

REGULAR MEETING OF THE CITY COMMISSION
September 24, 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 Talia Raymond, First Congregational 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
Deputy City Clerk Michelle Bernstein

Mayor Bradley reminded everyone that the 125th anniversary celebration will be held at the First Congregational Church and urged everyone to attend.

Approval of the agenda

City Manager Knight addressed briefing the Commission individually on the water and sewer rate study and being advised that it might be advantageous to hold a work session prior to adoption. A majority of the Commission agreed to schedule a work session within the next few weeks and to remove item '10.a' from the agenda.

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

Mayor's Report

a. Proclamation – National Falls Prevention Awareness Month (Fire-Rescue)

Mayor Bradley proclaimed September 22, 2012 as "Falls Prevention Awareness Day." Fire Chief Jim White provided a brief summary regarding the Falls Prevention Education Program. Community Risk Reduction Specialist Susie Whitaker, Fire Marshall Scott Donovan and Winter Park Health Foundation Chairperson Gerald Sutton were present to accept the proclamation.

b. Board appointment: Civil Service Board

Motion made by Mayor Bradley to appoint Kip Marchman to the Civil Service Board to replace Dave Johnston who resigned; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Mayor Bradley addressed the Fallen Hero's Memorial Dedication last week and thanked everyone that was involved in making it a memorable day of reflection.

City Manager's Report:

a. Hannibal Square Community Land Trust Project Update

CRA Director Dori Stone provided a summary regarding the issuance of a Notice of Disposal (NOD) for the property at 845 W. New England Avenue. She addressed the 2006 Memorandum of Understanding with the Hannibal Square Community Land Trust (HSCLT) for consideration of four different properties and that the HSCLT has a project that meets our affordable housing goals as outlined in the comprehensive plan and the CRA plan. They asked the City to issue the NOD for this property on September 30 for 30 days in order to get this done in a timeframe that works with the HSCLT schedule. This will come back to the Commission for consideration on October 22. She noted if the City does not want to participate we are under no obligation to do so. Ms. Stone answered questions including the process and requirements for NOD's.

The Commission shared their concerns with not being provided backup information in the agenda packet and having no advance notice of the action being proposed. Ms. Stone advised that staff can postpone the NOD until a full briefing has been given to the Commission but noted that this will push back the timeline for the HSCLT project. A majority of the Commission agreed to add this item to the October 8 agenda so they can take action.

Miscellaneous. City Manager Knight announced the following events:

- A public forum meeting on the proposed tree preservation ordinance on October 9th from 6:00 p.m.-7:00 pm. in the Commission Chambers.
- The second annual Veteran's Day event on November 9 at 10:00 a.m. on the stage at the Community Center, weather permitting.
- Winter Park Health Foundation's weekly 30 minute morning walk led by an elected official followed by a 30 minute Q&A session at the Community Center. Anticipated start date is either the week of October 15th or 27th.

Backyard chicken initiative: City Manager Knight addressed Commissioner McMacken's concern with having only one board reviewing the backyard chicken initiative. After a brief discussion, Mayor Bradley suggested and a majority of the Commission agreed that this process be followed: that the KWPB and Sustainable Advisory Board review and provide a recommendation; that the P&Z provide their review/recommendation; and then come to the Commission for action.

City Attorney's Report - No items.

Non-Action Item - No items.

Consent Agenda

- a. Approve the minutes of 9/10/2012.
- b. Approve contract renewal and subsequent purchase order with Cigna Group Insurance for RFP-19-2008 Group Term Life, AD&D, Voluntary Term Life for Employee, Spouse and Children, Long Term Disability, and Voluntary Short Term Disability; and authorize the Mayor to execute the renewal package documents; \$123,678.00.
- c. Approve the CPI index rate increase for Waste Pro to be effective October 1, 2012.

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

Action Items Requiring Discussion

- a. Water and Sewer Rate Study

Postponed to a future agenda to hold a work session within the next two weeks.

A recess was taken from 5:02 p.m. to 5:20 p.m.

Public comments

Joan Cason, 1915 Woodcrest Drive, asked if the City has money available to underground Fairbanks Avenue and if all the work will be done at one time. City Manager Knight advised that the project is to underground the transmission lines from 17-92 to Interstate 4. The City and FDOT are currently in the process of obtaining funding but is not 100% in place at this time. Depending on when the funding comes through, the project might happen in connection with the water and sewer project and if it does the timeframe would have to be extended since we cannot perform both services at the same time.

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. ORDINANCE NO. 2883-12: 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 Second reading

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 unanimously carried with a 5-0 vote.**

- b. ORDINANCE NO. 2884-12: 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. Second reading

Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner McMacken. No public comments were made. **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 City of Winter Park:

ORDINANCE NO. 2885-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-65 "R-1AAA LAKEFRONT DISTRICT," AND SECTION 58-66 "R-1AA AND R-1A DISTRICTS," BY ADDING A SPECIAL SIDE SETBACK OPTION FOR NARROW LOTS PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner McMacken 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 unanimously carried with a 5-0 vote.**

b. Request of Rex-Tibbs Construction, Co., Inc. for the property at 271 N. Pennsylvania Avenue:

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 COMMERCIAL TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 271 N. PENNSYLVANIA 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 COMMERCIAL (C-3) DISTRICT TO MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT ON THE PROPERTY AT 271 N. PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING; CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First reading

SUBDIVISION APPROVAL TO SPLIT THE PROPERTY INTO THREE LOTS FOR THREE ATTACHED FEE SIMPLE TOWNHOMES AND PROVIDING FOR THE ESTABLISHMENT OF SPECIAL SETBACKS FOR THE THREE LOTS

Attorney Brown read the ordinances by title. Mayor Bradley noted that this item will be treated as a simultaneous public hearing having three separate votes.

Planning Director Jeff Briggs explained that Rex-Tibbs Construction has a contingent contract to purchase the property at 271 N. Pennsylvania Avenue and is requesting a Comprehensive Plan FLU Map and Zoning Map change from the existing Commercial (C-3) zoning to Medium Density Residential (R-3) zoning so he can build three (3) two story townhomes. The applicant is also requesting subdivision approval to split the property into three fee simple lots and to establish special setbacks and other

variances for the three lots. It was noted that the P&Z Board voted unanimously in favor of all three items but placed a condition to the subdivision approval (of maintaining front side architectural articulation). Mr. Briggs answered questions including side/rear setbacks, closed courtyards, fee simple and notice to surrounding property owners.

Ex-parte communications were provided regarding the zoning change. Mayor Bradley drove by the site; Commissioner Cooper spoke to the applicant at the P&Z meeting; Commissioner Leary attended the P&Z meeting; Commissioner Sprinkel drove by the site; and Commissioner McMacken drove by the site.

Motion made by Commissioner Leary to accept the (comprehensive plan) 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.**

Motion made by Commissioner McMacken to accept the (zoning) 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.**

Motion made by Commissioner Sprinkel to approve the subdivision split (to include the P&Z recommendation); 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.**

- c. Request of Winter Park Town Center Development LLC for the property located at 940 W. Canton Avenue:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO CHANGE THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTY LOCATED AT 940 W. CANTON AVENUE FROM OFFICE TO HIGH DENSITY RESIDENTIAL AND TO CHANGE THAT PROPERTY'S DESIGNATION ON THE MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO ADD A NEW POLICY PROVIDING FOR NEW RESIDENTIAL DENSITY ALLOWANCES FOR AND LIMITED TO THE PROPERTIES AT 940 AND 1020 W. CANTON AVENUE; 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 FOR THE PROPERTY LOCATED AT 940 W. CANTON AVENUE FROM OFFICE (O-1) DISTRICT MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT AND TO CHANGE THAT PROPERTY'S DESIGNATION ON THE

MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO AMEND THE C-1 COMMERCIAL DISTRICT TEXT PROVIDING FOR NEW RESIDENTIAL DENSITY ALLOWANCES FOR AND LIMITED TO THE PROPERTY 1020 W. CANTON AVENUE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First reading

CONDITIONAL USE APPROVAL TO CONSTRUCT A FOUR STORY, 206 UNIT RESIDENTIAL PROJECT; AND A PARKING GARAGE OF APPROXIMATELY 300 SPACES

Attorney Brown read the ordinances by title.

Ex-parte communications were provided. Mayor Bradley spoke with the counsel for the development team and that any other communications would be in the City's email system. Commissioner Leary spoke with the attorney for the developer and a representative from Epoch Properties and attended the P&Z meeting. Commissioner Sprinkel spoke with the attorney for the developers and with City Manager Knight. Commissioner Cooper spoke with City Manager Knight, Rick Baldocci from the development team, attended the P&Z meeting and asked questions of Mr. Briggs and for copies of files from prior project approvals. Commissioner McMacken spoke with the applicant's attorney and with City staff.

Planning Director Jeff Briggs provided the 2006 history of the previous approvals granted and the vision of the proposed project as a component of the Winter Park Village. He explained that this is a request by the Winter Park Town Center Development LLC (Don Casto Organization – owners of the Winter Park Village) to redevelop the former State DMV property at 940 W. Canton Avenue for a new four story, 204 unit residential development with a companion four level 358 space parking garage. He addressed the requirements to amend the Comprehensive Plan and Zoning Code to provide for the heights (stories) and residential unit count densities. He spoke about the project being a conditional use (over 10,000 square feet) and due to the parcel and project size, a City-wide notice of the public hearings has been mailed to all 14,500 households in the City as well as notices mailed to the property owners within 1,500 feet.

Mr. Briggs provided a summary of what transpired at the P&Z meeting on September 11 and the approvals/actions that were granted. He noted that this is a preliminary approval and that it will come back for final submission including architectural elevations, the final landscape plan and how the stormwater retention will be handled.

Mr. Briggs addressed Commissioner Cooper's concerns including land or density and the legalities of property already developed, what is allowed by code, and how the 2012 approval for 204 units differs in the site layout from the 2006 approval for 140 units. Mr. Briggs provided examples of similar development projects where density was viewed as a total development site context.

Attorney Brown provided legal counsel regarding common ownership and how it affects common control of the property.

Commissioner McMacken shared his concern with the density of 25 units versus 19 units.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed spoke on behalf of the applicant. She introduced the project team and provided a PowerPoint presentation to include the project description, site plan, landscape plan, adjacent development, Denning Avenue streetscape plan, project comparison, project benefits and the recommended approval by the P&Z board. Ms. Wilson addressed concerns and answered questions.

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

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

Motion made by Commissioner Leary to approve the conditional use request (per P&Z recommendation); seconded by Commissioner Sprinkel.

Mayor Bradley expressed concerns with the stormwater retention. Mr. Briggs explained that P&Z asked that the Commission determine the policy first before it comes back to them. He said at this point it is conceptual and that one of the alternatives might involve a partnership but the specific design will be presented at the final conditional use approval.

The following spoke in favor of the project:

Patrick Chapin, President of Winter Park Chamber of Commerce
James T. Barnes, Jr., 7 Isles of Sicily
Joe Terranova, 151 N. Virginia Avenue

The following spoke against the project:

Mary Randall, 1000 S. Kentucky Avenue
Sally Flynn, 1400 Highland Road
Lurlene Fletcher, 790 Lyman Avenue
Wayne Johnson, 220 Brewer Avenue
Vicki Krueger, 200 Carolina Avenue (agreed with the mixed use, but was against the size of the project and the parking).

Motion amended by Commissioner Cooper (for the conditional use), that a Development Agreement be executed to document all representations and density sharing. Commissioner Leary clarified that his original motion includes

P&Z's recommendation that a development agreement be presented.
Commissioner Cooper withdrew her motion to amend.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote (conditional use), 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 6:59 p.m. to 7:11 p.m.

- d. RESOLUTION NO. 2112-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING RESOLUTION 2091-11 DESIGNATING 520 N. INTERLACHEN AVENUE, WINTER PARK, FLORIDA AS A HISTORIC LANDMARK ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Brown read the resolution by title and provided legal counsel regarding the historic designation process. Planning Director Jeff Briggs provided background and answered questions.

Jason Searl, Gray Robinson Law Firm, spoke on behalf of the applicant. He asked for the repeal of Resolution 2091-11 since SunTrust now owns it via foreclosure and because the historic designation impairs the banks collateral.

Motion made by Commissioner Leary 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.**

- e. Request from New Hope Baptist Church (274 N. Capen Avenue): Conditional use approval to add two buildings to their property and to use the modular classroom buildings for a children's daycare facility.

Planning Director Jeff Briggs explained that the Commission tabled this request on August 27. In response to concerns about the appearance of the buildings, the church submitted a letter outlining the improvements proposed to the appearance of the modular buildings. The P&Z Board voted unanimously for approval of the Conditional Use with the condition that the entry drive be marked as 'one-way' and for the parking spaces to be reconfigured as angle parking for better functioning. Notices were sent to all property owners within 500 feet and no one appeared at the Planning Board meeting to voice any objections or concerns.

Building and Code Enforcement Director George Wiggins and Mr. Briggs answered questions including code requirements and the process with putting temporary structures/buildings on a site prior to conditional use approval. Mr. Wiggins advised that if the applicant changes the use they will have to obtain Commission approval.

Discussion ensued regarding the need for hot water in both bathrooms, the uneasiness with not knowing what the exterior finishes will be and the numerous approvals that come with obtaining a license to operate a daycare facility.

Fred Hendry, Facilities Coordinator for New Hope Baptist Church, addressed the Commission's questions and concerns. He noted that the church is willing to hire an architect to design the exterior of the buildings so they are complimentary to the surrounding neighborhood. He addressed the modular building being temporary as they are currently looking into performing renovations to the church. He noted that the modular buildings will be there for up to three years.

Pastor John Phillips, New Hope Baptist Church, explained that the church intends to obtain City approval to build proper permanent facilities and will move forward when they receive conditional use approval to establish a daycare facility.

Mr. Wiggins addressed questions including the requirements and approvals for modular vs. manufactured buildings. Attorney Brown provided legal counsel.

Motion made by Mayor Bradley to approve the conditional use request of the New Hope Baptist Church for up to three (3) years along with the installation of the two bathrooms and then have staff grant approval for the site elevation plans for building support within the neighborhood; seconded by Commissioner McMacken.

Lurlene Fletcher, 790 Lyman Avenue, spoke in favor of the request.

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. ORDINANCE NO. 2886-12: 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. Second Reading

Attorney Brown read the ordinance by title.

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

The following spoke in opposition:

Brian Denham, 5026 Hidden Springs Boulevard
Allura Lightfast, 4400 Shumard Oak Court
Robert Sparel, 2394 River Tree Circle, Sanford
Dr. Patricia McEwen, 1014 Vista Oaks, Palm Bay
Deanna Waller, 2341 Elprado Terrace, Deltona
Jay Rogers, 3083 Bloomsburg Drive, Kissimmee
James L. Walker Sr., 205 Tyree Lane
Mark Schmidter, 3320 Bax Lane
Geoff Walker, 205 Tyree Lane
Michele Herzog, 5200 Orange Boulevard
Cathy Hettiuger, 2827 Eastern Parkway

The following spoke in favor:

David B. Slaughter, UCF Department of Legal Studies
Reverend Karen Duncan, First Congregational Church, 225 S. Interlachen Avenue
Phil Anderson, 2020 Fawsett Road
Maira Holzmann, 1821 Anzle Avenue
Madeline L. Pots, 1499 Aloma Avenue
Jennifer Anderson, 2020 W. Fawsett Road
Sally Blackman, 1521 Harris Circle
Reverend Bryan Fulwider, 231 N. Interlachen Avenue
James S. Fisher, 2210 Coldstream Drive
Cicely Fisher, Coldstream Drive
Barbara Hovanetz, Langholm Drive
Eric Hawley, 220 Brown Avenue

Brief comments were made by each Commissioner. **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.
- b. Commissioner Sprinkel

Commissioner Sprinkel reminded everyone that she will be hosting the coffee talk this Thursday morning at 8:00 a.m.

c. Commissioner Cooper

Commissioner Cooper explained that she participates in the Growth Management & Economic Development Committee for the League of Cities and would like to share information regarding new legislation. Attorney Brown recommended that she send the information to City Manager Knight for distribution to the Commission.

d. Commissioner McMacken

Commissioner McMacken explained that he serves on the Community Action Board and they are holding an event titled "A symposium on poverty" on October 26. He asked if the City would consider sponsoring the event. City Manager Knight said we have not typically done so. Commissioner Sprinkel suggested deferring this to their upcoming discussion regarding funding to outside organizations. A majority of the Commission agreed.

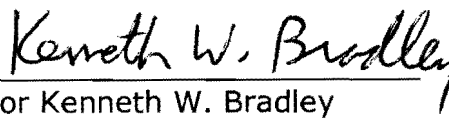
e. Mayor Bradley

1. Cell phones for official business

Mayor Bradley advised that some municipalities provide their elected officials cell phones to conduct official business and asked for legal input.


Attorney Brown provided legal counsel regarding the use of personal and business cell phones and the public record laws. A majority of the Commission agreed that City Manager Knight review this item and to bring back a recommendation.

The meeting adjourned at 8:12 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham