

REGULAR MEETING OF THE CITY COMMISSION
July 23, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:34 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

A moment of silence was given to the families and children that passed away from the recent tragedy this week in Colorado. The invocation was provided by Reverend Alison Harrity, St. Richard's Episcopal Church, 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 approve the agenda as presented; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

- a. Presentation – Winter Park Blaze 12 and under baseball team 2011-2012 season (won multiple tournaments and ranked #1 in the State of Florida)

Mayor Bradley recognized the numerous achievements performed by the Winter Park Blaze 12 and under baseball team and congratulated them on their awards. Their team presented a plaque to the Parks and Recreation Department for providing award winning facilities.

- b. Employee of the Quarter – Felix Raudales, Streets Division

Mayor Bradley recognized Felix Raudales, Traffic Sign Technician, as employee of the Second Quarter of 2012 and thanked him for his hard work and dedication.

City Manager's Report

Per the direction of the Commission, City Manager Knight distributed a detailed report of City owned properties.

City Manager Knight announced that a grand reopening ceremony for the newly renovated City Hall is scheduled for August 27 from 1:30 p.m.-3:30 p.m.

Commissioner Cooper requested City Manager Knight to provide a copy of the pension analysis report as discussed on June 23. The request was acknowledged.

Commissioner Cooper asked when the revisions to the Debt Management Policy would be coming back to the Commission for approval as discussed on June 11. City Manager Knight said the changes have been incorporated and that he would review the meeting minutes to see if this item is to come back for approval.

City Attorney's Report

Attorney Brown advised that last week the local appellate court found the Cities that enacted the red light camera program did so without constitutional authority. It was a good decision that the City waited to implement this because this decision will have a bearing on Winter Park if the legislature repeals it.

Non-Action Item

a. Summary of proposed changes to City Tree Preservation Ordinance

Building Director George Wiggins briefly explained that over the last several months, with the permission of the City Commission, the Tree Preservation Board reviewed the current tree preservation ordinance, including the process of tree removal permits, method(s) of compensation for removal of protected trees, uses of the tree replacement trust fund and others areas recommended by staff that needed fine tuning. The board completed their review with the unanimous approval of an ordinance incorporating proposed changes to the current tree preservation ordinance.

Mr. Wiggins noted that under this proposal the tree replacement fund may not receive as much compensation due to the options of replanting trees at a lower cost rather than paying into the tree fund. He also noted that the Board made a recommendation that the fee for Tree Preservation Board appeals be reduced from \$100 to \$35.

The following is a brief summary of the proposed changes in the Ordinance:

Sec. 58-284. - Tree removal permits (b):

Staff initiated to clarify when a tree removal permit is NOT required.

Sec. 58-286 Tree removal permit procedure (d) Appeals:

Board initiated to allow the City Commission to set schedule of fees related to tree replacement compensation rather than automatically imposing a rate of 1 ½ times the replacement compensation established in the ordinance.

**Sec. 58-287. - Tree replacement and financial compensation requirements.
(1)Tree replacement:**

Board initiated to encourage tree re-planting rather than paying compensation by required prescribed sizes and numbers of replacement trees based on the size of the protected tree(s) being removed. The applicant may choose to provide actual tree replantings, financial compensation or a combination of both with fees determined by the Schedule of Fees adopted by the City Commission.

Sec. 58-289. - Tree replacement trust fund.

Board initiated to limit use of fund.

Sec. 58-300 Enforcement and Authority to Enforce Division 6 "Tree Protection"

Staff initiated to clarify notification, enforcement and appeal process to have hazardous or dead trees removed.

Mr. Wiggins briefly explained the proposed changes as listed above and answered questions including permit fees, the care, maintenance and enforcement of right-of-way trees, fees for appeals, tree replacement compensation fee and penalties/violation fees.

Upon discussion, Commissioner Cooper suggested that the code clearly define the maintenance and enforcement for both public and private right-of-way trees. Commissioner McMacken agreed. Commissioner Cooper also suggested that we allow the Board to authorize deviations from the code. Mayor Bradley recommended that we include a best tree city statement in the ordinance, to benchmark the tree ordinance standards and that the fees/fines be minimized. Commissioner Sprinkel wanted the fines to be less punitive, for the ordinance to be simplified with more choices and to address the tree canopy percentages because they are not allocated. Commissioner Leary expressed his preference that the ordinance not be less punitive; but to provide more incentives because currently it is not encouraging or welcoming.

This was an informational item so no action was taken.

Consent Agenda

- a. Approve the minutes of 7/9/2012.
- b. Approve the following contracts:
 1. Piggybacking the State of Florida contract 425-001-12-1 with Storr Office Environments of Central Florida for Furniture: Office and Files and authorize the Mayor to execute the contract.
 2. Piggybacking the State of Florida contract DMS-10/11-008C with Verizon Wireless for Mobile Communication Services and authorize the Mayor to execute the contract.

- c. Approve the budget adjustment of \$40,000– Contribution to Habitat for Humanity for the purchase of a building lot at 626 W. Comstock Avenue. – **PULLED FOR DISCUSSION, SEE BELOW**

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a' and 'b.1-2'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Consent Agenda Item 'c' - Approve the budget adjustment of \$40,000– Contribution to Habitat for Humanity for the purchase of a building lot at 626 W. Comstock Avenue.

Commissioner Leary pulled the item for discussion so they could discuss what the affordable housing needs are within the community because of the possibility that the dollar amount needs to be adjusted. He also suggested that the funds come from contributions rather than City funds. City Manager Knight said the CRA Department is currently taking inventory and a white paper report will be issued next month. Planning Director Jeff Briggs said there are some policy issues that need to be addressed and that he will bring this item back in context with the CRA report.

Motion made by Commissioner Leary to approve Consent Agenda item 'c'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

- a. Set the tentative millage rate

Motion made by Mayor Bradley to approve the tentative millage rate (cap) of 4.0923 plus the voted debt service millages of .1051 and .2209; seconded by Commissioner Sprinkel. City Manager Knight responded to questions including refinancing the default rate bonds and potential changes to the budget for pension reform. **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. Federal Lobbyist

City Manager Knight explained that on June 11 the Commission directed staff to prepare an evaluation form for Federal lobbyist services and to distribute the form to the Commission for completion. The evaluation summary was provided to the Commission and to Alcalde and Fay for their consideration and input. City Manager Knight asked for direction.

Discussion ensued regarding the poor evaluation score and if we should issue an RFP or an RFQ to see what is available while maintaining the current contract.

Motion made by Commissioner Cooper that we continue this contract for an additional year prior to competition; seconded by Commissioner McMacken.

Mayor Bradley felt that we could issue an RFQ while maintain the current contract and did not support the current motion. Commissioner Leary requested to see the individual scores that were prepared by each Commissioner. City Manager Knight acknowledged the request. Commissioner Sprinkel suggested keeping Alcalde & Fay in place while they solicit an RFQ for services for comparison.

Upon a roll call vote, 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 Leary that they proceed with an RFQ process and maintain relationships with Alcalde & Fay until we come to a resolution; 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.

Public Comment

Drew Graham, 1001 Temple Grove, requested that the City install bicycle lanes on Aloma and Lakemont Avenues for safety reasons.

A recess was taken from 5:09 p.m. to 5:27 p.m.

Public Hearings

- a. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, TO AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT", TO REVISE THE PERMITTED USES ALONG PARK AVENUE, SOUTH OF COMSTOCK AVENUE, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Planning Director Jeff Briggs explained that the proposed ordinance amends the C-2 commercial zoning rules for the Central Business District area by proposing to revise the permitted uses along Park Avenue in the one block south of Comstock Avenue. The ordinance only affects the five properties on Park Avenue which

encompasses about 180 feet of length along Park Avenue. There are three property owners who collectively own the five properties and they have all been contacted about this proposed change. Mr. Briggs also noted that this block of Park Avenue has struggled for many years and explained the issues with this location. In order to help with the "economy" this ordinance will allow all types of restaurants, offices and salons on the ground floor that otherwise are not permitted. Mr. Briggs answered questions of the Commission.

Discussion ensued regarding the pros and cons with changing the current zoning. After discussion, a suggestion was made that we continue with the current ordinance which allows for variance and conditional use requests should a unique situation arise.

Attorney Brown recommended treating this as a conditional use since the current ordinance addresses several uses that are permitted under a conditional use request, followed by P&Z review and then Commission approval. The example presented would be that the first floor south of Comstock could be treated as a conditional use.

Commissioner Cooper felt that consistency in zoning is critical and recommended sending this item back to EDAB so they could provide alternative recommendations. Commissioner Sprinkel noted that she is in favor of doing whatever is necessary for business owners to occupy these locations that are presently vacant but to do so in a way without creating a long term impact. Commissioner McMacken expressed concern with changing the zoning for five properties especially since no one has requested this change and preferred that we treat it as a conditional use request. Commissioner Leary shared his support for the zoning change since it would allow alternative businesses to occupy the downtown area.

Mr. Briggs advised that the Economic Development Advisory Board (EDAB) discussed the proposed change at their June 12 meeting and supports the change.

CRA Director Dori Stone clarified that the EDAB saw the original proposal which pertained only to restaurants and had not reviewed this current proposal. Ms. Stone said EDAB will be discussing this item tomorrow and offered to share the Commission's concerns with them if the Commission would like EDAB's input with regard to looking at alternatives.

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

Mayor Bradley advised City Manager Knight to take this information into consideration as it relates to the boards.

The following spoke in opposition to the ordinance:

Woody Woodall, 328 N. Park Avenue
John Dowd, 427 N. Phelps Avenue
Penny Potter, 1360 Canterbury Road
Bee Epley, 151 N. Park Avenue

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ESTABLISHING THE KEEP WINTER PARK BEAUTIFUL AND SUSTAINABILITY ADVISORY BOARD; AMENDING SECTIONS 2-47, 2-57, AND 2-62 OF THE MUNICIPAL CODE; REPEALING SECTION 2-57 OF THE MUNICIPAL CODE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. With the adoption of this ordinance, the Environmental Review Board will be dissolved.

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

Motion amended by Mayor Bradley that restates Section 8 that says "The Mayor shall appoint to the initial board for rolling three year terms (as they previously discussed); five members for the first year, five members for the second and five for the third and that is also deletes "on or before 30 days following the effective date of this ordinance"; seconded by Commissioner Sprinkel. (for clarification purposes, Section 8 will read as follows: "The Mayor shall appoint, as provided in the City Charter, the members of the Keep Winter Park Beautiful and Sustainability Advisory Board, with five members initially appointed for a one year term, five appointed initially for a two year term, and five appointed for a three year term. After the initial terms are served, subsequent appointments shall be in accordance with the requirements of Chapter 2, Article III of the Municipal Code.")

Motion amended by Commissioner Cooper that all existing members of the Keep Winter Park Beautiful and the Environmental Review Board are appointed to the initial appointments of the new board. Attorney Brown provided legal counsel regarding the above amendment and advised that the Charter allows the Mayor to appoint members subject to vote of the Commission. **Motion failed for lack of a second.** Mayor Bradley noted that he will take Commissioner Cooper's request into consideration when making appointments.

Commission discussion ensued regarding the 'Whereas' clauses in the proposed ordinance and if an easier name should be given to this new board.

Martha McHenry, 530 Clarendon and member of the KWPB Board, spoke in favor of the ordinance. She advised that the KWPB Board was unanimous about keeping their existing name because they do not want to lose the grants they receive from Keep America Beautiful and other organizations.

Upon a roll call vote on the amendment, 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 main motion as amended, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- c. RESOLUTION NO. 2110-12: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE CONSTRUCTION OF QUIET ZONES THROUGHOUT THE RAIL CORRIDOR IN CENTRAL FLORIDA AS PART OF THE SUNRAIL PROJECT.

Attorney Brown read the resolution by title. City Manager Knight explained this is being presented per the direction of the Commission at the last meeting on July 9.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner McMacken.

Commissioner Cooper asked if there was any design work that needs to be done for the quiet zones this year that we would need to contribute to. City Manager Knight said no.

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

1. Commissioner Sprinkel asked if we have a panhandling ordinance. City Manager Knight said yes.

2. Commissioner Sprinkel requested that the numerous handmade signs and election signs throughout the City are removed. City Manager Knight said Code Enforcement routinely makes their rounds each day throughout the City to address this issue.

c. Commissioner Cooper

Commissioner Cooper addressed trees being trimmed in areas that will soon be undergrounded and suggested having the Electric Utility Department coordinate their pruning activities with the proposed undergrounding plan.

d. Commissioner McMacken

Commissioner McMacken asked what the deadline or timeframe is to submit an item to be included on the upcoming election ballot. City Manager Knight said the first week of December.

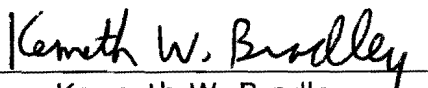
e. Mayor Bradley

1. Mayor Bradley asked for support to instruct City Manager Knight to place signs similar to our College Quarter area that would identify our downtown historic district. A majority of the Commission was in support of this item.

2. Mayor Bradley recommended that the entire Commission be included in any future communications or conversations with the representatives from the post office. A majority of Commission supported bringing this item forward as an action item at the next meeting.


3. A reminder was given that on August 13 from 2:00-3:30 p.m. a budget work session will be held prior to the Commission meeting. Mayor Bradley asked the Commission to email their budget changes/suggestions to City Manager Knight by the first week of August. On August 27 from 2:00-3:30 p.m. the CRA Agency meeting will be held prior to the Commission meeting.

The meeting adjourned at 6:47 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham