

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

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:34 p.m. in the Winter Park Community Center, 721 West New England Avenue, Winter Park, Florida.

The invocation was provided by Fire Chief James White. A moment of silence was given in honor of the passing of Mayor Bradley's father, Commissioner Sprinkel's father and City employee Danny Byers; 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 Cooper and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Presentation of the Winter Park Sidewalk Art Festival original art

Sarah Arnold, Winter Park Sidewalk Art Festival President presented the City with the original art work from the poster by artist Robert Beck. Mayor Bradley thanked Ms. Arnold and the Winter Park Sidewalk Art Festival board for their hard work.

b. Proclamation – Winter Park Garden Club's 90<sup>th</sup> Anniversary Day

Mayor Bradley announced that the Winter Park Garden Club will be celebrating their 90<sup>th</sup> anniversary tomorrow and thanked them for their dedication and contributions to the City.

Mayor Bradley proclaimed April 10, 2012 as Winter Park Garden Club Day in Winter Park. Sara Johns, President of the Winter Park Garden Club, was present to accept the proclamation.

c. Appointment of 'Wired for Winter Park' Task Force

**Motion made by Mayor Bradley to appoint Steve Goldman, Chase Heavener, Ed Sabori and Commissioner Leary to the Wired for Winter Park Task Force; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

Mayor Bradley advised that he will appoint three additional members to this board at the next meeting.

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

City Manager Knight encouraged everyone to attend the first Martin Luther King Task Force community meeting tomorrow night at 6:00 p.m. at the Community Center to discuss the naming opportunities.

City Manager Knight answered questions related to the tree committee and the replanting of trees. He advised that a tree update/presentation will be given at the next meeting.

City Manager Knight addressed Commissioner Sprinkel's question regarding what the next steps would be to accomplish the strategic planning priorities. He said the Commission will have an opportunity to discuss and approve the list of priorities at the next meeting.

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

Attorney Brown answered questions and provided clarification pertaining to the information he sent out last week regarding changes to work product resulting from a quasi-judicial subsidiary board.

### **Non-Action Item**

- a. Winter Park Train Station Design Development Update from ACi

This item was pulled from the agenda per staff and is rescheduled for April 23.

- b. Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2011

Bernadette Britz-Parker, CPA of James Moore & Company, P. L. provided the CAFR from fiscal year ending September 30, 2011. Ms. Britz-Parker summarized the highlights as presented in the package and answered questions.

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

- c. Financial Report – February 2012

Finance Director Wes Hamil provided the February 2012 financial report and answered questions of the Commission.

**Motion made by Commissioner Sprinkel to accept the Financial Report; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.**

**Consent Agenda**

- a. Approve the minutes of 3/26/12.
- b. Approve the following purchase, change order and contract:
  1. PR 149001 to Brown & Brown Insurance for city property insurance renewal (April 2012 – 2013); \$294,663.81
  2. Change Order COR-034 to Community Center contract (RFQ-17-2009) with Turner Construction Company and authorize the Mayor to execute the change order document; \$54,523.00
  3. Commercial Property Insurance Application with Brown & Brown of Florida, Inc.; and authorize the Mayor to sign the application.
- c. Enter into the grant funding agreement with the Florida Department of Environmental Protection (FDEP) for construction of: 1) Park North Subdivision West Exfiltration System; 2) Pansy Avenue Stormwater Exfiltration System; and 3) Canton Avenue Stormwater Outfall Improvements Projects. Grant agreements total: \$384,000.
- d. Approve the proposed modifications to the City of Winter Park's Rate Schedule BA-1 Billing Adjustments (fuel adjustment) **PULLED FOR DISCUSSION, SEE BELOW**
- e. Reschedule the Monday, May 28, 2012 Commission meeting to Tuesday, May 29, 2012 due to the Memorial Day holiday. **PULLED FOR DISCUSSION, SEE BELOW**

**Motion made by Commissioner McMacken to approve Consent Agenda items 'a', 'b.1'-'b.3' and 'c'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'd' – Approve the proposed modifications to the City of Winter Park's Rate Schedule BA-1 Billing Adjustments (fuel adjustment)

Mayor Bradley asked if this would impact our bond ratings favorably or not in terms of the City's action. City Manager Knight explained that this is a rate stabilization type of approach which would be favorable.

**Motion made by Mayor Bradley to approve Consent Agenda item 'd'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'e' – Reschedule the Monday, May 28, 2012 Commission meeting to Tuesday, May 29, 2012 due to the Memorial Day holiday

Mayor Bradley suggested cancelling the Memorial Day meeting. He asked if there are any important items scheduled for that time. City Manager Knight said no.

**Motion made by Mayor Bradley to go ahead and cancel the second Commission meeting in May in honor of the Memorial Day holiday; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

**Action Items Requiring Discussion**

- a. Appointment of Vice Mayor

**Motion made by Commissioner Cooper to appoint Commissioner McMacken as Vice Mayor. Motion failed for lack of a second.**

**Motion made by Commissioner Sprinkel to appoint Commissioner Leary as Vice Mayor; seconded by Mayor Bradley. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

**Public Comments**

Joe Terranova, 700 Melrose Avenue, provided feedback regarding the CAFR report and encouraged the City to develop a comprehensive undergrounding plan for utilities.

A recess was taken from 5:14 p.m. to 5:38 p.m.

**Public Hearings**

- a. ORDINANCE NO. 2873-12: 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. Second Reading

Attorney Brown read the ordinance by title. Building and Code Enforcement Director George Wiggins advised that he consulted with Attorney Brown after the last Commission meeting and they have inserted a set of criteria that can be applied when extending or reinstating an expired permit to accomplish the goal of minimizing the impact of a lengthy construction project on surrounding properties. Mr. Wiggins answered questions regarding permits that are extended and the fines associated with violations to the building code and shoreline removal of lakefront vegetation.

Commissioner Cooper shared her concerns regarding the fines and was opposed with changing the class of violation for a code enforcement violation of the newly adopted Lakeshore Protection Ordinance from Class II (\$100) to Class III (\$300).

Public Works Director Troy Attaway provided background regarding the penalties for shoreline violations and answered questions.

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

**Motion amended by Commissioner Cooper that violations of the shoreline protection provisions be categorized as a Class II violation and that construction of a seawall without a permit remain a Class III violation. Motion failed for lack of a second.**

**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.**

- b. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO PAIN MANAGEMENT CLINICS AND PHARMACIES; REPEALING THE MORATORIUM ON PAIN MANAGEMENT CLINICS ADOPTED BY ORDINANCE NO. 2840-11 AS EXTENDED BY ORDINANCE NO. 2872-12; ESTABLISHING REGULATIONS OF PHARMACIES AND PAIN MANAGEMENT CLINICS; TO BE CODIFIED AS ARTICLE II, CHAPTER 54 WINTER PARK CITY CODE; CREATING REGISTRATION AND SUPPLEMENTAL MONTHLY REPORTING REQUIREMENTS FOR ALL PAIN MANAGEMENT CLINICS; CREATING SUPPLEMENTAL ZONING REGULATIONS FOR NEW PAIN AMANGEMENT CLINICS; CREATING SUPPLEMENTAL REGULATIONS FOR ALL PHARMACIES; PROVIDING THAT PHARMACIES AND PAIN MANAGEMENT CLINICS SHALL NOT CO-LOCATE; ALLOWING FOR APPLICATION FOR VARIANCE FROM THE COLOCATION BAN; CREATING A REQUIREMENT FOR ALL PHYSICIANS AND PHARMACISTS TO CHECK THE PRESCRIPTION DRUG MONITORING PROGRAM PRIOR TO PRESCRIBING OR DISPENSING DANGEROUS DRUGS; PROVIDING DEFINITIONS, TO ADD A DEFINITION FOR "PAIN MANAGEMENT CLINIC" AND TO EXCLUDE PAIN MANAGEMENT CLINIC FROM THE TERM "CLINIC"; AMENDING SECTION 58-78 PERMITTED ZONING USES, ADDING PAIN MANAGEMENT CLINIC AS A PERMITTED USE IN THE I-1 ZONING DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Building and Code Enforcement Director George Wiggins explained that the creation of the proposed City ordinance regulating Pain Management Clinics is not intended to interfere with legitimate medical clinics or the lawful prescription and use of controlled substances.

The new ordinance adopts the same provisions within Orange County's proposed pain management ordinance which will not go into effect until June; certain provisions that are applicable to Winter Park and our zoning code was included. Mr. Wiggins further explained details of the ordinance and answered questions.

Attorney Brown advised that the City of Winter Park will be relying upon and has incorporated the findings of the Orange County Prescription Drug Task Force that was created by Orange County.

Joseph Cocchiarella, Assistant State Attorney and member of the Task Force, provided a presentation which included prescription drug statistics, registration and operational regulations for new and existing pain management clinics, regulation of pharmacies, prescription drug monitoring program and criminal/civil action enforcement. Mr. Cocchiarella answered questions.

**Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

John Murphy, 2221 Hawick Lane, spoke in favor of the ordinance.

**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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING APPROXIMATELY 54+- ACRES OF REAL PROPERTY REFERRED TO AS RAVAUDAGE OR HOME ACRES; GENERALLY LOCATED IN THAT POCKET OF UNINCORPORATED ORANGE COUNTY AREA BORDERED BY LEE ROAD TO THE SOUTH, ORLANDO AVENUE TO THE EAST; MONROE AVENUE TO THE NORTH AND BENNETT AVENUE TO THE WEST; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY ANNEXED HEREBY INTO THE MUNICIPAL BOUNDARIES; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Mayor Bradley announced that this will be treated as a simultaneous public hearing.

Planning Director Jeff Briggs noted that pursuant to Chapter 171, Florida Statutes, the City of Winter Park proposes to annex a 54+/- acre unincorporated pocket that is referred to as Ravaudage - Home Acres. Mr. Briggs explained that there are 56 properties included in the Ravaudage/Home Acres annexation area. The City of Winter Park has received voluntary annexation petitions from 33 of the individual property owners, requesting annexation into the City. Since these voluntary annexation petitions represent 56.9% of the property owners and 81.45% of the private land area involved, subsection 171.0413(6), Florida Statutes will permit the

City to annex the entire area without a vote of the electors and without the consent of the 23 properties that have not provided formally consented to this annexation. Mr. Briggs advised that the Planning Department received a letter of objection from the commercial property owners of Don Reid Ford located at 1205 North Orlando Avenue.

Mr. Briggs explained the public hearing process that was followed including notices being mailed to all property owners in the area of the pending annexation. A second hearing on the annexation ordinance for the Ravaudage/Home Acres area will not occur until a future time when a decision on the proposed CDD has been made. Mr. Briggs answered questions.

Applicant Dan Bellows, Benjamin Partners, Ltd. and Attorney Kim Booker, Booker and Associates, provided background and answered questions.

**Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

Joe Terranova, 700 Melrose Avenue, spoke in favor of the project and urged the Commission to approve the request.

Colleen O'Brien, 2038 Albert Lee Parkway, spoke in opposition and shared her concerns with the increase in development and traffic congestion.

**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.**

- Annexation Agreement for Ravaudage - Home Acres

Planning Director Jeff Briggs explained that the annexation agreement is part of the voluntary annexation for the 54 acres of Ravaudage - Home Acres as was discussed during the March 26 Commission meeting. Mr. Briggs advised that the only major change to the agreement was the removal of the provisions allowing the burning of debris. This will be handled as a separate request in the future. The agreement now contains all the exhibits including Exhibit "C" which is the PD approvals granted by Orange County. Mr. Briggs answered questions.

Commissioner Cooper shared her concerns and objected to the acceptance of the large amount of waivers from Orange County.

**Motion made by Commissioner Leary to approve the annexation agreement; seconded by Commissioner Sprinkel. 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 commented about how great the new Pro-Shop looks and that the ribbon cutting event was wonderful.

b. Commissioner Sprinkel

Commissioner Sprinkel said she had a great time last Saturday at the 60<sup>th</sup> anniversary celebration concert hosted by WPRK 95.1-FM.

Commissioner Sprinkel thanked City staff for the wonderful Easter Egg event last weekend and said it was a delight to see all of the children having fun.

c. Commissioner Cooper

Commissioner Cooper announced the passing of Toni Koropsak, a resident who was very active in the community and the Four Seasons Condominium Association.

d. Commissioner McMacken

No items.

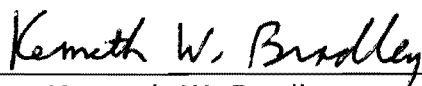
e. Mayor Bradley

Mayor Bradley announced that board appointments will be made during the first meeting in May and any citizens interested in serving should submit their application for consideration.


Mayor Bradley commended staff for a wonderful 58<sup>th</sup> Annual Easter Egg event.

Mayor Bradley advised that City Manager Knight asked if the Commission would be interested in holding the next two Commission meetings here at the Community Center if it is available. By acclamation, the Commission agreed.

The meeting adjourned at 6:54 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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For City Clerk Cynthia S. Bonham