

**REGULAR MEETING OF THE CITY COMMISSION
January 9, 2012**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida.

The invocation was provided by Mayor Kenneth Bradley, 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

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. Board Appointment: Parks and Recreation Advisory Board

Parks and Recreation Advisory Board

Julio de Arcos (New, alternate 2012-2015)

Motion made by Mayor Bradley that the above appointment is accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

City Manager's Report

City Manager Knight advised that the due diligence period ends next Monday for the State Office Building and Progress Point properties. He addressed receiving the environmental reports on both properties and other than what had been previously disclosed both properties came back clean. Mr. Knight mentioned that there is a 13x60 area in the southeast corner of the Progress Point property where there is an encroachment issue from the property next door. He also noted that the City needs to retain an easement for the State Office Building property on an area that is approximately 20x250 that has sidewalks, traffic signal mechanics and light poles. They feel that both issues are negligible to the two property owners and they plan on continuing to move forward.

City Manager Knight provided an update on code enforcement case #11-2420, address 205 Tyree Lane. He noted that it went before the Code Enforcement Board last week and they tabled the item. It is scheduled for the February 2, 2012 meeting.

City Manager Knight advised that the architect is finalizing the Golf Course Starter House project and they are anticipating a grand opening to be held sometime in February 2012.

Mr. Knight acknowledged Commissioner Cooper's request to provide a status on the Interlachen Historic District application in his report and Commissioner Sprinkel's request to include a brief summary report on the traffic study for the Alford Inn.

City Manager Knight inquired if the Commission would like to schedule a shade meeting to talk about the bargaining strategy for the overall pension issue. It was agreed to speak about the next agenda item and then decide.

City Attorney's Report

a. Settlement Agreement with Sydgan Corporation, W.F.G., Ltd.

Attorney Brown provided background regarding the terms of the agreement and asked the Commission for direction. There was consensus of the Commission to schedule a shade meeting for January 23 to discuss the settlement agreement with Sydgan Corporation, W.F.G., Ltd. and to discuss the pension report. The shade meeting will start at 1:30 p.m. and the pension report meeting will follow. The Commission also agreed to list the Sydgan settlement agreement on the January 23 agenda since it is a time sensitive matter.

Non-Action Items

a. Financial Report – November 2011

Finance Director Wes Hamil summarized the November 2011 Financial Report and answered questions. Electric Utility Director Jerry Warren answered questions regarding the electric utility fund.

Commissioner Cooper requested that backup be included as part of the financial report for the Parks Acquisition Fund. The request was acknowledged.

Motion made by Commissioner Cooper to approve the financial report as presented; seconded by Commissioner Sprinkel and approved by acclamation of the City Commission.

Consent Agenda

- a. Approve the minutes of 12/12/11.
- b. Approve the following purchase, contracts and bids:
 1. After-the-fact Purchase Order 146067 to Heart Utilities of Jacksonville for undergrounding of electric; \$164,225.12
 2. Amendment 1 for Insurance Agent Contract Renewal with AGIS Florida Agency, LLC (RFP-3-2009) and authorize the Mayor to execute the amendment
 3. Products and Services Agreements with Centurylink Sales Solutions, Inc. for renewal of voice PRI circuits and authorize the Mayor to execute the agreements; \$19,200
 4. Award RFP-4-2012, Dead Tree Removal Services (Sections B-D) to A Budget Tree Service, Inc. and authorize the Mayor to execute the agreement
- c. Approve the following components of a Winter Park Electric Solar PV incentive Program: Net Metering Policy; Tier 1 interconnection agreement; and Tier 2 interconnection agreement – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

- d. Award ITN-23-2011, Contract Forestry Manager, to ArborMetrics Solutions, Inc. and authorize the Mayor to execute the agreement to provide contracted forestry management services – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda items ‘a’ and ‘b.1-4’; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item ‘c’ - Approve the following components of a Winter Park Electric Solar PV incentive Program: Net Metering Policy; Tier 1 interconnection agreement; and Tier 2 interconnection agreement

Mayor Bradley asked if the City Attorney reviews all contracts including those that are in template form. City Manager Knight said yes.

Motion made by Commissioner Sprinkel to approve Consent Agenda item ‘c’; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Consent Agenda Item ‘d’ – Award ITN-23-2011, Contract Forestry Manager, to ArborMetrics Solutions, Inc. and authorize the Mayor to execute the agreement to provide contracted forestry management services

City Manager Knight provided background on the contract. He explained that both the City of Winter Park Electric Department and the City spend a considerable amount of money on tree trimming. The Electric Department utilizes a private contractor to trim and maintain clearances around its high voltage power lines which is necessary for reliability and public safety. The City’s Forestry Division trims to provide clearances above and along the roads and sidewalks to provide for safe travel for vehicles and pedestrians. The combined resources devoted to Electric Department tree trimming and City’s Forestry Division is about \$1.4 million. Mr. Knight advised that the estimated annual cost for this contract is approximately \$102,000 and that staff anticipates that the annual cost of this position will be funded by savings achieved in better contracting and better management of the combined tree trimming functions. He also noted that there is a 90 day out clause in this contract for no cost.

Mr. Knight explained that last year the City hired a tree efficiency expert to look at the overall operations. As a result, management determined that restructuring the way we manage forestry operations will improve productivity, electric reliability, citizen satisfaction and use of resources. The new structure would be as follows:

Production trimming for both Electric and the City will be done by private contractors under the supervision of ArborMetrics Solutions who will be responsible for developing the RFP for the contractor trimmers, working with the departments to establish trimming priorities and schedules, overseeing the contractors, developing performance metrics and reporting. In-house crews will continue to be responsible for demand trimming, new plantings, watering, citizen education and park trees.

Mayor Bradley inquired if this should be referred to the Tree Preservation Board, Environmental Review Board or Utilities Advisory Board for review and recommendations. City Manager Knight stated that he would have no objection to this recommendation.

Electric Utility Director Jerry Warren explained that by hiring a forestry manager to manage electric system line clearance functions and coordinate the City's tree trimming activities with those of electric will help reduce the cost of City's tree trimming functions, improve tree trimming coordination between the City and the Electric Department, improve performance measurement associated with the City's tree trimming functions by being able to accurately measure what the City gets for expenditure of the funds, as well as improve customer service and citizen education about tree trimming and line clearance functions of the City.

Commissioner Cooper shared her concerns with possibly removing the city's arborist from responsibility and accountability. City Manager Knight clarified that this would allow them to have two arborists responsible and accountable for all of the trees. Commission discussion ensued with the pros and cons with approving this contract.

Motion made by Commissioner Leary to approve Consent Agenda item 'd'; seconded by Commissioner Sprinkel.

Steve Goldman, 2009 Venetian Way, urged the Commission to protect their most prized assets which are the tree canopies and lakes. He also agreed that the new arborist will help measure aesthetics which is very important.

Marc Hagle, 1220 Park Avenue North, commended the Commission for addressing the maintenance of the trees. He addressed what he believed to be a lack of oversight by the City's Forestry Department and Parks Department and that a true analysis should be done to see if the right individuals are competent to hold their current position or if they should outsource the services.

Nancy Shutts, 2010 Brandywine Drive, felt that the Tree Preservation Board is not set up properly. She suggested that they appoint individuals with a greater interest in trees especially if they are to complete the review of the redlined ordinance.

Commission discussion ensued as to whether or not they should create a task force that would include the City's arborist and possibly the Electric Department's arborist to further define who is going to have the responsibility and authority, what standards should we be maintaining our tree canopy to, what weaknesses do we have in our current department and how do we correct those, is our tree ordinance correct, are the fees correct and what can they use the funds in the Tree Preservation Trust Fund for.

Upon discussion, the Commission agreed to allow the Tree Preservation Board the opportunity to bring back recommendations on the redlined ordinance, to review the status report from Mr. Knight and to review the analysis report from ArborMetrics Solutions (should this contract be approved) before creating a new task force.

The Commission requested that City Manager Knight bring a status report back to them in 60 days so they can see what the City is getting for their dollar. Mr. Knight acknowledged.

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.

Public Comment

Marc Hagle, 1220 Park Avenue North, advised that the Live Oak Fund has raised enough money to plant 70-80 trees. He asked for direction on where to plant them as their preference would be along Aloma Avenue. He also spoke about the Champs Bowl Parade and felt that it might be time to expand the event by possibly adding several high school bands and other events along with the parade. City Manager Knight acknowledged the request for direction.

Action Items Requiring Discussion

a. Proposed on-street dining on Hannibal Square East

Public Works Director Troy Attaway advised that the applicant Dan Bellows with Sydgan Corporation is requesting to close a portion of Hannibal Square East immediately north of New England Avenue to allow the two adjacent restaurants, Hannibal's and Armando's to provide outdoor dining in the street. The request is for a daily closure from 5:00 p.m. to 11:30 p.m.

Mr. Attaway noted that the Public Works Department reviewed this item and from a traffic standpoint it would not create a big impact. Also, both the Fire and Police Department feel this closure would not affect their ability to respond to emergencies and the Economic Development/CRA Department supports this request. City Manager Knight advised that no other boards reviewed this item.

Commission discussion ensued regarding the lack of a formal public notice being given to the residential homeowners in the immediate area, if the other boards should review this item prior to Commission approval, should there be a specific timeline for a trial basis and if they should extend this request throughout the City prior to a trial basis.

Motion made by Commissioner Sprinkel that we put a 90 day trial into this and at the same time staff takes this to the board that we decide is the right board to work with; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper that the staff evaluate and that where the same safety conditions exist that this courtesy be extended to all of the restaurants within the City of Winter Park that are on non-collector roads. Commissioner Sprinkel clarified her motion and indicated that her intent is to take action and send it to a board concurrently. Commissioner Cooper withdrew her amendment.

Motion amended by Commissioner Cooper that they send it back to the board without action until they have heard from the board. Motion failed for lack of a second. Motion amended by Commissioner Cooper that the courtesy be extended to other restaurants within the City of Winter Park. Motion failed for lack of a second. Motion made by Commissioner Cooper to table. Motion failed for lack of a second.

For clarification purposes Building and Code Enforcement Director George Wiggins spoke briefly about notice requirements pertaining to permanent and temporary road closures for events. He advised that there is a special event ordinance that covers all of the criteria for any special event in the City including private and property street closures, notice requirements and insurance provisions.

City Manager Knight agreed with Mayor Bradley that currently the City has no policy or ordinance that covers short term closures of roads in terms of what notices would be required. He also clarified that if they want to abandon a road the City would advertise the ordinance and there would have to be two readings with public comment.

Applicant Dan Bellows informed the Commission that the neighboring businesses support his request. He provided the Deputy City Clerk with the supporting letters for the record. He urged the Commission to support his request and was in agreement with a 90 day trial period.

Attorney Brown clarified that this action is lawful and they have given adequate notice for residents.

Commissioner McMacken requested to modify his second to the main motion and take away the request of forwarding to a board and just approve it with the 90 day trial period. Commissioner Sprinkel agreed with his request (as maker of the main motion).

Commissioner Sprinkel mentioned that she would like for City Manager Knight to report back to them on what kind of changes they need to make or add to the policy handbook so they can have some sort of guidelines for similar future requests.

Motion amended by Commissioner Cooper that this be limited to Friday and Saturday nights for a test period. Motion failed for lack of a second.

Donna Colado, 327 Beloit Avenue, in support of the request, said this is a great idea for the businesses in the Hannibal Square area as it will allow them the opportunity to be unique and do something special.

Attorney Brown provided legal counsel regarding potential legal situations and the risks involved with this program. He did not see any big risk factors as long as the street areas are clearly marked.

Public Works Director Troy Attaway advised that Police Chief Brett Railey informed him that when the City has a sidewalk café seating in the right-of-way and they are serving alcohol, that area is exempted from the City's alcohol ordinance. The Commission would have to waive the alcohol ordinance for the roadway portion for this to occur if they are going to serve alcohol.

Motion amended by Commissioner Cooper to table for 2 weeks; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. Commissioner Sprinkel voted no. The motion carried with a 4-1 vote.

A recess was taken from 5:43 p.m. to 5:58 p.m.

Public Hearings

Mayor Bradley commented that this would be a simultaneous public hearing on both ordinances. Attorney Brown read both ordinances by title.

- a. 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 SINGLE FAMILY RESIDENTIAL TO OFFICE AND PROFESSIONAL ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; AND AMENDING PLANNING AREA "J" POLICY 1-4.1.J.11 IN THE FUTURE LAND USE ELEMENT TO ADD AN EXCEPTION TO THE ENCROACHMENT OF NON-RESIDENTIAL LAND USE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

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 SINGLE FAMILY (R-1A) DISTRICT TO PARKING LOT (PL) DISTRICT ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Senior Planner Stacey Hectus advised that this item was brought forward at the request of the applicant Jim Veigle Properties, LLC to bring their current commercial building into compliance with today's current parking code. She addressed the two ordinances needed to amend the Comprehensive Plan and Zoning Map to allow the residential lot at 1210 Dallas Avenue to be used as expanded parking for the adjacent Regions Bank building.

The Planning and Zoning Board voted unanimously with a 6-0 vote to approve these ordinances with the following conditions: #1) approval subject to the plans submitted and extension of the screen wall to the front of the adjacent house (approximately 30 feet back from property line); then vinyl, not wood fencing for the rest of the length of the property; #2) removal of the driveway apron on Dallas; #3) landscape package/program to be reviewed and approved by staff to be exactly as constructed at the Winter Park YMCA. This package should also include a similar wall detail. Ms. Hectus noted receiving concerns from a homeowner in the neighborhood regarding the proposed 4 1/2 foot wall along Dallas and suggested that it be a 6 foot wall and that the applicant did not object to this modification.

Planning Director Jeff Briggs advised that the citizen's main concern was related to the traffic on Dallas Avenue, specifically in the neighborhood in general. The P&Z Board was receptive to the citizen comments and asked that staff also meet and discuss with Public Works the traffic issues raised by the citizens regarding traffic safety in the Killarney Neighborhood especially in the area where Dallas, Broadview, and Grove intersect.

The following Commissioners disclosed their involvement or ex-parte communications as it relates to the rezoning ordinance. Commissioner Cooper said she visited the site and Mayor Bradley advised that he communicated with staff regarding questions.

Applicant Jim Veigle explained that he is trying to provide additional parking spaces for his tenants and customers and to also be in compliance with the updated parking code. He also understands the resident's concerns and is willing to install a 6 foot wall versus the 4 1/2 foot wall.

Motion made by Commissioner McMacken to accept the first ordinance (amending the Comprehensive Plan) on first reading; seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper to the Comprehensive Plan ordinance; to request that it require a deed restriction for the parking lot. Mr. Briggs advised that if the Commission wishes to do so they can make this a condition of the zoning approval. **Commissioner McMacken and Commissioner Sprinkel accepted the amendment but requested that it be included as part of the main motion.**

Motion amended by Commissioner Cooper that the Comprehensive Plan policy be worded by legal to represent the agreement that they have, that parking lots will provide an adequate buffer between denser commercial on Fairbanks and single family residential within the neighborhood. Motion failed for lack of a second.

Motion made by Commissioner McMacken to accept the second ordinance (amending the Zoning Code) on first reading; seconded by Commissioner Sprinkel.

Nort Northam, 120 Broadview, spoke about the issues with visibility and noise. He suggested planting the 25 red cedar trees from the Winter Park Ice Rink event on Mr. Veigle's property between the sidewalk and street to limit the visibility and noise.

Thomas Drake, 500 Shoreview Avenue, urged the Commission to address the noise and speeding cars in their neighborhood and to install a buffer between the commercial and residential areas.

Mary Black, 1334 Dallas Avenue, felt that the proposed vinyl fence to be used as a buffer to control the traffic noise and car headlights and taillights is inadequate.

Mr. Briggs answered questions regarding the proposed height of the fence and wall and the acceptable materials to be used.

Upon a roll call vote on the first ordinance (amending the Comprehensive Plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the second ordinance (amending the Zoning Code), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary thanked City staff for all of their efforts during the holiday season.

b. Commissioner Sprinkel

Commissioner Sprinkel mentioned that they received a letter from Steve Miller of Miller's Hardware with several suggestions for future events. She urged the Commission to consider his recommendations for next year.

Commissioner Sprinkel indicated that there was a letter to the editor of the Winter Park Observer asking questions regarding property taxes, new businesses, etc. In an effort to publish the correct information to the public she coordinated with staff to obtain the answers to these questions and submitted the document to the Deputy City Clerk (attached).

Commissioner Sprinkel mentioned Mark Hagle's request to plant new trees on Aloma and possibly expand the Champs Bowl event and asked what the process is. City Manager Knight advised that he took notes on both items and it will be discussed during tomorrow's staff meeting. He also mentioned that there may be issues with the planting of trees on Aloma Avenue since it is a state road.

c. Commissioner Cooper

Commissioner Cooper mentioned that she received several photographs from Electric Utility Director Jerry Warren on solar panels and requested City Manager Knight to email this information to the Commission. The request was acknowledged. She indicated that if they are going to start incentivizing solar panels she would like to make sure that our codes include design standards for commercial usage and suggested possibly using some members of the Utilities Advisory Board to research this item.

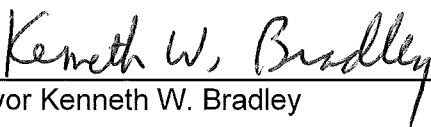
d. Commissioner McMacken – no report.

e. Mayor Bradley

Mayor Bradley reminded everyone of the upcoming celebrations for Dr. Martin Luther King Day this coming Monday. He asked that everyone remember and reflect on his great achievements and encouraged all residents and visitors to participate in the special events that are being held.

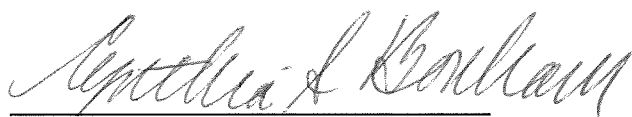
Fire Chief James White announced that over the next two weeks the City is privileged to host the "Remembrance Rescue Project". In July of 2011, a group of firefighters acquired Rescue 4 from the City of New York, when it was going to be scrapped, for the purpose of creating the "Remembrance Rescue Project". The project involving former FDNY Rescue 4 is designed to be an educational, non-for-profit effort focused at society, especially youngsters who were too young to actually understand what that day means to all of us. FDNY Res4Cue responded to the World Trade Center with 8 firefighters that morning and all were lost that day. This fire truck will be at a number of events throughout the City for the next two weeks and he encouraged everyone to feel the connection by attending an event.

The meeting adjourned at 6:58 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

Answers to questions in letter to editor in Observer Newspaper

How was the general fund reserve increased? Through budgeting expenditures to be less than anticipated revenue, through actual expenditures being less than budget, and through early repayment of the GF loan to the electric utility.

General fund reserves were \$2.73 million at the end of FY 08 and \$9.16 million at the end of FY 2011.

When and how often have property taxes been increased? The millage rate was increased from 3.99 to 4.0923 the year before the Mayor was elected. It has remained 4.0923 since that time.

Specifically what city service costs have been lowered? Have any been increased? Cuts were made to numerous line items within various departments. Many cuts were made to personnel and benefits. 7% of the positions were eliminated city-wide. General pensions were reduced, longevity bonuses eliminated, more health insurance cost passed on to employees, take home cars eliminated. Car allowances eliminated. Street sweeping was privatized. Part of forestry was privatized.

How many new businesses did Mayor Bradley usher into the city? How many left? We do not have an accurate record of how many came and went. Here are some new businesses: Ruth's Cris corporate offices, TD Bank, 4 Rivers Restaurant and corporate headquarters, Blue Cross Blue Shield, Meat House, Harpers, Floyds, Venture Photography, Cocina, Tibby's, Rifle Paper, Prato, City National Bank, Shipyard, WP Fish Company, Fiction Creative, Kilwins, Prato, Medifast, and the upcoming Alford Inn. Businesses leaving: RLF, Northrop Grumman, O'Boys, Jacobsons, Borders.

What road paving was increased? Road paving really has not increased. We continue paving 7 – 9 miles each year.