

REGULAR MEETING OF THE CITY COMMISSION
September 12, 2016

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. Mayor Leary called for a moment of silence due to the passing of former City Attorney Larry Brown and also addressed the 15th anniversary of the 911 attack yesterday and the moving ceremony held at the Knowles Chapel. The invocation was provided by City Manager Randy Knight, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also present:

City Manager Randy Knight
City Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of the agenda

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

Mayor's Report

a. Proclamation – Hunger Action Month

Mayor Leary presented Dave Krepcho, Second Harvest Food Bank, with a proclamation proclaiming September 2016 as Hunger Action Month. He addressed the City's support this year for the "Skip a Meal Challenge". Mr. Krepcho thanked the Commission and spoke about the need for continued support. He commented about the efforts of the Skip a Meal Challenge social media effort to raise funds for Second Harvest.

Other items

Taylor Stuart, Weatherbee Elementary School, crowned as Miss Southern States Pre-Teen was present to learn about local cities. She stated she represents Georgia, Alabama and Florida and will go on to compete in the Nationals for the Miss America Co-ed pageants to represent the three states. City Manager Knight will provide her a tour of the City and explain how the city works when she comes back.

Mayor Leary recognized Fire Chief Jim White who recognized members of the Winter Park Fire-Rescue Department's First Place competition team for their wins for the fastest firefighter and fastest team of firefighters at the 2016, Stephen Stiller - Tunnel to Tower 5k Run, and the fastest firefighter in the 2016 Cystic Fibrosis Foundation's Firefighter Tower Climb. The award presented for the Tower

Climb contained steel from the former World Trade Center South Tower. The award was made available for review by the Commissioners and guests.

City Manager's Report

a. Confirmation of appointment of Police Chief

City Manager Knight spoke about Mr. Deal's background and asked for confirmation of his appointment.

Motion made by Commissioner Cooper to confirm the appointment of J. Michael Deal as the new police chief; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

City Attorney's Report

City Attorney Ardaman reported that they received a Petition for Writ of Certiorari by the Save Our Library WP Political Committee related to the City Commission's upholding of the City Clerk's certificate with respect with the MLK matter. They are reviewing this and will be responding.

Public Comments (items not on the agenda)

No public comments were made.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of August 22, 2016.
- b. Approve the following purchases:
 1. PR160600 to Stuart C. Irby for Construction Materials for Electric Utility; \$158,164.68.
 2. PR160601 to Wesco Distribution for Construction Materials for Electric Utility; \$125,561.00.
 3. PR160459 to MSA International for MRO - SCBA equipment; \$125,000.00.

Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Action Items Requiring Discussion

No items.

Public Hearings:

a. Request of Walter Ray for the property at 2281 Nairn Drive:

ORDINANCE NO. 3045-16: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE-FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTY AT 2281 NAIRN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained that the Orange County Future Land Use of Office which the City inherited upon annexation has posed issues for the residents that do not want the area to evolve into offices, but are agreeable to redevelopment into small townhouse projects via low density (R-2) residential zoning. He stated the City is trying to encourage lesser intensity development and that proposed policies in the new Comprehensive plan will address this specifically.

Commissioner Cooper expressed her preference to change the Future Land Use map in the Comprehensive Plan to a low density or single family depending on what the Planning and Zoning Board recommends. She stated before these new policies are put into the Comprehensive Plan the City needs to clarify where the eastern boundary is located because Strathy does not go all the way down to Loch Lomond. Mr. Briggs agreed. She expressed the importance that this particular area be planned because it is the only area in the Comprehensive Plan where we have this degree of discrepancy between the zoning and the future land use. Mr. Briggs clarified that staff did comply with the policy in the current Comprehensive Plan as the P&Z Board has held work sessions on this topic and toured the area.

After further discussion, the consensus of the City Commission was that communication with the neighborhood was needed to receive feedback prior to changes to the Comprehensive Plan. Staff agreed to undertake that.

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

b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE I OF CHAPTER 18 OF THE CITY CODE RELATING TO ANIMALS IN CITY PARKS; TO PROHIBIT THE FEEDING OF FERAL CATS IN MEAD BOTANICAL GARDEN, CORRECTING THE FLEET PEEPLES PARK NAME TO LAKE BALDWIN PARK, PROHIBITING THE ADANDONING OF PETS IN CITY PARKS, PROVIDING FOR FINES FOR VIOLATIONS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Parks and Recreation Director John Holland addressed the problems encountered at the park with feral cats. He

addressed their intent not to trap the cats because the population has declined but the feeding has still continued. He stated that people bring their cats and leave them there. Mayor Leary and Commissioner Cooper inquired as to why this ordinance is only limited to Mead Gardens.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Mayor Leary.

Motion amended by Commissioner Cooper that this applies to all City parks. Motion failed for lack of a second. It was understood that Mr. Holland will come back if there is a problems with other parks.

No public comments were made.

Commissioner Weldon expressed public health concerns with feral cats and that they should be removed, and believed that this ordinance will not do any good because people who feed the cats will continue to do so. Mayor Leary commented that this can be revisited if it does not help with the situation. Mr. Holland addressed the trapping company who came in and removed a few which caused a public outcry so they agreed that they would be neutered and spayed and placed back into the park. Commissioner Weldon stated he will support this for now to see what happens. Commissioner Cooper disagreed that this should only pertain to Mead Gardens and should be all parks.

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

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-202, MEMBERSHIP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. City Manager Knight explained this came up when hiring the new police chief because the regular pension plan requires a 10 year vesting period. He stated other cities have found the same situation when hiring someone already retired from a department who may not want to work another 10 years. He stated the 401K plan is a 5 year vesting and costs the City a lot less money.

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

- d. ORDINANCE NO. 3046-16: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AND AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT AND ALSO WITHIN THE WEST FAIRBANKS CORRIDOR STUDY AREA "L" SO AS TO REVISE AND ADOPT NEW POLICIES CONCERNING BUSINESS TYPES TO BE PROHIBITED WITHIN SPECIFIED GATEWAY CORRIDOR ENTRANCES INTO THE CITY OF WINTER PARK IN ORDER TO ENHANCE THEIR AESTHETIC APPEAL AND IMPROVE PROPERTY VALUES ALONG SUCH GATEWAY CORRIDORS Second Reading

Attorney Ardaman read the ordinance by title. This hearing was held at 5:00 p.m. Planning Manager Jeff Briggs stated this was sent to the Department of Economic Opportunity who had no comments so the City can proceed with adoption of the ordinance. He summarized what the ordinance prohibits and what transpired with the Planning and Zoning Commission and the City Commission.

Commissioner Cooper spoke about the ordinance not including tattoo parlors and wanted to see this added. Mr. Briggs stated it is not part of the list because they are prohibited everywhere as part of the zoning code but that staff does not have any disagreement with adding this. Commissioner Weldon asked about the other businesses being listed and stated he would be happy if these details disappear from the comprehensive plan provided that our zoning code covers it.

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

Motion amended by Commissioner Cooper to add tattoo parlors (businesses) back into the list along with the used car sales, auto repair businesses, the resale, pawn shops, vapor lounges, smoke shops and that brand of businesses; seconded by Commissioner Seidel for discussion.

No public comments were made.

Upon a roll call vote on the amendment to add tattoo parlors (businesses) back into the list, Commissioners Seidel and Cooper voted yes. Mayor Leary and Commissioners Sprinkel and Weldon voted no. The motion failed with a 3-2 vote.

Upon a roll call vote on the main motion to adopt the ordinance, Mayor Leary and Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and Weldon voted no. The motion carried with a 3-2 vote.

City Commission Reports:

a. Commissioner Seidel – Spoke about the need for the various boards to work together on certain projects just to be aware of the project and maybe provide input. Mayor Leary spoke about staff meetings where everything is discussed. City Manager addressed the departments working together but that they not necessarily bring a large project back to certain boards. Mayor Leary stated the staff liaison

should be bringing anything of interest back to the boards. City Manager Knight will ask staff to better communicate with the boards.

Spoke about the four pillars brought up by the Visioning Committee and asked these to be more formalized on one page for the public to see and be reinforced.

b. Commissioner Sprinkel – Spoke about being a member of the Library Board as a result of being a Commission member where she has never shared anything from the board with everyone. She also sits on the Community Action Board and receives minutes from that. She addressed the need for a policy for when they are serving on boards as a result of being a Commissioner that everything provided by those boards come to the City to be part of the record and to make it accessible to everyone. Commissioner Cooper stated she is happy to forward copies of everything she receives from the Florida League of Cities. Commissioner Weldon suggested that they inform their boards to send everything to the email address of mayorandcommissioners@cityofwinterpark.org. Mayor Leary spoke about MetroPlan providing large amounts of documents that do not pertain to Winter Park. He asked that staff provide a repository to keep documents provided on file and to also have one electronic repository that they can all access.

c. Commissioner Cooper – Asked if they wanted to consider renaming Lake Baldwin Park to something else. After discussion, this will be taken before the Parks Board to see if they see any reason to change the name and if so, what process they would recommend.

Spoke about Glen Echo Park where they incorporate arts and culture into their park. She will share that link with the Commission to look at because of the similarity with Mead Gardens.

Spoke about the comprehensive plan review process and asked that information be provided to them earlier as she is particularly interested in future land use, housing and transportation. Mayor Leary commented that he prefers to wait until comments come back from the boards. Planning Director Dori Stone stated these are still being drafted and edited and will be happy to share them in draft form when she receives them.

d. Commissioner Weldon – Suggested that a GIS presentation be provided to the Commission at a future meeting that will provide a way to provide more public awareness as to the depth of what they are doing as a city.

Spoke about his preference to convert our small parcels of land into cash in our Reserves fund. City Manager Knight provided an update on the Blake Yard, the Lee Road property, and the strip of park on Morse Boulevard related to the condominium project (this will come back at the next meeting). The old bowling alley property will remain as is for now until the MLK Park master plan is completed. Staff will take down the fence.

Spoke about the Designation Trust Funds and suggested addressing the Hope Fund to refund those who contributed or re-designate the funds. Upon discussion, staff will bring back a recommendation.

e. Mayor Leary – Spoke about the moving service at the Knowles Chapel yesterday.

Budget Public Hearings:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, AND A 0.1715 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, COMMUNITY REDEVELOPMENT FUND, FEDERAL FORFEITURE FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2016; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. First Reading

Mayor Leary made the following opening comments: "The millage rate needed for Fiscal Year 2017 to generate the same property tax revenue for the City as in 2016, based on the Property Appraiser's certification, is 3.9239 mills."

"The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills which has been the rate levied by the city for the last eight years. The proposed millage of 4.0923 mills would represent an increase in property taxes, not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency, of 4.29%. This increase in property taxes levied over the prior year is not due to any change in tax rate but is due to the increase in assessed values of properties."

"In addition, a 0.1715 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2011 approved by the citizens of Winter Park at the May 16, 2000 bond referendum."

This hearing was a simultaneous public hearing on both ordinances. Attorney Ardaman read both ordinances by title.

Motion made by Commissioner Cooper to accept the millage ordinance on first reading; seconded by Commissioner Seidel.

No public comments were made.

Motion made by Commissioner Sprinkel to accept the budget ordinance on first reading; seconded by Commissioner Cooper.

Regarding the millage rate ordinance, Commissioner Weldon asked that the equivalent of his comments as submitted in June recommending a reduction in the millage rate be added to the minutes of the meeting. He stated he would not support the millage rate at the rate approved earlier by the Commission. Commissioner Weldon's comments are added to the end of the minutes for the record.

Discussion ensued regarding the proposed budget.

Motion amended by Commissioner Sprinkel to add \$100,000 towards capital for Mead Gardens to come from contingency; seconded by Commissioner Seidel.

Motion amended by Commissioner Cooper to add the acquisition of the post office property to the CIP in the out years funding period (put it on the list without a time or funding); seconded by Commissioner Sprinkel.

Mayor Leary addressed the post office property in that he does not believe it needs to be in there. He stated that he is 100% supportive of the City acquiring that property when it comes up for sale or becomes either financially viable or becomes excess property for the post office to dispose of.

Commissioner Cooper addressed the sports facility on Lee Road that has been part of our parks plan and has been in our capital improvement project for many years, but it is now there for \$5 million instead of \$2-\$3 million because of looking at astro turf fields instead of regular fields. She asked if we want to push the availability of the fields off into the future and tie it into a bond referendum or bring it back in line to where it was in the past and try to fund it through our general fund.

Motion amended by Commissioner Cooper that we add it (the fields) back into a programmable year within the existing 5 year capital improvements budget as it has been in the past and that we lower the dollar value expectation to something that is conceivable that we can fund within our general fund; seconded by Commissioner Sprinkel.

Commissioner Weldon commented that he does not have a problem with converting the tree farm to an athletic facility but expressed concerns about convenient access. He stated he would like the City Manager to work with the Ravaudage people to try and work out an access point now that the Ravaudage owners own the eastern apartment complex that abuts the tree farm so that the City has a strategically wise access off of Lee Road and through Ravaudage. He stated he cannot support Commissioner Cooper's motion but supports her desire to move something forward on this which is to gain an access point on the east side of the property.

Mayor Leary stated he cannot support this because of greater needs at our existing parks and would rather spend funds on those first. Commissioner Sprinkel stressed the need to decide if they want fields there, put it in the CIP, plan for it and fund it. She stated that she wants that community to eventually have that kind of amenity. It was agreed that this property will become athletic fields sometime in the future.

Motion amended by Commissioner Seidel to create a Transportation Fund with an initial contribution this year from the budget of \$250,000 for transportation improvements in lieu of ones we already have to help develop the City's network to come out of contingency funds this year; seconded by Commissioner Cooper.

City Manager Knight summarized what has come out of the contingency fund and what remains. Commissioner Sprinkel stated she agrees with putting funds in there but not \$250,000 because it brings the contingency fund down too low. Mayor Leary commented that they can take money out of contingency in the future for transportation projects that come forward if they agree. He also spoke about the opportunity to capture transportation dollars from Washington, MetroPlan and the State.

No public comments were made regarding the budget.

Upon a roll call vote on the millage rate ordinance, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weldon voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the amendment to add \$100,000 out of the contingency fund to the Mead Gardens capital fund, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the amendment to add the post office property acquisition to the outer years of the CIP (no time or funding attached to it), Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. Mayor Leary voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the amendment regarding the new fields at the western complex on Lee Road, Commissioner Sprinkel withdrew her second (after further discussion). The motion failed for lack of a second.

Upon a roll call vote on the amendment to add \$250,000 out of the contingency fund for transportation improvements, Commissioners Seidel and Cooper voted yes. Mayor Leary and Commissioners Sprinkel and Weldon voted no. The motion failed with a 3-2 vote.

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

The meeting adjourned at 5:48 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC

**Impact of Lowering the 2016-17 Millage Rate
(Source: City Staff)**

MILLAGE THRESHOLDS	RATE	GROSS TAX REV	CH FROM CURRENT PROPOSED	FINAL EST. PROPERTY TAX REV	CH FROM CURRENT
CURRENT MILLAGE	4.0923	20,067,681	-	19,441,569	-
RATE 1	4.08	20,007,365	(60,316)	19,383,135	(58,434)
RATE 2	4.07	19,958,327	(109,354)	19,335,627	(105,942)
RATE 3	4.06	19,909,289	(158,392)	19,288,120	(153,450)
RATE 4	4.05	19,860,252	(207,429)	19,240,612	(200,958)
RATE 5	4.04	19,811,214	(256,467)	19,193,104	(248,465)
RATE 6	4.03	19,762,176	(305,505)	19,145,597	(295,973)
RATE 7	4.02	19,713,139	(354,542)	19,098,089	(343,481)
RATE 8	4.01	19,664,101	(403,580)	19,050,581	(390,988)
RATE 9	4	19,615,063	(452,618)	19,003,073	(438,496)
ROLLED-BACK RATE	3.9239	19,241,887	(825,794)	18,641,540	(800,029)

Fellow Commission Members:

I will be voting against the fiscal year 2016-17 proposed millage rate of 4.0923 sent to the county appraiser. I believe it is in the best interest of our city and our citizens to lower the millage rate from 4.0923 to 4.00. A millage rate of 4.00 results in total ad valorem taxes of approximately \$19,000,000, a year to year revenue increase of approximately \$1,075,000, a 6% increase in a 1.6% inflation environment. A millage rate of 4.00 will generate approximately \$440,000 less in tax revenue than proposed, \$40,000 of which relates to the CRA. I support a vote to lower the millage rate with the \$400,000 property tax reduction related to the general fund applied to lowering general fund reserves.

The reasons for my vote are many and are sourced in our fiduciary responsibility to Winter Park property owners. When the resources coming into our city exceed our plans and ability to responsibly expand the services we offer, and our reserves are ample, we have a duty to return some of those resources to the people who pay the bills.

- The General Fund budget represents both record revenue and record spending levels, even with my proposed millage rate reduction.
- The adjusted budget at the lower millage rate fully funds the level of service our residents expect; including a 3.5% pool for staff merit increases and funding for new initiatives such as direct support of historic preservation, janitorial services for our park rest rooms, additional staff to maintain our newly renovated golf course, and updating all street signs to the new design.

- A modest decrease in the millage rate is a responsible response to current valuation increases. Valuation increases do not represent realizable value, but taxes do represent real out of pocket cash to our property owners.
- A modest decrease in the millage rate will moderate the impact of the coming library bonds and demonstrate to that portion of our residents who voted against the referendum for monetary reasons, that we hear them.
- Reserves do not need to be increased by \$500,000 from current year revenues as City owned properties worth several million dollars are expected to be sold, adding further funds to city reserves.

Times are good for the City of Winter Park and my recommendation supports a balanced approach, using over \$1,000,000 in new property tax revenue supporting our employees and our city, while returning \$440,000 to our property owners. It is responsible, as elected officials, to act in the best interest of the people we represent and return a small portion of their hard earned income that is not needed to fund current city services.

For the above reason I will vote against any millage rate above 4.0000.

Pete Weldon
City Commissioner
September 12, 2016