

REGULAR MEETING OF THE CITY COMMISSION
September 9, 2013

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:37 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor John Crawl, Calvary Assembly of God, 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; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report – No items.

City Manager's Report

Capen House Update

City Manager Randy Knight explained that he received a letter dated September 6, 2013 from Debbie Komanski with the Polasek Museum. The letter explains that in order for them to meet the October 1 deadline they are requesting a special Planning & Zoning Board meeting for September 23 at noon. This issue will then be brought to the City Commission for consideration regarding the approval for moving the house and to amend the existing City Development Agreement dated November 28, 2000. The Polasek Museum has already mailed a letter to all property owners living within 500 feet of the museum. The City has already placed the legal notice in the newspaper and proper notices will be sent out to the local residents advising them of this special meeting.

Mayor Bradley inquired as to why this is now an emergency and felt that we should not rush the process. Kip Marchman, representing the Polasek Museum, explained that the Polasek Museum and the Capen Preservation Group is on a very strict timeline as dictated by the current property owners. Not only do they have to meet the fundraising goals they also have to secure the services of over a dozen subcontractors by October 1 so they can save the Capen house and move it off of the 520 Interlachen Avenue location no later than the December 31, 2013 deadline set by Mr. and Mrs. Pokorny.

City Manager Knight and CRA Manager Dori Stone addressed Mayor Bradley's inquiry regarding the overall approval process, what will be included in the agenda packet and how the item will be worded on the upcoming agenda.

Ms. Komanski advised that their organization sent out the proper notices to the surrounding property owners. She spoke briefly about the proposed changes to the development agreement and that they are asking to amend their operational agreement that is very similar to what Casa Feliz has. They will observe the same hours, parking restrictions and noise restrictions. Following a brief discussion, a majority of the Commission approved this request.

Miscellaneous Items

1. Commissioner Leary asked for a status regarding the old historic house for sale at 218 S. Pennsylvania Avenue. City Manager Knight said the homeowner has been contacted many times over the years to voluntarily be part of our historic preservation; however, they keep declining for some unknown reason. Commissioner Leary said he thinks it is important as we move forward to find out why people are turning it down because if there are legitimate reasons he would like the Commission to hear them.

2. Commissioner Sprinkel asked if we can speed up the process regarding the brick installation on Interlachen Avenue and New England Avenue and to fix the timing of the traffic light at that intersection to alleviate the build-up of traffic. City Manager Knight provided a brief update on the construction schedule. Public Works Director Troy Attaway acknowledged the request to fix the traffic light timing.

3. Commissioner McMacken said the retention pond expansion at the Martin Luther King Jr. Park looks great.

City Attorney's Report

Per the request of City Attorney Larry Brown, an Executive Session meeting was scheduled for 2:30 p.m. on September 23 to discuss the Max Media billboard litigation.

Attorney Brown mentioned that last week he sent out information regarding newly enacted Senate Bill 50 allowing for citizen comment and that he is currently working with staff to present a resolution at the next meeting for adoption. In the interim Attorney Brown stated he would provide a memo to each Commissioner and once Mr. Knight and he is satisfied with the form of the resolution they will distribute it in draft for comments. He stated that since the law is in effect right now he recommended allowing for public comment on today's Consent Agenda prior to adoption so that we are fully compliant with the law. Mayor Bradley suggested that this item be listed on the next agenda under the City Attorney's Report for input as a non-action item and then at the next meeting they can discuss it as a resolution.

Non-Action Item

a. Financial Report – July 2013

Finance Director Wes Hamil provided the financial report. Attorney Brown addressed the concern related to the increase in attorney fees which are related to on-going litigation matters and union negotiations.

Motion made by Commissioner Leary to approve the report as presented; 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.**

Consent Agenda

- a. Approve the following formal solicitation:
 1. Award and subsequent Purchase Order to Moore, Stephens, Lovelace for RFP-26-2013, External Audit Services, and authorize the Mayor to execute the contract; \$57,800
- b. Authorize the Mayor to execute the Settlement Agreement and Mutual Release with Duke Energy Florida.
- c. Approve the Motorola Solutions Services Agreement (Radio Maintenance, Network Security and Monitoring) expenditure of \$41,846.28 from State Forfeiture Funds in compliance with Florida State Statute 932.7055(5)(1).

Motion made by Commissioner McMacken to approve the Consent Agenda; 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.**

Action Items Requiring Discussion – No items.

Public Hearings:

a. Request of the City of Winter Park:

ORDINANCE NO. 2936-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III "ZONING", SECTION 58-95 "DEFINITIONS" OF THE CITY CODE TO REVISE THE DEFINITION OF FINE DINING RESTAURANT AND TO CREATE A DEFINITION OF FAST FOOD RESTAURANT; TO AMEND SECTION 58-75 "COMMERCIAL (C-2) DISTRICT" TO ALLOW CERTAIN CATEGORIES OF RESTAURANTS AS PERMITTED USES IN THE PARK AVENUE CORRIDOR; TO AMEND SECTION 58-75 "COMMERCIAL (C-2) DISTRICT" TO PROVIDE THAT CERTAIN CATEGORIES OF RESTAURANTS ARE PROHIBITED NON-CONFORMING USES IN THE COMMERCIAL (C-2) DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Cooper to adopt the ordinance with the addition of the definition of Non-Fine Dining into the definition's section; seconded by Commissioner Leary.** Planning Director Jeff Briggs answered questions relative to the Park Avenue Corridor definition and the area that it encompasses. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 18-45 OF THE CODE OF ORDINANCES, TO ALLOW THE CITY MANAGER TO MAKE SPECIAL EXCEPTION FOR DOGS TO BE IN CENTRAL PARK AND OTHER PROHIBITED PARK AREAS FOR SPECIFIC EVENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

City Manager Knight explained that a Park Avenue merchant is requesting to use Central Park for a special dog event. Because the current ordinance prohibits dogs from Central Park and other specific areas within other City parks, they could either modify Ordinance No. 1845 or adopt the proposed new ordinance. He provided a brief summary regarding the current City ordinance and how the proposed ordinance differs. The Parks and Recreation Advisory Board recommended adoption of the newly proposed ordinance.

Commissioner McMacken said he participated in the setup for the Autumn Arts Festival and they applied for a special permit to sell alcohol which requires them to delineate the area just for that. He asked if similar delineation verbiage will be included in this ordinance. Attorney Brown said this is referenced in the ordinance.

A brief discussion transpired regarding the approval process for special event permits and if the regulations vary depending on the event. Parks and Recreation Director John Holland provided clarity and explained that all major park events have to go through the Parks and Recreation Board for approval.

Commissioner Sprinkel said at the moment she does not support the proposed ordinance unless more restrictions are added and to possibly limit the events to two per year.

Attorney Brown provided legal counsel regarding the verbiage in the ordinance which addresses the rules and regulations in which the applicant is required to abide by. Commissioner Cooper asked if the verbiage in the proposed ordinance gives the City Manager the discretion to approve or disapprove the request. Attorney Brown said it did.

Commissioner Cooper felt that the seven acres in Central Park should be designated for public recreational activity and for those who want to sit on the grass and enjoy the free concerts or movies. She stated that she will not be supporting this.

Commissioner Leary showed support but wanted to make sure we have a follow up system in place to ensure that the park is in pristine condition once the event is over.

Commissioner McMacken said he would be more supportive if they identified the two events in the ordinance. He also felt that we should require the applicant to rope off a certain portion of the park for a delineation area to help alleviate any concerns/issues that citizens have. He said he is willing to move it forward but if these two items are not addressed in the second reading then he will not be supporting it. Attorney Brown acknowledged these suggestions.

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

Motion amended by Commissioner Sprinkel to limit the events in the park to two in a designated area that has some kind of roped off section and to put a period of time on it; seconded by Commissioner Cooper.

The following spoke in opposition:

Donna Gropper, 300 Carolina Avenue
Mary Randall, 1000 South Kentucky Avenue
Linda Erikson, 535 North Interlachen
Bonnie Jackson, 3009 Temple Trail
Nancy Schwab, 501 Henkel Circle
Nancy Shutts, 2010 Brandywine Drive

The following spoke in favor:

Brian Wettstein, 329 North Park Avenue
Joe Terranova, 151 North Virginia Avenue

Commissioner McMacken asked why we are creating a new ordinance when the applicant Mr. Wettstein said this is a once a year event. He asked if maybe these types of events should come before the Commission for approval rather than issue a new ordinance. City Manager Knight said they could change the verbiage in the ordinance which allows the Commission to grant approval rather than the City Manager. Attorney Brown said if the Commission wants to limit it to one specific event they can amend Ordinance No. 1845. Commissioner Cooper asked if we would then have to amend an ordinance to allow the dog agility group to use Lake Island Park. Mr. Holland said the dog agility event occurs more than two times per year. Attorney Brown said he will coordinate with Mr. Holland to gain a better understanding to make sure this is addressed.

Motion made by Commissioner McMacken to table. Motion failed for lack of a second.

Commissioner McMacken sought clarity regarding Commissioner Sprinkel's amendment by asking if the two times a year limitation is for Central Park. Attorney Brown said he interpreted it as for all areas prohibited since we are amending a specific code provision. He reiterated by saying it is two times per year for all park areas where dogs or pets are currently prohibited. Commissioner McMacken said this would also take into account any of the dog agility events. Attorney Brown acknowledged.

Upon a roll call vote on the amendment (limit it to two events in the park in a designated area that has some kind of roped off section and to put a period of time on it); 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, Mayor Bradley and Commissioners Leary, Sprinkel, and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Public comments (5:00 p.m.) – None.

A recess was taken from 5:09 p.m. to 5:31 p.m.

Budget Public Hearings

Mayor Bradley opened the public hearing and read into the record the following: "The millage rate needed for fiscal year 2014 to generate the same property tax revenue for the City as in 2013, based on the Property Appraiser's certification, is 4.0053 mills. The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills. This proposed millage of 4.0923 mills would represent an increase in property taxes of 2.17% not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency. In addition, a .1004 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2004 approved by the citizens of Winter Park at the June 4, 1996 bond referendum, and a .2092 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2011 approved by the citizens of Winter Park at the May 16, 2000 bond referendum."

Mayor Bradley commented that this would be a simultaneous public hearing on both ordinances. Attorney Brown read both ordinances by title.

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .1004 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004, AND A .2092 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011. First Reading

Motion made by Commissioner Leary to accept the millage ordinance on first reading; 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.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING FUND, COMMUNITY REDEVELOPMENT FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2013; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. First Reading

Motion made by Commissioner Leary to accept the budget ordinance on first reading; seconded by Commissioner Sprinkel.

Motion amended by Mayor Bradley to take \$300,000 out of the vehicle equipment acquisition fund and place that into Reserves; seconded by Commissioner Leary.

Upon request, City Manager Knight provided an explanation regarding the Vehicle Replacement Fund, why the amount varies from year to year and what the operational impact on the vehicles would be if the funds are reduced. He also explained that based upon the budget change from the last meeting \$250,000 is to be put into Reserves. The number of current light trucks was addressed and whether all of the vehicles are needed. Mr. Knight explained the necessity of the vehicles required to service the City and that the operations would not be impacted if some of the vehicle replacements were postponed until next year.

Commissioner Cooper addressed the need to begin working on a consensus of growth and vision for the City. **Motion amended by Commissioner Cooper to take \$50,000 from the \$300,000 (instead of the \$300,000 that \$250,000 would go into the Reserves and \$50,000 would go toward the visioning) and put it towards a visioning exercise however the economic development group decides we need to go out to contract for that; seconded by Mayor Bradley.**

Commissioner Sprinkel wanted to make sure that we still take money to invest in quiet zones if the City receives the \$1 million from the Federal Government.

City Manager Knight was requested to provide further information regarding the increase in Parks and Recreation budget, the current balance in the Tree Preservation Fund and the Parks Acquisition Fund and the reason for the increase in the Fire Department's budget. Mr. Knight will provide this before the next meeting.

Upon clarification of the amendment, **Mayor Bradley withdrew his second to Commissioner Cooper's motion.**

Motion amended by Commissioner Cooper that we take \$300,000 in total from the vehicles, we put \$250,000 into Reserves and we set aside \$50,000 of that for a community visioning process; seconded by Commissioner Leary. Commissioner Cooper clarified that she did not want an additional \$50,000 coming out of Reserves but want to allocate it differently. **Commissioner Cooper withdrew her amendment.**

Motion amended by Commissioner Cooper that we take \$50,000 and allocate it toward our community visioning process from the \$300,000 that came out of the vehicle fund. Mr. Knight clarified Commissioner Cooper's reasoning for the motion in that if the \$300,000 fails she does not want to still make her motion; only if the additional \$300,000 goes in. **Motion was seconded by Commissioner McMacken.**

No public comments were made on any of the motions made.

Upon a roll call vote on the amendment to take \$300,000 out of the vehicle equipment acquisition fund and place that into Reserves, 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 that we take \$50,000 and allocate it toward our community visioning process from the \$300,000 that came out of the vehicle fund, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote of the motion to accept the budget ordinance on first reading as amended with the changes as previously discussed and with the amendment, 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 report.
- b. Commissioner Sprinkel – No report.
- c. Commissioner Cooper

Commissioner Cooper stated the Orlando City Soccer Club won the USL Pro Championship on Saturday and the owners are Phil Rawlings and his wife who live in Winter Park with an office at the Gateway Center on Orange Avenue and 17-92.

Valencia College and the League of Women Voter's is hosting a film viewing and a panel discussion on why more women are not in political offices. She is attending.

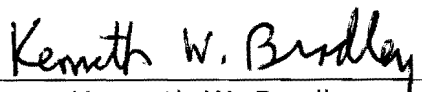
Commissioner Cooper addressed the need to clean up the corridor as you come into and through Winter Park on commuter rail.

- d. Commissioner McMacken – No report.
- e. Mayor Bradley

Mayor Bradley asked to place as an action item on the October 14 agenda a discussion on the comprehensive plan next action steps per the analysis provided at today's work session. There was a consensus.


Mayor Bradley reminded everyone that this Wednesday is the anniversary of 911.

The meeting adjourned at 6:06 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham