

REGULAR MEETING OF THE CITY COMMISSION
December 12, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:39 p.m. in the Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida.

The invocation was provided by Reverend Dr. J. Lawrence Cuthill, Winter Park Presbyterian 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 requested to add two additional presentations this evening. City Manager Knight requested to add Item 9d and remove item 11d. **Motion made by Commissioner McMacken to approve the agenda with the above changes; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

Mayor's Report

- a. Thank you from Brookshire Elementary School for use of Cady Way Pool

Mayor Bradley recognized Brookshire Elementary School's poster and thank you letter for the use of Cady Way pool.

- b. Special Citizen Recognition – Fire Rescue

Fire Chief James White recognized 7 year old Cecelia Gutman for calling the Fire Department to tell them that a runner collapsed and needed medical assistance and for also staying by the runner's side until help arrived.

Chief White also recognized Diane Cole and Tifford Cole for administering the Heimlich maneuver on a patron who was choking at the Bistro Restaurant. Chief White presented a plaque to Cecilia, Diane and Tifford for their heroic actions.

- c. Presentation of the Orlando Business Journal Central Florida's Healthiest Employer Award

Anne Sonntag with the Orlando Business Journal presented City Manager Knight with an Award for being nominated as "City's Healthiest Employer".

The Knights of Columbus Council 2112

The Knights of Columbus Council 2112 presented a certificate of recognition to the City for its outstanding efforts to promote family events and activities for residents and visitors such as the Holiday Pops Concert, Christmas in the Park and the ice skating rink.

Donation to the Emergency Utility Assistance Fund

Mayor Bradley announced that he is donating 20% of his mayoral salary to the Emergency Utility Assistance Fund and presented a personal check to the City as a donation. Electric Utility Director Jerry Warren thanked the Mayor for his donation and explained that if 14,000 customers donated \$1.00 per utility bill, per month, it would generate \$184,000 a year. This would make a huge difference in the community and encouraged everyone to make a donation.

d. Board Appointments:

Winter Park Police Pension Board (to replace Larry Katz)

Motion made by Mayor Bradley to appoint George Broschart to the Winter Park Police Pension Board; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Martin Luther King, Jr. Task Force members

Motion made by Mayor Bradley to appoint Commissioner Sprinkel to the Martin Luther King Jr. Task Force; seconded by Commissioner McMacken and approved unanimously with a 5-0 vote. Mayor Bradley advised that he is still seeking three additional candidates for this board and if anyone is interested to please submit their information.

Reappointment to the Orange County Civic Facilities Board (Mr. Jimmy Goff)

Motion made by Mayor Bradley to re-appoint Jimmy Goff to the Orange County Civic Facilities Authority; seconded by Commissioner Leary and approved unanimously with a 5-0 vote.

Mayor Bradley requested a moment of silence in memory of Ed Englander from the Parks and Recreation Board who recently passed away.

City Manager's Report

a. Resolution – Supporting Pension Reform

RESOLUTION NO. 2098-11: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS.

City Manager Knight addressed the feedback he received from Commissioners regarding the 'Whereas' clauses listed in the resolution. He advised that a modified version was emailed to them yesterday for their review and approval and asked for direction.

Mayor Bradley recommended that a copy of the resolution also be sent to the Florida Cabinet. The request was acknowledged.

Motion made by Commissioner McMacken to approve the revised resolution; seconded by Commissioner Sprinkel. 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.

City Manager Knight reminded everyone that due to the holidays, the next Commission meeting is scheduled for January 9, 2012 at the Civic Center.

City Attorney's Report

No items to report.

Non-Action Item

a. Economic Impact and Research Analysis of the Farmer's Market Presented by Rollins College Crummer Graduate School of Business Students

Assistant CRA Director Peter Moore introduced the students from Rollins College Crummer School of Business and Bill Seyfried, Economics Professor. Rollins students Ashley Watkins and Christina Grass provided a powerpoint presentation and background regarding the economic impact and research analysis of the Farmer's Market and recommendations for continued success.

b. Downtown Parking Study

Planning Director Jeff Briggs explained that there were previous parking studies performed in 1968, 1974, 1982, 1986 and 2004. Various modifications were made each time to more efficiently utilize the supply of public parking and to make it more visible and available for customers and clients of downtown businesses. He advised that the most recent parking study/task force in 2004 considered parking garage options for City Hall, the St. Margaret Mary Church lot and the lot at Knowles and New England, but due to neighbor concerns and financing challenges those projects were not pursued. That study; however, resulted in several beneficial improvements that were implemented by the City Commission:

1. Completed a complete inventory of public and private parking in the CBD; revised some of the on-street parking enforcement rules and created 48 new on-street public parking spaces.
2. Was the impetus for the joint venture for the Bank of America project that expanded the first two floors of that building, completely remodeled/upgraded the exterior facades and expanded the existing parking garage. As part of that effort, the City funded the creation of 28 new public parking spaces that are on the ground floor of that garage (near the drive-in tellers).
3. Was the impetus for the joint venture with the Morse/Genius Foundations for the Park Place project including the construction of their parking garage. As part of that effort, the City funded the creation of 60 new public parking spaces that are on the top floor of that parking garage and replaced the existing 86 spaces previously on-site.

4. Instituted the valet parking program for the downtown.

Mr. Briggs further explained that in 2009 a shopping study was performed in an effort to gauge opinion and areas of improvement for the district. At that time it was found that parking was not a major issue affecting purchase decisions.

Mr. Briggs advised that the Park Avenue Area Task Force designated a subcommittee to physically count the net change in the parking inventory of the downtown as many changes had been made over the years subsequent to the work done in 2004. The net result was the addition of 441 net new parking spaces since 2004, with 58 spaces being net new public parking that was either added or converted from private spaces. The vast majority of the additional space was created by the development of the Park Place Building garage, the Douglas Grand parking garage, and the Bank of America remodel to the parking garage. The subcommittee acknowledged that there was still a legitimate parking deficit on the south end of Park Avenue as pointed out in the 2004 study but that further analysis should be withheld until the implementation of wayfinding signage. Additionally, they desired to consider an employee parking program for Park Avenue but a final method could not be decided upon regarding how to implement and enforce it. The work of the subcommittee also underscores the opportunity that public/private partnerships may play in increasing public access to parking through reaching parking arrangements with private garage owners. Mr. Briggs then asked the Commission for direction.

Questions were asked regarding the status of the wayfinding signs, the internal wayfinding signage to direct drivers to available parking spaces, and if the SunRail has been factored into this plan. Public Works Director Troy Attaway provided information and explained that the SunRail station will be a 'kiss and ride' stop with no dedicated parking spaces at this time; but that they will be implementing some control over Lot "A" parking spaces by reducing the time period of that parking lot. Commissioner Cooper shared her concern regarding Park Avenue employees parking on the street versus the parking garage and suggested implementing a decal program to keep track of them.

Motion made by Mayor Bradley that they refer this to the Park Avenue Area Task Force for further studies since the last study was done in 2004 and then enhanced in 2009 because there have been changes that have occurred since then and to bring a recommendation if there is any about including employee parking; seconded by Commissioner Sprinkel.

CRA Director Dori DeBord advised that the Park Avenue Area Task Force has already researched these issues and looked at the parking situation in the downtown area. They also met with merchants regarding employee parking and possibly implementing an employee tag or sticker but felt it would be very difficult to implement. Ms. DeBord said in the meantime the merchants have been talking to their employees about where they should park.

Ms. DeBord offered to meet with the Park Avenue Area Task Force and ask them to make a formal recommendation to the Commission as to the parking issue. Mayor Bradley said that would be appropriate if the motion on the table passes.

Motion amended by Commissioner Cooper that the Park Avenue Area Task Force be asked to look at how we can deal with encouraging employees to park in more remote

areas and also that they would ask staff, the transportation experts, to look at our parking in the downtown area; seconded by Commissioner McMacken.

Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Cooper and McMacken voted yes. Commissioners Leary and Sprinkel voted no. The motion carried with a 3-2 vote.

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

Consent Agenda

- a. Approve the minutes of 11/28/11.
- b. Approve the following contracts and bids:
 1. Piggybacking the City of Denver/US Communities contract with Kone, Inc. for elevator maintenance & service and authorize the Mayor to execute the piggyback contract.
 2. IFB-6-2012 to Pierce Manufacturing, Inc. for purchase of aerial fire apparatus; not to exceed \$982,647.00.
 3. IFB-5-2012 to Wesco Distribution for purchase of circuit breakers; \$92,855.00.
- c. Approve the Historic Preservation Façade Easement donation for 121 West Garfield Avenue, commonly known as the Kummer-Kilbourne House and authorize the Mayor to execute the agreement. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- d. Approve the upgrade of City wireless and voice network with Centurylink/Embarq, piggybacking State of Florida contract 250-000-09-1 for the purchase of equipment to upgrade IT infrastructure.

Motion made by Commissioner Leary to approve Consent Agenda Items, ‘a’, ‘b.1-3’ and ‘d’; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Consent Agenda Item ‘c’ - Approve the Historic Preservation Façade Easement donation for 121 West Garfield Avenue, commonly known as the Kummer-Kilbourne House and authorize the Mayor to execute the agreement.

Commissioner McMacken gave his thanks because of this being a major historical asset to the downtown area and community.

Commissioner Cooper followed up on her comments to staff regarding the wording of the easement pertaining to the historical significance and asked if any changes have been made. Senior Planner Lindsey Hayes explained that she has been working with Attorney Katie Reischmann to provide additional clarification in the “Whereas” portions of the easement. She noted that the clarifications pertain to the historical significance of the property and noted that the word “architectural” has been replaced with the word “historical”. The North Building, not included in the easement, was deemed historical by the National Park Service.

Commissioner Sprinkel shared her concern with not being notified of the proposed changes before today’s meeting and noted that she is uncomfortable with making these changes on the dais.

Attorney Brown provided legal counsel and informed the Commission that it is legally acceptable to change the wording of "architectural" to "historical". Mayor Bradley noted that the applicant is present and acknowledged that they are comfortable with this minor change.

Motion made by Commissioner McMacken to approve Consent Agenda item 'c' with the change from "architectural" to "historically significant"; seconded by Commissioner Leary. 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.

Public Comments

Bill Shallcross, 1450 Bonnie Burn Circle, shared his concerns with bicycle and pedestrian safety and felt that the City is not aggressive or assertive enough. He urged the Commission to raise the current safety level.

Action Items Requiring Discussion

- a. Request of the Tree Preservation Board to review the Tree Preservation ordinance

City Manager Knight advised that this item was brought forward at the request of the Commission during the last meeting based upon Mr. Pete Weldon's email requesting permission for the Tree Preservation Board to review the tree ordinance.

Commissioner Cooper asked why the redline markup of the ordinance by the previous Tree Preservation Commission never made it to the Commission. City Manager Knight advised that the Tree Preservation Commission did not complete their work due to the change in board members and therefore it was never presented it to the City Commission. He noted that all previous redlines will be forwarded to the current members for consideration and use.

Motion made by Commissioner Leary to approve; seconded by Commissioner Sprinkel. 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.

A recess was taken from 5:16 p.m. to 5:32 p.m.

Public Hearings

- a. ORDINANCE NO. 2863-11: 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. Second Reading

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

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

Environmental Resource Manager Tim Egan answered questions regarding the vegetation removal permits and the costs associated revegetating 50% of the shoreline.

Commissioner Cooper advised that she will be voting against the ordinance since this is not the time to be adding additional expenses to the citizens.

Motion amended by Commissioner Cooper to delete the requirement for a permit to be pulled to clear the access corridor behind your boat. Motion failed for lack of a second.

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.

- b. ORDINANCE NO. 2864-11: 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. Second Reading

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

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

- c. Request of Rollins College: Final conditional use approval for the Alfond Inn, 112 room hotel with a restaurant/bar, meeting/ballroom space and on-site parking at 300 East New England Avenue

Planning Director Jeff Briggs provided background on the conditional use request and for approval of the Seventh Amendment to the Developer's Agreement and the Parking Management Plan. He explained that the preliminary conditional use was approved with several conditions by the City Commission on September 26, 2011 and that all of the conditions have been accomplished either in the final plan submission or via changes to the Development Agreement. On December 6, 2011 the Planning and Zoning Board by a 6-0 vote recommended approval with five conditions. Mr. Briggs provided the Deputy City Clerk with the Planning and Zoning minutes in written format to incorporate the five conditions into these minutes.

Mr. Briggs answered questions regarding traffic and parking concerns, the six month timeframe for the trial basis of the valet parking plan and the operational approach to making it work.

Attorney Brown provided legal counsel pertaining to the addition of language or procedures in the developer's agreement to address any potential operational parking deficits or traffic backups that may occur at a later date. He advised that if they wanted to add additional language it could require more negotiations and possibly delay this project and it would also be improper to propose amendments without consulting with the applicant and their attorney.

Motion made by Commissioner Leary for approval; seconded by Commissioner Sprinkel (for clarification purposes the approval includes the five conditions from Planning and Zoning).

Motion amended by Commissioner McMacken that the operator of the hotel is to notify the Winter Park Police Department a week in advance of a scheduled "scenario three Winter Park event" (as defined in the Parking Management Plan) at the hotel; seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to the Parking Management Plan on page 148, “the City Commission will review the parking management plan six months after issuance of a certificate of occupancy”; to change that to one year to give them additional time to perform any operational adjustments. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to add “At the time of the review, if the operational adjustments have not been successful and we have created adverse impact on the surrounding community that they will work with Rollins to either reassign some of the students that are currently using the SunTrust parking garage to free up more parking within that facility. Motion failed for lack of a second.

The following Commissioners disclosed their involvement or ex-parte communications. Commissioner McMacken said he spoke with Rebecca Wilson, Lowndes Drosdick Doster Kantor and Reed law firm. Mayor Bradley said he received emails from citizens and spoke with Phil Kean.

Rebecca Wilson, of Lowndes, Drosdick Doster Kantor and Reed and representing the applicant introduced the members of the development team that were present. She briefly discussed the parking capacity both on-site and off-site, shared use parking, SunTrust parking garage operations and student parking enforcement. She also discussed the procedures that would be in place for events and the management of traffic on New England Avenue.

Duke Marsh, representing the finance committee and vestry of All Saints Church stated that they have been working with Rollins regarding the parking agreement and noted that the finance committee will be making a recommendation for approval of the agreement this Sunday.

Ms. Wilson requested one change: that the delivery hours on New England Avenue be restricted and allow delivery from 10:00 a.m. to 2:00 p.m. Commissioner McMacken asked if they would object to changing the delivery hours to 11:00 a.m. to 2:00 p.m. so that hotel guests would avoid both peak departure time and traffic congestion. Ms. Wilson asked since they will be losing an hour if they could move it to 3:00 p.m.

Motion amended by Commissioner McMacken that the delivery hours on New England Avenue be allowed between 11:00 a.m. and 3:00 p.m.; seconded by Commissioner Leary.

Attorney Mickey Grindstaff, Shutts & Bowen LLP, spoke on behalf of The Residences Condominiums. He noted that they have resolved their concerns with Rollins College and that their private agreement will be executed this week. Mr. Grindstaff explained that the City Commission on September 26, 2011 made a motion to include conditions 1-6 listed in a document that he submitted called “Revised 9/26/11 Possible Interim Solution”, version 3 and that condition 1 is addressed in their private agreement and that conditions 2-6 are included in the Seventh Amendment of the Developer’s Agreement.

Attorney Grindstaff asked that when making a motion tonight if they could state that the conditional use approval includes the execution of the Seventh Amendment of the Developer’s Agreement dated 12/8/2011 and The Residences Condominium private agreement.

Ms. Wilson confirmed that they have reached an agreement with The Residences and that it will be signed this week.

Attorney Brown clarified that there are three items that need to be specifically included in their motion. He suggested that the conditions of the final conditional use include: #1) the private agreement that both private attorneys have mentioned being satisfactory to them and executed by them; #2) the Seventh Amendment to the Developer's Agreement relating to the hotel property will be executed in the version that was emailed to everyone and is dated "draft 12/8/2011"; and #3) that the conditional use is also subject to the conditions which are included in the P&Z minutes which Mr. Briggs submitted to the Deputy City Clerk.

Commissioner Leary acknowledged and clarified that his motion was to approve the Seventh Amendment of the Developer's Agreement dated 12/8/2011 and the five conditions which are included in the P&Z minutes (#1. That the valet parking plan for special events be implemented on a "trial" basis per the Parking Management Plan (PMP). Then following the initial six months operation of the Hotel, the valet fees and valet operations be re-considered consistent with the condition from the preliminary approval and the Development Agreement provision that the City Commission formally review the PMP after six months and then any needed modifications can be made.; #2. Approval of the temporary project development sign, as requested, provided it complies with the setbacks necessary to preclude any traffic visibility or safety issues; #3. That the Parking Management Plan be amended prior to completion of the Hotel to include the method of operation for the Sun Trust garage so that parking spaces are available for employees and conveniently available after hours and on weekends for visitors to the Hotel; #4. To request the Public Works traffic engineering department to allow a thru lane on New England Avenue as appropriate to alleviate any potential traffic backups. The City Traffic Engineer is to verify the feasibility of this option; #5. Ensure that all City Commission imposed conditions (re: The Residences) are incorporated into the Development Agreement.); seconded by Commissioner Sprinkel.

Motion amended by Mayor Bradley that the Private Agreement between Rollins College and the organization known as The Residences also be executed as a condition of this agreement; seconded by Commissioner Sprinkel.

The following residents expressed concerns with increased traffic and the traffic flow from east to west, the difficulty of not being able get out onto New England from Alexander Place and the negative impact caused by the loss of street parking on New England that is being suggested. They encouraged the Commission to address the issue now.

James Campisi, 315 E. New England Avenue
Candace Chemtob, 141 Alexander Place
Phil Kean, 1011 McKean Circle.
Jan Munson, 161 Alexander Place

The Commission agreed with the resident's concerns regarding traffic impacts and parking issues. Discussion ensued regarding the options that could possibly help improve the situation such as creating a dedicated left hand turning lane or a dedicated travel lane. Mr. Briggs suggested having the City's Traffic Engineer address the situation now and to bring back

several options to the Commission so a decision can be made. He noted that staff anticipates the traffic study to be completed by February 2012.

There was Commission consensus that by February 2012 staff is to bring back options and cross sections for New England Avenue so they can address and resolve any modifications that might need to be done before the hotel opens.

Upon a roll call vote on the first amendment (that the operator of the hotel is to notify the Winter Park Police Department a week in advance of a scheduled “scenario three Winter Park event” (as defined in the Parking Management Plan) at the hotel)); Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Upon a roll call vote on the second amendment (that the delivery hours on New England Avenue be allowed between 11:00 a.m. and 3:00 p.m.); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the third amendment (that the Private Agreement between Rollins College and the organization known as The Residences also be executed as a condition of this agreement); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion as amended; Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- d. A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY FOR COLLECTING THE COSTS FOR ABATEMENT OF CODE VIOLATIONS; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was pulled from the agenda.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary mentioned that he and Commissioner Cooper attended the ribbon cutting event for the new AAA office that opened up in the Hollieanna Shopping Plaza and welcomed them to the community.

b. Commissioner Sprinkel

Commissioner Sprinkel wished everyone a happy holiday.

c. Commissioner Cooper

Commissioner Cooper wished everyone a Merry Christmas and Happy Hanukkah during this great season.

Commissioner Cooper had added "Affordable Housing" to the agenda; however, it was not discussed.

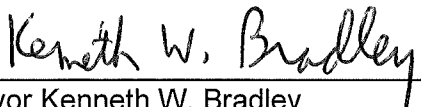
d. Commissioner McMacken

Commissioner McMacken thanked City Manager Knight and staff for helping address the landscaping issue that he mentioned a few weeks ago and for a positive outcome for the citizens involved. He also wished happy holidays to all.

e. Mayor Bradley

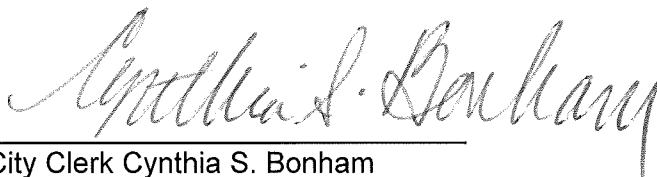
Mayor Bradley thanked City staff for helping with the numerous fabulous events that are being held during this holiday season. He also wished peace on earth to all citizens and a most happy holiday season and new year.

The meeting adjourned at 7:13 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham