file, it contains little to no personal emails.

We know personal emails discussing City business exist....the emails by and between Commissioner Weaver and Mr. Williams seeking to amend or delay to the Overlay ordinance at the state level ("FDOT, FDEP and/or SJWMD may be the agencies who might help amend or delay the OAO, with a little encouragement.) was sent from toddeweaver99@gmail.com on January 18, 2020 (attached Fwd: Process). Neither it nor the chain following it have been produced. Similarly, the October 25, 2019 Henderson Hotel missive was sent from todd@weaver4winterpark.com. Neither it nor the chain following it have been produced.

These (and others), I know exist. Commissioner Weaver knows better than anyone they (and others) exist, and he apparently also knows of his responsibility to produce them as noted in his attached email.

Yet they have not been produced.

Thus, this is my last chance to offer an opportunity for Commissioner Weaver and the City to correct any mistake or miscommunication that might exist and produce the full scope of his personal emails (to, from, bcc, reply, reply all, etc.) responsive to my request. Perhaps he did forward them to Ms. Cranis and they got crossed up in email and Dropbox files. Maybe I got the wrong Dropbox file. Perhaps the Dropbox is corrupted or I am just reading it wrong somehow. That's OK, let's just get it fixed and help me get access to the records.

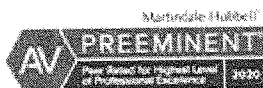
However, if they simply have not been produced, that is inexcusable.

I have heard a lot of proselytization about "ethics" from the dais and the podium in the last few weeks so surely those talking the talk would want to walk the walk. As a citizen of this City however, I find it unconscionable that a City leader would not want to set the example for others.

I need a solid answer from the City and Commissioner Weaver of either "sorry, here are the emails" or "I'm just not going to comply." Makes no difference to me, I will follow whatever path you decide to lay to its final conclusion either way. I'm funny like that.....

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Frank Hamner

From: Rene S Cranis via City of Winter Park <sysadmin@cityofwinterpark.org>
Sent: Thursday, February 20, 2020 8:14 AM
To: Frank Hamner
Subject: Rene S Cranis shared »OAO email files TCW.pst« with you



Helio there,

The City of Winter Park Rene S Cranis shared **OAO email files TCW.pst** with you. Access the link below to download/upload or view documents.

[Click here](#)

Thank you!

--

City of Winter Park -
<http://cityofwinterpark.org>

EXHIBIT K

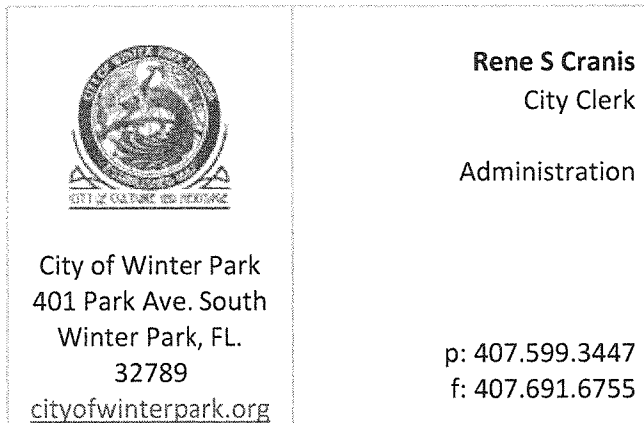
Frank Hamner

From: Rene S Cranis <RCranis@cityofwinterpark.org>
Sent: Thursday, February 27, 2020 7:54 AM
To: Frank Hamner
Subject: FW: E-mails

Frank,

Below is Commissioner Weaver's response to the request for his personal e-mails.

Rene



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Todd Weaver
Sent: Wednesday, February 26, 2020 4:16 PM
To: Rene S Cranis
Subject: RE: E-mails

Hi Rene,

After reviewing the request by Mr. Hamner, I discovered that I'd included emails to my personal address (toddcweaver99@gmail.com), since I asked Mr. Stephenson to COPY emails sent to my city address. Thus I've already sent those with copies of my city emails.

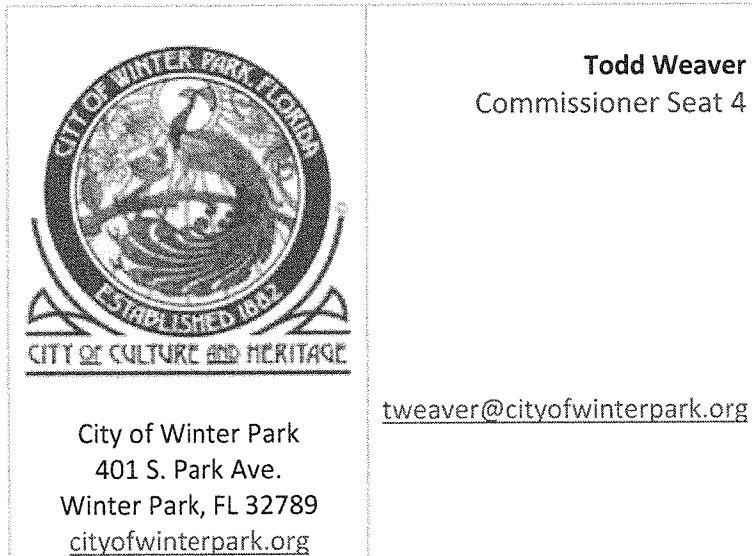
I only use my personal address as "sent only" to be able to print attachments, as my city computer does not link to my printer.

EXHIBIT L

The Constant Contact emails are sent from todd@weaver4winterpark.com by Constant Contact with my city email address listed as the reply address, so I've included those replies previously as citizen responses to my city email address.

Best regards,

Todd



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From: Rene S Cranis
Sent: Monday, February 24, 2020 9:52 AM
To: Todd Weaver <TWeaver@cityofwinterpark.org>
Subject: FW: E-mails

Todd,

Mr. Hamner has advised that the e-mails regarding OAO that you provided did not include e-mails to/from your personal e-mail address. See his e-mail below and attachments.

To respond to his request, please provide me with OAO e-mails to/from your personal e-mails or confirm that none exist.

Thanks

Rene



Rene S Cranis
City Clerk

Administration

City of Winter Park
401 Park Ave. South
Winter Park, FL.
32789
cityofwinterpark.org

p: 407.599.3447
f: 407.691.6755



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From: Frank Hamner <fhamner@fahpa.com>
Sent: Wednesday, February 19, 2020 11:47 AM
To: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: [External] RE: E-mails

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Frank Hamner

From: Randy Knight
Sent: Saturday, January 18, 2020 1:24 PM
To: Bronce Stephenson
Subject: Fwd: [External] Fwd: process

FYI

Sent from my iPhone

Begin forwarded message:

From: Peter Gottfried
Date: January 18, 2020 at 12:30:41 PM EST
To: Randy Knight
Subject: [External] Fwd: process

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

Make sure you have answers to questions below. The overlay is a good plan in my view.

Peter K. Gottfried, CEP, GISP
NATURAL SYSTEMS ANALYSTS, INC
407-718-3880
www.gis1.com

From: Peter Gottfried
Sent: Saturday, January 18, 2020, 7:14 AM
To: Charley Williams; Todd Weaver
Cc: Marty Sullivan
Subject: Re: process

I'm not fighting this. It's a good plan. I got what I wanted - reduced building heights. And each proposed project along Fairbanks and Orange will have to be reviewed by the new commission.

Peter K. Gottfried, CEP, GISP
NATURAL SYSTEMS ANALYSTS, INC
407-718-3880
www.gis1.com

From: Charley Williams
Sent: Saturday, January 18, 2020 7:09:08 AM
To: Todd Weaver

EXHIBIT M

Cc: Peter Gottfried ; Marty Sullivan

Subject: Re: process

Kim knows the folks at FDEP via our parks/deeds work—Lois and Angie. We should talk w them.

FDOT/-can dig around w them to see who in Deland or Central office reviews/comments. I have received comment that the traffic study being used here to date is invalid. Methodology matter. Need argument.

SJRWMD—Peter probably has best intel—and Marty.

Certainly ready to generate a public comment email campaign to create a “pause” re-review—return to sender situation.

Todd/-need to know POC at each agency and email to send comments to and DEADLINES!!

Chaz

Sent from my iPhone

On Jan 18, 2020, at 6:26 AM, Todd Weaver wrote:

As you know, the OAO changes to the comp plan must be reviewed and approved by various state agencies.

These agencies have the authority to challenge comp plan changes. The OAO comp plan amendment should be going to the State next week for review. Those guidelines are listed in the email below this one.

FDOT, FDEP and/or SJWMD may be the agencies who might help amend or delay the OAO, with a little encouragement.

FDOT: When the City took over control of Orange Ave between Fairbanks and 17-92 , clause 7 of that agreement states:

"The CITY agrees to maintain the capacity of this facility, so as not to negatively impact mobility along the adjacent segments of SR 600/US 17-92 and SR 426/Fairbanks Avenue."

Our Planning Director has stated multiple times that Kimley Horn is designing intersection improvements for Orange and Fairbanks. Since Fairbanks is a State road, KH can only offer suggestions on those improvements. However, the 6-way intersection of Orange/Denning/Minnesota is completely within City jurisdiction. The concept of a road diet for Orange Ave and a one-lane roundabout at that intersection is the course KH has been directed to pursue. A one-lane roundabout mandates a road diet of some sort for OA, which can do nothing but decrease capacity on OA and negatively impact Fairbanks as a result. There isn't direct language in the OAO comp plan amendment dictating the road diet or roundabout, so this is a secondary option.

Another outcome of the OAO is the increased traffic due to the increased local density allowed by the OAO. No specific traffic plan is in the OAO currently, only clauses dealing with a transportation impact fee.

FDEP and St. Johns would probably be interested in this: The smaller OAO properties can increase FAR, but are exempt from stormwater upgrades. This isn't the intent of FDEP or SJWMD guidelines or best practice. I spoke about the opportunity to use the subterranean Progress Point lot for regional stormwater treatment, but didn't get it included as an amendment, although CC and GS seemed amenable to the idea. Since this idea wasn't incorporated, stormwater running off the smaller properties is not being dealt with.

Your thoughts?

T

On comp plan procedures.

M

<https://floridadep.gov/oip/oip/content/comprehensive-plan>

Comprehensive Plan Review Process

The review process is initiated when a local government transmits a proposed or adopted comprehensive plan amendment to the appropriate state and regional agencies, including DEP, Department of Economic Opportunity (DEO), Department of State, Department of Transportation, regional planning councils and water management districts. Other agencies that may be included in the review process are the Department of Education (if the amendment affects schools), Department of Agriculture and Consumer Services, and Florida Fish and Wildlife Conservation Commission (for county amendments); county governments (for municipal amendments); and the commanding officer of any affected military installation. The three review processes for amending comprehensive plans include the Expedited State Review, State Coordinated Review and Small Scale Review.

With the exception of small scale amendments, which involve land use changes on parcels of 10 acres or less (or 20 acres or less for parcels within rural areas of critical economic concern) and are exempt from state and regional review, most amendments proposed and later adopted by local governments are now reviewed through the Expedited State Review process. DEP and other state and regional agencies must provide comments directly to the local government within 30 days of receiving an expedited review amendment and copy DEO, the state land planning agency.

Amendments that would change land uses within an Area of Critical State Concern, create a Rural Land Stewardship Area or sector plan, create a DRI or update a

comprehensive plan based upon an Evaluation and Appraisal Report, also referred to as EAR, are required to use the State Coordinated Review process. In a coordinated review, DEP must provide comments to DEO within 30 days of its receipt of a complete amendment package. DEO has a total of 60 days from receipt to provide the local government with the state's objections, recommendations and comments.

In both coordinated and expedited review processes, DEP provides comments addressing important state resources and facilities that will be adversely impacted by the amendment. DEP must state with specificity how the plan amendment will adversely impact an important state resource or facility and recommend measures the local government may take to eliminate, reduce or mitigate the adverse impacts. Through OIP, DEP comments on the following important state resources and facilities:

Air and water pollution

Wetlands and other surface waters of the state

Federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements

Solid waste

Water and wastewater treatment

Everglades ecosystem restoration

If there are issues that cannot be resolved, **DEO may challenge an adopted plan amendment**. Detailed guidelines for submittal and processing of comprehensive plan amendments may be found at the DEO website.

Last updated:

February 1, 2017

Total Control Panel

To: cjwilliams@g-e-c.com

From: toddcweaver99@gmail.com

Message Score: 1

My Spam Blocking Level: Medium

High (60): Pass

Medium (75): Pass

Low (90): Pass

[Block](#) this sender

[Block](#) gmail.com

This message was delivered because the content filter score did not exceed your filter level.

Frank Hamner

From: Todd Weaver <TWeaver@cityofwinterpark.org>
Sent: Wednesday, March 4, 2020 4:56 PM
To: Frank Hamner
Cc: Rene S Cranis
Subject: RE: Public Records Request

Mr. Hamner,

I am in receipt of your request.

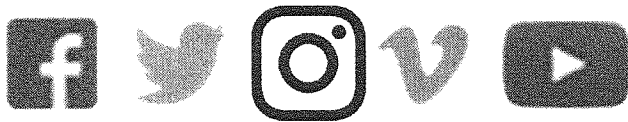
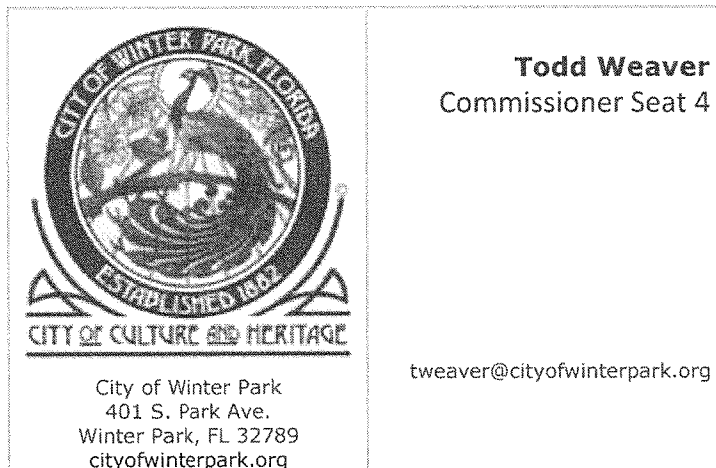
I am also not a retired person and have been tied up with business concerns for the past several weeks.

I am currently in New York state on said business.

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Thank you,

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From: Frank Hamner [mailto:fhamner@fahpa.com]
Sent: Wednesday, March 4, 2020 4:08 PM
To: Mayor and Commissioners <MayorandCommissioners@cityofwinterpark.org>; Randy Knight <Rknight@cityofwinterpark.org>; aardaman@fishbacklaw.com; Dan Langley <dlangley@fishbacklaw.com>
Cc: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: [External] Public Records Request

EXHIBIT N

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Many thanks as always.

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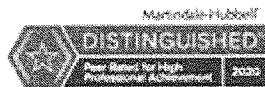
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Frank Hamner

From: /O=ASN/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FHAMNER on behalf of Frank Hamner
Sent: Wednesday, March 4, 2020 5:13 PM
To: 'Todd Weaver'
Cc: Rene S Cranis; 'Randy Knight'; mayorandcommissioners@cityofwinterpark.org; 'ardaman@fishbacklaw.com'; 'dlangley@fishbacklaw.com'
Subject: RE: Public Records Request

Many of your fellow commissioners are not retired either, yet they have found time in the month to respond. And, most notably, you previously replied to Ms. Cranis that you HAD fully responded.

From: Todd Weaver
Sent: Wednesday, February 26, 2020 4:16 PM
To: Rene S Cranis
Subject: RE: E-mails

Hi Rene,

After reviewing the request by Mr. Hamner, I discovered that I'd included emails to my personal address (toddweaver99@gmail.com), since I asked Mr. Stephenson to COPY emails sent to my city address. Thus I've already sent those with copies of my city emails.

I only use my personal address as "sent only" to be able to print attachments, as my city computer does not link to my printer.

The Constant Contact emails are sent from todd@weaver4winterpark.com by Constant Contact with my city email address listed as the reply address, so I've included those replies previously as citizen responses to my city email address.

Best regards,

Todd

So, which is it Todd....you've responded or you haven't even looked yet?

This is a very serious matter and needs to be handled ASAP. I am not going away on this until you fully comply as is your duty and the law requires.

It is part of your job and your obligation to all of us in Winter Park. Complying with the law is just as important (in my view, even moreso) as any workshop and you had plenty of time for those.

Frank

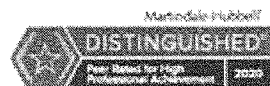
Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road

EXHIBIT 0

Winter Park, Florida 32789

tel 407.645.4549

fax 407.539.2257



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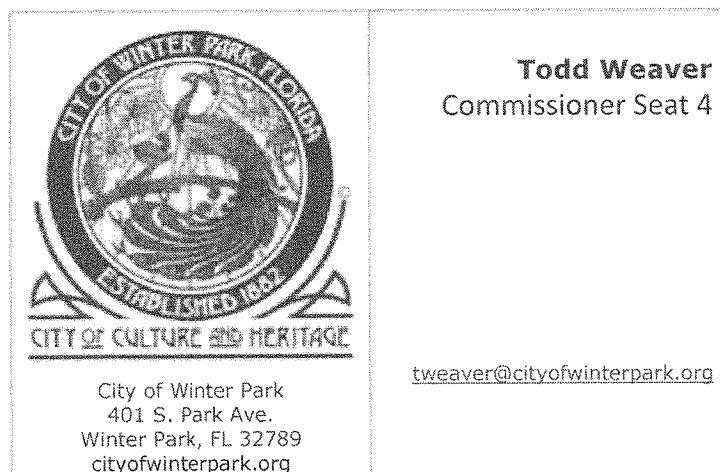
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Sent: Wednesday, March 4, 2020 4:08 PM

To: Mayor and Commissioners <MayorandCommissioners@cityofwinterpark.org>; Randy Knight <Rknight@cityofwinterpark.org>; aardaman@fishbacklaw.com; Dan Langley <dlangle@fishbacklaw.com>

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We know personal emails discussing City business exist....the emails by and between Commissioner Weaver and Mr. Williams seeking to amend or delay to the Overlay ordinance at the state level ("FDOT, FDEP and/or SJWMD may

be the agencies who might help amend or delay the OAO, with a little encouragement.) was sent from toddcweaver99@gmail.com on January 18, 2020 (attached Fwd: Process). Neither it nor the chain following it have been produced. Similarly, the October 25, 2019 Henderson Hotel missive was sent from todd@weaver4winterpark.com. Neither it nor the chain following it have been produced.

These (and others), I know exist. Commissioner Weaver knows better than anyone they (and others) exist, and he apparently also knows of his responsibility to produce them as noted in his attached email.

Yet they have not been produced.

Thus, this is my last chance to offer an opportunity for Commissioner Weaver and the City to correct any mistake or miscommunication that might exist and produce the full scope of his personal emails (to, from, bcc, reply, reply all, etc.) responsive to my request. Perhaps he did forward them to Ms. Cranis and they got crossed up in email and Dropbox files. Maybe I got the wrong Dropbox file. Perhaps the Dropbox is corrupted or I am just reading it wrong somehow. That's OK, let's just get it fixed and help me get access to the records.

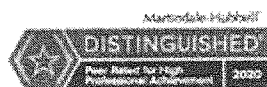
However, if they simply have not been produced, that is inexcusable.

I have heard a lot of proselytization about "ethics" from the dais and the podium in the last few weeks so surely those talking the talk would want to walk the walk. As a citizen of this City however, I find it unconscionable that a City leader would not want to set the example for others.

I need a solid answer from the City and Commissioner Weaver of either "sorry, here are the emails" or "I'm just not going to comply." Makes no difference to me, I will follow whatever path you decide to lay to its final conclusion either way. I'm funny like that.....

Frank

Frank A. Hamner
The Law Offices of Frank A. Hamner, P.A.
1011 N. Wymore Road
Winter Park, Florida 32789
tel 407.645.4549
fax 407.539.2257



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Frank Hamner

From: Frank Hamner
Sent: Thursday, March 5, 2020 7:44 AM
To: RCranis@cityofwinterpark.org
Subject: Re: Rene S Cranis shared »OrangeAveOverlay2.25.pst« with you

Thank you. I looked through this yesterday and none of Commissioner Weaver's personal emails appear to be in here either. Am I missing them in my review? If so, please tell me what I should be looking for. The only place i see emails pop up once opened in Outlook are in the Root folder .

Sent from my iPhone

On Mar 4, 2020, at 16:22, Rene S Cranis via City of Winter Park <sysadmin@cityofwinterpark.org> wrote:



Hello there,

The City of Winter Park Rene S Cranis shared **OrangeAveOverlay2.25.pst** with you. Access the link below to download/upload or view documents.

[Click here](#)

Thank you!

--

City of Winter Park -
<http://cityofwinterpark.org>

EXHIBIT P

Frank Hamner

From: Frank Hamner
Sent: Friday, March 6, 2020 7:50 AM
To: 'Todd Weaver'
Cc: Rene S Cranis; 'Randy Knight'; mayorandcommissioners@cityofwinterpark.org; 'ardaman@fishbacklaw.com'; 'dlangle@fishbacklaw.com'
Subject: Re: Public Records Request

Commissioner Weaver,

Please produce your personal emails as required by law no later than March 11. You have had plenty of time to do so and the public deserves to know what is there, particularly given the communications we know about between you and Marty Sullivan regarding trying to amend or delay the duly passed Orange Avenue Overlay ordinance barely 24 hours after it was voted on. It seems now there are clearly more troubling emails and you are trying to intentionally delay production until after the election.

Please prove me wrong. You owe an obligation to all the citizens of this community to timely follow the law, not just an obligation to a few who it at least seems you are trying to protect.

Frank

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From: Frank Hamner
Sent: Wednesday, March 4, 2020 17:12
To: 'Todd Weaver'
Cc: Rene S Cranis; 'Randy Knight'; mayorandcommissioners@cityofwinterpark.org; 'ardaman@fishbacklaw.com'; 'dlangle@fishbacklaw.com'
Subject: RE: Public Records Request

Many of your fellow commissioners are not retired either, yet they have found time in the month to respond. And, most notably, you previously replied to Ms. Cranis that you HAD fully responded.

From: Todd Weaver
Sent: Wednesday, February 26, 2020 4:16 PM
To: Rene S Cranis
Subject: RE: E-mails

Hi Rene,

After reviewing the request by Mr. Hamner, I discovered that I'd included emails to my personal address (toddweaver99@gmail.com), since I asked Mr. Stephenson to COPY emails sent to my city address. Thus I've already sent those with copies of my city emails.

I only use my personal address as "sent only" to be able to print attachments, as my city computer does not link to my printer.

The Constant Contact emails are sent from todd@weaver4winterpark.com by Constant Contact with my city email address listed as the reply address, so I've included those replies previously as citizen responses to my city email address.

Best regards,

Todd

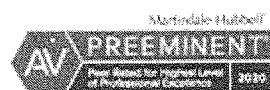
So, which is it Todd....you've responded or you haven't even looked yet?

This is a very serious matter and needs to be handled ASAP. I am not going away on this until you fully comply as is your duty and the law requires.

It is part of your job and your obligation to all of us in Winter Park. Complying with the law is just as important (in my view, even moreso) as any workshop and you had plenty of time for those.

Frank

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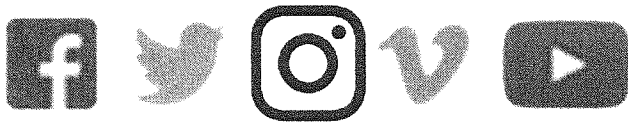
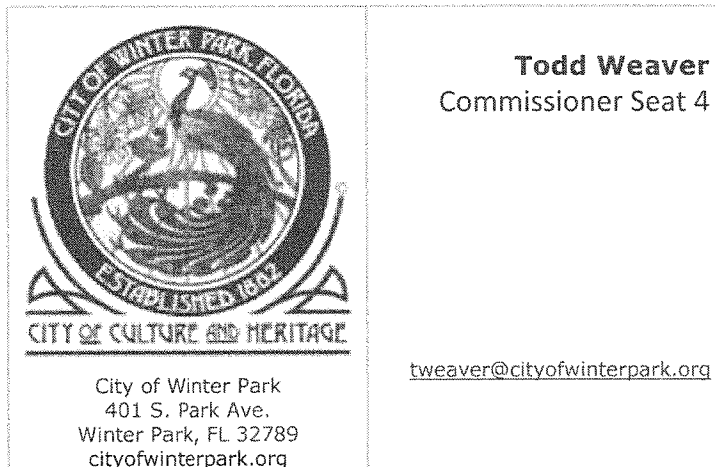
From: Todd Weaver <TWeaver@cityofwinterpark.org>
Sent: Wednesday, March 4, 2020 4:56 PM
To: Frank Hamner <fhamner@fahpa.com>
Cc: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: RE: Public Records Request

Mr. Hamner,

I am in receipt of your request.
I am also not a retired person and have been tied up with business concerns for the past several weeks.
I am currently in New York state on said business.
When I have time to review emails, they will be sent to you.

Thank you,

Todd Weaver



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Frank Hamner [mailto:fhamner@fahpa.com]
Sent: Wednesday, March 4, 2020 4:08 PM
To: Mayor and Commissioners <MayorandCommissioners@cityofwinterpark.org>; Randy Knight <Rknight@cityofwinterpark.org>; aardaman@fishbacklaw.com; Dan Langley <dlangle@fishbacklaw.com>
Cc: Rene S Cranis <RCranis@cityofwinterpark.org>
Subject: [External] Public Records Request

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

In an effort to cut to the chase on this request regarding Commissioner Weaver, I want to first reiterate my request of February 7:

Good afternoon Ms. Cranis,

Please accept this as my request under Chapter 119, Florida Statutes for the following information:

1. Records of any and all communications about which the City has knowledge that any sitting City Commissioner may have had with representatives of the City or others concerning the Orange Avenue Overlay project. This includes any and all electronic mail communications, whether to or from a City email address or using a non-City electronic email address (personal email).
2. Any executed or unexecuted contracts or proposals exchanged by any party representing the City of Winter Park and the United States Postal Service regarding the City's possible purchase of the existing post office property and/or facilities at New York Avenue adjacent to the City's Central Park area.

Many thanks as always.

Frank

The City has acknowledged and confirmed in writing that any personal email discussing city business is a public record. I have been assured the other Commissioners have produced their emails and that appears to be confirmed in the review of the emails.

Attached hereto (Rene Cranis shared >>OAO email files TCW.pst<< with you) is the Dropbox file Ms. Cranis timely delivered to me on February 20 after being advised by Commissioner Weaver that it was all his email, city and personal, responsive to the request. When you look at that file, it contains little to no personal emails.

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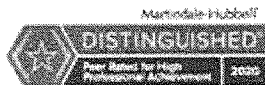
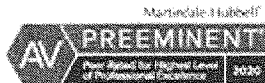
However, if they simply have not been produced, that is inexcusable.

I have heard a lot of proselytization about "ethics" from the dais and the podium in the last few weeks so surely those talking the talk would want to walk the walk. As a citizen of this City however, I find it unconscionable that a City leader would not want to set the example for others.

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Frank Hamner

From: Frank Hamner
Sent: Tuesday, March 10, 2020 12:22 PM
To: mayorandcommissioners@cityofwinterpark.org; 'ardaman@fishbacklaw.com'; 'dlangley@fishbacklaw.com'
Cc: 'Rene S Cranis'; 'Todd Weaver'; 'todd@weaver4winterpark.com'; 'Randy Knight'
Subject: Public Records Request
Attachments: IMG_4443.png

Commissioner Weaver,

It has now been well over a month and I have yet to get one single email from your personal email accounts where it is clear you have conducted City business. This is my last request before I pursue legal action.

It is unconscionable that you would not produce those records, particularly given how you have talked repeatedly about ethics and adhering to the laws of the City.

Your last excuse can be largely boiled down to, "I'm too busy." Yet, as posted recently, you were not too busy to attend an event outside Winter Park. (see attached picture from last Thursday I believe) I think the Boys and Girls Club is a fantastic and worthwhile organization. I have long been a supporter. However, making yourself freely available for an event in Eatonville while your obligations in Winter Park lie fallow certainly makes your excuse ring hollow.

Your own City ordinances mandate production of these documents (see below). You have been advised by the city attorneys to produce them. I am now hearing that you have told others that I will "get them when I get them." That is not a fulfillment of your duties to the citizens of this City.

If I do not have them by Thursday, I intend to take whatever action is necessary to compel the production. Given that you have been far less than forthcoming about this, I also plan to seek the appointment of an outside party to review your computers and other electronic devices for evidence of any emails or their destruction. Please do not let this simple request come to that.

If you need City guidance, it is chapter and verse below. As I know you have been a strong advocate of transparency, ethics and adherence to the law, at least when it comes to others, please do your duty and turn over these emails. Failure to do so will be seen by even the most casual observer as your intentional effort to delay until after the election. It is simply unconscionable.

The following references come from the City code, Article IV – Officers and Employees; Sec. 2-132 – City manager; city clerk; Subsection C – Adoption of Public Records Act policy.

I have added the subsection titles below in bold:

- **Introduction - 2-132(c)(1):** It is the policy of the City of Winter Park ("City") that all municipal records, with the exception of exempted records identified by F.S. § 119.07 or other applicable sections of Florida Statutes, shall be open for personal inspection by any person.
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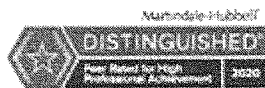
- **Objective** - 2-132(c)(2) The purpose of this policy is to **affirm the public's right** to access city records, to set forth the procedures that will facilitate accessibility of information to members of the public, and to establish fees to be levied by the city to cover the cost of responding to *public records* requests.

Procedure - 2-132(c)(4): . . . Any city employee who receives a request for this type of information should comply as soon as practicable. . .

As soon as practicable was some time ago. Everyone else has been able to do it, another fact that does not look good for you. Please comply.

Frank

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Jennifer's Post



Like

Comment

Share



3

Like

Comment

Share

Jennifer Fillmon

From: Frank Hamner
Sent: Thursday, March 12, 2020 12:25 PM
To: Jennifer Fillmon; Chelsie Pickett
Subject: Fwd: Public Records Request

Begin forwarded message:

From: Todd Weaver <todd@weaver4winterpark.com>
Date: March 10, 2020 at 14:02:20 EDT
To: Frank Hamner <fhamner@fahpa.com>
Subject: Re: Public Records Request

Mr. Hamner,

Thank you for your most recent email.

As I've written before, I have not had sufficient free time to compile the emails requested. It has not been practicable.

I had planned to work on this today, however my power has been out on my street since 9 am, so I can't boot my computer. A neighbor had to have Duke cut power to remove a large oak hanging over the wires.

I will work on your request as soon as practicable, but don't know if that means you will have them tomorrow.

You must do what you feel you have to do, but taking legal action may be considered capricious under the circumstances.

Best regards,

Todd Weaver

On Tue, Mar 10, 2020, 12:22 PM Frank Hamner <fhamner@fahpa.com> wrote:

Commissioner Weaver,

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EXHIBIT S

It is unconscionable that you would not produce those records, particularly given how you have talked repeatedly about ethics and adhering to the laws of the City.

Your last excuse can be largely boiled down to, "I'm too busy." Yet, as posted recently, you were not too busy to attend an event outside Winter Park. (see attached picture from last Thursday I believe) I think the Boys and Girls Club is a fantastic and worthwhile organization. I have long been a supporter. However, making yourself freely available for an event in Eatonville while your obligations in Winter Park lie fallow certainly makes your excuse ring hollow.

Your own City ordinances mandate production of these documents (see below). You have been advised by the city attorneys to produce them. I am now hearing that you have told others that I will "get them when I get them." That is not a fulfillment of your duties to the citizens of this City.

If I do not have them by Thursday, I intend to take whatever action is necessary to compel the production. Given that you have been far less than forthcoming about this, I also plan to seek the appointment of an outside party to review your computers and other electronic devices for evidence of any emails or their destruction. Please do not let this simple request come to that.

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transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the city. (F.S., § 119.011(1)).

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Frank

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Frank Hamner

From: Frank Hamner
Sent: Tuesday, March 10, 2020 4:31 PM
To: 'Todd Weaver'; mayorandcommissioners@cityofwinterpark.org; 'ardaman@fishbacklaw.com'; 'dlanglely@fishbacklaw.com'
Cc: 'Randy Knight'; 'Rene S Cranis'
Subject: RE: Public Records Request

Commissioner Weaver,

Thank you for your email. That at least explains a part of one day out of the 30+ days you have had to respond.

I appreciate your commitment to now make this a priority and promptly get me the emails. To be clear, the request is for all personal emails discussing city business to, from, cc, bcc, reply all, reply etc from all your personal and city accounts, not just the 2 personal ones and the city account we have seen. I understand there may also be a "Todd the God" account as well.

"Practicable" is a combination of at least access, ability and willingness. Hopefully all 3 are now in play.

With all due respect, let's leave the legal stuff to me. You just focus on your duty to me as a citizen of the City you represent and get me the emails that are long overdue.

Frank

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From: Todd Weaver <todd@weaver4winterpark.com>
Sent: Tuesday, March 10, 2020 2:02 PM

EXHIBIT T

To: Frank Hamner <fhamner@fahpa.com>

Subject: Re: Public Records Request

Mr. Hamner,

Thank you for your most recent email.

As I've written before, I have not had sufficient free time to compile the emails requested. It has not been practicable. I had planned to work on this today, however my power has been out on my street since 9 am, so I can't boot my computer. A neighbor had to have Duke cut power to remove a large oak hanging over the wires. I will work on your request as soon as practicable, but don't know if that means you will have them tomorrow. You must do what you feel you have to do, but taking legal action may be considered capricious under the circumstances.

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