

REGULAR MEETING OF THE CITY COMMISSION
June 10, 2013

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 Mayor Kenneth Bradley, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Tom McMacken

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

Motion made by Commissioner Sprinkel to approve the agenda with the addition of the Capen House under 10 'a', action items; seconded by Commissioner McMacken. Approved by acclamation with a 5-0 vote.

Mayor's Report

a. Proclamation - Edyth Bush Charitable Foundation 40th Anniversary Day

Mayor Bradley presented a proclamation to the Edyth Bush Charitable Foundation to celebrate their 40th anniversary. Members and staff from the Foundation were present to accept the proclamation as follows: David Odahowski, President and CEO; Gerald Hilbrich, Chairman; Deborah German, M.D.; Harvey Massey; Richard Walsh; Mary Ellen Hutcheson and Deborah Hessler. Mayor Bradley acknowledged their many contributions to the community and accomplishments, including \$100 million in grants.

b. 2013 Second Quarter Business Recognition Award – Rangers Pet Outpost & Retreat

Mayor Bradley recognized Rangers Pet Outpost and Retreat to receive the 2013 second quarter City of Winter Park Business Recognition Award.

c. Proclamation – Norman Brown Day

Mayor Bradley presented Norman Brown of the Parks and Recreation Department, Cemeteries Division, with a proclamation proclaiming June 20, 2013 as Norman Brown Day to acknowledge his retirement after 40 years of service to the City.

d. Proclamation - Code Compliance Officer's Appreciation Week

Mayor Bradley presented a proclamation to the Code Enforcement Division to recognize June 3-7, 2013 as Code Compliance Officer's Appreciation Week.

e. Presentation – National Parks & Recreation Association Finalist for the 2013 National Gold Medal Award

Parks and Recreation Director John Holland announced that the City's Parks and Recreation Department is one of four finalists in the nation to receive the Gold Medal Award. The winner will be announced on October 8, 2013.

f. Board appointments:

Police Officers' Pension Board – Kevin Roesner; (May 2013-April 2015)
(Elected by PD members).

Motion to approve this appointment by Mayor Bradley; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Firefighters' Pension Board – Stuart (Trey) Merrick; (May 2013-April 2015)
(Elected by FD members).

Motion to approve this appointment by Mayor Bradley; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Auditor Selection Committee – John Gill, Jim Moye, David Satcher, Joe Terranova and Mayor Bradley as the Chairperson.

Motion to approve these appointments by Mayor Bradley; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

City Manager's Report:

90 day plan

City Manager Knight pointed out the 90 day plan that he provided. He addressed the continuation of the Ravaudage work session that needs to be scheduled that needs to be coordinated with Mr. Bellows as well as the Commission. Mr. Knight mentioned they also need to schedule a budget work session as the budget will be presented to the Commission on July 8.

Motion made by Mayor Bradley to accept the 90 day plan as a draft for our work taking us into the third quarter; seconded by Commissioner Leary.

Commissioner Leary inquired when the comprehensive plan review report will come forward. Planning Director Jeff Briggs stated they hope to have something from the consultant by the end of June. Mr. Briggs stated after this goes through the boards for approval, it will not come back to the Commission for approval until September.

Commissioner Sprinkel asked about the strategic planning session and when this will be scheduled. It was clarified that before this is scheduled, a list of discussion items will be presented to the Commission at the next meeting.

Commissioner Leary spoke about the Mount Vernon site redevelopment and the potential Rollins/Minor League baseball stadium discussion items to be scheduled. He mentioned the July 22 scheduling of the Rollins Lacrosse/softball stadium request and asked that these items be discussed simultaneously because they will affect one another. The June 24 agenda will include an initial dialogue to begin the discussion regarding these issues.

Commissioner Cooper brought forth the issue of street musicians and wanting to deal with it sometime this summer. She also asked for conversation regarding the possibility of freezing permitting on new restaurants until they have come to a definition of what 'fine dining' is. It was acknowledged that the Central Business District restaurant ordinance is scheduled for the July 22 agenda. Commissioner Cooper wanted to move this item up on the agenda to a date sooner because of the risk for Park Avenue. Discussion ensued that we have not heard from the Chamber or the Park Avenue Area Association or the Planning and Zoning Board. There was not a consensus of the Commission to move this date or freeze the permitting at this time.

Commissioner Cooper addressed the need to discuss the demolition process. It was clarified that this will be part of the Capen House discussion added to the agenda.

City Manager Knight addressed the storm last week and that the City weathered the storm very well. He addressed the outages yesterday that were storm related because of trees that were overwatered causing the loss of trees and large limbs that came down over power lines. He stated there were no drainage issues.

City Attorney's Report

City Attorney Brown requested an executive session to be scheduled at the next meeting to discuss a case recently filed to which the City is a party to. The session is scheduled for 2:30 on June 24.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of 5/13/13.
- b. Approve the following purchases, contracts and formal solicitations:
 1. PR 152282 to Wesco Distribution for ReliaPad dead front padmount circuit breaker for Underground Project #3; \$77,491.10.

2. PR 152289 to Heart Utilities of Jacksonville for undergrounding of electric; \$63,177.59.
 3. PR 152312 to Musco Lighting, Inc. for the purchase of new field lighting for Ward B & C; \$244,354.00.
 4. Authorize the Mayor to execute the new agreement with Centurylink Sales Solutions, Inc. for analog circuits at a reduced price.
 5. Approve contract renewal with Brick America for IFB-15-2011, Purchase of Pavers for Clay Street and authorize the Mayor to execute Amendment 2.
 6. Approve award and PR 152401 to Electric Supply of Tampa for IFB-21-2013, Material for Underground Electrical Projects; \$917,313.89.
 7. Approve award to Graybar Electric for IFB-21-2013, Material for Underground Electrical Projects; \$4,342.66.
 8. Approve award and PR 152409 to Gresco Utility Supply, Inc. for IFB-21-2013, Material for Underground Electrical Projects; \$623,981.42.
 9. Approve award to HD Power Supply Power Solutions for IFB-21-2013, Material for Underground Electrical Projects; \$18,487.50.
 10. Approve award to Mayer Electric Supply for IFB-21-2013, Material for Underground Electrical Projects; \$2,193.00.
 11. Approve award and PR 152411 to Stuart C. Irby for IFB-21-2013, Material for Underground Electrical Projects; \$332,759.29.
 12. Approve award and PR 152410 to Wesco Distribution for IFB-21-2013, Material for Underground Electrical Projects; \$112,432.50.
- c. Ratify the agreement between the City of Winter Park, Florida and Teamsters Local Union No. 385.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Action Items Requiring Discussion

Capen House

City Manager Knight presented a PowerPoint regarding the history of the house and the previous owners. He explained the request made in 2006 to add a garage whereby the owner applied for a historic designation but did not complete the process. In 2010, SunTrust began the foreclosure process on the property. In June 2011 the owner followed up on the historic designation which was granted on August 8, 2011; September 2012 SunTrust presented evidence that the foreclosure process had already started at the time the application was made and requested that the Commission rescind that designation based on its interest in the property which was done based on the evidence before the Commission. In March 2013 the property sold and on May 13 the demolition permit was applied for with the City. He spoke about the appeal that was denied in January 2013. It was clarified that the property belongs to SunTrust as of July 17 when they acquired title.

Mr. Knight further spoke about the demolition permit. He summarized the process in place resulting from Casa Feliz which requires a 30 day waiting period for the demolition. He stated the 30 day waiting period for the Capen House ends June 13. He further explained that if all the signoffs for the utilities are in place City staff has no authority to not grant the demolition permit.

Building Director George Wiggins explained the historic preservation ordinance regarding the demolition process. Planner Lindsey Hayes explained other properties on the historic registry whereby demolition took place. Mr. Wiggins answered questions of the Commission.

Mr. Wiggins summarized the current status of the demolition. He stated it has been posted with the intent to demolish which runs out June 13, the demolition contractor has not started the process of getting the disconnects or requested any utility disconnects based on information today from utilities, so even after the June 13 date the contractor has to follow through with getting all the disconnects which will take time to do. He stated it is up to the owners and demolition contractor as to how quickly they pursue that. Upon questioning by Commissioner McMacken, Mr. Wiggins stated he does not know of any action that can be taken to extend the date past June 13 but that we could ask the owner to volunteer to extend the date. Attorney Brown verified that the City has no procedure in place to delay the action. He explained options that could be put into place. Further discussion ensued regarding what transpired in the years past.

After comments, Attorney Brown commented that the City probably would have a sufficient municipal purpose if after considering everything you wanted to issue a short term delay (a rescission and re-issuance of the permit for 60 days in the future to see if the house can be saved). Further discussion took place regarding what can be done to preserve the house and the process for putting homes on the historic registry.

Mr. Wiggins at this time stated that the permit has not been issued yet and the demolition contractor is not aggressively going forward with demolishing the building. He stated they could ask the owner to voluntarily delay and the City would not be at risk for any liability. Commissioner Leary suggested the City take no action this evening but to work with the property owners to consider options to try and save the house. He stated the Commission made the right decisions for the property owners that were presenting their case.

Attorney Trippe Cheek, representing the property owners, stated that his client owns a house without a historical designation on it, have followed the process for applying for a demolition permit and are entitled to receive that based on the code. He stated that entitlement has a value that needs to be kept in mind in this process. He read a statement written by the owner: "What is most important for preservation minded people to know is that from the beginning we were open to the idea of having the house relocated and it has never been our intent to immediately

crash a wrecking ball through the home upon receipt of a demolition permit. In fact, we are in contact with parties who have an interest in relocating the home and we will look at those proposals carefully and supportively. The goals and functions of historic preservation in our community and how those goals should be balanced against personal property rights is a healthy and important debate. There are appropriate means of achieving those goals and there are less appropriate means of achieving those goals when trying to balance personal property rights."

Mr. Cheek stated they are authorized to a certain point to talk about a solution. His authority is as follows: The property owners have the right to the issuance of a demolition permit. They are willing to voluntarily delay that for 30 days once they have become entitled to the permit so there should be no concerns by the City about being sued. The purpose of that time is to receive and consider reasonable proposals to move the house in a reasonable time. He stated they will evaluate any proposals and one that they will accept has to be definite. He asked that the Commission take no action and if the City does not, they will voluntarily put a 30 day delay in place which will probably put it out at least 45 days from June 13.

Attorney Cheek commented that if there is a proposal received during the window that stipulates that something has to come before the Commission for approval which may delay the timing, that they will consider that as part of the proposal. He stated they are not saying the house has to be off of the lot in 45 days but are saying that a reasonable proposal must be made within 45 days and that it has to be fairly quick in terms of the solution to moving the house because of expenses they are incurring. Mr. Cheek clarified that the permit is to be issued in due course and will not happen until probably the end of this month if at all because they have not applied for the disconnection permits and then there will be another 30 day voluntary period that they will not proceed to demolish. He stated the Commission does not need to take any action.

Commissioner Sprinkel asked what the next steps would be. Mr. Cheek responded that the property owners believe this can be handled in a private manner without the involvement of the City. He stated they are not looking to make a deal with the City but are expecting someone from the private side to provide a proposal to move the house. Commissioner Cooper asked if there is any property in the City to be considered to move the house to which is an issue to preserve the house. It was agreed by the Commission that they are open to suggestions.

Mayor Bradley requested that at the next meeting they put an action item on the agenda that would only be to discuss the review of both the demolition process and historic preservation ordinance. There was a consensus to do so. Commissioner Cooper suggested speaking with other cities such as Coral Gables or Saint Augustine that have the same respect for their historic preservation and to provide information as to how we compare to them.

Public comments in favor of preserving the Capen House and/or amending the historic ordinance:

Sally Flynn, 1400 Highland Road
Peggy Evans, 761 Virginia Drive
Shay Silver, 745 Pansy Avenue
Michael Spencer, 1509 Orange Avenue
Betsy Owens, 656 N. Park Avenue
John Kern, 1615 Roundelay Lane
John Rogers Jr., 1002 Temple Grove
Linda Kulmann, Winter Park Historical Association President
Jeffrey Blydenburgh, 204 Genius Drive
Gail Stedronsly Bove, 1165 Woodmere Drive
Clardy Malugen, P.O. Box 2929 (previous owner)
Sandy Womble, 940 Old England Avenue
Letter from Amy Jennings Evans-Caruso, 2429 Sunset Drive, Tampa (attached)

Public comments (5:00 p.m.)

Melanie Spivey Monzadeh, 117 Variety Tree Circle, Altamonte Springs, spoke that she opposed the annexation at 1531 Lee Road that already took place.

Public Hearings:

- a. ORDINANCE NO. 2921-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING CERTAIN STREETS WITHIN THE RAVAUDAGE PLANNED DEVELOPMENT AND HOME ACRES SUBDIVISION AREA INCLUDING THE RIGHT-OF-WAY OF ELVIN AVENUE LYING BETWEEN BENNETT AVENUE AND LOREN AVENUE; THE RIGHT-OF-WAY OF LOREN AVENUE LYING BETWEEN ELVIN AVENUE AND GLENDON PARKWAY AND THE RIGHT-OF-WAY OF KINDEL AVENUE LYING BETWEEN BENNETT AVENUE AND LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title.

Motion by Commissioner Leary to adopt the ordinance (and to include the comments made by Troy Attaway below); seconded by Commissioner Sprinkel.

Public Works Director Troy Attaway explained that after the first reading property, owners on Loren Avenue contacted them. They stated they were not in favor of the vacation of Kindel Avenue because of it possibly becoming a dead end street. He stated they worked with the owners (Bubbalou's Inc.) and the developer to resolve their concerns by providing an access easement between the north end of Loren Avenue and the new proposed Morgan Lane so there will be a connection with the southern portion of Loren Avenue. He also addressed an agreement between the developer and the City whereby the portion of Kindel Avenue (#4 shown on the

map, attached) will not be touched, closed or altered until Morgan Lane is constructed and in service. It was clarified that Morgan Lane will be a public road. 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. Establishing City zoning on the non-Ravaudage properties in the Home Acres annexation area:

ORDINANCE NO. 2922-13: 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 ESTABLISH LOW DENSITY RESIDENTIAL AND COMMERCIAL FUTURE LAND USE DESIGNATIONS TO THE RECENTLY ANNEXED PROPERTIES AT 970, 1000, 1008, 1306 AND 1308 LOREN AVENUE; 933, 1101, 1123, 1211, 1253 AND 1313 LEWIS DRIVE; 1141 BENJAMIN AVENUE; 600, 1449, 1471, 1501 AND 1531 LEE ROAD AND AT 1175 N. ORLANDO AVENUE; MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2923-13: 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 ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING AND LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE RECENTLY ANNEXED PROPERTIES AT 970, 1000, 1008, 1306 AND 1308 LOREN AVENUE; 933, 1101, 1123, 1211, 1253 AND 1313 LEWIS DRIVE; 1141 BENJAMIN AVENUE; 600, 1449, 1471, 1501 AND 1531 LEE ROAD AND AT 1175 N. ORLANDO AVENUE; MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title. A simultaneous public hearing was done for these two ordinances. There were no ex-parte communications since the first reading of the ordinance. Per questioning by Commissioner Cooper, Planning Director Briggs explained the difference between the City's C-1 and C-3 zoning.

Motion made by Commissioner Leary to adopt the first ordinance (comprehensive plan); seconded by Commissioner Sprinkel.

Motion made by Commissioner Leary to adopt the second ordinance (zoning); seconded by Commissioner Sprinkel.

Melanie Spivey Monzadehl, 117 Variety Tree Circle, Altamonte Springs (owner of property at 1531 Lee Road) opposed the two ordinances because she opposed the annexation of her property that already took place. She commented about not receiving the annexation notice. Discussion ensued regarding what transpired. It was clarified that the City did everything correctly to advertise and send notices to affected property owners.

Upon a roll call vote on the first ordinance (comprehensive plan), 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 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.

c. Request of the Jewett Orthopedic Clinic:

- Conditional use approval to construct a two story, 25,000 square foot medical office building on the properties at 1235/1245 Orange Avenue and the south 10 feet of 955 Oak Place.

A simultaneous public hearing was held for the conditional use request and the two ordinances. Mayor Bradley and Commissioner McMacken announced a conflict of interest and recused themselves from voting. See Form 8B attached. Attorney Brown read both ordinances by title.

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATIONS OF MEDIUM DENSITY RESIDENTIAL TO PARKING LOT FUTURE LAND USE ON THE REAR OF THE PROPERTY AT 1285 ORANGE AVENUE AND ON 951 AND 955 OAK PLACE AND TO OFFICE FUTURE LAND USE ON THE SOUTH 10 FEET OF 955 OAK PLACE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ON THE REAR OF THE PROPERTY AT 1285 ORANGE AVENUE AND ON 951 AND 955 OAK PLACE AND TO OFFICE (O-1) DISTRICT ON THE SOUTH 10 FEET OF 955 OAK PLACE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Planning Director Briggs explained the clinic wants to build a two story; 25,000 square foot surgery center as a compliment to their existing campus. He stated the conditional use is the approval for that building and they need to provide parking. Some of the parking is to be located to the rear of the building where there is a 1950's house that is coming down and that property is the portion that is being rezoned from the R-3 to Parking Lot. Mr. Briggs further explained the parking situation at that location and that they are providing parking in excess of what they believe the real needs of the facility will be. He stated they meet all the codes and there are no variances requested.

He addressed one matter before the Planning and Zoning Board dealing with the proper buffering for the parking lot on Minnesota Avenue because we have the existing one that is already there and the new one to be constructed. The current code stipulates a wall but the neighbors they spoke with did not want the wall because of concerns with safety and visibility. They did not want vehicles late at night parking behind the wall where they could not visibly see the activities that may be going on. The consensus with the neighbors (applicant also agreed) was for more enhanced landscaping as a buffer and to delete the requirement of the wall.

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

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

No public comments were made.

Upon a roll call vote on the first ordinance (comprehensive plan), Commissioners Leary, Sprinkel and Cooper voted yes. Mayor Bradley and Commissioner McMacken abstained from voting. The motion carried unanimously with a 3-0 vote.

Upon a roll call vote on the second ordinance (zoning), Commissioners Leary, Sprinkel and Cooper voted yes. Mayor Bradley and Commissioner McMacken abstained from voting. The motion carried unanimously with a 3-0 vote.

Motion made by Commissioner Sprinkel to approve the conditional use request, seconded by Commissioner Leary. No public comments were made. Upon a roll call vote, Commissioners Leary, Sprinkel and Cooper voted yes. Mayor Bradley and Commissioner McMacken abstained from voting. The motion carried unanimously with a 3-0 vote.

- d. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA; AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III "ZONING", SECTION 58-84 "GENERAL PROVISIONS FOR NON-RESIDENTIAL ZONING DISTRICTS" SO AS TO FURTHER REGULATE MASSAGE THERAPY BUSINESSES CONDUCTED OR LOCATED IN THE CITY OF WINTER PARK, AND TO PROHIBIT RESIDENTIAL USE OF SUCH COMMERCIAL AND OFFICE SPACE HELD OUT AS A MASSAGE THERAPY BUSINESS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner McMacken to accept the ordinance on first reading; 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 with a 5-0 vote.**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 42-1, DEFINITIONS, AND 42-7, QUALIFICATION OF CANDIDATES AND CLERK'S CERTIFICATION, OF CHAPTER 42, ELECTIONS, TO ADD DEFINITIONS FOR "QUALIFICATION DEADLINE", "QUALIFICATION DOCUMENTS", AND "QUALIFICATION PERIOD", AND TO CLARIFY QUALIFICATION REQUIREMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

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

Upon questioning, Attorney Brown clarified that the ordinance provides five business days beginning at noon on the first business day of the qualification period for someone to qualify and takes into consideration any holidays that may fall in that period. No public comments were made.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.

- f. AN ORDINANCE OF THE CITY OF WINTER PARK ADOPTING THE CITY SEAL IN THE MANNER REQUIRED BY STATUTE, RETROACTIVE TO THE FORMAL ADOPTION OF THE SEAL BY THE CITY COMMISSION OF THE CITY OF WINTER PARK ON MAY 10, 2004, PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Discussion ensued regarding the intent of the ordinance and the reason this is being brought forward at this time.

Motion made by Commissioner Cooper to accept the ordinance on first reading; 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 with a 5-0 vote.**

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 1-7, GENERAL PENALTY; CONTINUING VIOLATIONS, OF CHAPTER 1, GENERAL PROVISIONS, ARTICLE I, IN GENERAL, TO AMEND THE PENALTY FOR VIOLATING MUNICIPAL ORDINANCES TO COMPLY WITH STATE LAW; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Attorney Brown explained this is a correction to our code to be consistent with State law regarding the term of imprisonment for a code violation.

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

Paul Vonder Heide, 100 East Rockwood Way, opposed the ordinance and believed that jail sentences for violations of municipal ordinances do not belong in a city that values civility.

No other public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.**

- h. RESOLUTION NO. 2124-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, FINDING THAT IT IS NECESSARY TO SEEK A DECLARATORY JUDGMENT THAT WILL DETERMINE THE RIGHTS AS BETWEEN THE CITY, ORANGE COUNTY, AND TWO PRIVATE BILLBOARD COMPANIES; RATIFYING THE FILING OF SUCH ACTION BEFORE COMPLIANCE WITH THE DISPUTE RESOLUTION PROCEDURES UNDER CHAPTER 164, FLORIDA STATUTES; FINDING AN IMMEDIATE DANGER TO THE WELFARE OF THE PUBLIC THAT REQUIRES THE CITY OF WINTER PARK TO FILE THE DECLARATORY JUDGMENT ACTION AND RATIFYING THE PRIOR ACTION OF THE CITY MANAGER AND CITY ATTORNEY IN FILING THE DECLARATORY JUDGMENT ACTION; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Attorney Brown read the resolution by title. He explained they filed the declaratory judgment action because of the action they believe Orange County made in issuing a permit to the 1531 Lee Road address after they had already issued the entitlement in the PD for Ravaudage that the City had agreed to accept. Both billboards came within 1,000 feet of each other which was in violation of Orange County's own code. He stated this will be discussed further in the executive session on June 24. Upon comments, Mayor Bradley clarified that the City is not angry at Orange County but we have something in conflict and we need a judge to decide what the correct thing to do is. Building Director George Wiggins provided additional information as to what has transpired regarding this issue.

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 with a 5-0 vote.**

City Commission Reports:

- a. Commissioner Leary – No items.

b. Commissioner Sprinkel

Commissioner Sprinkel addressed a call that Kelly Pflug passed away and her service will be Wednesday. She also spoke about attending the Blessing of the Sensory Garden ceremony at The Gardens at the Depugh Nursing Home on Thursday. Commissioner Sprinkel also asked about the Florida League of Cities conference and what the City can participate in. She wanted the City to bring greetings to the conference.

c. Commissioner Cooper

Commissioner Cooper announced that Dick Proctor passed away. She asked that all bus stops have benches. Commissioner Cooper spoke about the large amount of emails that come to them and asked that a statement be posted on the website requesting that people include their names and addresses when sending emails. She wanted to make sure that City residents receive the highest priority of importance.

d. Commissioner McMacken - No items.

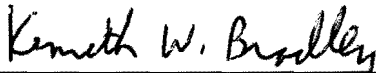
e. Mayor Bradley

Mayor Bradley commended the Commission for how they handled the issue of the Capen House because of the negative dialogue received in emails from citizens that was accusatory and questioning motives of the Commission. He addressed the need for more civility and expressed his disappointment with the people that vilified some during this process. He addressed the importance to distinguish what is considered historical. Commissioner Leary spoke that historical designation will be an important and difficult discussion to have. He commented that you start to lessen your brand when everything gets a historic plaque on the house.

Mayor Bradley spoke about the last conversation regarding the potential CDD and agreed with the idea of potentially getting land out of that in exchange for support. He agreed with that idea and wanted to pursue it.

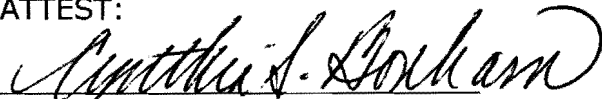
Mayor Bradley addressed the email that Park Avenue is 100% leased which has not happened in a while. He spoke about the video that was done with 8 of the 9 current living Mayors reflecting on the City.

The meeting adjourned at 7:40 p.m.



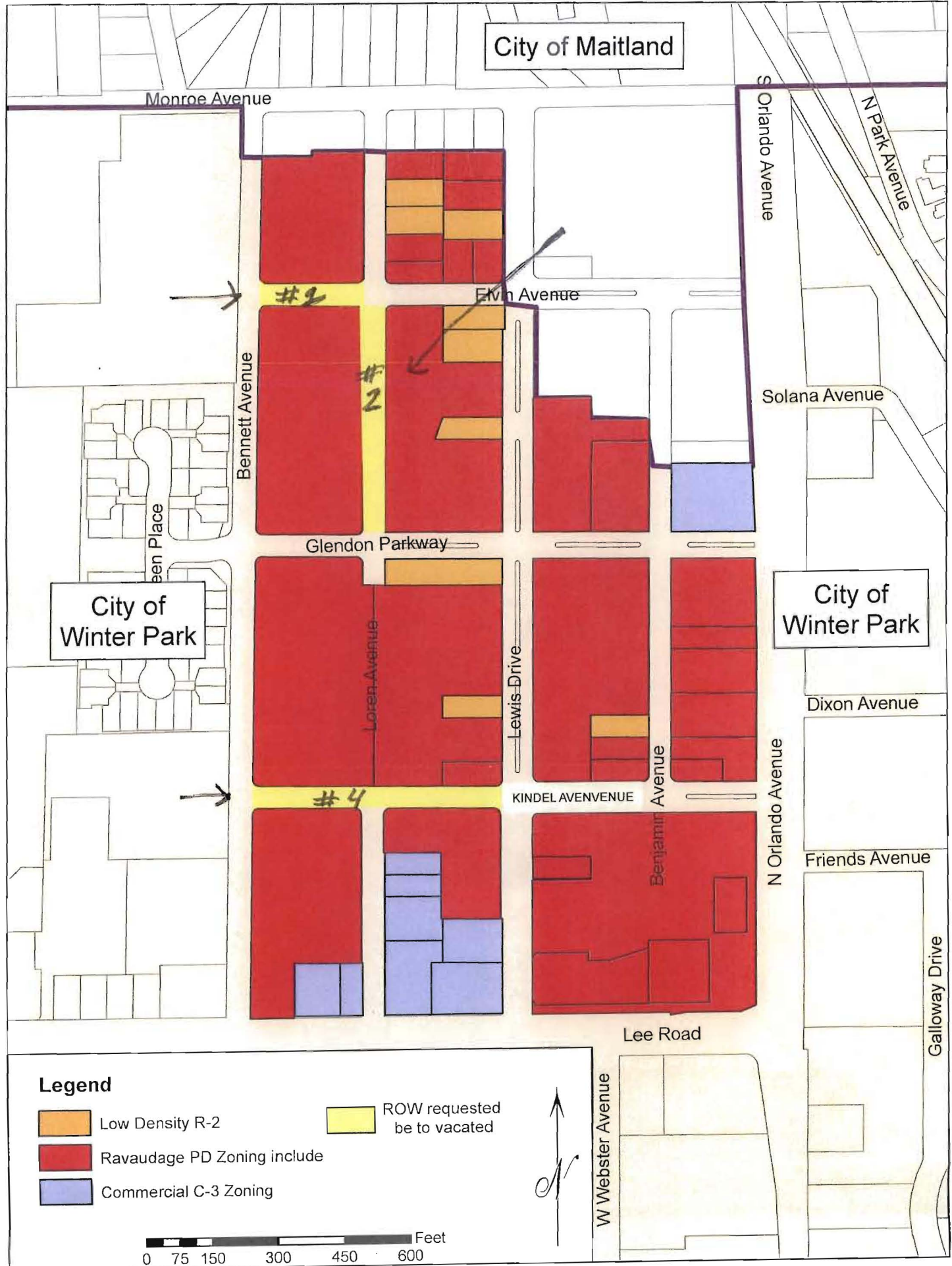
Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

City of Maitland



Legend

- Low Density R-2
- Ravaudage PD Zoning include
- Commercial C-3 Zoning
- ROW requested be to vacated

0 75 150 300 450 600 Feet



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME McMURRAY THOMAS JAMES	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COMMISSION
MAILING ADDRESS 1821 SHILOH LANE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY WINTER PARK	COUNTY ORANGE
DATE ON WHICH VOTE OCCURRED 10.20.06	NAME OF POLITICAL SUBDIVISION: WINTER PARK SEAT 4
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, THOMAS JAMES MCNEEL, hereby disclose that on 10 JUL 13, 20__:

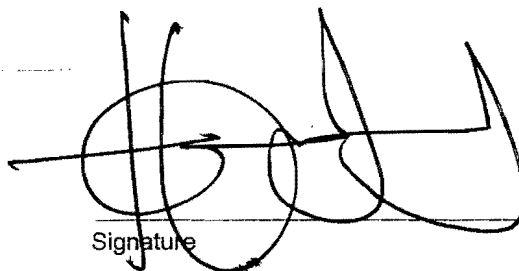
(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, my spouse _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

10 JUL 13

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BRADLEY Kenneth Wayne		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Winter Park City Commission	
MAILING ADDRESS 1612 Elizabeth's Walk		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY Winter Park	COUNTY Orange	NAME OF POLITICAL SUBDIVISION: Winter Park	
DATE ON WHICH VOTE OCCURRED June 10, 2013		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kenneth W. Bradley, hereby disclose that on June 10, 20 13:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of Florida Hospital, by whom I am ~~retained~~; or employed now
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a board member of a Surgical Center which is planned for the building.

Date Filed

June 10, 2013

Signature

Kenneth W. Bradley

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Amy Jennings Evans-Caruso
2429 Sunset Dr.
Tampa, FL 33629
813-245-2012

Dear Major Bradley and Honorable Commissioners,

6/10/13

It was with surprise and great regret that I received word that the home in which I grew up, at 520 N. Interlachen Ave "aka Capen house;" and a home that was on the city historic registry, had been removed from the historic registry and was to be demolished.

My parents purchased this home in 1949 from the Showalter family. Mr. Showalter, as I recall, was a gentleman, who loved the home and the property. He was delighted that my parents were purchasing and going to raise their family there. In fact he built a boathouse so he could continue to use the lake access and walk the grounds. His sons owned the airport and were well known in the community.

As a child, I remember clearly how proud my parents were to live in a home with such a historic past. Mother had a booklet of the history of the ~~Capin~~ Capin family and how they were a founding family of Winter Park.

My father, Winter Park's first dentist, held many holiday events at 520 N. Interlachen. These events were attended by many of the town fathers, including the Winderweedles, the Wards, the Dickensons, the Hightowers, the Prices, the Laughtons, and my uncle Governor LeRoy Collins, to name a few.

My parents owned the home from 1949 until 1995. My children, nieces and nephews as well as their friends have loved and shared many wonderful experiences and have many wonderful memories in the house.

I have returned several times to see my old home and was invited in to see how they had made significant renovations and capital improvements to make it livable for generations to come. Clardy Malugen, invited my grandchildren in to share the warm and friendly feeling. We were happy to see the house had been restored and fully updated in a way that was true to the property's historic roots.

A house/home with such a historic past should not be destroyed. There was a reason that Winter Park placed the home on the city historic registry, to preserve one of Winter Park's oldest and most noteworthy homes for future generations and to remember the heritage of Winter Park

Why would our city leadership allow the destruction of this historic home? I appeal to the commission's good judgment to find a resolution, to undo the mistake and reinstate the home's historic status.

Sincerely,

Amy Jennings Evans-Caruso