

The City Commission of the City of Sanford, Florida, met in Regular Meeting on Monday, January 12, 2009, at 7 PM, in the City Commission Chambers, City Hall, 300 North Park Avenue, Sanford, Florida.

Present: Mayor Linda Kuhn
Vice Mayor Velma Williams
Commissioner Art Woodruff
Commissioner Randy Jones
Commissioner Jack T. Bridges
City Manager Robert (Sherman) Yehl
City Attorney William L. Colbert
City Clerk Janet R. Dougherty
Deputy City Clerk Cynthia Porter

- 1) Meeting was called to order by Mayor Kuhn at 7 PM.
- 2) Invocation by Rev. Ronald Merthie, New Life Word Center.
- 3) Pledge of Allegiance.
- 4) Minutes.

December 8, 2008, Work Session and Regular Meetings.

Commissioner Jones moved to approve the Minutes. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

5) **PRESENTATIONS/COMMENDATIONS:**

None.

6) **CONSENT AGENDA:** [Commission Memo 09-001]

- A) **Approval of Special Event:** Martin Luther King, Jr. Parade, Unity March & Rally.
- B) **Approval of Special Event:** Super Saturday Night Cruise.
- C) **Approval of Special Event:** Earth Day Every Day.
- D) **Set public hearing to condemn** the structure at 615 West 25th Street.
- E) **Approve Budget Amendment in the amount of \$167,175** to appropriate estimated new revenue in the Building Inspection Fund.
- F) **Approve Budget Amendment in the amount of \$54,101** to pay balance due to the Seminole County 17-92 Community Redevelopment Agency.
- G) **Authorization to use \$4,100 from the Unrestricted Law Enforcement Trust Fund** account to procure ten vehicle stop sticks.
- H) **Authorization to use \$4,000 from the Law Enforcement Trust Fund** account to procure DARE program supplies.
- I) **Authorization to use \$3,000 from the Law Enforcement Trust Fund** account to procure a covered utility trailer for recently purchased T-3 electric vehicles.
- J) **Approve purchase of pump station package from Rexel Mader at a cost of \$54,312** for the Mellonville Elevated Water Tank.

- K) **Approval to increase purchase orders for road rehabilitation by the following amounts:**
- Orlando Paving Co. - \$465,647.41
 - Asphalt Recycling, Inc. - \$282,714.50
 - Fausnight Stripe and Line Inc. - \$41,575.66
 - Core Construction Group - \$41,575.66
- L) **Accept final ranking of Consultants for the Commuter Rail Station Area Master Plan** and authorize staff to proceed with negotiations.
- M) **Approve lease agreement with Boys and Girls Club, Inc.** for use of Westside Community Center. (Work Session #5).

Commissioner Jones moved to continue Consent Item M to the first meeting in February. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

Commissioner Woodruff moved to approve Consent Items A-L. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

7) **PUBLIC HEARINGS:**

- A) **Second reading and adoption of Ordinance No. 4149**, Annex 1.03 acres at 3510 Beardall Avenue. Ad published December 31, 2008 and January 7, 2009. (Commission Memo 09-005]

Commissioner Bridges moved to adopt Ordinance No. 4149. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

City Manager Yehl reported that public hearing items B, C, and D can be withdrawn because the structures have been demolished.

- B) **204 White Cedar Road – demolition of structure.** Notice sent to owners December 19, 2008; property posted December 19, 2008; ad published December 24, 2008 and December 31, 2008. [Commission Memo 09-006]
- C) **249 White Cedar Road – demolition of structure.** Notice sent to owners December 19, 2008; property posted December 19, 2008; ad published December 24, 2008 and December 31, 2008. [Commission Memo 09-007]
- D) **260 White Cedar Road – demolition of structure.** Notice sent to owners December 19, 2008; property posted December 19, 2008; ad published December 24, 2008 and December 31, 2008. [Commission Memo 09-008]
- E) **1218 French Avenue – condemnation of structure.** Notice sent to owners December 19, 2008; property

posted December 19, 2008; ad published December 24, 2008 and December 31, 2008. [Commission Memo 09-009]

Commissioner Woodruff moved to continue this item to the first meeting in February. Seconded by Commissioner Jones and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

[Commissioner Jones left the meeting.]

- F) **1010 Locust Avenue – condemnation of structure.** Notice sent to owners December 19, 2008; property posted December 19, 2008; ad published December 24, 2008 and December 31, 2008. [Commission Memo 09-010]

Commissioner Woodruff moved to continue this item for ninety (90) days. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Absent
Commissioner Bridges	Aye

- G) **1502 West 15th Street – condemnation of structure.** Notice sent to owners December 19, 2008; property posted December 19, 2008; ad published December 24, 2008 and December 31, 2008. [Commission Memo 09-011]

Commissioner Woodruff moved to condemn the structure. Seconded by Commissioner Bridges and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Absent
Commissioner Bridges	Aye

- H) **1506 West 16th Street – condemnation of structure.** Notice sent to owners December 19, 2008; property posted December 19, 2008; ad published December 24, 2008 and December 31, 2008. [Commission Memo 09-012]

Commissioner Woodruff moved to continue this item for ninety (90) days. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Absent
Commissioner Bridges	Aye

8) **FIRST READING OF ORDINANCES:**

- A) **Ordinance No. 4150, Implementing a Rehabilitation Subsidy Program.** [Commission Memo 09-014]

Commissioner Woodruff moved to approve the first reading of Ordinance No. 4150. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye

Commissioner Woodruff	Aye
Commissioner Jones	Absent
Commissioner Bridges	Aye

[Commissioner Jones returned to the meeting.]

- B) **Ordinance No. 4151, vacating a portion of the right-of-way** of West Second Street between Oleander Avenue and Mangoustine Avenue, located at 111 S. Oleander Avenue. [Commission Memo 09-015]

Vice Mayor Williams moved to continue the first reading of Ordinance No. 4151 to the next meeting.

Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- C) **Code Enforcement Related Ordinances and Resolution**[Commission Memo 09-027]

- (1). **Ordinance No. 4152**, adopting (with amendments) the 2006 International Property Maintenance Code.

Commissioner Woodruff moved to continue the first reading of Ordinance No. 4152 through Ordinance No.

4158. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- (2). **Ordinance No. 4153**, providing additional means of code enforcement through an administrative citation.

- (3). **Ordinance No. 4154**, requiring a local representative and payment of a local business tax for residential rental properties.

- (4). **Ordinance No. 4155**, providing processes and procedures relating to collection of special assessments.

- (5). **Ordinance No. 4156**, amending § 1-7 relating to general penalties to violations of the Municipal Code and providing for recoupment of costs and expenses by the City.

- (6). **Ordinance No. 4157**, regulating maintenance of vacant and residential properties that are subject to foreclosure.

- (7). **Ordinance No. 4158**, establishes a one percent per month interest rate (or the maximum authorized by law, whichever is less) on charges, judgments, fines, penalties or other financial obligations due to the City.

- (8). **Resolution No. 2131**, providing for a general public notice for those involved in land transactions that the City may have certain fines, liens, penalties or related charges attached to real property.

Commissioner Woodruff moved to adopt Resolution No. 2131. Seconded by Commissioner Bridges and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

9) **OTHER ITEMS:**

- A) **Resolution No. 2127, opposing legislation** to eliminate the City's ability to place a surcharge on its outside utility customers. [Commission Memo 09-016]

Commissioner Bridges moved to adopt Resolution No. 2127. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- B) **Resolution No. 2128, providing for rates for research and copying fees** for the Sanford Museum. [Commission Memo 09-017]

Commissioner Jones moved to adopt Resolution No. 2128. Seconded by Commissioner Bridges and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- C) **Resolution No. 2129, approving conveyance of additional right-of-way** to Seminole County for improvements to Country Club Road. [Commission Memo 09-018]

Commissioner Bridges moved to adopt Resolution No. 2129. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- D) **Resolution No. 2130, delegating authority to accept service of process** on behalf of the City. [Commission Memo 09-021]

Commissioner Jones moved to adopt Resolution No. 2130. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- E) **Memorandum of Understanding** with Crystal Harbor Properties, Inc. related to Public Works Site. [Commission Memo 09-020]

Commissioner Jones moved to authorize the City Manager to sign the Memorandum of Understanding relating to potential development agreement between the City of Sanford and Crystal Harbor Properties, Inc. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- F) **Request to locate a Teen Dance Club** at the Village Marketplace. [Commission Memo 09-022]

Vice Mayor Williams moved to approve the operation of a dance hall at 3842 Orlando Drive in the Village Marketplace, subject to a Development Order that will include the six conditions recommended by Staff, and the addition of condition number 7 to establish the hours of operation as Thursday from 9 PM-12 AM; Friday from 9 PM-1 AM; Saturday from 9 PM -1 AM, and Sunday from 9 PM-11 PM; summer break hours on Thursday and Sunday extend to 1 AM. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Nay
Commissioner Bridges	Aye

- G) **Request for a Right-of-Way Use Agreement** for a food cart in front of 301 N. Park Avenue. [Commission Memo 09-023]

Commissioner Woodruff moved to approve the Right-of-Way Use Agreement for Nicholas Cardinale to allow the operation of a hot dog cart at 301 N. Park Avenue, including the six conditions as recommended. Seconded by Commissioner Jones and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- H) **Approve commercial recycle totter service and rates from Waste Pro.** (Work Session Item 4) [Commission Memo 09-003]

Commissioner Jones moved to approve the commercial recycle totter service and rates from Waste Pro. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- I) **Continued from December 8, 2008: Joint Planning Agreement** with Seminole County.

Commissioner Woodruff moved to continue this item to the next meeting. Seconded by Commissioner Jones and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- J) **Continued from December 8, 2008: City Manager's Amended Employment Agreement.** [Commission Memo 09-030]

The Commission concurred to consider the City Manager's Amended Employment Agreement at the next meeting.

- K) **Community Redevelopment Agency:** Thank outgoing member for service and appoint a new member. (Work Session Item No. 1)[Commission Memo 09-024]

Commissioner Bridges moved to appoint Otto Garret to the Board, effective January 19, 2009. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

The Commission thanked Bob Parsell for his many years of dedicated service to the CRA.

- L) Consideration of Jason Turner **request for fee adjustment**. (Blue Heron Walkup).

Commissioner Jones moved to reinstate the permit application that expired July 8, 2008 for the Blue Heron Walkup. Seconded by Commissioner Woodruff and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- M) **Florida Power and Light Franchise Agreement** proposal. (Work Session Item 2) [Commission Memo 09-025]

Commissioner Woodruff moved to negotiate a five year extension of the existing franchise agreement under terms developed by the City's special legal counsel together with recognition by FP&L that it must pay all relocation costs arising as a result of the Coastline Park project. Seconded by Vice Mayor Williams and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

Commissioner Woodruff moved to authorize the City Attorney to file a declaratory judgment action concerning franchise fees. Seconded by Commissioner Jones and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- N) **Consideration of request for lien refund** in the amount of \$2,889.35 from Ms. Margaret Jones for property located at 1408 W. 11th Street. [Commission Memo 09-026]

Commissioner Bridges moved to deny the request. Seconded by Commissioner Jones and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Nay
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- O) **Continuation of demolition order on 1611 Strawberry Avenue**. Demolition approved at November 10, 2008 public hearing with extension to January 12, 2009. [Commission Memo 09-013]

Commissioner Woodruff moved to demolish the structure. Seconded by Commissioner Jones and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Aye
Commissioner Bridges	Aye

- P) **Approval of Capital Improvement Projects and Stormwater Utility Fee rate increase. (Work Session Item 3) [Commission Memo 09-028]**

Commissioner Woodruff moved to approve the increase of the stormwater utility fee as presented through the 5 year period but not include an automatic consumer price increase after that five year period (April 2013). Seconded by Commissioner Bridges and carried by vote of the Commission as follows:

Mayor Kuhn	Aye
Vice Mayor Williams	Aye
Commissioner Woodruff	Aye
Commissioner Jones	Nay
Commissioner Bridges	Aye

- 10) **CITY ATTORNEY'S REPORT.**
- 11) **CITY CLERK'S REPORT.**
- 12) **CITY MANAGER'S REPORT.**
- 13) **CITIZEN PARTICIPATION.**
- 14) **CITY COMMISSIONERS' REPORTS.**
- 15) **END THE MEETING.**

There being no further business, the meeting was adjourned at 10:46 PM.

Mayor Linda Kuhn

Attest:

City Clerk

cp