

**REGULAR MEETING OF THE CITY COMMISSION**  
**February 11, 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 Reverend Steve May, First Baptist Church 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 William Reischmann  
City Clerk Cynthia Bonham  
Deputy City Clerk Michelle Bernstein

**Approval of the agenda**

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

**Mayor's Report**

- a. Presentation of checks from the Winter Park Chamber of Commerce to area schools from proceeds from the December 2012 pancake breakfast fundraiser

Debra Hendrickson, Winter Park Chamber of Commerce, presented \$2,000 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 2012 pancake breakfast. Orange County School Board member Joie Cadle thanked the City for the use of Central Park for the "Picnic in the Park" event.

- b. "Employee of the Quarter" presentation to Earl Hoffman, Meter Systems Manager

Mayor Bradley recognized Earl Hoffman, Meter Systems Manager, as employee of the Fourth Quarter 2012 and thanked him for his hard work and dedication.

**City Manager's Report:**

1. Upon request, City Manager Knight provided a brief update regarding the James Moore & Company election campaign endorsement. A response letter was received and distributed via email to the Commission. The letter outlined their

position and advised the City that a separate partner in their firm has been assigned to finalize and present the next audit report to the Commission.

Commissioner Cooper mentioned that she reviewed numerous campaign contribution reports from prior years and that several auditors who were under contract with the City had made financial campaign contributions. She shared her concerns with using this type of forum to question people's ethical behavior and felt that clear rules need to be put in place so that everyone can comply. She suggested that they consider adopting a policy regarding campaign contributions.

2. Upon questioning by Commissioner McMacken, Assistant Public Works Director Don Marcotte provided a brief update on the funding for quiet zones. He noted that a full presentation is scheduled for the next meeting.

3. Commissioner Sprinkel reminded City Manager Knight that staff was to bring back a detailed list of all art that is planned for the Amtrak station, including free standing pieces and sculptures.

4. Commissioner McMacken noted that the American flag pole in the Commission chambers is in need of repair and asked that it be fixed.

### **City Attorney's Report**

Attorney Reischmann advised that their office is working on the following items:

- Legal opinion from the Division of Elections regarding campaign accounts
- Potential Ravaudage CDD agreement

City Manager Knight advised that a mandatory mediation is scheduled for March 20<sup>th</sup> on the Bell litigation case.

### **Non-Action Item**

#### **a. Presentation on treatment of herbicide resistant hydrilla**

Environmental Resource Manager Tim Egan provided a PowerPoint presentation regarding what a herbicide treatment is, do naturally tolerant plants exist, which plants survive the treatment, the after-growth, resistance issues in Winter Park lakes, how to prevent resistance, current management practices, challenges to using newly available herbicides, what happens if we do not use these new products, what are the real risks of irrigating with treated water and how we will proceed. Mr. Egan answered questions.

Following a brief discussion, a majority of the Commission agreed that we need to focus on educating the residents and recommended using some sort of City-wide notice or direct mailing. No action was taken; this was for informational purposes.

### **Consent Agenda**

- a. Approve the minutes of 1/28/2013.
- b. Approve the following contracts and formal solicitation:
  1. Service agreement to Payment Service Network Inc. for RFP-15-2012, Utility Services/Electronic Bill Presentment and Payment and authorize the Mayor to execute the service agreement.
  2. Piggybacking the Clay County contract #08/09-3 with MUSCO Sports Lighting, LLC for various equipment and amenities for parks and playgrounds and authorize the Mayor to execute the Piggyback Contract.
  3. Award IFB-8-2013 to McClellan Industries for purchase of source-Transfer pad-mounted medium voltage switchgear; \$54,292.10; and authorize the Mayor to execute the contract.
- c. Approve the disposal of 845 W. New England Avenue to the Hannibal Square Community Land Trust to develop five single-family homes that meet the affordable housing criteria set out by the City of Winter Park's Comprehensive Plan and conforms to the terms set out in the 2006 Memorandum of Understanding. – **PULLED FOR DISCUSSION – SEE BELOW**

**Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a' and 'b.1-3'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'c' – Approve the disposal of 845 W. New England Avenue to the Hannibal Square Community Land Trust (HSCLT) to develop five single-family homes that meet the affordable housing criteria set out by the City of Winter Park's Comprehensive Plan and conforms to the terms set out in the 2006 Memorandum of Understanding.

Commissioner Leary mentioned that the City recently approved several affordable housing projects and felt that we should not dispose of a property that is owned by the citizens and is conservatively worth \$250,000. He asked that a report be provided which supports the need for affordable housing in the current marketplace prior to making a final decision. **Motion made by Commissioner Leary to table. Motion failed for lack of a second.** Following a brief discussion on whether or not we need additional affordable housing in today's economy, a majority of the Commission agreed that a report should be provided prior to the next meeting since this is the citizen's property. Mayor Bradley also wanted to understand what the cumulative effect would be.

Commissioner Cooper said she is comfortable moving forward with no data since the City has a long term agreement dating back to 2006 with the HSCLT to fulfill this request.

**Motion made by Commissioner Cooper to approve Consent Agenda item 'c'; seconded by Commissioner Sprinkel and carried with a 4-1 vote. Commissioner Leary voted no.**

### **Action Items Requiring Discussion**

a. Electric System Undergrounding Program

Electric Utility Director Jerry Warren provided a PowerPoint presentation regarding six major policy issues relating to decorative street lights, undergrounding budget implications, the different sizes of electric service, possible alternative solutions for households that cannot afford to underground service, what other communities found regarding their undergrounding programs, suggested strategies, undergrounding budget without electric service wires, should recent tree pruning affect undergrounding priorities, program funding alternatives, mechanisms to advance projects and the program timeline.

Following a brief discussion regarding the next steps, a majority of the Commission agreed to the following:

- A work session be held on March 11<sup>th</sup> prior to the regular Commission meeting so that a policy decision could follow in mid-April
- All electrical related questions should be directed to Mr. Warren
- Other related questions such as key policy issues should be directed to City Manager Knight
- All answers to questions be distributed via email to the Commission
- Prior to the next meeting for City Manager Knight to bring back suggestions on the different ways of seeking public input

Commissioner Sprinkel shared her concerns and felt it would be more beneficial for the Commission to establish and set a goal first so that everyone is on the same page and be more focused on what they want to achieve.

Commissioner Cooper indicated that she would like to understand the genesis of the decision to underground and asked to receive the information that led to this assumption.

No general public comments were made.

A recess was taken from 5:41 p.m. to 6:01 p.m.

### **Public Hearings**

- a. RESOLUTION NO. 2120-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE

UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING VIA SALERNO AND VIA CAPRI; WHICH IMPROVEMENTS ARE TO BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

Attorney Reischmann read the resolution by title. **Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner McMacken.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Cooper was not present to vote.**

b. 500 East Lake Sue Avenue:

ORDINANCE NO. 2907-13: 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 SINGLE FAMILY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 500 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

ORDINANCE NO. 2908-13: 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 SINGLE FAMILY (R-1AA) ZONING ON THE ANNEXED PROPERTY AT 500 LAKE SUE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Reischmann read both ordinances by title.

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

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

No public comments were made.

**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. Repeal of Supermajority needed for adoption of ordinances:

ORDINANCE NO. 2909-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" BY REPEALING THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO ADOPT ORDINANCES; REPEALING SECTION 58-89(e) REGARDING REZONING ORDINANCES; AMENDING SECTION 58-95 REGARDING COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Reischmann read the ordinance by title. **Motion made by Mayor Bradley to adopt the ordinance; seconded by Commissioner Sprinkel.**

Planning Director Jeff Briggs explained that on January 28 the City Commission adopted at first reading, two ordinances to remedy the supermajority conflict with the City Charter. He addressed the need for the Comprehensive Plan amendment ordinance to go to the State of Florida Department of Economic Opportunity for their review and comment prior to the second reading per Chapter 163, Florida Statutes; the zoning ordinance can be adopted now on second reading.

Attorney Reischmann explained that we have a timing issue and that both ordinances should be adopted at the same time so there is consistency between the Land Development Code and our Charter. He suggested making the adoption date for the zoning ordinance to be effective upon the adoption of the Comprehensive Plan ordinance.

Following a brief discussion regarding the adoption date, **motion amended by Mayor Bradley that this ordinance would be effective upon the action taken in the second reading; seconded by Commissioner Sprinkel.**

Peter Weldon, 700 Via Lombardy, supported the repeal as presented.

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

d. Request of the City of Winter Park:

AN ORDINANCE TO AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO ADD NEW POLICY TEXT AND A NEW FUTURE LAND USE CATEGORY RESTRICTED AND LIMITED TO PARKING LOT USE TO CORRESPOND TO THE PARKING LOT (PL) ZONING DISTRICT, PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" TO AMEND SECTION 58-80 PARKING LOT (PL) DISTRICT SO AS TO PROVIDE DESIGN STANDARDS FOR

PARKING LOTS IN PROXIMITY TO RESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Reischmann read both ordinances by title.

Planning Director Jeff Briggs explained that the first ordinance would create a new Future Land Use category in the Comprehensive Plan that would match the Parking Lot (PL) zoning that we currently have in the zoning code. The second ordinance relates to the design standards for parking lots which are in proximity to residential property. The Planning & Zoning Board voted 7-0 on both ordinances for approval. Mr. Briggs answered questions and provided several examples that illustrate the importance of establishing this new designation.

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

**Motion made by Commissioner McMacken to accept the second ordinance (zoning) on first reading; seconded by Commissioner Cooper.**

Following a brief discussion regarding the verbiage, a majority of the Commission agreed that the words "proximity" and "adjacent to" need to be clearly defined in both ordinances prior to second reading. The request was acknowledged.

No public comments were made.

**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.**

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary congratulated Coach Ford who was recently inducted into the Mid-Florida Pop Warner Hall of Fame. He thought it would be great to formally recognize him. The request was acknowledged.

Commissioner Leary congratulated the Tiger Mighty-Mights for being selected out of 18 in the country to represent the Southeast Division at the ESPN Wide World of Sports Super Bowl.

b. Commissioner Sprinkel

Commissioner Sprinkel announced the following upcoming events:

- February 23<sup>rd</sup> - Duck Derby
- February 23<sup>rd</sup> - Annual Winter Park Wild Cats in the Park
- March 2<sup>nd</sup> - Construction of the KaBOOM Playground at Fleet Peoples Park

Commissioner Sprinkel said the Concert in the Park this weekend was a wonderful event.

Commissioner Sprinkel distributed several flyers that were given to her by a citizen during the break about an upcoming concert being held next week in Edgewater called "Up With People."

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

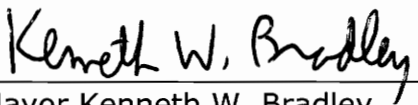
Mayor Bradley asked City Manager Knight to list the Tennis Management Services contract on the agenda as an Action Item Requiring Discussion and to allow 60 minutes for the discussion. The request was acknowledged.

Mayor Bradley thanked staff and commended them for the great Parks and Recreation Department Annual Report booklet that was created. He asked staff to post this item on the City's website and noted that hard copies are available at the Community Center.

Mayor Bradley mentioned that as a resident he has taken advantage of using the Winter Park Country Club and thanked staff for their involvement in keeping this facility as one of the best in the City.

Mayor Bradley wished everyone a Happy Valentine's Day.

The meeting adjourned at 6:30 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk Cynthia S. Bonham