

REGULAR MEETING OF THE CITY COMMISSION
September 12, 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 Dean Patrick Powers, Knowles Chapel Rollins College, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Approval of the agenda

City Manager Knight requested Item 9c be removed from the agenda and Items 11a and 11b to be treated as a simultaneous public hearing. **Motion made by Commissioner McMacken to approve the agenda with the above changes; seconded by Commissioner Sprinkel and approved by acclamation of the City Commission.**

Mayor's Report

a. Presentation of Fire Department Accreditation Award

Mayor Bradley recognized the Fire Department for this achievement. Fire-Rescue Chief James White recognized the members of their Accreditation team and other department members for achieving the Fire International Accreditation Award. He presented the Mayor with an award from the Commission on Fire Accreditation and explained that in order to receive accreditation the Winter Park Fire Department (WPFDD) had to meet all criteria established through CFAI's voluntary self-assessment and accreditation program. WPFDD was first accredited in 2001 and remains one of only 14 accredited agencies in the state.

b. Presentation of Playful City USA Designation

Mayor Bradley recognized the Parks and Recreation Department for this achievement. He explained that the City was recently named a "Playful City USA" community by KaBOOM and noted that Winter Park was one of 151 cities and towns in the country that earned this recognition. Parks and Recreation Director John Holland explained that there are currently four playgrounds in Winter Park that have been provided by KaBOOM and valued at approximately \$500,000. Mr. Holland announced that the next Play Day event will be held at Lake Island Community Playground on Saturday, September 17 from 10 a.m. to noon and encouraged all citizens to attend.

Mayor Bradley announced that the City has successfully launched "Pink Out in Winter Park" for the month of September and encouraged all citizens to become informed and aware of breast cancer.

Mayor Bradley announced that on September 23 at 10:00 a.m. there will be a dedication ceremony for the new Community Center and encouraged everyone to attend.

City Manager's Report

Commissioner McMacken asked for a completion date for the pension analysis summary. City Manager Knight advised that they have requested a date certain from the consultant and once it has been provided he will provide the information to the Commission. Commissioner McMacken also requested an update on the Pro Shop. The request was acknowledged.

City Manager Knight addressed the Police and Fire pension issue. He explained that the City has received reports from the consultants and additional information was also provided by the Department of Management Services. City Manager Knight noted that the consultants are looking at the various options available and provided their opinion on how much state revenue, if any, the City would lose by implementing any of the options. He said it has been a slow painful process but they are moving forward by trying to see if there is any type of reform that makes sense for the City and the participants. He also explained that it is very tricky situation right now because there are not a lot of options out there without risking the state revenue.

City Attorney's Report

No items to report.

Non-Action Items

a. Financial Report – July 2011

Finance Director Wes Hamil summarized the July 2011 Financial Report and answered questions.

Motion made by Mayor Bradley to approve the financial report as presented; seconded by Commissioner Sprinkel. The motion carried unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of 8/22/11.
- b. Approve the following purchases and contracts:
 1. Purchase Order 145205 for Purchase of Power Transformer (IFB-9-2011) to GE Prolec Transformers, Inc. for \$610,411
 2. PR 147482 for Rehabilitation of Sanitary Manholes to T.V. Diversified, Inc.
 3. Contract Renewal for RFP-18-2008 Group PPO Dental Benefits with Metlife and authorize the Mayor to execute the Renewal Package document
 4. Extended Warranty Service Agreement for Chiller at Winter Park Community Center for \$11,571/year and authorize the Mayor to execute the Agreement (Trane)
 5. Piggybacking the Orange County contract Y9-906B for Continuing Geotechnical Engineering and Construction Materials Testing Services and authorize the Mayor to execute the Piggyback Contract
 6. Piggybacking the Orange County contract Y11-903 for Continuing Utilities Geotechnical and Materials Testing and authorize the Mayor to execute the Piggyback Contract

7. Piggybacking Orange County contract Y11-1067B for Furnish Asphalt Products and authorize the Mayor to execute the Piggyback Contract
 8. Piggybacking Orange County contract Y11-1067A for Furnish Asphalt Products and authorize the Mayor to execute the Piggyback Contract
 9. Piggybacking City of Port St. Lucie contract 20080096 for Supply & Install Sealant Coating for Manholes & Lift Stations and authorize the Mayor to execute the Piggyback Contract
- c. Approve the waiver for temporary lighting at the DMV property that will be used as interim parking for 2-3 years. – **PULLED FROM CONSENT AGENDA (not addressed)**

Motion made by Commissioner McMacken to approve Consent Agenda items 'a' and 'b-1' through 'b-9'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion:

- a. Request of Mr. Furst: 10 Year Conditional Use Approval extension for the Residences at Morse and Knowles

Planning Director Jeff Briggs explained that Mr. Felix Furst is requesting (for a second time) a ten year extension to their conditional use zoning approval for the four unit townhouse project at 170 S. Knowles Avenue that was originally approved on October 22, 2007. The Commission provided a previous extension on April 13, 2009; then on April 10, 2010 the Commission provided a five year extension until October 22, 2016 (5 years less than requested).

The applicant asserts that the market has evaporated for luxury townhomes, so the project approved in 2007 is in limbo and they want to lease the existing building in the interim. Tenants who are interested in the building do not want to undertake the significant expense of interior renovations for just a five year lease period and prospective tenants are not interested in anything but a 10 year minimum lease term. He explained that the building has remained vacant and the property owner (who has lost leases in the interim) wants to try again for a ten year extension.

Mr. Briggs advised that per code a conditional use is two years without any extensions and there is no limit on the number of extensions that can be granted.

Since the public notice requirement is very costly to the applicant, Commissioner Cooper asked Attorney Brown if the Commission could possibly waive the public notice requirements. Attorney Brown stated no, the commission would have to amend the ordinance. He said they could require that the ¼ page advertisement be provided in lieu of a more expensive type of notice.

Motion made by Mayor Bradley to add a 5 year extension onto the October 22, 2016 date; seconded by Commissioner Leary.

Somer Froemming with Furst Realities Inc. spoke on behalf of the applicant and explained that originally they had a ten year lease on the building with a large design company but lost it because the conditional use was only extended for the first period of five years.

Randall Lane Glidden, Associated Consulting Inc., spoke on behalf of the applicant and noted that his firm is working on some of the improvements that have been occurring and requested that the extension be granted.

Joe Terranova, 700 Melrose Avenue, recommended the approval of the extension for ten years which would be an additional five years from the current timeframe.

Mr. Briggs confirmed that the Commission was authorizing the ¼ page ad for an extension of ten years. Mayor Bradley clarified that it is not a 10 year extension and that the motion is to grant an extension of five years after October 22, 2016, meaning that they would be extended to October 22, 2021.

Commissioner Cooper indicated that she is supportive of this project and would like for it to be completed in the next 5 years versus 10. Commissioners McMacken and Cooper believed that the applicant can make economic decisions that are not affected by a continuation of the extension.

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

A recess was taken from 4:45 p.m. to 5:06 p.m.

Budget Public Hearings

Mayor Bradley opened the public hearing and read into the record the following: "The millage rate needed for fiscal year 2012 to generate the same property tax revenue for the City as in 2011, based on the Property Appraiser's certification, is 4.2065 mills. The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills. This proposed millage of 4.0923 mills would represent a decrease in property taxes not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency of 2.71%. In addition, a .1046 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 .2197 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 Brown read both ordinances by title.

- a. 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 .1046 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 .2197 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. First Reading

Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Mayor Bradley. 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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 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, GOLF COURSE 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, 2011; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. First Reading

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

Commissioner McMacken followed up on two items he mentioned in last week's budget work session; to possibly grant the request of the Historical Association for an additional \$10,000 for their operation in the upcoming year and the reduction in the Forestry budget. He mentioned that he would feel more comfortable if they left all of the money in Forestry until the program study is completed. He was in support of taking \$100,000 out of the Tree Fund to address the backlog of trees that were damaged over the years.

City Manager Knight noted that they have received a preliminary report and they are currently working through the process of having someone look at the entire Forestry operation for both the right-of-way tree trimming and the electric tree trimming to try and find ways to improve efficiencies between those two activities. Mr. Knight explained that the Forestry budget amount is the same but \$100,000 is being supplemented from the Tree Preservation Fund.

Commissioner Cooper wanted the tree canopy and maintenance of the backlog of 50 trees that were damaged from the prior hurricanes addressed and supported taking \$100,000 from the Tree Preservation Fund to expedite that cleanup. She also proposed an increase to the Parks/Forestry budget by an additional \$100,000 to facilitate the maintenance of right-of-way trees. This increase would allow them to return to pre-hurricane service levels which would allow a tree crew of 2.5 men to operate in each of the City's four quadrants.

Motion amended by Commissioner McMacken to maintain the Forestry budget that is currently stated and to take \$100,000 out of the Tree Preservation Fund and apply that toward removal of the backlog of trees that they currently have. Mayor Bradley advised that this would add \$100,000 expense to the budget. City Manager Knight agreed. The motion was seconded by Commissioner Cooper. Mayor Bradley asked Commissioner McMacken for his suggestion on how to pay for this item. Commissioner McMacken explained that he was

very comfortable with the initial budget proposal where they agreed to give all employees a 2% raise and when they approved the extra .5% he was comfortable doing that as a one-time bonus. Since that time City Manager Knight informed him that the State would not allow the City to distribute the .5% as a bonus and suggested using part of the .5% for this item. **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 amended by Commissioner McMacken to stay with the 2% employee raise (versus 2.5%); seconded by Commissioner Cooper. 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 amended by Commissioner Cooper that the FY2012 Capital Improvement Plan be amended to add two items that were previously included in the Capital Improvement Plan. 1) A line item for future parks acquisition (the amount is to be based upon 10% of the increase in the general fund balance which is City policy and the Comprehensive Plan Policy). Motion failed for lack of a second.

Motion amended by Commissioner Cooper to add the second line item in the FY2012 Capital Improvement Plan. 2) Central Park Expansion based on the procurement of the Post Office property. She explained that they have moved forward with their representatives to get a right of first refusal and given that, they need to be projecting and including in their future needs money to make that happen. Mayor Bradley asked how much money she is recommending. Commissioner Cooper explained this is for the "out year" requirement and requested that the \$4.6 million be included there (other long term needs in the schedule of plans, CIP expenditures). City Manager Knight said they need to decide which year to put this in and what the dollar amount should be because they do not know what this is going to cost them. Commissioner Cooper explained she is asking this be added under the column "other long term needs" and for the \$6 million to be reflected as a future capital need to execute the first right of refusal that we have asked our legislators to support. **The motion was seconded by Commissioner McMacken.** Mayor Bradley explained that they can put anything on the list for the future but if they are going to say we are committing \$4-6 million of City money to do that, he is going to vote against it because they do not have a clear plan of how this will be paid for. Commissioner Cooper stated there are other projects listed in the future years and that is what she is requesting.

Motion amended by Commissioner Cooper that we add \$4 million into the long term as fundraising or grants or whatever we want to put down; seconded by Commissioner McMacken. 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 amended by Commissioner Cooper that the Economic Development Plan be implemented at \$50,000 this year versus \$150,000. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that the funding for Mead Gardens be restricted to Capital Improvements to implement the seven Mead Gardens Strategic Plan priorities as was directed by the City Commission on November 22, 2010. Mayor Bradley clarified the motion as follows: to have the Mead Gardens \$200,000 that is in the Capital

Improvement part of our budget to be used only for Capital Improvement. **Motion was seconded by Commissioner McMacken for discussion. Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote. This motion was amended in the following paragraph and passed with a 3-2 vote as amended.**

Motion amended by Commissioner Sprinkel on the amendment on the funding for Mead Gardens and that the \$200,000 be provided for not just in that fund; that 50% of it stay in capital and 50% of it be used for operations; seconded by Mayor Bradley. Upon a roll call vote, 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 that they reduce the budget for Fire and Police by dollars equaling 6% of the City's annual contribution to each pension fund to encourage pension reform in FY2012 (\$180,000 to \$200,000). Motion failed for lack of a second.

Commissioner Cooper explained that last year the Commission recognized the importance of controlling pension costs and set aside \$1 million to aggressively pursue smoothing of our anticipated drastic increase in pensions. She addressed the Police pension payments increasing over 330% since FY2003 and the Fire pension increasing 170%. In July 2010, Foster and Foster provided the City with an analysis of possible changes to reduce our annual pension contribution and in November 2010 the City hired the best firm to provide an analysis of possible changes to reduce the City's pension obligations which we did not receive from them. She believed that by reducing the overall budget by an amount that is 6% of the City's contribution every year, it will incentivize sincere budget negotiation. She stated it is time to go to the table and work this out.

Commissioner McMacken stated he did not second the motion because they just completed negotiations with a union for a two year contract and he is hesitant to go back and open that again and the time to do that is the next contract in two years. There was further discussion regarding the issue of the pensions. Commissioner Sprinkel stated she is not interested in entertaining another 6% to be paid by the employees at this time. She stated we need to wait and work with the plan in place and not try to impact employees in a negative way. Commissioner Cooper clarified that she was not suggesting that employees be required to pay an additional 6% and that the Fire contract had been negotiated in a manner that specifically allowed the City to reopen the contract to address pension issues.

Motion amended by Commissioner McMacken to reinstate the \$10,000 that the Historic Association had originally requested in the budget. Since this is an increase, Commissioner McMacken suggested using part of the proposed .5% employee raise. **The motion was seconded by Commissioner Cooper.** He also spoke about wanting to put the \$100,000 back into the Tree Fund. Commissioner Leary asked if he would consider moving from the Tree Preservation Fund \$200,000 over to cover that which would add an additional \$100,000 to the original budget (take \$100,000 out of Forestry general fund and move \$200,000 out of the Tree Preservation Fund so they have the \$100,000 increase). Commissioner Leary stated he also wants the 60 remaining trees to be removed and wants to figure a way to fund it and there are resources in the Tree Preservation Fund. Mayor Bradley stated the current budget proposal keeps the funds the same and takes money from the Tree Fund but also

makes a statement that this needs to be done more economically than what is currently being done. **Upon a roll call vote, Mayor Bradley and Commissioner Leary voted no. Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.**

The amendment was amended by Mayor Bradley that the additional \$10,000 to the Historical Association is conditional upon the Historical Association raising an additional \$20,000 over and above 2011 fiscal year spending to receive the \$10,000; seconded by Commissioner Leary. Commissioner Cooper disagreed because of the difficult economy with having to raise funds. The Historical Association President was present and commented from the audience regarding their fundraising. City Manager Knight advised that the City is already committed to funding \$60,000 to the Historical Association. **Upon a roll call vote, Mayor Bradley and Commissioner Leary voted yes. Commissioners Sprinkel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.**

Nancy Shutts, 2010 Brandywine Drive, spoke about the Forestry Division services and the Fleet Peoples Park portion of the budget. She questioned the \$85,000 for the dog park and said she has no problem with the ADA accessibility. She stated that at least \$40,000 of the \$165,000 for the bathroom at Fleet Peoples is for the dog park/dog wash filtration amenities and that resident tax dollars are paying for at least half of the project.

Joe Terranova, 700 Melrose Avenue, said he approves that the Commission has not raised the millage rate. He noted that City Manager Knight has met the goals of the Commission and the Charter by providing a balanced budget and commended staff for doing an outstanding job.

Tom Shutts, 2010 Brandywine Drive, shared his concerns about the City employees that remain on the defined benefit programs from a retirement standpoint. He asked if the City has a goal as to when they can move all City employees to a defined contribution plan and/or health care if that is part of the plan. City Manager Knight explained that health care is not part of the defined benefit pension plan. He noted that there is no policy or goal set by the Commission to move towards a defined contribution plan for the Police and Fire. The Commission has directed him to look at what it would cost and that is currently being done.

Upon a roll call vote on the overall budget as amended (that an additional \$10,000 for the Historical Association be added; to implement the seven Mead Gardens Strategic Plan priorities as directed by the City Commission on November 22, 2010; and that the \$200,000 funding for Mead Gardens reflects 50% for capital improvements and 50% for general operations); Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Public Comments:

Joe Terranova, 700 Melrose Avenue, urged the Commission to aggressively continue to pursue right of first refusal for the post office property. He addressed the need to work closely with the Foundation for a right of first refusal for the 40 acres preserved at Windsong in case that land ever becomes available. Commissioner Cooper requested that a copy of the developer's agreement on Windsong be provided to the Commissioners. City Manager Knight acknowledged.

Public Hearings

a. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN", CAPITAL IMPROVEMENT ELEMENT TO ADOPT THE REVISED FIVE YEAR CAPITAL IMPROVEMENT PLAN WITHIN THE DATA, INVENTORY AND ANALYSIS COMPONENT OF THE COMPREHENSIVE PLAN AND TO UPDATE AND TO REFLECT CURRENT PUBLIC SCHOOL FACILITY AND CAPACITY PLANS, PURSUANT TO THE REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

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

Commissioner Cooper referenced page 70 "Drainage & Aquifer Recharge" and requested that they do not delete the policy on the use of the stormwater utility fee.

Planning Director Jeff Briggs explained that it was mis-named and there never was a policy but that it was an annual budget goal bearing percentages. He said they cannot have a specific number in the Comprehensive Plan because every year they have to set a goal for what the division or percentage is between operating and capital and what amount comes out of stormwater fees.

Motion amended by Commissioner Cooper (referencing page 70, "Drainage & Aquifer Recharge"), to not delete the statement in its entirety but instead only delete the \$40,000 and the statement of \$822,000 annually; and that instead of putting a percentage in the Comprehensive Plan that the percentage go in the administrative policy which requires no formal action by the City Commission; seconded by Commissioner McMacken.

Commissioner Cooper then referenced page 72, "Transportation Projects not in the TIP". She asked to delete the last sentence of the introductory paragraph where it reads "committing local funding" because she believed it was an administrative oversight. Mr. Briggs agreed and explained that the last sentence should be deleted and the correction will be made by staff prior to the second reading.

Commissioner Cooper referenced page 73, Lee Road extension. She suggested deleting the paragraph supporting the Lee Road extension coming across 17/92, past VoTech and intersecting with Denning. She explained that this brings the 17/92/Lee Road environment closer to single family neighborhoods and encourages more cut through traffic onto Palmer. She did not believe that this road project has the support of the community. **Motion amended by Commissioner Cooper that this paragraph relative to the Lee Road extension be removed from the Comprehensive Plan.** Commissioner McMacken said the Lee Road extension has been listed for a number of years and he is not comfortable removing it from the list. Mr. Briggs explained the reason that the four projects are listed including the Lee Road extension is because they are on the State of Florida list for future funding so it should not be deleted. **Motion was withdrawn.**

Commissioner Cooper requested to add a statement in the introductory paragraph on page 65 noting that the "Infrastructure Capacity Availability Report will be presented to the Commission annually prior to CIP budget preparation." She explained that they have a requirement in the land use code that requires the City to report concurrency annually. Mr. Briggs explained that every prior year he has updated this report when they update the Comprehensive Plan and now they will have to do it in a separate document every year to coincide with the budget. Mr. Briggs said this is something that they need to do since it is part of the code requirements. **Motion amended by Commissioner Cooper that a statement be added to the introduction, that level of service capacity would be reported annually to the City Commission prior to the Capital Improvement budget preparation; seconded by Commissioner McMacken.**

Mayor Bradley felt that these amendments are unnecessary and that the Comprehensive Plan can be purified and the work of the Commission will work equally well without these statements, thus he will be voting against the amendments.

Upon a roll call vote on the amendment (that a statement be added to the introduction, that level of service capacity would be reported annually to the City Commission prior to the Capital Improvement budget preparation); 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 (referencing page 70, "Drainage & Aquifer Recharge"), to not delete the statement in its entirety but instead only delete the \$40,000 and the statement of \$822,000 annually; and that instead of putting a percentage in the Comprehensive Plan that the percentage go in the administrative policy which requires no formal action by the City Commission); 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 ordinance as presented; Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ELIMINATE THE TWICE A YEAR LIMITATION ON AMENDMENTS TO THE COMPREHENSIVE PLAN, SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Motion made by Mayor Bradley to accept the ordinance on first reading; 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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1680 MAGNOLIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Commissioner McMacken asked for clarity. Assistant Public Works Director Don Marcotte explained that this is a right-of-way on Phelps Avenue that was never built. Originally it was a road right-of-way and it was abandoned so it became two 30' utility easements on either property. The eastern portion has been vacated and they kept a 10' utility easement to feed a light pole.

Commissioner Cooper asked about the criteria for the abandonment of right-of-ways. Mayor Bradley advised that this is abandonment of an easement and not a right-of-way. Commissioner Cooper suggested that they come up with some criteria for future situations.

Motion made by Commissioner McMacken to accept the ordinance on first reading; 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.**

d. Requests of the City of Winter Park:

ORDINANCE NO. 2849-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN THE MULTI-FAMILY ZONING DISTRICTS AND ALL THE NON-RESIDENTIAL ZONING DISTRICTS OF THE CITY, THE STANDARDS FOR SIGNIFICANT CHANGES REQUIRING CONDITIONAL USE APPROVAL ON BUILDINGS OVER 10,000 SQUARE FEET, THE STANDARDS FOR SIGNIFICANT CHANGES TO CONDITIONAL USE APPROVALS AND OTHER ZONING APPROVALS AND THE STANDARDS FOR BUILDING APPROVALS IN THE HANNIBAL SQUARE NEIGHBORHOOD COMMERCIAL DISTRICT, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

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

Commissioner Cooper referenced Section 58-89, Item 3c: "When there is an increase in the impervious lot coverage of more than 1,000 square feet; or". She had no objections to this change at this time but asked if the Planning Department could consider in the future when revising the codes to set a threshold based on a percentage of the overall buildable lot as opposed to a fixed finite number because it is very different depending on the lot size.

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.**

ORDINANCE NO. 2850-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" TO REVISE THE APPROVAL PROCEDURES FOR THE

APPROVAL OF BUILDING PROJECTS ON SUCH WATERFRONT LOTS, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

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

- e. ORDINANCE NO. 2851-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF A SERIES OF REFUNDING BONDS FOR THE PURPOSE OF REFUNDING A PORTION OF THE OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2002 OF THE CITY; PROVIDING FOR THE PAYMENT OF SUCH REFUNDING BONDS FROM NET REVENUES OF THE WATER AND SEWER SYSTEM OF THE CITY; AND 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 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.**

- f. RESOLUTION NO. 2092-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2851-11 OF THE CITY WHICH AUTHORIZED THE REFUNDING OF A PORTION OF THE OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2002, OF THE CITY, AND PROVIDED FOR THE ISSUANCE OF NOT EXCEEDING \$17,500,000 WATER AND SEWER REFUNDING REVENUE BONDS, SERIES 2011, OF THE CITY, AND PROVIDED FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE SYSTEM; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING A COMPETITIVE SALE OF SAID BONDS AND APPROVING THE FORM OF THE OFFICIAL NOTICE OF SALE AND SUMMARY NOTICE OF SALE PERTAINING TO SUCH BONDS; MAKING CERTAIN PROVISIONS AND DELEGATING CERTAIN RESPONSIBILITIES WITH RESPECT TO THE NOTICE, BIDDING AND SALE OF THE BONDS; APPROVING THE FORM OF THE PRELIMINARY OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE; APPOINTING A PAYING AGENT, BOND REGISTRAR AND ESCROW AGENT; APPROVING THE FORM OF A PAYING AGENT AND BOND REGISTRAR AGREEMENT AND AN ESCROW DEPOSIT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title.

Motion made by Mayor Bradley to adopt the resolution; 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.**

A recess was taken from 6:37 p.m. to 6:50 p.m.

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, ORANGE COUNTY, FLORIDA, ANNEXING APPROXIMATELY 54 ACRES OF REAL PROPERTY GENERALLY LOCATED IN THAT AREA BORDERED BY LEE ROAD TO THE SOUTH AND ORLANDO AVENUE (US 17-92) TO THE EAST; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY ANNEXED HEREBY INTO THE MUNICIPAL BOUNDARIES; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading

Mayor Bradley stated that he is concerned with taking action on first reading due to a recent letter received by Orange County dated September 9, 2011 regarding the annexation (see attached). Mr. Briggs explained that they need to perfect some of the technical flaws but they can go ahead with the first reading but later on they will need to re-do the first reading.

Attorney Brown clarified and stated that this is a very complicated annexation and the procedure that is to be followed requires that a certain type of report be transmitted to the County. Mr. Briggs complied with the statutes; however, Orange County objects to the proposed annexation due to the lack of appropriate notification, the insufficient annexation report and the creation of enclaves. Attorney Brown said this is not a legal issue but rather a policy and business issue. He said the developer is looking for some sort of action so they can get the project started so if the Commission would like to speak about the matter tonight they could treat it as a discussion item. Attorney Brown also agreed that the first reading would have to come again at a later date once the technical flaws have been addressed.

Mayor Bradley stated that he is in support of the project and wants to see it go forward but expressed concerns with taking action tonight and then taking action again at another time. He did not know what the risks were associated with doing that.

Attorney Brown said there would be no problem with conducting a first reading again but it is an unnecessary step. He clarified that there is no legal risk in doing that and they could take a first reading repeatedly.

Mayor Bradley requested a 5 minute recess so that Attorney Brown, City Manager Knight and the developer Mr. Bellows could discuss an appropriate way to handle this item. A recess was taken from 6:55 p.m. to 7:01 p.m.

Attorney Brown advised that the developer Mr. Bellows would be satisfied if this ordinance is put back on the October 10 agenda for first reading which would allow staff ample opportunity to comply with the statutory 15 day notice requirement and in the interim staff will continue to work with the developer.

Motion by Mayor Bradley to place this item on the agenda for October 10, 2011; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary attended two ribbon cuttings this weekend; the Meat House which is a new locally owned butcher shop on North Orange Avenue and Venture Photography in the Hannibal Square area. He said it was great to see many local residents at both events.

b. Commissioner Sprinkel

Commissioner Sprinkel attended the ribbon cutting ceremony for Venture Photography and mentioned that she has already placed an order with The Meat Market. She also noted that she attended the Park Avenue Association meeting last week and is very impressed with their organization.

Commissioner Sprinkel said she is looking forward to hosting her Coffee Talk this coming Thursday and welcomed all to attend.

c. Commissioner Cooper

Commissioner Cooper mentioned that on September 20 the second half of the Winter Park Downtown Historic District is coming before the review board in Tallahassee. She encouraged the residents to send a letter of support to the Historic Preservation office in Tallahassee.

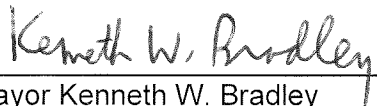
d. Commissioner McMacken

Commissioner McMacken mentioned the landscaping renovations being done at the post office and asked if the post office initiated it. Parks and Recreation Director John Holland stated he understood that they have an anonymous donor.

e. Mayor Bradley

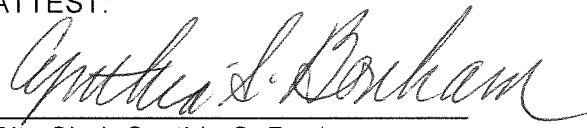
Mayor Bradley stated he had the privilege of attending several events for the 911 remembrance ceremonies. He commented that the service that was evident that day is seen in our City every time that 911 is called and he is proud of our public servants for their valiant efforts.

The meeting adjourned at 7:02 p.m.

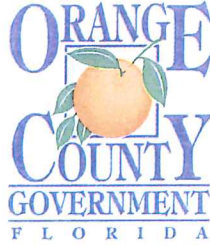


Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham



September 9, 2011

Mr. Jeffrey Briggs
Director of Planning
City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789

SUBJECT: Ravaudage Home Acres Annexation

Dear Mr. Briggs:

Orange County is in receipt of electronic mail correspondence dated August 18, 2011, and August 31, 2011, regarding the annexation of 54+/- acres referred to as Ravaudage-Home Acres. We understand that the first reading for this annexation ordinance is scheduled for September 12, 2011.

After reviewing the proposed annexation, we have determined that the prerequisites to annexation have not been met. Specifically, the City did not file with the Clerk to the Board of County Commissioners (County Comptroller) a copy of the report no fewer than 15 days prior to the City commencing annexation procedures under section 171.0413, Florida Statutes (as required by Section 171.042(2), Florida Statutes). Furthermore, the annexation report provided via e-mail to County staff is insufficient as it did not include required map or maps and information to indicate method by which the City plans to finance the extension of services into the area to be annexed as described in Section 171.042, Florida Statutes.

County staff has also evaluated the proposed annexation area and have determined that this annexation will effectively result in the creation of enclaves (as defined in Section 171.031, Florida Statutes). The creation of enclaves is contrary to Florida law.

In conclusion Orange County objects to this proposed annexation due to the lack of appropriate notification, the insufficient annexation report, and the creation of enclaves. Staff will present these objections at the first reading on September 12, 2011.

Please contact Susan McCune of my staff at (407) 836-0952 with any questions, comments, or concerns regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Susan Caswell".

Susan Caswell, AICP, Manager
Planning Division

C: Randy Knight, C.P.A., City Manager
Chris Testerman, AICP, Director of Government Relations, Orange County
Dana Crosby-Collier, Assistant County Attorney, Orange County Attorney's Office
Susan McCune, AICP, Project Manager, Planning Division

PLANNING DIVISION

SUSAN CASWELL, AICP, Planning Manager

201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando, Florida 32802-1393
Telephone 407-836-5600 ■ Fax 407-836-5862 ■ orangecountyfl.net

