

**REGULAR MEETING OF THE CITY COMMISSION**  
**August 8, 2011**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Reverend Alison Harrity, St. Richard's Episcopal Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley  
Commissioner Steven Leary  
Commissioner Carolyn Cooper  
Commissioner Tom McMacken

Also present:

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

Absent:

Commissioner Sarah Sprinkel

**Approval of the agenda**

City Manager Knight requested to table Item 12.d and noted that it will be brought forward sometime in October.

**Motion made by Commissioner Leary to approve the agenda with this change; seconded by Commissioner McMacken. The motion carried unanimously with a 4-0 vote.**

**Citizen Budget Comments**

Carla Lubet, 1501 Oneco Avenue, spoke about the need for additional funds to construct the ADA bathroom at Fleet Peoples Park. The projected cost including the lift station is \$164,000. She asked the Commission to consider this request while finalizing the budget.

Mayor Bradley reminded the Commissioners to submit their budget recommendations to City Manager Knight by August 15 for discussion at the budget work session scheduled for August 22, 2011.

**Mayor's Report**

a. Proclamation: Rollins College Community Service Day – August 20, 2011

Mayor Bradley proclaimed August 20, 2011 as Rollins College Community Service Day. This proclamation is in honor of Rollins receiving the Presidential Awards in the 2010 President's Higher Education Community Service Honor Roll which is the highest Federal recognition a college or university can receive for its commitment to community service.

b. Presentation of the Purchasing Division's Achievement of Excellence in Procurement Award

Mayor Bradley recognized the City's Purchasing Department for receiving the 2011 Achievement of Excellence and Procurement Award from the National Purchasing Institute for

the second consecutive year. Purchasing Director Carrie Woodell mentioned that the City is 1 of 21 government agencies in Florida and 1 of 57 municipalities in the nation to receive this award. Mayor Bradley thanked the department for their excellent service and achievement.

c. Presentation of the Finance Department's Government Finance Officers' Association Distinguished Budget Presentation Award

Finance Director Wes Hamil presented the Government Finance Officers' Association Distinguished Budget Presentation Award for Fiscal Year October 2011. He commented that this information will be available on the City's website.

**City Manager's Report**

City Manager Knight reminded the Commission that during the next regular meeting they will have two work sessions so they can discuss the Ravaudage project and the budget.

City Manager Knight requested to schedule a shade meeting to discuss the status of the police union negotiations. There was consensus to have this shade meeting at the end of today's meeting. Attorney Brown advised that per Chapter 447 they can meet to discuss matters relative to collective bargaining without having to post notice and that a court reporter is not necessary. City Manager Knight advised that he will brief Commissioner Sprinkel on what transpired since she was absent today.

City Manager Knight recalled that this past winter the City declared February as the Tobacco Free Month for parks. He said the Achieve team that is working on this issue has a goal of reducing tobacco use in the community. Mr. Knight asked the Commission if they would be interested in restricting tobacco use from active parks where children are prevalent, restrict tobacco use from all parks which would require Commission action at a future Commission meeting or make no changes. There was consensus for the Parks and Recreation Advisory Board to review this.

**City Attorney's Report**

Attorney Brown commented on tobacco use in active parks. He addressed the state statute that preempts to the state all regulation regarding smoking and advised that there is a health official at the Florida Department of Health who has opined that she believes that the state preemption deals only with smoking and that local governments can still ban possession or use of tobacco products; but based on that distinction a number of local jurisdictions have gone ahead and enacted bans of that type.

**Non-Action Items**

a. Financial Report – June 2011

Finance Director Wes Hamil summarized the June 2011 Financial Report and answered questions.

**Motion made by Commissioner McMacken to approve the financial report as presented; seconded by Commissioner Leary. The motion carried unanimously with a 4-0 vote.**

**Consent Agenda**

- a. Approve the minutes of 7/25/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW.**
- b. Approve the following purchases and contracts:
  1. PR 147268 to Trane US, Inc. for energy improvements to various City buildings
  2. PR 147272 to Trane US, Inc. for energy efficiency building improvements for various City buildings
  3. PR 147308 to MUSCO Lighting, Inc. for new light poles and fixtures at Ward baseball field #7 and backlite field #4 and authorize the Mayor to execute the submittal approval document
  4. Change Order to ZHA for additional services related to the Construction Phase of the Community Center Project and authorize the Mayor to execute the Change Order; \$16,500
  5. Piggybacking the FMPA contract for thermal/infrared imaging services and authorize the Mayor to execute the Piggyback Contract
- c. Approve the agreement with FDOT for a perpetual easement allowing for wider SunRail platforms and canopies. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW.**
- d. Approve the budget adjustment to increase the estimate for EMS transport revenues by \$317,000 and reduce the estimate for traffic fine revenues by the same amount.
- e. Approve the budget adjustment to appropriate \$133,000 in EMS transport fees for use in paying billing agent fees and purchasing a system to track EMS medical supplies.

**Motion made by Commissioner McMacken to approve Consent Agenda Items 'b.1-5' and 'd' and 'e'; seconded by Commissioner Leary and carried unanimously with a 4-0 vote.**

Consent Agenda Item 'a' - Approve the minutes of 7/25/11.

Commissioner Cooper referenced page 11, Economic Development Advisory Board meetings. She requested that a sentence be added to explain the reason for her statement regarding attending EDAB meetings, such as: "Commissioner Cooper noticed in the Economic Development Advisory Board (EDAB) minutes that they are interested in meeting with the Commission."

**Motion made by Commissioner Cooper to approve Consent Agenda Item 'a' with the above inclusion; seconded by Commissioner McMacken. The motion carried unanimously with a 4-0 vote.**

Consent Agenda Item 'c' – Approve the agreement with FDOT for a perpetual easement allowing for wider SunRail platforms and canopies.

Commissioner Cooper explained that she is comfortable with the easement but wanted to see if during the course of this right-of-way exchange if the City could get a letter of understanding or memorandum of agreement from FDOT indicating that they will give the City this land once they receive title to it.

Public Works Assistant Director Don Marcotte explained that they have had conversations with FDOT regarding the land swap as opposed to dedicating an easement. He stated that at this time since FDOT was unable to close on the corridor on June 30 and is now scheduled for

November they do not have the ability to commit to any land swaps at this time. He explained that FDOT is committing verbally to the City but will not provide written authorization at this time.

**Motion made by Mayor Bradley to approve Consent Agenda Item 'c'; seconded by Commissioner Cooper. The motion was approved unanimously with a 4-0 vote.**

**Motion made by Mayor Bradley for City Manager Knight to engage in conversations with FDOT about additional easements and/or land that could be acquired as FDOT acquires the CSX right-of-way; seconded by Commissioner Leary. The motion was approved unanimously with a 4-0 vote.**

**Action Items Requiring Discussion:**

a. Approval of the official City of Winter Park flag

Communications Director Clarissa Howard explained the process to date: On May 25, the Communications Department presented three options for the Commission to consider as the official city flag. Staff was directed to create a public participation process inviting the community to submit designs for the Commission to consider. On June 13, the Commission approved the public participation process which opened on June 14 and ended on July 4.

Twelve (12) entries were submitted and on July 26 the Public Art Advisory Board (PAAB) reviewed the submissions and recommended entry #12 as their first recommendation, entry #9 as their second recommendation, entry #10 as their third recommendation and entry #6 as their fourth recommendation. Ms. Howard noted that staff agrees with the PAAB recommendation for entry #12 which illustrates a peacock on a blue/white/green background. She explained that if the Commission approves entry #12 the PAAB stipulated the need to further define the head of the peacock so it does not blend in with the blue background.

**Motion made by Commissioner Cooper to approve staff's recommendation for entry #12; seconded by Commissioner McMacken.**

Commissioner Leary said he likes this flag and it is a beautiful representation of the City symbol but he felt it does not meet the objective of symbolizing the valuable assets the City has to offer. He explained that he does not believe that peacocks should be the only symbol and recommended putting this back out to the public to engage other audiences for more submissions. He mentioned that conceptually he likes entry #5 as it represents more of what Winter Park is about. He reminded the Commission that they could give direction to adjust it and make certain items larger.

Ms. Howard explained that if the PAAB picked a hand drawn entry then City staff would create it in an electronic format so it could be reproduced. She said if there are tweaks that the Commission would like to make, they could work with the specific artist to have that done prior to creating an electronic format.

Commissioner McMacken said as an interim step he would like for the Commission to hold onto recommendations #1 and #2 while they go back and ask staff and/or the artist to tighten up the design so that it can be presented alongside with the other entries in a final presentation format.

Commissioner Cooper said she was very comfortable and satisfied with approving entry #12. She felt it makes a statement of elegance and simplicity and for her the colors and the peacock really represent and symbolize Winter Park.

Mayor Bradley agreed with the PAAB recommendation for entry #12 and about the need to further define the head of the peacock to not blend in with the blue background. He advised that if they decide to go ahead with entry #12 before they give the final approval he would like to see the revised graphics regarding the head of the peacock. Mayor Bradley also suggested having the three background colors of green/white/blue to be equal in height and to change the wording "Winter Park" to a different color other than black so it stands out.

**Commissioner McMacken withdrew his second to the current motion.** He wanted to see entry #5 come back in a tighter graphic representation.

**Motion made by Commissioner McMacken to direct staff to take entry #5 and to the best of their ability get the entry into the same type of graphic presentation like the first two entries (#12 and #9) they are considering; seconded by Commissioner Leary.**

**Motion amended by Commissioner Leary to include conversations with the artist, seconded by Mayor Bradley.**

Commissioner Cooper asked if there was going to be a cost associated with these revisions. Ms. Howard replied that she will have to contact the artist. Mayor Bradley instructed Ms. Howard to notify the Commission if there is going to be a cost involved. Ms. Howard acknowledged.

Janice Fuller, 311 East Morse Boulevard, said she likes entry #12 because it is classy and asked the Commission to consider it.

Bee Epley, 151 North Orlando Avenue, said entry #12 is very elegant but the color contrast needs to be edited so the peacock can be seen better.

**Upon a roll call vote on the amendment (to include conversations with the artist), Mayor Bradley and Commissioners Leary and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

**Upon a roll call vote (to direct staff to take entry #5 and to the best of their ability get the entry into the same type of graphic presentation like the first two entries (#12 and #9) they are considering and to include conversations with the artist), Mayor Bradley and Commissioners Leary and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

b. Morse Boulevard, east of Interlachen Avenue

Public Works Director Troy Attaway provided the background on this issue. The City has been preparing to repave the existing asphalt portion of Morse Boulevard from Interlachen east to the lake. Some residents expressed interest in bricking the roadway but after following the city's bricking policy, there was not sufficient support to brick the road. City staff developed two plans

for the repaving: (1) leaving the shape of the road the same, or (2) to provide a turnaround and narrow the road slightly to provide landscaping areas.

This item was discussed at the May 23, 2011, Commission meeting at which staff was requested to investigate ownership of the southern parking spaces and determine if parking spaces could be added in the plan with the turnaround so as to not affect the amount of parking. Additionally, the Commission requested funding methods for the project.

Mr. Attaway provided a revised plan that includes a turnaround and the same number of parking spaces as exists today. The plan relocates some of the existing brick into the proposed turnaround to help accentuate this further. Other improvements requested by the residents include landscaping improvement in the island and decorative lighting. After further discussions with the stormwater team, the City desires and has funding to install underground storm sewer treatment boxes on two storm lines that traverse this improvement area and will be constructed later this year. Any improvement to the road will be performed after the storm work is completed. The cost of the curbing, drainage and road work will be funded by existing stormwater and general fund accounts. Mr. Attaway answered questions.

Commissioner Cooper asked if there is extra money or funds that they could use to brick this road (\$200,000) and if the City has any extra bricks at the Public Works yard that can be used because she would prefer that it be bricked. She also noted that she does not care for the turnaround.

Commissioner Leary felt the turnaround is not needed, nor the extra expense to the taxpayers to brick the entire street. He did agree with the median improvements, lighting and repaving.

**Motion made by Commissioner McMacken to approve the plan that is presented. Motion failed for lack of a second.**

**Motion made by Commissioner Cooper to table and allow staff to work some more on the plan; seconded by Mayor Bradley. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. The motion carried with a 4-0 vote.**

Commissioner McMacken said he could not vote for anything short of the roundabout because it violates health safety and welfare issues.

There was consensus for staff to follow the following goals: Not to violate health, safety or welfare; decide if this street is a main thoroughfare so they can decide if it requires bricking or not and if it is who should pay for it; minimize the landscaping or lower it so that it is consistent with the other end of the street; and for the storm work to come first before paving/bricking.

Mayor Bradley asked if this plan has been presented to the citizens. Mr. Attaway replied that several mail outs related to bricking have been mailed out. City Manager Knight said they have also met with several residents in his office on a couple of occasions. Mayor Bradley requested that staff host an hour long East Morse Boulevard forum with the citizens so they can obtain feedback. Mayor Bradley informed staff that they could use the plan that was shown in today's meeting as a starting point and allow the citizens mark it up and share what they like or dislike. City Manager Knight acknowledged the request.

### **Public Comments**

No public comments were made.

A recess was taken from 5:00 p.m. to 5:20 p.m.

### **Public Hearings**

- a. Request of Bank First for properties at 1289 and 1301 Gene Street:

Attorney Brown read the ordinances by title.

ORDINANCE NO. 2847-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF OFFICE TO COMMERCIAL ON THE PROPERTIES AT 1289 AND 1301 GENE STREET, MORE PARTICULARLY DESCRIBED HEREIN. Second reading (Legislative Proceeding).

ORDINANCE NO. 2848-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF OFFICE (O-1) DISTRICT TO COMMERCIAL (C-3) DISTRICT ON THE PROPERTIES AT 1289 AND 1301 GENE STREET, MORE PARTICULARLY DESCRIBED HEREIN. Second reading (Quasi-Judicial Proceeding)

Attorney Brown asked each of the Commissioners to disclose if they have had any additional ex-parte communication since the last meeting. Mayor Bradley mentioned that if there was anything it would be in the City email. Commissioners Leary and Cooper disclosed that they had ex-parte conversations with the client's Attorney, Rebecca Wilson. Commissioner McMacken disclosed that he had no additional ex-parte conversations.

Commissioner Cooper advised that her opinion remains the same from the last meeting and will not be supporting this. She noted that 2 of 3 lots that face Gene Street are zoned office and that the office zoning provides a logical buffer between the high density of commercial, the lower density of the multi-family and the single-family home that is on Gene Street.

**Motion made by Mayor Bradley to adopt the ordinance (changing the Future Land Use Map designation of Office to Commercial); seconded by Commissioner Leary.**

**Motion made by Mayor Bradley to adopt the ordinance (changing the official zoning map designation of Office (O-1) District to Commercial (C-3) District); seconded by Commissioner Leary.**

No public comments were made.

**Upon a roll call vote (changing the Future Land Use Map designation of Office to Commercial), Mayor Bradley and Commissioners Leary and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

**Upon a roll call vote (changing the official zoning map designation of Office (O-1) District to Commercial (C-3) District), Mayor Bradley and Commissioners Leary and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

- b. RESOLUTION NO. 2090-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING CERTAIN LAND WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK LOCATED AT 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 (PARCEL ID. NO. 12-22-29-3412-02-070) AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789 (PARCEL ID. NO. 12-22-29-3412-02-010) AS THE DINGMAN ECONOMIC ENHANCEMENT DISTRICT AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION, AND ECONOMIC DEVELOPMENT; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, AND AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. This was the second required public hearing. No public comments were made.

**Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. The motion carried with a 4-0 vote.**

- c. RESOLUTION NO. 2091-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 520 NORTH INTERLACHEN AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC LANDMARK IN THE WINTER PARK REGISTER OF HISTORIC PLACES

Attorney Brown read the resolution by title. No public comments were made.

**Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Cooper.**

Mayor Bradley indicated that the home has changed a lot from the original pictures. Senior Planner Lindsey Hayes explained that the house depicted in the photographs has changed over the years, most significantly in the 1920's. In the case of historic preservation, sometimes changes that have occurred to historic properties achieve significance in their own right. In this case the major remodeling of the house was during the Florida land boom. Those changes during the 1920's have achieved significance in their own right so the house meets the criteria for designation.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. The motion carried with a 4-0 vote.**

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 114-6 OF THE CODE OF ORDINANCES REGARDING LAKESHORE PROTECTION; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

This item was tabled to a future meeting in October.

**City Commission Reports:**

a. Commissioner Leary

1. West Fairbanks

Commissioner Leary explained that at their last meeting they discussed how big the corridor master plan is going to be, what it was going to entail and the steps to move forward. He wanted to know if there are any other aspects that staff can do prior to hiring the consultant. He explained that because it is such a massive plan he would like to make sure they investigate all areas of concern before moving forward. He commented that he is confident that City staff is more than capable of coordinating with public/private partnerships, Progress Energy, etc. and urged them to use all in-house resources available.

CRA Director Dori DeBord advised that they are working with the Planning Department to review the Fairbanks Avenue corridor work that has been completed to date. She mentioned that there are some items that staff can do in the interim such as looking at the costs for the undergrounding of the power and to speak with the billboard companies to see if there is a practical way to remove or buy out a billboard lease.

Commissioner McMacken recommended having an informal meeting as soon as staff has accumulated all corridor studies completed to date and have assessed what can be used or applied so that everyone is on the same page. Commissioner Cooper asked for a timeframe so the Commission could start working on scheduling the meeting. Ms. DeBord explained that it might be sometime in October but before they bring someone on board they need to get through the budget process because that will determine if the funds are available to perform a corridor study and the tasks associated with the economic development part of it. Mayor Bradley suggested that the form based code study be brought forward with this item so that it can be looked at holistically and incorporated.

2. Commissioner Leary mentioned that in the last newsletter that Commissioner Cooper sent out it stated that in the name of efficiency most staff recommendations involve removing the public from the process and that staff is proposing less public notice and fewer public hearings and that to him seemed to be critical of staff. He felt that she should not have sent it to a broad audience because they might interpret it the same way or take it out of context and he wanted to make sure that staff knows the Commission is in support of their efforts. He mentioned that her newsletters create tension for the rest of the Commissioners because when they are contacted by citizens who are concerned with what they read they cannot respond.

Commissioner Cooper explained her position and said she felt very strongly about public hearings, public notice and citizen involvement. She believed that staff reacted to a direction from the Commission to streamline the development process and there were many ways to do that. The ones that concerned her the most was: 1) recommending that conditional uses be removed from the public hearing/notice process, 2) recommending to no longer have Citywide notice for buildings over 25,000 sq. ft.; and 3) recommending that they no longer have City notice to re-designate property over an acre. She also advised that she will probably continue with her newsletters and provide her opinion.

b. Commissioner Sprinkel

Not present.

c. Commissioner Cooper

1. Commissioner Cooper mentioned that when they approved the Economic Development Plan last week they voted to remove the job retention from the Targeted Industry Enhancement (TIE) program. She believed they made a mistake and would like them to discuss this for reconsideration.

2. Commissioner Cooper said as they move forward with budget she would like them to consider designating additional funds to the facade improvement program.

d. Commissioner McMacken

1. Commissioner McMacken thanked the Communications Department for putting the enlarged phone icon on the City website and asked if they could change the phone color to red. Ms. Howard acknowledged.

2. Commissioner McMacken explained that he is the representative member on the Community Action Board and they are requesting that each member designate an alternate. He asked for assistance or suggestions since he is unsuccessful in securing an alternate. Mayor Bradley suggested that he get with the City Manager's office for assistance.

e. Mayor Bradley

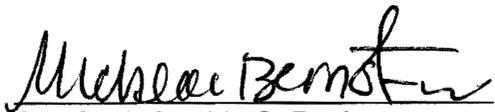
Mayor Bradley reminded the Commission that they have two very important upcoming meetings in September where they have to ratify the budget.

The meeting adjourned at 5:50 p.m.

A shade meeting was held at 5:51 p.m. in room 200 to discuss Police Union negotiations and adjourned at 6:40 p.m.

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

ATTEST:

  
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FOR City Clerk Cynthia S. Bonham