

REGULAR MEETING OF THE CITY COMMISSION
September 22, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:41 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Dr. Harold Custer, St. Andrews United Methodist Church, 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 Bill Reischmann
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

City Manager Knight advised that the applicant has requested to table item 11.a. A majority agreed to remove item 11.e due to the action taken by the CRA Agency prior to this meeting.

Motion made by Commissioner McMacken to approve the agenda with these changes; seconded by Commissioner Cooper and approved by acclamation with a 5-0 vote.

Mayor's Report

- a. Presentation – Third Quarter Business Recognition Award - 4R Restaurant Group

Director of Planning & Community Development Dori Stone presented John Rivers, Chef and CEO of 4R Restaurant Group with the Third Quarter Business Recognition award.

Mayor Bradley announced the retirement of Ann MacDiarmid from the Housing Authority Board and thanked her for serving on the board since 1997.

City Manager's Report

City Manager Knight announced that approximately 100 people attended last week's library forum and that the Library Task Force will be providing the Commission with an interim report in October. He reminded everyone of the visioning scope work session being held tomorrow between 2:00-4:00 p.m. at the Community Center.

Following a brief discussion relating to coyote sightings and safety precautions, a majority agreed by directing City Manager Knight to arrange the Florida Fish & Wildlife Conservation to host a meeting in Winter Park for our community members.

Upon inquiry, Director of Planning & Community Development, Dori Stone provided a status update on the Ravaudage project. She acknowledged the request to place a copy of the development order in the drop-box folder for Commission usage.

Police Chief Brett Railey responded to Commissioner Leary's inquiry pertaining to the purchase of police equipment particularly body cameras and the estimated costs. In an effort to gain a better understanding regarding the cameras and selection process, Chief Railey offered to provide the Commission with a copy of the preliminary PERF (Police Executive Research Forum) report. He noted that the associated cost using forfeiture funds is in the range of \$70,000-\$100,000.

City Attorney's Report

Attorney Reischmann introduced Debra Nutcher, lead attorney for the Max Media/Clear Channel litigation matter. Ms. Nutcher distributed a timeline summary document. She advised that the final settlement agreement is near completion and that a pre-trial is scheduled for November 10 and the fixed trial is scheduled for November 24.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of September 8, 2014.
- b. Authorize the City Manager, in consultation with the City Attorney, as needed, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations. Additionally, authorize purchase orders in the amounts of \$53,000, \$63,000, \$68,000, \$120,000 and \$154,000 for several independent contractors who provide specialized and confidential investigative services on behalf of HIDTA. Additionally, a purchase order is requested in the amount of \$120,000 for facility expenses of HIDTA.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

- a. Disposal of City-owned property located at 300 N. Pennsylvania Avenue

Planning Director, Dori Stone addressed this item. At the July 22 Commission meeting staff was authorized to issue a Notice of Disposal for the city-owned property located at 300 N. Pennsylvania Avenue. The first bid process was rejected due to discrepancies in the bid procedure amongst the bidders. The city's Purchasing Division advertised it again in August. Staff received two proposals.

PhMD Private Health Medical Concierge was the highest bidder and is offering \$627,000 for the property with the intent to build an 8,700 square foot building within the next 24 months. The second bid, provided by BishopBeale was for \$575,000 with a similar construction timeframe. The Hannibal Square Community Land Trust (HSCLT) did not submit a bid under the second advertised timeframe.

Ms. Stone advised that this property was purchased by the City in 1994 and is indicated in the 1994 original CRA Plan as a business/commercial area. The Future Land Use is Commercial and the zoning on the property is C-3 and PL. The land is currently vacant. The office use proposed is compatible with the intent of the CRA Plan to expand the commercial development along Pennsylvania. The property is approximately .45 acre in size and there is no land use change or rezoning required to build an office building on the property.

Staff is recommending that the Commission accept this proposal and direct the City Attorney and staff to prepare an ordinance to transfer the property and set a closing date.

Motion made by Commissioner Sprinkel to approve the disposal of 300 N. Pennsylvania Avenue; seconded by Commissioner McMacken.

Commissioner Cooper asked if Dr. Castro would be willing to stipulate that the property would be limited to office or low density residential for the next twenty years. Ms. Stone explained that per the submitted bid documents, Dr. Castro has agreed to construct an office building within 24 months.

Applicant, Dr. Ivan Castro, said he would prefer to leave the zoning as is since his intention is to construct an office building for his medical practice. He is also opposed to placing a stipulation that the property would be limited to office use only for the next twenty years.

Denise Weathers, Hannibal Square Community Land Trust (HSCLT), explained that their organization did not submit a bid under the second advertised timeframe as they were unaware of the new bidding process implemented by the City called "vendor link". She said it is with deep regret because of the change in process that HSCLT missed this opportunity to fulfill their intention that was identified eight years ago for the purpose of revitalizing and building sustainability in the Hannibal Square community.

In response, Ms. Stone commented on the bidding process by explaining that she provided the City's Purchasing Manager, Althea Pemsel with the contact information for each party that submitted a bid the first time in an effort to ensure that they would be personally notified of the new bidding process.

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:

- a. Request of Mr. Joseph Passalacqua: After-the-fact subdivision or lot split approval so that 1252 Lakeview Drive will be determined to be a buildable lot

This item was tabled per the request of the Applicant.

- b. Request of Mr. Drew Hill: Conditional use approval to develop a four unit, two story townhouse project at 1003 and 1009 S. Pennsylvania Avenue

Planning Manager, Jeff Briggs explained that Mr. Drew Hill is the recent purchaser of the vacant property at 1003 & 1009 S. Pennsylvania Avenue. This request is for conditional use approval to develop a four unit townhouse project on this property, which is zoned R-3. This is a conditional use because the building size exceeds 10,000 square feet. He provided a brief summary including the proposed project, parking requirements and site/zoning parameters. Mr. Briggs advised that the request appears to meet all the Comprehensive Plan and Zoning Code requirements except for the minor variance for lot coverage. He said it is an attractive architectural appearance with garages/cars screened from view. The Planning & Zoning Board voted unanimously in favor of the request.

Motion made by Commissioner Leary to approve the conditional use request to develop a four-unit, two-story townhouse project on property located at 1003 and 1009 S. Pennsylvania Avenue; seconded by Commissioner Sprinkel.

Randall Slocum, Slocum Platts Architects spoke on behalf of the applicant and addressed questions raised by the Commission.

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 Lakeside Winter Park LLC: Amending the conditional use site plan approval and development agreement for the Lakeside Winter Park project at 111 N. Orlando Avenue to substitute the off-site employee parking needed for the Blue Cross/Blue Shield Medical Office from the location previously approved at 271 S. Orlando to a new location on the property at 110 S. Orlando Avenue

Planning Manager, Jeff Briggs explained that at the March 24 Commission meeting the request for the Blue Cross/Blue Shield (BCBS) medical building at the Lakeside (Trader Joe's) project was approved with off-site parking at 271 S. Orlando Avenue. He advised that the applicant, UniCorp National Development did not complete the purchase of the Sweet Lodge property at 271 S. Orlando Avenue; therefore, approval is needed for a new off-site location for the 21 parking spaces required for the BCBS business. He referenced a letter submitted by the applicant that outlines their proposal which is to relocate those 21 spaces within the proposed redevelopment of the Mt. Vernon Inn. It was noted that these spaces will be used for BCBS employees only and not customers.

Mr. Briggs explained the issue is that UniCorp National Development does not own the Mt. Vernon property at this time, but it is under contract with a planned closing in November. Both UniCorp National Development and BCBS know that they will not be able to open for business, nor occupy the medical building without this off-site parking. He advised that the Planning & Zoning Board recommended approval. Mr. Briggs responded questions and concerns.

Commissioner Sprinkel explained that a few months back the Commission approved the development agreement with the stipulation that the off-site parking for the BCBS facility would be on the same side of the street. She shared concern with pedestrian safety crossing over U.S. Highway 17-92 and advised that she will not be supporting this newly proposed request.

Chuck Whittall, UniCorp National Development responded to the off-site parking concerns. He said that he feels that their request is within code and that the proposed parking is closer than what was previously proposed. He explained that he has a signed agreement in place with Hillstone Restaurant to use their overflow parking lot if necessary. He further explained that there will be no certificate of occupancy issued to BCBS until the parking requirement is satisfied and that the approval of this request is subject to their organization taking ownership of the Mt. Vernon Inn property.

Motion made by Commissioner McMacken to approve the request and that there will be no certificate of occupancy issued to BCBS until the applicant has secured ownership of the 21 spaces in question and that they are available for parking for that use; seconded by Commissioner Leary.

Due to the parking deficit and in an effort to create additional parking; **Motion amended by Commissioner Leary to add an additional 19 parking spaces (changing it from 21 to 40 total parking spaces); seconded by Commissioner Cooper.**

Upon request, Attorney Reischmann provided legal counsel and advised that the amendment is acceptable.

Mr. Whittall commented on the above amendment. He asked that the motion be that if the City is going to require 40 spaces that it is considered an aggregate with the Lakeside parking and that 21 spaces are to be provided upon BCBS occupancy and that the other 19 spaces are to be provided upon certificate of occupancy of the redevelopment of the Mt. Vernon Inn property.

Upon request, City Manager Knight provided clarity regarding the parking code by explaining the difference between light use and heavy use parking as it relates to the applicant using the Hillstone Restaurant for overflow parking.

Commissioner McMacken said based on the above motions would the agreement need to be modified and/or would this item come back to the Commission or staff. Attorney Reischmann explained that if the Commission approves the motion as amended the changes would need to be incorporated into the development agreement which will ultimately be approved.

Mary Randall, 1000 S. Kentucky Avenue, spoke in opposition.

Lenny Felder, representing BCBS, explained that they will mandate that their employee's park in the designated spaces only.

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

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 716 KIWI CIRCLE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Reischmann read the ordinance by title.

Motion made by Mayor Bradley to accept the ordinance on first reading; 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.**

Public Comment (General 5:00 p.m.)

Jeff Shelby, Director of Eco-Action, 7 Naranja Road, DeBary, FL, distributed a brochure regarding their weekly volunteer efforts in cleaning up the local waterways of hazardous litter. He explained that their organization provides the volunteers

with canoes, equipment and gear. In August of 2013 they had a scheduled clean up event at Lake Virginia which has been on their regular schedule for the past 20 years. At the end of that particular clean up event he was approached by a Winter Park Police officer who asked what his business was and how much he was renting the canoes for. Even though he explained their volunteer efforts, he was informed that the next time his organization comes to one of the parks he would need the proper paperwork or they would be cited. He asked the Commission if their organization could be granted a fee waiver so they can continue with their volunteer services. A majority of the Commission thanked his organization for cleaning up our lakes and waterways for the past 20 years and directed City Manager Knight and staff to contact Mr. Shelby in regards to issuing a fee waiver. City Manager Knight acknowledged the request.

- e. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING THE EXECUTION OF AN ASSIGNMENT FOR THE PURCHASE OF CERTAIN REAL PROPERTY OWNED BY ROLLINS COLLEGE LOCATED AT 1111 W. FAIRBANKS AVENUE; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

This item was removed from the Agenda.

- f. Adoption of the fee schedule effective October 1, 2014.

Motion made by Commissioner Sprinkel to adopt the fee schedule; seconded by Commissioner McMacken. Commissioner Cooper suggested that in the near future we look at our park rental fees for business use and perform a price comparison to other cities. No public comments were made. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

Millage and Budget Public Hearings

Mayor Bradley provided opening comments as follows: "The millage rate needed for Fiscal Year 2015 to generate the same property tax revenue for the City as in 2014, based on the Property Appraiser's certification, is 3.9650 mills."

The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills which has been the rate levied by the city for the last six years. The proposed millage of 4.0923 mills would represent an increase in property taxes, not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency, of 3.21%. This increase in property taxes levied over the prior year is not due to any change in tax rate but is due to the increase in assessed values of properties.

In addition, a 0.0965 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2004 approved by the citizens of Winter Park

at the June 4, 1996 bond referendum, and a 0.2019 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2011 approved by the citizens of Winter Park at the May 16, 2000 bond referendum."

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

- a. ORDINANCE NO. 2976-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .0965 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004, AND A .2019 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011. Second reading

Motion made by Mayor Bradley to adopt the millage 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.**

- b. ORDINANCE NO. 2977-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING FUND, COMMUNITY REDEVELOPMENT FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2013; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. Second reading

Motion made by Mayor Bradley to adopt the ordinance which will include the CRA budget that has been adopted at our CRA Agency board meeting this afternoon; seconded by Commissioner McMacken.

City Manager Knight advised that he will adjust the CRA budget line item in attachment A to reflect the actions taken by the CRA Agency earlier today. Nancy Shutts, 2010 Brandywine Drive, spoke in opposition with funding \$100,000 to the Dr. Phillips Performing Arts Center.

Commissioner Cooper explained that she is opposed to the level of contribution to Dr. Phillips Performing Arts Center and preferred that we focus on our local organizations.

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.

City Manager Knight acknowledged the request that within the next thirty days to look at other municipality's millage rates to determine if we have the lowest rate in the county.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary thanked Mayor Bradley for his leadership during the past six years especially during the budget season and for taking proactive measures to prevent no millage rate increases.

b. Commissioner Sprinkel

Commissioner Sprinkel announced that Orange County Public Schools was named co-winner of the \$1 million Broad Prize for Public Education.

Commissioner Sprinkel suggested that the City public notices regarding conditional use requests be more specific so that the public can clearly understand what is being requested and what the applicant has the ability to do or not do.

Commissioner Sprinkel encouraged everyone to attend the Library Bash for Books event this Saturday night.

c. Commissioner Cooper - No items.

d. Commissioner McMacken

Commissioner McMacken said the Winter Park Country Club Centennial Celebration was a great success and thanked staff for their outstanding efforts.

e. Mayor Bradley

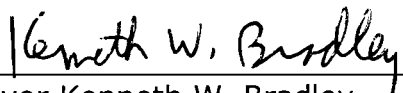
Mayor Bradley spoke about the Winter Park Country Club Centennial Celebration. He thanked the Secretary of State, Ken Detzner and First Tee Director, Thomas J. Lawrence for attending and the Elizabeth Morse Genius Foundation for donating the centennial clock.

Mayor Bradley encouraged everyone to attend the Pink Out event being held this Saturday at 6:30 p.m. in downtown Central Park.

Mayor Bradley announced that this past Sunday marked the 200th anniversary of the Star Spangled Banner and last week he had the pleasure of celebrating Constitution Week with the Daughters of the American Revolution.

City Manager Knight announced that the National Night Out event is scheduled for October 7th from 5:00 p.m. to 7:00 p.m. at the Public Safety Building.

The meeting adjourned at 5:22 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham, MMC