

REGULAR MEETING OF THE CITY COMMISSION
February 13, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida.

The invocation was provided by Pastor David Barker, Aloma Baptist Church, 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 William Reischmann
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

The Oath of Office was administered to re-elected Mayor Kenneth Bradley by Orange County Clerk of Courts Lydia Gardner.

Approval of the agenda

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

Mayor's Report

a. Board Appointments:

Code Enforcement Board

Motion made by Mayor Bradley to appoint Keith Manzi to the Code Enforcement Board; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Winter Park Firefighters Pension Board

Motion made by Mayor Bradley to appoint Stuart (Trey) Merrick to the Winter Park Firefighters Pension Board; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

City Manager's Report

a. Scheduling Strategic Planning Session

City Manager Knight addressed the need to schedule the strategic planning session. After a brief discussion, there was a consensus to schedule the meeting for April 4, 2012 with Marilyn Crotty as the facilitator.

City Manager Knight advised that the first Martin Luther King, Jr. Task Force meeting will be held at 4:00 p.m. on February 16 in the conference room on the second floor of the west wing of City Hall.

City Manager Knight provided a brief update on two items:

- Ravaudage – The applicant and the City has been working with Orange County regarding the annexation process and we now have an agreement in place on how the process will work. The applicant has requested that the first reading of the annexation be held on March 12 and the second reading would not come back to the Commission until all of the CDD documentation and other items are in place.
- Auction rate security bond litigation – City Manager Knight, the finance director and City Attorney have been speaking with an outside attorney and consultant about our auction rate security bonds that were issued in 2005. There are some litigation issues going on around the country related to the bonds that were issued and whether or not the underwriters should be held liable for some of the cost in getting out of those securities, along with the costs incurred as a result of being in those securities. Since the statute of limitations ends today, City Manager Knight authorized the City Attorney to file a statement of claim for arbitration as it was necessary to preserve the City's rights. Attorney Reischmann provided legal counsel and advised that it would be appropriate for the City Manager to provide individual briefings on this matter. City Manager Knight acknowledged and said he will schedule appropriately.

City Attorney's Report

No items.

Non-Action Items

a. Financial Report – December 2011

Finance Director Wes Hamil provided the December 2011 financial report and answered questions.

Mayor Bradley requested that separate line items be added for fuel cost recovery revenues and the fuel cost portion of bulk power expenses for the Electric Fund. Mr. Hamil responded that this information is already being provided to the Utilities Advisory Board and we will add that statement to the Commission's Financial Report.

Motion made by Commissioner Sprinkel to accept the Financial Report; seconded by Commissioner McMacken and approved unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of 1/23/12. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the following purchase and contracts:
 1. After-the-fact Purchase Order 146271 to Heart Utilities of Jacksonville for Undergrounding of Electric; \$105,113.99
 2. Continuing Services Contract for Architectural Services (RFQ-2-2012) with ACi and authorize the Mayor to execute the contract.

3. Continuing services Contract for Architectural Services (RFQ-2-2012) with Helman Hurley Charvat Peacock Architects, Inc. and authorize the Mayor to execute the contract.
 4. Piggybacking the WSCA/State of Florida contract with W.W. Grainger for Maintenance, Repair and Operations (MRO) and authorize the Mayor to execute the Piggyback Contract
 5. Staff to enter into negotiations with the top ranked firm, GAI Consultants, Inc. (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineering Services (General Civil & Public Facility Engineering) – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 6. Staff to enter into negotiations with the top ranked firm, Comprehensive Engineering Services, Inc. (RFQ-2-2012) Continuing Contracts for Professional Architectural and Engineering Services (Transportation Planning & Engineering) - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 7. Staff to enter into negotiations with the top two ranked firms CDM Smith and Geosyntec Consultants (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineering Services (Stormwater Management & Design) – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 8. Staff to enter into negotiations with the two top ranked firms Herbert-Halback, Inc. and Miller Legg (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineering Services (Landscape Architect)
 9. Award of IFB-8-2012 to Link's Automotive, Inc. for towing and wrecker services and authorize the Mayor to execute the contract.
- c. Approve the purchase of a Cisco Router (\$2,365.00) necessary for connectivity to the newly purchased (CAFÉ) Computer Aided Forms Entry Report Management System and Computer Aided Dispatch to replace the existing (RMS) Report Management and Computer Aided Dispatch (CAD) for the Police Department. (State Forfeiture Funding will be utilized)
 - d. Approve the purchase of computer software (ARAS360), required operating systems and four desk top computer workstations for the Police Department. (State Forfeiture Funding will be utilized)
 - e. Approve free electric vehicle charging services for an initial promotional/evaluation period with the fees to be reviewed semi-annually in accordance with the fee schedule.
 - f. Approve the agreement to provide Wastewater Service for 2021 N. Goldenrod Road (PID 14-22-30-0000-00-133) and authorize the Mayor to execute the agreement.

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'b.1-4', 'b.8-9', and items 'c' 'd', 'e' and 'f'; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Approve the minutes of 1/23/12

Commissioner Cooper referenced page 4 of the minutes. She requested that the minutes reflect that Jeff Briggs also explained that the City should establish a future land use designation for parking lots to match the parking zoning district.

Motion made by Commissioner Cooper to amend the minutes to reflect what Jeff Briggs said relative to establishing a future land use designation; seconded by Commissioner McMacken and approved by acclamation with a 4-1 vote; Commissioner Sprinkel voted no.

Consent Agenda Item 'b.5' - Staff to enter into negotiations with the top ranked firms, GAI Consultants, Inc. (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineering Services (General Civil & Public Facility Engineering)

Consent Agenda Item 'b.6' - Staff to enter into negotiations with the top ranked firm Comprehensive Engineering Services, Inc. (RFQ-2-2012) Continuing Contracts for Professional Architectural and Engineering Services (Transportation Planning & Engineering)

Consent Agenda Item 'b.7' - Staff to enter into negotiations with the top two ranked firms CDM Smith and Geosyntec Consultants (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineering Services (Stormwater Management & Design)

Commissioner Leary addressed Consent Agenda items b.5, b.6 and b.7 together and asked why there is only one consultant for each discipline and no backup or alternate. Public Works Director Troy Attaway explained that we have multiple categories of consultants that we can use for an alternate if needed.

Motion made by Commissioner Leary to approve Consent Agenda items 'b.5', 'b.6' and 'b.7'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

a. Regulation of street (sidewalk) musicians and performers on Park Avenue

Building Director George Wiggins explained that the City has received several complaints from restaurants, business owners and pedestrians concerning the appearance of street (sidewalk) musicians at various locations along the Park Avenue business district. He presented a draft ordinance modeled after a St. Augustine ordinance that withstood legal appeals by the ACLU. This prohibits street musicians from setting up along Park Avenue from Fairbanks to Webster Avenue and up to 50 side streets. Information was received from the Park Avenue Area Association that several business owners like having the street musicians and feel there is no need to enact an ordinance to control or prohibit this activity downtown; however not all of the businesses have been contacted. The proposed ordinance will only apply to public areas and will not prevent musicians from setting up on private property with the permission of the shop owner.

Mr. Wiggins explained that the City can choose to take no action and allow the matter to be self-regulated by the merchants and shop owners or they can proceed with the potential ordinance which would allow the police and code enforcement departments to enforce such regulations.

Commission discussions ensued regarding enforcement on Park Avenue versus throughout the City; the language pertaining to a 100' restriction rather than 50' of ROW on sidewalks and if they should have a Board look at this item and provide recommendations. The Commission expressed their concern with over-regulating and acknowledged that they should protect the residents, pedestrians, walkers and restaurant patrons from being disrupted. The Commission addressed the need to deal with business signs being displayed on the sidewalk that are a hazard.

Motion made by Commissioner Leary to move forward with the ordinance; seconded by Commissioner Sprinkel.

Patrick Chapin, Winter Park Chamber of Commerce, explained that they have not had a thorough conversation on this and that the Chamber is willing to facilitate a meeting to see what is best for the businesses, residents and visitors.

John Holley, 316 Lake Avenue, explained that he has been a sidewalk performer for the past seven years. He suggested that the City charge the performers a yearly fee of \$100 and require written authorization from the store owner allowing them to perform at that location.

Attorney Reischmann provided legal counsel regarding this suggestion.

Mike Schwartz, Pannullo's Italian Restaurant, 216 S. Park Avenue, urged the Commission to address this issue since they have had very bad experiences with street musicians playing all hours of the day and night in front of his restaurant. He supported the proposed ordinance.

Woody Woodall, 328 N. Park Avenue explained that some of the local businesses like the musicians because it adds character to the avenue and is opposed to the ordinance.

Mayor Bradley indicated that he would like for the Park Avenue Area Task Force to look at this as well as the Chamber of Commerce. CRA Director Dori Stone (DeBord) responded that they would be happy to work with the Chamber members and non-chamber members, the Park Avenue Area Task Force and the CRA Advisory Board.

Attorney Reischmann answered questions of the Commission.

Commissioner Leary withdrew his original motion since it was for discussion only. Commissioner Sprinkel withdrew her second.

Motion made by Commissioner Sprinkel for staff to continue with this issue and ask the Park Avenue Area Task Force, the Chamber and the CRA Advisory Board for their recommendations; seconded by Commissioner Leary. It was also clarified that they would welcome public input from Chamber groups, the Hannibal Square Merchants and others. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Public Comment

Patrick Chapin, Winter Park Chamber of Commerce, thanked the Commission and the Mayor for their support last Monday when they launched "Healthy Central Florida" at Full Sail University.

Action Items Requiring Discussion (continued)

- b. Urban Land Institute (ULI) Technical Assistance Panel (TAP) Program for West Fairbanks Redevelopment Evaluation

CRA Director Dori Stone (DeBord) provided information on the ULI TAP Program that brings together experts from appropriate fields such as commercial development, planning, engineering and redevelopment to address strategic objectives set out by the community leadership. Experts are invited to a one-day workshop whereby they would review current and proposed programs by City staff, take public comment, tour the corridor, and formulate recommendations which are presented publicly later that day and provided to the City. All of this is done with the City's objectives in mind. The City's Economic Development and Planning staff are recommending that a ULI Panel be put together to evaluate West Fairbanks prior to any further action being taken on adoption of the Architectural Design Standards.

Costs associated with the ULI Panel are approximately \$20,000 and will not exceed \$25,000. Funding is available through the Economic Development Program. EDAB's motion supports the use of this funding for this type of effort and recommended that the ULI Panel look into short and long term development solutions on West Fairbanks Avenue.

ULI representative Jim Sellen provided an overview of the ULI Advisory Services Program and answered questions.

Commission discussion ensued as to what the process is and that they come up with the goals and objectives prior to commencement. Mrs. Stone explained that she will be working with Mr. Briggs and the ULI consultant to come up with several draft objectives and then present them to the Commission for input and consensus prior to moving forward.

Mr. Briggs answered questions regarding the Placemakers document and explained that it is a design guideline. He indicated that it would be extremely advantageous to allow the ULI Panel to provide their expertise, review the existing data and provide a report on their findings.

Mrs. Stone advised that the Commission can move ahead now and adopt West Fairbanks Architectural Design Standards without this advice from the ULI Panel and speed that adoption by two months. She explained that the City may learn some important things from the ULI Panel and the ULI Panel can also be helpful in validating or confirming the most important design regulations that will be part of the Architectural Design Standards. It will also allow for participation in this process by the property owners and tenants along the corridor. She addressed the importance of getting the Architectural Design Standards adopted sooner rather than later, but that no substantial redevelopment is expected to occur until the sanitary sewer project is completed which will be at least a year.

The Commission asked if they can see examples of completed ULI reports. Mrs. Stone advised that she will email the information to the Commissioners.

Motion made by Commissioner Leary to approve; 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.

c. Proposed on-street dining - Hannibal Square East

Building Director George Wiggins explained that the applicant initially submitted a request for approval of this event to our Public Works Department and they are seeking permission to close off a public street for café seating every evening from 5:00 p.m. to 11:30 p.m. for a trial period

from February 15 to April 29, 2012. Staff requested Commission approval and the Commission instructed staff to identify or create a process which this type of request should follow. It was determined that the City already has a procedure/application process in place through the special event ordinance that would ensure events of this type meet applicable requirements. Events which are over 3 days in length or requires use of public right-of-way may be referred to the City Commission for approval.

Mr. Wiggins explained the additional criteria and standards that are to be met prior to the approval of a special event application which apply to street closures involving restaurants. He also noted that notification was provided by both the City and the applicant to the neighboring property owners.

Public Works Director Troy Attaway answered questions of the Commission related to the street closure.

Motion made by Commissioner Leary to approve the recommendations from staff (approve event and waiver of alcoholic consumption prohibition in a public street subject to staff conditions and criteria listed below as "Additional Criteria for Street Closures involving restaurants.)" 1) The street to be closed must not exceed a traffic count of 1,000 vehicles per day unless a traffic study documents minimal impact to traffic during street closure periods. 2) The area of street closure must be directly adjacent to and operated by the restaurant(s) requesting closure. 3) Written consent for the closure must be approved by all abutting property owners/leasees including those directly across the road to be closed. 4) Road closure can only be allowed if there is a parallel alternate route within 350 feet (Park Avenue blocks are 300 feet). 5) Road closure can only be allowed if other property owners, residents or businesses located on the same street have public street access to their properties, residences or businesses. 6) Standards for the outdoor tables, seating, umbrellas (if any), menu signs and provision of maintenance cleaning of street or sidewalk areas shall comply with the City's Sidewalk Café Ordinance. A seating diagram shall be provided for review and approval. All other applicable provisions of the Sidewalk Café Ordinance shall apply. 7) The impact of any additional required parking can be absorbed by existing parking available at the time of the closure. 8) No amplified or live music without specific separate authorization with an amended event permit application. 9) The City Manager retains the right to terminate the approval of the event or further limit the times of the event at any time deemed appropriate, due to noise, safety concerns or other reasons not enumerated herein; seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper that we extend the trial period from 2 months to 6 months and that we restrict it to weekend nights only. Motion failed for lack of a second.

Pastor K.T. Turner, Bethel Missionary Baptist Church, 425 W. Welbourne Avenue, opposed the request because of the narrow streets, parking issues, and believed this will create havoc for emergency response.

Ken Wright, 217 E. Hannibal Square, opposed this request. He explained that he lives directly behind Chez Vincent Restaurant and will impede his sleep by extending the hours. He was also

concerned that emergency vehicles would not be able to come to his aid due to the street being closed.

Applicant Dan Bellows, 558 W. New England Avenue, asked the Commission to approve the concept of the daily street closure and to approve the waiver of alcohol.

Woody Woodall, 328 N. Park Avenue, explained that he likes special events and is in favor of this request.

Linda Chappell (Walker), 794 Comstock Avenue, opposed this request and felt that if the street is to be closed the City should implement an ongoing fee and put that money towards Community Center programs.

Susan Gabel, 535 N. Interlachen Avenue, opposed closing the street and said the residents of the Westside have suffered enough. She urged the Commission to deny the request.

Pete Weldon, 700 Via Lombardy, explained that the City has made significant investments throughout the entire City for the benefit of everyone and when changes occur there are both negative impacts and positive impacts but change is inevitable.

Lurlene Fletcher, 790 Lyman Avenue, opposed closing the street because of concerns that it will create a mardi-gras atmosphere. She asked the City to look into the noise disturbance and illegal drug use in the area.

Attorney Kim Booker, representing the applicant, explained that there is a noise ordinance that addresses noise disturbances and they have no intent in creating a mardi-gras atmosphere.

Mr. Wiggins answered questions regarding the fees associated with the sidewalk dining permit and special event permit and what happens after the trial period. The Commission mentioned that if this is going to become permanent they suggested having the CRA Advisory Board and/or other boards provide recommendations and suggestions. Mr. Wiggins acknowledged and advised that staff will be reviewing and monitoring this. Staff will also perform a thorough analysis of the impacts on the City, the costs incurred and what fees should apply if this becomes permanent.

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.

A recess was taken from 5:54 p.m. to 6:13 p.m.

Public Hearings

a. Request of Denning Partners, Ltd. For the property at 861 W. Canton Avenue:

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE

MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

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 ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESTRICTIONS ON HEIGHT; CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Each Commissioner disclosed their ex-parte communications. Mayor Bradley and Commissioners McMacken, Cooper and Leary advised that they spoke with staff after the last meeting. Mayor Bradley and Commissioners Leary and Sprinkel said they drove by the property.

Planning Director Jeff Briggs explained that the applicant Denning Partners, Ltd. (Dan Bellows) has under contract the property at 861 W. Canton Avenue for purchase, which is immediately east of and adjacent to the Denning Drive apartment project at 550 N. Denning Drive. He explained the 5-2 Planning and Zoning Board vote and that the majority felt the location of this property and the adjacency to the Denning Drive apartment site provides better design opportunities if added to that project. The minority felt that there needs to be a step-down in density moving east and that R-3 was more appropriate. The rezoning ordinance contains a restriction on building height to the same three stories and 42' as was approved for the Denning Drive apartment project. Mr. Briggs advised that staff's recommendation is for approval with the condition that future development is limited to no more than three stories and 42' of building height. Mr. Briggs answered questions.

Attorney Reischmann provided legal counsel pertaining to the obligations that the Commission has in regards to approving or denying the ordinances. Commission discussion ensued as to the pros and cons with approving this request and if they approve it, the possible impacts that would be created with granting the change.

Motion made by Commissioner Cooper to deny the ordinance (Comprehensive Plan change from R-1 to R-4 density on this lot); seconded by Commissioner McMacken.

Motion made by Commissioner McMacken to deny the ordinance (amending the Zoning Code); seconded by Commissioner Cooper.

Denise Weathers, Hannibal Square Community Land Trust, 140 N. Orlando Avenue, spoke in opposition to the rezoning request. She asked that they adhere to the Comprehensive Plan.

Mary Daniels, 650 Canton Avenue, explained that everyone in her neighborhood including herself is opposed to the rezoning. She asked to adhere to the Comprehensive Plan and to keep their community as a single family residential neighborhood.

Dana Rehm, 634 W. Comstock Avenue, shared her opposition with changing the rezoning from single family to multi-family and urged the Commission to deny this request.

Applicant Dan Bellows, 558 W. New England Avenue, provided a brief summary regarding his request and urged the Commission to approve the rezoning and comprehensive plan change.

Linda Chappell (Walker), 794 Comstock Avenue, asked the Commission to deny the request.

Upon a roll call vote on the first ordinance (amending the Comprehensive Plan), Mayor Bradley and Commissioner Leary voted no. Commissioners Sprinkel, Cooper and McMacken voted yes. The motion (to deny the request) carried with a 3-2 vote.

Attorney Reischmann explained that they should withdraw the Zoning ordinance since the first ordinance failed. **Commissioner McMacken withdrew his motion to deny the Zoning Code amendment.**

- b. RESOLUTION NO. 2100-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING VIA SALERNO AND MAYFIELD AVENUE; WHICH IMPROVEMENTS BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

Attorney Reischmann read the resolution by title. **Motion made by Commissioner McMacken to adopt the resolution; 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. RESOLUTION NO. 2101-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO ITS HOME RULE POWERS, DELEGATING AUTHORITY TO THE CODE ENFORCEMENT BOARD AND TO CITY MANAGER UNDER EMERGENCY CONDITIONS TO NEGOTIATE CODE ENFORCEMENT LIENS AND TO EXECUTE SATISFACTIONS OR RELEASES OF CODE ENFORCEMENT LIENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY FOR THE PURPOSE OF ALLOWING PROPERTY CLOSINGS TO OCCUR WITHOUT DELAY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Reischmann read the resolution by title. Building and Code Enforcement Director George Wiggins explained that this resolution is per the recommendation of the City Attorney which would allow the Code Enforcement Board to negotiate a lien settlement and release; or allow the City Manager to proceed with the negotiation and settlement when the Board cannot convene in a timely manner. Property sales have been abandoned due to the current process; therefore, staff would like to streamline the process so that the City is not the cause of liens not being paid or properties not being sold. Mr. Wiggins and Attorney Reischmann answered questions regarding the process.

Commission discussion ensued as to whether or not the Code Enforcement Board should be allowed to negotiate a lien settlement. It was recommended to modify the resolution to allow the City Manager to negotiate a lien for anything under \$50,000 and execute a satisfaction or release; and to come before the Commission for action if the dollar amount is above \$50,000.

Motion made by Mayor Bradley to strike the words “Code Enforcement Board and” in Section 2; and to add the following at the end of the paragraph “up to \$50,000 per the City Manager’s financial delegation authority; and in Section 3 eliminate the words “when the Code Enforcement Board is not scheduled, etc.” Mayor Bradley clarified that he would like to strike anything that refers to the Code Enforcement Board. **The motion was seconded by Commissioner Cooper.** 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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA REGULATING PARKING IN ELECTRIC VEHICLE CHARGING STATION SPACES DESIGNATED FOR THE CHARGING OF ELECTRIC VEHICLES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. First Reading

Traffic Manager Butch Margraf provided background and answered questions. Commission discussion ensued regarding the amount of the fine, if \$100 is too much, and to possibly modify the ordinance or the parking signs to allow the flexibility for shared parking so when the spaces are not being used by electric vehicles a regular vehicle can park there.

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

Motion amended by Commissioner Cooper that allows flexibility to experiment with some of the parking ideas that they talked about (shared parking). Motion failed for lack of a second.

Commissioner Sprinkel asked if staff could monitor this and report back in six (6) months with data on the actual usage of the electric vehicle charging station spaces. Mr. Margraf acknowledged the request.

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

- e. Revise the conditions of approval for extension of conditional use for the parking garage expansion at 655 W. Morse Boulevard pursuant to the settlement agreement.

Planning Director Jeff Briggs explained that at the last meeting the Commission approved the settlement agreement and agreed on the conditions that were imposed on May 10, 2010. The only way to implement this settlement agreement is to modify those conditions at a public hearing. Staff published the legal advertisement for this public hearing.

Motion made by Commissioner Sprinkel to approve the request; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. (Mayor Bradley was absent for the vote.)**

City Commission Reports:

a. Commissioner Leary

Commissioner Leary said he is looking forward to judging the Chili Cook-off event which is scheduled for February 23 and encouraged everyone to attend.

Commissioner Leary mentioned that he would prefer to have a local architect, not the state's architect, to design the new Amtrak station. Upon further Commission discussion, a consensus was reached to have staff bring the current concept and design development plans for the Amtrak station to the next Commission meeting so they can see what has transpired to this point. Public Works Director Troy Attaway acknowledged the request.

Commissioner Leary congratulated Mayor Bradley on his re-election.

b. Commissioner Sprinkel

Commissioner Sprinkel reported the following questions/concerns from residents to City Manager Knight:

- How often do the garbage cans get picked up in the alleyways behind Park Avenue because they overflow on weekends? City Manager Knight explained that the commercial users on Park Avenue pay for the bins to be emptied and if they need to be emptied more often they would have to pay for it. He noted that this is an on-going issue and that staff will look into it.
- Residents are having a hard time driving on some of the streets due to the way the lawn maintenance vehicles park their trucks and trailers and other commercial vendors.
- There were several big busses that were parked across the street from the library this week; were they allowed to park there and if not, do they know where to park.

Commissioner Sprinkel mentioned that Linda Chapin and Hal Downing would like to talk to the City regarding the upcoming Bike/Walk of Central Florida event.

Commissioner Sprinkel said the new recycling bins around town look great.

c. Commissioner Cooper

Commissioner Cooper mentioned that she would like for the Commission to have an open conversation regarding the Progress Point property and the potential uses prior to doing anything with the property. The Commission suggested discussing this during the strategic planning meeting in April.

d. Commissioner McMacken

Commissioner McMacken encouraged everyone to attend the "Duck Derby" this weekend.

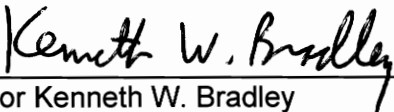
e. Mayor Bradley

Mayor Bradley asked if voter registration can occur at the library. City Manager Knight said yes they can drop off their voter registration application at the library and the City Clerk's office. Attorney Reischmann clarified that the library adopted their own policy which allows for voter registration; however, they have also adopted policies which prohibit any type of solicitation. Mayor Bradley asked if he has support to ask the library board to review their policies as it relates to voter registration and other activities. There was no support from the Commission to bring this item forward.

Mayor Bradley said the 125th Anniversary Task Force is convening and asked that their ideas be brought forward to the Commission.

Mayor Bradley asked for support to add the 90-day plan discussion on the next agenda. There was consensus to do so and to allow for a 30 minute discussion. City Manager Knight acknowledged the request to email the Commissioners with a draft list of items for their input prior to the meeting.

The meeting adjourned at 8:26 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham