

REGULAR MEETING OF THE CITY COMMISSION
September 23, 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 Pastor Samuel Dade Jr., Patmos Chapel Seventh Day Adventist 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 Sprinkel to approve the agenda; seconded by Commissioner Cooper and approved by acclamation with a 5-0 vote.

Mayor's Report

a. 2013 Third Quarter Business Recognition Award – Millers Hardware

Dori Stone, Director of Planning & Community Development, and Debra Hendrickson, Winter Park Chamber of Commerce, presented Steve Miller of Miller's Hardware with the Third Quarter 2013 Business Recognition Award.

b. Universal Public Procurement Certification Council (UPPCC) Agency Certification Award 2013 – Purchasing Division

Mayor Bradley recognized the City's Purchasing Division for receiving the 2013 Procurement Counsel Agency Certification Award. Purchasing Manager Althea Pemsel presented the award to Purchasing Agent Jennifer Jones and recognized both Jennifer and Anthony Durrum for achieving this certification.

City Manager's Report

940 W. Canton Avenue (former State DMV property)

City Manager Knight provided an update regarding the numerous trees that were recently removed from this property. He explained that prior to removal the developer and City staff conducted a site visit to assess the overall conditions of the existing trees. Many of the trees that were located outside of the building pad were in distress and not worth saving. The developer has submitted an elaborate landscape plan and reassured the City that they will make this property look better than it was previously.

Miscellaneous Items

1. Mayor Bradley advised the Commission that there was a tree taken down in the City's ROW on Summerlin Avenue and per the request of the resident City Manager Knight is investigating the matter. The residents said they have invested more than \$17,000 over the past 15 years maintaining this tree and have asked the City to replant their yard and to explain the process of why the tree was taken down.
2. City Manager Knight answered questions and advised that a report will be forthcoming pertaining to the Strategic Planning session that was held on September 6.
3. Commissioner Cooper shared concerns with the appearance of the SunRail corridor and that we should work on getting a plan in place particularly for the back lot. City Manager Knight acknowledged.

City Attorney's Report

Commissioner Cooper asked for a status update regarding the ordinance that addresses the newly enacted Senate Bill 50 allowing for citizen comment. City Manager Knight explained that the Clerk's office did not receive the information in time to be included in the agenda packet. The Commission agreed to place the item on the next agenda as an Action Item Requiring Discussion.

Non-Action Item - No items.

Consent Agenda

- a. Approve the minutes of 8/26/13 and 9/9/13.
- b. Approve the following purchases and contracts:
 1. Blanket Purchase Order to Heart Utilities of Jacksonville for underground electric utility projects; \$350,000.00.
 2. PR153275 to Traffic Control Devices, Inc. for Traffic and Pedestrian signal maintenance/improvement at New England/Interlachen intersection. (CC approved project on November 12, 2012); \$106,655.07.
 3. Blanket Purchase Order increase for Seminole Electric Cooperative; \$1,300,000.00.
 4. Renewal of commercial insurance package with Brown & Brown for the period 10/1/2013-10/1/2014; authorize the Mayor to execute the renewal document and approve subsequent purchase order; \$658,387.
 5. Change Order No. 1 to Wal-Rose, Inc. for additional water and sewer infrastructure constructed in conjunction with roadway improvements required by Orange County as part of the Ravaudage Phase 1 developments; \$88,739.92.
 6. Authorize the Mayor to execute the participation agreement (piggyback contract) with Bank of America Merchant Services, LLC to obtain state contract pricing for bank fees.

- c. Approve the Right-of-Way Use Agreement with Orange County for the future maintenance of the faux brick thermoplastic pedestrian crosswalks on Jackson Avenue and Harold Avenue at the intersection of Fairbanks Avenue.
- d. Approve the contractual grant agreements with Mead Botanical Gardens Inc. and the Winter Park Historical Association, Inc. for FY 2014.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel. No public comments were made. **The motion was approved by acclamation with a 5-0 vote.**

Action Items Requiring Discussion – No items.

Public Hearings:

- a. Request of the City of Winter Park:

ORDINANCE NO. 2937-13: 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.
Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner McMacken.

Mayor Bradley said he thought they were allowing the City Manager to authorize up to two annual events per year and asked for clarification since the revised ordinance clearly specifies the two events. City Manager Knight said the Commission has the option whether or not to list the events and that staff is comfortable either way.

Motion amended by Mayor Bradley to strike the wording (Park Avenue Pet Costume Contest and Doggie Art Festival) on page 2 of 4; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper that all reference to the use of Central Park for dog related activities be struck from this ordinance; seconded by Commissioner McMacken.

Parks and Recreation Director John Holland answered questions.

The following spoke in opposition:
Paul F. Reich, 240 Alexander Place
Linda Eriksson, 535 N. Interlachen
Sally Flynn, 1400 Highland Road

The following spoke in favor:
Brian Wettstein, 329 N. Park Avenue

City Manager Knight addressed questions relative to the current dog enforcement and patrol in Central Park. Mr. Holland addressed questions regarding the use of chemical treatments to neutralize the ground following the removal of dog feces and noted that several event holders currently use this procedure. Commissioner Leary asked if there is anything else we can do to keep it cleaner. City Manager Knight said we can look into it. A suggestion was made to add a permit requirement stating that once the dog feces has been removed they need to spray a cleaning enzyme in that particular area.

Upon a roll call vote on the amendment to strike the wording (Park Avenue Pet Costume Contest and Doggie Art Festival) on page 2 of 4; 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 amendment (that all reference to the use of Central Park for dog related activities be struck from this ordinance); Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote to adopt the ordinance as amended, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- b. Request of the Winter Park Racquet Club: Amending their conditional use approval for the existing facilities and operations to add a new tennis court and to re-arrange their parking and driveways on their property at 2111 Via Tuscany, zoned (PR) Parks and Recreation.

Planning Manager Jeff Briggs explained that the new tennis court is to be built out front on the Via Tuscany frontage and located in between the entrance and exit drives. In order to get as close as they can to the standard 120' length of a tennis court, the drive on the north side is being shifted slightly toward the pond. The tennis court will have the standard 10' tall green colored chain link fence surrounding it and buffered by two new bismark palms, four new oak trees and other landscaping.

The other parts of the project are the modifications to the parking lot and the driveway configuration. The number of paved parking spaces is being increased from 85 spaces to 134 spaces. Parking is also being gained by shifting angle spaces to 90 degree parking. The plan is splitting the combination entrance/exit driveway that exists now out front on Via Tuscany into a separate entrance and exit driveway for safer traffic flow.

Mr. Briggs said the plan also shows a new or expanded stormwater retention/treatment area that will serve both the parking lot drainage and the tennis court drainage. Staff has been working with the Racquet Club over the years

concerning the issues with the "clay water" drainage to minimize the clay seepage into the natural pond out front by Via Tuscany. This project will include the installation of a separator device to help keep the clay out of the pond.

The existing unpaved overflow parking lot area, south of the tennis courts, is being re-landscaped on the east and south boundaries to better buffer the neighbors. It will continue to be used for boat trailer parking for members that use the boat ramp. With the net increase in paved parking of 49 spaces, there should be a much less need of this area as overflow parking for members.

Mr. Briggs said the Club was very good in reaching out to the local neighbors and that the City gave proper notice to all property owners within 500 feet. The adjacent neighbor to the south of the entrance/exit at 2011 Via Tuscany (Sutton's) sent a letter to the City outlining their requests which were reasonable and have been agreed to by the Racquet Club. He also noted that the Planning & Zoning Board voted unanimously for approval.

Jim Van Buren, General Manager of the Racquet Club, responded to questions.

Motion made by Commissioner Leary to approve the amendment to the conditional use; 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.**

- c. Request of the Albin Polasek Museum: To relocate the Capen House now at 520 Interlachen Avenue to the Polasek Museum at 633 Osceola Avenue and to amend the existing development agreement to revise the number of weddings, receptions and other events that may be held on the Polasek Museum property, zoned POP.

Planning Manager Jeff Briggs 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.

Mr. Briggs explained this item was presented to the Planning and Zoning (P&Z) Board at noon today whereby they discussed the dynamics of the lot and where the house should be placed on the lakefront as well as tree preservation, stormwater retention, views from the lake and protection of views of the neighbors. The board members concurred that this was a good location for the home and voted unanimously in favor by recommending approval to the Commission.

Mr. Briggs explained the location of the 10 trees that will need to be removed. He answered questions including the proposed changes to the development agreement and the code requirements for parking.

Commission discussion ensued regarding the proposed new location of the house being too close to the lake, grass parking and handicap parking.

Kip Marchman, representing the Polasek Museum, introduced team members Executive Director Debbie Komanski, President Mark Harry, Architect Steve Feller, and Contractor Frank Rourke.

Ms. Komanski clarified several issues raised by the Commission. She said they already have paved handicap parking and that the grass parking lots are the same ones they have been utilizing for decades. A majority of the rental venue will take place on Saturdays with the occasional Friday or Sunday rental. She expressed excitement that their organization will now be able to offer educational programs as well. She addressed questions related to the anticipated number of events and the notice to neighbors.

Motion made by Commissioner Cooper to approve the amended development agreement as requested and any conditional use authorization that they need (per the recommendation that came from the Planning and Zoning Board as follows: to approve the relocation of the Capen House now at 520 Interlachen Avenue to the site of the Polasek Museum at 633 Osceola Avenue, and to amend the existing development agreement to revise the number of wedding, receptions and other events that may be held on the Polasek Museum property); seconded by Commissioner McMacken

Motion amended by Commissioner Leary to amend the developer's agreement to only allow 175 events at 50+ people. Motion failed for lack of a second.

Ms. Komanski addressed concerns raised by the Commission pertaining to offsite parking and explained that they only hold two major yearly events, the Holiday Boat Parade and Paint Out. She also addressed concerns with regards to the placement of the Capen House by explaining that they lined up the front doors of the Capen House with the front doors of the Polasek Museum, allowing for an equidistant to the street and so that one building would not dominate the other. She also clarified that they will not request a liquor license of their own at any time.

Attorney Brown explained the process for any future amendments to the developer's agreement. He said the changes are required to be in writing because the City cannot be bound to an agreement unless it is brought forward to the Commission in a public meeting for approval. Mr. Briggs explained that anything

over 500 square feet is a significant change to a conditional use and would have to come back through the amendment process.

Mark Terry, President of the Board of Trustee for the Albin Polasek Museum, said their board met on September 20 and as a support effort to ensure that the Capen house would be moved they funded the difference of the \$400,000 needed to move the house. He said they can now officially announce that the Capen House can be moved, should the Commission vote in the affirmative. Ms. Komanski commented that the fundraising will still continue.

Joe Terranova, 151 N. Virginia Avenue, stated for the record that all of the living ex-mayors of Winter Park approve this project and urged for approval.

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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 34-30, TITLE AND OWNERSHIP OF LOTS AND SPACES IN THE CITY CEMETERIES, TO CLARIFY THE OWNERSHIP INTEREST THAT MAY BE CONFERRED AND TO ADD PROVISION FOR THE CITY TO REGAIN OWNERSHIP OF ABANDONED RIGHTS TO BE BURIED WITHIN A MUNICIPAL CEMETERY; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

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

Parks and Recreation Director John Holland answered questions. He explained that since the records for Pineywood Cemetery are not very thorough they are only focusing on Palm Cemetery. He said as of this date, Palm Cemetery has 1,400 spaces available as well as an additional 378 spaces which are abandoned.

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.**

- e. Adoption of the Fee Schedule effective October 1, 2013.

City Manager Knight summarized the changes to the fee schedule.

Motion made by Commissioner McMacken to adopt the fee schedule; seconded by Commissioner Leary. No public comments were made.

City Manager Knight addressed questions related to the increase in water/sewer fees. Fire Chief Jim White addressed the ambulance fee increase and comparable costs.

Parks and Recreation Director Holland answered questions and provided clarity relative to the monthly fee that commercial businesses are required to pay in order to use our lakes and parks for recreational business activities. Commissioner Cooper requested to hold off with approving the fees until the City Attorney provides a report on what our authority is for regulating the use of our lakes. Attorney Brown said he is currently working with staff to provide our advisory boards with the applicable information for discussion and feedback.

Motion amended by Commissioner Cooper that we not permit any additional businesses on our lakes until the six month study is finished and until something comes back to the Commission. Motion failed for lack of a second.

Attorney Brown stated that the City can regulate the safety issues in regards to what is happening on the lakes in our City but we cannot charge a permit, an occupational tax or any type of license fee for the actual activity on the water because the State of Florida owns the water.

Motion amended by Commissioner Cooper that we strike the use of the park business permit (second line) and we say in parenthetical limited to 20 attendees. Motion failed for lack of a second.

Motion amended by Commissioner Leary to remove the affordable housing fee (linkage fee) from the fee schedule; seconded by Mayor Bradley.

Commissioner Leary questioned the legality of the fee and if it is really needed. Upon questioning by Commissioner Sprinkel, City Manager Knight said the money collected is placed into a special fund that can only be spent on affordable housing. Over the years the City has donated the money to the Winter Park Housing Authority, the Plymouth, the Hannibal Square Community Land Trust and the Habitat for Humanity. Attorney Brown provided legal counsel regarding the legality with the imposed fee. Commissioner Leary said the Commission has the ability to update the fee schedule at any time and suggested that once they have reviewed the affordable housing status report they can then decide if the fee needs to be adjusted or removed. A majority of the Commission agreed with this suggestion.

No public comments were made.

Upon a roll call vote on the amendment (to remove the affordable housing fee (linkage fee) from the fee schedule); Commissioner Leary voted yes. Commissioners Sprinkel, Cooper and McMacken voted no. The motion failed with a 3-1 vote. (Mayor Bradley was not present for the vote.)

Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Mayor Bradley was not present for the vote.)

Public comments (5:00 p.m.)

Lurlene Fletcher, 790 Lyman Avenue, asked the City to remove some of the dead trees on Lyman Avenue and to install a water drain on the corner of Morse Boulevard and Denning Avenue.

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. ORDINANCE NO. 2938-13: 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. Second Reading

Lurlene Fletcher, 790 Lyman Avenue, asked if the proposed budget includes funding for the senior citizen programs held at the Community Center. City Manager Knight said yes.

Motion made by Commissioner Leary to adopt the millage ordinance; seconded by Commissioner Sprinkel. 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. ORDINANCE NO. 2939-13: 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. Second Reading

Motion made by Commissioner Leary to adopt the budget ordinance; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper to use the \$80,000 of additional sales tax revenue that they have not yet allocated for a community visioning process related to the consultants analysis of our regulatory guidelines. Motion failed for lack of second.

City Manager Knight explained that the \$80,000 was not included in the current budget because we did not receive the funds until after the budget was presented. He said if the money is not allocated, it will be placed into the contingency fund.

Commissioner McMacken addressed the recent direction given to Planning & Community Development Director Dori Stone to provide a scope of services and estimated fee proposal for the visioning process. He preferred to wait until they know how much it is going to cost. Mayor Bradley agreed with this since they do not know the amount and in case the estimate needed is much less.

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 announced the recent passing of Helen Woodall, a longtime resident of Winter Park. The Commission offered their condolences to the family.

- b. Commissioner Sprinkel

Commissioner Sprinkel said there was a great turn out for the SunRail event this past Saturday; Winter Park High School homecoming event is this Wednesday; and that the American In Bloom Organization has reached out to the City and is very interested in participating.

c. Commissioner Cooper

Commissioner Cooper mentioned that the Florida League of Cities is in the process of moving forward with their legislative session and to submit any items for consideration to City Manager Knight.

d. Commissioner McMacken – No report.

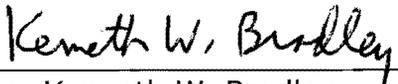
e. Mayor Bradley

Mayor Bradley said it was a great opportunity seeing the new trains this past weekend at the SunRail event.

Mayor Bradley mentioned that the Alford Inn is currently operating under a temporary certificate of occupancy. He requested that this item be added to the City Manager's Report. The request was acknowledged.

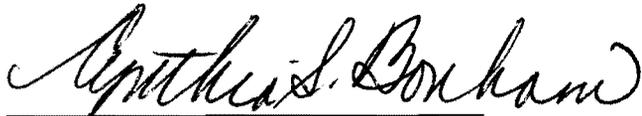
Parks and Recreation Director John Holland announced that the City recently applied for the National Recreation Parks Association Gold Medal Award and that we are one of four finalists. He said Parks and Recreation Assistant Director Brenda Moody, Assistant Chief Ronnie Moore and himself will be attending the award ceremony on October 9 in Houston, Texas for the final selection. The Commission applauded our Parks and Recreation Department for being one of the top four finalists in the country. Communications Director Clarissa Howard acknowledged the request to formally publish this information.

The meeting adjourned at 5:43 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham