

REGULAR MEETING OF THE CITY COMMISSION
September 26, 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. The invocation was provided by Orangewood Christian School, 3rd Grade Enrichment Class, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper (via telephone)
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 Weldon and carried unanimously with a 5-0 vote.

Mayor's Report

a. Presentation – Fire Department accreditation

Fire Chief Jim White presented Mayor Leary with the award of accreditation plaque. This was the fourth time since 2001 and every five years subsequent to that where the Fire Department has received this accreditation. He addressed the site visit that occurred this summer and the department review. Chief White recognized Accreditation Manager Lt. Dan Hagedorn for his work and the other fire department employees who were instrumental in this accreditation.

Adjourn Commission Meeting and convene as the CRA Agency:

The Commission meeting adjourned to convene as the CRA Agency to consider the item concerning SunRail's "Get On Board" support request for Saturday operations between October 1, 2016 through February 4, 2017. Upon completion, the CRA Agency adjourned and the Commission meeting reconvened.

City Manager's Report

City Manager Knight reminded the Commission of the Board appreciation event on Thursday, the grand reopening of the golf course on Saturday with the tournament to follow, and the National Night Out at the Public Safety Building on October 4.

Mayor Leary addressed the letter received from OCPS signed by all Board members thanking City Manager Knight and Communications Director Clarissa Howard for their efforts in helping them with their strategic planning.

City Attorney's Report

City Attorney Ardaman addressed the bond validation lawsuit and the motions filed as of this time by the State Attorney that they will respond to. He also spoke about the Commission decision upholding the City Clerk's determination with respect to the filing of the Petitioner's Committee Writ of Certiorari (lawsuit) to ask that a three judge panel review the City Commission's decision. He also spoke about the drone ordinance that is still in process that will be brought before the Commission at a later time.

Non-Action Item

a. Presentation – GIS system

City consultant Keith Gerhardt provided a PowerPoint presentation summarizing the GIS system and answered questions of the Commission. In conclusion, Mr. Gerhardt stated he would be happy to set up individual meetings with everyone to demonstrate the system.

Consent Agenda

- a. Approve the minutes of September 12, 2016.
- b. Approve the following purchasing contracts:
 1. Renewal with Aetna for medical insurance, RFP-6-2007; and authorize the Mayor to execute the contract; \$860,096.
 2. Renewal with MetLife for Group PPO dental benefits, RFP-19-2008; and authorize the Mayor to execute the contract; \$377,676.
 3. Contract renewal and subsequent purchase order with Cigna Group Insurance, RFP-19-2008 Group Term Life; AD&D; Voluntary Term Life for Employee, Spouse and Children; Long Term Disability; and Voluntary Short Term Disability; and authorize the Mayor to execute the renewal package documents; \$162,283.
- c. Authorize the City Manager, in consultation with the City Attorney, as needed, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations.
- d. Appoint Abby Gulden, Sustainability/Permitting Coordinator as the alternate to SSNOCWTA to replace Jeff Briggs.

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

Action Items Requiring Discussion

No action items.

Public Hearings:

- a. ORDINANCE NO. 3047-16: 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 Second Reading

Attorney Ardaman read the ordinance by title.

Deltona Commissioner Heidi Herzberg (also runs the City's cat program) spoke in opposition to the ordinance. She provided information as to what has been successful in Deltona. She commended the Commission on addressing the abandoning of animals and spoke about the issues they have had. She spoke about people wanting to feed the animals but will not neuter/spay them. She stated their feeding ban did not work for the last 20 years because people would find a way to get around the feeding ban by feeding late at night.

Commissioner Herzberg addressed their one year pilot program in place, "Trap, Neuter, Release Program" through a grant received through the Humane Society through PetSmart Charities that has reduced their intake. She stated they are trying to work with the community with holding meetings with the feeders. She spoke about the 46 acres in Mead Gardens and the difficulties with enforcing the ordinance because of the large park. She addressed the cruelty/abandonment statutes that she provided for the Commission. She offered to hold a workshop here in Winter Park for the feeders to go ahead and try to get a control as to what is going on at the park or other areas because you want to have best practices, be on the same page and do not want a population to get out of control.

Carol Reynolds, 1083 Vanderbilt Drive, Eustis (used to live on Granville Drive, Winter Park) spoke in opposition to the ordinance and addressed Mt. Dora's cat problem that was solved in 3-4 weeks. She spoke about the difference between feral cats and cats being dropped off that only have about a month to live without food. She spoke about it being inhumane to the cats dropped off that were used to being sheltered and fed. Mayor Leary stated that staff will review Mt. Dora's program.

Commissioner Seidel stated it sounds reasonable to look at a transition plan as opposed to closing the door so that some of the things heard this evening does not happen.

Commissioner Weldon stated he is interested in finding a longer term solution. He spoke about being troubled the last time to vote yes but is prepared to vote on this because in large part he is doing it to assist the staff because it is their wish that we try this and that we approve it with the understanding that at the end of March staff

will provide a report back as to their experience and reconsider it. Commissioner Cooper commented that she did not consider feral versus dropped off cats and that she is happy that Commissioner Herzberg is willing to come and do workshops with our feeders. She asked if this is adopted that a sunset be put on the law of one year so that legislation is not being created forever if it is not the answer.

Parks Director John Holland addressed the large amount of information they have received including from Bill Gaskin regarding the Care Feline Trap Neuter and Release Program. He contacted him who is willing to assist the City with performing the program in our parks that goes hand in hand with not feeding the cats. He stated they will provide a report in March and hope to stop the devastation of the birds and wildlife in Mead Gardens. He spoke about the feeders being belligerent when told that they can no longer feed the cats. He stated he does not want to starve the cats out but that this step has been recommended to do and want to see what happens.

Commissioner Sprinkel spoke about the Trap Neuter Release Program we tried before that did not solve our problem by itself which is why she wanted to try this but did not want to give up that program. She addressed the need to educate more people on this.

Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Mayor Leary (with the understanding that Commissioner Weldon is willing to proceed on the basis of review at the end of March and at that time depending on the results of the 6 month period they may remove the fine for feeding or not.). 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. ORDINANCE NO. 3048-16: 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 Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Seidel 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.

- c. Request of Osprey Custom Homes, Inc.: Conditional use approval to redevelop the vacant 0.93 acre property at the northeast corner of Michigan and Schultz Avenues with a new development of 12 two-story townhouses

Planning Manager Jeff Briggs summarized the location and size of the project known as Park Shore Townhomes. He stated this project meets all the R-3 code requirements with one exception of a location of one visitor parking spot. He added that it received a positive recommendation by the Planning and Zoning Board.

Attorney Becky Wilson, representing the applicant, addressed the 2014 approvals of the rezoning and comprehensive plan amendment of this property and the binding development agreement that they are in compliance with where they limited the height to 35 feet (proposing today is 30 feet), limited the height to two stories, agreed to a maximum of 12 units and that the square footage of the building would be a maximum of 36,000 square feet (proposing 28,520 square feet). She addressed the architectural style, the site plan, the variance for the one visitor parking space and other spaces, their proposal to build six on-street parking spaces in the right-of-way, and the addition of street right-of-way trees that do not currently exist. She requested approval of their request.

Commissioner Cooper inquired about the width of the parking spaces. Mr. Briggs stated 20' works and are striped at that. Upon questioning, Mr. Briggs spoke about a comprehensive plan change for future consideration regarding the size and scale of R-3 development when the project is located on the edge and adjacent to R-2 neighborhoods with typically much smaller building sizes to insure design compatibility. She spoke about the development agreement in 2014 in place that she was unsure of so she will have to vote for this project because of that whether she agrees or not.

Upon questioning by Commissioner Seidel regarding the water flow and where it drains, Civil Engineer for the project Steve Allen addressed this item. Mr. Briggs stated it flows to the retention area on Minnesota. Commissioner Seidel spoke about his preference not to see retention holes filling the greenspace between the sidewalk and homes and wanted to see more modern techniques to treat the stormwater. Ms. Wilson stated they looked at an exfiltration system but that the problem is the water table and they would have to elevate the site by 2 feet which they believed would not be attractive coming into the neighborhood.

Upon questioning by Commissioner Cooper, Mr. Briggs stated staff is still supportive of the policy that says from Shultz going to the west it will remain Low Density Residential.

Motion made by Commissioner Sprinkel to approve the conditional use request; 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.

Public Comments (items not on the agenda)

No public comments were made.

d. Request for acceptance of offer to purchase City property:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED BETWEEN 652 AND 700 WEST MORSE BOULEVARD PURSUANT TO THE PROPOSAL APPROVED BY THE CITY COMMISSION ON SEPTEMBER 26, 2016, SUBJECT TO RESERVATION OF DEVELOPMENT RIGHTS AND DEED RESTRICTIONS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs spoke about the townhouse project at 652 Morse and the City's park directly to the west with the pavilion on Morse and also a pathway to the back since the redesign of the Community Center as a path to nowhere. He spoke about the Notice of Disposal and that they received an offer for \$100,000 for the property. He stated the property is remaining zoned Parks and Recreation and selling it with a deed restriction that is cannot be used for anything but open space and cannot use the land area to build bigger buildings off-site on adjacent properties.

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

Motion amended by Commissioner Cooper that we place the revenues in the Parks Acquisition Fund; seconded by Commissioner Seidel. Commissioner Weldon addressed the several properties for sale and his preference to make determinations at that time as to how to allocate the funds. He also talked about the restrictions on the parks funds which is for acquisition only, not for improvement of property and that some should be dedicated to improvements.

Upon a roll call vote on the amendment, Mayor Leary and Commissioners Sprinkel and Weldon voted no. Commissioners Seidel and Cooper voted yes. The amendment failed with a 3-2 vote.

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

e. Fee Schedule effective October 1, 2016.

Finance Director Wes Hamil presented the fee schedule. Commissioner Cooper expressed her preference to keep the fees down for children-related activities.

Motion made by Commissioner Sprinkel to adopt the fee schedule; seconded by Commissioner Seidel. 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.**

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 42-1 OF THE CITY CODE AS TO THE DEFINITION OF "QUALIFICATION DEADLINE"; PROVIDING FOR AN EARLIER QUALIFICATION DEADLINE AND QUALIFICATION PERIOD FOR CITY ELECTIONS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. City Manager Knight commented that this is a staff driven ordinance because under the current schedule with the qualifying period being 35 days ahead of the primary date it often falls in the week between Christmas and New Year's. He spoke about the state statute where ballots are to be sent out 45 days prior to the primary date to military overseas voters. If we have a primary, this state statute cannot be met. He spoke about the possibility of a referendum eliminating the primary election and going with a runoff system as with all other cities in the county.

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

Commissioner Weldon spoke about not having an understanding as to any possible impact this may have yet and would rather fix the Charter first. Commissioner Cooper agreed to pursue a Charter amendment to eliminate the primary. Commissioner Seidel spoke about this affecting the length of the campaign season. Mayor Leary and Commissioner Sprinkel spoke about the need to support staff (even though she is impacted this year) but asked that it be effective after this year.

No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioner Sprinkel voted yes. Commissioners Seidel, Cooper and Weldon voted no. The motion failed with a 3-2 vote.**

Millage/Budget Public Hearings

- a. ORDINANCE NO. 3049-16: 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 Second Reading
- b. ORDINANCE NO. 3050-16: 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 Second 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 Sprinkel to adopt the millage ordinance; seconded by Commissioner Seidel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weldon voted no. The motion carried with a 4-1 vote.** Commissioner Weldon asked that his comments from the first reading to reduce the millage rate be attached to these minutes as well.

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

City Commission Reports:

a. Commissioner Seidel – Addressed his appreciation for the GIS presentation. He spoke about the four pillars from the last meeting conversation and if anything is happening with that. City Manager Knight commented it will be part of the agenda title sheets and are working on that. Commissioner Seidel spoke about the electric plan and his preference to come forward with a more definitive plan moving

forward. He stated he is not asking for this at this time but to keep this in mind so maybe this can be accomplished sooner.

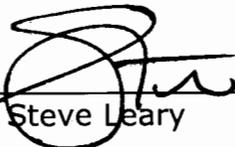
b. Commissioner Sprinkel – Spoke about the library fundraiser and wonderful evening, attended Mead Gardens Clyde Butcher presentation, the upcoming Art Festival, and thanked City Manager Knight for helping out with a family in need. She asked if an alternate to serve on the Community Action Board could be appointed in her absence, if they could consider doing something to focus on families, and if Joie Cadle (OCPS) could provide an update to the Commission regarding how the schools are doing in our community. She also asked about the turf for Showalter and if it will be ready for the football games. City Manager Knight stated it will be ready for the games.

c. Commissioner Cooper – Thanked the Commission for accommodating her this evening. She mentioned the program at Rollins College this week (Greenspace Foundation with part of the Global Peace Film Festival) that was very enjoyable.

d. Commissioner Weldon – Thanked staff for a great job throughout the year.

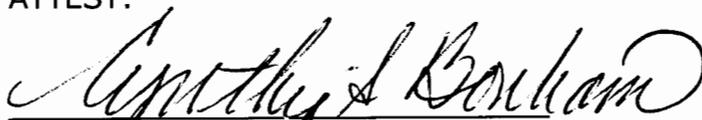
e. Mayor Leary – Spoke about the library fundraiser event he attended that was well done and the re-opening of the golf course event on Saturday. He thanked Vice Mayor Sprinkel for attending events on his behalf that he cannot attend.

The meeting adjourned at 6:02 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC

Submitted by Comm. Weldon

9-12-16 AND

9-26-16

**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