

REGULAR MEETING OF THE CITY COMMISSION
June 23, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:34 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Parks and Recreation Director John Holland, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Vice Mayor Steven Leary
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Mayor Bradley to discuss Items 11b and 11c before item 11a; seconded by Commissioner McMacken to accept the agenda with this change and approved by acclamation with a 5-0 vote.

Mayor's Report

a. Legislative Update – Senator Geraldine Thompson

Senator Geraldine Thompson provided a PowerPoint presentation covering the new redistricting maps and district representatives, the legislative agenda, session overview and budget appropriations. The Commission thanked Senator Thompson for her contributions and service to our community.

b. Proclamation – Parks and Recreation Month-July 2014

Mayor Bradley proclaimed the month of July 2014 as Parks and Recreation Month. Special recognition was given to Director of Parks and Recreation John Holland and the entire department for the work they perform.

c. Board appointment – CRA Advisory Board (term expiring 2015)

Mayor Bradley nominated Jeffrey Stephens to fill the remaining position of Susan Lawrence who resigned (2014-2015). Seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Mayor Bradley announced that Winter Park resident Graham Zusi, son of David Zusi, Director of Water/Wastewater, is playing in the World Cup. A loud applause was given in support of Team USA and for a successful win in the final game ahead.

City Manager's Report

City Manager Knight encouraged everyone to attend the upcoming 4th of July celebration in Central Park from 9:00 a.m. to 1:00 p.m.

City Attorney's Report:

Attorney Brown advised that correspondence was distributed this week to the Commission regarding the Bell case and the Clear Channel/Max Media litigation settlement.

Non-Action Item: No items.

Consent Agenda

- a. Approve the minutes of June 9, 2014. – **PULLED FOR DISCUSSION – SEE BELOW**
- b. Approve the Interagency agreement with Seminole County Sheriff to utilize law enforcement software for records management and reports; authorize the Mayor to execute the agreement and issue a subsequent purchase order; \$60,000.
- c. Authorize the Mayor to execute an agreement to pay Motorola \$162,620 to connect Winter Park Public Safety Communications dispatch system to the master site owned by Orange County.
- d. Approve the public entity resolution authorizing the use of BankUnited as a depository for the City.
- e. Approve the encroachment agreement with Mr. Mennello to add second floor balconies to the Packwood Building at 110 E. Morse Boulevard (SE corner of Park/Morse). – **PULLED FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda items 'b-d'; seconded by Mayor Bradley.

Joe Terranova, 151 N. Virginia Avenue, recommended that the June 9 minutes reflect that Mark Squires spoke in favor of Public Hearing item 'd'.

The motion carried unanimously with a 5-0 vote.

Consent Agenda item 'a' - Approve the minutes of June 9, 2014.

Mayor Bradley requested to amend the minutes as noted above. **Motion made by Mayor Bradley to approve Consent Agenda item 'a' as amended; seconded by Commissioner McMacken.** No public comments. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda item 'e' - Approve the encroachment agreement with Mr. Mennello to add second floor balconies to the Packwood Building at 110 E. Morse Boulevard (SE corner of Park/Morse).

Upon request, Planning Manager Jeff Briggs clarified that there would be no endangerment to the health of the trees on the property.

Motion made by Commissioner McMacken to approve Consent Agenda item 'e'; seconded by Commissioner Sprinkel.

Commissioner Cooper advised that upon questioning staff, she was notified that per the code this modification request did not need to be reviewed by our Historic Preservation Board. In an effort to preserve our downtown historic district she recommended having the Historic Preservation Board review these types of requests prior to Commission approval.

No public comments.

The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion:

- a. Formation of Library Facility Task Force

City Manager Knight explained that at the last meeting, consensus was for each Commissioner to appoint one member, the library to appoint four members, and for City Manager Randy Knight and Library Director Shawn Shaffer act as ex-officio members of the task force.

Motion made by Mayor Bradley to approve the task force as presented; seconded by Commissioner Sprinkel.

Clarification was made that the task force will operate for six months starting from the date that the appointments are made and that the members can be non-residents. City Manager Knight requested that the Commission provide the City Clerk with the names of their nominees no later than July 7.

No public comments.

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

PUBLIC HEARINGS:

NOTE: Agenda order was rearranged.

b. Request of 1776 Real Estate Advisors LLC:

ORDINANCE NO. 2961-14: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE ON THE PROPERTY AT THE NORTHEAST CORNER OF MICHIGAN AND SCHULTZ AVENUES AND CHANGING THE WEST 10 FEET OF 1245 MICHIGAN AVENUE FROM COMMERCIAL TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2962-14: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) ZONING TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT THE NORTHWEST CORNER OF MICHIGAN AND SCHULTZ AVENUES AND CHANGING THE WEST 10 FEET OF 1245 MICHIGAN AVENUE FROM COMMERCIAL (C-3) TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title.

Motion made by Mayor Bradley to adopt the comprehensive plan ordinance; seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to adopt the zoning ordinance; seconded by Commissioner Leary.

No public comments were made.

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. Request of Garmet Ltd and TGG Ltd:

ORDINANCE NO. 2963-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES AT 298 AND 313 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 2964-14: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3), COMMERCIAL (C-3A) AND (C-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTIES AT 298 AND 313 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title.

Motion made by Commissioner Leary to adopt the comprehensive plan ordinance; seconded by Commissioner Sprinkel.

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

Commissioner Cooper spoke in opposition by explaining that she preferred to keep the density as currently set in the Comprehensive Plan, which is 100% FAR (Floor Area Ratio).

Upon a roll call vote (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

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

a. Request of UP Fieldgate US Investments – Winter Park LLC:

- Conditional use approval to redevelop the former Corporate Square and Winter Park Dodge properties with a 40,000 square foot Whole Foods Grocery and a 36,000 square foot retail building with three outparcel development sites on the properties at 1000/1050 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue.

ORDINANCE NO. 2959-14: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE TO COMMERCIAL ON THE PROPERTY AT 967 CHEROKEE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE Second Reading

ORDINANCE NO. 2960-14: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-3) DISTRICT ZONING ON THE PROPERTY AT 967 CHEROKEE AVENUE,

MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE Second Reading

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs provided background regarding the site, building heights, architectural elevations, tree preservation stormwater retention, landscaping, traffic impact, site and urban design, project signage and traffic light coordination.

Mr. Briggs advised that on June 3 the Planning and Zoning (P&Z) Board voted 7-0 in favor of the conditional use with the following conditions:

1. The project being limited to monument signage for all ground signs in lieu of pole signs.
2. That for the final conditional use review, the applicant review opportunities for preservation of two major live oak trees on-site.
3. That for the final conditional use review, the city and applicant negotiate for a proportionate share of funding for traffic signal timing improvements.
4. That for the final conditional use review, a location in the rear of the project be provided for a sanitary sewer lift station, as may be required for this project.
5. That there be architectural conformity on the design of the out-parcel developments. This shall be administered by staff with the option of the applicant to appeal to P&Z/City Commission to resolve any design issues.
6. That the building and mechanical permits be designed and operate at all times under a maximum of 55 decibels at the property line from any air conditioning or other mechanical equipment to address sound containment of the AC and mechanical equipment and that there be certification as to such design by the engineer of record and any subsequent violation of the specific 55 decibel level shall be grounds for enforcement by the City and compliance by the property owner and/or tenant.

Mr. Briggs addressed questions pertaining to the approvals and entitlements being requested. He clarified that the monument signage will be part of the final conditional use submittal process.

Commissioner Cooper shared concerns with the non-residential encroachment on the six residential property owners that abut the project. She presented a chart that she created showing the difference in setbacks depending upon the zoning designation, including R-3 Multi-Family, Commerce C-3 and Commerce C-1 (shopping centers). She preferred to keep the R-3 zoning which allows for a 20' setback, rather than changing it to C-3 zoning which allows for a 15' setback.

JJ Johnson, Johnson Real Estate Law, representing the applicant, provided a copy of the formal application to the Deputy City Clerk for the record. He spoke about the project, amenities and the request to change the R-3 zoning to C-3 zoning. Mr.

Johnson advised that they have met with staff members as well as the community members during the entire process.

Bob Lochrane, Lochrane Engineering, presented site plan illustrations and streetscape plans. He provided a brief overview of the project including the proposed traffic signalization improvements to the Lee Road interchange, the location of the proposed building and outdoor dining area, the parking lot allowances, sidewalk connectivity, stamped pavement/concrete entrances, the tree lined canopy, the proposed easements/setbacks, the 8' masonry separation wall, the sound attenuation, and the mechanical roof mounted equipment. Mr. Lochrane answered questions and clarified that there is an existing 10' power line easement with an additional 5' which constitutes the 15' setback.

Commissioner McMacken shared concerns with the look of stamped concrete and preferred to have brick pavers installed. He also preferred that the applicant move the building 5' to the north to allow for a 20' setback. Mr. Lochrane agreed to the proposed 20' setback. Mr. Briggs answered questions relating to undergrounding.

Motion made by Mayor Bradley to approve the conditional use as presented by P&Z, seconded by Commissioner Leary.

Motion amended by Commissioner McMacken to the conditional use approval, that the Whole Foods building be set back an additional 5' to the north to allow for a 20' in total buffer from the existing residential which would be 10' of the utility easement and 10' of actual landscape buffer; seconded by Commissioner Cooper.

Motion made by Mayor Bradley to adopt the comprehensive plan ordinance; seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to adopt the zoning ordinance with clarification that it has the correct property definition; seconded by Commissioner Sprinkel.

James J. Tsikouras, 1288 Michigan Avenue, spoke about the potential traffic implications and to be mindful when making their decision.

Mary Randall, 1000 S. Kentucky Avenue, spoke in favor of the additional 5' setback and for the suggestion to add brick pavers versus stamped concrete.

Upon a roll call vote (conditional use 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 (conditional use) on the main motion as amended, (that the Whole Foods building be set back an additional 5' to the north to

allow for a 20' in total buffer from the existing residential which would be 10' of the utility easement and 10' of actual landscape buffer and the conditions recommended by P&Z); 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 (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.

Public Comment (5:00 p.m.)

Pat McDonald, 2348 Summerfield Road, suggested that the Commission follow the agenda order as posted on the website.

Mary Randall, 1000 S. Kentucky Avenue, recommended that the order of the printed agenda be followed.

A recess was taken from 5:12 p.m. to 5:29 p.m.

- d. ORDINANCE NO. 2965-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF LOREN AVENUE WITHIN THE RAVAUDAGE PLANNED DEVELOPMENT AND HOME ACRES SUBDIVISION AREA, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title and provided a brief explanation regarding the minor modifications pertaining to the dedication of the easement.

Commissioner McMacken explained that in an effort to be consistent throughout the City, he preferred to have a 50' right-of-way easement. He said this would allow the City some flexibility in the future to use this extra strip of land. He proposed asking the developer for an additional 13' to make this happen.

Upon request, Public Works Director Troy Attaway addressed questions related to street parking and the width of the right-of-way easement.

Commissioner Cooper explained that she cannot support this as presented unless the City receives the same 50' width that the City is vacating.

Motion made by Commissioner Leary to adopt the ordinance (including Exhibit "A", Public Access Easement and Maintenance Agreement); seconded by Commissioner Sprinkel.

Attorney Brown explained that this ordinance is subject to the developer's compliance with each provision in the Public Access Easement and Maintenance Agreement defined as Exhibit "A", and works in perpetuity until the road is ready to be dedicated.

Applicant Dan Bellows, 411 W. New England Avenue, representing Benjamin Partners Ltd. and the Sydgan Corporation, explained the reasoning behind vacating and abandoning Loren Avenue and the perpetual easement usage. He advised that he has a pending contract to sell part of the Ravaudage property to an outside entity who is proposing to build a 274 unit apartment project and that the road abandonment is a critical component to the deal. He explained that this potential project has been through the City's Development Review Committee (DRC) process and the development order states that he cannot move forward with his project until this right-of-way is vacated.

Mr. Bellows explained that in an effort to get his project moving forward, he agreed to give the City an additional 13' of land to achieve the 50' easement.

Attorney Brown spoke about the BubbaLou's litigation issue by noting that last week the judge issued an order denying the motion for a preliminary injunction.

Motion amended by Commissioner McMacken that we would be amending the 37' easement that is currently proposed to be increased to 50' and converted to a dedicated right-of-way at such time when all of the other roadways within the project are dedicated to the City; seconded by Commissioner Cooper.

Sam Meiner, BubbaLou's Winter Park, 1302 Orange Avenue, explained that he is opposed to the road being abandoned. He said he supports the 50' right-of-way and that additional parking is needed in the area.

Clara Margaret Groover, Groover Law Firm, 390 N. Orange Avenue, spoke on behalf of Richard and Carol Bond, 1501 Lee Road. She spoke in opposition by explaining that her clients will be adversely impacted due to the road abandonment and agreed that there is a need for additional parking in the area.

Commissioner Cooper sided with Mayor Bradley's position that the road connector should run in a north/south direction rather than an east/west direction to aid in the circulation of traffic.

Upon inquiry, Dori Stone, Director of Planning & Community Development, answered questions including the overall DRC process that Mr. Bellows has gone through. She indicated that in order for Mr. Bellows to proceed with his proposed project, he needs to vacate Loren Avenue per the development order.

Lurlene Fletcher, 811 English Court, spoke in opposition.

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

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

e. Request of Phil Kean Design Group:

- AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 421 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN. First Reading
- AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 421 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading
- Conditional use approval to redevelop the properties at 403 and 421 W. Morse Boulevard zoned C-2, into eight, three story residential units.

Planning Manager Jeff Briggs explained that the applicant, the Phil Kean Design Group, has a contract to purchase (contingent upon rezoning) the two properties at the 403 & 421 W. Morse Boulevard. They are requesting rezoning of 421 W. Morse and conditional use approval for an eight unit townhouse project on the combined two properties.

Mr. Briggs discussed the property history with regard to zoning, the CRA plan, and the project development standard parameters. He said that from staff's perspective, the proposed changes to the comprehensive plan future land use and zoning are consistent with designations on the north side of the block and the quality architectural product fits in with the surrounding area. Mr. Briggs noted that no variances are requested by the applicant for this redevelopment. He also mentioned that Joe Terranova, the adjacent property owner, recommended that the applicant preserve the existing live oak tree on the northern property line.

Mr. Briggs advised that on June 3 the Planning and Zoning Board voted 7-0 in favor of the conditional use with the condition that the live oak tree on the northern property line be preserved. Mr. Briggs answered questions.

Architect David Stone, representing the applicant, Phil Kean Design Group presented a preliminary visual fly-in concept of the project and answered questions.

Motion made by Commissioner McMacken to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Sprinkel.

Motion made by Commissioner McMacken to accept the zoning ordinance on first reading; seconded by Commissioner Sprinkel.

Motion made by Commissioner McMacken to approve the conditional use, including the recommendations from the Planning and Zoning Board, seconded by Commissioner Sprinkel.

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of the project.

Lurlene Fletcher, 811 English Court, spoke in opposition.

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

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

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

A recess was taken from 6:44 p.m. to 6:48 p.m.

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 102, UTILITIES TO ADD SECTION 102-2, ESTABLISHING THE WEST FAIRBANKS AVENUE WATER/SEWER IMPACT FEE DEFERRAL PROGRAM; AMENDING SECTIONS 102-57 and 102-92 OF THE CODE OF ORDINANCES TO INCORPORATE THIS IMPACT FEE DEFERRAL PROGRAM; AND ALLOWING THE CITY MANAGER OR MAYOR UNDER THE TERMS AND CONDITIONS SPECIFIED HEREIN TO SIGN CERTAIN CONTRACTS RELATING TO THE IMPLEMENTATION OF THE IMPACT FEE DEFERRAL PROGRAM; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First reading

Attorney Brown read the ordinance by title.

Dori Stone, Director of Planning & Community Development, explained that the Economic Development Department and the Water and Wastewater Utility Department are recommending an impact fee deferral program to incentivize existing and new businesses to connect to the newly constructed sewer on West

Fairbanks Avenue. The program will allow existing customers to spread out the impact fee payments over a 24 month period and similarly encourage new businesses to redevelop along the gateway to Winter Park. The program allows an initial payment of 20% due at permit issuance, and the remaining 80% to be paid over a 24 month period upon issuance of a temporary certificate of occupancy or certificate of occupancy. A lien on the property will be required so that if a business went under within the 24 month time period the City would still receive the full payment for the connection. To be eligible for the program, customers would have to be located inside the City limits or agree to be annexed into the City.

Ms. Stone noted that there is a language discrepancy in the draft agreement and the ordinance regarding the length of the program. Staff is requesting that the documents reflect a 24 month program rather than a 12 month program. Staff also requested to extend the application date from December 31, 2014 to June 30, 2015. A majority agreed to extend the date to August 1, 2015. Ms. Stone advised that the City will be actively marketing this incentive to the West Fairbanks Avenue area business/property owners and that proper notice will be given to the residents in the area as well.

Motion made by Commissioner Leary to accept the ordinance on first reading with the amendments made by staff (24 month program, extend to August 1, 2015 and to actively market the program); seconded by Commissioner Sprinkel.

Attorney Brown provided clarity pertaining to the lien stipulation contract language.

No public comments were made.

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

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROHIBITING THE CONSTRUCTION OF A PROFESSIONAL MINOR LEAGUE BASEBALL STADIUM IN MARTIN LUTHER KING, JR. PARK (FORMERLY KNOWN AS LAKE ISLAND PARK), A CITY PARK BOUNDED BY W. MORSE BOULEVARD, S. DENNING DRIVE, HARPER ST., AND W. COMSTOCK AVE.; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THIS ORDINANCE. First Reading

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

Motion amended by Mayor Bradley for the language to read "If the City pursues constructing a minor league professional stadium then this site shall not be considered"; Attorney Brown provided legal counsel regarding the motion to amend; **seconded by Commissioner Leary.** Mayor Bradley questioned

the language in the ordinance and inquired as to whether the titles of ordinances count as legislation. Attorney Brown said no. **Mayor Bradley withdrew his motion to amend.**

The following spoke in favor:

Donna Colado, 327 Beloit Avenue
Sally Flynn, 1400 Highland Road
Pat McDonald, 2348 Summerfield Road
Lurlene Fletcher, 811 English Court
Barry Greenstein, 2348 Summerfield Road
Joan Cason, 1915 Woodcrest Avenue
Gene Randall, 1285 Richmond Road

Kim Allen, 1800 W. Fawsett Avenue, suggested that the Commission consider the impacts to the residents and surrounding residential neighborhoods before making their decision.

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

City Commission Reports:

- a. Commissioner Leary – No items.
- b. Commissioner Sprinkel

Commissioner Sprinkel mentioned that last week she attended the Central Florida Regional Leadership Forum on Connecting our Shared Values with our Shared Future hosted by Dr. Dee Allsop, CEO of Heart + Mind Strategies, LLC. She distributed a summary sheet regarding the research analysis on regional issues and how they fit with community and individual values.

City Manager Knight responded to an inquiry regarding the construction fencing near Central Park and the railroad tracks. He explained that City staff contacted FDOT regarding the status and were notified that a permanent decorative fence is planned in the near future. Staff asked FDOT if the project can be moved up on the list or if they would allow us to construct the fencing and then obtain reimbursement. He said he will keep them abreast on the matter.

Commissioner Sprinkel recommended placing all of the numerous reports and PowerPoints on our website for ease of public information access.

c. Commissioner Cooper

Commissioner Cooper applauded staff for placing a significant amount of information on the website regarding the sustainability report. She suggested that this same type of format be followed regarding the comprehensive plan so that the public can gain a better understanding regarding the forthcoming potential changes.

Commissioner Cooper spoke about the petition prohibiting the construction of a professional minor league baseball stadium in Martin Luther King, Jr. Park. She commended everyone who was involved for their valiant efforts.

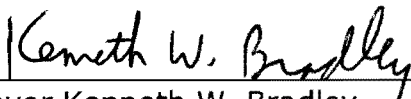
d. Commissioner McMacken

Commissioner McMacken reminded everyone that the new Trader Joe's grand opening is this Friday.

e. Mayor Bradley


Mayor Bradley asked for support to place the following on the next agenda; to conduct a scientific community wide process by discussing the visioning process and to start looking at the comprehensive plan and how to proceed. A majority agreed.

The meeting adjourned at 7:30 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham, MMC

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

LAST NAME—FIRST NAME—MIDDLE NAME BRADLEY Kenneth Wayne		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission	
MAILING ADDRESS		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 Winter Park	COUNTY Orange	NAME OF POLITICAL SUBDIVISION: Winter Park	
DATE ON WHICH VOTE OCCURRED July 14, 2014		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 July 14, 20 14:

(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 Winter Park Memorial Hospital, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

Winter Park Memorial Hospital is a sponsor of the Pink Out. As a sponsor, I've excused myself from the vote.

July 14, 2014
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.