REGULAR MEETING OF THE CITY COMMISSION
February 25, 2013

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Pastor David Smith, First Christian Church Winter Park, followed by the Pledge of Allegiance.

Members present:  Also present:
Mayor Kenneth Bradley  City Manager Randy Knight
Commissioner Steven Leary  City Attorney Larry Brown
Commissioner Sarah Sprinkel  City Clerk Cynthia Bonham
Commissioner Carolyn Cooper  Deputy City Clerk Michelle Bernstein
Commissioner Tom McMacken

Approval of the agenda

Motion made by Commissioner McMacken to discuss Items 10a and 10b after the City Attorney’s Report; seconded by Commissioner Sprinkel to approve the agenda with the above changes; approved by acclamation with a 5-0 vote.

Mayor’s Report

a. Recognition of Winter Park Eagle Scouts

Mayor Bradley recognized Grant Barker, Patrick Burns, Vincent Falbo and Samuel Green for achieving the ranking of Eagle Scout. He thanked them for their hard work and dedication and presented each of them with a formal proclamation.

City Manager’s Report:

City Manager Knight welcomed the following new businesses to the City: Tiffany Deli, Miller’s Orlando Ale House and Blu on the Avenue Restaurant.

City Attorney’s Report

Attorney Brown advised that no ruling has been given on the Bell litigation case. He also noted that his office prepared draft revisions to the election qualification ordinance and this information was given to the City Clerk for coordination with City Manager Knight. Once finalized, the revised ordinance will be brought forward to the Commission for adoption.
Non-Action Item

a. Quiet zones update

Assistant Public Works Director Don Marcotte provided a PowerPoint presentation containing updated information regarding quiet zones, the funding mechanisms and the next steps moving forward. Myra Monreal, P.E. with the City of Orlando addressed questions including the different phases of design work and the funding opportunities associated with each phase. She provided a brief overview of what the City of Orlando is doing and what the best approach would be for Winter Park.

Mr. Marcotte answered questions. He explained that our next step is to take the funding that is available right now, refine our concept plan and obtain a bid from an Operations & Maintenance (O&M) contractor and then bring that cost information back to the Commission for direction.

Should the City need to set aside funds for quiet zones, Mayor Bradley directed City Manager Knight to provide the Commission with the appropriate deadlines that need to be met. The request was acknowledged.

Consent Agenda

a. Approve the minutes of 2/11/2013.
b. Approve the following purchases and contracts:
   1. PR 151471 to GO 3D, Inc. for crime scene laser scanner and accessories; $63,040.
   2. PR 151524 to Sternberg Lanterns for purchase of 44 light poles for Fairbanks Avenue project; $164,604. – PULLED FOR DISCUSSION, SEE BELOW
   3. Contract renewal with GAI Consultants, Inc. for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: General Civil & Public Facility Engineering) and authorize the Mayor to execute Amendment 1. – PULLED FOR DISCUSSION, SEE BELOW
   4. Contract renewal with Herbert-Halback, Inc. 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: Landscape Architect) and authorize the Mayor to execute Amendment 1. – PULLED FOR DISCUSSION, SEE BELOW
   5. Contract renewal with Miller Legg 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services and authorize the Mayor to execute Amendment 1. – PULLED FOR DISCUSSION, SEE BELOW

Motion made by Commissioner Leary to approve Consent Agenda items ‘a’ and ‘b.1’; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.
Consent Agenda Item ‘b.2’ – PR 151524 to Sternberg Lanterns for purchase of 44 light poles for Fairbanks Avenue project; $164,604.

Director of Utilities David Zusi addressed Commissioner Sprinkel’s question pertaining to the funds being used and the type of lighting being purchased. **Motion made by Commissioner McMacken to approve Consent Agenda item ‘b.2’; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.**

Consent Agenda Item ‘b.3’ – Contract renewal with GAI Consultants, Inc. for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: General Civil & Public Facility Engineering) and authorize the Mayor to execute Amendment 1.

City Manager Knight addressed Mayor Bradley’s inquiry as to the renewal rights of these contracts (Consent Agenda Items ‘b.3’, ‘b.4’ and ‘b.5’) and what the process/procedures would be if they wish to change it.

Commissioner Sprinkel refrained from voting on this item due to a family member working for this firm and submitted a Form 8B (attached).

**Motion made by Mayor Bradley to approve Consent Agenda item ‘b.3’; seconded by Commissioner Cooper and approved unanimously with a 4-0 vote. Commissioner Sprinkel abstained from voting.**

Consent Agenda Item ‘b.4’ – Contract renewal with Herbert-Halback, Inc. 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: Landscape Architect) and authorize the Mayor to execute Amendment 1.

Consent Agenda Item ‘b.5’ - Contract renewal with Miller Legg 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services and authorize the Mayor to execute Amendment 1.

**Motion made by Mayor Bradley to approve Consent Agenda items ‘b.4’ and ‘b.5’; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.**

Public Comment

Forrest Michael, 130 North Center Street, provided feedback pertaining to the Blake Street City utility yard and the potential surplus. A consideration might be 15 parking spaces of value to the City of about $180,000/year or $12,000 per space. He also suggested that a community garden area be created on one or more of the vacant parcels of land that the City owns.
Assistant Public Works Director Troy Attaway addressed Commissioner Leary's question pertaining to Comstock Avenue and what the construction plans call for.

A recess was taken from 5:10 p.m. to 5:31 p.m.

**Action Items Requiring Discussion**

a. **Tennis Management Services (RFP-7-2013)**

NETRESULTS, All American Tennis, LLC submitted their company information to the Deputy City Clerk for distribution.

Parks and Recreation Director John Holland explained that the City has been under contract for Tennis Management Services with High Performance Sports Management for the past three years. Contract term limitations required that we issue a new RFP for these services. The RFP was issued on December 10, 2012 whereby a total of three proposals were received and deemed responsive for evaluation. Following the evaluation, the top two short listed firms NETRESULTS – All American Tennis, LLC and High Performance Sports Management, Inc. were invited to provide an oral presentation to the selection committee, which occurred on January 31, 2013.

Mr. Holland explained that staff has experienced some learning curves over the past three years and will make several appropriate changes to our contract to assure the continuance of the highest level of customer service. Mr. Holland answered questions and noted that the decision before them is to award the contract to one of the two vendors listed above. He also clarified that the approval would be for five one year contracts.

City Manager Knight explained that the original contract was for three years with no renewal options which is why it went out to bid. He also explained that there is no policy that dictates the length of the contract since all contracts are not the same; the Commission determines the length of the contract when they award the contract.

Discussion ensued regarding several concerns raised by both the public and staff such as the conditions/management of the playing courts especially the soft courts, reservation policy system, conservation of electric utility, the presence of two or more employees when the center opens and/or during busy times and the unofficial childcare at the facility. Attorney Brown noted that more detail is needed on the required level of inventory and the types of inventory in the Pro Shop. He also noted that staff is aware of several other housekeeping items that need to be addressed. Mr. Holland confirmed. A majority of the Commission agreed that these concerns need to be addressed.
Each vendor was allotted ten minutes to present and ten minutes for public comments.

Len Simard and David MacBurnie of NETRESULTS, All American Tennis, LLC provided a PowerPoint presentation which included their business credentials, staffing and facility locations.

Anzela (Angie) Zguna, High Performance Sports Management, Inc. provided a PowerPoint presentation including their overall achievements to date, revenue increases and new ventures such as community outreach programs.

**Motion made by Commissioner Sprinkel to provide or to ask our Parks and Recreation staff to work with High Performance Sports Management, Inc. on this as we move forward; seconded by Commissioner Cooper.**

The Commission thanked both organizations for participating, staff for their due diligence and the residents for their comments to not change the existing vendor.

NETRESULTS, All American Tennis, LLC provided ten minutes of video showing positive client feedback for their public comment session.

Hunt Taylor, 859 Palmer Avenue urged the Commission to keep the current vendor. He provided the Deputy City Clerk with a petition containing over 300 resident and non-resident signatures in support of High Performance Sports Management, Inc.

Terry Mooney, 760 Virginia Drive spoke favorably for High Performance Sports Management, Inc.

Mayor Bradley clarified that the decision before them is to negotiate with High Performance Sports Management, Inc. A majority of the Commission requested that the items of concern listed above be addressed and for the final contract to come back to them for approval, including the terms/length of the contract.

Commissioner McMacken was comfortable with a one year contract so that the items of concern can be addressed right away. Commissioner Cooper felt that one year is too short and five is too long and maybe we can gradually increase the contract length over time.

**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. **Cancel or reschedule the Commission meeting scheduled for Monday, May 27, 2013 due to the Memorial Day Holiday.**
Motion made by Mayor Bradley to cancel the meeting scheduled for May 27, 2013; 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 unanimously with a 5-0 vote.

Public Hearings:

a. Request of Lakeside Winter Park LLC: Conditional use approval to construct approximately 35,500 square feet of retail, restaurant and office building space on the properties at 111 and 131 N. Orlando Avenue, zoned C-3.

Mayor Bradley advised that the property is being sold by his employer. He recused himself from voting but participated in the discussion. Form 8B is attached.

Planning Director Jeff Briggs explained that this request was tabled at the January 8 P&Z meeting. P&Z held a work session including an on-site tour on January 23. A subsequent public hearing was held on February 5 whereby P&Z voted 7-0 for approval with staff conditions and as modified as follows:

1. That the project is limited to one restaurant located in the southern building and that no outdoor amplified musical entertainment is permitted after 10:00 pm.
2. That the parking variance (requested for the 7,500 sq. ft. restaurant in Option B) be approved for 45 spaces but contingent upon the developer’s commitment via a development agreement to a “dinner” only restaurant. (Only Option B site plan approved)
3. That the shoreline alterations and improvements including any seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the “stream” amenity be approved by the Lakes and Waterways Board, as required by Code.
4. That the existing oak trees along the northern property line be preserved and that the developer add solid vinyl security fence between the properties including the radius fence beyond the end of the seawall.
5. That the “final” conditional use submittal attempt to preserve some of the oak trees at the project entrance.
6. That the “final” conditional use submittal address the specific design and sound containment of the AC and mechanical equipment for the northern building on all five tenant spaces and that there be a specific decibel level that cannot be exceed at the property line per the City’s acoustical consultant.

Mr. Briggs further explained what took place at the P&Z Board meeting. Since the January P&Z meeting, the northern-most restaurant was eliminated which solves the problems of outdoor patio dining noise disturbing the Lake Killarney Condo residents. The outdoor patio dining noise for the southern-most restaurant will be
blocked by the northern building. The City will need to pay particular attention at
the “final” conditional use stage to the design requirements for the AC and
mechanical equipment and setting a decibel limit as a condition of approval. The
City staff will need to hire an independent mechanical engineer to assist with this
review.

Mr. Briggs explained that this is a two-step process; a preliminary conditional use
approval process which is being conducted today and the final conditional use which
will come to the Commission at a later date. In the interim the applicant will be
going to the Lakes and Waterways Board to seek approval for all of the lakeshore
property improvements (docks, boardwalks, hardscape, etc.) since they have
jurisdiction.

Mr. Briggs spoke briefly about the lakefront setback variance and the parking
variance requests. City code requires a 75 foot lakefront setback however the
applicant requested a 50 foot setback. A compromise was made to cut the corners
on the north and south ends of the building to allow for a 75 foot setback. He
spoke about the parking variance request, the code requirements and the two
different site plan options being offered by the applicant. He noted that the
proposed parking lot has 160 spaces and that both site plan options address the
parking variances to slightly different degrees based upon the variation in
restaurant and retail/office space size. Mr. Briggs noted that the applicant has
committed to a ‘dinner only’ restaurant as part of the approval. The ‘dinner only’
restaurant would provide more daytime parking for everyone and then the ability at
night when the bank and other retail/salon businesses are closed to use that
parking and more effectively use it via valet parking to overcome the deficit.

Mr. Briggs answered questions including the measurement of sound attenuation
and code requirements for parking.

Chuck Whittall, Unicorp Development, spoke on behalf of the applicant. His
PowerPoint presentation illustrated conceptual images of the project, preliminary
building elevations and a master plan/site plan layout including parking.

Mr. Whittall addressed the Commission’s concerns with the potential parking
constraints and the associated variance request. He offered several different
scenarios that could come into play that would allow him the additional parking
needed. As a compromise, Mr. Whittall said he will agree to add verbiage in the
developer’s agreement that 4,000 square feet in the project itself (outside the
bank) would be restricted to not being open after 6:00 p.m.

Motion made by Commissioner Leary to move this forward with the
conditions proposed by staff and P&Z, as well as adding conditions just
discussed in regards to the 6:00 p.m. closing of the 4,000 square feet;
seconded by Commissioner Sprinkel.
Following a brief discussion regarding the difference between retail and restaurant parking code requirements and how many parking spaces would be permitted under each, the motion was amended by Commissioner McMacken for the applicant to provide a valet parking plan for after 6:00 p.m. (to be part of the final conditional use); seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to clarify that the following commitments are included in the developer’s agreement: no boat ramp, no motorized vehicles on the lake, noise from the mechanical equipment would be designed for a maximum of 55 decibels at the property line and the boat dock would be limited to 1,200 square feet and that is the area over the water (not any boardwalks or anything that would occur back in the sea wall); seconded by Commissioner McMacken.

Attorney Brown provided legal counsel regarding commercial use of the lake and who has jurisdiction and City Manager Knight provided input.

Sarah Whitaker, 151 N. Orlando Avenue, shared concerns with the potential increase in noise levels and the need to secure the boardwalk after hours.

Bee Epley, 151 N. Orlando Avenue, shared concerns with the parking issues and security measures.

Vicki Krueger, 200 Carolina Avenue, spoke in favor of the request.

Conrad Necrason, 2130 Lake Drive, spoke in opposition.

Upon a roll call vote on the first amendment (for the applicant to provide a valet parking plan for after 6:00 p.m.); Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. Mayor Bradley recused himself.

Upon a roll call vote on the second amendment to clarify that the following commitments are included in the developer’s agreement: no boat ramp, no motorized vehicles on the lake, noise from the mechanical equipment would be designed for a maximum of 55 decibels at the property line and the boat dock would be limited to 1,200 square feet and that is the area over the water (not any boardwalks or anything that would occur back in the sea wall); Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. Mayor Bradley recused himself.

Upon a roll call vote on the main motion as amended (to move this forward given the conditions proposed by staff and P&Z, as well as adding conditions just discussed in regards to the 6:00 p.m. closing of the 4,000 square feet; for the applicant to provide a valet parking plan for after 6:00 p.m. (at the final conditional use); to clarify that the following
commitments are included in the developer's agreement: no boat ramp, no motorized vehicles on the lake, noise from the mechanical equipment would be designed for a maximum of 55 decibels at the property line and the boat dock would be limited to 1,200 square feet and that is the area over the water (not any boardwalks or anything that would occur back in the sea wall); Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. Mayor Bradley recused himself.

b. Request of Mr./Mrs. Gavin Ford: Conditional use approval to construct a tennis court on the property at 1551 Via Tuscany zoned R-1AAA.

Planning Director Jeff Briggs explained that the Ford's have a contract to purchase the home and that the tennis courts were made a conditional use in all residential zoning districts about 20 years ago due to concerns about their size (60 x 120); impervious coverage, their associated fencing and lighting. The added design consideration for this request is building a flat tennis court on a sloping lakefront.

Mr. Briggs noted that on P&Z voted 7-0 for approval with the following conditions:
1. That a landscape plan be submitted for approval by staff to completely screen from the view the tennis court and fencing to the neighboring property to the north and that the lakeside retaining walls and fencing also be effectively buffered with landscaping.
2. That the storm water retention plan be modified to include a berm retention system.
3. That no night lighting is approved as part of this conditional use.
4. Add landscape buffer on south side of property.
5. Full capture of the clay run-off into the lake with design as approved by the City Storm Water Engineer and submit to staff for approval.

Motion made by Mayor Bradley to approve the conditional use request with P&Z conditions 1, 2 and 5; seconded by Commissioner Leary.

In response to an inquiry, Mr. Briggs noted that there is a difference in regulations for tennis courts versus pools.

Motion amended by Commissioner Cooper to approve this with the P&Z conditions (adding items 3 and 4); seconded by Commissioner Sprinkel.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed spoke on behalf of the applicant and provided a brief PowerPoint illustrating the request.

Debra Wert Dingman, 1621 Via Tuscany, noted that she is the neighbor to the north. She spoke in opposition and shared her concerns with the potential increase in noise levels and property/lake damage from the clay water run-off.
Upon a roll call vote on the amendment, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

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.

c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT BEGIN AT THE NORTHEAST CORNER OF SAID LOT 14, BLOCK "A", CLOISTER GROVE SUBDIVISION, RUN WEST 50 FEET ALONG THE NORTH LINE OF SAID LOT 14 TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE SOUTH 52 FEET TO THE SOUTHEAST CORNER OF LOT 15, BLOCK A, CLOISTER GROVE REPLAT, AS RECORDED IN PLAT BOOK O, PAGE 147, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (1141 VIA CAPRI) THENCE NORTHEASTERLY 72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. First Reading

Attorney Brown read the ordinance by title. Assistant Public Works Director Don Marcotte provided clarity regarding the abandoning of this easement.

Motion made by Mayor Bradley 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 unanimously with a 5-0 vote.

d. Request of the Sydgan Corporation:

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 CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL AND INSTITUTIONAL TO OFFICE FUTURE LAND USE ON THE PROPERTIES AT 216, 226 AND 234 WEST LYMAN AVENUE AND TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 250 WEST LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR 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” AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT AND PUBLIC, QUASI-PUBLIC (PQP) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTIES AT 216, 226 AND 234 WEST LYMAN AVENUE AND TO MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT ON THE PROPERTY AT 250 WEST LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. Commissioners disclosed their ex parte communications as it relates to the rezoning ordinance.
Planning Director Jeff Briggs explained the request. The 216 and 226 W. Lyman properties are designated Single Family (R-1A). The 234 W. Lyman Avenue property historically was where the Winter Park Taxi Company and Western Union office operated from and is PQP.

The proposal for these three properties collectively is to redevelop the entire site by moving the historic Grant Chapel church building from its current location at 301 W. New England Avenue to this new location. The Grant Chapel building was constructed in 1935 and was one of the historic churches in the Hannibal Square neighborhood. The congregation was no longer viable in the late 1990’s and in 2002 it was sold to the applicant. In recent years, the building has been used by the Winter Park photos and wedding chapel business who would continue those business activities in the new location. The proposed office (O-2) zoning would allow that business and in the future for use as office space. The site plan shows the Grant Chapel building, its associated parking and the corner plaza for outdoor wedding photos. He explained the alternative as New England Avenue redevelops to much higher density for Grant Chapel to be demolished to make way for that redevelopment.

He also explained that one of the properties being acquired at 234 W. Lyman has three parking spaces that is committed as off-site parking for the Prince-Bush building at 227 N. New York Avenue. He addressed the need to waive the requirement for those three spaces.

Mr. Briggs noted that P&Z voted in favor to approve the comprehensive plan Future Land Use map amendment to Office and the rezoning to (O-2) on the properties at 216, 226 and 234 W. Lyman Avenue with the condition that a Development Agreement commits the owner to the relocation of the Grant Chapel Church building to this site within two (2) years from this approval and commits to the preservation of the Grant Chapel Church building. P&Z also voted in favor to approve the Comprehensive Plan future land use map amendment to multi-family and the rezoning to (R-3) on the property at 250 W. Lyman Avenue. Mr. Briggs answered questions.

The Grant Chapel was further discussed. Mr. Briggs clarified that rezoning for the Grant Chapel is conditioned upon that they move over within 2 years, that they become part of the City’s historic preservation program which preserves it and if those do not happen, the property reverts back to its original zoning.

A brief discussion ensued regarding the rezoning and the potential impacts it would have to the surrounding area/neighborhood. A majority of the Commission agreed that 250 W. Lyman Avenue should remain as a single family home designation.

**Motion made by Commissioner Cooper to deny the comprehensive plan change. Motion failed for lack of a second.**
Motion made by Commissioner McMacken that we approve the first ordinance (Comprehensive Plan) on first reading to change the Future Land Use Designations of Single Family Residential and Institutional to Office Future Land Use for the properties at 216, 226 and 234 West Lyman Avenue and to deny the change of density to Medium Density Future Land Use on the property at 250 West Lyman Avenue; seconded by Commissioner Sprinkel.

Motion made by Commissioner McMacken to accept the ordinance on first reading to amend the zoning map from Single Family R-1A and Public Quasi Public (PQP) zoning to Office O-2 District zoning on the properties 216, 226 and 234 West Lyman Avenue and to deny the request to have Medium Density (R-3) zoning on 250 West Lyman Avenue; seconded by Commissioner Sprinkel. Commissioner McMacken clarified that this will allow the chapel to be established on the properties at 216, 226 and 235 W. Lyman and to deny the rezoning of the property at 250 W. Lyman Avenue. Commissioner Sprinkel wanted to make sure that the chapel will be moved and that an office building will not be built there.

Upon discussion, Commissioners McMacken and Sprinkel withdrew their motions on both ordinances.

Motion made by Commissioner McMacken to deny the first ordinance (amending the comprehensive plan); seconded by Commissioner Cooper.

Motion made by Commissioner McMacken to deny the second ordinance (amending the official zoning map); seconded by Commissioner Cooper.

Applicant Dan Bellows, 558 West New England Avenue, provided background regarding the request to change the current zoning and the enhanced benefits that will result if approved. He also spoke briefly regarding the relocation of the Grant Chapel Church and the need to preserve this historic building and that he had envisioned the church moving next to the Heritage Center which is not possible because of the trees.

The following spoke in opposition to the request:

Lurlene Fletcher, 790 Lyman Avenue (not present to speak; before departing the meeting she asked City Clerk Cynthia Bonham to express her opposition).
Forrest Michael, 130 North Center Street
John Skolfield, 358 Ultoria Avenue

Commissioner Sprinkel expressed her preference of the R-1 designation but was agreeable with R-2 with a maximum of 13 townhomes. Commissioner Leary expressed his preference of enhancing the property. The nearby property
designations were discussed and where the line should be drawn for certain zonings.

Upon a roll call vote to deny the first ordinance (comprehensive plan), Commissioners Sprinkel, Cooper and McMacken voted yes. Mayor Bradley and Commissioner Leary voted no. The motion carried with a 3-2 vote.

Since the first ordinance failed, the zoning ordinance was not voted on.

Motion made by Mayor Bradley to accept the first ordinance (comprehensive plan) on first reading for R-2 zoning on the property at 250 West Lyman Avenue (that was presented initially as R-3); seconded by Commissioner Leary.

Commissioner McMacken stated he will not support this without a plan.

Motion made by Mayor Bradley to accept the second ordinance (zoning) on first reading for the property at 250 West Lyman Avenue (change R-1 zoning to R-2 zoning); seconded by Commissioner Leary.

Applicant Dan Bellows provided a compromise that the property at the point remains residential.

Forrest Michaels addressed the need that a zoning transition to be established.

John Skolfield spoke about the R-2 zoning on historic R-1 zoning being across the street from his property and Mr. Michaels which changes the flavor of the existing street.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Leary and Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote. (See below)

Commissioner Cooper addressed her understanding that if the comprehensive plan says it is low density then the only compatible zoning is R-2. She asked for legal counsel that after she voted no on a comprehensive plan change, in order to be compatible with the comprehensive plan, if should she vote Yes on the R-2 zoning even if she is not in favor of the entire request. She wanted to know if she could change her vote.
Commissioner Cooper changed her vote on the second ordinance (zoning) to 'no'. The motion carried with a 3-2 vote (after Commissioner Cooper changed her vote while the item was still open).

e. Equalization Board Hearing

Attorney Brown read the resolution by title. This item was moved up to the first item under public hearings.

RESOLUTION NO. 2121-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG VIA SALERNO/VIA CAPRI; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS SHALL BE PARTIALLY PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE ELECTRIC UTILITY DEPARTMENT OF THE CITY OF WINTER PARK; CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV (BHN) FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ADJACENT TO VIA SALERNO AND VIA CAPRI AVENUE; PROVIDING AN EFFECTIVE DATE.

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

Eric Rosoff, 1247 Via Salerno, commended and thanked staff for their involvement.

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

Commissioner Leary thanked staff for the great event in Central Park on Saturday (Champions in the Park). He spoke about the portable units at the New Hope Church still not being resolved. Commissioner Leary thanked Assistant City Manager del Valle for her assistance in the absence of the City Manager.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about the Duck Derby. She asked about wayfinding signs for Mead Garden. She spoke about the Kaboom playground construction this weekend and asked to see the plan. Commissioner Sprinkel thanked the City
Manager and Mr. Holland who helped out someone renting a space. She announced the economic breakfast tomorrow morning that she had to miss and asked about taxicabs parking in neighborhoods and that she wanted to know the rules for this.

c. Commissioner Cooper

Commissioner Cooper announced Speak Up Wekiva this weekend; she needs to understand how we are moving forward with reclaimed water; residents at Four Seasons indicated to her that people are cutting through their neighborhood going to the ballfields and that they were having issues with turning out of their entrance due to the large tree on one side of the street and the four Suburban’s on the other side; she indicated the lights are out on Balfour and McKean Circle. She stated our Mayor made us very proud at the Meet the Mayors event. She asked that the number of new jobs created in the City be added to the City Manager’s Report. She asked who won the Chili Cook-Off event. It was indicated that Rollins won. She addressed that the Florida League of Cities legislative agendas are up.

d. Commissioner McMacken

Commissioner McMacken indicated they are all walking on Sunday at St. Patrick’s Day parade.

e. Mayor Bradley

Mayor Bradley spoke about the recent movie in theatres that attacked Winter Park. He expressed his displeasure with the comments made.

The meeting adjourned at 9:16 p.m.

[Signature]
Mayor Kenneth W. Bradley

ATTEST:

[Signature]
City Clerk Cynthia S. Bonham
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

Kenneth W. Bradley hereby disclose that on February 25, 2013:

(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 ____________________________ 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:

The property before the Commission is being sold by my employer. Therefore I am recusing myself of voting. Though I am not a party to the transacting, I am recusing myself due to my employment.

February 25, 2013

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.
WHO MUST FILE FORM 8B

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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

Sarah Sprinkel, hereby disclose that on 2/25/2015:

(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, child - Clark Sprinkel, who works for and is retained 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:


Date Filed: 2/05/13
Signature: Sarah Sprinkel

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.