

REGULAR MEETING OF THE CITY COMMISSION
March 26, 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 Pastor David Smith, First Christian 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

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. Appointment of 'Wired for Winter Park' Task Force

Mayor Bradley advised that he will schedule the appointments at the next meeting.

Mayor Bradley advised that the April 9 Commission meeting will be held at the Winter Park Community Center, 721 West New England Avenue.

Mayor Bradley said that he had the honor of attending a celebration for Ruth Leiber, a Winter Park resident who was celebrating her 110th birthday last week.

Mayor Bradley reminded everyone to submit their board applications if they would like to be considered for our boards. He noted that there is no deadline; however, the appointments will be made sometime during April or May.

City Manager's Report

a. Strategic Planning Session agenda discussion

City Manager Knight advised that the Strategic Planning meeting is scheduled to start at 9:15 a.m. on April 4 and that the facilitator Marilyn Crotty will have to depart at 3:00 p.m. The Commission agreed to carry on without her and end the meeting at 5:00 p.m. if needed. Mr. Knight noted that staff will be in attendance for comments and questions.

A brief discussion ensued regarding the draft agenda. The agenda was modified after a consensus of the Commission. The Commission agreed to discuss the undergrounding strategy (water/sewer/electric) if time allows or they will address it at a later date. Commissioner Sprinkel suggested that an updated project list be provided so they can keep track of the items. City Manager Knight advised that the backup information for the agenda will be sent out by the end of this week.

City Manager Knight announced that the Martin Luther King Task Force scheduled their first community public hearing for 6:00 p.m. on April 10 at the Community Center to discuss the naming opportunities. A follow up public hearing is scheduled for 7:00 p.m. on April 24 at the Mt. Moriah Missionary Baptist Church, 421 S. Pennsylvania Avenue.

City Manager Knight announced that the April edition of "Florida Trend" magazine featured Winter Park. He encouraged everyone to read the article. Mayor Bradley noted that the New York Times had a great article featuring Winter Park this past week.

City Manager Knight answered questions and provided a status of the Mead Garden lease agreement. He noted that they have presented several concepts to the Parks and Recreation Board and both parties are working diligently to finalize the operations agreement.

City Attorney's Report

No items.

Non-Action Item

a. Annexation agreement for Ravaudage - Home Acres

Planning Director Jeff Briggs provided background. He noted that the first reading of the annexation ordinance for the 54 acres of Ravaudage - Home Acres has been advertised for the April 9th City Commission meeting. As part of that voluntary annexation request by Benjamin Partners, Ltd. is the request for an annexation agreement. Staff brought this forward as a non-action item so that any issues or concerns can be discussed and potentially resolved prior to the April 9th meeting.

The major points of the annexation agreement are as follows:

1. Commitment to honor and be governed by the Planned Development zoning provisions granted by Orange County (including all waivers and conditions attached thereto). City cannot diminish the entitlements or place more restrictive requirements upon the project at the time the City adopts our municipal zoning.
2. Concurrence to advertise and hold public hearings (when requested) on the street abandonments necessary for the development of Ravaudage. The agreement does

not and cannot bind those future decisions but it does lay out the intent for the development program.

3. Allows for administrative (staff) subdivision approvals. The concept is that the building pads will be sold but the common areas, parking lots, etc. will be in the ownership of the developer or CDD so that staff can provide those subdivision approvals for the building pads.
4. Binds the developer (Benjamin Partners, Ltd.) to the new traffic signals that are critical to the project.
5. Requests the ability to burn debris.

Applicant Dan Bellows, Benjamin Partners, Ltd. and Attorney Kim Booker, Booker and Associates provided a brief summary. They answered questions pertaining to the annexation and de-annexation of this multi-jurisdictional CDD.

Attorney Brown provided legal counsel regarding the proposed language in the annexation agreement concerning entitlements and limitations of remedies.

Commission discussion ensued regarding property owner rights, the process for notice to owners and impact fees. Discussed was the burning of debris and it was recommended to remove section 6(a) from the agreement. The Commission asked that Mr. Briggs and Attorney Brown work with the applicant's attorney, Booker & Associates to finalize the document utilizing their comments and recommendations.

Consent Agenda

- a. Approve the minutes of 3/12/12.
- b. Approve the following purchase and contracts:
 1. PR 148908 to Associated Consulting, International, Inc. (ACi); Architectural/Engineering Services for the train station; \$72,045.00
 2. Continuing services contract with Bellomo-Herbert & Company, Inc. for RFQ-2-2012, Professional, Architectural & Engineering Services (Discipline: Parks & Recreation) and authorize the Mayor to execute the contract.
 3. Continuing services contract with Le-Huu Partners for RFQ-2-2012, Professional, Architectural & Engineering Services (Discipline: Parks & Recreation) and authorize the Mayor to execute the contract.
 4. Continuing services contract with Environmental Research & Design, Inc. for RFQ-2-2012, Professional, Architectural & Engineering Services (Discipline: Lake Management) and authorize the Mayor to execute the contract.
 5. Continuing services contract with Matern Professional Engineering for RFQ-2-2012, Professional, Architectural & Engineering Services (Discipline: Green Planning & Engineering) and authorize the Mayor to execute the contract.
 6. Continuing services contract with Shaw Environmental & Infrastructure, Inc. for RFQ-2-2012, Professional, Architectural & Engineering Services (Discipline: Green Planning & Engineering) and authorize the Mayor to execute the contract.
 7. Continuing services contract with Southeastern Surveying & Mapping Corporation for RFQ-2-2012, Professional, Architectural & Engineering

- Services (Discipline: Survey Services) and authorize the Mayor to execute the contract.
8. Continuing services contract with Kelly, Collins & Gentry, Inc. for RFQ-2-2012, Professional, Architectural & Engineering Services (Discipline: Roadway Design) and authorize the Mayor to execute the contract.
 9. Amendment 1 for Electronic Security Access & Monitoring System of Public Safety Complex with Stanley Convergent Security Solutions, Inc. (IFB-2-2009) and authorize the Mayor to execute the Amendment.
 10. Work authorization for Associated Consultant International, Inc. (ACi) for Architectural/Engineering Services for train station.
 11. Piggybacking the Clay County contract 08/09-3 with MUSCO Sports Lighting, LLC for various equipment and amenities for parks and playgrounds; and authorize the Mayor to execute the Piggyback Contract.
- c. Approve the amendment of the development agreement and re-execution of the air space agreement for the 444 W. New England and 362 S. Pennsylvania Avenue buildings. **PULLED FOR DISCUSSION, SEE BELOW**
- d. Approve the budget adjustment of \$15,000 to appropriate overtime reimbursement for Police Department's participation in the Immigration and Customs Enforcement (ICE) Task Force.
- e. Approve the budget adjustment of \$6,000 to appropriate fees collected for fire inspector training for that purpose.

Motion made by Commissioner McMacken to approve the Consent Agenda items 'a', 'b.1' - 'b.11', 'd' and 'e'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item 'c' – Approve the amendment of the development agreement and re-execution of the air space agreement for the 444 W. New England and 362 S. Pennsylvania Avenue buildings.

Commissioner McMacken asked for clarification. Planning Director Jeff Briggs explained that the first amendment replaces the sketch with a new "as-built" sketch so that the public record accurately reflects the location of the access path.

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

Action Items Requiring Discussion

- a. Fee Waiver request for the Crealde' School of Art Annual Benefit Auction

Parks and Recreation Director John Holland explained that the Crealde' School of Art Executive Director Peter Schreyer, approached the Parks and Recreation Department requesting a use fee waiver for their 16th Annual Benefit Auction at the Winter Park Community Center. Crealde' also asked to be placed on the City's

"Annual Events" listing of specific events that are not charged Parks and Recreation facility or park rental fees. Mr. Holland advised that the Parks and Recreation policy does not consider the waiving of use fees for weekend events.

Following Commission discussion, **motion made by Commissioner Sprinkel to approve the waiver for this year; seconded by Commissioner McMacken.**

Upon further discussion regarding how much money should be set aside for City annual events, a suggestion was made to possibly implement a not to exceed dollar amount in the budget. They also discussed what organizations should be granted assistance and that some sort of criteria should be met in order to receive assistance from the City. The Commission advised that the appropriate time to address this issue is during the budget season.

Crealde' President of the Board Cecelia Bonifay provided a brief background regarding their organization and the numerous contributions they offer to the community. She said they would appreciate the support from the City.

Mary Daniels, 650 Canton Avenue, explained that Crealde' plays a big role in the community and asked the City to support their efforts.

Woody Woodall, Vice Chairman of the Parks and Recreation Board, said the board will revise their policy regarding these types of requests if the Commission directs them to do so. He encouraged the Commission to approve it.

Lurline Fletcher, 790 Lyman Avenue, urged the Commission to approve the request as Crealde' creates a positive impact on all lives in the community.

Wes Featherson, Board member of Crealde', said he would like for this event to be brought back to the City Center and encouraged their support.

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

No public comments were made.

A recess was taken from 5:01 p.m. to 5:16 p.m.

- b. Approval of four objectives designed to set the agenda for the Central Florida ULI Technical Assistance Panel (TAP) two-day workshop for the West Fairbanks area

Assistant CRA Director Peter Moore explained that staff received approval by the City Commission to move forward with a ULI TAP for the West Fairbanks Avenue.

Staff worked with ULI staff and advisors over the past two weeks to create four objectives for the Panel's evaluation (see attached). The objectives provide an appropriate framework for the anticipated two day workshop in May by ULI experts.

Motion made by Commissioner Leary to approve the four objectives; seconded by Commissioner Sprinkel.

A brief discussion ensued regarding the four objectives.

Manager of Urban Land Institute (ULI) Mark Loeb answered questions and explained the process concerning the selection of panelists and/or specialists, the briefing book and how they will utilize their best practices to formalize their opinions and recommendations.

Mr. Moore advised that following approval of the objectives, the next steps include setting the workshop agenda, gathering the background information for the briefing book and selecting the panelists. Staff anticipated the panel moving forward around the third week of May 2012.

Lisa Coney, 1350 W. Fairbanks Avenue, representing the Fairbanks Avenue Merchants & Neighborhood Association said the City has spent an enormous amount of time, effort and money on the West Fairbanks Avenue improvements. She supports ULI's involvement and asked that the stakeholders be invited to the meetings so they can provide input.

City Manager Knight advised that the sewer improvements to Fairbanks Avenue has started and will go out to bid at the end of this month or the first part of April.

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 Hearings

- a. Adoption of fee schedule effective April 1, 2012

City Manager Knight provided background and answered questions.

Motion made by Commissioner Leary to adopt the fee schedule effective April 1, 2012; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote.**

- b. Request of Winter Park Town Center LTD: Conditional use approval to build a bank and new restaurant with drive-thru as a redevelopment of the former Border's Books at the Winter Park Village, 500 N. Orlando Avenue.

Quasi-judicial disclosures were made by the Mayor and Commissioners as follows: Mayor Bradley spoke with a reporter and staff sent information via email; Commissioner McMacken spoke with staff; Commissioner Cooper spoke with Larry Adams with ACi and attempted to have a conversation with Mr. Rutledge with Casto by leaving him a message; Commissioner Sprinkel spoke with Jim Barnes of Bank First; and Commissioner Leary spoke with a reporter and attended a P&Z meeting.

Planning Director Jeff Briggs explained the request for conditional use approval to redevelop the Borders books site at the corner of Webster and Orlando Avenues. The redevelopment would demolish the existing 25,000 s.f. Borders Bookstore building and rebuild a new 4,874 s.f. branch bank facility; and a second building with 7,200 s.f. of retail space plus a "coffee" restaurant of 1,800 s.f. with a drive-thru lane. This was a conditional use because of the two drive-in components. Mr. Briggs provided information regarding parking, traffic circulation, stormwater retention, architecture and landscaping. He answered questions.

James Conroy, Executive Vice President of Development for Casto, answered questions regarding the existing trees on the property and advised that they are in good condition and will be relocated.

Mayor Bradley shared his concerns with potential changes being made after board approval had been given and inquired about the process. Mayor Bradley asked Attorney Brown to provide information on this issue and address it under his report in a future meeting. Attorney Brown acknowledged the request.

Motion made by Commissioner Leary to approve the conditional use; seconded by Commissioner Sprinkel. No public comments were made. **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. RESOLUTION NO. 2105-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ARTWORK THAT IS PROCURED, DESIGNED, MANUFACTURED AND INSTALLED AT THE WINTER PARK TRAIN STATION/AMTRAK STATION

Attorney Brown the resolution by title.

Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Sprinkel. City Manager Knight provided background information and answered questions regarding advertising the call for artists, the selection process and the reimbursement amount of \$6,500 for the project.

Peter Schreyer, Executive Director of Crealde' shared his frustrations with the deadline being too short. He hoped the City will implement a 3 month application deadline the next time to allow the artists to formalize a budget and sketches.

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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS WHICH INCLUDE A FIRE SPRINKLER REQUIREMENT AS THE WINTER PARK BUILDING CODE; DESIGNATING APPLICABLE WIND DESIGN CRITERIA; UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE WITH AMENDMENTS; REVISING CLASSES OF CERTAIN CODE ENFORCEMENT CITATIONS; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown the ordinance by title.

Building and Code Enforcement Director George Wiggins explained that every three years the Florida Building Commission updates the Florida Building Code with new or amended modifications and new referenced standards brought forward into a newer code version of the International Building Codes that form the base of the Florida Building Code. Similarly, the International Property Maintenance Code is updated in three year cycles. Mr. Wiggins noted that the text of the ordinance has changed little except in the areas where modifications were made.

Mr. Wiggins answered questions regarding the local administrative provisions in the code pertaining to noise on construction sites and notice of demolition activity. The Commission shared their concerns about adding additional provisions in the codes as they do not want to make the code stricter or more difficult than it already is.

Attorney Brown provided legal counsel and said one option would be to add additional conditions into the existing noise ordinance.

Motion made by Commissioner Cooper to accept the ordinance on first reading with the condition that the language they have discussed here tonight is worked out between the building official and the City Attorney; seconded by Mayor Bradley. No public comments were made. **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 Commission Reports:

a. Commissioner Leary

Commissioner Leary thanked the Track Shack for holding their 35th Road Race in the City and shared his excitement with being able to start the 2 mile race. He thanked both the Fire and Police Departments for keeping everything flowing smoothly.

b. Commissioner Sprinkel

Commissioner Sprinkel congratulated the new superintendent of Orange County Public Schools Barbara Jenkins who is from the City, graduated from Winter Park High School, became a kindergarten teacher and then a principal at Brookshire Elementary.

Motion made by Commissioner Sprinkel for a resolution of appreciation to Barbara Jenkins and welcoming her to her new position; seconded by Commissioner Leary and approved by acclamation with a 5-0 vote.

Commissioner Sprinkel encouraged everyone to attend the 60th anniversary celebration concert hosted by WPRK 95.1-FM. The free event will be held at The Green at Rollins College on Saturday, April 7 from 12-10 p.m.

c. Commissioner Cooper

Commissioner Cooper said she attended the Florida Heritage award ceremonies in Tallahassee last week and saw Louis Roney receive his award. She also learned that another resident, Lt. General James Gavin was recognized whereby his wife and widow, Mrs. Gavin received his award. She asked if the City could pay homage to Mrs. Gavin at a future meeting. The request was acknowledged.

d. Commissioner McMacken

1. Landscape code enforcement

Commissioner McMacken said he had the opportunity to use the "red phone" button on the City's website this past weekend to report a huge tree limb that fell down in his neighborhood. He thanked the police and forestry departments for their quick response.

Commissioner McMacken asked how the City enforces/addresses the landscape requirements for new projects in the long term that are enacted through Board approvals. He asked staff to follow up and provide a response.

e. Mayor Bradley

1. Complete management plan review, including current contracted services, etc.

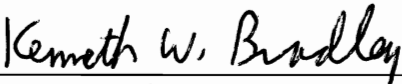
Mayor Bradley spoke about achieving the overall vision of the City and handed out a "benchmarking review" document (see attached). He said he would like to make sure that the key aspects of our City and our governance indicators are achieved. He suggested that they talk about this when discussing "performance indicators" at the strategic planning session and also suggested that they perform a review of the major plans and ordinances that govern our City as well as the budget. He also shared his concerns with the West Meadow and wanted to figure out a way that it either becomes a meadow or a parking lot but it cannot be both.

Mayor Bradley thanked staff for an outstanding job at the Sidewalk Art Festival and the road race.

Mayor Bradley mentioned the BID process and said once the shop owners and merchants have completed their review he would like for this item to come back to the Commission so they can address any concerns prior to budget discussions.

Mayor Bradley reminded everyone that the next Commission meeting will be held at the Winter Park Community Center, 721 West New England Avenue.

The meeting adjourned at 6:40 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

City of Winter Park W. Fairbanks Ave. TAP Project Objectives

The ULI Technical Assistance Panel (TAP) will provide advice and recommendations on the following City of Winter Park project objectives:

I. Market Demand

- Highest and best uses for an enhanced W. Fairbanks Ave., i.e. what does the market want?
- Based on the lifecycle of the corridor, both near- and long-term uses.

II. Catalysts for Change

- Types of game-changing projects that will catalyze additional investment in redeveloping W. Fairbanks Ave.

III. Incentives

- Most effective incentives that the City of Winter Park can implement to enhance the market appeal including public/private partnerships.
- Most effective physical/cosmetic enhancements that can be made to the public realm.
- Most effective physical/cosmetic enhancements that can be made to the private realm.

IV. Urban Design/Land Use Regulation

- Urban design elements needed to accommodate the highest and best uses for W. Fairbanks Ave. Determine the advisability of requiring an urban form (buildings up on the frontages) as a mandatory or voluntary standard for the redevelopment along the W. Fairbanks Ave.
- Appropriate zoning and land use regulations needed to accommodate the highest and best uses. Evaluate whether the proposed Architectural Design Standards will appropriately foster and encourage redevelopment of W. Fairbanks Ave.
- Barriers in the current regulations that need to be address to achieve the redevelopment goals.
- The necessity for expanded parking along the north side of the W. Fairbanks Ave. corridor that would require rezoning of adjacent residential land, as an essential ingredient to promote redevelopment along that north side.

Benchmarking review for Winter Park

