

REGULAR MEETING OF THE CITY COMMISSION
February 10, 2014

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 Pastor David Smith, First Christian of Winter Park, 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 Borham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Commissioner Cooper to approve the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

- a. Presentation of checks by the Winter Park Chamber of Commerce to area schools from proceeds from the December 2013 Pancake Breakfast Fundraiser

Debra Hendrickson, Winter Park Chamber of Commerce, presented \$3,000 checks to the City of Winter Park and to Aloma Elementary, Audubon Park Elementary, Brookshire Elementary, Dommerich Elementary, Killarney Elementary, and Lakemont Elementary from proceeds raised by Leadership Winter Park at the December 2013 pancake breakfast. Orange County School Board member Joie Cadle thanked Leadership Winter Park and the City for their support of the schools.

- b. Presentation – Employee of the Quarter (Fourth Quarter of 2013) - Joe Smirti, Horticulture Specialist, Parks & Recreation Department

Mayor Bradley recognized Joe Smirti, Horticulture Specialist, Parks & Recreation Department, as the Outstanding Employee of the Quarter.

- c. "A Hero's Welcome" featured in Super Bowl XLVIII

Mayor Bradley said it was great to see the Budweiser advertisement featuring "A Hero's Welcome" that aired during the Super Bowl and that it was an honor and privilege for the City to pay tribute to our military by holding a surprise parade on January 8 for Army Lieutenant Charles Nadd. He thanked City staff for their outstanding efforts in making this event a huge success. The one minute commercial and five minute documentary was presented.

Mayor Bradley announced that on February 21 Lieutenant Nadd will be presenting the City with a United States commemorative flag.

d. Board appointments: Code Enforcement Board, Civil Service Board

Civil Service Board

William Swartz (2014-2016 to replace Rick Frazee who resigned)

Gary Brewer (Re-appoint 2014-2016)

Paula Satcher (Re-appoint 2014-2016)

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

Code Enforcement Board

Chris Tabor (2014-2016)

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

City Manager's Report

Scheduling of Work Session - Opportunity for Minor League Baseball

By acclamation, a work session was scheduled for 4:00 p.m. on February 17. City Manager Knight acknowledged the request to provide a summary report prior to the meeting.

Upon request, City Manager Knight provided a progress update regarding the New Hope Baptist Church, Alford Inn and the Capen House. Mayor Bradley encouraged staff to assist with the wrapping up of these yearly items.

City Attorney's Report – No items.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of January 27, 2014.
- b. Approve the following purchases, contracts and award:
 1. Change Order Request to Blanket Purchase Order 151308 to Duke Energy for FY14 Bulk Power (ITN-33-2010)
 2. Piggybacking Orange County Contract No. Y14-123A with Palmdale Oil Company for motor oils and lubricants, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.

3. Piggybacking Lake County Contract No. 11-0801D with Helena Chemical for various chemicals, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.
 4. Piggybacking City of Orlando Contract No. IFB 11-003-2 with B & T Woods for transmission repair and replacement, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.
 5. Award to Spies Pool, LLC, and subsequent Purchase Order or P-Card payment for RFQ-6-2014 Cady Way Pool Renovation for \$198,925.00, and authorize the Mayor to execute the contract. – **PULLED FOR DISCUSSION – SEE BELOW**
 6. Renewal with Herbert/Halback, Inc. for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Landscape Architect) and authorize the Mayor to execute Amendment 2.
 7. Renewal with Miller Legg for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Landscape Architect) and authorize the Mayor to execute Amendment 2.
 8. Renewal with Shaw Environmental & Infrastructure for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Green Planning & Engineering Services) and authorize the Mayor to execute Amendment 2.
 9. Renewal with Matern Professional Engineering, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Green Planning & Engineering Services) and authorize the Mayor to execute Amendment 2.
 10. Renewal with Kelly, Collins, & Gentry, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Architectural Services) and authorize the Mayor to execute Amendment 2.
 11. Renewal with Southeastern Surveying and Mapping Corporation for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Surveying Services) and authorize the Mayor to execute Amendment 2.
- c. Approve the request by non-profit FM radio station (Hispanics United in Broadcasting) to place two small antennas on the City tower at 3111 Temple Trail. – **PULLED FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner Cooper to approve Consent Agenda items 'a', 'b.1-4' and 'b.6-11'; seconded by Commissioner Leary. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda item 'b.5' - Award to Spies Pool, LLC, and subsequent Purchase Order or P-Card payment for RFQ-6-2014 Cady Way Pool Renovation for \$198,925.00, and authorize the Mayor to execute the contract.

Upon questioning, City Manager Knight advised that we are moving forward with the pool shell component of this project but not the heating component due to the YMCA not having raised their half of the funds for the pool heater.

Motion made by Mayor Bradley to approve Consent Agenda item 'b.5'; seconded by Commissioner Sprinkel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda item 'c' - Approve the request by non-profit FM radio station (Hispanics United in Broadcasting) to place two small antennas on the City tower at 3111 Temple Trail.

City Manager Knight responded to questions relating to private sector usage. He explained that several private companies use all of our towers and this particular space is what they refer to as "dead space" and will cause no impact.

Motion made by Commissioner McMacken to approve Consent Agenda item 'c'; seconded by Commissioner Sprinkel.

Lou Bornachelli spoke on behalf of the Hispanic United Broadcasting and explained the radio broadcasting services that will be provided.

The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

a. Notice of Disposal for 321 Hannibal Square, West

Planning Manager Jeff Briggs noted that on December 9, 2013 following a positive recommendation by the CRA Advisory Board, the City Commission authorized staff to proceed with advertisement and solicitation of proposals for the potential disposal of 321 Hannibal Square, West. This property is the 34 feet of unused vacant land (grass yard) south of the Heritage Center. The Notice for Disposal was advertised on December 26, 2013 with a deadline of January 28, 2014.

One proposal was received, whereby the Morney Partnership proposed a land swap with the City of this 34 feet of vacant land in return for the south 30 feet of the adjacent parking piazza which they own, at 325 S. Pennsylvania Avenue, which holds 12 parking spaces. The balance of the parking piazza is owned by the City and this would unify the ownership of the parking piazza entirely with the City. The acquisition of the city land by the Morney Partnership, who also owns the adjacent 35 feet of vacant land on the corner of Hannibal Square, West and Douglas Avenue would allow that combined property to become a buildable residential lot. The offer is subject to the Morney Partnership covering all closing costs.

Commission discussion ensued regarding the advantages with obtaining the adjacent parking piazza and the proposed taxable value of each property.

Motion made by Commissioner Leary to approve (the proposed land swap with Morney Partnership, Ltd. of the City property at 321 Hannibal Square

West for the property at 325 S. Pennsylvania Avenue subject to the Morney Partnership covering all closing costs); 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.**

PUBLIC HEARINGS:

a. Request of the City of Winter Park:

ORDINANCE NO. 2950-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

Commissioner McMacken recalled that the Doggie Art Festival falls within the 30 day timeframe period and could possibly create a conflict. He asked if they could amend the ordinance to include this specific event so they can adopt it on second reading. Attorney Brown provided legal counsel and suggested simplifying the language by adding the following verbiage at the very end of Section 58-85(u)(4)a(15) "or if the display or offer for sale takes place on City property with the City's expressed permission."

Discussion ensued regarding the use of alternative language whereby Mayor Bradley and Commissioner Leary shared their concerns. In an effort to move forward with the current ordinance, Commissioner Cooper suggested that we ask the event coordinator if they would move their Doggie Art Festival event to either the post or prior week. Attorney Brown provided additional legal counsel and asked for direction.

Building Director George Wiggins explained that the previously adopted special event ordinance was intended to deal with events on private property but has evolved to handle both public and private property events. Clarification should be made that this ordinance is intended to deal with events on private property. He agreed that by adding this small exception into the ordinance will help rectify this type of situation, and not impact the Doggie Art Festival.

Commissioner McMacken asked if this ordinance would have to come back for second reading if they added the public/private property verbiage as suggested by both Attorney Brown and Mr. Wiggins. Attorney Brown said yes.

Motion made by Commissioner McMacken to amend (so that the additional language can be added and that it comes back at second reading at our next meeting); Commissioner Sprinkel. 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.

b. Request of Mr. and Mrs. Truby for the property at 612 E. Lake Sue Avenue:

ORDINANCE NO. 2951-14: 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 SINGLE FAMILY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Cooper to adopt the ordinance; 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.**

ORDINANCE NO. 2952-14: 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 SINGLE FAMILY (R-1AA) ZONING ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title. **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.**

City Commission Reports:

a. Commissioner Leary – No items.

b. Commissioner Sprinkel

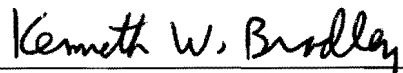
In response to a recent email to the Commission regarding street musicians on Park Avenue, Commissioner Sprinkel asked for an update. Commissioner Leary explained that the Park Avenue Association is in the process of formalizing a recommendation to the Commission and will be forthcoming in the next month.

Upon questioning the status of backyard chickens, City Manager Knight said we are currently following the City of Orlando's testing program and directed staff to follow up with them to see when they will be finalizing their program. He clarified that according to current code the City prohibits backyard chickens.

- c. Commissioner Cooper – No items.
- d. Commissioner McMacken – No items.
- e. Mayor Bradley – No items.

Public Comments (5:00 p.m.) – There were no public comments made of items not on the agenda.

The meeting adjourned at 4:39 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham