

REGULAR MEETING OF THE CITY COMMISSION
August 25, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:45 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 Kenneth Bradley
Vice Mayor Steven Leary
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

Mayor Bradley moved Public Hearing item 12.c up to the first position (12.a).

Motion made by Mayor Bradley to approve the agenda with that change; seconded by Commissioner Leary and approved by acclamation with a 5-0 vote.

Citizen Budget Comments

No budget comments.

Mayor's Report

- a. Presentation - Pools & Playgrounds Webisode in partnership with Full Sail University's SPARK Program

Communications Director Clarissa Howard introduced the Full Sail team, addressed the project and presented the Webisode that can be viewed on the City's website.

- b. Recognition - Art in Chambers Artist Sarah Ali

Ms. Ali provided the background of her Art in the Chambers. Ms. Ali thanked the Commission for the great opportunity to display her art.

City Manager's Report

City Manager Knight announced the Art in Transit dedication ceremony on August 27 at 9:00 a.m. at the train station. Mr. Knight also spoke about the Library Task Force meetings and that they have decided to host a public forum on September 17, 2014 from 6:00-8:00 p.m. at the Women's Club. This is an opportunity for the Task Force to hear from the public. He stated that the quiet zones grant application

has been submitted and are working the process to make sure we are awarded some of the grant money.

Commissioner Cooper inquired about the possible acquisition of the bowling alley. Mr. Knight is meeting on August 26 with the person that has a contract on it to see if that is a possibility.

Commissioner Sprinkel addressed a letter the City received from the Capen House and asked the status. Mr. Knight met with the representatives of the Capen House last week and they worked through the issues and believed everything has been resolved. Commissioner Leary spoke about the donations that have been given so far.

City Attorney's Report:

City Attorney Brown updated the Commission on the Clear Channel MaxMedia settlement and that he hoped to complete this by the next meeting.

Non-Action Item:

- a. Financial Report – June 2014

Finance Director Wes Hamil summarized the June 2014 Financial Report.

Motion made by Commissioner Sprinkel to accept the June 2014 Financial Report; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Electric Director Jerry Warren explained residential electric usage due to the very hot months and that it has worked well throughout the summer.

Consent Agenda

- a. Approve the minutes of August 11, 2014. **PULLED FOR DISCUSSION. SEE BELOW.**
- b. Approve the following contracts and formal solicitation:
 - 1. Physio-Control Technical Service Support Agreement for equipment repair and software upgrade services and authorize the Mayor to execute contract and subsequent purchase orders.
 - 2. Amendment 2 to Ardaman & Associates Inc. for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Geotechnical Services) and authorize the Mayor to execute Amendment 2.
 - 3. Amendment 2 to Universal Engineering Sciences for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering

Services (Geotechnical Services) and authorize the Mayor to execute Amendment 2.

4. Motorola Solutions Services Agreement for monitoring & preventative maintenance for Astro P25 Radio System and authorize the Mayor to execute contract agreement and subsequent purchases.
 5. Award RFQ-21-2014 to Consolidated Pipe & Supply for 6" & 8" HDPE pipe in 40' lengths and approve subsequent purchase orders. **PULLED FOR DISCUSSION. SEE BELOW.** (Changed to HD Supply.)
- c. Approve the FY 2014 budget adjustments as presented.

Motion made by Commissioner McMacken to approve Consent Agenda items b. 1-4 and c; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Consent Agenda item a: Approve the minutes of August 11, 2014.

Mayor Bradley pulled Consent Agenda item a (minutes) and amended page 8 under his report.

Motion made by Mayor Bradley to approve the minutes as amended; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda item b-5: Award RFQ-21-2014 to Consolidated Pipe & Supply for 6" & 8" HDPE pipe in 40' lengths and approve subsequent purchase orders.

City Manager Knight pulled this item and explained that the vendor has notified the City that they cannot meet the delivery timetable that we need. He asked to substitute the second most responsive bidder HD Supply with a difference of \$420 more.

Motion made by Commissioner McMacken to approve Consent Agenda item b.5 with this change; seconded by Commissioner Sprinkel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion:

- a. Request of Unicorp National Developments, Inc. to temporarily utilize the Hillstone overflow parking lot located at 231 S. Orlando Avenue.

George Wiggins presented this item. He explained the request to allow the release of the interior build out of the Blue Cross/Blue Shield Medical Clinic (Building E) while awaiting the amended conditional use process to be completed on September 29. As an interim measure to assure the City that code required parking is secured for Building E, they have agreed to leave 2,400 feet of retail space vacant and lease a vacant undeveloped parking site from Hillstone Restaurant, leaving a deficit of 10

required spaces. In addition to holding retail space vacant, to make up for the balance of required parking, an unmarking parking lot at 231 S. Orlando Avenue owned by Hillstone Restaurant has been secured which will provide approximately 28 unmarked spaces. The result of leaving the retail space vacant and the ability to use this additional parking lot gives the developer 18 additional unmarked spaces at a nearby lot (located 427 feet south of the Lakeside property) as an interim solution for the parking deficit.

In addition, the developer and Blue Cross/Blue Shield has submitted a letter affirming their understanding that no occupancy of Building E can occur and no Certificate of Occupancy will be issued until the permanent parking is provided and available for use. This places full responsibility on the developer to insure the parking is available prior to occupancy of Building E.

The other issue at this time is that the owner of the Sweet Lodge property at 271 S. Orlando does not want his property burdened by the restrictions placed in the public records that his property is required to be off-site parking for the Lakeside project. Their attorney is requesting that the attached document be reviewed and approved by the City Attorney and also be executed by the City. Mr. Wiggins reiterated that this request is temporary.

Upon questioning, Mr. Wiggins addressed the final document received on Friday after the packets went out regarding the parking lease with Hillstone and Lakeside and that he will be happy to provide it to the Commission. Mr. Wiggins and Mr. Whittall answered other questions. Discussion ensued regarding the request and what has transpired to date and that the developer is meeting what the majority of the Commission approved but is now on a short term basis. The need for more documentation was requested.

Applicant and developer Chuck Whittall stated when they came before the Commission originally they had the permanent parking for the Sweet Lodge but that deal did not go forward. They have an application that cannot be heard until next month. He addressed their request in the interim and their long term solution being proposed concerning the Mount Vernon Inn property whereby they are submitting a redevelopment plan for that property this week. He stated the long term solution is met with the application that will come before the Commission in the near future. He stated they are trying to facilitate completing construction of the Blue Cross/Blue Shield building; not to occupy or open for business but to finish the construction activities and by the time they are completed they will have the long term parking. This will allow them to get the construction traffic off the site and complete the construction of the parking lot. He confirmed they have an executed agreement with Hillstone that was presented to staff.

After discussion, Commissioner Leary stated he was in favor of granting this request for temporary parking but was not supportive of moving forward with a certificate of occupancy until the developer provides a permanent solution for it.

Mr. Whittall stated he was fine with that. Commissioner Cooper questioned the 2,400 square feet and if it has been built out on the inside. Mr. Whittall said it is not leased and will not be asking for a permit to do any work on this space until they have a permanent solution so there will not be construction traffic or occupancy of that space until then. He clarified that by approving this they will be moving construction vehicles off the site. Commissioner McMacken addressed the risk the developer is taking until they receive the certificate of occupancy. Commissioner Cooper disclosed conversations with Mr. Whittall and the owner of the hotel down the road.

Mr. Brown spoke about the content of the developer's agreement to include a permanent solution within the code requirements and identifies the new property (hotel property) and that they need to amend the developer's agreement to delete the requirement to acquire the new hotel property. Commissioner Sprinkel addressed safety concerns with people crossing 17-92 to get to Lakeside and did not consider this a permanent solution. Mr. Whittall spoke about the traffic calming solutions to enhance the pedestrian friendliness of the intersection that is part of their plan they are submitting on Wednesday.

After further discussion, a **motion was made by Commissioner Leary to approve the request with the appropriate legal language included in the agreement by the City Attorney (to allow the developer to use 28 parking spaces that are currently being used for parking off-site, temporarily until he finishes his product which time he will have a certificate of occupancy only if he comes forward with an approved permanent solution which must go through the conditional use process); seconded by Commissioner McMacken.**

Joe Terranova, 151 N. Virginia Avenue, spoke in agreement with the temporary solution but that we need to have this agreement in writing.

Mayor Bradley expressed concerns with a temporary parking solution on dirt that is not a parking lot today and wanted to hear the permanent solution that is coming forward. Mr. Whittall spoke about their agreement to move their construction vehicles off-site in the next 2-3 weeks. Attorney Brown stated if there is a majority to allow him to finish the construction of the Blue Cross building but clearly say there will be no certificate of occupancy issued until there is a permanent solution on the 21 parking spaces that need to be off-site, he recommended that the motion include direction for the City Manager/City Attorney to work with the developer and come up with an agreement that is clearer than what is in this evening's package.

Upon a roll call vote, Commissioners Leary, Sprinkel and McMacken voted yes. Mayor Bradley and Commissioner Cooper voted no. The motion carried with a 3-2 vote.

Citizen comments – items not on the agenda (5:00)

Joe Terranova, 151 N. Virginia Avenue, spoke about the importance to develop a community consensus as to the meaning of 'density' as we move into the visioning process because it can mean different things to different people.

Public hearing item 'c' – This was moved up on the agenda.

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATIONS; COMBINING THE PD-1 AND PD-2 FUTURE LAND USE DESIGNATIONS, DELETING THE MAPS INDICATING THE CANDIDATE AREAS FOR PLANNED DEVELOPMENT FUTURE LAND USE AND DELETING THE PARAMETERS FOR THE CREATION AND ESTABLISHMENT OF PLANNED DEVELOPMENT ZONING DISTRICTS AND OTHER POLICY TEXT RELATING TO PLANNED DEVELOPMENT FUTURE LAND USE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE. Second reading

Attorney Brown read the ordinance by title.

Planning Director Dori Stone explained what has taken place after the first reading of the ordinance and the visioning exercise that is now going to happen. She explained the three options provided by Florida Statutes to adopt the amendment as presented, to adopt with changes, or to not adopt the amendment. She stated the Commission has the ability to table this for up to 180 days at which time the Commission can decide whether to take it up or choose not to adopt and it will be withdrawn at that point. Staff's recommendation was to not adopt the amendment until they go through the visioning process. At that time they will take direction from the Commission as to what course of action they should take and whether the PD is a discussion that they want to take up after the visioning exercise is over. Ms. Stone answered questions. Discussion ensued whether to table this ordinance or take no action.

Motion made by Commissioner Cooper to not adopt (deny) the ordinance on second reading; seconded by Commissioner Sprinkel.

Commissioner Leary spoke about information he received regarding the many ways density can be identified and the need to quantify what density really is and what the issues are. Commissioner Sprinkel commented that she wanted to move forward with where we are today because everyone wants the community to thrive and to be the best place to be. Commissioner Cooper addressed the need for everyone to attend the visioning session so the City comes up with a good plan that everyone is happy with. Commissioner McMacken spoke about the current code which is what governs what we do now and hoped that the visioning is also an

educational process so everyone understands all the aspects of this if we are going to move forward with something positive.

Commissioner Leary spoke about the comprehensive plan and land development code being in conflict with one another. He clarified the goal today was to remove some language within the comprehensive plan that still exists in the land development code, and that the proposed amendments do not allow for a free for all in planned development as everything coming in as PD still must meet the land development code. He clarified that the City has been following the recommendations of the City consultant and that everything that is being proposed to be taken out of the comprehensive plan are still within the land development code so any fear that by pulling this out of the comprehensive plan that this will allow for unfettered growth and gigantic buildings is not true.

The following spoke and opposed any changes to the comprehensive plan and was in favor of denying the ordinance:

Bee Epley, 151 N. Orlando Avenue (representing 22 residents from Lake Killarney Condominiums)
Marty Sullivan, 901 Georgia Avenue
Joan Cason, 1915 Woodcrest Drive
Todd Weaver, 1051 Lake Bell
Judy Maynard, 1531 Berkshire Avenue
Donna Colado, 327 Beloit Avenue
Mary Daniels, 650 Canton Avenue
William Deuchler, 1245 Sunset Drive
Bart Johnson, 1214 Turner Road
Richard Mead, 1644 Hibiscus Avenue
Mary Randall, 1000 S. Kentucky Avenue
Elizabeth Faiella, 1023 Lakeview Drive
Dykes Everett, 341 E. Webster Avenue
Lurline Fletcher, 790 Lyman Avenue
Sarah Belperche, 1710 Westchester Avenue
Kathy Kiely, 1800 Oneco Avenue

142 persons were presented for this item. The following opposed the ordinance and turned in a request to speak form but did not speak:

Catherine Bowers, 1500 Berkshire Avenue
Rose Bynum, 516 W. Canton Avenue
Maura Smith, 901 Georgia Avenue
Ruth Stokes, 104 S. Interlachen Avenue, #413
Alan Roush, 701 Antonette Avenue
Dee Lamar, 2250 Forrest Road
Glenna Harmon, 151 Oakwood Way
Elizabeth Bosserman and Jim Ingram, 818 Antonette Avenue

Jacqueline Becker, 300 Fountain Lane
John Kurash, 1050 N. Lakemont Avenue
Meredith Murphy, 1770 Windsor Drive
Nancy Galyean, 746 McIntyre Avenue
Barbara Hicks, 144 Stirling Avenue
Nina Locke, 1808 Summerfield Road
Carol Card, 1645 Berkshire Avenue
Mariolina Salvatori, 1055 Lakeview Drive
George and Lucy Standridge, 692 Penn Place
Leslie Ann Rex, 692 Penn Place
Jeffrey Hale, 1640 Palmer Avenue
John Skolfield, 358 Ultoria Avenue
John Bolden, 541 N. Capen Avenue
Penny Potter, 1360 Canterbury Road
Barbara Allen, 1621 Lakehurst Avenue
Susan Goldin, 1400 Pelham Road
Linda Eriksson, 535 N. Interlachen Avenue, #303
Bruce and Karen Barber, 246 Rippling Lane
Patricia Boulogne, 1407 Pelham Road
Rita Sue Miller, 1470 Glencoe Road
Sharon Strong, 155 Stovin Avenue
Yvonne Traylor, 150 Chelton Circle
Kathryn Grammer, 200 S. Interlachen Avenue
Robert Schwetje, 1005 Lakeview Drive
F. Robert Rolle, 461 Beloit Avenue
Marilyn Miller, 1631 Diana Drive
Rosalind Levy, 850 Juanita Rael
Susan Winter, 1351 College Point
Jack Lane, 1200 Lakeview Drive
Peggy Slage, 2015 Galen Avenue
Elizabeth Posner, 350 Carolina Avenue, #302
Vera Anderson, 130 W. Kings Way
Kay and Ellen Kimbrough, 1451 Highland Road
Richard Reep, 2815 Norris Avenue
Marti Miller, 1399 Aloma Avenue
Jeannie Bowers, 1730 Sunnyside
Rebecca Talbert, 3024 Northwood Boulevard
Martha Hall, 331 W. Lyman Avenue
Karen Blumenthal, 1740 Bryan Avenue
Marilyn Dickinson, 730 Pinetree Road
Robert Hicks, 144 Stirling Avenue
Martha McHenry, 530 Clarendon Avenue
Cynthia Thomas, 1140 Keyes Avenue
Olivia Maxwell, 700 Melrose Avenue, B-2
Maria Bryant, 450 S. Virginia Avenue
Barry Greenstein and Pat McDonald, 2348 Summerfield Road

Roderick and Jackie Sward, 292 Sylvan Boulevard
Glenn Hohman, 1910 Summerland Avenue
Margaret Cooper, 1807 Barker Drive

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.

A recess was taken from 6:01 to 6:25 p.m.

b. Budget discussion

City Manager Knight explained the Cady Way proposed improvements and the money that has been allocated by the City. Mr. Bud Oliver, YMCA provided an update on the Cady Way pool and the funds raised and committed to go toward improvements. Mr. Knight verified that we do not need any additional funds in the budget for Cady Way.

Mayor Bradley inquired whether we have received legal fees/benchmarking comparisons. Mr. Knight responded that they are trying to get that information. Mr. Knight addressed the presentation of the millage and budget ordinances at the next two meetings and any changes the Commission wishes to be included in the ordinance for first reading made this evening can be included; otherwise, amendments can be made at those public hearings. Discussion ensued regarding the list provided by each Commissioner that should be voted on individually.

Mayor Bradley asked staff to look at the cemetery trust fund viability and look to see if this expenditure could be done within it. Discussion ensued regarding the Cemetery Trust Fund and what funds are necessary to maintain all the cemeteries. **Motion made by Mayor Bradley that any expenditures under the Cemetery Trust Fund be postponed until such time as we understand what the operational impacts are; seconded by Commissioner Leary.**

Mayor Bradley addressed organizational support. **Motion made by Mayor Bradley to fund Mead Gardens at \$75,000; the Historical Association at \$60,000, United Arts at \$15,000, Dr. Phillips Performing Arts Center at \$100,000, and the Winter Park Day Nursery of \$7,000, those being based on previous years funding; seconded by Commissioner Leary.**

Motion amended by Commissioner Cooper to delete the \$100,000 contribution to DPAC and try to focus on the local community and Winter Park first. Motion failed for lack of a second.

Mayor Bradley spoke about the \$100,000 that was contributed for the use of MLK Park for retention and that he thought it should be used for whatever the highest and best use is in our parks fund. Commissioner McMacken agreed. Mr. Knight

clarified that there were no restrictions or designations put on this money. **Motion made by Mayor Bradley to hold on the designation of \$100,000 for the Martin Luther King, Jr. Park until such a future time and we see other potential park needs; seconded by Commissioner McMacken.**

Motion made by Commissioner McMacken to designate an extra \$100,000 toward the installation of trees; seconded by Mayor Bradley.

No public comments were made. The increase in employee benefits and the planting of trees was discussed.

Upon a roll call vote on the first motion (that any expenditures under the Cemetery Trust Fund be postponed until such time as we understand what the operational impacts are), 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 on the second motion (to fund Mead Gardens at \$75,000; the Historical Association at \$60,000, United Arts at \$15,000, Dr. Phillips Performing Arts Center at \$100,000, and the Winter Park Day Nursery of \$7,000), 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 third motion (to hold on the designation of \$100,000 for the Martin Luther King, Jr. Park until such a future time and we see other potential park needs), 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 on the fourth motion (to designate an extra \$100,000 toward the installation of trees), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

PUBLIC HEARINGS:

- a. Request of Fatigati Enterprises: Subdivision or lot split approval to split the property at 2525 Temple Drive into two single family lots. Each lot would be about 1.25 acres in size with 160' of frontage on Temple Drive, zoned R-1AA. No variances are requested.

Planning Manager Jeff Briggs explained the request. The applicant was not present.

Motion made by Commissioner McMacken to approve the subdivision request; 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.

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1870 LAUREL ROAD, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Motion made by Mayor Bradley to accept the 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.

- d. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AMENDING SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHALLOW LOT DEPTHS, SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65 & 58-66; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Building Director George Wiggins explained the intent of the ordinance for approval to provide appropriate rear and front setbacks to single family residential lots that are unusually shallow in lot depth. In addition, four other minor items are addressed to clarify and refine single family zoning rules for garages, articulation, elimination of an unneeded deed restriction requirement, and correction of an error in the R-2 Zoning District. The notification provided to residents regarding this ordinance was considered.

Motion made by Commissioner Cooper to deny the ordinance. Motion failed for lack of a second.

Motion made by Commissioner McMacken to table the ordinance; 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.

- e. AN ORDINANCE AMENDING OFFENSE OF LOITERING WITHIN THE CITY OF WINTER PARK; AMENDING DIVISION 1, OF ARTICLE IV, OF CHAPTER 62, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CITY CODE, SECTION 62-77, LOITERING - GENERALLY; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. First reading

The City Commission previously enacted Ordinance 2886-12 on September 24, 2012, to address the problem of targeted picketing that was occurring outside the residences of citizens within the City of Winter Park. This ordinance creates a new Section 62-79, which defined targeted picketing and prohibited that activity within a 50' buffer zone surrounding the dwelling unit of any person who was the subject of the targeted picketing.

An additional part of that ordinance expanded the prohibition against loitering that already existed in Section 62-77 of the City Code to prohibit loitering before or about a dwelling unit at which the resident placed a "No Loitering" sign and within the newly established 50 foot buffer zone described in Section 62-79. Several individuals brought a lawsuit challenging the City's new Ordinance, and the Ordinance was upheld by the trial court. The individuals then appealed the case to the 11th Circuit Court of Appeal, which also upheld those portions of the Ordinance prohibiting targeted picketing. The 11th Circuit expressed doubt that the addition to Section 62-77 regarding loitering would be constitutional, because it might allow private citizens to restrict speech beyond targeted picketing on a public sidewalk, merely by placing a "No Loitering" sign at their property. The prior version of 62-77 allowed a citizen to post a no loitering sign on his or her property, and the language regarding loitering was intended to make the "no-picketing" section consistent with section 62-77.

City Attorney Brown read the ordinance by title and explained what has been changed in the existing ordinance. Discussion ensued regarding 'no loitering' signs being posted on private property. Police Chief Railey explained what is enforceable.

Motion made by Commissioner McMacken to accept the ordinance on first reading as written; seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote.**

City Commission Reports:

a. Commissioner Leary

No report.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about issues in the City that the Commission does not have a say about or can change. She addressed a situation on Ward Drive with the two homes with triple garages and the way they are facing; and a situation where homes are being built and you cannot easily get down the street because of the construction. She expressed her desire to better communicate with the citizens.

c. Commissioner Cooper

Commissioner Cooper provided the final report from the Florida League of Cities Legislative Alert.

Commissioner Cooper expressed the need to inform the citizens as to what is already allowed in the code and to better communicate. Commissioner Leary addressed the need for professionals to tell the City this is how we can work within property rights and still get what the citizens want in the City.

d. Commissioner McMacken

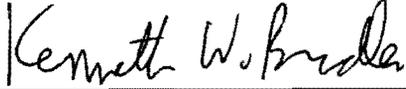
Commissioner McMacken reminded everyone to vote tomorrow in the primary.

e. Mayor Bradley

Mayor Bradley announced the 100th celebration of the Winter Park Golf Course and the September 16 date where we will be featured on the Golf Channel. He asked that at the next Commission meeting we appoint a six month Task Force for a group of citizens to review the whole golf course and specifically areas where there could be improvements made. He spoke about the golf professionals in the City that have volunteered for the anniversary celebration and who would like to continue over this time period to potentially make recommendations. There was a consensus to move forward. Mayor Bradley will bring a list of five to seven nominees as well as City staff and a member of the Parks Advisory Board to the next meeting.

Mayor Bradley addressed that not extending our CRA for baseball has cost the City \$12 million conservatively including the parking garage (\$5 million). He spoke about the importance of looking at decisions as they make them and the need to always understand there are consequences to all decisions made. He stated a large portion (\$7 million or so) of the money could have been used elsewhere in the City.

The meeting adjourned at 8:15 p.m.



Mayor Kenneth W. Bradley /

ATTEST:



City Clerk Cynthia S. Bonham, MMC