

REGULAR MEETING OF THE CITY COMMISSION
January 11, 2010

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. Mayor Bradley addressed the importance of maintaining decorum at the meetings.

The invocation was given by Pastor Jeff Fair, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson
Commissioner Margie Bridges
Commissioner Beth Dillaha
Commissioner Karen Diebel

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

Mayor Bradley questioned why item 11 b) was on the agenda since we were dealing with that with the Charter. Commissioner Anderson asked this be kept on the agenda. Item 11 c) 2 was added as additional conversation regarding the item that was tabled in July 2009 concerning potentially eliminating alternates but expanding those committees and to move the alternates into those positions. Mayor Bradley moved SunRail under 10 b).

Motion made by Commissioner Anderson to approve the agenda; seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

Mayor's Report

- a) Recognition of Kayla McCulley, a recipient of the U.S. Fulbright Award

Mayor Bradley recognized Ms. McCulley for receiving the U.S. Fulbright Award. Ms. McCulley thanked the Mayor for the invitation and stated it was an honor to be back in Winter Park.

- b) Employee of the Quarter presentation – Josephine Leeks

Mayor Bradley recognized Josephine Leeks, Utility Billing Department, as the Employee of the Quarter. Ms. Leeks thanked her supervisor for the great honor.

- c) Happy Birthday to Mr. Randy Knight

Mayor Bradley recognized City Manager Knight for his birthday.

- d) Commission agenda structure and feedback on changes and e) Commission meeting length

Mayor Bradley asked for feedback on the agenda structure and the way the meetings are flowing. He stated they will continue to work together on this and wants feedback as they proceed along. He spoke about the accuracy of the projected times placed on the agenda. He

encouraged adjusting the agenda lengths depending on the issues coming before them so the meetings do not last the number of hours they have been lately.

Other item

Mayor Bradley recognized Nancy McLean (former Deputy City Clerk) who has moved to the Parks and Recreation Department for the work she did for the Commission.

City Manager's Report

a) Winter Park Ice Rink

City Manager Knight addressed the ice rink being a huge success. He stated after paying the electric bill and replacing the turf under where the tent was located, the financial impact to the City should be no more than \$5,000. He stated there were over 9,500 skaters. Commissioner Dillaha asked if they will receive a report as to the impact on the downtown area and the zip codes the individuals came from so they can monitor who came to Winter Park. Mr. Knight stated he has that information and will distribute it to them. She suggested that next year the advertising stay inside the ice rink and to not have vehicles in front of the ice rink and agreed it was a great success. Commissioner Bridges asked that the merchants, Chamber of Commerce and Parks Board work together to see if some of the activities can be unified on the avenue as well as the skating rink. She asked that this be on a CRA agenda to formulate a plan where they work more cohesively.

b) Other item – Public Forum regarding Charter issues

City Manager Knight stated there has been a request for a forum related to the Charter questions and asked if they are in favor of that. He stated they can legally hold the forum but have to be careful not to be advocating for any issue for or against. Commissioner Dillaha addressed the literature sent out with the previous Charter referendum explaining what each question means and asked that this be done in the same manner. City Manager Knight explained that is already being done. Commissioner Bridges advocated using Facebook, Twitter, The Update, etc. as another way to communicate the issues on the ballot.

Commissioner Anderson spoke about them expressing their own personal opinions to citizens that ask about them. Attorney Brown explained the law in terms of expending government funds; the Commission can speak to people and the City can use funds to communicate the issues but it has to be limited to factual information and cannot advocate one way or the other. Commissioner Anderson stated he did not object to having a forum for questions and answers. Mayor Bradley addressed the need for citizens to be more informed on the issues and suggested using Marilyn Crotty and the City Manager to answer questions. Social media utilization was discussed. After further comments, there was a consensus to hold a forum for this purpose using Ms. Crotty and the City Manager.

c) Performance indicator

City Manager Knight addressed the information he provided on CD to them regarding the performance indicator and asked if the Commission wants to schedule a work session.

d) Trip to Washington to meet with Legislators

City Manager Knight addressed going to Washington on February 2 and 3 to meet with Legislators and Senators about the City projects so they have the information when they submit their budget requests to ensure the City requests are included. Mayor Bradley and Commissioners Diebel and Dillaha agreed to go. Commissioner Anderson tentatively agreed to also attend.

e) Form based code

City Manager Knight addressed the form based code and the meeting with the Canin representatives and the dispute with money still owed to them. He stated they have performed a substantial amount of work and have final reports that they would like to deliver. He stated it may be appropriate to schedule a work session to see what they have completed and to see if this could be accepted in lieu of going out to bid again to finish the Fairbanks Avenue project.

Attorney Brown stated this is an opportunity to evaluate the work product they have to date as they provided fairly completed code and form books which would accomplish the goal and could possibly acquire that within the budget already set and settle a disputed claim at the same time. Mr. Knight stated that staff would review the documents before having a work session as to whether it meets what staff believes was the direction provided by the Commission. Commissioner Anderson asked that at the work session they are provided the prior iterations provided to the public prior to the disbandment of the public meetings and to see the presentations that were made as well as the final work product. Mr. Knight stated he would provide the information to the Commission prior to the work session.

Upon further discussion, a work session was scheduled for February 8 from 12:00 p.m. – 2:00 p.m.

f) Other items

Commissioner Dillaha inquired about the pension review and where we are in the process. City Manager Knight stated both Pension Boards did not want to provide a recommendation so he has been working with the actuary on this. He stated he will be coming back with a request to spend funds to study this and determine the impact and hoped to have something to bring to the Commission on February 8.

Commissioner Dillaha asked when the water/sewer impact fee will be discussed. Mr. Knight stated this should be in February.

City Attorney's Report

a) Scheduling of an executive session.

Attorney Brown requested to schedule an executive session to discuss the Williams litigation. Upon discussion, the City Clerk will provide possible dates and times to the City Commission for scheduling purposes.

Non-Action Items

No items.

Consent Agenda:

- a) Approve the minutes of 12/14/09.

Motion made by Commissioner Anderson to approve Consent Agenda item a) (minutes); seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion:

- a) Purchase of the remaining portion of the parking piazza on New England and Pennsylvania Avenues

Planning Director Briggs explained the benefits of purchasing this property located across from Dexter's. He explained that the southern 30 feet (south 12 parking spaces) are owned by St. Michael's LTD who has offered the sale of the spaces to the City. He explained it would cost \$60,000-\$65,000 for the 12 parking spaces with funding to come from CRA funds. No public comments were made.

After questions were posed by the Commission, a **motion made by Commissioner Dillaha to approve the purchase of the remaining portion of the parking piazza for \$60,000; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.**

- b) Rules and standards for parks and recreation rate adjustments/fee waivers/fee schedules

Parks and Recreation Director John Holland addressed the approval of the January 26, 2009 Rules and Standards for Rate Adjustments that included a list of specific organizations, businesses and schools and their events designated as City annual events. He stated the Commission has expressed interest in adding two additional events to this list as City sponsored events; the Historical Association Peacock Ball and the Charles Hosmer Morse Foundation Christmas in the Park (Tiffany windows).

Mayor Bradley asked if a list exists of the groups that are paying now that were not paying in January 2009 other than AARP, Senior Line Dancing and Chamber of Commerce in any venue. Mr. Holland stated these three are now paying for some of their events. He stated field rentals are different and that there is an opportunity that a youth organization to be classified as a Winter Park Youth League and receive a flat rate fee of \$25 per hour for specific field rentals; this category was put into play by the Commission. He further elaborated on the four organizations that fall into this category. Commissioner Bridges expressed concerns that we are not charging what is comparable to other cities. Mr. Holland stated our field rental rates are competitive with other cities.

Motion by Anderson to approve adding the Peacock Ball and Christmas in the Park as recommended by staff to the list of City annual events; seconded by Commissioner Bridges.

Nancy Shutts, 2010 Brandywine Drive, asked for assistance with their senior line dancing fees and reviewed the hardships of the seniors on limited income. She asked to be charged \$20 per day that it costs to open and close the room. She addressed having the funding in place for this year. Commissioner Anderson asked about the new Community Center and how we fund the youth organizations and others that currently on the Westside now. City Manager Knight stated that most programs at the Community Center are funded by the City but there are some programs such as the summer camp where there are charges. Mr. Holland addressed the extensive programming for seniors at the Community Center.

Commissioner Dillaha suggested since they are funded for this year that they discuss this during the upcoming budget discussions. Mayor Bradley proposed looking at other potential venues where they can use on a first come first served basis at no cost for the smaller groups. Commissioner Bridges suggested that senior programming could fall into the senior programming being conducted by the Library. The new Community Center should be in May 2011. It was suggested in the meantime to find a place for public gatherings until the center is built.

Commissioner Diebel pointed out that this is discriminatory to be able to grant this type of status to 401 (C) 3 and not to other organizations such as the AARP and Line Dancing. **The motion carried with a 4-1 vote with Commissioner Diebel voting no.** Mayor Bradley stated he wants staff to determine a way to accommodate the Senior Line Dancing and the AARP for discussions during the budgeting process.

c) Post Office decision points.

City Manager Knight stated that after the agenda packages went out other decision points occurred that the Commission is going to be asked to make today; the New York/Lyman site was rejected by the Post Office as a site to hold both the retail and distribution portions but could still possibly handle the distribution portion. He stated he met with Mr. Goldman and Mr. Ruopp who is going to update the Commission.

Todd Ruopp, 1020 Minnesota Avenue, addressed the October 24 meeting where they discussed how to accomplish a fundraising campaign to complete the option that the City was attempting to complete by the February deadline. He stated they had communications with community leaders to try and determine the feasibility for the fundraising campaign. He stated it became clear that there was a universal appeal for the idea of having an entity that would oversee the strategic acquisition of green space in the City because there may be individual donors interested in contributing land or funds for the acquisition of green space. He stated this was a positive outcome of the discussions so far and coined the Winter Park Green Space Foundation that is still being created. At the same time they recognized there was universal agreement that the property the post office currently occupies should be park land and is important to secure this land for future generations. He addressed the fundraising efforts and that there was not a clear goal that all could agree with which is why they are here this evening providing their report about what they found and to recommend moving forward.

Steve Goldman, 2009 Venetian Way, addressed the meetings they held with individuals concerning the fundraising efforts. He stated they found that everyone they spoke to believed purchasing the property for park space was a good goal but that the consensus did not materialize as to how to achieve that goal. He stated that \$1.7 million has been raised and have reconfirmed the money/pledges are still good. He stated the funds were raised specifically for acquiring park land to expand Central Park.

He summarized two plans; 1) Plan A is to raise enough funds by February to facilitate building a new post office and if that occurred, then the post office would agree to move to the new facility and the City would acquire the park land from the post office. He stated this goal is still being formulated and negotiations are still going on. He stated they found that raising the required funds of \$2-3 million in the current financial environment is not feasible. He elaborated on who he has been holding negotiations with and addressed the possibility of the Federal Government vacating the property and giving it to the City. He stated this is possible if the right negotiations are carried on with the right people that this could be accomplished without having to raise the money.

Mr. Goldman addressed Plan B. He stated there was clear consensus that the property should be rezoned back to at least PQP and possibly Parks and Recreation that eliminates the possibility of the post office selling the property to a developer. He stated we also need to use our delegation in Washington to help accomplish this goal. He recommended to keep the funds already raised in reserve with the permission of the donors and to also keep the pledges current because of not knowing the timing of gaining the land from the post office and any associated costs. He commented that maybe the money from the donors could be used to acquire different properties to expand Central Park if the donors agreed to that.

City Manager Knight addressed moving forward with the rezoning and that a timeline was sent to the Commission with the cycle opening in February for comprehensive plan changes (twice a year) with an adoption in June. Discussion ensued regarding the timing of the comprehensive plan change and what the zoning should be. It was clarified that if they move forward with the comprehensive plan change in February that anyone else wanting to request a change would have to wait until August. Commissioner Dillaha stated she did not see this as a problem.

There was a consensus among the Commission that the goal is for the post office property to be park space. Commissioner Anderson stated he does not object to it being park but was not sure if the entire piece should be zoned Parks. Commissioner Dillaha stated she wants to rezone it to Parks and Recreation if the intent is that the property or most of it becomes park. Attorney Brown stated the PQP designation is more defensible. Commissioner Diebel addressed her concerns with the Commission agreeing to allow comprehensive plan changes only twice a year that she objected to when it was passed. Mayor Bradley spoke about the February 2 deadline and the possibility of the post office selling the property after that if the City does not take action.

City Manager Knight summarized action items the Commission needs to make: 1) to work with the Legislative Delegation to acquire property in the future either by Right of First Refusal (worse case) or that it automatically reverts to the City (best case) if it ceases to be used as a post office; 2) follow up with the current donors to see if they want their money back or if they would allow it to be used for a Park Acquisition Fund; and 3) whether or not to notify the post office of anything.

Discussion ensued whether the rezoning should be PQP or Park. Commissioner Anderson expressed that he is not convinced that the arrowhead (north half of the existing post office property) should be park and exclude all other municipal type buildings and had no objection of having the bottom half being park. He stated he did not want to close out any other possibilities of something else on the arrowhead property. He agreed with the PQP designation and having our delegation work to convert it all to park.

Commissioner Bridges suggested going to our delegation at the Federal level and to seek the Park designation first and see what we are able to achieve. If the support is not there, they can always go to PQP. She spoke about the one time opportunity to obtain this land.

Planning Director Briggs suggested advertising the comprehensive plan change as both PQP and Parks and then decide at the public hearings how much and which zoning they choose.

Motion made by Commissioner Dillaha to rezone the post office property to Park and Recreation with the conditional use to permit a retail post office on the site, seconded by Commissioner Bridges. Commissioner Dillaha clarified that the conditional use would be in case there is future development by the post office on the site or any change that it would only be a retail component of the post office that would be permitted; not retail and distribution. Attorney Brown stated he wants to come back with language after reviewing this further and get as close to that as possible to avoid a challenge.

Motion by Commissioner Dillaha to change the motion to rezone the property to Parks and Recreation and PQP and make a determination at a later time which zoning it will be. Commissioner Bridges as the seconder agreed.

Pete Weldon, 700 Via Lombardy, cautioned the Commission about forcing the post office to consider the land becoming park. He stated the cooperation of the post office will only come about so as to save the City the potential cost of buying this property through good faith negotiations and disagreed with forcing a zoning designation.

Carolyn Cooper, 1047 McKean Circle, spoke about the potential development of the property that abuts the parking garage and faces the side street. She asked that people be encouraged to come past the parking garage to New York Avenue because that is the next area we need to develop. She spoke about the amount of buildable C-2 property that would be limited to a reasonable height that would encourage people to go to New York Avenue and that the O'Shaughnessy developable property may be a good consideration.

Tania Torruella, 1110 Keyes Avenue, spoke in favor of the property remaining Parks and Recreation.

Upon a roll call vote, the motion carried unanimously with a 5-0 vote.

City Manager Knight clarified that he will work with the Legislative Delegation and to mail letters to the donors to see if they want to leave the funds for this or for other parks acquisitions by February 1.

Commissioner Dillaha asked for consensus to have the City Attorney draft a resolution to go to post office that articulates our intent for this property and that we want to have ownership of the

post office property to help them understand how important this property is to the City. City Manager Knight stated he will draft a resolution to bring back.

Commissioner Dillaha addressed the west meadow zoning of institutional that needs to be changed to a Parks zoning designation.

Public Comments

Vicki Krugger, 200 Carolina Avenue, provided positive comments regarding the ice skating rink and that the managing personnel was proactive and responsive to any problems that occurred with the nearby neighbors. She asked that future events do not allow construction of the rink before 7:00 a.m. because of the noise and to consider events to be further down the west meadow closer to the post office.

Janie Baker, 750 Northwood Circle, spoke about the college students in the CRA area not receiving the \$20,000 allotted to them because of the need for a financial audited statement. She stated they do not have the funds to pay for this statement. City Manager Knight explained the contract did not require the audit, but that the CRA Board required it. Mayor Bradley asked staff to bring a recommendation. City Manager Knight stated that staff reviewed their financial records to see that all the funds went to the institutions as reported. Mayor Bradley stated the contract should be modified and can come back at the CRA Agency meeting on January 25.

Susie Benton, Whispering Waters, addressed the zoning of their property. She expressed concerns about living in Building One and never knowing who is going to be on the green space. She addressed the notice she received 5 years ago that the City would enforce any parking on the green space that has never happened. She spoke about the boats coming to the boat dock that belongs to the church. She asked that the zoning be enforced. Mayor Bradley asked that this issue be addressed at the next meeting.

Pat Handwerk, 1760 Via Contessa, spoke about the contract being negotiated for the Azalea Lane Tennis Center with High Performance and asked that this be sent back to staff to investigate other options. She stated they have an alternative plan for the operation of the center that they believe is viable and keeps everyone currently there in place. The plan is attached at the end of the minutes.

Tania Torruella, 1110 Keyes Avenue, spoke against the privatization of the tennis facility.

Joan Young, 1331 College Point, spoke in opposition to the tennis contract and the privatization of the tennis facility.

Renee Roberts, 1754 Taylor Avenue, opposed privatizing the tennis courts at the tennis facility.

John Reker, 1660 Joeline Court, spoke in favor of the tennis proposal as presented.

Nancy Miles, 687 Penn Place, spoke in opposition to the takeover by E-Tennis and lesson fees by High Performance being raised from \$40 to \$75 that is not affordable to most.

Kay Merrell, 351 St. Dunstan Way, spoke against privatizing of the tennis center.

Ellen Goodman, 915 N. Kentucky Avenue, spoke against the lesson fee being raised to \$75 that most cannot afford to pay and the contract being awarded to High Performance. She spoke about Ms. Merrell volunteering her time to work with the children.

A recess was taken from 6:17 p.m. – 6:41 p.m.

Public Hearings:

- a) ORDINANCE NO. 2791-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE PROPERTIES AT 1807, 1810, 1850, 1911 and 1922 STONEHURST ROAD AND THE EAST KINGS WAY AND STONEHURST ROAD RIGHT-OF-WAY THEREOF, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title. Planning Director Jeff Briggs explained the voluntarily annexation from the first reading of the ordinance in November and the second reading being delayed due to Orange County having to approve an interlocal agreement for the jurisdictional transfer of the road right-of-way to the City which has been accomplished. No public comments were made.

Motion made by Commissioner Bridges to adopt the ordinance and approve the interlocal agreement with Orange County; seconded by Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Bridges and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Planning Director Jeff Briggs explained the ordinance puts into the code the requirement for the supermajority vote to approve any amendment to the text or policies of the future land use element which is also what the perspective Charter amendment is going to do if it is approved. He stated instead of hearing the transmittal hearing and only vote to transmit, the first hearing is a transmittal hearing and the first reading of adoption. Mayor Bradley asked why we are adopting an ordinance for the supermajority if there is already a Charter question on the ballot. Commissioner Anderson explained his rationale.

Motion made by Commissioner Anderson to accept the ordinance on first reading; seconded by Commissioner Dillaha.

Pete Weldon, 700 Via Lombardy, stated he did not see why we were doing this because if the voters approve the Charter amendment, this ordinance is redundant; if they do not approve the Charter amendment they are saying they do not want this.

Joe Terranova, 700 Melrose Avenue, spoke in opposition to the supermajority and stated it is bad public policy that will do the opposite of what the Commission wants to protect what they feel is important and is giving power to the minority.

Gene Randall, 1285 Richmond Avenue, spoke in favor of the supermajority. No other public comments were made.

Upon a roll call vote, Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion carried with a 3-2 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ESTABLISHING A POLICY FOR THE AUTOMATIC ADVANCEMENT OF CITIZEN BOARD ALTERNATES TO REGULAR POSITIONS IN THE EVENT A REGULAR MEMBER OF THE BOARD VACATES HIS OR HER POSITION PRIOR TO THE EXPIRATION OF HIS OR HER TERM; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, EFFECTIVE DATE OF ORDINANCE AND AN EFFECTIVE DATE FOR THE APPROVED AMENDMENTS. First Reading

City Manager Knight explained the motion made on July 17, 2009: **“Motion made by Mayor Bradley that the three quasi-judicial Commissions presented, the Code Enforcement Board, the Board of Adjustment and the P&Z Board move to seven (7) members and the current alternates move into full time positions on those boards and the alternate positions be eliminated; seconded by Commissioner Diebel.”** Mayor Bradley asked that this motion be decided first since the motion was tabled at that meeting.

Commissioner Dillaha suggested adding the Tree Preservation Board to the list of quasi-judicial boards. Discussion ensued whether this board should be added to the other three within the ordinance. She also spoke against expanding the number of board members. Commissioner Bridges spoke about the need to streamline the boards both in terms of the number and to leave the boards to no more than 5 members because of the demands it places on staff.

Joe Terranova, 700 Melrose Avenue, opposed putting restrictions on the Mayor to determine who should be appointed to the boards and what talents should be on the boards to carry out the board mission. He stated it is important that the Mayor determine if the alternate should move into that position and that is should not be done automatically. He explained that the main reason for having alternates was to ensure they had a quorum on certain critical boards.

Upon a roll call vote on the motion above, Commissioners Anderson, Dillaha, Diebel and Bridges voted no. Mayor Bradley voted yes. The motion failed with a 4-1 vote.

Attorney Brown read the ordinance by title.

Motion made by Commissioner Dillaha to accept the ordinance on first reading with the inclusion of the Tree Preservation Board; seconded by Commissioner Bridges.

Pete Weldon, 700 Via Lombardy, asked for clarification as to how this relates to the inquiry made to the Attorney General. City Manager Knight explained the final determination. No further public comments were made.

Upon a roll call vote, Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion carried with a 3-2 vote.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL AND PROHIBITED USES WITHIN THE ZONING DISTRICTS OF THE CITY, ADOPTING NEW DEVELOPMENT STANDARDS, DENSITIES AND INTENSITIES OF DEVELOPMENT, ADOPTING CHANGES NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED FEBRUARY 23, 2009, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Planning Director Briggs explained that the hearing is beginning after 5:30 p.m. as advertised. He explained the comprehensive plan adoption of February 2009 and accepted by the DCA on May 14. He stated the comprehensive plan takes precedence over the zoning code so the zoning codes have to be brought into compliance with the comprehensive plan. He addressed the advertisements for the hearings and explained that the various codes have been on the website since August, including the latest version since December 11. He summarized the changes made to the code. Mr. Briggs answered questions posed by the Commission. Commissioner Dillaha commented that this has been made public for a long time and have had few comments on it, it has been vetted by the P&Z and Commission and have done due diligence on it.

Motion made by Commissioner Dillaha to accept the ordinance on first reading and to move forward with the Land Development Code; seconded by Commissioner Bridges.

Commissioner Anderson addressed the public comments made before and the discussion by Mr. Bellows regarding parapet walls being too short and that this should be increased from 3 to 3½ feet. **Motion amended by Commissioner Anderson to change the parapet wall heights from 3 to 3 ½ feet throughout the document.** He addressed the second reading in two weeks and if there are more specific comments that come before them for consideration, he will be happy to consider those comments. Mr. Briggs stated the parapet wall code is 5 feet at this time and is Mr. Bellows recommendation. After clarification, **the amendment was withdrawn.** **Motion made by Commissioner Anderson (amended) to change the parapet wall height to 5 feet, seconded by Mayor Bradley.**

Discussion ensued regarding floor heights and building stories. Mayor Bradley expressed his concerns and asked if something could be written to be consistent floor to ceiling for either commercial or residential and still achieve the total height. Mr. Briggs spoke about the P&Z discussion. Mr. Briggs stated he will address this issue again at the P&Z and will also speak to other architects before the second reading. Commissioner Dillaha did not share the same concerns because she knows the P&Z worked on this for a long time and did not see the need for them to revisit and alter it.

Joe Terranova, 700 Melrose Avenue, spoke about the difficulty with dealing with building heights within the code. He addressed the importance of including something in the code that permits exceptions that will allow consideration changes made in buildings.

Upon a roll call vote of the amendment to change the parapet heights to 5 feet, Mayor Bradley and Commissioners Anderson, Dillaha, Bridges and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote of the ordinance, Mayor Bradley and Commissioner Diebel voted no and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried with a 3-2 vote.

City Commission Reports

a) Commissioner Anderson

1) Winter Park Historical Association request for funding

Commissioner Anderson spoke about the value of this organization. Dani Janesick, Executive Director, provided a presentation comparing the funding that the City provides compared to other cities. She asked that the City's portion be increased an additional \$25,000 for the 2009/2010 budget year to total \$50,000. She distributed written copies of the request (added as part of the minutes).

The City of Maitland was compared to Winter Park. Mayor Bradley stated that Winter Park and Maitland are in two different places from a tax base standpoint. Assistant City Manager del Valle commented that Winter Park's general revenues are much higher than Maitland's and the City of Winter Park's budget is much larger. He asked if this is an organization that the City should be funding or if we should partner with them to try and obtain grant monies to support them.

Commissioner Anderson expressed concerns that the City has not valued its history as he believed it should. He stated he has struggled with the appropriate value to put on the association and spoke about what the City has contributed and the funds the association needs. He agreed with finding grants to help fund the association. Ms. Janesick stated grants are project driven and staff is needed to drive the projects.

Discussion ensued regarding the needs of the association and tourism dollars we are not availing ourselves to. Mayor Bradley asked that other organizations in a broader sense also be involved. Commissioner Anderson asked that Dani work with the Economic Development Department to determine funding options. He asked if the Garden Tour can be considered and asked how much they make on this event. Mayor Bradley stated that maybe the Parks Department could help with funding this. There was consensus to involve the Economic Development/CRA Department to see what can be done. Commissioner Dillaha addressed the importance of the Historical Association and the need to provide further funding.

b) Commissioner Dillaha

1) Audio access to debates between the four candidates running for the two Commission seats

Commissioner Dillaha asked that audio access be provided via the web for the upcoming candidate debates. The access would have to be held in the Commission Chamber for this to happen without extra cost. City Manager Knight suggested that we could record the debate and put it on the website as another alternative. Attorney Brown cautioned the Commission about spending City funds in advertising over the internet for campaign activity. He said to record and broadcast may not cause issues if there is not a lot of public spending.

Discussion ensued which debates they would choose and that they need to be held in the Chamber. After further comments, it was determined that this would be a small effort on staff and Attorney Brown believed it would not be a major problem and withdrew his concerns.

Peter Weldon, 700 Via Lombardy, expressed concerns that once they are recorded they become part of the political process and words will be taken out of context and broadcast throughout the City for electioneering purposes. City Manager Knight expressed his preference of only putting it on the web with those held in the chamber.

2) Commissioner Dillaha addressed the need to change the zoning of the West Meadow to Parks. This will be addressed on a future agenda.

3) Commissioner Dillaha spoke about the need to have language written to accommodate the comprehensive plan concerning lot splits and lot consolidations. She asked that a schedule be set for that to conform to the comprehensive plan. This will come back before the Commission in about a month.

4) Commissioner Dillaha spoke about the need for a checklist for the Land Development Code for amending the comprehensive plan to improve the list that currently exists. She asked that it be more thorough and for consensus to move this along. Staff will bring back a recommendation and try and determine a timeline.

c) Commissioner Diebel

1) Form based code update

This issue was already previously addressed.

2) Howell Branch retention pond

Commissioner Diebel spoke about the Howell Branch retention pond and taking ownership as well as the waterways that serve that and to see if we can appeal to Orange County to allocate budget for maintaining that. She asked for a consensus to bring back an update and for this to become a project under Public Works. City Manager Knight said Orange County has denied the request and will let us take it over if we take over the maintenance of Howell Branch Road. He stated they will speak to someone higher at Orange County about this.

d) Commissioner Bridges

1) Texting while driving in Winter Park

Commissioner Bridges spoke about sending a resolution to the state to support a ban on texting while driving as a municipality and start to garner support from other municipalities. Attorney Brown stated that the legislature overruled the Attorney General preempting the state on all regulations regarding cellular and electronic devices while driving. Staff will bring back a resolution.

2) Performance measures

Commissioner Bridges stated this information has been provided to them.

3) Tennis contract

Commissioner Bridges addressed the tennis center contract and asked the Commission if they were also concerned with issues and complaints brought forward by the tennis players. She addressed how important it is for this to be correct. Attorney Brown stated the contract is completed and sent to High Performance for their review and that it adequately defines the use and times the courts are available in satisfaction with the Parks and Recreation Department. He stated the City has the right to breach the contract and did not believe the damages would be very large. Commissioner Anderson expressed concerns with the fees now being charged because of privatization. Attorney Brown stated the fees were included in the proposal. There was discussion as to which direction to head in and the unintended consequences of the decisions already made. The contract will be on the next agenda. The need to close this issue was addressed.

Pat Hardwerk spoke about the lesson fees increasing to \$75.00 and that the teams cannot afford to pay this amount.

e) Mayor Bradley

1) Proposal for civic venues along with financial plan

Mayor Bradley stated we need to advance the discussion of potential sites for the library and decide what to do about the state office building.

2) SunRail implementation

Mayor Bradley stated the Governor signed the SunRail legislation into effect on December 16 which requires them to make decisions regarding the design of the station, focusing on the financial implications. He addressed Commissioners Dillaha and Anderson providing specific questions that need to come forward and that our future conversations should be around getting this funded and the Winter Park stop as approved by the vote of the citizens.

Commissioner Dillaha provided an update on the Technical Advisory meeting she attended with FDOT. She addressed the need for the funding agreements to be updated. She asked the City Attorney to follow up on what changes have been made in the Operations and Maintenance (O&M) projections and anything else so we are up to date.

Commissioner Dillaha also provided information regarding Tri-Rail operating revenues and expenses that is made part of the minutes.

Mayor Bradley stated that he hoped we would continue to look for opportunities for the dedicated funding source and begin to look at the design of the station. Commissioner Dillaha suggested not using more staff time or resources until there is an agreement with CSX, FDOT, approval of FTA, and awarding of Federal funds for the project.

Attorney Brown asked for clarification of the intent that when the FDOT funding period expires in 7 years and there is City exposure under the current language for operations and maintenance and the bond, that the City wants to have the ability to fund out (opt out) in any fiscal year rather than subjecting itself to an O&M obligation to the rail commission. He suggested clarifying this language in the interlocal agreement with Orange County. Commissioner Anderson asked that a staff report be provided with the financial numbers that affect Winter Park at this stage. City Manager Knight stated we have been working with FDOT regarding the final design of the station. Mayor Bradley asked that staff provide the timeline for decision making depending on when the funds are received from the government so we will have a better understanding of what we need to do and so we are proactive and are prepared. Mr. Knight will contact them to ascertain the timing.

3) Dedicated transportation funding task force

This was already addressed.

4) Naming of a street in Winter Park honoring Dr. Martin Luther King, Jr.

Mayor Bradley asked for support for a future agenda item to explore what street would make sense to do this. There was consensus to bring this back.

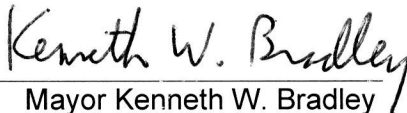
5) Next meeting – Winter Park Towers

Mayor Bradley advised the Commission that the Winter Park Towers agenda item at the next meeting is going to be very lengthy and asked that we prepare the agenda keeping this in mind so the meeting is not ending too late. Commissioner Dillaha asked that there be one cover page with the pertinent information and what is being requested. Mayor Bradley addressed invoking the rule of allowing a certain amount of time for public comment to avoid repetition in comments.

Meeting Adjourned

Motion made by Commissioner Bridges to adjourn the meeting; seconded by Commissioner Anderson and carried unanimously.

The meeting adjourned at 9:08 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham