

REGULAR MEETING OF THE CITY COMMISSION
November 8, 2010

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:38 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Finance Director Wes Hamil followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
Assistant City Attorney Anthony Garganese
Deputy City Clerk Michelle Bernstein
City Clerk Cynthia Bonham

Approval of the agenda

Commissioner Dillaha asked to add ex-parte communications under the City Attorney's Report. The agenda was approved by acclamation of the City Commission as presented with that change.

CRA Advisory Board Update

CRA Director Dori DeBord provided a PowerPoint presentation that included the CRA history, governance and current membership terms along with their purpose and the future of the board. It was noted that the CRA board was established in 2001. Chairman Hal George spoke on behalf of the advisory board and further explained their role, the members and their goals. He answered questions regarding his personal opinion of the pros and cons with possibly combining the CRA Advisory Board with the Economic Development Advisory Board and what their biggest challenge is. He noted that it is the budget.

Mayor's Report

Mayor Bradley recognized and commended the Parks Department for becoming nationally accredited. He also mentioned that the City is one of three municipalities in the state that has 3 nationally accredited agencies; Fire, Police and Parks.

He reminded everyone that the City's ice rink will be opening this weekend on November 13, 2010 and politicians on ice is coming up on Thursday, December 9, 2010. He also reminded everyone that this Friday, November 12, 2010 is the Peacock Ball which supports the Historical Association and the Winter Park Harvest Festival is on Saturday, November 20, 2010.

Mayor Bradley mentioned that this Thursday is Veteran's Day and is a time of remembrance for those who have sacrificed both their time and life so that we are able to enjoy our freedom and openness.

City Manager's Report

City Manager Knight mentioned that on January 20, 2011 the City's application will be heard before the Florida National Register Review Board on the downtown historic district. He also

noted that the meeting with Orange County regarding the Commuter Rail has been delayed, it was suppose to be last week and they cancelled, so it is now set for November 18, 2010.

Per Commissioner McMacken, Mr. Knight provided a brief update on the status of the pro shop and the state office building. He noted that they are having difficulty reaching an agreement with the number one bidder on a price for the pro shop. He mentioned the possibility of having the City act as the general contractor for a different approach so they can keep it within budget. He commented they are continuing to work on negotiations as scheduled for the state office building and a draft of the lease will be forthcoming at the next meeting.

Commissioner Dillaha asked for a follow up on the strategic initiatives. City Manager Knight said that it will be coming shortly and once he reviews the draft, it will be sent out. She asked about the two jobs for part-time park rangers and he said it is currently being advertised with a job description. Mr. Knight acknowledged the request to provide an update regarding the \$40,000 they have allocated in the budget for signage, educational material and waste bag stations and the writing of the new budget and debt policy. Commissioner Dillaha said the audio was not working at the last work session meeting and she requested that both Commissioner Cooper and Commissioner Dillaha's memos are put into the minutes. He acknowledged.

City Attorney's Report

Commissioner Dillaha addressed the issue of ex-parte communications. She asked Attorney Garganese for his input on the best practice for one-on-one meetings with outside parties regarding certain issues and the intent of the Florida Statute regarding access of public elected officials in quasi-judicial, particularly land use decisions. Assistant City Attorney Garganese provided legal counsel and advised them that when they have those types of situations it is best to let the evidence come to them during a duly advertised public meeting. He stated in terms of one-on-one meetings, the safest thing is to not have those particular meetings because ultimately they have to make a decision and said they do not want to be disqualified. He commented on the 286 provision saying that it was put in place because they are improper.

Commissioner Dillaha asked Mr. Knight if we have something in place that outlines this type of communication. Assistant Attorney Garganese mentioned Resolution 1568 that was adopted in 1993 that provides a very general provision. He noted that Resolution 1568 probably predates the statutes, so to simplify it he suggested adopting the statute by reference and noted that the statute addresses the disclosing of site visits. He also briefly provided counsel regarding email communications. Mr. Knight stated that he would be willing to work with the City Attorney and report back to the Commission. It was agreed for him to do that. Mayor Bradley asked that the City Clerk identify quasi-judicial items on the agenda by putting QJ to inform the citizens. The request was acknowledged.

Non-Action Item

1. Library Update

Library Director Robert Melanson provided a brief summary and mentioned that they have a 25 member administrative board made up of volunteers. He provided a PowerPoint presentation covering the state of the library and explained the difference between the library being private versus public. He noted that the public/private partnership between the City and the library

saved the residents over \$219,000. He announced that this year the library is celebrating their 125th anniversary of serving the Winter Park community and were founded on December 9, 1885. He said the partnership with the City began in 1914 and the City began providing funding in 1930's. He spoke about the last three years and provided charts that showed an increase in services and usage, along with explaining the return on their investment.

He thanked the City for their continued support of the library in the form of the annual operating grant and the rental/upkeep of the building. He said the City is their largest funding source by 66 percent of their total budget. He mentioned that this past year they adopted a new 3 year strategic plan that includes providing residents with downloadable digital books and music, increasing programming opportunities for those aged 18-24 and exploring new technologies to increase efficiency and implementing an enhanced planned and major gifts program. He answered questions regarding grants and fundraising, the potential library expansion and relocation.

Consent Agenda

- a. Approve the minutes of 10/25/2010
- b. Approve the agreement between AT&T Wireless or assignee and Clear Wireless, LLC for installation of additional equipment on the 170' communications tower at the Police Department Communications Facility
- c. Allow a special inflatable shopping bag, storefront banner, and countdown banner as part of the Publix re-opening special event of November 18, 2010. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**
- d. Approve award to HD Supply Utilities, Ltd.; \$44,295.00; and PR 145647 for the purchase of electric transformers (IFB-39-2010)
- e. Approve award to Timothy Jarrells Lawncare Service as the Primary Contractor and to TJ's Quality Construction Cleanup LLC as Secondary Contractor; and authorize the Mayor to execute both contractor agreements (IFB-22-2010) **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**
- f. Approve the following purchases and contracts:
 1. PR 145636 to American Cleaners of Winter Park for dry cleaning of Police uniforms; \$45,000.
 2. Blanket PO to Groundtek of Central Florida for landscape maintenance services for Water Treatment Plants and Public Works Compound. Amount: \$40,000. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**
 3. Payment to Boys & Girls Club of Central Florida, Inc. for FY10 4th quarter payment for operating grant; \$62,500
 4. Blanket PO to Stephen's Technologies, Inc. for trenchless repairs to sanitary sewer main; \$110,000.
 5. Blanket PO to Perma-Liner Industries, Inc. for lateral lining materials for sewer repairs; \$85,000.
 6. PR 145698 to Florida Municipal Electric Association, Inc. for annual membership dues; \$33,523.81
 7. Blanket PO to Burford's Tree, Inc. for annual Tree Trimming for Electric Utility Lines; \$450,000. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**
- AA. Purchase with Consolidated Electrical Distributors for switchgear, TVSS and fuses for the Community Center Project; \$32,491.00

8. Authorize the Mayor to execute the three (3) School Resource Officer Contracts with the School Board of Orange County
9. Authorize the Mayor to execute the Products and Services Agreement with Centurylink Sales Solutions, Inc. for 24/7 Maintenance of Cisco Equipment; Total annual expenditure of \$38,756.76 is included in FY11 approved budget.
10. Authorize the Mayor to execute the Products and Services Agreement with Centurylink Sales Solutions, Inc. for 8/5 Maintenance of Cisco Equipment; Total annual expenditure of \$3,079.92 is included in FY11 approved budget
11. Authorize the Mayor to execute the Emergency Medical Services Agreement with Orange County
12. Amendment #3 to Fire Services Billing contract (RFP-16-2009) with ADPI/Intermedix and authorize the Mayor to execute Amendment #3
13. Amendment #1 to Pest Control/Rodent Control Services (RFP-6-2008) with Massey Services, Inc. and authorize the Mayor to execute Amendment #1
14. Piggybacking the Orange County contract # Y10-1038 with Sunbelt Rentals, Inc. for the Rental of Traffic Barricades, authorize the Mayor to execute the Piggyback Contract and approve Blanket Purchase Order for \$24,500. Projected annual spend is \$24,500.
15. Piggybacking the Lake County contract #CT070811G5 with Ten-8 Fire Equipment, Inc. for Fire Equipment and Supplies and authorize the Mayor to execute the Piggyback Contract. Projected annual spend is \$18,000.
16. Piggybacking the Seminole County contract #RFP-600103-06 with McLane Excavating, Inc. for Aquatic Maintenance Services and authorize the Mayor to execute the Piggyback Contract. Projected annual spend \$17,000.
17. Piggybacking the Seminole County contract #IFB-3092-04 with BoundTree Medical for the purchase of EMS Supplies and Equipment and authorize the Mayor to execute the Piggyback Contract. Projected annual spend is \$35,000.
18. Piggybacking the City of Orlando contract #BI08-2351 with Unifirst Corporation for the Rental of Work Uniforms and authorize the Mayor to execute the Piggyback Contract. Projected annual spend is \$20,000.
19. Piggybacking the Seminole County contract #IFB600404-08 with BoundTree Medical for the purchase of EMS Pharmaceuticals and authorize the Mayor to execute the Piggyback Contract. Projected annual spend is \$14,000.
20. Piggybacking the State of Florida contract #250-040-08-1 with Hewlett Packard for the purchase of PCs, Laptops and Monitors and authorize the Mayor to execute the Piggyback Contract.
21. Piggybacking the National IPA/City of Tucson contract # 083052-01 with CDW Government, Inc. for Information Technology Solutions and authorize the Mayor to execute the Piggyback Contract
22. Piggybacking the National Joint Powers Alliance contract #111309 with CDW Government, Inc. for Computer Technology Equipment and Supplies and authorize the Mayor to execute the Piggyback Contract. Projected annual expenditure is \$10,000.
23. Piggybacking the General Service Administration contract # GS-35F-0240T with Carahsoft Technology Corporation for General Purpose Information Technology Equipment, Software and Services. Projected annual expenditure is \$15,000.
24. Piggybacking the Orlando Utilities Commission contract with Air Liquide America Corporation for the purchase of Liquid Oxygen, authorize the Mayor to execute the Piggyback Contract and approve Blanket Purchase Order; \$180,000.

25. Piggybacking the State of Florida contract # 863-000-10-1 with The Goodyear Tire & Rubber Company for the Purchase of Tires and authorize the Mayor to execute the Piggyback Contract
26. Piggybacking the Florida Sheriff's Association & Florida Association of Counties contract #09/10-04-0120 with Boulevard Tire Center for the Purchase of Tires and authorize the Mayor to execute the Piggyback Contract
27. piggybacking the School Board of Pinellas County contract # 11-031-004 with Andrews Filter & Supply for the Purchase of HVAC Filters & Frames and authorize the Mayor to execute the Piggyback Contract
28. Piggybacking the City of Orlando contract # BI09-2539 with TAW Orlando Service Center, Inc. for Electric Motor and Pump Repair, authorize the Mayor to execute the Piggyback Contract and approve Blanket PO; \$50,000.
29. Piggybacking the State of Florida contract #445-001-07-1 with W.W. Grainger, Inc. for the Purchase of Tools, Hand Held, and Hand Held Power Tools, authorize the Mayor to execute the Piggyback Contract and approve Blanket PO; \$24,000.

Motion made by Commissioner McMacken to approve Consent Agenda items 'a', 'b', 'd', 'f-1', 'f-3-6', 'AA' and 'f-8-29'; seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Consent Agenda Item 'c': Commissioner McMacken shared his concern with the large number of balloons for 7 days. Code Enforcement Director George Wiggins stated that staff is not recommending the balloons. **Motion made by Commissioner Cooper to approve staff's recommendation (to allow a special inflatable shopping bag, storefront banner, and countdown banner as part of the Publix re-opening special event); seconded by Commissioner Dillaha and carried unanimously.**

Consent Agenda Items 'e' and 'f-2': Commissioner McMacken questioned both of these items and the possibility of sole sourcing these types of contracts. Mr. Knight said they can look at providing a separate contractor for all of these items. Mr. Wiggins explained that item 'e' pertains to the cleaning of properties that are in violation of the code for overgrowth and they are taking advantage of the lower price due to the economy. **Motion made by Commissioner McMacken to accept items 'e' and 'f-2'; seconded by Commissioner Anderson and carried unanimously.**

Consent Agenda Item 'f-7': Commissioner Dillaha asked about the size of the contract amount. Electric Utility Director Jerry Warren addressed the annual renewal process on the tree trimming services and the ability to use the 30 day notice opt out provision if needed. Mr. Knight assured the Commission that they will be looking to bid it out in the first part of next year. **Motion made by Commissioner McMacken to approve item 'f-7', seconded by Commissioner Dillaha and carried unanimously.**

Commissioner Cooper asked if there was a short list of things that they could agree on regarding piggybacking agreements and purchase orders and make those items a part of the purchasing procedures before they finish with the formal implementation of the policy. She suggested and recommended that each of them submit their short list items to Mr. Knight to have them incorporated. He acknowledged.

Public comments

Eileen Duva, 311 E. Morse Boulevard, spoke about the property between Interlachen and the Boat Tour and noted that their street was unsightly since the City used it for the brick and heavy equipment storage for the last 7 months. She asked that the City provide bricks on their street. Mr. Knight stated that they have heard from several citizens saying they do not want brick. Mayor Bradley said the first step is to access the situation and see if the citizens are interested or not. It was agreed that the City will send out a letter to each homeowner and then determine the best course of action. Mr. Knight said the process should take approximately 30 days. Mayor Bradley requested to schedule this item for the first meeting in January 2011.

Bonnie Jackson, 3009 Temple Trail, spoke about an incident that happened to her this past weekend at Fleet Peoples Park. She asked the Commission to take action in some manner to set policy for the park.

Action Items Requiring Discussion:

There were no action items.

A recess was taken at 5:03 p.m. to 5:30 p.m.

Public Hearings

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, CREATING SECTION 2-26 OF THE CODE OF ORDINANCES SETTING THE SALARY FOR THE MAYOR AND CITY COMMISSIONERS AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Garganese read the ordinance by title. **Motion made by Commissioner Dillaha to accept the ordinance on first reading; seconded by Commissioner McMacken.** Commissioner Dillaha asked what the difference is between compensation and salary. It was clarified. Commissioner Anderson said he agrees with being compensated but he is not sure on the timing of it and recommended that it be more concurrent with the timing when employee's salaries are unfrozen. **Motion made by Commissioner Anderson to amend the motion that this has an effective date on the fiscal year where they withdraw the freeze on employee's salaries; seconded by Mayor Bradley.**

Commissioner Dillaha stated that she is not in favor of the amendment. Commissioner Cooper shared her concerns and mentioned that she does not mind voting against herself having a raise, but she does mind voting against any new commissioner that wants to come on board having a raise because she does not think they are representative of the total population. She said that if they can think of a way to make sure that any new commissioner was given the increased compensation she would feel better about it because she believes that it does make a difference.

Motion made by Commissioner Cooper to amend the amendment that new commissioners coming on board at the next election would be compensated based on the salary that they are approving tonight. Motion failed for lack of a second.

Peter Weldon, 700 Via Lombardy, said he supports the need for the increase in salaries but also agrees with Commissioner Anderson that the timing is very important.

Joe Terranova, 700 Melrose Avenue, said this is a timing issue and now is not the time. He said that it will be perceived as highly wrong and they should not approve it now.

Charles E. Gordon, 720 Virginia Drive, said this is not the time to do it considering the City's finances and maybe they should do it when there is a new Commission so they can all receive raises at the same time.

Motion made by Commissioner Cooper to amend the amendment that this salary increase take place at new elections of any sitting board member so they are not giving themselves a raise. Motion failed for lack of a second.

Mayor Bradley said that he is disturbed at the remarks made regarding the comments about affluence and that the increase in salaries will give them better commissioners or broader groups of people. He said the timing of this is bad and that is why he is voting no.

Upon a roll call vote on the amendment, Mayor Bradley and Commissioner Anderson voted yes. Commissioners Dillaha, Cooper and McMacken voted no. The amendment failed with a 3-2 vote.

Upon a roll call vote on the full ordinance, Mayor Bradley and Commissioner Anderson voted no. Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

b. Proposed Charter amendments:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUBMITTING TO THE ELECTORS OF WINTER PARK A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY AT THE REGULAR CITY ELECTION TO BE HELD MARCH 8, 2011; PROVIDING BALLOT TITLE, SUMMARY AND TEXT FOR THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR THE CALL OF A REFERENDUM ELECTION; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, EFFECTIVE DATE OF ORDINANCE AND AN EFFECTIVE DATE FOR THE APPROVED AMENDMENT. First Reading

Assistant City Attorney Garganese read the ordinance by title. This ordinance was regarding a Charter referendum election March 8, 2011 to provide that the Mayor and seats 1 and 2 are elected to four (4) year terms at the election in 2014, and seats 3 and 4 are elected to four (4) year terms at the election in 2016, and thereafter the terms continue to be four (4) year terms in office.

Commissioner Cooper recommended changing the Mayor's term to 3 years instead of 2 years. She provided a chart showing the proposed change (see attached). **Motion made by Commissioner Cooper to accept the ordinance on first reading with one change that Section 2.04 (a) be changed to read "The person elected as Mayor at the election in 2012 and 2015 will serve 3 year terms and thereafter, beginning with the election in 2018" and the remainder of 2.04 (a) remains the same; seconded by Commissioner Anderson.**

Assistant Attorney Garganese noted that this is first reading and the Commission is free to make the changes since it is in the main purpose of the ordinance. Commissioner Dillaha said she is 50/50 on the original proposal and Commissioner Cooper's proposed change, the difference being that it will take two more years before they are on the alternating year schedule and one extra election.

Joe Terranova, 700 Melrose Avenue, said this issue has been previously discussed with the Charter Review Committee and what is being proposed is complicated. He said the Charter is not a political document it is a governance document and what they are doing is not good governance.

Peter Weldon, 700 Via Lombardy, said he does not understand the core motivation with this and it should come from the Charter Review Committee, not the Commission.

Commissioner Dillaha said it would be more effective and provide for more efficiency. She said by staggering the elections it would save money and there would be a five member commission consecutively for four or three years. Commissioner McMacken said it would provide the Commission a two year span to assemble and implement a plan or program. Assistant Attorney Garganese answered questions regarding term limits and provided clarity. Mayor Bradley disagreed with the reasoning to move forward with this.

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUBMITTING TO THE ELECTORS OF WINTER PARK A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY AT THE REGULAR CITY ELECTION TO BE HELD MARCH 8, 2011; PROVIDING BALLOT TITLE, SUMMARY AND TEXT FOR THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR THE CALL OF A REFERENDUM ELECTION; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, EFFECTIVE DATE OF ORDINANCE AND AN EFFECTIVE DATE FOR THE APPROVED AMENDMENT. First Reading

Attorney Garganese read the ordinance by title. This Ordinance was regarding a Charter referendum election to provide that the Mayor and commissioners are limited to three consecutive full terms of office, subject to the condition that if the voters reject the Charter amendment providing four (4) year terms, this provision is null and void.

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

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF ALL THE OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2004, OF THE CITY, AND THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$17,000,000 REVENUE BONDS OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE WATER AND SEWER SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

Attorney Garganese read the ordinance by title. Finance Director Wes Hamil provided a brief summary and explained that the financing for this ordinance can be covered by either obtaining a bond or bank loan. Mr. Hamil answered questions of the Commission. He noted that the City's Financial Advisor, Craig Dunlap has been able to obtain 20 year fixed rates in the 3.2% - 3.6% range. This would involve compressing the debt service schedule to fit within 20 years but would have the effect of reducing the average maturity of the debt and saving interest costs and with Mr. Dunlap's help they will be soliciting competitive quotes for the refunding. Mr. Dunlap explained that the bond rates are higher being 4.40% at 24 years versus 3.6% as a bank loan at 20 years. He also noted that by compressing this into 20 years as a bank loan versus 24 year bond issue they would save over the life of the debt approximately \$3.5 to \$4 million in interest costs by compressing. He also mentioned that there would be a 10 year call provision with no penalty included in the RFP.

Commissioner Anderson said they need to look at the water company as a whole and list the total debt service. He asked the City Manager to provide this information prior to the second reading of this ordinance. He acknowledged. Commissioner Dillaha wanted the ordinance to specifically list the dollar amount for Fairbanks and how the proceeds are to be utilized. Mr. Hamil noted that a resolution can follow to specify that issue but ordinances are usually more generic. Commissioner Anderson agreed that it is a good concept but he does not think they want the lenders to restrict them on how to use the money. Assistant Attorney Garganese provided clarity on the bond ordinances and noted that it is advisable to have flexibility on how those funds can be expended.

Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner Anderson. Mr. Dunlap responded to questions pertaining to the bond ratings for a bank loan versus a bond issue and the impacts on existing bonds. Mr. Knight addressed the question pertaining to the hard cost for the Fairbanks project and the possible increase and said it is between 60% and 100% and the cost could go up but they do not anticipate it.

Motion made by Commissioner Dillaha to accept the ordinance on first reading with one change being in Section 2B(2) after the word 'to' she would like to insert "construct the Fairbanks Avenue sewer system and acquire and/or construct other additions, extensions and improvements to the water and sewer system of the City"; seconded by Commissioner Cooper.

Upon a roll call vote on the amendment, Mayor Bradley voted no and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Upon a roll call vote on the full ordinance, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- d. ORDINANCE NO. 2827-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO TRAFFIC LIGHT SAFETY; REPLACING ARTICLE VI OF CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK ENTITLED "TRAFFIC LIGHT SAFETY ACT" IN ORDER TO COMPLY WITH CS/CS/HB 325 (THE MARK WANDALL TRAFFIC SAFETY ACT); REPEALING ORDINANCE 2757-09; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF VIOLATION/INFRACTION, APPEAL PROCEDURES; DEFENSES AND PENALTIES; PROVIDING FOR EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Garganese read the ordinance by title. No public comments were made. **Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Mayor Bradley not present)**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE IV, "SIGN REGULATIONS" SO AS TO IMPLEMENT PROVISIONS OF THE CENTRAL BUSINESS DISTRICT/PARK AVENUE AND MORSE BOULEVARD DESIGN GUIDELINES, PROVIDE REGULATIONS FOR SIGNS IN OFFICE DISTRICTS ON FOUR LANE ROADS, PROVIDE REGULATIONS FOR SIGNS ALONG INTERSTATE FOUR, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Garganese read the ordinance by title. Building Director George Wiggins explained the existing I-4 sign regulations, the comparison with the current code regarding the size area and height variances and how they differ in each town and city. He explained that they have included a measurement of the sign area in the ordinance and made a clarification regarding the office district signage. Mr. Wiggins said with these two amendments, with removing the office district signage and the one sentence from the definition of measurement of the sign, he recommends approval of the ordinance.

Motion made by Commissioner Cooper to accept the ordinance on first reading with these three changes; Section 58-124 (B1 and 2) delete increases office from 36 to 50 and 8 to 20 feet so they delete the reference to office, in Section 58-124E to delete the reference to plan development PD1 and PD2; and Section 58-125 the 5th sentence to delete the sentence that says "on any sign with more than 1 face only the square footage of the face visible from any one direction at a time will be counted provided that all faces are equal in size and contained in a common perimeter"; seconded by Commissioner McMacken . Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" SUBSECTION (d) (5) SO AS TO MODIFY THE LAKEFRONT SETBACK PROVISIONS, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Garganese read the ordinance by title. Planning Director Jeff Briggs explained that the City Commission requested that Planning and Zoning look at establishing greater minimum lakefront setbacks for multi-family or commercial buildings. Per City Commission direction on October 25, this zoning code change text has been modified to include "building and structures" and to add in Lake Baldwin. The other major revision is to reference building types (single family/duplex) and (multi-family/non-residential/mixed use) rather than differentiate by zoning districts.

He noted that generally this ordinance addresses multi-family and commercial building setbacks from lakes where the minimum allowable lakefront setback is 50'. The 50' minimum is acceptable for single family homes which are 30-35 feet tall. In about 85% of the actual cases, the City's lakefront homes are situated 75-100 feet back from the lake. However, for taller multi-

family condo/apt. buildings or commercial buildings, where five stories and up to 60 feet of height (including parapets) are permitted, a greater setback is advisable. He also noted that at least 95% of the lakefronts in the city are zoned single family residential and that there are only 14 properties on city lakes zoned for other than single family homes/duplexes. He explained that the proposed ordinance does not change the lakefront setbacks for single family homes or duplexes.

He also explained that the proposed ordinance increases the minimum lakefront setback only for buildings that are multi-family (3 units or more), non-residential such as commercial or office buildings and any mixed use (commercial/residential) building to correspond to the height of the proposed structure. For structures 35 feet in height or less, the setback would be a minimum of 75' then the minimum setback would then increase 2.5 feet for each additional foot incrementally of additional structure height. He said for comparison, the WP Towers project of 47' in height would need a 105' lakefront setback and they were approved at 110' minimum. Mr. Briggs then answered questions and clarified that this does apply to lakes and canals.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports

a) Commissioner Anderson

Commissioner Anderson asked that anyone that has issues with the way a particular park is being used or if someone in the park has issues with a visitor in the park to please refrain from addressing the issue in the park.

b) Commissioner Dillaha

Commissioner Dillaha agreed with Commissioner Anderson and also shared her concerns by saying that all parks are public.

1. Discuss federal lobbyist and opportunity to obtain \$7.6M in funding for Fairbanks Avenue via six year federal highway reauthorization bill

There was a consensus to bring this item back and to put it on the next agenda with a recommendation from staff.

2. Schedule Town Hall Meeting for January in line with **Strategic Initiative: Hold regular informational citywide meetings to discuss key city issues**

There was a consensus to schedule a Town Hall Meeting in January 2011. Commissioner McMacken suggested having this meeting in a location other than the Chambers. Mayor Bradley said that it should be in the chambers because of internet connection that provides numerous citizens that cannot attend the meeting to be able to listen to the live audio broadcast.

Commissioner Dillaha said that the tennis center contract will be coming up in February and requested to have an overview on their performance in December. There was a consensus to have the City Manager address this item in his report.

She spoke about the 90 day plan and an RFP for a financial advisor and requested to have a copy of the last RFP with information on services and the fee schedule. She also suggested that a City Commissioner be on the selection committee. Mr. Knight said he will provide them the previous RFP information and that as a Commission they really do not need to approve the RFP itself but they do need to appoint a Commissioner to sit on the selection committee.

She asked about the board appointments and the process regarding the Charter issue and wanted to know the status. Mr. Knight said at the last work session they did not have time to address that issue and that he needed direction from the Commission on the process. He said they were provided two or three different options at the last work session and he would send the information to them once again for their input.

She mentioned the article on water shortages that Mr. Knight sent out and suggested that the City put it on the internet for citizen awareness. Mayor Bradley noted that staff will address that request. Mr. Knight answered her question on enforcement of water usage.

c) Commissioner Cooper

Commissioner Cooper brought up Veteran's Day and that she wanted to see a newsletter go out that recognizes veterans in the community. Mayor Bradley asked that we do some sort of recognition next year even if it is in the Commission meeting. He said her idea was great and that we should elevate it in our city. Mr. Knight acknowledged the request.

She asked Mr. Knight to provide a date on when they can be realistically expecting the updated purchasing policy and procedures. Mr. Knight acknowledged the request.

d) Commissioner McMacken

Commissioner McMacken asked if there was a work session this Friday. Mr. Knight said the agenda was sent out today and the meeting is scheduled for 3-4 p.m. on Mead Gardens that was requested by Commissioner Cooper and there is another work session meeting on Monday from 4-7 p.m. on Mead Garden and Pensions.

e) Mayor Bradley

1. Secondary metal ordinance

Mayor Bradley mentioned that the City of Orlando has created an ordinance which addresses individuals stealing copper and metal and those who buy it and resell it. He said that he has a copy of Orlando's model ordinance and that Orange County is about to adopt it in December and if they do adopt it, we need to know how it affects the City. He also mentioned that the Orange County Council of Mayors is trying to have this implemented county wide. There was a consensus to have the City Manager look into this ordinance.

2. "Alternative energy" option for electric utility

Mayor Bradley recommend that the Electric Utility Advisory Board start to explore whether or not there are other alternative energy options now that we have our contract in place, what would make sense in the 2% or 3 % of generation and what those items would be.

3. Electric utility community support fund

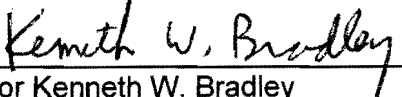
He mentioned that currently the City has an electric utility community support fund through United Way and the Christian Service Fund which helps pay those in need with their electric bills. He said the need in Winter Park is averaging between \$10,000 and \$20,000 a year and they have currently received approximately \$300 in gifts year to date. Two ideas that would help could be a dollar for dollar matching through the utility fund or to put a check box on the utility bills for individuals to contribute money. There was a consensus for Mr. Knight to work with the Utility Director on what we might be able to do and bring the item back to them.

4. Amendment Four education needed if passed at Florida state level

Mayor Bradley requested that the Commission embrace their legislative parties regarding their priorities and the sooner the better. He mentioned that there are two of four newly elected representatives in Washington and that it would be wise if they can get City issues before them collectively. The other item to be addressed is, if it makes sense to be represented as a City of 28,000 by four congressional individuals or not and this is something that they need a formed opinion on as they move forward. He also mentioned the legislative redistricting conversation and the possibility of it being litigated and what can and cannot be done under Amendments 5 and 6.

Commissioner Dillaha commented again about the state lobbyist and said she is not sure how long it has been since they had an RFP on it. She said that she would like to have a realistic discussion as to what they could expect to get from the state level and is not understanding why they have a need for a state lobbyist. Mayor Bradley mentioned that we have a Speaker of the House from Winter Park so both of those items can work in our advantage or disadvantage.

The meeting adjourned at 8:10 p.m.



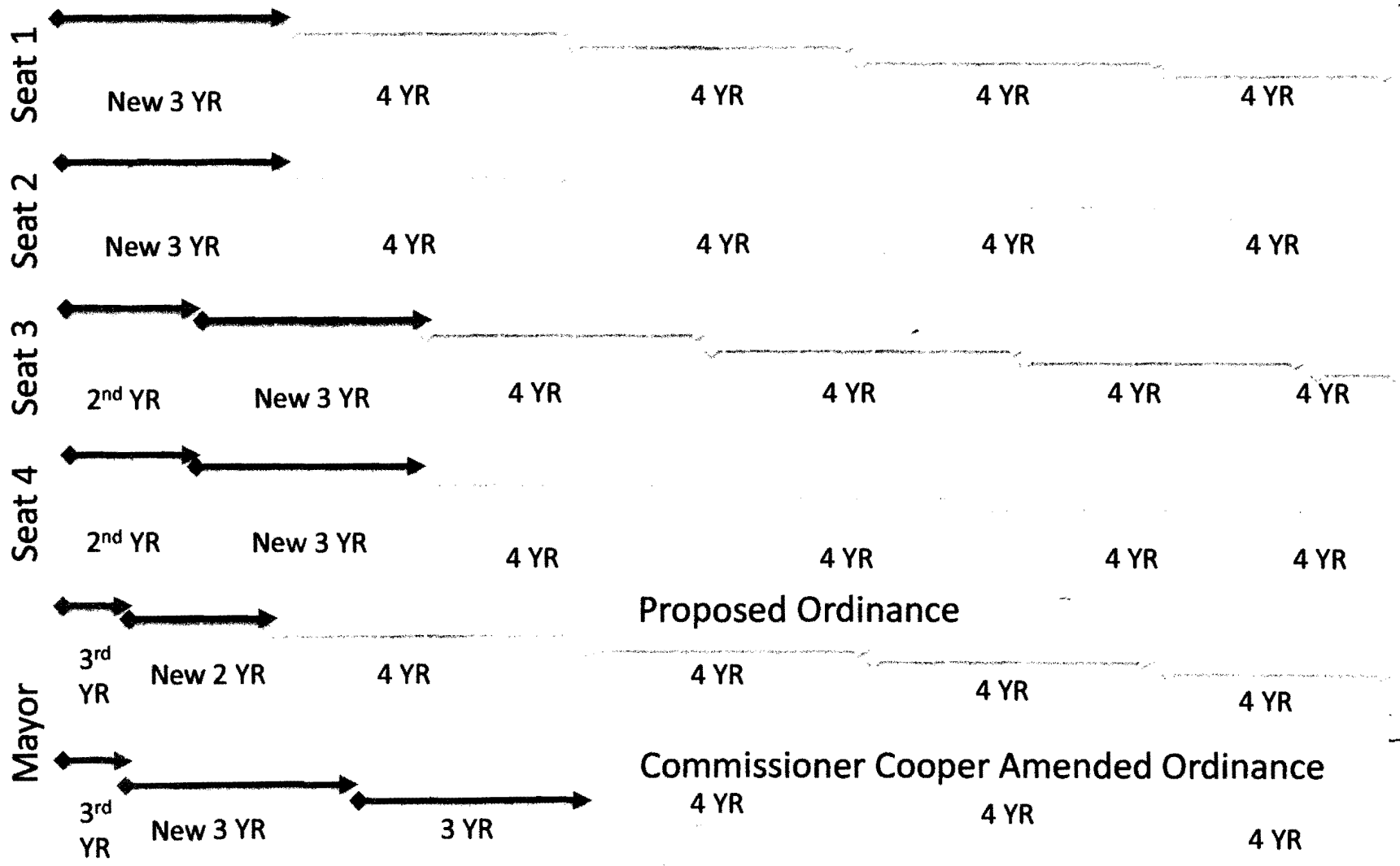
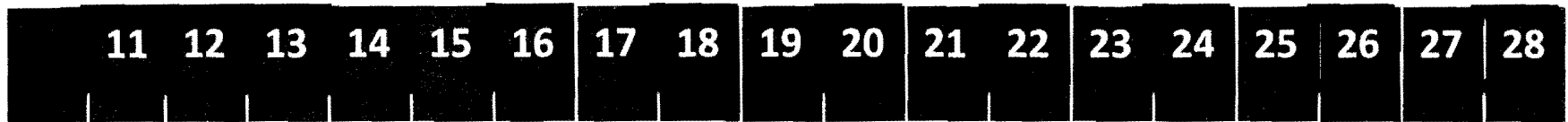
Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

Winter Park Commission Terms



*Proposed
Terms*