

**REGULAR MEETING OF THE CITY COMMISSION**  
**November 28, 2011**

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

The invocation was provided by Pastor Jeffrey Fair, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley  
Commissioner Steven Leary  
Commissioner Sarah Sprinkel  
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

**Approval of the agenda**

Mayor Bradley advised that the Tree Preservation Committee would like to review the current tree codes and is seeking direction from the Commission. There was consensus to add this on the next agenda for discussion.

**Motion made by Commissioner McMacken to approve the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Recognition of the Winter Park High School's 500th Football Victory

Mayor Bradley recognized Winter Park High School for their 500th Football victory. The honorees in attendance were Principal Tim Smith, Coach Tim Schifflet, Coach Larry Gergley, Assistant Coach Johnny Miller and the Winter Park High School Wildcats football team.

b. Proclamation - Florida Blood Centers "Season of Giving"

Mayor Bradley proclaimed November 28, 2011 - December 31, 2011 as the celebration of "Winter Park's Season of Giving" and thanked all citizens who have donated blood over the years. The following individuals accepted the proclamation: Rick Walsh, Chairman of Florida's Blood Centers and Pat Michaels, Executive Director of Public Relations of Florida's Blood Centers. Other Winter Park citizens were recognized for the large amount of blood they have donated over the years.

c. FDEP and FDOT checks presentation from Public Works to the City Commission for recent stormwater and roadway projects grant payments

Assistant Public Works Director Don Marcotte, Grant Manager Lena Peterson and Deputy Director of FDEP Jeff Prather presented a grant reimbursement check to the City for \$748,195 for recent stormwater projects. Public Works Director Troy Attaway presented a grant reimbursement check to the City for \$2,115,433 from FDOT for recent roadway projects.

Mayor Bradley spoke about operation gratitude that was held last year with the Fire Department and Andrew Weinstock. He noted that this year the City raised over 5,600 pounds of candy for the military troops overseas. Mayor Bradley thanked everyone for their continued support.

### **City Manager's Report**

City Manager Knight announced that the following Commission meetings will be held at the Rachel D. Murrah Civic Center located at 1050 W. Morse Boulevard (December 12, January 9 and 23, February 13 and 27) due to the City Hall construction renovations.

City Manager Knight reminded everyone that the Winter Park Pancake Breakfast is this Saturday at 7:00 a.m. and the 59th annual Christmas Parade will follow at 9:00 a.m.

City Manager Knight advised that the CRA Department has asked to be the judges for this year's Holiday Window Decorating Contest and that the judging criteria information will be emailed to them.

City Manager Knight provided a brief update on several projects:

- Aloma Avenue Street Lights – Staff was notified that some of the street lights on Aloma Avenue are not working. Repairs are underway and the lights will be functioning properly within the next 3 weeks.
- Lee Road Medians - Public Works will be meeting with FDOT to discuss the Lee Road medians and what can be installed. Staff anticipates moving forward once the meeting is concluded.
- Wayfinding - FDOT submitted another set of comments to the City. Staff is in the process of responding and will submit a revised program to FDOT by the middle of December. Once accepted it will take approximately 2-3 months for permitting the actual locations of each sign pole and foundation and then a few more months to actually get the signs constructed.
- Starter House – The contractor is anticipating finishing the project by the end of December.

### **City Attorney's Report**

#### **a. Update on curbside post office mail boxes**

Attorney Brown advised that his firm met with the postal service and were informed that they will no longer be investigating addresses but they are planning to allow a few mailboxes to be moved to the door. He also advised that the post office does not believe the City would have a case to sue the Postal Service due to the time that has elapsed and the exorbitant costs associated with moving all City street boxes.

After discussion on whether they should take formal action or not, Attorney Brown explained that no action is required by the City. He advised the homeowners to take private action and hire their own attorney if they do not agree with the decision of the post office.

Rod Sward, 292 Sylvan Boulevard, said he has worked on this for 12 years. He believed this is a City issue and requested the Commission to move forward and take it to the next level since the post office admitted they violated postal regulations.

Consensus was reached by the Commission not to take formal action against the Post Office.

### **Non-Action Item**

No items.

### **Consent Agenda**

- a. Approve the minutes of 11/14/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the following contracts:
  1. Ricoh Americas Corporation order agreement for Aficio MP171F copier for Community Center and authorize the Mayor to execute the agreement; \$500
  2. Piggybacking the Florida Sheriff's Association contract #11-19-0907 for administrative non-pursuit, utility vehicles, trucks and vans and other fleet equipment and authorize the Mayor to execute the Piggyback Contract; total annual expenditure included in approved FY 2012 budget.
  3. Piggybacking the Pinellas County contract with USA Services of Florida for street sweeping services and authorize the Mayor to execute the Piggyback Contract; total annual expenditure included in approved FY 2012 budget
  4. Piggybacking the US Communities/Maricopa County contract with The Home Depot for maintenance, repair & operating commodities and related services and authorize the Mayor to execute the piggyback contract
  5. Piggybacking the City of Orlando contract with Reynolds Inliner, LLC for sewer line rehabilitation, cleaning & video recording and authorize the Mayor to execute the piggyback contract; \$600,000
- c. Approve the encroachment agreement to encroach into the City's drainage easement located at 1764 Elizabeth's Walk for Sergio and Barbara Von Schmeling to construct part of the proposed residence. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- d. Approve the recommended rebates for the proposed Winter Park Electric Energy Conservation Program.
- e. Approve the purchase of a Computer Aided Forms Entry Report Management System (CAFÉ) and Computer Aided Dispatch from the Seminole County Sheriff's Office for the Police Department to replace the existing Report Management System (RMS) and Computer Aided Dispatch (CAD).
- f. Establish a policy whereby professional service contracts (attorneys, engineers, architects, lobbyist, insurance agents, and other professional consultants) be competitively shopped at a maximum of every five years, unless waived by the Commission. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

**Motion made by Commissioner Cooper to approve the Consent Agenda items 'b.1-5', 'd' and 'e'; seconded by Commissioner Leary and approved by acclamation of the City Commission with a 5-0 vote.**

Consent Agenda Item 'a' - Approve the minutes of 11/14/11.

Mayor Bradley referenced a motion on page 7 where the vote was not recorded in the minutes. **Motion made by Mayor Bradley to approve Consent Agenda Item 'a' (minutes) pending that the Clerk goes back and look at this and record what the vote was; seconded by Commissioner Leary and approved unanimously with a 5-0 vote.**

Consent Agenda Item 'c' - Approve the encroachment agreement to encroach into the City's drainage easement located at 1764 Elizabeth's Walk for Sergio and Barbara Von Schmeling to construct part of the proposed residence.

Planning Director Jeff Briggs responded to questions and noted that the easement is on private property and does not affect the green space.

**Motion made by Commissioner McMacken to approve Consent Agenda Item 'c'; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.**

Consent Agenda Item 'f' - Establish a policy whereby professional service contracts (attorneys, engineers, architects, lobbyist, insurance agents, and other professional consultants) be competitively shopped at a maximum of every five years, unless waived by the Commission.

Upon questioning, Attorney Brown provided clarity that both the City Manager and City Attorney serve at will and therefore can be waived by the Commission.

**Motion made by Mayor Bradley that the policy be inclusive with the exception of the City Attorney, that every five years they include in the Purchasing Policy a review of professional contracts to the City; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.** Mayor Bradley clarified that Policy criteria and implementation will be provided by City Manager Knight.

#### **Action Items Requiring Discussion**

a. West Fairbanks design standards

Planning Director Jeff Briggs noted that this is the first introduction to the proposed West Fairbanks form based code, prepared by Placemakers. He explained that this request is for the City Commission to give direction on the process and whether they should move ahead or not with the blended document that Placemakers provided. Mr. Briggs advised that the Planning and Zoning Board and staff recommendation is to proceed with public involvement of the West Fairbanks property owners/tenants and public hearings using the West Fairbanks Design Standards.

**After discussion, motion was made by Mayor Bradley that this be referred back to Planning and Zoning for a discussion formally of the process as well as the end product which we believe will be form based standards that are within our current codes; seconded by Commissioner Cooper.**

Pete Weldon, 700 Via Lombardy, spoke about the design standard guidelines that need to be established and suggested that P&Z and the Commission put some realistic boundaries on the expectation levels.

Lisa Coney, 1350 W. Fairbanks Avenue, encouraged the Commission to direct P&Z to establish a realistic scope on usable design guidelines and to include public feedback.

Commissioner Leary recommended that EDAB also review this item. Both Mayor Bradley and Commissioner Cooper (as the motioners) agreed. This was made part of the final motion as follows:

**Motion made by Mayor Bradley that this be referred back to Planning and Zoning and the Economic Development Advisory Board (EDAB) for a discussion formally of the process as well as the end product which we believe will be form based standards that are within our current codes; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, McMacken and Cooper voted yes. The motion carried unanimously with a 5-0 vote.**

### **Public Hearings**

a. State Office Building property – Ordinance

Attorney Brown read the ordinance by title.

ORDINANCE NO. 2862-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 941 W. MORSE BLVD., WINTER PARK, FL 32789, REFERRED TO AS THE STATE OFFICE BUILDING PROPERTY, SUBJECT TO MINIMUM REQUIREMENTS AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. Second Reading.

CRA Director Dori DeBord clarified the language in the ordinance regarding the abandonment and vacating of Palmetto Avenue that was added per Commissioner McMacken's amendment to the ordinance during the last meeting. She clarified that staff will not begin the vacating process until after the closing. This process will be done according to City codes, there will be two public hearings, notice will be given to all property owners and it will not take effect until the reverter clause has been completed.

**Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner Sprinkel.**

The following spoke in favor:

Patrick Chapin, Winter Park Chamber of Commerce  
James Barnes, 7 Isles of Sicily  
Mark Squires, 400 Park Avenue S.  
Joe Terranova, 700 Melrose Avenue

The following spoke in opposition:

Sally Flynn, 1400 Highland Road  
Donna Colado, 327 Beloit Avenue  
Nancy Shutts, 2010 Brandywine Drive  
Pete Weldon, 700 Via Lombardy  
Maura Smith, 901 Georgia Avenue  
John Webb, 925 South Denning Drive

The following spoke in opposition of vacating Palmetto Avenue:

Allen Trovillion, 1260 thru 1360 Palmetto Avenue

Jim Lee, 2200 Via Luna  
Bickley Wilson, 1331 Palmetto Avenue  
Elizabeth A. Traymar, 1331 Palmetto Avenue  
Tony Lombardi of Lombardi's Seafood, 1152 Harmon Avenue

**Motion amended by Mayor Bradley that the verbiage be changed to the fourth Whereas clause to say that the "City Commission "may" (instead of 'has') determine that it will process an abandonment and vacation "or realignment" of the road identified as Palmetto Avenue and then the same amendment would apply in Section 2, that the City Commission "may" (instead of 'shall') process an abandonment and vacation "or realignment" of Palmetto Avenue to the extent that the said road is appurtenant to....; seconded by Commissioner Leary.**

**Motion amended by Commissioner Cooper to strike the second half of the above amendment and that they leave reference in the WhereAs that they will consider that there is no specific reference in the ordinance beyond that to Palmetto. Motion failed for lack of a second.**

**Motion amended by Commissioner Cooper that they remove all reference to Palmetto Avenue until such time as they have had an opportunity to go through the appropriate process to consider a road abandonment; seconded by Commissioner Sprinkel.**

**Upon a roll call vote (that the verbiage be changed to the fourth Whereas clause to say that the "City Commission "may" (instead of 'has') determine that it will process an abandonment and vacation "or realignment" of the road identified as Palmetto Avenue and then the same amendment would apply in Section 2, that the City Commission "may" (instead of 'shall') process an abandonment and vacation "or realignment" of Palmetto Avenue to the extent that the said road is appurtenant to....), Mayor Bradley and Commissioner Leary voted yes. Commissioners Sprinkel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.**

**Upon a roll call vote (that they remove all reference to Palmetto Avenue until such time as they have had an opportunity to go through the appropriate process to consider a road abandonment); Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

**Upon a roll call vote to adopt the ordinance as amended, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

- b. 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

Attorney Brown read the ordinance by title.

**Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel. No public comments were made.**

Environmental Resource Manager Tim Egan answered questions regarding the proposed changes to the code, specifically the use of jet pumps, penalty provisions and vegetation removal permits.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

A recess was taken from 5:01 p.m. to 5:24 p.m.

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 2525 VIA TUSCANY LANE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

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

**Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel.** City Manager Knight answered questions of the Commission. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- d. RESOLUTION NO. 2097-11: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA REGARDING THE NEGATIVE IMPACT OF SECONDHAND SMOKE.

Attorney Brown read the resolution by title.

**Motion made by Commissioner Leary to adopt the resolution; seconded by Mayor Bradley.**

Lisa Portelli, Winter Park Health Foundation, spoke in favor of the resolution which would allow local home rule authority regarding tobacco use.

Patrick Chapin, Healthy Winter Park Board member, spoke in support of the resolution.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- e. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, FINDING THAT THERE IS A NEED FOR AFFORDABLE HOUSING IN THE CITY OF WINTER PARK, AND DETERMINING THAT AFFORDABLE HOUSING DEVELOPMENTS SHOULD BE GIVEN PRIORITY PROCESSING IN ORDER TO EXPEDITE THEIR APPROVAL AND ENCOURAGE AND PROMOTE THEIR DEVELOPMENT AND THAT NEW POLICIES AND REGULATIONS WILL BE REVIEWED PRIOR TO ADOPTION FOR THEIR IMPACT ON THE COST OF AFFORDABLE HOUSING.

Attorney Brown read the resolution by title. Planning Director Jeff Briggs provided background and answered questions regarding the need for this resolution.

After a brief discussion on how they should proceed, **motion made by Mayor Bradley that this be sent to the EDAB and P&Z Boards for their review and to bring back a recommendation to the City Commission; seconded by Commissioner McMacken.**

Jack Weir, Eastwind Development LLC, spoke in favor of the resolution and explained that this document will assist all developers in their affordable housing tax credit application.

Rebecca Wilson, Lowndes Law Firm, spoke on behalf of Atlantic Housing Partners, CPG Construction and Global Realty. She explained that they are in favor of affordable housing but shared their concerns with the resolution. They felt that some affordable housing developers could be favored over others since the City has no procedures on how the expedited permitting process would work.

Attorney Brown provided legal counsel regarding the verbiage and advised that he did not review the resolution prior to the meeting.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary recognized Patrick Chapin for participating in the Panama City Iron Man Triathlon competition and congratulated him on his efforts.

b. Commissioner Sprinkel

Commissioner Sprinkel congratulated the City for being selected as the Healthiest Employer in Central Florida.

Commissioner Sprinkel suggested that they start to plan the next strategic planning work session. City Manager Knight acknowledged the request.

c. Commissioner Cooper

Commissioner Cooper asked if they need to add a referendum to the upcoming ballot if the Amtrak Station is being expanded or building in another location per a resolution previously adopted. City Manager Knight advised that Attorney Brown has provided legal counsel pertaining to this matter and he will email this information to all of the Commissioners. Mayor Bradley also requested that a copy of the resolution and backup be included. The request was acknowledged.

d. Commissioner McMacken

1. Residential irrigation/lighting codes

Commissioner McMacken asked if the Building Department could review the existing codes pertaining to residential irrigation and lighting. He explained that he was contacted by a resident needing assistance with a new home that was being built next door to them and could not find any recourse of action in the City's code. Mayor Bradley suggested that he provide the information to City Manager Knight regarding the actual complaint and allow staff to address the issue.

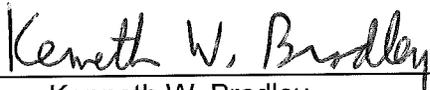
e. Mayor Bradley

Mayor Bradley attended the second celebration of "Farm to Table" held in Mead Gardens and said it was a great event.

Mayor Bradley commended staff on their recent award for Healthiest Employer in Central Florida.

City Manager Knight advised that the pension consultant is available on December 7 and would like to meet with each of them individually. The Commission agreed to this date and requested that City Manager Knight coordinate the times. The request was acknowledged.

The meeting adjourned at 7:33 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk Cynthia S. Bonham