

REGULAR MEETING OF THE CITY COMMISSION
July 13, 2015

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

The agenda was approved by acclamation.

Mayor's Report

a. Presentation - 2015 Historic Preservation Awards and Winter Park Register of Historic Places plaques

Planning Director Dori Stone and Historic Preservation Board member Genean McKinnon presented the 2015 Historic Preservation Awards consisting of: (1) Excellence in Residential Renovation – Annie B. Johnston House (owners Rick and Wendy Hosto – 834 Antonette Avenue); (2) Excellence in Commercial Renovation – The Coop (John Rivers – 4Rivers – 610 W. Morse Boulevard); (3) Excellence in Adaptive Reuse – Kummer-Kilbourne House (Allan E. Keen, Keewin Real Property Company, 121 Garfield Avenue); and Lifetime Achievement – In Remembrance of John Spang (Park Plaza Hotel).

Planning Director Dori Stone presented the plaques to congratulate residents for putting their homes on the Winter Park Register of Historic Places. The homes consisted of 940 Old England Avenue, 1873 Glencoe Road, and 1200 Lakeview Drive.

b. Presentation - Q2 2015 Business Recognition Recipient – Pookie's Pet Nutrition & Bow Wow Bakery

Mayor Leary presented Pookie's Pet Nutrition & Bow Wow Bakery with the 2015 2nd Quarter Business Recognition Award. Owners Marcia Sundbert and Melissa Gosik spoke in appreciation of receiving the award.

c. Presentation - 2015 Government Finance Officers Association Distinguished Budget Presentation Award

City Manager Knight presented the Finance Department and Assistant City Manager Michelle Neuner with this award marking the 20th year the City has received this award.

d. Keep Winter Park Beautiful and Sustainable Board reappointment

This appointment was not necessary; Ms. Blanton was reappointed on May 11.

City Manager's Report

Commissioner McMacken asked that the City Manager's Report be updated to include the Historic Preservation Board ordinance to come to the Commission on November 9.

a. Presentation of the proposed 2016 budget

City Manager Knight presented the proposed budget for FY 2016 by a PowerPoint presentation. A work session is scheduled for July 20 at 2:00 p.m.

City Attorney's Report

Attorney Brown mentioned an email he sent to the Commission summarizing the effect of a new law coming October 1 that provides a new cause of action for a developer who has an exaction imposed as a condition of a proposed use and places a burden on the developer.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of June 22, 2015.
- b. Approve the following purchase and Blanket Purchase Orders:
 1. Purchase of a used 1998 KME AerialCat tractor drawn ladder truck from Command Fire Apparatus; not to exceed \$200,000.
 2. Blanket Purchase Order to ENCO Utilities Services for O&M electric utility; \$1,100,000.
 3. Blanket Purchase Order to Heart Utilities of Jacksonville for City-wide underground projects; \$500,000.
 4. Blanket Purchase Order to HDD of Florida for City-wide underground projects; \$575,000.
 5. Blanket Purchase Order to Covanta Energy Marketing LLC for bulk power supply; \$250,000.

6. Blanket Purchase Order to Gainesville Regional Utilities for bulk power supply; \$250,000.
- c. Approve the budget amendment for the Building Division for the purchase of a scanner. **PULLED FROM CONSENT AGENDA. SEE BELOW.**
- d. Authorize the City Manager to execute the Annual Funding Agreement with MetroPlan Orlando for FY2016 in the amount of \$2,366.00.

Motion made by Commissioner McMacken to approve Consent Agenda items a, b.1-5 (with correction on #2) and d.; seconded by Commissioner Sprinkel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'c' - Approve the budget amendment for the Building Division for the purchase of a scanner

Commissioner Cooper asked about the restricted funds used to fund this. City Manager explained the statute regulating this.

Motion made by Commissioner Cooper to approve Consent Agenda item c; seconded by Commissioner Seidel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

a. New Library Facility – Next Steps

City Manager Knight addressed the work session that took place regarding this issue. He listed the decision points needing to move forward: (1) site selection; (2) timing of a referendum if that is the direction of the Commission; and (3) how the Commission wants to move forward with possible design, etc.

Mayor Leary spoke about moving forward with the suggestion of the Library Task Force with only one location and was not in favor of moving backwards and opening up other sites for discussion. Commissioner Seidel addressed the need to gain a better understanding of the task force recommendation to utilize the area of the Martin Luther King, Jr. Park and Civic Center to be able to defend what is being done and to build a consensus with the citizens and with keeping with the schedule. He did not oppose the proposed site.

Commissioner McMacken spoke about already selecting the site of the MLK Park somewhere between Harper and Denning and the other side of Morse and that he was not comfortable with saying exactly where the library will be on that property at this time because of the need for design and community input and that the exact location needs to be further refined. Commissioner Sprinkel clarified that the Commission is not taking any park space away with using this location and that their conversations have been to increase park space, not decrease it. She

addressed the importance of providing that information to residents that have not been involved in the process.

Commissioner Cooper commented about the importance to bring the people together that signed the petition and to provide the opportunity at this level to see the pros and cons and to see where and why the Commission is heading in this direction. She stated she has total confidence that a referendum would result in a very high percentage voting for the library. She stated her personal preference is the existing location and always wants that location to always be an icon for Winter Park but will support the direction the Commission is heading with the task force recommendation. Mayor Leary anticipated this to be a very broad outreach where the task force and Library Board will want to secure as much community support as possible. After further discussion, there was a consensus on the location of the Martin Luther King, Jr. Park/Civic Center property.

Regarding the Civic Center, Commissioner McMacken stated he could not support the library location without incorporating the Civic Center into it. Commissioner Cooper addressed her preference not to put a parking structure with the building if it ends up being on the northeast corner and to allow three companies to provide conceptual ideas as to where it belongs on the MLK Park. She provided her preference to put the library on the existing Civic Center site and a parking garage on that end of the park but could not support it on the northeast side. Commissioner Seidel spoke about public outreach. Commissioner Sprinkel wanted to see one building containing both the Civic Center and the library. After additional comments were made regarding the Civic Center and the schedule, there was a consensus that the Civic Center be included with the library.

The timing of the referendum was discussed. There was a consensus to have the referendum along with the March 15 Presidential Preference Primary election and not have a standalone election.

The level of detail to be provided in time for the referendum was then discussed. The need to refine the exact location of the site was addressed as well as providing one or two elevations showing the character of the building and that community input needs to be scheduled. Commissioner McMacken stated he would be comfortable with having a site plan addressing all concerns where the building will be built and a series of elevations depicting the character of the structure. He stated he was not in favor of having a design competition between more than one architect and wanted to allocate dollars (with the library partnering with this) to complete this. He was comfortable with the same firm working this progress further at this time at least until the December timeframe. Commissioner Seidel listed what he would like to see accomplished before Labor Day. After discussion, it was clarified that the next steps are to refine what is in the current document to be used for community discussions and once that is completed to refine that.

After further discussion regarding dollars needed to move forward without having to go through an RFP process because of timing, a **motion was made by**

Commissioner McMacken that in return for the contribution to the Library Board as the contracting entity that the deliverable would be a site plan suitable for presentation, that there would be four building elevations so we see what this looks like on all four sides, that we would have an estimate of probable cost (a number we could use for the bond issue) and also that between now and December that there will be a series of community outreach meetings on those items that they will transpire along with these so that come December 1 that all of this has been accomplished.

Jeffrey Jontz, President of Library Board and Library Task Force member, stated the Commission can be assured that they be mounting a campaign to sell this idea to the community and will be happy to do more public events to hear from the citizens and for them to explain why they resulted in their final report. He stated they are happy to work with the City for the next step to get a design to take out to the community but need to define the amount of funds required. He made it clear that if the City is making a donation to help with this, they only want to be the contracting party for the next step because the City will own the new library and needs to be the contracting party for that.

Mayor Leary specified the need to show site plans for each location; the existing Civic Center site and the northeast corner. Commissioner McMacken did not want to limit it to these two sites in case there is another potential location in the area of the park/Civic Center. The use of an existing City continuous service architect was discussed. There was a consensus for staff to provide at the next meeting a realistic estimate as to what this will take to get to this point. City Manager Knight stated he could come back to the July 27 meeting with a plan as how this lays out with a budget attached to it.

The following public comments were made:

Joe Terranova, 151 N. Virginia Avenue, spoke about points he believed to be important regarding the referendum, the incorporation of the Civic Center, giving a contract to the Library, and the timeline to include it on the March ballot.

Gary Sacheck, 1034 Aloma Avenue, spoke about the proposed library location.

Bob Bendick, 1211 Oxford Road, opposed the proposed location and thought it should remain downtown.

Rod Sward, 292 Sylvan Boulevard, opposed the proposed location in the MLK Park area.

Sally Flynn, 1400 Highland Road, spoke about the need to be careful where the library is situated if put at the park location.

Maria Bryant, 450 S. Virginia Avenue, opposed the proposed library location.

Martha Hall, 331 W. Lyman Avenue, opposed the proposed library location.

Mary Randall, 1000 S. Kentucky Avenue, stated she opposed the proposed library location at the corner of Denning and Morse and suggested it be placed at Harper Street.

Public comments (items not on the agenda)

Joe Terranova, 151 N. Virginia Avenue, commended staff for their great job with the budget. He approved the proposed budget but asked that the funds for replacement of trees be increased to double the amount of trees being replaced.

Pastor David Mark Sutton, 210 E. Morse Boulevard, spoke about scheduling a meeting with staff where he was not notified they would not be attending and asked that he be contacted to reschedule the meeting. He stated he would be scheduling individual meetings with the Mayor and Commissioners.

Forest Michael, 358 W. Comstock Avenue, asked that Blake Street remain closed.

Recess

A recess was taken from 5:40 p.m. to 6:02 p.m.

b. **City Attorney contract**

City Manager Knight addressed Attorney Brown being our current sitting attorney and that he has given us notice that he has left his former firm and gone with a new firm. He provided three options: (1) stay with Mr. Brown with his new firm, (2) stay with his former firm, (3) or bidding it out and selecting either from those two or a new firm (if this is selected they need to decide who would sit as our City Attorney in the meantime). Attorneys from Attorney Brown's former firm were in attendance.

Motion made by Commissioner Sprinkel to do an RFP for attorney services and to retain Attorney Brown throughout the RFP process and that the existing contract will terminate; seconded by Mayor Leary for discussion.

The Mayor and each Commissioner expressed their preference regarding the three choices provided by City Manager Knight. Mayor Leary stated we do not have to go to an RFP but can choose either firm. Commissioner Cooper agreed with either option 1 or 2 and preferred not to go with an RFP because she is comfortable with the expertise provided by both firms. Commissioner Seidel asked if certain functions could be distributed among both firms. Commissioner McMacken stated either option 1 or 2 was acceptable and did not want to lose either firm but that an RFP is fairer. Mayor Leary agreed that we should retain Attorney Brown through an RFP process. The RFP process from the last time this was addressed was summarized by City Manager Knight.

Attorney Anthony Garganese (Brown, Garganese, Weiss & D'Agresta, P.A. law firm) stated the remaining members of his firm respect the position the Commission is in and the decision that is made. He spoke about the legal services contract with the City where they are supposed to provide City Attorney services which either needs to be terminated or kept. He addressed the services they have provided the City for the last six years. Attorney Brown commented about the contract in the package that would terminate his former firm's contract and go with his current firm pending the RFP contract. Attorney Garganese asked for clear direction that they would be relieved of the current contract or are staying on to continue to provide services to some capacity.

Attorney Bill Reischmann (Brown, Garganese, Weiss & D'Agresta, P.A. law firm) stated it has been a privilege working with the City and addressed the number of years of experience their firm has. He thanked the Commission and stated they would respect whatever the Commission decides.

City Manager Knight spoke about the City being held harmless on this transaction and the decision trumps the contract. Attorney Brown addressed what happens when an attorney leaves a firm and that if a portion of the retainer becomes an issue that he will pay over that portion of the retainer to hold the City harmless financially.

Discussion ensued regarding the timeline for the RFP process and if an entirely new firm should take over certain areas while the RFP process is ongoing. Attorney Brown stated his staff has already started working on the Historic Preservation Board and to integrate code enforcement, etc. and are assuming the roles of other previous attorneys.

Commissioner Cooper asked if there are outstanding things in process right now that would need them to continue on with the expertise of the Brown firm. Attorney Brown commented that they are confident that they can take over any outstanding issues with reasonable efficiency. Attorney Reischmann stated they will keep the best interest of the City and will provide anything the City needs during the transition in a timely manner and would like to continue to represent the City.

No public comments were made.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Hearings:

- a. ORDINANCE NO. 3002-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM "SERVANT"; PROVIDING FOR

SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE
Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Sprinkel. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. RESOLUTION NO. 2160-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING THE TERM OF EXISTENCE FOR THE GOLF COURSE STRATEGIC PLAN TASK FORCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

Attorney Brown read the resolution by title. Parks Director John Holland explained that this would extend the task force until July 25, 2015 and that they will present their final recommendations on July 27.

Motion made by Mayor Leary to adopt the resolution; seconded by Commissioner McMacken. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. RESOLUTION NO. 2161-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 500 NORTH INTERLACHEN AVENUE, WINTER PARK, FLORIDA AS A HISTORIC LANDMARK ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Brown read the resolution by title.

Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- d. RESOLUTION NO. 2162-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1565 FOREST AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Brown read the resolution by title.

Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Seidel. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- e. Request of Tower Acquisition Partners LLC: To amend the conditional use approval previously granted to the property at 170 S. Knowles Avenue/170 East Morse Boulevard in 2007 to allow for modifications to the multi-family project to now be composed of three units, three stories and 19,935 square feet of residential living area and garage

Planning Director Dori Stone brought forward this request for the second public hearing as required by code.

Motion made by Commissioner Sprinkel to approve the conditional use request with the Planning and Zoning Board conditions listed; seconded by Commissioner Seidel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 1566 WEST FAIRBANKS AVENUE AND A PORTION OF JACKSON AVENUE TO THE WEST; MORE PARTICULARLY DESCRIBED HEREIN; 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 DESCRIBED HEREIN; 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

Attorney Brown read the ordinance by title. Planning Director Dori Stone brought forward this request to voluntarily annex into the City which includes a portion of the Jackson Avenue right-of-way which is not currently in the City. She stated after the annexation is approved, they will come back for a comprehensive plan and land use designation.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Seidel. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- g. Request of Icon Residential: Conditional use approval to redevelop the 3.45 acres collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing).

Planning Director Dori Stone addressed the conditional use request to redevelop the properties known as 1800 Lee Road. She spoke about working closely with the owner regarding tree issues as they have come in with a plan that does a lot to preserve the trees on the site and worked with the neighbor to the west of the property as well. They are asking for a variance to two guest parking spaces which can be granted under the code because they are saving a cluster of trees located in

the middle of the site. Staff has reviewed the revised site plan and everything is within code. They are leaving the cypress along the lake side. She spoke about the two issues that the Planning and Zoning Board will be taking up; the structure of the wall at Lee Road; and the gazebo site to make sure it is appropriate by the docks at the back of the property. She stated P&Z will be the final approval on these. Ms. Stone answered other questions of the Commission.

Vivian Monico, Burr and Foreman Law Firm, representing Icon Residential, along with their managing partner and the landscape architect, were available for any questions. She stated they agree with the staff report and recommendations with one minor change that they discussed with the Planning Department concerning staff recommendation number two that staff had already agreed to. This was changed to read: "That the applicant, as part of the replat, dedicate to the City that part of the 1746 Lee Road parcel where the drainage outfall structure is located". Public Works Director Attaway agreed with the change.

Motion made by Commissioner McMacken to approve the conditional use with the conditions placed by P&Z and also with the revision presented by the applicant this evening, seconded by Commissioner Sprinkel.

The following spoke in opposition to the conditional use approval:

Bob Mosca, 1820 Lee Road, expressed concerns with the new building height obstructing the view, trees almost fully covering the landscape will change, cypress knees that will be removed, parking problems for the HOA to enforce because of losing spaces, the existing wall being moved closer to Lee Road will obstruct more view and will affect the noise level for the residents, and the shoreline will be changed which will affect the wildlife.

Karen Gray, 1832 Lee Road, expressed concerns with how this development will affect her life there and how the wildlife will be affected.

Commissioner Sprinkel asked if five docks can be built there. Commissioner Cooper stated this still needs to go through the Lakes and Waterways Board. Ms. Stone clarified that the P&Z Board will review the design and location of the docks as part of the secondary review going through them and that the Commission is not approving the docks this evening.

Motion amended by Commissioner Sprinkel that the construction of docks on this property come back to the City Commission before it is permitted as a conditional use of everything else we have done. Commissioner Sprinkel stated she did not want to see five docks there and wanted some oversight to it before it comes in. Ms. Stone clarified the applicant wants this to be final approval and understands that the P&Z wants to review the docks and wall issue. Attorney Monico stated they are aware this has to go back to P&Z and that they are going to review it and that there are many other permits required for the docks before a building permit can be granted. **The amendment was seconded by**

Commissioner Cooper. Commissioner Cooper requested clarity that this goes to the Lakes and Waterways Board before it goes to P&Z. It was clarified that is the process.

Commissioner Seidel asked if there was going to be a bulkhead on the property as brought forward by Mr. Mosca. It was clarified by Attorney Monico that is not the case and there are no shoreline changes in the plan. It was also clarified that there are two car garages in each unit and several of the units also have a driveway that will also hold two vehicles. She stated the 13 visitor spaces are just for that purpose.

Upon questioning, Urban Forestry Chief Dru Dennison stated if the cypress knees have to be trimmed, it will not harm the overall growth of the tree itself; it depends on how far away they are from the base of the existing tree but should not harm an existing tree if they are going through them to build their pavilion.

Discussion ensued regarding if the homes around the lake own the property to the lake or if it will be held in common ownership by the association; this will be dealt with at a future meeting.

Upon a roll call vote on the amendment, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted yes. Commissioner Cooper no (she was okay with P&Z reviewing this). The motion carried with a 4-1 vote.

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

h. Fifth Third Bank Development Agreement:

Building Director George Wiggins addressed this item. After the May 11, 2015 Commission meeting a condition was added to the conditional use approval so it was determined that a development agreement was necessary to enforce the terms of the condition as well as to incorporate other conditions of approval. This included a requirement that an easement be provided for the adjacent office zoned property which has not yet been determined what will be developed there. In the condition in the motion approved for the conditional use, the City Attorney needed to ensure that there was a means for a resolution of the easement negotiations if the parties cannot agree as to what is reasonable under the circumstances. He stated after the meeting they concluded that the only way to activate that condition permanently was to amend the development agreement with the bank.

Attorney Brown commented that he added language to the agreement that he believed would provide a reasonable means for resolving any impasse but that language was not acceptable to the bank and since he did not want to hold up a commercial project any longer he presented language he believed is reasonable and that the bank will negotiate with Matsby Properties LLC. He further elaborated on

the language in the agreement pertaining to the easement. He concluded that he could not get the bank to come to an agreement before this evening and that the City does not want to be involved beyond a certain point in facilitating a private agreement.

Attorney Stuart Buchanan, representing the Helsby's/Matsby Properties LLC, spoke about the importance to Mr. and Mrs. Helsby to gain access to Lakemont as well as Aloma Avenue. He asked that this be tabled for two weeks to give them more time to resolve this with the bank. He summarized the meeting held on June 16 with all parties to try and come to a conclusion whereby they discussed having a private access agreement between Matsby Properties and Fifth Third Bank. Unfortunately, they sent a draft of an agreement to the bank but did not receive a final answer that the bank agreed to the draft in time for the meeting. He stressed the importance to have this signed and in place before the development agreement is approved.

Kathy Helsby, Matsby Properties, spoke in favor of the Lakemont Avenue easement and a resolution to this issue.

Arthur Baker, Baker & Hostetler, spoke in favor of the development agreement language and asked the Commission to move forward with the approval. He stated he does not see the need to table this item because the language in the development agreement is agreeable. He stated he intends to resolve this matter very promptly with Attorney Buchanan.

Motion made by Commissioner McMacken to table this item for two weeks; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- i. AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA AMENDING CHAPTER 94 TAXATION, ARTICLE II, BUSINESS TAX, SO AS TO INCREASE THE BUSINESS TAX FEES BY FIVE PERCENT (5%) (ROUNDING DOWN TO THE NEAREST DOLLAR), PROVIDE CLARIFICATION ON CERTAIN BUSINESS TAX CATEGORIES, MODIFY PRORATION OF PARTIAL YEAR BUSINESS TAX CERTIFICATES, CLARIFY AND UPDATE PROVISIONS; AND PROVIDE ENABLING LANGUAGE TO COLLECT ORANGE COUNTY BUSINESS TAX RECEIPTS FOR WINTER PARK BUSINESSES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Building Director George Wiggins explained the ordinance and that the City has not increased fees since 2009.

Questions were asked regarding the collection of fees for Orange County. Commissioner Sprinkel spoke in opposition to the proposed increase in fees. Discussion ensued regarding the proposed increase. City Manager Knight spoke about this being recurring revenue, we only have so many revenues we can control and very few of them are growing.

Motion made by Commissioner Sprinkel to accept the changes in the ordinance on first reading except for the fee increases, seconded by Mayor Leary. No public comments were made.

Motion amended by Commissioner Seidel to include the fees, seconded by Commissioner McMacken. Upon a roll call vote on the amendment, Commissioners Seidel, Cooper and McMacken voted yes. Mayor Leary and Commissioner Sprinkel voted no. The motion failed because it needed four affirmative votes.

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

City Commission Reports:

a. Commissioner Seidel

Commissioner Seidel summarized his "coffee talk" and the issues brought forward: An issue with a resident regarding an ongoing drainage issue that staff handled expeditiously; asked if we could impose a fee for new or redevelopment that goes into the storm water fund to address the retrofit issue the City has as opposed to the current residents paying for it; recycling and our contract with Waste Pro; would like the City to provide our own internet service (wanted to know how the rest of the Commission felt); and traffic issues.

b. Commissioner Sprinkel

Commissioner Sprinkel asked how we can move forward with WiFi for the City (Mayor Leary stated he wanted to bring the idea forward during the budget process). She spoke about wanting to know when and where trees will be planted, addressed the great new kiosks, asked about street vendors soliciting business and playing music to make money, and wanted to reduce the number of signs in the City. City Manager Knight stated the sign ordinance will be coming back to the Commission in the future.

c. Commissioner Cooper

Commissioner Cooper spoke about the "sandwich board" signs that were previously approved because of the economy that needs to be revisited (bring forward to the Chamber of Commerce and the Park Avenue Area Association), reported that the Central Florida Water Initiative is Wednesday, and would like to address options for increasing revenue in the City along with controlling our costs during the budget work session.

e. Commissioner McMacken

No report.

e. Mayor Leary

Mayor Leary spoke about his meeting with Commissioner Seidel, the need to find ways to increase revenues, and that the City should not be part of a disagreement between private property owners (such as the Fifth Third Bank issue). He thanked the Commission for handling the City Attorney issues well this evening.

The meeting adjourned at 8:02 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC