

**REGULAR MEETING OF THE CITY COMMISSION**  
**November 25, 2013**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. A moment of silence was given in honor of former Mayor Dan Hunter who recently passed away. The invocation was provided by City Manager Randy Knight, 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  
Deputy City Clerk Michelle Bernstein

**Approval of the agenda**

City Manager Randy Knight noted that the applicant requested to place item 11A on the December 9 agenda. **Motion made by Commissioner McMacken to approve the agenda with the above change; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Richard Quentin "Dick" Harkey Day Proclamation

Mayor Bradley proclaimed November 25, 2013 as Richard Quentin "Dick" Harkey Day. He thanked him for serving as District Representative and for his numerous contributions.

b. Proclamation Small Business Saturday

Mayor Bradley proclaimed November 30 as "Small Business Saturday" and encouraged everyone to show their support by shopping in our local stores. Debra Hendrickson, Winter Park Chamber of Commerce, presented a short video to encourage small business Saturday.

Mayor Bradley thanked everyone for participating in the Mayor's Sole Challenge event this past weekend.

**City Manager's Report**

City Manager Knight announced the following upcoming events; December 5 – Tiffany Windows on Park Avenue; December 6 – Annual tree lighting celebration; and December 7 – Annual parade and pancake breakfast.

Per Commissioner Cooper's request, City Manager Knight provided a status update regarding the Ravaudage interlocal agreement, CNL's request to develop the Mt. Vernon property, Beth Kassab's article on Historic Preservation and the Amtrak Station. Planning and Community Development Manager Dori Stone provided a brief status on the Lee Road extension.

**City Attorney's Report** - No items.

**Non-Action Item** – No items.

**Consent Agenda**

- a. Approve the following purchases and contracts:
  1. Purchase request for Enterprise Renewal of Software from Software House International (State of Florida contract 252-030-09-ACS); \$65,842.
  2. Purchase request for Annual Maintenance/Support ERP System from Sungard Public Sector; \$80,589.41
  3. Piggybacking City of Orlando Contract, RFP11-169-1 with Terra Firma Construction Management for Job Order Contracting Services
  4. Piggybacking City of Orlando Contract, RFP11-169-2 with Johnson-Laux Construction, LLC for Job Order Contracting Services
  5. Piggybacking GSA Federal Supply Schedule Contract, GS-35F-0119P with Verizon Wireless
  6. Authorize the Mayor to execute the contract and purchase order to Masci Corporation for the Park North Subdivision West Exfiltration System Project FDEP/EPA, Grant Funding GO340 (60% Funded by FDEP Grant and 40% by Stormwater Utility Fee); \$514,407.78
  7. Authorize the City Manager to execute contracts and purchase orders to multiple vendors for Facilities Remodel; \$90,000.
- b. Authorize the Mayor to execute Amendment One to the Amended and Restated Power Sales Agreement between Seminole Electric Cooperative, Inc. and the City of Winter Park dated January 15, 2013.

**Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

City Manager Knight answered Mayor Bradley's question relating to the City's schedule for transferring the electrical power load to OUC. On December 17 the City will be testing the switchover of the electrical system which will create a five minute outage on two circuits in that specific quadrant (by the High School). The formal switchover is scheduled for January 2, 2014. He said the City will be notifying the community well in advance of this activity.

### **Action Items Requiring Discussion**

a. Max Media

Attorney Brown provided a brief update on the proposed settlement agreement that was included in the agenda packet. He noted that two updated versions have since been created and a third version is currently being finalized and that all parties are in agreement with the business terms. Since the final document is not in a form where the Commission can vote on it tonight, he requested authorizing the Mayor to sign it once the City Manager and the City Attorney approve the final version.

City Manager Knight explained that the agreement will contain the exact same terms that were discussed at the last meeting regarding where the billboards will go and which ones will be taken down. Attorney Brown advised that in order to ensure the sign(s) will come down in the appropriate timeframe he will be including an obligation in the agreement which states that Clear Channel must apply for a permit to take down the sign(s) within 21 days.

Upon questioning the finalization of the document, Attorney Brown said he believed the agreement will be ready within the next few days but cannot guarantee it. He advised that it would be appropriate for the Mayor to be delegated the authorization.

**Motion made by Commissioner Sprinkel to delegate the authorization to the Mayor to execute the agreement after City Manager and City Attorney approval of the final version; 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.**

b. Addendum 2 to Solid Waste Franchise with Waste Pro., Inc. (RFP-6-2009)

City Manager Knight explained that the City entered into our current franchise agreement with Waste Pro in April 2009 and runs for seven years, through April 2016. The agreement calls for Waste Pro to be the exclusive hauler of construction and demolition debris with two exclusions to the agreement; (1) contractors hauling their own waste and (2) all commercial recycling (which is regulated by state law).

As the construction market has improved, both Waste Pro and City staff have noticed an increased number of non-franchised containers popping up around town. The Building Official recently sent a notice to contractors who regularly do business in Winter Park reminding them of the City's franchise agreement with Waste Pro and the City's ordinance related to construction and demolition removal. In the notice, we indicated that the City would begin actively enforcing the franchise beginning January 15, 2014. This extension was provided to allow

contractors to complete projects that are currently underway and to bid future jobs based on complying with the franchise agreement.

As a result of the notice, many contractors expressed concern to the City Commission regarding the enforcement of the franchise. The City Commission asked staff to consider alternatives. Staff was already working with Waste Pro on preparing a revised franchise to improve residential recycling and shared commercial containers. Waste Pro has agreed to temporarily exclude existing single family residential customers from the construction roll off requirement of the franchise until the revised agreement can be formalized. It is anticipated a revised agreement will be available for consideration in Spring 2014.

City Manager Knight noted that as we work towards a permanent solution staff will provide more detailed information about the pro's and con's of requiring an exclusive franchise and provide a list of other cities and how they handle construction roll off disposal.

**Motion made by Mayor Bradley to approve the Addendum 2 to the Solid Waste Franchise with Waste Pro as presented; seconded by Commissioner Sprinkel.**

City Manager Knight acknowledged Mayor Bradley's request that this be placed on a future agenda for follow up.

Adrianna Sekula, Home Builders Association of Metro Orlando, spoke in favor.

Lurlene Fletcher, 790 Lyman Avenue, asked for clarity regarding the current garbage pickup schedule.

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

**PUBLIC HEARINGS:**

- a. Request of Request of Ramber Arlington LLC: Subdivision or Lot Split approval to divide the property at 1280 Arlington Place, Zoned R-2, into two lots.

Per the applicant's request, this item was postponed to December 9, 2013.

- b. Request of Nort Northam:

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 COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE AND TO INDICATE THE ANNEXATION OF THIS

PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. 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 ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read both ordinances by title.

Planning Manager Jeff Briggs explained that the applicant Nort Northam is requesting that the City establish Commercial Future Land Use and Commercial (C-3) zoning to match the Commercial (C-1) zoning that the property has in Orange County. He said that the applicant purchased this property to add to his adjacent commercial properties at 2650 and 2600 W. Fairbanks Avenues.

Mr. Briggs summarized the zoning/land use history on this property for both Orange County and City. In 1965, this vacant property was rezoned by Orange County to Commercial (C-1). The Orange County Comprehensive Plans from the 1970's-1980's had this property as commercial on the County's future land use map. Then in 1991 when Orange County updated their Comprehensive Plan, the future land use designation was changed to Low Density Residential likely due to its adjacency with residential homes. However, the property was never administratively rezoned in accordance with that designation so for the past 23 years the Orange County Comprehensive Plan has said Residential but the Orange County zoning has said Commercial. He explained that when Mr. Northam purchased the property in May of 2012, neither he nor the sellers (the Gallagher Family Trust) had any idea the conflict existed.

Mr. Briggs explained that Mr. Northam has subsequently hired a professional planner, Adam Diona of Urban Land Resources, to assist him with getting this corrected. He said that currently Orange County's Comprehensive Plan future land and zoning are still in effect until the City remedies this conflict. The Comprehensive Plan Future Land Use of residential does not allow commercial development on this property. However, the Commercial (C-1) zoning does not allow residential development on this property so it is not buildable or usable for either residential or commercial use with this conflict in place.

Mr. Briggs stated that the applicant purchased this property with the desire of adding it to his Fairbanks Avenue holdings to be part of an overall future redevelopment of all of that Fairbanks property. In that context, this "rear" portion would likely wind up being used as parking area or for stormwater retention. Staff recommended that the City establish the commercial land use designations conditioned upon this property's consolidation with the Fairbanks parcels, so that it is not developed independently.

Mr. Briggs advised that the Planning & Zoning Board recommended approval with the condition upon consolidation with the Fairbanks Avenue property. Mr. Briggs answered questions including building and property setback limits.

**Motion made by Commissioner Sprinkel to accept the ordinance on first reading (Comprehensive Plan); seconded by Mayor Bradley.**

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

Commissioner Cooper referenced Orange County's Zoning Code and suggested that the City adopt similar language in an effort to help mitigate the impact on adjacent residential areas.

**Motion amended by Commissioner Cooper that we designate and zone this property as parking lot property as opposed to commercial property (and the parking lot is in support of this commercial property and can only be developed with this commercial property). Motion failed for lack of a second.**

Adam Diona, 1287 Harmon Avenue, represented the applicant. He spoke about the topography of the parcel and provided clarity regarding their intended future use.

No further public comments were made.

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

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT PORTION OF GAINES WAY LYING BETWEEN 610 GAINES WAY AND 1760 GAINES WAY, MORE PARTICULARLY DESCRIBED HEREIN BUT RETAINING AND RESERVING TO THE CITY A UTILITY EASEMENT OVER THE ENTIRE AREA THEREOF. First Reading.

Attorney Brown read the ordinance by title.

Public Works Director Troy Attaway explained that the current property owner is requesting to abandon a portion of Gaines Way since he/she owns all three parcels of land. The City will reserve a utility easement over all portion of the right-of-way being vacated and there is no objection from the City Engineer.

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

Fire Chief Jim White answered questions related to emergency access to the property. Mr. Attaway responded to Mayor Bradley's suggestion to possibly create a cul-de-sac on one side of the road for turnaround purposes by stating that staff will look into this. Attorney Brown provided legal counsel regarding the abandonment and the need to reserve a City utility easement for future use.

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.**

**Public Comment (5:00 p.m.)**

Joan Cason, 1915 Woodcrest Drive, commented on the newspaper article written by Beth Kassab regarding Historic Preservation.

Sally Flynn, 1400 Highland Road, felt that the Commission should allow the Consultant Myles Bland to present his Historic Preservation report in an open public forum.

Vicki Krueger, 200 Carolina Avenue #201, spoke about charitable giving during the holiday season by announcing her recent donation to the Winter Park Day Nursery and the Jewish Family Services of Winter Park.

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary reassured the residents that the Commission is looking forward to hearing the Historic Preservation Board recommendations. He wished everyone a Happy Thanksgiving.

b. Commissioner Sprinkel

Commissioner Sprinkel said she enjoyed talking to the students last week at Glenridge Middle School regarding the overall election process and the actual steps that need to be taken in order to become an elected official.

Commissioner Sprinkel announced that she attended a luncheon speaking engagement today whereby Genean McKinnon spoke about her mother Paula Hawkins being involved in the Florida House of Representatives which was very enlightening.

c. Commissioner Cooper

Commissioner Cooper mentioned that the Florida League of Cities Growth Management Committee adopted two new priorities this year and will focus on small businesses and community block grant funds. Last week she attended the Myles Bland presentation to the Historic Preservation Board. She said it was very informative and encouraged community input.

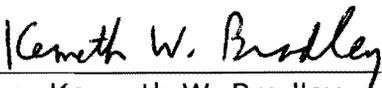
d. Commissioner McMacken

Commissioner McMacken said at the last meeting they discussed many different potential parking alternatives for downtown and shared his disappointment with them not discussing the restriping of Morse Boulevard. He asked for support to include it in their next discussion whereby a majority declined.

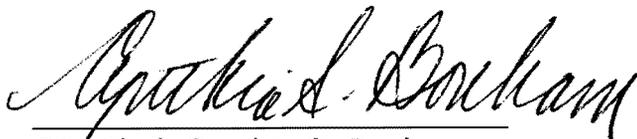
e. Mayor Bradley

Mayor Bradley wished everyone a Happy Thanksgiving.

The meeting adjourned at 5:10 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk Cynthia S. Bonham