

**REGULAR MEETING OF THE CITY COMMISSION**  
**October 28, 2013**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:36 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Anthony Borka, St. Dorothy Catholic Community, 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**

Commissioner McMacken requested to discuss Item 11D prior to Item 11C. **Motion made by Mayor Bradley to approve the agenda with the above change; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Proclamation – Feed the Need Month

Mayor Bradley proclaimed the month of November 2013 as "Feed the Need" month and urged our community to observe this month by participating in helping to feed our hungry neighbors in the Central Florida community. Patrick Chapin, President of the Winter Park Chamber of Commerce was present to accept the proclamation and announced the kickoff event to take place on Thursday, October 31 at 10:00 a.m. at City Hall. He invited the Commission to attend.

b. Presentation - Finalist Plaque for the 2013 National Gold Medal Awards for Excellence in Park and Recreation Management

Parks and Recreation Director John Holland presented the Commission with their finalist plaque for the 2013 National Gold Metal Awards for Excellence in Park and Recreation Management. Mayor Bradley congratulated them on their significant achievement.

c. Presentation - Achievement for Excellence in Financial Reporting from the Government Finance Officers Association Award

Finance Director Wes Hamil presented the Commission with their award. Mayor Bradley congratulated City staff for their outstanding efforts.

d. Presentation - National WaterReuse Project of the Year - Winter Park Estates Wastewater Treatment Facility Award

Water/Wastewater Director David Zusi presented the Commission with their award. Mayor Bradley commended City staff on their prestigious achievements.

e. Presentation – Electric Utility Community Service Award

Electric Director Jerry Warren presented the Commission with their Community Services award. Mayor Bradley applauded staff.

f. Appointment to MetroPlan Orlando Citizens Advisory Committee

**Motion made by Mayor Bradley to appoint John Caron to this position as recommended by Executive Director Harold Barley of the MetroPlan Orlando; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.**

**City Manager’s Report**

Planning and Community Development Director Dori Stone addressed Commissioner Cooper’s question related to the status of the consultant’s input on the City’s visioning process. Ms. Stone commented they spoke about coming back in a month so by the next meeting she should have input.

**City Attorney’s Report** – No items.

**Non-Action Item**

Finance Director Wes Hamil provided the August 2013 financial report and answered questions.

**Motion made by Commissioner Cooper to accept the August 2013 financial report; seconded by Commissioner Sprinkel. No public comments were made. Motion carried unanimously with a 5-0 vote.**

**Consent Agenda**

- a. Approve the minutes of 10/14/13. – **PULLED FOR DISCUSSION, SEE BELOW.**
- b. Cancel the December 23, 2013 Commission meeting due to the holidays.
- c. Approve the following purchases and contracts:
  - 1. Blanket Purchase Order to Layne Inliner for Sewer Line Rehabilitation cleaning and video recording and authorize the Mayor to execute Piggyback contract; \$600,000.
  - 2. Renewal and Purchase Order 151223 to Brown & Brown of Florida, Inc. for Insurance Agent of Record (RFP-13-2012); \$100,000.

3. Purchase request for new tasers and equipment from Taser International and subsequent purchase order for the replacement of tasers using forfeiture funds; \$73,204.67.
  4. After the fact PO 151311 to Winter Park Public Library for FY14 organizational support; \$1,364,560.
  5. Blanket Purchase Order to Brown, Garganese, Weiss & D'Agresta for attorney services (RFP-21-2009); \$312,000.
  6. Blanket Purchase Order to Mead Botanical Garden, Inc. for contribution to capital improvements; \$185,000.
  7. Blanket Purchase Order to Winter Park Historical Association for FY14 Organizational Support; \$70,000.
  8. Blanket Purchase Order to William J. Peebles for State Lobbyist Services \$52,000.
  9. Blanket Purchase Order to BGR Government Affairs for Federal Lobbyist Services; \$56,000.
  10. Products and Services Agreement with Centurylink Sales Solutions, Inc. Amendment 3 for RFP-16-2010, Emergency Debris Management Services; and authorize the Mayor to execute the Agreement; \$5,331.
  11. Piggybacking the City of Orlando Contract, BI09-2518 with United Site Services of Florida for portable toilet rental and authorize the Mayor to execute the piggyback contract.
- d. Authorize the Mayor to execute the First Amendment to the Native Load Firm Fixed Capacity and Partial Requirements Transaction Confirmation between the City of Winter Park, FL and Florida Power & Light Company dated August 12, 2013.

**Motion made by Commissioner McMacken to approve Consent Agenda items 'b', 'c.1-11' and 'd'; seconded by Commissioner Sprinkel. No public comments were made. The motion carried unanimously with a 5-0 vote.**

**Consent Agenda Item 'a', Minutes**

Upon discussion, a **motion was made by Commissioner Cooper to amend the minutes, page 4, to read "Discussion ensued concerning Rule 12." and to delete the remainder of the paragraph; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

**Action Items Requiring Discussion**

- a. City Manager evaluation

City Manager Knight distributed a summary of each Commissioner's evaluation report. He noted that in accordance with the FY 2014 budget, the City Manager is eligible for up to 2.5% merit increase.

**Motion made by Commissioner Leary to approve a 2.5% merit increase; seconded by Commissioner Cooper.**

Commissioner Cooper addressed the suggestions they were able to make at the end of the evaluation for points they would like considered as part of their evaluation next year. Mr. Knight stated he would compile them and circulate them to the Commission as some require group direction and there may not be agreement on some of the suggestions. Commissioner Cooper agreed that the group needs to agree on what the City Manager will be evaluated on next year.

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. Request for a partial use fee waiver for use of the West Meadow for the Harvest Festival to be held on Saturday, November 23, 2013.

Parks and Recreation Director John Holland summarized the request. City Manager Knight addressed the policy related to fee waivers. Mr. Holland commented that the Parks Board does not consider waivers for weekend events according to the policy but that they unanimously approved the event. Mr. Knight clarified that they are asking for the fee to go back to the normal fee versus being charged double due to renting booths and that the Commission has the ability to override the policy if the circumstances dictate.

Discussion ensued as to previous discussions regarding fee waivers, which events should be considered, and which events are currently on the list for fee waivers.

**Motion made by Mayor Bradley that we place the Harvest Festival in the month of November if it is currently held in the month of November under the fee waived category; seconded by Commissioner Sprinkel.**

Further questions were asked regarding fees charged for the West Meadow, the ongoing waived fee list for all parks, the criteria considered for adding an event to the list of fee waived events, and whether this event meets the criteria used to determine if an event's fee should be waived. Mr. Holland responded and addressed this event being different because it is a private promoter and if there is money to be made, they make it. Mayor Bradley spoke how the event promotes things that Keep Winter Park Beautiful promotes and gardening.

Commissioner Leary raised his concern with the event if the organizer raises booth prices every year, when should they start paying the entire fees. Commissioner McMacken stated he would be more in favor of the request if they were not charging booths for profit. Commissioner Cooper preferred to see a gradual increase toward the full fee and was not inclined to waive the entire fee. Commissioner Sprinkel inquired about other events that are using the West Meadow

and charging any type of fees. Commissioner Leary commented that if this request comes before them next year that he wanted to better understand the financials and if they can afford to pay the entire fee. Mayor Bradley was agreeable to accept the half fee this year and go back to the Parks Board and see if it belongs on the waive list.

**Mayor Bradley withdrew the above motion; seconder agreed.**

**Motion made by Mayor Bradley to approve the half fee waiver as requested and request that our Parks and Recreation Board review whether or not this event appropriately should be placed on our fee waiver group and come back with a recommendation; seconded by Commissioner Sprinkel.**

Winter Park Chamber of Commerce CEO Patrick Chapin spoke in support of the waiver.

**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. Settlement proposal – City of Winter Park v Maxmedia et al.

Attorney Brown spoke about the Commission consensus during the executive session to direct him to move to stay and abate the pending litigation involving Maxmedia and Clear Channel and to seek a declaratory statement from the FDOT on the question they discussed. He stated there was also discussion regarding the two other options. He asked for a motion if that is what the Commission agrees to.

**Motion made by Commissioner McMacken to direct the City Attorney to stay and abate the pending litigation and to seek a declaratory statement from FDOT; seconded by Commissioner Leary.**

Mayor Bradley provided a brief summary regarding the billboard litigation. He spoke about not wanting to expend City resources in terms of litigation but wants to do what is right for all parties. Commissioner Sprinkel spoke about wanting an expeditious settlement in this matter so the cost is not added to. Attorney Brown addressed a settlement proposal that would resolve the matter now but he did not believe there was a strong consensus to move in that direction. He stated he was not sure that option would still be on the table once this other action is taken and that the Commission needs to decide whether to take the deal available now or hopefully obtain the clarification from FDOT whether both digital billboards can be on Lee Road within 1,000 feet on the same side of Lee Road. He understood the consensus was to obtain FDOT's declaratory statement on the matter.

Daniel LaRosa, Clear Channel Outdoor, 5333 Old Winter Garden Road, Orlando, represented the applicant. He provided commentary regarding the settlement

agreement proposed by them and their understanding about the City wanting clarification regarding the two structures on Lee Road. He stated that FDOT informed them this could not happen that leaves them in a situation where you would have competing parties as to who would be first in line for the one permit along that stretch of road (Clear Channel currently has the permit and a structure is erected in order for the components of the Ravaudage Planned Development (PD) to be fulfilled). There were certain concessions in the PD that were given by Orange County to Mr. Bellows and in order to fulfill those conditions they would have to maintain the status quo of Clear Channel maintaining its current position and keeping the FDOT permit. He commented that will not eliminate the litigation; the City is requesting a temporary injunctive relief even though all parties are sitting at a status quo and are not moving forward anyway.

Mr. LaRosa concluded that if this goes back to the judge and gets a determination, regardless of who comes out in favor it will not eliminate the litigation because it will still put one of the parties in a position to seek damages back from the City. He clarified that he was the one to put the settlement options together trying to satisfy all parties involved, and that Clear Channel did not start this litigation but were pulled into it because they needed to defend themselves. He could not guarantee that the two options would be available and asked for the Commission to consider the options before them.

Attorney Brown responded by providing legal counsel. He stated he is on board with Mr. LaRosa's comments because that is our litigation position and believe the City accepted and wanted the Clear Channel deal but then MaxMedia came in with the Orange County permit. He further explained the City's position regarding the litigation, and that he made it clear which option he recommended.

Patrick Chapin, Winter Park Chamber of Commerce, requested clarity regarding the City Attorney's recommendations and spoke about Clear Channel being a great community partner.

Commissioner Sprinkel reiterated her position of wanting to settle and recommended looking closely at option 2.

**Upon a roll call vote, Mayor Bradley and Commissioner Sprinkel voted no. Commissioners Leary, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.**

**Public Hearings:**

- a. ORDINANCE NO. 2941-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 26 ARTICLE III "FILM INDUSTRY" TO STREAMLINE THE FILM PERMITTING PROCESS AND AMEND CERTAIN PROVISIONS. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner McMacken.**

Commissioner Cooper asked for clarification with the language regarding the City Manager and the Film Commissioner issuing the permit. Building Director Wiggins explained why it was written this way. Following a brief discussion, Attorney Brown agreed to add language to the ordinance to clarify the two step process.

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. ORDINANCE NO. 2942-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, FIRE FIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-201, DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner Leary to adopt the ordinance; 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.**

#### **Public Comment (5:00 p.m.)**

Peter Weldon, 700 Via Lombardy, asked that the City approve a Resolution to recognize our previous Commissioners for approving the electric utility system because of its success. He also addressed that system maintenance expenses including tree trimming is expected to decrease every year as undergrounding proceeds.

He asked to set an expectation for future Commissions by approving a Resolution that will formalize the contribution of electric system maintenance savings resulting from undergrounding to the management of trees in the City's right-of-ways so as to eventually self-fund such tree management on an ongoing basis from electric utility surpluses.

A recess was taken from 4:57 p.m. to 5:04 p.m.

Please note: Public Hearing item 'd' was moved before item 'c'

- d. Request of Windermere Winter Park Ventures LLC: To amend their conditional use approval to remove the prohibition on garage doors versus open carports at the two story, 9 unit residential condominium building under construction at 434-444 W. Swoope Avenue, zoned R-3.

Mayor Bradley noted that Public Hearing items 'c' and 'd' will be treated as a simultaneous public hearing and asked Mr. Briggs to address item 'd' first.

Planning Manager Jeff Briggs explained the two properties involved in the request: a new project and a project approved in February 2012 at the property addressed then as 434-444 W. Swoope Avenue and re-addressed as 400 W. Swoope which has been reduced to nine units. He explained the issue of garages being used for storage and vehicles being parked in either the driveways or along the street. He stated when the 400 W. Swoope project came in they discussed and required there be open carports in lieu of enclosed garages but as the developer began talking to realtors about marketing the project there were concerns with safety with the open carports so they are back asking to remove the condition of carports only and enable them to construct enclosed garages. He explained that staff is no longer concerned with having garages versus carports.

Further comments and discussion ensued regarding the City's parking ratios for multi-family residential, and the minimal width standard for garages to make sure vehicles have room to park in the garages.

Lurline Fletcher, 790 Lyman Avenue, spoke against the request.

Mary Randall, 1000 S. Kentucky Avenue, asked the Commission to consider parking when making future decisions about building and addressed the parking issue on her street.

**Motion made by Commissioner McMacken to approve the amendment to the conditional use; seconded by Commissioner Sprinkel.** No other 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 Windermere Winter Park Ventures LLC: Conditional use approval to build a new two story, 15 unit residential condominium project at 472 and 510 W. Swoope Avenue, zoned R-3 with a variance for a 10' side setback on the west side in lieu of the required 20'.

Planning Manager Jeff Briggs explained the bulk of this discussion was related to the tightness of the garages and the inability to comfortably open your car doors so the applicant added an additional 8" to each garage so they comply with the P&Z encouragement. The plans in the packet presented this evening reflect the change that the garages have been widened. He spoke about the ordinance going to P&Z next week to establish the minimum standard for garage widths.

Mr. Briggs explained that the new project is requesting three variances: Two relate to the maximum building footprint or building lot coverage and the corresponding maximum impervious lot coverage. The R-3 code maximum is 40% building lot coverage (footprint) of the lot area and 70% impervious coverage. This current design (per the P&Z recommendation) is at 43.7% building lot coverage and 71.3% impervious lot coverage. The design challenge for the developer is that the first floor needs to contain the two car garage area and the 'living' spaces of the kitchen and living room. Upstairs are the bedroom spaces. The design challenge is providing enough usable 'living' space on the first floor and that results in the building (footprint) lot coverage variance request which totals 1,387 sq. ft. (total over code) or 92 sq. ft. over per unit. The impervious lot coverage variance is the result of the same design challenge and the need for 2.5 parking spaces per unit.

The third variance is a request for a 10' side setback on the west side of the property in lieu of the required 20' side setback. The design purposefully puts the smaller, six unit building on the western side requesting the variance versus the longer nine unit building. On that west side is a 10 unit residential project owned by Chris Heidrich who has consented to the variance for the 10' side setback subject to a condition requiring a bamboo hedge screen.

**Motion was made by Commissioner Sprinkel to approve the conditional use request; seconded by Commissioner McMacken.** 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. Request of Aloma Avenue Holdings LLC:

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 MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY AT 409 ST. ANDREWS BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Planning Manager Jeff Briggs explained that Aloma Avenue Holdings LLC (Dr. Shaw) has acquired the former Signature Pharmacy building at 2304 Aloma Avenue and also the property directly behind, to the south at 409 St. Andrews Blvd. Their intention is to renovate the Signature Pharmacy building into medical office space and to expand the parking onto the 409 St. Andrews Boulevard property that is now zoned residential (R-3). They are requesting rezoning to Office (O-2). He explained that the comprehensive plan already designates this property to be zoned Office and that they will be building the parking lot to code.

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

Commissioner Cooper addressed the need for the Planning and Zoning Board to consider buffering and protection of single family homes when commercial is next to residential.

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.**

- f. RESOLUTION NO. 2129-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESTATING AND ACCEPTING PRIOR RESOLUTION NO. 1978-07 REGARDING RULES FOR THE CONDUCT OF CITY COMMISSION MEETINGS AND DECORUM, AS WELL AS OTHER SUBJECTS ADDRESSED IN THAT RESOLUTION, AND SUPPLEMENTING AND AMENDING THAT PRIOR RESOLUTION TO ADD TWO SECTIONS, TO COMPLY WITH CHAPTER 2013-227, LAWS OF FLORIDA, AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR CERTAIN AREAS TO REMAIN OPEN DURING COMMISSION MEETINGS AND TO PROHIBIT PERSONS NOT SPECIFICALLY INVITED BY THE COMMISSION TO ADDRESS THE COMMISSION FROM CERTAIN AREAS.

Attorney Brown read the resolution by title.

**Motion made by Mayor Bradley to adopt the resolution with one adjustment to page 3 to change the four minutes to three minutes as adopted in our previous resolution; seconded by Commissioner McMacken.**

Commissioner Cooper brought forward an issue she had with Item 'g' that says "It is the intent of the Commission that all City boards and subsidiary boards will allow public comment at their meetings except for emergency or ministerial items, and may allow such at quasi-judicial hearings so long as the comment is not used as evidence." She explained the agreement not to reduce our current level of public participation and our current level has our boards allowing comment on quasi-judicial issues. She stated the 'may allow' should read 'will allow' at quasi-judicial hearings. The State law allowing public comments was discussed.

**Motion made by Commissioner Cooper to adopt the resolution with the change that the word 'may' in Item G will be changed to 'will' allow such at quasi-judicial hearings; seconded by Commissioner McMacken.**

Mayor Bradley addressed the intent under Item "F" to not accept public comments at work sessions as the City's tradition. Further discussion ensued regarding the use of 'may' versus 'will' and the City going above and beyond what is necessary regarding the allowance of public comment.

No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.**

**Motion made by Mayor Bradley to adopt the resolution, seconded by Commissioner Sprinkel.**

**Motion amended by Commissioner Cooper that the language we added to Item B that says "and specifically will allow public comment in such matters where the City has traditionally allowed for such including quasi-judicial proceedings"; take that exact same language and add it to the Item G where it talks about the subsidiary boards. Motion was seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.**

**Upon a vote on the main motion to adopt the resolution, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 2-48, GENERAL RULES APPLICABLE TO SUBSIDIARY BOARDS OF THE CITY; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title and explained the intent of the ordinance.

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

**Motion amended by Commissioner Cooper to bring the language directly from "the City Commission has agreed to the following language and will specifically allow public comment in such matters where the City has traditionally allowed for such including quasi-judicial proceedings".... and in this ordinance to amend in Section 2 item U to add that language to the language that says "all subsidiary boards shall allow for public comment in the manner required by Chapter 2013-227, the Laws of Florida". If we are going to do an ordinance that says we will comply with the Laws of Florida then I would like to say that same language; seconded by Commissioner McMacken.**

Discussion ensued regarding the language in the ordinance, the public's right to speak at meetings, the policy the City has had in place to allow public comments during quasi-judicial hearings which will continue if the language is not changed.

The following wanted to see the language changed from 'may' to 'will' to make sure that public comments will be allowed during quasi-judicial hearings:

Sally Flynn, 1400 Highland Road  
Donna Colado, 327 Beloit Avenue  
Mary Randall, 1000 S. Kentucky Ave

Peter Gottfried, 1841 Carollee Lane, commented on the public comment process and felt that the ordinance does not need to be changed because of the policy that public comments are allowed during quasi-judicial hearings.

Commissioner Cooper commented about the lack of a State statute in the past saying the opportunity to be heard need not occur at the same meeting at which the board or Commission takes official action. She addressed the need to allow public comments at every opportunity and to make sure the citizens understand that we are not taking away or implementing a law that will allow citizen's rights to speak to be put off until another meeting. She asked the Commission again to consider the language of 'will'.

Mayor Bradley wanted to understand any ramifications of changing the wording from 'may' to 'will' for all City boards before making this type of change. **Motion made by Commissioner Cooper to table this ordinance until such time as we have adequate information to make that judgment. Motion failed for lack of a second.**

Commissioner Sprinkel advocated listening to our legal counsel as he provided the wording that meets the new statute and that nothing is being taken away from the public by not changing the wording. She stated if our attorney comes back and determines the language needs to be changed, she will support it. Commissioner Leary stated this currently meets what we already have so he will support it.

**Upon a roll call vote on the amendment, 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 to accept the ordinance on first reading, Mayor Bradley and Commissioners Leary, Sprinkel, and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

A recess was taken from 6:17 p.m. to 6:30 p.m.

- h. Request of Winter Park Hospital: Approval of the final plans for a new four story, five level parking garage, per the Winter Park Hospital Master Plan approved on April 25, 2005.

Mayor Bradley recused himself from voting and discussion and Mayor Bradley turned the chair over to the Vice Mayor for the discussion period. He completed Form 8B, Conflict of Interest, attached.

Planning and Community Development Director Dori Stone provided background of the Winter Park Master Plan that was approved in 2005. She addressed the approval requested of the four story, five level 640 space parking garage as a component of Phase 2 of the Master Plan as consistent with that Plan and clarifying

that this added parking is for existing needs and not for surplus spaces for future development at this time. She stated that the Planning and Zoning Board approved a larger version of the parking garage and thus did not need to go back to P&Z because of the project request decreasing. Staff recommended approval.

**Motion made by Commissioner Leary to approve the final plans; seconded by Commissioner McMacken for discussion purposes.**

Executive Director Sharon Line Clary, Winter Park Hospital, began the applicant's presentation by speaking about the demands for hospital services in the community since the year 2000, community touch points/educational support groups, current campus parking, the need for additional parking to help alleviate the overflow parking which crowds the neighborhood streets, and creating traffic hazards, etc.

Administrative Director for Strategic Development Jody Barry for Florida Hospital provided building elevations and color renderings of the proposed parking garage. He noted that they have added a significant amount of exterior architectural elements and lush landscaping.

Attorney Borrón Owen, Gray Robinson Law Firm, summarized their request for garage approval to address their current parking needs. He stated they believe they comply with the master plan, the comprehensive plan and the Land Development Code. He asked approval of the garage to move forward. He asked for time after public comment and discussion to address any questions.

Commission discussion ensued and questions were asked by the Commission regarding the 2005 master plan that was adopted in accordance with the City's comprehensive plan, the parking needs of the hospital, surface versus structured parking, the 2005 staff report, the need to allow for public process/notice to surrounding property owners, and documents included in the 2005 approval. Ms. Stone answered questions with Attorney Brown providing legal counsel regarding documents that are currently in the City's file.

Commissioner Cooper spoke about the need for the parking garage at the hospital. She asked questions and expressed concerns about the public process followed, her belief that this project exceeds the 45% Floor Area Ratio allowable in O-1 zoning, the language from the staff report when the Master Plan was approved in 2005 that this was a conceptual approval and the need for city notice for all other buildings that come forward.

Commissioner Leary asked that legal counsel provide guidance whether appropriate process has been followed. Attorney Brown stated that given the record and the manner in which it was developed starting with the Master Plan in 2005, he believed that a reasonable Commission has sufficient information to determine if they have established the current needs for the increased parking spaces that the Commission has enough information where you could conclude that allowing the

garage with any compatibility modifications; that your prospective approval would be consistent with the 2005 master planning process as embedded into the Comprehensive Plan in 2009. Other comments were made regarding Commissioner Cooper's concerns. Ms. Stone responded regarding the FAR. The notice provided for this hearing after the P&Z hearing was addressed by Ms. Stone.

Attorney Owen addressed Commission questions related to the process, previous approvals granted to the Hospital, and noted that the current process they are following is according to the recommendations to the City Commission from Planning and Zoning Board in April 2005. He concluded that they are entitled to a parking garage at that location and can have up to 1,500 parking spaces in Phase 2 but will have 1,171 spaces. He stated they believe are following process. As to refinements in the process and for code changes needed to clarify the status of Master Plans, he committed that they will be part of the solution and that after the garage is approved they will sit with City staff and each Commissioner individually and work through this process on a go forward basis.

The following persons spoke in favor of the request:

Tom Yochum, 1131 Via Lugano  
Peter Gottfried, 1841 Carollee Lane  
Jay Plotkin, M.D., 1733 Lake Berry Drive  
Harold Barley, 1671 Oakhurst Avenue  
Ginger Poynter, 350 Carolina Avenue  
Sharon Jallad, 1830 Fawsett Road  
Patrick Chapin, CEO, Winter Park Chamber of Commerce  
Roland Lee, 1801 Summerfield Road

**Upon a roll call vote, and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. Mayor Bradley recused himself from voting. The motion carried unanimously with a 4-0 vote.**

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary echoed the moment of silence for Mary Rumberger who will be missed and addressed the success of the dog event. He spoke about the issue of additional parking to test out during the holiday season; and his concerns with the parallel parking at Morse Boulevard/New York Avenue and the difficulties at that intersection and the need to remove this from the approved parking plan. He believed we can find additional parking in the West Meadow. There was a consensus to bring this item back for a future discussion.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about wanting information from the YMCA regarding swim vouchers. They provided over 850 swim vouchers to students. She addressed the dog event that was successful.

She also agreed with Mr. Weldon's comments to commend our previous Commission and wanted to entertain that idea.

She spoke about trying to pass laws to prohibit people from making poor decisions about what they put in their garage and where they park their car, etc. and that we need to look at other ways to deal with this other than asking ourselves to change our rules about these types of issues.

c. Commissioner Cooper

Commissioner Cooper summarized the upcoming events in the City to include the Women's Club Antique Show, the Preservation Capen House party, and the Veteran's Day ceremony. She also spoke about when the Commission approves new development that they need to try and consider the consequences of the concessions they make.

d. Commissioner McMacken – no items.

e. Mayor Bradley

Mayor Bradley brought forward an item regarding the Waste Pro exclusive franchise regarding roll off (large dumpsters) and garbage containers at construction sites. He spoke about the possibility of a substantial cost increase if you do not use Waste Pro containers. He asked that this be discussed at the next agenda and for staff to bring back options to re-open the contract.

He addressed the Peacock Ball this weekend.

The meeting adjourned at 7:58 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
\_\_\_\_\_  
For City Clerk Cynthia S. Bonham

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>BRADLEY Kenneth Wayne</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Winter Park City Commission</b>
MAILING ADDRESS <b>1612 Elizabeth's Walk</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <b>Winter Park      Orange</b>	NAME OF POLITICAL SUBDIVISION: <b>City of Winter Park</b>
DATE ON WHICH VOTE OCCURRED <b>October 28, 2013</b>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## 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**

I, Kenneth W. Bradley, hereby disclose that on October 28, 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.

The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The matter is one for Winter Park Memorial Hospital, for whom I am employed by its parent organization - Adventist Health System - to be the Campus CEO. Therefore due to my employment, I am recusing myself from this vote.

October 28, 2013  
Date Filed

Kenneth W. Bradley  
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.