

REGULAR MEETING OF THE CITY COMMISSION
October 22, 2012

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

The invocation was provided by Reverend Dean Patrick Powers, Knowles Chapel Rollins College, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
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

Members not present

Commissioner Steven Leary

Approval of the agenda

Motion made by Commissioner McMacken to accept the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 4-0 vote.

Mayor's Report

a. Proclamation - 2012 Week of the Family

Mayor Bradley proclaimed the week of October 27-November 3, 2012 as "Week of the Family." Debbie Pratt and Kerry Schwartz, representatives from Orange County's Week of the Family Committee accepted the proclamation.

b. Presentation - Employee of the Third Quarter 2012 - Gary Olson

Mayor Bradley recognized Gary Olson, Foreman in the Water & Wastewater Department as employee of the Third Quarter 2012 and thanked him for his hard work and dedication.

Mayor Bradley thanked staff for an outstanding job with planning and executing the City's 125th Anniversary event held last week that was truly memorable.

Commissioner McMacken said the Autumn Art Festival was a hit and thanked staff for their outstanding efforts.

City Manager's Report:

1. City Manager Knight provided an update on the utility billing software which allows for automatic draft payments. He said there was a glitch with our interim solution so the City put it out to bid for a permanent solution. The City is now looking at implementing by February 2013. Mayor Bradley requested that a flyer be included with the billing statements or listing the information on the City's website to keep residents notified. City Manager Knight acknowledged.

2. City Manager Knight noted that there seems to be some confusion in the motion that was made at the August 27, 2012 Commission meeting. During the budget process the Commission spoke about organizational support and the distribution of funds to outside organizations on a quarterly basis. The Commission then asked if the allowance included the CRA and the answer was no. However, the actual list that was approved in the motion included the CRA items, specifically the Welbourne Day Nursery and Crealde School of Art which operates the Heritage Center. Staff believes it was the Commission's intent to not include those and asked for clarification.

Following a brief discussion, a majority of the Commission agreed that there was a difference of opinion regarding the intent of the motion. City Manager Knight was asked to calendar this item for the November 12 meeting for further discussion/action.

3. City Manager Knight responded to questions including a cost benefit analysis to be performed regarding the service fees that credit card companies charge for utility payment transactions. City Manager Knight explained that an analysis has been performed and that it will possibly cost the City \$70,000 and asked for direction. A majority of the Commission agreed for City Manager Knight to send the analysis information to them for consideration.

City Manager Knight announced future agenda items. Mayor Bradley requested that an email be sent to them regarding the upcoming meeting dates and topics.

City Attorney's Report

Attorney Brown requested to schedule an executive session to discuss the recently filed Bell lawsuit pertaining to the picketing ordinance. Upon further discussion a majority of the Commission agreed for Attorney Brown to contact each of them via telephone for briefing since no decision needs to be made.

Attorney Brown advised that he will be sending City Manager Knight an evaluation instrument that is used by Osceola County School Board for City Attorney services should they wish to use it.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of 10/8/2012.
- b. Approve the budget adjustment to appropriate accumulated restricted building permit revenues to purchase software to improve the efficiency of the permit issuance and payment processes (Sungard HTE). - **PULLED FOR DISCUSSION, SEE BELOW**
- c. Approve PR 150493 to Brown & Brown of Florida, Inc. for Insurance Agent of Record (RFP-13-2012)
- d. Close City Hall the entire day on Monday, December 24, 2012 (Christmas Eve) and cancel the Commission meeting.

Motion made by Commissioner McMacken to approve Consent Agenda items 'a', 'c' and 'd'; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote.

Consent Agenda Item 'b' - Approve the budget adjustment to appropriate accumulated restricted building permit revenues to purchase software to improve the efficiency of the permit issuance and payment processes.

Mayor Bradley inquired as to the cost of services and if it is advantageous to make this purchase. City Manager Knight addressed the question and concern.

Motion made by Mayor Bradley to approve Consent Agenda item 'b'; seconded by Commissioner McMacken and approved by acclamation with a 4-0 vote.

Action Items Requiring Discussion

- a. Mead Botanical Garden lease and operational agreement

Parks and Recreation Director John Holland explained that it is the request of Mead Botanical Garden, Inc. (MBG) to formally establish their affiliation with the City with a lease agreement of property, buildings and amenities in the Garden. Mr. Holland elaborated on the contents within the agreement and explained the process they followed to get to where they currently are. He spoke about the many volunteers that work there in the gardens. In conclusion, he agreed with moving forward with this agreement.

Questions were asked by the Commissioners regarding insurance coverage whereby City Manager Knight responded. Other questions were brought forward for clarification. Attorney Brown explained the length of the agreement to be 10 years

with 10 year options to renew which can be terminated if they do not fulfill their obligation. Discussion ensued whether to include an opt out clause and whether it should be longer than 90 days. Fundraising efforts by the Friends of Mead Garden were addressed.

The need to clarify the need for the City to have a sitting member on the Board of Directors was discussed. Attorney Brown inquired as to the specific language that should be added and if the person designated should have voting rights on the board. Upon discussion, Mayor Bradley suggested that the member be designated by the City Commission and that be either the Parks and Recreation Director, the City Manager or the Assistant City Manager.

Area 2 was discussed and whether a lease should exist for that portion at this time. Parks Director Holland pointed out that there is no advantage to them having that at this point as there are no operational activities planned in Area 2. He stated this would come back as an addendum if they begin to operate or have any control over Area 2. He stated it was a matter of simplification to include the entire park in the lease as potential operations.

Questions continued regarding the revenues and if those follow the lease or the operations and maintenance; and how Mead Garden will be maintained and who will maintain it. Mr. Holland clarified.

Commissioner Cooper shared her concerns regarding the initial term of 10 years and the four 10 year extensions and that Mead Garden has the option to extend but the City does not have that option. Attorney Brown clarified he is putting language into the lease regarding this.

Commissioner Cooper explained her concern regarding the number of Florida Sympathy Youth Orchestra events held in the park that does not pay user fees; she appreciated their \$250,000 donation but was concerned with the lost revenue over the 50 year period. It was clarified that they are limited to 6 events a year.

Commissioner Cooper explained her concern with closing off any access to Mead Garden particularly the walking paths and the access from Winter Park Road. She stated it is important to the citizens that the Winter Park Road access remain open, that there be no entry fees into the park, and can bring their leashed dogs on the walking paths. She addressed the need to define what a public area is within the lease. She disagreed with the exceptions specified in the agreement regarding closure of the park and wanted those removed from the agreement. Discussion ensued regarding the current policy for closing the park for special events. Attorney Brown explained that the City will be able to opt out with a 6 month notice if necessary.

Commissioner Cooper expressed concerns with the Garden Club parking and asked for reassurance that their parking will continue. Discussion ensued regarding this

issue and whether or not this should be part of this lease. The line drawn on Exhibit A concerning the Garden Club being excluded from this lease was addressed. Upon discussion, there was a consensus to exclude all the parking areas which would resolve this issue. Mayor Bradley advocated that the center swatch on Exhibit A be leased to neither party. It was clarified that the parking access will continue but there will no longer be an Area 1 or Area 2.

Upon questioning by Commissioner Cooper regarding if the finances (\$100,000 operational investment, \$100,000 worth of capital investment, and \$100,000 City staffing maintenance investment in the park) will continue, Mr. Blydenburgh commented they are anticipating the continuation of these until they become free standing. There was further discussion regarding the continuation of the funding. She expressed concerns with sharing of the revenues and that the City should share in those revenues after the financial responsibility of the City is lifted.

Motion made by Mayor Bradley to accept the lease agreement as amended with the following amendments: that there be a mutual agreement option for six months without cause for both parties and/or something less than that on mutual consent; that the new organization has a board seat available for a City designee as designated by the City Commission; and that the pink line drawn in Amendment A be drawn north of the current parking and north of the current road; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper that language be added requiring that the Winter Park Road entrance gate remain open to the public and free of charge and that leashed dogs continue to be allowed on the walking paths. Motion failed for lack of a second.

Jeffrey Blydenburgh, 204 Genius Drive, spoke in favor of the request and thanked the City for their continued support. He highly recommended Parks Director John Holland to be a member on their Board and thanked him for his hard work.

Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Public Comments

1. Peter Schreyer, Crealde School of Art, spoke in favor of contributions to local organizations.
2. Patrick Chapin, President of the Winter Park Chamber of Commerce, recognized staffs outstanding effort regarding the City's 125th anniversary celebration, the Autumn Art Festival and the Peacock Ball.

3. Barbara Chandler, Hannibal Square Heritage Center, spoke about the numerous programs held at the center involving the community and urged the Commission to continue the funding to outside organizations.

4. Jacqueline Johnson, 1217 Harding Street, spoke in favor of the good work that the Hannibal Square Heritage Center does for the local community.

A recess was taken from 5:45 p.m. to 6:08 p.m.

b. Denning Drive corridor study

Public Works Director Troy Attaway provided a PowerPoint presentation which showed potential bicycle lanes/paths, pedestrian crossings, traffic volumes, traffic flow improvements, intersection turn lanes and missing sidewalks.

Mr. Attaway explained that this presentation was given to the Winter Park Health Foundation and they were asked if they had interest in funding a study estimated to cost \$40,000 and to see if they would be interested in partnering support for pedestrian and bicycling improvements. He asked that the Commission accept the funding and authorize the corridor study if approved for funding by the Winter Park Health Foundation.

Discussion ensued regarding the scope, whether a consultant is needed, if this should be applied more globally versus only applying this to Denning Drive, and the need for a construction cost estimate prior to authorizing a study. Commissioner Cooper preferred studying 17-92 instead of Denning Drive.

Mr. Attaway addressed his preference that a consultant performs the study. Concerns were brought forward with conducting this study without knowing how the City would pay for the suggested improvements. A majority of the Commission agreed for Mr. Attaway to work with City Manager Knight to further define any alternatives and to bring back more information.

c. City Manager evaluation

Mayor Bradley and Commissioner McMacken noted that his scores speak for themselves.

Motion made by Mayor Bradley that based on his evaluation that Mr. Knight receives a 2.5% merit increase effective October 22, 2012 continuing for the next year; seconded by Commissioner Cooper. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.

d. Strategic Plan

City Manager Knight addressed the document that incorporated the decisions made by the Commission in April 2012. He spoke about items listed that did not come out of the strategic planning workday but were areas that staff believed to be missing when they reviewed it. He stated that any items the Commission does not believe belongs on the list can be removed. Mr. Knight noted that no official adoption was given by the Commission.

Commissioner Cooper spoke about pensions and defined benefit plans. Commissioner Sprinkel wanted to list everything the City does and to measure those things. Following a brief discussion on whether or not they should add or delete items that are currently listed in the strategic plan document, there was a consensus of the entire Commission to make the document presented linear for now and at some point determine how everything works together and spend more time on honing of the numbers and less time on how it graphically gets illustrated. City Manager Knight was instructed to put this on future meeting agendas to update the Commissioners as to the progress made on the plan.

Public Hearings

- a. RESOLUTION NO. 2113-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING THE DEVELOPMENT AGREEMENT FOR 821 AND 830 WEST SWOOPE AVENUE

Planning Director Jeff Briggs explained in the staff report that the City and the Patmos Chapel of the Southern Conference of Seventh Day Adventist Church entered into a Development Agreement on March 22, 1994 concerning properties at 821 and 830 West Swoope Avenue. At that time in 1994, Patmos Chapel was planning to expand their sanctuary and desired to use off-site parking across the street from the church. The City was concerned about night lighting and overnight parking for the off-site parking lot adversely affecting adjacent residential properties so conditions on the use of the parking lot and lighting were approved and recorded in the Public Records via a Development Agreement.

Instead, the Patmos Chapel acquired land for parking behind their church which allowed them to do the sanctuary expansion with all their parking on-site. This off-site land was then sold off and the Patmos Chapel no longer owns this property. Thus the Development Agreement is null and void. However, it is still recorded in the Public records and is a 'title' issue that needs to be resolved by rescinding and terminating that Development Agreement. Attorney Brown read the resolution by title.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Sprinkel. Commissioner McMacken asked that a map(s) be

included in these types of requests as well as the applicants name or all associated parties involved. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

b. Request of Wawa:

- AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA PARTIALLY VACATING AND ABANDONING THE EASEMENT LOCATED AT 901 NORTH ORLANDO AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE First reading
- AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 911 NORTH ORLANDO AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE First reading

Attorney Brown read both ordinances by title. Assistant Electric Director Terry Hotard explained that both easements were granted to Florida Power in 1965-66 pertaining to properties that were in existence at that time but no longer exist.

Motion made by Mayor Bradley to accept the first ordinance (901 North Orlando Avenue) on first reading; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

Motion made by Mayor Bradley to accept the second ordinance (911 North Orlando Avenue) on first reading; seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

c. Request of Michael Collard Properties, Inc.:

This item was withdrawn by the applicant.

City Commission Reports:

- a. Commissioner Leary – not present.
- b. Commissioner Sprinkel

Commissioner Sprinkel asked Commissioner Cooper to elaborate on a comment made regarding a walking path for Rollins College at Interlachen. City Manager Knight stated this has not been presented to staff at this point.

c. Commissioner Cooper

Commissioner Cooper explained that she was in attendance when Rollins representatives gave a presentation to the Winter Park Women's Club regarding Rollins desire to close Interlachen at Fairbanks and create a walking path.

Commissioner Cooper asked about the billboard on Killarney (17-92 across from the Winter Park Village) as discussed briefly in her recent coffee talk session. Planning Director Jeff Briggs said the billboard was always there but now it is digital which was previously approved by the Commission. She mentioned that she attended the Harriet Lake Fashion Show and she was very impressed. She attended Rev. Dawkins 25th ministerial anniversary event at Warner Chapel. She stated that she attended the Roll and Stroll event past weekend. Commissioner Cooper also mentioned the League of Cities resolution noting our 125th anniversary.

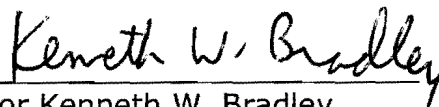
d. Commissioner McMacken

Commissioner McMacken addressed the last two weeks having been great with all the City events.

e. Mayor Bradley

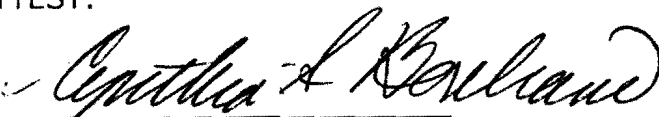
Mayor Bradley stated he wants to get the rebuild of the Amtrak station moving. He asked for a timeline on the construction schedule. City Manager Knight stated he will include that in the City Manager's Report.

The meeting adjourned at 7:15 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham