

**REGULAR MEETING OF THE CITY COMMISSION  
November 24, 2014**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. There was a moment of silence for Apopka Mayor John Land who passed away. The invocation was provided by Reverend Shawn Garvey, First Congregational 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 Larry Brown  
City Clerk Cynthia Bonham

Approval of the agenda

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

**Mayor's Report**

a. Proclamation – "Small Business Saturday"

Mayor Bradley proclaimed November 29, 2014 as "Small Business Saturday."

**City Manager's Report**

City Manager Knight advised that the long standing dispute over the billboards has been resolved and several billboards have been removed; there was a great turnout for the urban coyote informational meeting held last week; and advised that the December 8 CRA meeting has been cancelled. He announced the upcoming holiday events.

Commissioner Cooper asked that the capacity infrastructure report and the recalculation of the estimated SunRail exposure based on the 789 instead of the 450 ridership be provided.

Commissioner Leary recommended that we improve our recreational facilities and restrooms. He asked for support to have the Parks and Recreation Department provide a report with recommendations. A majority supported the request.

**City Attorney's Report** - No report.

### **Non-Action Item**

- a. Keep Winter Park Beautiful and Sustainable Sustainability Action Plan Presentation

Chairman Michael Poole, Kristopher Stenger and Abby Gulden presented an overview of the action plan. City Commissioners provided comments and will meet individually with the board to address their issues if that is their wish. The official plan will come back for approval in January.

### **Consent Agenda**

- a. Approve the minutes of November 10, 2014. – **PULLED FOR DISCUSSION – SEE BELOW**
- b. Approve the following purchase requisition and formal solicitation:
  1. Orlando Freightliner Inc. for a 2016 Freightliner M2106; \$105,860.
  2. Award to Keller Outdoor, Inc. for RFQ-1-2015, Right-of-Way Tree Planting, and authorize the Mayor to execute the contract and approve all subsequent purchase orders.
- c. Authorize the Mayor to execute a Master Fiber Lease Agreement between the City and Summit Broadband at a cost of \$1/year.

**Motion made by Commissioner McMacken to approve Consent Agenda items 'b.1-2' and 'c'; seconded by Mayor Bradley.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'a' - Approve the minutes of November 10, 2014.

Commissioner Leary referenced page 7, item 'b' and requested that the minutes reflect a final vote of 4-0 since Mayor Bradley recused himself from voting.

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

**Action Items Requiring Discussion** – No items.

### **Public Hearings:**

- a. Request of Jewett Orthopedic Clinic:

ORDINANCE NO. 2983-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1245 ORANGE AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. Mayor Bradley recused himself from voting.**

b. Request of DePugh Nursing Home:

ORDINANCE NO. 2984-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 500 W. MORSE BOULEVARD, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Mayor Bradley 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.**

c. ORDINANCE NO. 2985-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2013 - 2014 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Sprinkel to adopt the ordinance; 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.**

d. Request of English and Swoope Investment LLC and Village Park Senior Housing Partners Ltd. (Atlantic Housing Partners): To amend the conditional use for the redevelopment of the property at 796 W. Swoope Avenue in order to build four new detached single family homes on the property, zoned R-3.

Planning Manager Jeff Briggs summarized the request and answered questions related to pervious and impervious space, FAR (floor area ratio) and the zoning requirements. He advised that the Planning & Zoning Board voted unanimously in favor of the request.

**Motion made by Commissioner Sprinkel to approve the conditional use amendment; seconded by Commissioner Leary.** Attorney Rebecca Wilson, representing the applicant, answered questions. Commissioner Cooper disagreed with the project because of the building lot coverage and lack of pervious space.

**Motion amended by Commissioner Cooper that the project requires that the applicant comply with the maximum impervious space regulated under the multi-family codes for a single family structure. Motion failed for lack of a second.**

**Motion amended by Commissioner McMacken to include a 5' wide green strip down the proposed 15' wide concrete driveway from a point beginning at the right of way line to a point that is parallel with the first two car detached garage; seconded by Commissioner Cooper.**

No public comments were made.

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

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-68; 58-69; 58-72; 58-75; 58-76 AND 58-79 AS WELL AS WITHIN ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS", SECTION 58-214 SO AS TO REMOVE THE REQUIREMENT FOR SUPERMAJORITY VOTES FOR THE APPROVAL OF CERTAIN CONDITIONAL USES, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

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

Planning Manager Jeff Briggs explained that the City Commission tabled this ordinance on October 13 in order to request from the Planning & Zoning (P&Z) Board a recommendation whether conditional uses should be approved by ordinance which would require two readings/two public hearings. The P&Z Board discussed this at their October 28 meeting and unanimously recommended to keep the process the same as it currently exists. Mr. Briggs answered questions.

Commissioner McMacken explained that it was his understanding that the P&Z Board was going to provide a recommendation based on their discussion at the last meeting that two readings would be needed for only these two specific areas: construction of three stories or more on Park Avenue and construction within the stream floodways and floodplains of the City. He recommended that the ordinance be modified to reflect these two areas and asked for support.

**Motion amended by Mayor Bradley that votes for these two specific things (construction of three stories or more on Park Avenue and construction within the stream floodways and floodplains of the City) would require two readings; seconded by Commissioner McMacken.**

Commissioner Cooper shared her opposition. **Motion amended by Commissioner Cooper that we remove the three stories on Park Avenue verbiage from this ordinance. Motion failed for lack of a second.**

Sally Flynn, 1400 Highland Road, disagreed with not approving the amendment to remove three stories on Park Avenue.

Pete Weldon, 700 Via Lombardy, offered his support to allow for two readings.

Linda Eriksson, 535 N. Interlachen, disagreed with removing the requirement for a supermajority vote for three stories on Park Avenue.

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

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

Pete Weldon, 700 Via Lombardy, spoke about the need to watch the tax dollars spent on the visioning process. He offered the following topic of discussion for the next meeting: for the City to initiate and conduct public educational sessions on the comprehensive plan and land development code, etc.

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary said he was honored to speak at the rededication ceremony for the gazebo named after Pat King.

b. Commissioner Sprinkel

Commissioner Sprinkel said she was honored to assist several students into the honor society at Maitland Middle School and participated in the Teach-In last week. She expressed her excitement to participate in the walk through Bethlehem at her church next week.

c. Commissioner Cooper

Commissioner Cooper announced she was honored to attend the League of Cities gala this past week where awards were given out to Mayor John Land, Mayor Theresa Jacobs and Mayor Gary Brewer. She thanked our Fire Department personnel for providing CPR classes at a local neighborhood watch meeting in her community.

d. Commissioner McMacken

Commissioner McMacken spoke about the Sustainability Action report and the need for further information. City Manager Knight instructed the Commission to send their questions to him and he will distribute the answers to all.

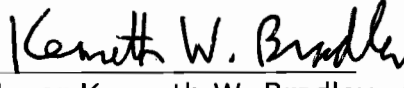
e. Mayor Bradley

**Motion made by Mayor Bradley to reconsider the votes taken that were the DRC recommendations regarding Ravaudage on items '12.e' and '12.f' and the setback issues; seconded by Commissioner Sprinkel. This item was scheduled for the next Commission meeting. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

Upon request, City Manager Knight provided a brief update concerning the numerous comments received regarding the recent car show (Concours d'Elegance) and the proposed planning actions for next year's event.

Mayor Bradley wished everyone a Happy Thanksgiving.

The meeting adjourned at 5:26 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 <b>BRADLEY Kenneth Wayne</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>City Commission</b>
MAILING ADDRESS <b>1612 Elizabeth 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>November 24, 2014</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 November 24, 2014:

(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.

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

The property seeking an easement vacation will be used for an entity I am a board member on.

November 24, 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.