

**REGULAR MEETING OF THE CITY COMMISSION
December 9, 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 Building Director George Wiggins, 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 Cindy 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

a. Presentation – "Feed the Need"

Patrick Chapin, Chamber of Commerce President, announced the success of the "Feed the Need" campaign for Second Harvest Food Bank of Central Florida. Over \$96,000 was raised in an effort to help end hunger in Central Florida. Mr. Chapin and Mayor Bradley thanked everyone for supporting this worthy cause.

b. Recognition of artist Blair Sligar – Art in Chambers

Mayor Bradley introduced local artist Blair Sligar and thanked him for displaying his art work in the Commission Chambers for public viewing.

Mayor Bradley thanked City staff for their outstanding contributions this week with the numerous holiday events and for the creative display of new decorations and lights on Park Avenue.

City Manager's Report

City Manager Knight mentioned the tremendous amount of teamwork that is involved with the holiday displays throughout the City and thanked staff for their outstanding efforts.

City Manager Knight announced that on December 17 at 10:00 a.m. the City will be testing the switchover of the electrical system which will create approximately a five minute outage on two circuits. The formal switchover is scheduled for January 2,

2014. A detailed map was presented showing the specific areas that will be impacted. He noted that staff has been working with the major businesses within the specific quadrants and that formal advance notice is being provided to the community via the City's website, media alerts, telephone, etc.

City Manager Knight acknowledged the following requests:

- Over the holiday period, provide the Commission with a brief overview of what is to come before them next year (90 day plan)
- Community Block Grant Fund research and the use of funds for infrastructure

Per the Commission's request, City Manager Knight provided an update on the Senior Citizen shuttle for the Orlando Philharmonic Orchestra Concert and the 35th annual Christmas in the Park by noting that there were zero participants.

Commissioner Cooper spoke about the need to establish a process for institutional master planning. Planning Manager Jeff Briggs noted that the WRT Study referenced the need for master plans, staff will be bringing this forward in the first half of 2014, and the parking garage design standards are currently underway.

In response to an email inquiry from residents to expand the holiday lights into the Hannibal Square and Morse Boulevard area, Commissioner Leary felt they should bring it up next year for consideration. A majority agreed.

City Attorney's Report

Max Media

Attorney Brown said a conference call is scheduled for tomorrow with all of the attorneys to finalize the remaining issues and that he will keep them posted.

Capen House

Attorney Brown provided an update by explaining that the judge recently agreed that the Capen House non-profit organization does not have valid standing. However, pending litigation is underway with regard to the other party that is involved in the suit. He will provide further updates as they transpire.

City Manager Knight advised that part of the Capen House will be moved across the lake tomorrow morning weather permitting. A brief discussion transpired regarding safety and security measures.

Non-Action Item

a. Downtown Parking Update – Part 2

Public Works Director Troy Attaway explained that on November 11 the Commission expressed interest in utilizing the Blake Street yard and the old Swoope Water Treatment Plant as parking lots. He advised that the Blake Street yard would yield approximately 28-31 parking spaces and the Swoope Water Treatment Plant could be designed for 79 spaces. In the interim of a final solution, the City has opened up 29 new public parking spaces just west of City Hall on Lyman Avenue. This lot was previously designated for City Hall employee parking only. However, due to the busy holiday season, the City has repurposed these spaces to 3-hour public parking.

Staff recommended the monitoring of our existing parking facilities during the busy months of December and January and to document what the utilization is at each facility. Staff will then brief the Commission in February regarding the upcoming employee parking program which will include an assessment of these two lots, the use of the City Hall lot, the existing parking spaces in Lot A and the Park Place Garage.

Mayor Bradley mentioned that several citizens have suggested that we look into possibly changing our existing downtown parking ordinance or policies as it relates to the number of available spaces in public/private and the Central Business District. Mr. Attaway acknowledged the request.

Consent Agenda

- a. Approve the minutes of 11/11/13 and 11/25/13.
- b. Approve the following purchases and contracts:
 1. Blanket Purchase Order to Awarded Firm for Lake Killarney Outfall Dredging Project; \$100,000.
 2. Purchase Requisition PR153848 to Don Reid Ford, Inc. for the replacement of 4 police vehicles; \$100,032.
 3. Purchase Requisition PR153846 to Duval Ford and Isuzu for the replacement of utility crew trucks; \$253,896.
 4. After the fact Blanket Purchase Order #151633 to Waste Pro of Florida under RFP-6-2009 for \$2,150,000.
 5. Award and subsequent Purchase Orders to Pine Lake Nursery for IFB-1-2014, Lee Road Median Tree Project; \$51,079.
 6. Piggybacking City of Boca Raton contract for Wastewater Lift Station(s) Rehabilitation Bid No. 2010-038 and authorize the Mayor to execute Purchase Orders for services on an as needed basis.
- c. Approve the budget adjustment to appropriate \$25,000 for street paving materials.

- d. Approve the Second Amendment to the Native Load Firm Fixed Capacity and Partial Requirements Transaction Confirmation between City of Winter Park, FL and Florida Power & Light Company dated August 12, 2013.

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

Action Items Requiring Discussion

- a. Approval of Notice to Dispose advertisements of two parcels of land located at 300 N. Pennsylvania Avenue and 321 Hannibal Square W. located within the CRA for possible development options.

Planning Manager Jeff Briggs explained that the CRA staff has received multiple requests to consider development options to include the purchase of the City owned property located at 300 N. Pennsylvania Avenue. The CRA staff has also received inquiries about the property located at 321 Hannibal Square W. Staff feels that the most equitable way to evaluate each request is through the solicitation of offers through a Notice of Disposal (NOD) process.

The CRA Advisory Board recommended moving forward with both NODs. They also requested that the City Commission allow them to review and make a recommendation about the proposals prior to City Commission review.

Mr. Briggs advised that the property located at 300 N. Pennsylvania Avenue will come back to the Commission around March or April for a decision. Staff's intent is to ensure that adequate public notice/signage is given to also allow the public with a significant amount of time to submit their proposals.

Mr. Briggs explained that both parcels are noted in the 2007 Memorandum of Understanding (MOU) between the City and the Hannibal Square Community Land Trust (HSCLT) as parcels of interest. In the MOU, the HSCLT has the right to petition for a Notice of Disposal (NOD) to develop either site at a point of time that would be advantageous to their organization. In an evaluation from the CRA Agency attorney, the MOU does not prohibit the CRA or the City from advertising the properties for redevelopment. The issuance of a NOD does not prohibit the HSCLT from submitting a development proposal on either parcel.

Commissioner Cooper shared concerns regarding the current Commercial zoning classification for the 300 N. Pennsylvania Avenue property and if it should possibly be advertised as Office zoning so that the public can be aware of the compatibility.

A brief discussion followed regarding the appropriate steps that would need to be taken in order to rezone the property, if this parcel should be designated as

Parkland and to possibly have the Parks and Recreation Board investigate this option prior to advertising.

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

Mr. Briggs addressed questions regarding the 321 Hannibal Square W. property and clarified that the disposal is for the South 34 feet of Lot 16.

Motion made by Commissioner Leary to approve the NOD advertisement for the 321 Hannibal Square W. property; seconded by Commissioner McMacken.

Motion made by Commissioner Leary to approve the NOD advertisement for the 300 N. Pennsylvania Avenue property; seconded by Mayor Bradley.

Motion amended by Commissioner Cooper (regarding 300 N. Pennsylvania Avenue) to delete the following "the property is zoned O-1 Office District" and replace with "the City will be zoning the property O-2 Office District". Motion failed for lack of a second.

Motion amended by Commissioner Cooper; (regarding 300 N. Pennsylvania Avenue), to add a statement that says "Development on this property shall comply with the code requirements Hannibal Square Neighborhood Commercial District."; seconded by Commissioner McMacken.

Denise Weathers, HSCLT, 2265 Lee Road, explained that the HSCLT has always been and is currently interested in acquiring the 300 N. Pennsylvania Avenue property for future development.

Lurlene Fletcher, 790 Lyman Avenue, felt that the HSCLT should be allowed to have exclusive rights to acquire this parcel of land.

Motion amended by Mayor Bradley (regarding 300 N. Pennsylvania Avenue property) that if the NOD passes that the Parks Advisory Board will also look at this to see whether or not it would be a City park as part of the neighborhood; seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to ask the Planning and Zoning to look at the property to determine the appropriate compatible zoning on the property. Motion failed for lack of a second.

Upon a roll call vote (to approve the NOD advertisement for the 321 Hannibal Square W. property); 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 first 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 on the second amendment, 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 HEARINGS:

- a. Request of Request of Ramber Arlington LLC: Subdivision or Lot Split approval to divide the property at 1280 Arlington Place, Zoned R-2, into two single family lots.

Planning Manager Jeff Briggs explained that the owner and applicant, Alan Berman of Ramber Arlington, LLC is requesting to split the property into separate 45 foot wide lots so they may be used for two independent single family homes. The applicant believes that they will be more successful marketing their product as 'stand-alone' single family homes versus attached townhouse units. Even though they are giving up one added unit (three townhouses versus two single family homes) they believe the market is stronger for this type of product.

In the R-2 zoning, the minimum lot width for a single family lot is 50 feet and the minimum lot size is 6,000 sq. ft. of lot area. Each of these proposed lots will have 6,750 sq. ft. of lot area but only 45 feet of lot width, thus the variance request. From staff's perspective the lot width variance is immaterial given that the request represents less unit density and is compatible with the street character. Mr. Briggs answered questions.

Applicant Alan Berman distributed copies of the preliminary architectural drawings and addressed questions/concerns with regard to the 45 foot lot width.

Motion made by Commissioner Leary to approve; 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.)

David Leavitt, Libertarian Party of Florida, spoke in opposition to surveillance cameras and red light camera use within the City.

Mark Schmidter, 3609 Shader Road, spoke in opposition to allowing red light cameras in the City.

Eric Nielson, 499 Westchester Avenue, spoke about the curbing on Fairbanks Avenue, the safety issues created and a possible acquisition of the FDOT right of way easement that could be used for future parking. City Manager Knight acknowledged the Commission's request to coordinate with FDOT and to follow up with Mr. Nielson.

Rick Vimmerstedt, Orlando Federal Credit Union, asked the Commission to reconsider allowing the credit union to occupy office space within the City Hall area.

John Neusaenger, Orlando Federal Credit Union, spoke in favor of allowing an OFCU to operate within City Hall.

b. Request of Nort Northam:

ORDINANCE NO. 2945-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 2946-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read both ordinances by title.

Motion made by Commissioner McMacken to adopt the ordinance (Comprehensive Plan); seconded by Commissioner Sprinkel.

Motion made by Commissioner McMacken to adopt the ordinance (Zoning); seconded by Commissioner Sprinkel.

No public comments were made on both ordinances.

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

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

- c. ORDINANCE NO. 2947-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT PORTION OF GAINES WAY LYING BETWEEN 610 GAINES WAY AND 1760 GAINES WAY, MORE PARTICULARLY DESCRIBED HEREIN BUT RETAINING AND RESERVING TO THE CITY A UTILITY EASEMENT OVER THE ENTIRE AREA THEREOF. Second Reading

Attorney Brown read the ordinance by title.

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

City Commission Reports:

- a. Commissioner Leary

Commissioner Leary thanked Mr. Bellows for his efforts in saving and moving the Grant Chapel Church. He announced that tomorrow he will be attending the swearing in of State Senator Andy Gardiner and that it is an honor to have him represent our community.

- b. Commissioner Sprinkel

Commissioner Sprinkel wished everyone happy holidays. She thanked staff for their efforts with displaying the many holiday ornaments.

- c. Commissioner Cooper

Commissioner Cooper thanked staff for the wonderful parade and holiday lights.

- d. Commissioner McMacken

Commissioner McMacken wished everyone a safe holiday season.

- e. Mayor Bradley

Mayor Bradley requested that City Manager Knight provide a status update in January regarding quiet zones. The request was acknowledged.

A majority agreed with Mayor Bradley's request to place the 90 day plan on the January agenda.

The meeting adjourned at 5:28 p.m.

Kenneth W. Bradley
Mayor Kenneth W. Bradley

ATTEST:

Cynthia S. Bonham
City Clerk Cynthia S. Bonham