

REGULAR MEETING OF THE CITY COMMISSION
September 10, 2012

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 Jim Govatos, Aloma United Methodist 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 Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Mayor Bradley reminded everyone that the City will hold a special ceremony to dedicate the Winter Park Fallen Hero's Memorial located at the entrances to the Public Safety Facility and encouraged everyone to attend tomorrow, September 11 at 2:00 p.m.

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

Mayor's Report

- a. Presentation – Orange County Property Appraiser Bill Donegan - how the amendments coming before the voters in November can impact the City's tax base

Orange County Property Appraiser Bill Donegan provided a PowerPoint presentation regarding 5 of the 11 constitutional amendments that relate to assessments and exemptions that will be on the November 2012 ballot and how they affect the City. A copy of the PowerPoint presentation is on the City's website.

- b. Board appointments:

- Keep Winter Park Beautiful and Sustainable Advisory Board (to replace Kelda Senior who resigned): Mayor Bradley advised that he will be making this appointment at an upcoming meeting.

- Code Enforcement Board (alternate)
- Tree Preservation Board (move regular member to alternate)

Motion made by Mayor Bradley to appoint Camille Goodin who is currently the alternate on the Tree Preservation Board to the Code Enforcement Board as the alternate and to appoint Christine Menkin who was the last person appointed to the Tree Preservation Board to the alternate position on the Tree Preservation Board; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.

Mayor Bradley noted that Dave Johnston who served on the Civil Service Board just resigned and that he will be making this appointment at an upcoming meeting.

City Manager's Report:

- a. Schedule discussion of strategic plan

City Manager Knight asked for direction. A majority of the Commission agreed to add this item to the October 8 agenda for a 60 minute discussion.

- b. Schedule public hearing regarding the tree ordinance

City Manager Knight asked for direction as to the scheduling of the tree ordinance. Commission discussion ensued regarding the need to educate the community regarding the existing tree ordinance and the proposed tree ordinance in a town hall type atmosphere which would include an open public forum discussion.

A majority of the Commission agreed to defer the ordinance to October 22 and in the meantime for City Manager Knight and staff to schedule a public forum meeting prior to October 22. The request was acknowledged.

City Attorney's Report

No items.

Non-Action Item

- a. Financial Report – July 2012

Finance Director Wes Hamil provided the Financial Report for July 2012 and answered questions of the Commission.

Mayor Bradley asked that a graph be created showing what the electric debts were, where they came from and how the utility was able to pay the debt back. The request was acknowledged.

Motion made by Commissioner Sprinkel to accept the financial report as presented; seconded by Commissioner McMacken and approved unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of 8/27/2012.
- b. Approve the following contract:
 1. Amendment 2 for Emergency Debris Management Services (RFP-16-2010) with Ceres Environmental and authorize the Mayor to execute the Amendment.
- c. Approve the amendment of the Purchasing Policies & Procedures Manual to incorporate the Local Preference Policy (Section XXII) and updates of Florida Statutes as a result of 2011 and 2012 legislative changes.

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

Action Items Requiring Discussion

- a. CBS Outdoor Billboard Agreement

Planning Director Jeff Briggs presented the item and explained that the property at 600 Lee Road has been acquired by FDOT as part of the I-4 project. As part of that condemnation settlement there remains on this property an existing I-4 facing billboard sign owned by CBS Outdoor and their permanent easement for the sign. CBS Outdoor desires to demolish that existing static face billboard and rebuild a new digital billboard as a replacement. FDOT has submitted the required voluntary annexation petition.

City Manager Knight and Planning staff have negotiated an agreement with CBS Outdoor that will require CBS Outdoor to remove three (3) existing billboard signs in other locations in the City in order to replace and convert the existing billboard to a digital sign (on both faces). The new I-4 billboard will be the same size as the existing billboard in terms of square footage (672 sq. ft.) but it will be taller in order to improve its visibility along I-4.

As compensation for this new I-4 digital billboard, CBS Outdoor has agreed to remove three (3) existing billboard signs at 1566 W. Fairbanks, 1700 W. Fairbanks and at 2170 W. Fairbanks Avenue. This should be a major accomplishment in the City's goal of improving the gateway appearance of the Fairbanks Avenue corridor.

Attorney Brown provided clarity regarding the multiple approvals in one motion. He explained that the annexation piece of this is a business term of the overall agreement and will come to the Commission at a later date as an ordinance.

Motion made by Commissioner Cooper to approve the staff recommendation to move forward as listed in their recommendation with #1 that talks about the agreement and #2 that says move forward with steps to accomplish an annexation (#1. The City Attorney's approval of the Agreement with CBS Outdoor and authorization for the Mayor to execute based upon the City Attorney's approval; #2. Direction for the staff to proceed with the implementation steps including the annexation of 600 Lee Road and the request to Orange County for the Inter-local Agreement); seconded by Commissioner Sprinkel.

Mr. Briggs and Attorney Brown answered questions. There was a brief discussion as to whether or not this is a fair swap.

Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel and Cooper voted yes. Commissioners Leary and McMacken voted no. The motion carried with a 3-2 vote. Commissioner Leary disagreed with the height and the number of sides of the billboards and wanted to be sure this was a fair swap and that we were getting a fair market deal. Commissioner McMacken was unsure whether this is a fair swap.

b. Report on quiet zones (from August 28 meeting)

Assistant Public Works Director Don Marcotte provided a PowerPoint presentation including general information on quiet zones, the status (Winter Park, Orlando and Maitland), evaluation report, costs/funding and the next steps to follow. Mr. Marcotte answered questions including supplementary versus alternative safety measure options.

Myra Monreal, P.E. with the City of Orlando provided a brief overview of what the City of Orlando is doing, the analysis they performed including cost estimates and how they achieved their goal in choosing the supplementary safety measure option.

Motion made by Mayor Bradley that City staff bring back to the Commission a recommendation on the costs and what next steps would be on our quiet zones by the second meeting in October with the goal of trying to meet a January 2013 if we approve that from a financial standpoint; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Public comments

Paul Vonderheide, 100 East Rockwood Way, spoke in opposition of the proposed ban on peaceful protests in the City.

Joe Terranova, 151 North Virginia Avenue, commented about the timeframe for the undergrounding plan and his belief that it can be done in 15 years. He suggested that it be adopted in their next Strategic Plan meeting as a fixed target date.

A recess was taken from 5:15 p.m. to 5:32 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 2013 to generate the same property tax revenue for the City as in 2012, based on the Property Appraiser's certification, is 4.1216 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 .71%. In addition, a .1051 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 .2209 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 .1051 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 .2209 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 Cooper 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 unanimously carried 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, 2012 AND ENDING SEPTEMBER 30, 2013 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING FUND, COMMUNITY REDEVELOPMENT FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND

STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2012; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. First reading

Discussion ensued regarding the two options presented in the staff report to fund \$20,000 toward the Keep Winter Park Beautiful and Sustainable Advisory Board staff liaison position, to fund \$70,000 toward a geo-thermal heating system for the Cady Way Pool, and to update the City's Capital Improvement Program.

The following public comments were made regarding the budget:

Nancy Shutts, 2010 Brandywine Drive, asked to consider adding an additional \$100,000 to be used in the tree fund to maintain the existing tree canopy.

Paul Vonder Heide, 100 East Rockwood Way, recommended that the Commission not approve funding for several items including government surveillance cameras.

Motion by Commissioner Leary to accept the ordinance on first reading of the budget with option 1 as stated in regards to the Keep Winter Park Beautiful Board (Have KWPB&SAB fund \$20,000 toward the re-landscaping at the Civic Center instead of the liaison salary. The re-landscaping is currently part of the General Parks Major Maintenance budget. The city would then pick up the total cost of the liaison in FY13 but its transfer to the CIP would be reduced by the same amount. In subsequent years the City would fund the liaison out of general revenues and KWPB&SAB fund raising funds can be used for other city approved beautification projects.); and option 1 for the Cady Way Pool project (The City currently has \$180,500 remaining in the current year (FY12) General Fund Contingency with less than a month to go until year end. \$70,000 of that could be transferred to the Cady Way Pool project); seconded by Mayor Bradley.

Motion amended by Commissioner Cooper that our Capital Improvements Program also show our commitment to the acquisition of the post office property (Central Park) under other long term needs with a dollar value of \$3 million; seconded by Commissioner McMacken. A brief discussion followed about possibly needing additional funds to trim street canopy trees. No public comments were made. **Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.**

Motion amended by Commissioner Cooper to add \$100,000 into the budget for additional street canopy tree trimming (to come from reserves). Motion failed for lack of a second.

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.

Public Hearings

a. Request of Mi Tomatina Restaurant:

ORDINANCE NO. 2882-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-86 "OFF-STREET PARKING REGULATIONS" TO EXPAND THE HANNIBAL SQUARE PARKING EXCLUSION DISTRICT TO INCLUDE THE PROPERTY AT 433 W. NEW ENGLAND AVENUE, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner Sprinkel. Commissioner McMacken noted that the parking allocation information has not been submitted to date from Dan Bellows as requested. Planning Director Jeff Briggs advised that if Mr. Bellows is having difficulty providing the parking tabulation that staff will provide the information within 30 days. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion unanimously carried with a 5-0 vote.**

b. ORDINANCE NO. 2878-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE PROPERTY AT 656 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title.

Mr. Briggs provided an update regarding the request for annexation. He explained that the property owner withdrew the request to establish Commercial zoning on this lot so it was removed from the P&Z agenda for tonight's meeting. Mr. Briggs advised that this property has a residential designation in the Orange County Comprehensive Plan that will stay in place so the request tonight is for annexation only.

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

c. ORDINANCE NO. 2879-12: AN ORDINANCE OF THE CITY OF WINTER PARK,

FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE PROPERTY AT 600 BAFFIE AVENUE AND THE EAST HALF OF THE ADJACENT RIGHT-OF-WAY OF BAFFIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title. Planning Director Jeff Briggs submitted a letter from Orange County dated September 10, 2012 to the Deputy City Clerk in support of consistency with the annexation (see attached). Mr. Briggs provided an aerial map showing the property is contiguous and that the request tonight is for annexation only. Mr. Briggs and Attorney Brown answered questions.

Motion made by Commissioner Cooper to deny the ordinance; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion to deny failed with a 3-2 vote.**

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

Phillip Tatch, 901 Golfview Terrace, spoke on behalf of Nort Northam in opposition of the annexation and presented his case saying the property is not conterminous, nor is it contiguous.

Attorney Brown provided legal counsel regarding the request and the item presented by Mr. Tatch regarding proof of contiguity.

Attorney Trippe Cheek advised that Orange County, City staff and the City Attorney agreed that this property meets the standard contiguity.

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. Commissioners Cooper and McMacken expressed the same concerns they raised at the previous meeting.

A recess was taken from 7:00 p.m. to 7:10 p.m.

- d. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA; AMENDING SECTION 62-77 OF THE MUNICIPAL CODE AND ADDING NEW SECTION 62-79, TO PROMOTE PUBLIC PEACE AND ORDER IN RESIDENTIAL AREAS AND TO PROMOTE THE IMPORTANT VALUE OF TRANQUIL AND HARMONIOUS NEIGHBORHOODS IN THE CITY OF WINTER PARK BY REGULATING WITHIN A DEFINED BUFFER AREA ALL PICKETING, REGARDLESS OF THE CONTENT OF THE COMMUNICATION, AND ALLOWING A RESIDENT TO POST A "NO LOITERING" SIGN ON HIS OR HER PROPERTY WHEN A PROTEST OR PICKETING ACTIVITY IS OCCURRING ON A SIDEWALK, RIGHT-OF-WAY, STREET OR OTHER PUBLIC AREA ABUTTING THE SUBJECT PRIVATE PROPERTY OR WITHIN THE DEFINED BUFFER;

PROVIDING FOR ALTERNATIVE AREAS FOR PROTEST AND PICKETING; PROVIDING FOR ENFORCEMENT; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title and clarified that there was a slight amendment to the ordinance regarding the definition of dwelling unit and provided copies to the Commission and to the Deputy City Clerk. He answered questions relating to the existing ordinance that prohibits loitering and clarified the language in the proposed ordinance and how they differ. He addressed buffer areas, sidewalk easements, and the displaying of no loitering signs.

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

The following spoke in opposition:

Jay Rogers, 3083 Bloomsbury Drive, Kissimmee
Brian Denham, 5026 Hidden Springs Boulevard, Orlando
David Risler, 1959 Ranchland Trail, Longwood
Daniel Stone, 1438 Sunset Lane, Casselberry

The following spoke in favor:

James Fisher, 2210 Coldstream Drive
Andrew Tosh, 1470 Aloma Avenue
Cirely Scheiner-Fisher, 2210 Coldstream Drive

Attorney Brown provided legal counsel concerning some of the issues mentioned as part of the public comments.

Mayor Bradley explained that he will not be supporting this item even though he understands the need for public safety; however, he cannot get around our Constitution on this matter or stop free speech.

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

e. Adoption of the Fee Schedule effective October 1, 2012.

Motion made by Commissioner Sprinkel to table the fee schedule for tonight (Commissioner Sprinkel explained that she would like to defer this topic until they have resolved the tree ordinance since it affects the fee schedule); **seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

City Commission Reports:

a. Commissioner Leary - No items to report.

b. Commissioner Sprinkel

1. Commissioner Sprinkel said there were over 2,200 people that attended the "Pink Out" event in Winter Park for breast cancer awareness in Central Park last week and that it was a great event.

2. Commissioner Sprinkel reminded the Commission that they need to have a discussion on how they are going to manage the disbursement of funds to outside organizations on a quarterly basis. City Manager Knight said it is his understanding that staff will schedule a meeting and those individuals that want to participate will attend. He advised that he will send notice of the meeting to the Commission.

c. Commissioner Cooper - No items to report.

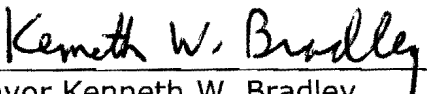
d. Commissioner McMacken

1. Commissioner McMacken said recently they received positive information on the decision regarding pensions and would like to discuss it sometime in the near future. A majority of the Commission agreed to add the item to the end of the next agenda, time permitting.

e. Mayor Bradley

1. Mayor Bradley asked everyone to remember those who have given their lives for us, specifically in our Fire and Police Departments.

The meeting adjourned at 7:57 p.m.



Mayor Kenneth W. Bradley

ATTEST:


FOR City Clerk Cynthia S. Bonham



September 10, 2012

Mr. Jeffrey Briggs, AICP
Planning Director
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

**SUBJECT: 656 Overspin Drive and 600 Baffle Avenue – Annexation Public
Hearing – September 10, 2012**

Dear Mr. Briggs: *Self*

The County understands that the annexations referenced above will be acted upon at the September 10, 2012, City Commission meeting. Orange County has reviewed the annexations for consistency with Chapter 171 Florida Statutes, and the applications are consistent with this Chapter.

In terms of Land Use changes, we understand that the Future Land Use and rezoning requests for 656 Overspin Drive have been withdrawn. However, Orange County continues to be concerned about the potential for intrusion of nonresidential land uses into the adjacent residential area. The Dubsdread Heights subdivision a well-established neighborhood designated as Low Density Residential on the County's Future Land Use Map. We ask that the City keep Orange County informed of any future requests for annexation and commercial-type land use changes in this area. The County would like to work with the City to ensure the neighborhood is adequately protected from future incompatible uses.

If you have any questions, please feel free to contact me or Catherine Howard, Principal Planner, at 407.836.5611 or Catherine.Howard@ocfl.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Testerman".

Christopher R. Testerman, AICP
Assistant County Administrator

C: Dana Boyte, Legislative Aide, District 5
Susan Caswell, AICP, Planning Manager
Susan McCune, AICP, Project Manager
Dana Crosby, Assistant County Attorney
Catherine Howard, Principal Planner

CHRISTOPHER R. TESTERMAN, AICP
Assistant County Administrator

201 South Rosalind Avenue • Reply To: Post Office Box 1393 • Orlando, Florida 32802-1393
Telephone: 407-836-7370 • Fax: 407-836-7399