

REGULAR MEETING OF THE CITY COMMISSION
December 10, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:32 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Electric Utility Director Jerry Warren, 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 accept the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

- a. Presentation – National Arbor Day Foundation of Tree City USA Award, Growth Award and Sterling Award

Ms. Dana Sussman, Florida Department of Urban Forestry, presented the 32nd Annual Tree City USA Award, the 21st Annual Growth Award and a new Tree City USA flag. She summarized the standards the City must meet annually to continue to receive the Tree City USA Award and to receive the Growth Award.

- b. 4th Quarter 2012 Business Recognition Award

Economic Development Director Dori Stone presented Moss, Krusick & Associates with the 4th quarter 2012 City of Winter Park Business Recognition Award.

- c. Presentation – Plaques to the owners of three Orwin Manor homes that were listed on the Winter Park Register of Historic Places earlier this year

Mayor Bradley presented plaques to Mr. & Mrs. David Beaumont, Mr. & Mrs. Sam Bowers and Mr. & Mrs. Michael Spencer for having their homes listed on the Winter Park Register of Historic Places.

d. Presentation – 2012 Plant Operations Excellence Award to the Winter Park Estates Wastewater Treatment Facility

Water and Wastewater Utility Director David Zusi announced that FDEP awarded our City with the 2012 Plant Operations Excellence Award for maintaining the Winter Park Estates Wastewater Treatment Facility.

e. Board Appointments

Civil Service Board

Johnny Jallad (Re-appointment 2013-2016)

Kenneth "Kip" Marchman (Re-appointment 2013-2016)

Motion made by Mayor Bradley that the Civil Service Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Construction Board of Adjustments and Appeals

Bill Maroon (Appoint to Alternate 2012-2015)

Motion made by Mayor Bradley that the Construction Board of Adjustment appointment is accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Keep Winter Park Beautiful and Sustainable Board

Raymond Randall (2012-2013) – Filled remaining term of Kelda Senior

Joseph Robillard (2012-2015) – Filled remaining term of Lauren Bradley

Motion made by Mayor Bradley that the Keep Winter Park Beautiful and Sustainable Board appointments are accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Pedestrian and Bicycle Safety

David Erne (Appointed as Alternate 2012-2015)

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

Planning and Zoning Board

Robert Hahn (2011-2013) – Moved from alternate to regular member to fill remaining term of George Livingston who resigned.

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

Public Art Advisory Board

Linda Cegelis (Appointed as Alternate 2012-2015)

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

Thanks given

Mayor Bradley thanked City Manager Knight and staff for their extra efforts with the numerous holiday events being orchestrated this year.

City Manager's Report:

1. City Manager Knight explained that Lake Baldwin is a no wake zone lake. Due to the City's enforceability being questioned we are going through a state approval process which requires that a public hearing be conducted by the state to formally make it a no wake zone lake. The Commission requested that once a date and time has been established for the public hearing that notice be given to the Lakes Board, City Commission and the public. City Manager Knight acknowledged.

2. City Manager Knight explained that the SunRail contractor has requested permission to work on Sundays and that the City can set the hours. After a brief discussion a majority of the Commission agreed to a start time of 12:00 noon on Sunday's from this date forward ending on January 31, 2013.

3. Commissioner McMacken asked that a timeline schedule for Fairbanks Avenue be posted to the City's website.

4. Commissioner Cooper noted that there is cracking in the train station platform and asked that it be addressed.

City Attorney's Report

Attorney Brown advised that there was a Federal court hearing today regarding the plaintiff's motion for preliminary injunction in the anti-picketing ordinance case. The judge took the case under advisement and will issue an order in due course within the next 30 days. Attorney Brown noted that the City has opposed the entry of an injunction and has moved to dismiss the lawsuit and the individually named defendants.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of 11/26/2012.
- b. Approve the following purchases, contracts and formal solicitation:
 1. PR 150861 to Mead Botanical Garden, Inc. for contribution to capital improvements; \$100,000. – **PULLED FOR DISCUSSION, SEE BELOW**
 2. PR 150895 to Duval Ford for purchase of three Ford F-250 trucks; \$74,022.
 3. PR 150897 to Wesco Turf for purchase of groundskeeping equipment; \$84,909.42.
 4. PR 105905 to Software House International for Enterprise renewal of software; \$60,299.
 5. PR 150906 to Sungard Public Sector for annual maintenance/support for ERP System; \$78,143.88.
 6. PR 150927 to Environmental Products & Public Safety Solutions Group for purchase of Vactor sewer cleaner; \$312,736.16.
 7. Piggybacking Cobb County contract #09-5408 with Garland/DBS, Inc. for roofing supplies & related products & services and authorize the Mayor to execute the piggyback contract.
 8. Piggybacking School District of Osceola County contract #SDOC-12-B-067-LH with ARAMARK Uniform & Career Apparel, LLC for work uniforms and supplies rental lease program and authorize the Mayor to execute the piggyback contract.
 9. Piggybacking the Florida Sheriff's Association contract #12-20-0905 for administrative, non-pursuit, utility vehicles, trucks & vans and other fleet equipment and authorize the Mayor to execute the Piggyback Contracts.
 10. Piggybacking the City of Tallahassee contract with Environmental Products & Public Safety Solutions Group for medium and heavy truck bodies and authorize the Mayor to execute the Piggyback Contract.
 11. Piggybacking the School District of Osceola County contract with Orlando Steel Enterprises, Inc. for fencing materials and authorize the Mayor to execute the Piggyback Contract.
 12. Award and subsequent Purchase Order to Pillar Construction Group, LLC for IFB-3-2013, Winter Park Train Station Rebuild Project, and authorize the Mayor to execute the contract; \$1,110,079. – **PULLED FOR DISCUSSION – SEE BELOW**
- c. Approve the 2013 Comprehensive Emergency Management Plan. – **PULLED FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda items 'a' and 'b.2-11'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item 'b.1' - PR 150861 to Mead Botanical Garden, Inc. for contribution to capital improvements; \$100,000.

City Manager Knight addressed Commissioner Cooper's concern regarding the process as she thought that a capital improvement plan would be presented for approval prior to the distribution of funds. **Motion made by Mayor Bradley to approve Consent Agenda item 'b.1'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'b.12' - Award and subsequent Purchase Order to Pillar Construction Group, LLC for IFB-3-2013, Winter Park Train Station Rebuild Project, and authorize the Mayor to execute the contract; \$1,110,079.

Public Works Director Troy Attaway addressed Commissioner Cooper's question regarding the total project cost and the additional funding being requested. **Motion made by Commissioner Cooper to approve Consent Agenda item 'b.12'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'c' - Approve the 2013 Comprehensive Emergency Management Plan.

Fire Chief James White answered questions and provided background. **Motion made by Mayor Bradley to approve Consent Agenda item 'c'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

a. Strategic Plan

City Manager Knight presented the updated strategic plan and asked for direction.

Motion made by Mayor Bradley to approve the adoption of the score card and the strategic plan in this format with a caveat that staff can bring back specific recommendations on the parts that have an 'x' or are blank; seconded by Commissioner Leary.

Commissioner Cooper suggested adding a specific goal for our pension plan funding under the column labeled "target" and to add "adopt and achieve the capital budget plan" under the column labeled "measures."

City Manager Knight addressed questions and concerns regarding the impact of the scorecard. He explained that the City has a work plan for each initiative and will be tracking the progress of each item so we can achieve the measurements.

A majority of the Commission agreed that this document needs to be reviewed on a monthly or quarterly basis in order to keep track of the goals and objectives. Mayor Bradley requested City Manager Knight to report back to them in January if approved. Commissioner Leary spoke about the tax base diversification and asked that a trend be included with percentages.

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. Organizational Support

Motion made by Mayor Bradley to adopt the proposed policy as presented (see attached) to be enacted effective May 15, 2013 thus the City's fiscal year and to continue the funding that has been held for the last end of the fiscal year for the organizations which have been impacted; seconded by Commissioner Leary.

Motion amended by Commissioner Leary to the fourth bullet point so as to amend 20% to 10%, as well he would like to have it read "or in direct proportion to the contribution level"; seconded by Mayor Bradley.

Funding for the library was questioned. City Manager Knight clarified that the proposed policy is for 501(c) (3) entities and does not apply to the library. Discussion ensued regarding the need to further define the criteria in a work session, if this should only apply to 501(c) (3) organizations, if a task force should be created to provide feedback and if outside organizations should be included in the discussion.

Motion made by Mayor Bradley to table; seconded by Commissioner Cooper. 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 advised that back in October the motion was to fund these organizations through December 31, 2012 and asked for direction.

Motion made by Commissioner Cooper that the funding be released in accordance with our original budget for the annual period; seconded by Commissioner Sprinkel.

Executive Director Susan Skolfield, Winter Park Historical Association (WPHA), presented information regarding their organization to the Deputy City Clerk.

WPHA Treasurer Nina Margio disclosed information regarding their operating budget, financial accountability and insurance liability.

Jennifer Anderson, 2020 W. Fawsett, asked that the City continue the funding to outside organizations including the WPHA.

Arthur Blumenthal, 1740 Bryan Avenue, spoke in favor of the funding to WPHA.

Jon Franz, 1540 Magnolia Avenue, spoke in favor of the children's programs.

Mayor Bradley commented that he would be voting in opposition since he would prefer that a policy be in place before moving forward. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

City Manager Knight acknowledged the request to provide the Commission with copies of all financial statements received over the past 5 years from organizations that received City funding.

General Public Comment

Patrick Chapin, Winter Park Chamber of Commerce, thanked City staff and elected officials for a great weekend of holiday events.

c. City Attorney Evaluation

City Manager Knight provided a brief summary and asked for direction. It was suggested that staff and the City Manager provide feedback, what the next steps should be and if the contract should be put out for bid even though the current contract is valid for another 2 years. City Manager Knight noted that the current policy states that these types of contracts be reviewed every 5 years.

Motion made by Commissioner Leary that we put out the City Attorney contract to an RFQ with prices; seconded by Mayor Bradley.

Commissioner Cooper indicated that she will not be supporting this request and preferred to wait until the 5 year contract has expired. Commissioner Sprinkel felt the timing was not appropriate due to on-going litigations and was very satisfied with the current services being provided.

Motion amended by Commissioner Sprinkel to re-address this in 3 months (on or about March 10, 2013); seconded by Mayor Bradley. Commissioner Leary said he will be voting in opposition to the amendment since there will always be some sort of litigation going on in the City. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioner Sprinkel voted yes. Commissioners Leary, Cooper and McMacken voted no. The motion failed with a 3-2 vote.**

Upon a roll call vote (that we put out the City Attorney contract to an RFQ with prices); Mayor Bradley and Commissioner Leary voted yes. Commissioners Sprinkel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.

Motion made by Mayor Bradley to accept the City Attorney's evaluation as presented; seconded by Commissioner Leary. 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.

d. Lease agreement with Orlando Federal Credit Union (OFCU)

City Manager Knight explained the opportunity to bring the Orlando Federal Credit Union into the former unstaffed lobby of the west wing of City Hall. He elaborated on the proposed lease agreement. A brief discussion ensued with a majority of the Commission sharing concerns with allowing an outside company to occupy a prime piece of real estate owned by the City to operate their business.

Motion made by Commissioner Cooper to deny. Motion failed for lack of a second.

Commission discussion ensued regarding the pros and cons, the alternative uses for this available space and if an alternate location is available for the credit union to occupy.

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

A recess was taken from 5:38 p.m. to 6:02 p.m.

Public Hearings

- a. ORDINANCE NO. 2897-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE BY THE WINTER PARK COMMUNITY REDEVELOPMENT AGENCY OF A NOT TO EXCEED \$6,000,000 REDEVELOPMENT REFUNDING REVENUE NOTE, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING DEBT OF THE COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. David Moore, Public Financial Management, answered questions including the cost saving advantages of refinancing and the City's credit rating.

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

- b. ORDINANCE NO. 2898-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF REFUNDING NOTES FOR THE PURPOSE OF REFUNDING THE OUTSTANDING ORANGE AVENUE IMPROVEMENT REVENUE BOND, SERIES 2007 AND OUTSTANDING PARK AVENUE REFUNDING IMPROVEMENT REVENUE BOND, SERIES 2010 OF THE CITY; PROVIDING FOR THE PAYMENT OF SUCH REFUNDING NOTES FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED IN A RESOLUTION ADOPTED ON EVEN DATE HERewith; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Leary.** 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. 2114-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$2,000,000 NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2012A AND A NOT TO EXCEED \$2,200,000 NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2012B FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING DEBT OF THE CITY AS DESCRIBED HEREIN AND PAYING COSTS RELATED THERETO; PROVIDING THAT THE NOTES SHALL BE LIMITED OBLIGATIONS OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED AND APPROPRIATED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNERS OF THE NOTES; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH NOTES TO SUNTRUST BANK PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN; MAKING SUCH DETERMINATIONS AS ARE REQUIRED TO AFFORD SUCH NOTES "BANK QUALIFIED" STATUS; AUTHORIZING OTHER REQUIRED ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. **Motion made by Commissioner McMacken to adopt the resolution; 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.**

- d. RESOLUTION NO. 2115-12: A RESOLUTION OF THE WINTER PARK COMMUNITY REDEVELOPMENT AGENCY, WINTER PARK, FLORIDA AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$6,000,000 REDEVELOPMENT REFUNDING REVENUE NOTE, SERIES 2012 TO REFUND CERTAIN OUTSTANDING DEBT OF THE AGENCY AS DESCRIBED HEREIN; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE AGENCY PAYABLE FROM TAX INCREMENT REVENUES AND OTHER FUNDS AS PROVIDED HEREIN; PLEDGING SUCH TAX INCREMENT REVENUES TO SECURE PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID NOTE; PROVIDING FOR THE

RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF WINTER PARK, FLORIDA; APPOINTING AN ESCROW AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; PROVIDING FOR THE ISSUANCE OF ADDITIONAL OBLIGATIONS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. **Motion made by Commissioner Leary to adopt the resolution; 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.**

- RESOLUTION NO. 2116-12: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE WINTER PARK COMMUNITY REDEVELOPMENT AGENCY; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. **Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner McMacken.** 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.**

- e. Request of the Winter Park YMCA for the properties located at 1751 and 1761 Palmer Avenue:

ORDINANCE NO. 2899-12: 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 INSTITUTIONAL ON THE PROPERTIES AT 1751 AND 1761 PALMER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2900-12: 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 ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE PROPERTIES AT 1751 AND 1761 PALMER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title.

Motion made by Commissioner Cooper to deny the first ordinance (comprehensive plan); seconded by Commissioner McMacken.

Motion made by Commissioner Cooper to deny the second ordinance (zoning); seconded by Commissioner McMacken.

John Kurash, 1050 N. Lakemont Avenue, questioned the deed restriction law.

Geri Throne, 1771 Chestnut Avenue, asked for clarity regarding the justification for the rezoning.

Attorney Frank Hamner, 405 Balmoral Avenue, spoke on behalf of the applicant in regards to deed restrictions and rezoning. He asked the Commission to reconsider the approval for the 38 parking spaces as originally requested.

Attorney Brown provided legal counsel pertaining to the laws associated with a private deed restriction.

Commissioner Cooper shared concerns and suggested tabling the issue so that a resolution can be made between the citizens and the applicant.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Motion made by Commissioner Cooper to table to a time certain (our next meeting). Motion failed for lack of a second.

Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Motion made by Mayor Bradley to adopt the first ordinance (comprehensive plan); seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Motion made by Mayor Bradley to adopt the second ordinance (zoning); seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Motion made by Commissioner Cooper to amend the developer's agreement stating that the reason for the buffer is to discourage future expansion and that the fountain and the water spray features would not be in the pool and that we would revert to the original parking (38 versus 30); seconded by Commissioner Leary for discussion. Following a brief discussion

on whether or not they should amend the conditions to the developers agreement;
Commissioner Cooper withdrew her motion.

f. Request of Atlantic Housing Partners, LLLP:

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 HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; 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 ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

- Conditional Use Approval to construct a four story, 105 unit senior living facility of affordable and workforce senior housing units on the properties at 550 North Denning Drive and 861 West Canton Avenue.

Attorney Brown read both ordinances by title. He advised that this project relates to the Fair Housing Act and provided legal counsel. Since this was a quasi-judicial proceeding, communications were disclosed. Commissioners Leary and Sprinkel spoke with the applicant's attorney Rebecca Wilson. Commissioner Cooper stated there were no communications. Commissioner McMacken spoke with Rebecca Wilson and the landscape architect and greeted the applicants this evening. Mayor Bradley spoke with the developer.

Planning Director Jeff Briggs explained that Atlantic Housing Partners LLLP is requesting to develop the former site of the half-finished Denning Drive Apartment project at 550 N. Denning Drive with a four-story, 105 unit residential affordable senior housing development. The project would utilize the existing on-site three level parking garage. He explained that this project is adding a new property at 861 W. Canton Avenue, zoned R-1A, to the previous development site and removing from the previous development plan the properties at 781/783/835 W. Canton Avenue and 441/437 N. Capen Avenue. He said that in order to approve this project there are amendments required to the comprehensive plan and zoning code to rezone the property at 861 W. Canton Avenue to R-4 and the conditional use for the overall project.

Mr. Briggs summarized the Planning and Zoning Board votes to include the "final" conditional use with a revision to the parking variance to require 170 parking spaces located in the parking garage with the caveat that the parking number or ratio be reevaluated six months after the project is completed and totally occupied

to determine if the original variance requested is warranted. The approval also included the revised Development Agreement and the elimination of the former property in the former agreement.

Attorney Rebecca Wilson of the Lowndes, Drosdick, Kantor and Reed Law Firm spoke on behalf of the applicant. She presented a PowerPoint presentation which included previous approvals granted versus the significant improvements being proposed, the need for affordable housing and P&Z recommendations. She explained that this is a very good alternate development plan as compared to the previous proposed redevelopment which is vested. She addressed the site plan revisions and the creation of the open space park amenity on the Canton/Denning corner and that the new building is set back further from the street frontages which will provide more space for landscape screening for the building along the street. In terms of building size, the 2006 project was a building of 138,788 sq. ft. and the 2012 project is 124,829 sq. ft. or about 14,000 sq. ft. smaller.

Ms. Wilson submitted to the Deputy City Clerk affidavits and qualifications of the development team members and noted that the project is in compliance with the City's comprehensive plan. She advised that the Florida Housing Finance Corporation is responsible for issuing the tax credits for this project. This agency will ensure that the criteria for age and income will be met and that the project will remain as senior affordable housing for 50 years. Ms. Wilson answered questions including the parking and taxable value of the property.

A brief discussion ensued regarding the open green space, the 50 year commitment and the parking variance.

Motion made by Mayor Bradley to accept the first ordinance (comprehensive plan) on first reading; seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to accept the second ordinance (zoning) on first reading; seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to approve the conditional use request (with the recommendations by P&Z); seconded by Commissioner Sprinkel.

Commissioner Cooper shared concerns with the rezoning of single family residential to high density residential, particularly opening up the east side of Denning Drive to allow for four story buildings.

Lurlene Fletcher, 790 Lyman Avenue, spoke in opposition of the project.

Dan Bellows, 558 W. New England Avenue, spoke in favor of the request.

Upon a roll call vote on the first ordinance (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 (zoning), 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 (conditional use), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- g. Request of Marlow's Tavern: Conditional use approval: To convert the former McDonald's Restaurant at 1008 S. Orlando Avenue, Zoned C-3 into a Marlow's Tavern and Restaurant

Planning Director Jeff Briggs explained that this conditional use request is to redevelop the former McDonald's site into a Marlow's Tavern restaurant with the sale and consumption of alcoholic beverages. Conditional use was required due to this location being within 300 feet of residential properties. There are residential properties to the east (behind) along Balch and Minnesota Avenues and along Kelly and Oak Place. There are also residences to the west across Orlando Avenue on Miller and Michigan Avenues.

On December 4, 2012 the P&Z board voted 6-0 for approval subject to the following conditions: No outside speaker system is permitted; the restaurant will have closing hours of 11:00 pm on Sunday thru Thursday and midnight on Friday and Saturday; and no live amplified musical entertainment other than single acoustic acts will be allowed. Mr. Briggs answered questions and concerns.

Tom DiGiorgio, 24 NE 24th Avenue, Pompano Beach, FL spoke on behalf of the applicant. He provided a brief overview of the concept, character and operation of the restaurant/tavern. He addressed several questions including the proposed site plan and noted that the drive thru will not be in existence.

Attorney Brown provided legal counsel regarding the sale of alcohol near a residential area. He explained that the Commission can impose reasonable conditions to make the project compatible with the surrounding neighborhood to protect the residents.

Motion made by Commissioner McMacken to approve the conditional use request; 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.

- h. RESOLUTION NO. 2117-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING IN THE CITY OF WINTER PARK, TO FUND CERTAIN PUBLIC IMPROVEMENTS OF THE INSTALLATION OF UNDERGROUND ELECTRICAL/BHN FACILITIES; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. Assistant Electric Utility Director Terry Hotard provided background and answered questions.

Motion made by Mayor Bradley to adopt the resolution; 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.**

- i. RESOLUTION NO. 2118-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE A HIGHWAY LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE LEE ROAD MEDIAN LANDSCAPE PROJECT.

Attorney Brown read the resolution by title. City Manager Knight explained that this is a formality that FDOT requires in order to move ahead with the Lee Road median landscape project.

Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner Cooper. 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 addressed last week's work session with Commissioner McMacken regarding the rezoning of Comstock Avenue. Both Commissioners felt the need to further define "fine dining" in our current code and to come up with a more precise conditional use process for all Park Avenue businesses. After a brief discussion, a majority of the Commission agreed that this item remain tabled so that Commissioners Leary and McMacken can work with staff and City Manager Knight to discuss this in more detail and report back with recommendations. A suggestion was made to include the merchants and landlords in the conversations.

b. Commissioner Sprinkel

Commissioner Sprinkel wished everyone happy holidays.

c. Commissioner Cooper

Commissioner Cooper asked to include all board applications in the agenda packet.

Commissioner Cooper shared concerns with not being invited to two work session meetings that were scheduled by individual Commissioners and preferred that all meetings be in a group setting. She requested that all Commissioners in the future be invited to the meeting and a notice be posted on the website to allow for public attendance. City Manager Knight noted that public notice was given.

d. Commissioner McMacken

Commissioner McMacken requested that staff include aerial drawings relating to their agenda item in the packet. A majority of the Commission agreed.

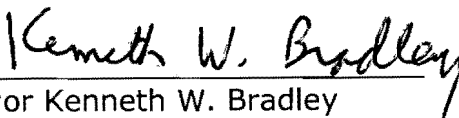
e. Mayor Bradley

Mayor Bradley requested that the 90 day plan, including the Fairbanks Avenue formed based code be addressed the first meeting in January.

Police Chief Brett Railey addressed Mayor Bradley's request for an update regarding the SWAT team competition that was held last week.

Mayor Bradley wished everyone a happy holiday season.

The meeting adjourned at 8:42 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

Organizational Support Proposed Policy

Purpose: To establish criteria for funding outside non-profit organizations other than the Winter Park Public Library.

To be considered the organization must:

- be a 501(c)(3)
- meet a social, cultural, economic development or other community need in Winter Park not otherwise met by another entity or must be a conduit fund raiser for such organizations
- raise no less than 50% of its operating funds from sources other than the City of Winter Park
- allow the City to appoint a member to the organization's Board if the City's contribution represents more than 20% of the entities operating budget
- refrain from participating in local political issues unless requested to participate by the City Commission
- provide a copy of its annual financial statements to the City
- provide a copy of its annual budget to the City

Simply meeting the above criteria does not obligate the City Commission to fund all or any portion of an organization's request to be funded. Funding in one year does not guarantee the same level or any funding in future years. Any funding allocated will be at the sole discretion of the City Commission.

Application for funding: An applicant must submit its budget request by the May 15th prior to the City's fiscal year that begins in October. The application must include proof of the organization's 501(c)(3) status, a copy of its budget and a copy of its most recently completed financial statements. The application should include an explanation of the intended use of the funds requested from the City.

Commission Action: The City Commission, as part of the budget process, will consider all applications and determine which, if any, of the applicants to fund and to what amount.