

REGULAR MEETING OF THE CITY COMMISSION
May 23, 2011

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 Reverend Mike Armstrong, First Baptist Church of Winter Park, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner 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 Commissioner McMacken to approve the agenda; seconded by Commissioner Cooper and approved by acclamation of the City Commission.

Mayor's Report

- a. Presentation of Winter Park Sidewalk Art Festival poster from Sidewalk Art Festival Board President Holly Henson

Holly Henson, Winter Park Sidewalk Art Festival Chairperson, presented the City with the original art work from the poster by artist Edith Fagan from the 2011. Mayor Bradley thanked Ms. Henson for her volunteer work and all of the citizens, along with the Winter Park Sidewalk Art Festival board for their signature events.

- b. 2011 Board appointments (continuation of unfilled positions)

Mayor Bradley thanked all the citizens who applied for board positions and advised that there will be more openings. He noted that per the Charter he will appoint the members and the remainder of the Commission can ratify or deny his appointments.

The following appointments were made:

Board of Adjustment:

Bruce Becker (2011-2014)

Motion made by Mayor Bradley that the Board of Adjustment appointment is accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Construction Board of Adjustment

Rodney Kincaid (Re-appointment 2011-2014)
Joe Fisher II (Re-appointment 2011-2014)
Eddie Cox (Re-appointment 2011-2014)

Motion made by Mayor Bradley that the Construction Board of Adjustment appointments are accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Environmental Review Board

Mary Dipboye
Laura Gimpelson (alternate promoted to regular member)
Laura Walda
James Robinson (alternate 2011-2013)

Motion made by Mayor Bradley that the Environmental Review Board appointments are accepted as presented; seconded by Commissioner Sprinkel. Commissioner Sprinkel clarified that her son was the Chairperson of the Environmental Review Board and when she was elected he resigned and that was one reason why there was an opening. **The motion carried unanimously with a 5-0 vote.**

Historical Preservation Board

Patricia Heidrich

Motion made by Mayor Bradley that Historical Preservation Board appointment is accepted as presented; seconded by Commissioner Sprinkel. The motion carried with a 3-2 vote with Commissioners Cooper and McMacken voting no and Mayor Bradley and Commissioners Leary and Sprinkel voted yes.

Keep Winter Park Beautiful Board

Kelda Senior
Lauren Bradley
Barbara Chandler

Motion made by Mayor Bradley that the Keep Winter Park Beautiful Board appointments are accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Parks and Recreation Board

Ed Englander (alternate promoted to regular member)

Motion made by Mayor Bradley that the Parks and Recreation Board appointment is accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Public Arts Advisory Board

Anne Russell
Clyde Moore

Motion made by Mayor Bradley that the Public Arts Advisory Board appointments are accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Mayor Bradley noted that several positions still remain open and he will be bringing those forward at the next meeting. Commissioner Cooper wanted to clarify which boards still have open positions; Mayor Bradley clarified the Board of Adjustment, Community Redevelopment Agency Board, Utilities Advisory Board and the Keep Winter Park Beautiful Board. Commissioner Cooper inquired about Mr. Eschbach's recommendation for the Tree Preservation Board position. Mayor Bradley noted that they first need to see if the board ordinance passes and if it does then there would be room for additional members on that board.

Commissioner Sprinkel inquired about the notification process for newly appointed members. City Manager Knight noted they will be notified via written correspondence as well as telephone calls and that a general orientation will be held sometime in June for the new board members and there is also an individual board specific orientation for the new members. Mayor Bradley clarified that there is no specific deadline for applications and encouraged those citizens who are interested to apply. Commissioner Cooper asked that the deadline be removed from the City's website. It was noted that has been done.

Not on agenda

Mayor Bradley asked Fire Chief James White to provide a brief summary regarding the current Fire Department accreditation process. Chief White responded with summarizing the process and commented that this occurs every 5 years and that this is their third site visit.

City Manager's Report

Public Works Director Troy Attaway provided a brief summary regarding the status of the Pro Shop along with exterior elevations, building plans, floor plans (conditioned and unconditioned) and 3-D perspective drawings. Commissioner McMacken asked if there are available funds for the courtyard that is shown on the plans. Mr. Attaway believed they have the ability under the current budget, but their first priority is to complete the building. He noted that they received acceptance from the Historic Preservation Board. Mayor Bradley asked for a tentative completion date. Mr. Attaway said it should be early fall.

Commissioner McMacken mentioned the Fairbanks improvement project and asked if they can receive the updated plans. Water and Wastewater Utility Director Dave Zusi acknowledged and advised that once they receive 90% approval from FDOT the plans will be uploaded to the FTP site for their use.

Mayor Bradley advised that the Commission will be going to Washington D.C. on May 24-25, 2011 to show representation and support on the many key legislative initiatives they have been working on. Commissioner Cooper requested that they be briefed on their key priorities in both the state and federal levels prior to their meeting. City Manager Knight said he would provide the information to them by the end of today's meeting.

City Attorney's Report

Attorney Brown provided an update on the post office and curbside delivery. He said there is evidence that new residents were informed by the local post office that they had to switch to curbside pickup and if they did not they would not receive their mail. He advised that he has reviewed the Post Office Operations Manual provisions and the manual makes it clear that this is a voluntary conversion, meaning that they did have the option of maintaining delivery at their

home. Attorney Brown said for the past two weeks he has been trying to set up a meeting with the local postmaster and finally received a response. The postmaster informed him that the meeting has to be scheduled through their legal department. Attorney Brown then asked for direction.

Commissioner McMacken recommended that Attorney Brown meet with the postmaster to see what type of discretion we would have. Mayor Bradley agreed but suggested that he be accompanied by the City Manager and a member of the Planning Department. He also wants to make sure that the postmaster understands that we come in peace.

It was the consensus of the Commission that the City Attorney is to provide an updated report at their next meeting. Attorney Brown acknowledged.

Non-Action Items

1. April 2011 Financial Report

Finance Director Wes Hamil provided the April 2011 financial report and answered questions. **Motion made by Commissioner Cooper to accept the April 2011 financial report; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Consent Agenda

- a. Approve the minutes of 5/9/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Award IFB-16-2011 to Extreme Pavers of Brevard, Inc.
- c. Approve the following purchases and agreements:
 1. PR 146748 to Carl Black Orlando Buick GMC for the purchase of ten (10) replacement vehicles for Police; \$262,612
 2. Blanket Purchase Order to Progress Energy for transmission services; \$900,000
 3. Blanket Purchase Order to Progress Energy for purchase of bulk power; \$10,000,000
 4. Blanket Purchase Order to Seminole Electric Cooperative, Inc. for purchase of bulk power; \$7,000,000
 5. PR 146779 to Petersen Industries, Inc., for the purchase of Dump Truck for Forestry piggybacking NJPA contract #081209-FCC; \$83,734.95
 6. PR 146757 to Camp, Dresser & McKee, Inc. for professional engineering services for Chain of Lakes Flood map revision; \$80,007
 7. Blanket Purchase Order to Winter Park Public Library for annual support; \$445,404
 8. Blanket Purchase Order to CSG Systems, Inc. for printing and mailing of Utility bills; \$60,000
 9. Blanket Purchase Order to Orange County Utilities for billing of sewer usage; \$60,000 – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 10. Purchase Order to Waste Pro of Florida for April Garbage, Yard Waste & Recycle Services; \$160,266.99
 11. Joint Participation Agreement with State of Florida Department of Transportation for the Fairbanks Avenue Milling & Resurfacing and authorize the Mayor to execute. No fiscal impact.
- d. Authorize the Mayor to execute the contract with Trane U.S., Inc. for a Guaranteed Energy and Water Savings Performance Contract for City facilities.

- e. Approve the revised City vision statement. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- f. Approve the Resolution for unilateral enforcement of violations and infractions of municipal law approved on May 9, 2011 with edits by the City Attorney.

Motion made by Commissioner McMacken to approve Consent Agenda items 'b', c-'1-8', c-'10-11', 'd' and 'f'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Approve the minutes of 5/9/11.

Commissioner Cooper referenced page 5, "Other individuals removed from boards." She said the minutes reflect that the motion carried 4-1 with Commissioner McMacken voting no. She said she also voted no. Mayor Bradley said he recalls that she was silent but if she wants to register her vote as no, they will do that. Mayor Bradley then said he would like the Clerk to listen to the audio before that is done.

Motion made by Commissioner Cooper to approve Consent Agenda Item 'a' with the above adjustment; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item c-'9' - Blanket Purchase Order to Orange County Utilities for billing of sewer usage; \$60,000

City Manager Knight requested to pull this item. He explained that instead of a blanket purchase order it will be handled on a monthly basis and when the invoices are received for the purchase order they will be processed. Mayor Bradley approved the request to pull per staff.

Consent Agenda Item 'e' - Approve the revised City vision statement.

Mayor Bradley asked if there was a way to change the vision statement without having to spend \$1,000. Communications Director Clarissa Howard advised that the letters can be reused. **Motion made by Mayor Bradley to accept the vision statement without \$1,000 expenditure; seconded by Commissioner Sprinkel.** Commissioner Cooper suggested to incorporate the words "superior quality of life" into the vision statement. There was not a consensus to include this language. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion:

- a. Outdoor Advertising Agreement with Benjamin Partners Ltd. concerning Ravaudage

Planning Director Jeff Briggs explained that one of the key ingredients for the development of the Ravaudage project is the removal of the three existing outdoor advertising signs (billboards). The three existing billboards, which are all owned by Clear Channel Outdoor, are at 1531 Lee Road (next to Pack 'n Ship), 941 N. Orlando Avenue (at the corner of 17-92/Lee Road) and at 1121 N. Orlando Avenue (Tom & Jerry's).

He stated that Benjamin Partners Ltd. (Dan Bellows) has negotiated an agreement with Clear Channel and has agreed to remove those three billboards in return for the permission to erect

one new digital billboard at 1621 Lee Road. The new digital billboard will be of comparable size to the existing billboards. Mr. Briggs explained that the Orange County Commission will be addressing the zoning approval for Ravaudage tomorrow and part of that approval is the three for one billboard swap. He explained that the decision before them is whether or not they would be willing to move the digital billboard down the street further west, which has existing trees on the rear property line. He concluded that staff recommends conceptual approval of the agreement with changes authorized by the City Attorney, as may be necessary.

Motion made by Commissioner Cooper to deny this request; seconded by Commissioner McMacken.

Discussion ensued regarding the proposed alternate location, the cost and process for the removal of all billboards and the possibility of requesting the removal of five billboards versus the three, and the operational standards that are included in the agreement. Mr. Briggs clarified that there is no notice requirement to single family residences in the sign ordinance. He further clarified that the motivation to move the billboard to the west is not coming from Clear Channel because either location is suitable to them but is coming from Benjamin Partners Ltd. as they would like to have the digital billboard a little further away from the prime entrance.

Dan Bellows representing Benjamin Partners Ltd., explained that this has been a 10 year process and have been asking Clear Channel to take down the old boards so they are very happy with this deal and that he prefers the 1621 Lee Road location. Mr. Bellows explained that they are exchanging a perpetual easement with the location of another perpetual easement; therefore, they have no revenue participation or value. He explained that if the City Commission is in support of his request, he still has a lot of work to do to make this a reality. He then asked the Commission to authorize the City Attorney and staff to finalize the deal.

Joe Terranova, 700 Melrose Avenue, indicated that he would like to have all billboards removed, make them smaller or hide them. He said this deal is better than no deal and encouraged the Commission to support the applicant's request.

Nancy Shutts, 2010 Brandywine Drive, indicated that from a safety and aesthetics standpoint she strongly agrees with the recommendation to move the billboard to the 1621 Lee Road location.

Commissioner McMacken indicated that he does not like this and because of the proximity to residential homes he will be supporting the motion to deny. He felt they are being hustled into doing something quickly and did not agree with this.

Commissioner Cooper was concerned that no notice was given to single family homeowners and that she would rather look at three static billboards than one flashing digital billboard. She also thought they are lowering their standards and by approving this they are pushing it one step closer toward being a done deal and she is holding firm on her denial.

Commissioner Leary said the contract is very clear and that the digital billboard will have no flashing, no motion and no video and it will rotate every 8-10 seconds. He felt this is much better compared to what they have now, therefore he will be voting against the motion to deny.

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

Motion made by Mayor Bradley to approve the agreement as presented in its current form and that the City Attorney and City Manager continue to negotiate with the parties to see if there is either A) additional signs which can be removed through this agreement and/or B) if appropriate notice needs to be given to the citizens in the area; seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to request that City staff provide them with a recommendation for notice requirements for future billboards. Mayor Bradley indicated that he will not honor this amendment right now and ruled that it is out of order as it relates to this specific action. He then clarified that he would take this matter up as soon as they have decided on the current matter.

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

Motion amended by Commissioner Cooper to request staff to investigate existing rulings in other municipalities and determine if they should have notice requirements for this and if so to please bring back recommendations. Mayor Bradley asked if she would be agreeable to include the following "To instruct staff to look at consistent standards for all of what potentially could be digital billboards in the City." Commissioner Cooper agreed; seconded by Mayor Bradley.

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.

b. Adoption of official City flag

Communications Director Clarissa Howard commented that the City currently does not have an official flag flown in the city's honor. Per the request of the City Manager, the Communications Department began researching the process other cities had undergone to have an official city flag adopted and flown within the respective city limits. After talking with a variety of cities, it was explained that the process to adopt an official city flag was through a City Commission action. The budget associated with this is \$941.25 for the printing of 25 (5' x 3') city flags to be flown on existing flag poles within the City. She advised that the timing of this was driven by the desire to raise the City flag at the Old Fashioned July 4th celebration. Ms. Howard presented three different flag design options for the Commission's consideration and asked for approval.

Mayor Bradley asked if there are any special funds in another account such as Keep Winter Park Beautiful to help pay for this. Ms. Howard explained that the cost would come out of the Communications printing account. Discussion ensued as to possibly using one of these options for the July 4th celebration flag and to allow the community to participate in creating a more defined City flag which incorporates the history and the uniqueness of Winter Park.

Motion made by Commissioner Cooper to approve staff's recommendation (option 3 presented); seconded by Commissioner Sprinkel.

Motion amended by Commissioner Leary to approve it as a representation of the seal for July 4 ceremonies and reinvestigate developing a communications objective and developing an official flag in the future; seconded by Commissioner McMacken.

Woody Woodall, 328 N. Park Avenue, reminded them that the Park Avenue Task Force and the CRA are in the process of developing the City's brand and they should consider using that brand and its associated logo for a flag.

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

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

City Manager Knight wanted to confirm that this flag will be used for July 4th celebrations and to further investigate and develop options for an official City flag. Mayor Bradley confirmed.

c. 90 day update

City Manager Knight noted that he left an item out concerning the consultant's pension report which included best practices for a policy and potential changes to be negotiated with the bargaining units. Mayor Bradley thought staff was going to bring back the Economic Development Plan that was approved in April and to review a consistent hour alcohol ordinance.

CRA Director Dori DeBord said they are currently working on the budget since there is a cost associated with the plan and once it is completed the Economic Development Advisory Board will review it in mid-June. They will then present it to the Commission on June 27.

Motion made by Mayor Bradley to approve the adoption of the 90 day plan with the following changes; the deletion of the ERB report/1x per week trash pickup; the deletion of the Special Events ordinance update; and the addition of a review of all laws that have been passed in the last State legislature to look at to ensure that our local ordinances are in legal compliance; the consistent hours ordinance or policies be brought forward as they have previously taken action; and that the Economic Development Plan also be brought forward; as well as the pension report; seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to add plans for a Veterans Day event starting this year and a kick-off of the announcement for the downtown Historic District designation. Mayor Bradley and Commissioner Leary agreed to include these two items into the main motion.

Upon a roll call vote on the main motion as amended, 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 5:06 p.m. to 5:28 p.m.

d. East Morse Boulevard streetscape project

Public Works Director Troy Attaway provided a PowerPoint presentation and spoke briefly about the three options presented:

Option 1 - Leaving the roadway the same shape and size as the existing and removing the existing asphalt (except in the perpendicular parking spaces on the south side) and installing bricks. The existing brick section would be leveled as necessary. The existing parking space on the south side would be repaved with asphalt. New decorative street lights would be added and the existing landscaped island would be freshened up but not changed extensively. The net cost of this option is estimated to be \$231,000 (total cost of \$243,000 minus cost to simply repave the road with asphalt \$12,000).

Option 2 – Implement a change to the road shape to right size parking, add turnaround and increase landscape buffer. The existing perpendicular parking on the south side would be repaved with asphalt and the existing brick would be leveled as necessary. The net cost of this option is \$253,000.

Option 3 - Implement Option 2 including bricking the existing asphalt parking areas on the south side of the road. The total net cost of the option is \$272,000.

Discussion ensued regarding public and private property, finding out what the City does or does not own, brick versus asphalt, where the brick should stop and the asphalt start, if additional brick is added who should pay for it, private parking on public right-of-way and the loss of parking spaces where it is needed. They also spoke about focusing on sidewalks, installing the round-about, updating the landscaping, implementing consistent street lighting and to address the bricking in the future.

Motion made by Mayor Bradley to instruct the City Manager and City Attorney to work with the appropriate parties to allow them to legally pave property that should belong to the City (they either need an easement or a right-of-way); to allocate up to \$75,000 of existing budgeted funds or additional funds to allow City staff to work on the curbs, the sidewalks, the landscape and the decorative lighting; and that the asphalt paving be continued; seconded by Commissioner McMacken. Commissioner McMacken clarified that the \$12,000 that was allocated for the asphalt is in the \$75,000. Mr. Attaway confirmed.

Commissioner Sprinkel said numerous citizens have contacted her saying they are against this area being asphalted and prefer the brick. She would like staff to meet with the residents again only this time show them the long term picture so they can find a way to assist with the funding.

Motion amended by Commissioner Cooper that all efforts will be made to minimize the loss of parking; seconded by Commissioner McMacken.

Joe Terranova, 700 Melrose Avenue, suggested that the Association give the land to the City which would help resolve the parking space issue and cost implications. He also agreed with the City's suggestions and encouraged them to move forward.

Rosemary Gillett, 106 S. Interlachen Avenue, asked them not to do anything until they can formulate a plan to do it right.

Ron Hightower, representing Winter Park Scenic Boat Tour, encouraged the Commission to address the parking issues. He also recommended that the project be worked on during the slow times of June through September so that it does not impact their business operations.

Woody Woodall, 328 N. Park Avenue, encouraged the Commission to keep moving forward. He felt that everyone should pay their share for the improvements including the condominiums, the City and the boat tour.

Eileen Duva, 311 E. Morse Boulevard, said they are going in the right direction and agreed that they need more parking and similar lighting.

Upon a roll call vote on the amendment (that all efforts will be made to minimize the loss of parking), 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, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comments

Nancy Shutts, 2010 Brandywine Drive, felt the reappointment of Janet Adkins to the Parks and Recreation Board was inappropriate and requested the Commission to reconsider it.

Bill Shallcross, 1450 Bonnie Burn Circle, spoke about public comment forums at city and county meetings. He asked that all citizens be granted the opportunity to be heard, acknowledged and treated in a positive matter.

Public Hearings

- a. ORDINANCE NO. 2842-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE ADOPTION OF A POLICY FOR COMPLIANCE WITH FLORIDA'S PUBLIC RECORDS ACT; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. No public comments were made.

Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA CONSOLIDATING CITY BOARDS AND COMMISSIONS, DEFINING THE DUTIES OF BOARDS AND COMMISSIONS OF THE CITY OF WINTER PARK, AND REPEALING CERTAIN ORDINANCES AND RESOLUTIONS RELATING TO SUBSIDIARY BOARDS AND

COMMISSIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE
DATE. First Reading

Attorney Brown read the ordinance by title and clarified his redline comments. He advised that the Tree Preservation Board is listed in Division 1 but was not listed in Division 3 so they will add it back in. He will restore its quasi-judicial role in the Historic Preservation Board as previously provided for in the ordinance. With respect to sub-paragraph "R" Residency Requirement in Division 2, he proposed that there will be no general requirement of residency to serve or be appointed for service on a City board. The exception would be if residency is required by Charter, Statute or status quo (such as labor matters). He further clarified that unless directed otherwise it will be their intention to present a statement for second reading in Division 3 that those boards that have always required resident members would be unchanged.

Building and Code Enforcement Director George Wiggins' comments were submitted as follows for consideration:

Page 3, Item "d" Quorum: Does this mean that a majority of the Board must be present to constitute a quorum? With the Board of Adjustment 4 members must be present and 4 votes are required to grant a variance.

Page 5 Item "r" Residency requirement: The Construction Board has always been permitted to have members who are non-residents due to the difficulty of always finding a resident that meets the criteria for membership on this Board.

Page 6 Item "b" The Board of Adjustment does not have an "s" in its name. There are several references that need to be changed.

Page 9 Item "d" (3) Authority of Code Enforcement Board: Additional authorities of the Board include: False Fire Alarm Appeals Chapter 46, Section 46-29(d)

The Code Enforcement Board also serves as the "Nuisance Abatement Board" Chapter 2, Section 2-81(b). Also, this Board is missing from the list on page 2 of ordinance. There may be other duties that have been added over the years.

Page 10 Item "g" (2) Construction Board of Adjustments and Appeals: The membership composition should contain two licensed contractors, a practicing architect, a structural engineer, a master electrician, a master plumber, and a mechanical contractor or mechanical engineer.

Missing item: Tree Preservation Board: Either add to ordinance similar to Board of Adjustment or reference Chapter 58, Section 58-283 (d) for composition. This Board is unique in that 3 of its members come from other Boards.

Section 4

b. Repeal of Ordinances and Code Section Provisions

B. Add: Chapter 58, Section 58-91 Board of Adjustment-Establishment and procedure. Add a reference back to Chapter 2, Article III.

Add: Chapter 58, Section 58-88 (a), (b) & (c)? Planning and Zoning Commission - add reference back to Chapter 2, Article III.

Chapter 22, Section 22-28 (sub section 112) Amendments to the Building Code - add reference back to Chapter 2, Article III.

Motion made by Mayor Bradley to accept the ordinance on first reading with Attorney Brown's modifications and include Building and Code Enforcement Director George Wiggins minor modifications in terms of language and codes which is presented before them; seconded by Commissioner Leary.

Motion amended by Commissioner McMacken to amend Division 3, "R" 'Planning and Zoning', #1 'Memberships' to add: "That consideration shall be given to include in a membership of the Planning and Zoning Board an Architect, , a Landscape Architect, and a Civil Engineer"; seconded by Commissioner Sprinkel.

A suggestion was given by Commissioner McMacken for the City Attorney to look at the Construction Board of Adjustments, Historic Preservation and the Public Art Advisory Board to keep the same format so it will be consistent.

Motion amended by Commissioner Cooper to amend Division 1, "B" "List and Size of Boards Established", 3rd sentence before the words "as shown herein" add the following "alternates shall be appointed only to quasi-judicial boards"; seconded by Commissioner McMacken. Mayor Bradley said if they enact this there would be individuals that will not be able to serve on certain boards such as the Utilities Board; therefore, he will be voting against this.

Motion amended by Commissioner Cooper to have the City Attorney add the following where he sees fit "That alternates may participate in all board discussions but cannot make motions or vote unless they are filling the vacancy of an existing member"; City Manager Knight suggested this information be included in Division 2; seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper to amend Division 2, "L" "Attendance", at the end of the first sentence add the following: "or if a member is absent for more than 50% of the scheduled meetings in a 12 month period"; seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper to amend Division 2, "R" "Residency Requirement", first sentence, delete the words "or allowed"; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper to amend Division 3, "B" "Board of Adjustment", #1 "Membership" to add the following: "That Board of Adjustment members will be removed for cause." Motion failed for lack of a second.

Motion amended by Commissioner Cooper to amend Division 3, "D" "Code Enforcement Board", #1 "Membership" to add the following: "Removal of members of the Code Enforcement Board will be for cause." Motion failed for lack of a second.

Motion amended by Commissioner Cooper to amend Division 3, "H" "Economic Development Advisory Board", #2 "Advisory Board", delete the second sentence "The Economic Development Advisory Board shall have the authority to establish other areas of interest that it deems relevant....". Seconded by Commissioner McMacken.

Commissioner Cooper mentioned Division 3, "K" "Historic Preservation" is missing the quasi-judicial discussion. Attorney Brown acknowledged.

Motion amended by Commissioner Cooper to amend Division 3, "R" "Planning and Zoning Board" to add the following "That one of the 7 members of the Planning and Zoning Board (or 5 members) be a member of the School Board and be invited to serve as a voting or non-voting member of our Planning and Zoning Board in accordance with Statute 163.3174". Attorney Brown clarified that the statutes require school board representation not a school board member and the school board representative is only required to participate in matters that impact residential development. Motion failed for lack of a second.

A recommendation came from Commissioner Sprinkel that it would be helpful if we could spell out the duties for the alternate positions.

Motion amended by Commissioner McMacken that addresses the Construction Board Administration, the Historic Preservation Board and the Public Art Advisory Board that the City Attorney look at the verbiage contained in this ordinance and condense it in a manner that is consistent with the direction of other boards; seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to amend that members of the Planning and Zoning Commission, Code Enforcement Board, Board of Adjustment and Construction Board of Appeals remain at their existing numbers (meaning to keep the board numbers the same for major quasi-judicial boards); seconded by Commissioner McMacken.

Nancy Shutts, 2010 Brandywine Drive, said they should not treat this as a first reading since there are numerous major changes. She suggested first reading be done at the next meeting.

Joe Terranova, 700 Melrose Avenue, advised that currently there is a residency clause in the CRA Advisory Board and if they remove it they will be changing the composition of the board.

Donna Colado, 327 Beloit Avenue, opposed the ordinance as currently written because it does not serve the democratic interest of the broader community.

Joan Cason, 1915 Woodcrest Drive, did not agree with the removal of board members for no cause.

Motion amended by Commissioner Cooper to amend Division 3, "E" "Community Redevelopment Agency" that they add back in the existing specific requirements for residency relative to the CRA members living in the CRA"; seconded by Commissioner McMacken.

Upon a roll call vote on the amendment (to amend Division 3, "R" "Planning and Zoning", #1 "Memberships" to add: "That consideration shall be given to include in a membership of the Planning and Zoning Board an Architect, , a Landscape Architect, and a Civil Engineer.") Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Upon a roll call vote on the amendment (to amend Division 1, "B" "List and Size of Boards Established", 3rd sentence before the words "as shown herein" add the following: "alternates shall be appointed only to quasi-judicial boards." Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote on the amendment (to have the City Attorney add the following where he sees fit "That alternates may participate in all board discussions but cannot make motions or vote unless they are filling the vacancy of an existing member"), Mayor Bradley and Commissioner Leary voted no. Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

Upon a roll call vote on the amendment (to amend Division 2, "L" "Attendance", at the end of the first sentence to add the following: "or if a member is absent for more than 50% of the scheduled meetings in a 12 month period"); Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Upon a roll call vote on the amendment (to amend Division 2, "R" "Residency Requirement", first sentence, delete the words "or allowed"); 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 amendment (to amend Division 3, "H" "Economic Development Advisory Board", #2 "Advisory Board", delete the second sentence "The Economic Development Advisory Board shall have the authority to establish other areas of interest that it deems relevant...."); 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 amendment (that addresses the Construction Board Administration, the Historic Preservation Board and the Public Art Advisory Board that the City Attorney look at the verbiage contained in this ordinance and condense it in a manner that is consistent with the direction other boards); 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 amendment (to amend that members of the Planning and Zoning Commission, Code Enforcement Board, Board of Adjustment and Construction Board of Appeals remain at their existing numbers (meaning to keep the board numbers the same for major quasi-judicial boards); 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 amendment (to amend Division 3, "E" "Community Redevelopment Agency" that they add back in the existing specific requirements for residency relative to the CRA members living in the CRA"); 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 (to accept the ordinance on first reading with Attorney Brown's modifications and include Building and Code Enforcement Director George Wiggins minor modifications in terms of language and codes which is presented before them); (to amend Division 3, "R" 'Planning and Zoning', #1 'Memberships' to add: "That consideration shall be given to include in a membership of the Planning and Zoning Board an Architect, a Landscape Architect, and a Civil Engineer."); (to have the City Attorney add the following where he sees fit "That alternates may participate in all board discussions but cannot make motions or vote unless they are filling the vacancy of an existing member"); (to amend Division 2, "L" "Attendance", at the end of the first sentence add the following: "or if a member is absent for more than 50% of the scheduled meetings in a 12 month period"); (that addresses the Construction Board Administration, the Historic Preservation Board and the Public Art Advisory Board that the City Attorney look at the verbiage contained in this ordinance and condense it in a manner that is consistent with the direction other boards); (to amend Division 3, "E" "Community Redevelopment Agency" that they add back in the existing specific requirements for residency relative to the CRA members living in the CRA"); Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

c. Request of Winter Park Redevelopment Agency LTD for property at 400 West New England Avenue:

1. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3A) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 400 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read the ordinance by title and advised that this is a quasi-judicial hearing.

Planning Director Jeff Briggs provided the staff report. He explained the rezoning portion of the public hearing for 400 W. New England Avenue to rezone the property from Commercial (C-3A) District to Commercial (C-2) District. He further explained that the City's Comprehensive Plan future land use designation for this property is Central Business District (CBD) that corresponds to the C-2 zoning and that CBD future land use does not conform to the existing C-3A zoning. The property owner is requesting this zoning change so that the property can be brought into conformance with the Comprehensive Plan; the property owner is entitled to this zoning change. Mr. Briggs answered questions.

Dan Bellows, representing Winter Park Redevelopment Agency, Ltd. stated that they are entitled to the rezoning. He shared his frustrations with the overall process and significant costs that he has incurred and asked the Commission to approve this so they can be in compliance with the Comprehensive Plan.

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

2. Conditional Use Approval: To construct a 470 square foot restaurant pavilion building with outdoor patio seating including a gazebo structure on the street frontage, zoned C-3A or C-2.

Planning Director Jeff Briggs provided the staff report. He explained the proposed conditional use request involves development plans for a 470 square foot "restaurant" pavilion building with outdoor patio seating and a gazebo building on the street corner. He noted that there is no kitchen or food preparation on premise but will be coffee, ice cream, during the day and then transition to wine/cheese/snack baskets in the evening. However, since it involves food and beverage consumption with outdoor patio dining, the restaurant category is the closest fit in the zoning code.

He explained that technically these plans require a conditional use approval in both the C-2 zoning (as requested) and the existing C-3A zoning so these structures and plans can be approved in either zoning district. In the proposed C-2 zoning, the pavilion and gazebo structures meet the front setbacks. In the existing C-3A zoning, a street front variance would be needed (in lieu of the required 10 foot setback) which is possible via the conditional use approval. Mr. Briggs answered questions.

Motion made by Mayor Bradley to approve the conditional use as set forth; seconded by Commissioner Leary.

Commissioner Cooper indicated that they are charged with the responsibility to make sure there is compatibility and asked how they can judge compatibility if they do not know what the project looks like. Attorney Brown advised that once someone has proposed a conditional use project within the appropriate zoning category, under Florida law that person is legally entitled to the conditional use permit; however, they can impose conditions that are reasonable in the interest of the City. He further explained that compatibility really comes into play if someone is trying to make a dramatic rezoning request that alters the complexion of an area, but Mr. Bellows is asking for C-2 and that is the only allowable category under the Comprehensive Plan.

Motion amended by Commissioner Cooper for the conditional use request that the hours of operation are to 10:00 p.m. Motion failed for lack of a second.

Joe Terranova, 700 Melrose Avenue, agreed with the conditional use approval. He noted that instead of putting up road blocks they need to approve the rezoning ordinance which would help future development.

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.

- d. Request of the Shipyard Emporium located at 200 W. Fairbanks Avenue: Conditional Use Approval to expand the permitted hours of alcohol sales and consumption from 10:00 p.m. daily to 12:00 midnight. (Quasi-Judicial Hearing)

Mayor Bradley advised that this is a quasi-judicial hearing. Planning Director Jeff Briggs explained that this is a conditional use request to extend the hours of sale and consumption of alcoholic beverages from 10:00 p.m. to 12:00 midnight for the Shipyard Emporium at 200 W. Fairbanks Avenue. The Planning Commission voted 4-0 to approve the conditional use extension (with the understanding that if the City Commission votes at a later time for uniform hours that it should also apply to the Shipyard Emporium).

Motion made by Commissioner Leary to approve the conditional use; seconded by Commissioner McMacken.

Commissioner Cooper requested that instead of creating another special yield for one restaurant if they would consider utilizing the Hannibal Square hours which is 11:00 p.m. weekdays and 12:00 a.m. on the weekends.

Motion amended by Commissioner Cooper that they adopt consistent with their existing codes the Hannibal Square hours which is 11:00 p.m. during the week and 12 a.m. on Friday and Saturday night. Mayor Bradley asked Attorney Brown if the motion can be amended or adjusted since this is a quasi-judicial hearing or if they have to vote on the current motion as presented. Attorney Brown advised that it can be amended because they have the authority to impose conditional restrictions. **Motion failed for lack of a second.**

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.

Commissioner Reports:

a. Commissioner Leary

No items to report.

b. Commissioner Sprinkel

Commissioner Sprinkel said she had a great time attending the 'Picnic In The Park' event with the Winter Park High School a few weekends ago and thanked the City for their outstanding efforts.

Commissioner Sprinkel mentioned that last week she participated in the Housing Authority property tour and said they should be very proud and commended everyone.

Commissioner Sprinkel mentioned that several citizens have contacted her from the Winter Park Towers regarding the trash dumpster rules and hours of pick-up. She asked that they adhere to the hours and rules. City Manager Knight acknowledged the request.

Commissioner Sprinkel asked the Commission to give her regards to everyone in Washington D.C. since she will not be able to attend the event.

Commissioner Sprinkel proposed that the Commission have a work session on the topic of communication and how they communicate with the public. She mentioned that Commissioner Cooper sent out another notice and she was inundated with phone calls about what she did,

when in fact she did not do those things. She explained that it is the editorializing that creates a lot of doubt and issues in the minds of the public and that is the reason why she would like to have a work session so they can talk about specific ways in which they need to communicate with the public so there are no misunderstandings. Commissioner McMacken said he is always open to work sessions. Mayor Bradley asked City Manager Knight to coordinate and propose dates and times and he acknowledged.

c. Commissioner Cooper

Commissioner Cooper said she has been notified by several individuals requesting to purchase park benches. She mentioned that no one has replied to their requests and asked who is responsible. Parks and Recreation Director John Holland acknowledged the request for follow-up.

Commissioner Cooper mentioned that she tries very hard not to say anything that is not true. She apologized to Commissioner Sprinkel if that has happened and said she would like to clearly understand what the issue is so that she can correct it.

d. Commissioner McMacken

Commissioner McMacken said he is looking forward to their trip to Washington D.C. and said they will miss Commissioner Sprinkel's attendance.

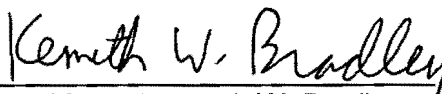
e. Mayor Bradley

Mayor Bradley requested for the June 13 meeting that City Manager Knight and Attorney Brown bring forth issues related to non-compliance with the new state laws such as the comprehensive plan. Mr. Knight advised that it is on the schedule for the next meeting and that they are attending a seminar on this subject next week.

Mayor Bradley advised that he will be bringing appointments to the Boards based on first reading of the ordinance and for potential new positions he would not be reviewing those until the ordinance is passed. Another reminder was given that there is no specific deadline for board applications to be submitted. Mayor Bradley encouraged those that are interested to apply early so they can be considered. He also clarified that all re-appointments do need to apply, but alternates do not.

Mayor Bradley wished everyone a happy Memorial Day weekend especially those who have served and given their ultimate sacrifice for our country.

The meeting adjourned at 7:34 p.m.


Mayor Kenneth W. Bradley

ATTEST:


City Clerk Cynthia S. Bonham