

REGULAR MEETING OF THE CITY COMMISSION
February 23, 2009

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 3:57 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Building Director George Wiggins followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner Beth Dillaha
Commissioner Karen Diebel
Commissioner Phil Anderson

Also present:

City Manager Randy Knight
City Attorney Trippe Cheek
Deputy City Clerk Nancy McLean

Citizen Comments:

1. Mary Daniels, 650 Canton Avenue, opposed the change to the hours in Hannibal Square. She asked the Commission to respect the decisions made by the P&Z and the CRA Advisory Board.
2. Steven Ziffer, 101 S. New York Avenue, hoped there is money for Public Works to continue and finalize all of the work necessary prior to the establishment of any quiet zones, regardless of who funds them.

Mayor's Report:

- a) Board appointment – Code Enforcement Board alternate.

Mayor Strong commented that a Code Enforcement Board alternate position was presented at the last meeting; however, the Commission wanted more information before they made a decision. He stated that Mr. Roy continues to be his nomination.

Motion made by Commissioner Anderson to appoint Roy Ray to the alternate position. Motion failed for lack of second. Mayor Strong stated he would resubmit another nomination at the next meeting.

Consent Agenda:

- a) Approve the minutes of 2/9/09. **PULLED FOR DISCUSSION. SEE BELOW.**
- b) Approve the following bids and purchases:
 - 1) IFB-1-2008 Underground Electrical Construction Services contract renewal with proposed price increase. **PULLED FOR DISCUSSION. SEE BELOW.**
 - 2) Award of RFP-5-2009 Automated Fuel Management System to Coencorp Consultant Corporation, Inc.; not to exceed \$115,450.00.
 - 3) PR 140833 to Reynolds Inliner, LLC. for Lakemont sanitary sewer main lining, piggy-backing Broward County contract #N-6-05-200-B1; \$685,600.00.
 - 4) Enter into negotiations for RFP-6-2009 Garbage and Recycle Collection Services with Waste Pro.

- c) Approve increasing the special event rental rates for parks to allow for a recycling surcharge.
- d) Commit 50% matching grant funds (\$44,000) toward the \$88,000 project to extend the Lake Baldwin Trail through Fleet Peoples Park. **PULLED FOR DISCUSSION. SEE BELOW.**
- e) Comprehensive salary/benefits survey. **PULLED FOR DISCUSSION. SEE BELOW.**

Consent Agenda items a), b) 1), d) and e) were pulled for discussion.

Motion made by Commissioner Bridges to approve Consent Agenda items b)2), b)3), b)4) and c); seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item a): Approve the minutes of 2/9/09.

Mayor Strong addressed modifications to the minutes. He stated that Ms. Furman requested changes regarding her comments under public hearings (page 7) and that Commissioner Diebel voted no on the height issue of the comprehensive plan (bottom of page 8). He stated that the draft minutes reflect a 5-0 vote that should be a 4-1 vote. Commissioner Diebel agreed.

Commissioner Anderson requested that Ms. Gagliano's comments on page 4 relating to the number of people that normally attend her private events be added. He requested that (page 7) of Ms. Furman's comments have quotation marks regarding her request that the comprehensive plan be adopted with the future land use map accurately depicting the vision for the redevelopment of New England Avenue as CBD. He added another correction on page 10 under the definition of "Maintain" to change the word "bare" to "bear."

Motion made by Commissioner Anderson to approve the February 9, 2009 minutes as amended; seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item b)1): IFB-1-2008 Underground Electrical Construction Services contract renewal with proposed price increase.

Commissioner Anderson suggested they approve the change order up to 3% as long as the contractor provides proof that those labor costs have indeed risen 3% as evidenced by his union contract. City Manager Knight was comfortable with that.

Motion made by Commissioner Anderson to approve item b)1) with the modification that they cap it at 3% and if it truly is a labor cost increase they make sure it is verified; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Consent Agenda item d): Commit 50% matching grant funds (\$44,000) toward the \$88,000 project to extend the Lake Baldwin Trail through Fleet Peoples Park.

Commissioner Anderson asked for clarification on how the grant process works. He stated that he was reluctant to approve any expenditure in this fiscal year and wants to ensure they have the ability to carry it over into the next fiscal year. Public Works Director Troy Attaway explained the money will be available in our 2010 fiscal year, will be placed as a budget item, and will go through the process. Mr. Attaway and Mr. Holland answered further questions.

Commissioner Dillaha and Bridges commented that this should have gone through the Parks Board before coming to the Commission. Commissioner Bridges commented that if it is going through Fleet Peeples Park she believed the Parks Board would like to provide comments on the proposed design versus any other suggestions or ideas they might have. She stated if they approve it, she does not know if it should go where it is proposed in the design. Mayor Strong had the same issue with the location. Mr. Holland explained that the location can be changed. Mayor Strong commented that he had no problem approving this contingent upon the Parks Advisory Board approving it and subject to review of the final relocation of the trail. Commissioner Dillaha agreed.

Motion made by Commissioner Anderson to approve the allocating funds to match the 50% grant for the \$88,000; subject to approval of the Parks Board and subject to final design layout; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Consent Agenda item e): Comprehensive salary/benefits survey.

Commissioner Dillaha asked to add three more cities to the list: Altamonte Springs, Maitland and Longwood. She also suggested adding Valencia Community College and Rollins College and wanted to see what local businesses were doing as well. City Manager Knight stated Rollins College does not have police or fire, but has a few administrative positions.

Motion made by Commissioner Dillaha to approve the salary benefit survey and include Altamonte Springs, Maitland and Longwood and add Valencia Community College and Rollins College understanding that they do not have police and fire, but do have administrative positions; seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion:

a) Hours of alcohol sales in Hannibal Square.

Planning Director Jeff Briggs explained the City Commission asked to discuss this topic at this meeting in order to decide whether to sponsor an ordinance to consider a change to the hours of sale and consumption of alcoholic beverages in the Hannibal Square neighborhood for New Year's Eve and whether to include a second provision for special events.

He explained that the Commission wanted to consider the option to provide for special event permits to be issued by the City Manager on a case-by-case basis the extension of hours until 1:00 a.m. for private parties, wedding receptions and other special events. The ordinance would provide the City Manager the option to issue those permits no more than four times per year and included a prohibition against live amplified musical entertainment during those extended hours. He stated the Commission asked for this to come back to decide whether or not they would like staff to advertise this for the next meeting.

Commissioner Anderson commented that he was thinking of a comparable situation where there are private party events in the middle of neighborhoods such as the Racquet Club. Mr. Briggs explained their limitations on hours are voluntary in terms of when they end their events in order to be good neighbors. He stated that technically there is nothing in our code or their State license that forces the Racquet Club to end events before 2:00 a.m. Commissioner

Anderson addressed the Winter Park Country Club and Casa Feliz. He commented it seems that the alcohol sales period is more of a privilege than a right. Attorney Cheek addressed the ordinance taking that approach and the City cannot deal with alcohol licensure issues because that is reserved for the State but the City can deal with hours of sale. He explained how the newly adopted ordinance operates. Mr. Briggs answered questions.

Joe Terranova, 700 Melrose Avenue, explained that they should eliminate the restrictions that they have on Hannibal Square and treat them like other restaurants. He believed it was important to support our business community.

Lurline Fletcher, 790 Lyman Avenue, opposed the hours of alcohol sales in Hannibal Square.

Sally Flynn, 1400 Highland Road, expressed being behind the west side neighbors and the City should keep their original promise.

Barry Greenstein, 2348 Summerfield Road, asked the Commission to consider the promise they made and not allow this discriminator exception.

Pat McDonald, 2348 Summerfield Road, expressed that she would not want this in her neighborhood and urged the Commission to oppose this for the west side neighbors.

Pastor Mitchell Dawkins, 753 W. Comstock Avenue, asked the Commission to deny extending the hours in the Hannibal Square area.

Dexter Richardson, Dexter's Restaurant, addressed wanting to be a part of the new ordinance and to be able to file for extended hours for his business.

Vincent Gagliano, Chez Vincent Restaurant, spoke about his business and asked that his hours of operation be extended.

John Sebastian, 503 Park North Court, spoke in favor of Dexter's restaurant and Chez Vincent having extended hours for their businesses.

Mary Daniels, 650 Canton Avenue, asked the Commission to deny extending the hour in the Hannibal Square area.

Carolyn Cooper, 1047 McKean Circle, supported commitments that the City has made to the west side community and the need to uphold their promises.

Commissioner Diebel commented that she supported some progress in this area and asked for discussion. Commissioner Anderson commented that the Racquet Club is the only comparable situation where there is an establishment that accommodates private parties. He stated the only issue for him is about private parties and not a global issue about extended hours which he was not in favor of. Commissioner Diebel asked if there are any boundaries or buffers that would create a positive environment to testing this until midnight and to see how it goes or to test it on special event days. She stated that having some sort of measurement would be helpful to everyone involved.

Commissioner Dillaha explained that the measurement has been taking place on Park Avenue and that is the reason the ordinances were passed to address establishments being open until

2:00 a.m. She believed that it has been tested and addressed why she did not support this. She stated that she would support the ordinance to allow for New Year's Eve until 1:00 a.m. Commissioner Bridges spoke about the commitment made to a community and that previous Commissions have signed off against having extended hours because it is a residential area. She commented that she has to respect and honor the commitment the City made and believed that what they have are uses that are incompatible in the sense that the restaurants after 11:00 p.m. are not serving dinners but alcohol. She expressed her lack of support for this and for allowing extended hours for special events.

Commissioner Anderson asked about the hours of operation if they have a hotel on the old Langford site and how special event hours will be handled since it is in a residential neighborhood. Commissioner Dillaha commented that it may be appropriate to deal with special events and the hotel when the time comes. She stated they are talking about four events per year for an hour extension with the special events ordinance and did not understand how this would make or break a business. Commissioner Diebel expressed seeing this as a very positive thing that could take place on a trial basis and advocated the test or trial that provides for some measure of acceptance or non-acceptance. There was further discussion concerning the location of a hotel and whether it would have special events allowed because of the location.

Mayor Strong stated that he would like to see special events authorized for the Westside merchants but that they need to convince the neighborhood that it is a good thing to do. He wanted them to work together and have more dialogue between them. He expressed that he would not support changing the alcohol sales at the moment but wants to implore the residents there to understand that the existence of these businesses is good for that community.

Motion made by Commissioner Dillaha to approve the ordinance striking the part highlighted in yellow that says in addition, the City Manager may extend hours for any business holding an alcoholic beverage license, etc. for the private parties.

Mayor Strong stated we are not on the ordinance yet. Attorney Cheek clarified the ordinance on the agenda for the holiday and the need to decide whether to advertise an ordinance that allows the special events.

Motion made by Commissioner Dillaha to deny the extended hours request for special events; seconded by Commissioner Bridges. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. The motion carried with a 4-1 vote. Commissioner Diebel voted no.

b) Accept the revisions to the Strategic Plan.

City Manager Knight explained that the City Commission held a strategic planning session on February 6, 2009 and the current strategic initiatives were discussed, updated, modified and deleted as agreed upon by the Commission. He stated that staff supports the recommended changes to the Strategy Map. He also asked that they provide direction on Commissioner Diebel's suggestion to change the Strategic Objective "Achieve financial security through good government practices" to "Achieve optimum financial security and economic development for a sustainable economy." He stated that Commissioner Diebel also suggested adding the following two initiatives under that Objective: establish overarching vision for economic development and to create tourist friendly features such as signage, etc.

Motion made by Commissioner Anderson to approve for discussion; seconded by Commissioner Dillaha. Commissioner Anderson wanted to ensure that the parks strategic plan was added to the suggested changes. Commissioner Bridges also wanted to leave the language they had about achieving financial security through good government practices. Commissioner Diebel requested that City Manager Knight return with a different suggestion since this was not reaching consensus among the Commission. There was consensus to table this item until the next meeting.

c) Allowing portable signs for businesses.

Building Director George Wiggins explained that a business owner was requesting that the City Commission consider allowing placement of portable signs for businesses on commercially zoned properties at a location closer to a street or sidewalk for visibility. He stated that the recent economic downturn has caused many businesses to pursue additional means to make the public aware of their business by including more visible signage. He addressed the current sign ordinance regarding portable signs and the limitations.

Mr. Wiggins displayed photographs of portable signs being used by businesses on Fairbanks Avenue. He stated that he would like some direction whether the Commission wants to allow more flexibility in placement of temporary signs or to change the ordinance to allow portable advertising signs to be placed at or near the front lot line of the business, subject to not blocking traffic visibility or pedestrian traffic and subject to the size limit currently in the ordinance (2 feet wide by 6 feet high). Mr. Wiggins answered questions.

Jim Strollo, owner of Strollo's Market and Cafe, asked for relief in the placement of the portable sign to be 50 feet on the property line so that it has better visibility. He stated these are tough economic times and it helps to generate business.

Buck Poppin, Jimmy Johns, explained that the signs help with on-street advertising and adds to the visibility of their business.

Commissioner Bridges suggested they come up with something that is more temporary and more attractive. Mr. Wiggins explained that they could craft some language that would limit it to one sign when there is a strip building and have it submitted for a review process that would give the opportunity to list the different businesses.

Mayor Strong stated that he would like something that is temporary that would not create safety hazards, not obstruct the sidewalks and would be compatible with our businesses. He wanted to help the businesses for the foreseeable future. Commissioner Bridges agreed that was important. Mr. Wiggins stated he would put together some regulations and bring it back to the Commission for an ordinance.

Public Hearings:

- a) RESOLUTION NO. 2020-09: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING A WAYFINDING SIGN SYSTEM PLAN TO EFFICIENTLY AND SAFELY GUIDE MOTORISTS AND PEDESTRIANS TO KEY PUBLIC FACILITIES INCLUDING CIVIC, CULTURAL, VISITOR AND RECREATIONAL DESTINATIONS WITHIN THE CITY OF WINTER PARK; APPROVING CRITERIA FOR DESTINATIONS SHOWN ON SUCH WAYFINDING SIGN SYSTEM PLAN; PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the resolution by title. Assistant CRA Director Peter Moore provided a powerpoint presentation on the Wayfinding Sign System Plan titled "Providing direction for a safe, efficient, and sustainable community". He explained that wayfinding provides a City-wide format for signage to direct traffic to major destinations within the City. He also spoke about how traffic will be routed from City access points along major corridors to the CBD, the process, the intent of the resolution, the proposed criterion, preliminary destination approval, and sign design.

Rick Frazee, 110 S. Orlando Avenue, spoke in favor of the wayfinding project. He also wanted wayfinding signs for lodging which should also include the Park Plaza Hotel.

Motion made by Commissioner Anderson for approval and discussion; seconded by Commissioner Bridges. Commissioner Anderson suggested they add lodging, the Florida Hospital medical campus and using Park Avenue instead of downtown. Commissioner Bridges agreed that the lodging and hospital were important. Mr. Moore explained that he will look into the lodging regulations and will bring forward the hospital signage to FDOT. He also spoke about the destination issue and stated they can use the downtown as an all encompassing umbrella to fit a lot of locations, but if they only use Park Avenue there are a lot of locations outside of that parameter. Mr. Moore answered questions.

Mayor Strong commented on additional signage in certain locations. Commissioner Bridges had concerns with over signage and wanted assurance that they are streamlining and cleaning up instead of just adding signs. Mr. Moore stated the hope is that they will remove more signs than they put up.

Commissioner Anderson amended his motion to approve the resolution, subject to including Medical Facilities; be sure Park Avenue can be added as a destination; and to add lodging as a destination. Mayor Strong suggested adding a historic district.

Mayor Strong directed Mr. Moore to bring back what they are going to say on every sign that they propose before they submit it to FDOT to allow the Commission to take another look at it. Mr. Moore explained he will make the changes as suggested to bring back to the Commission. Commissioner Anderson believed that they were approving the concept and not the actual design. Mayor Strong commented that they could pass the resolution, subject to further review of their exact plan.

Commissioner Anderson restated (amended) his motion to approve the resolution provided they have the ability to use the Park Avenue name; they can direct people to the Florida Hospital medical campus; have a general lodging indicator; and a historic district arrow.

Traffic Engineer Butch Margraf asked if they had a defined historic district. Mayor Strong commented that we do not, but we could. Commissioner Anderson stated he was not ready to talk about what labels and signs go where, and if that is the intent of the Commission, they need to bring this back and table this item. Mr. Moore stated he did not have a problem bringing it back after changes are made for another review. He explained that they do not plan on submitting this resolution as it stands to FDOT without the packet that they have to do in the format of Holly Hill. He stated they can bring that back and do the approval then as well.

The original motion was withdrawn by Commissioner Anderson.

Motion was made by Commissioner Anderson to table this item; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

- b) RESOLUTION NO. 2021-09: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE ORANGE COUNTY "COMPLETE COUNT" COMMITTEE FOR THE 2010 CENSUS; AND PROVIDING AN EFFECTIVE DATE

Attorney Cheek read the resolution by title. City Manager Knight stated that Orange County asked each municipality to participate in an effort to encourage residents to participate in the 2010 Census. A "Complete Count" Committee has been developed to spread the word on the importance of the census and to encourage residents to complete and return the forms promptly.

Art Crichton, 2761 Will-o-the-Green, urged the Commission to look into any support they give to the census and ensure they are supporting counting individuals.

Motion made by Commissioner Bridges to adopt the resolution for a complete count for the 2010 census; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-33 "HOURS OF SALE" SO AS TO AMEND THE HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR DECEMBER 31st NEW YEAR'S EVE WITHIN THE HANNIBAL SQUARE NEIGHBORHOOD. First Reading

Attorney Cheek read the resolution by title.

Dexter Richardson, Dexter's Restaurant, spoke in favor of the ordinance.

Lurline Fletcher, 790 Lyman Avenue, asked if this ordinance was for New Year's Eve. Mr. Knight agreed.

Vincent Gagliano, Chez Vincent Restaurant, 533 W. New England Avenue, explained that Hannibal Square was always commercial and never residential. He stated they have proven in the last 12 years to be good business owners and have had no complaints or issues regarding their operation.

Motion made by Commissioner Dillaha to approve the ordinance on first reading; seconded by Commissioner Bridges. There was discussion regarding what transpired at the last meeting regarding this ordinance. **Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-83 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" SO AS TO

MODIFY AND CLARIFY THE PROVISIONS FOR THE APPLICABLE
WATERFRONT SETBACK. First Reading

Attorney Cheek read the ordinance by title. The following public comments were made.

Planning Director Jeff Briggs explained that this is an ordinance to correct a problem in the City code as it relates to the ordinary high water evaluations of the various lakes on which the P&Z lakefront reviews are performed. He commented that staff consulted with Tim Egan of the City's Lakes and Waterways Division to obtain the accurate ordinary high water evaluations. In addition, all the lakes listed in the City's code will be updated with the most accurate data upon passage of this ordinance. He stated it also references what is in the Lakefront chapter that this provision will require lakefront property owners to re-vegetate a minimum of 50% as a condition of a permit for a boathouse repair or construction. Mr. Briggs answered questions.

Motion made by Commissioner Diebel to accept the ordinance on first reading; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

- e) ORDINANCE NO. 2762-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT A NEW CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED FEBRUARY 23, 2009 SUBSTITUTING FOR THE CURRENT 1991 COMPREHENSIVE PLAN, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title.

Planning Director Jeff Briggs stated for the record it was after 5:00 p.m. and they were at the adoption of the comprehensive plan. He explained that the Department of Community Affairs (DCA) rules require him to provide a sign-in sheet for anyone to receive direct correspondence from the DCA concerning our comprehensive plan. He also stated that with the approval of the February 9, 2009 minutes, all of those changes will be incorporated into the comprehensive plan as well any amendment decisions tonight and will be sent to the DCA for their formal conclusion on compliance. He commented that once they receive the comprehensive plan they will review it for sufficiency, have 45 days to render their opinion and should make a decision by the end of April.

Mayor Strong commented that with Policy 1-3.8.7 (Repeal Apartment/Hotel as a Conditional Use Allowed to Be Considered a Commercial Use and Not Permitted in Residential Designated Areas District Provision from the R-4 Code) the language needs to be changed regarding the JW Marriot Hotel. Mr. Briggs stated he would do that and reference the address. Mr. Briggs answered questions.

Javier Omana, Cph Engineers Inc., on behalf of the property owners of 401 W. New England Avenue, acknowledged and recognized the assistance they have received from the Planning staff and the P&Z Commission regarding land use issues. He endorsed the Commission's decision from the last meeting.

Don Madden, representing the Coalition for Property Rights (CPR), explained that CPR is a champion of property rights and property owners. He addressed the legislative intent of the comprehensive plan and referred to Section 187.101. He believed that this comprehensive plan attacks private property rights and urged the Commission to send it back to create something that is consistent with the constitutional and statutory rights of Winter Park land owners.

Carolyn Cooper, 1047 McKean Circle, explained the Regional Mobility Strategy policies of 2-4.1 (Transportation Element) and 7-2.1.5 Capital Improvements Element (CIE). She stated it was committing the City to pay a proportionate share of costs that are undefined for projects that the Commission may or may not approve. She commented that no one has found this policy in any other comprehensive plan in Central Florida. She stated these policies were not good for the City and asked the Commission to look at the ORC (Objection #13) and to read the language carefully.

Jack Rogers, 1002 Temple Grove, urged the Commission to listen to Ms. Cooper's comments and believed it is an issue the City needs to be aware of. He also stressed the threshold Floor Area Ratio (FAR) of 38%, for lots less than 11,600 square feet in area and the increase in the FAR, up to a maximum of 43%, based upon specific incentives to be established.

Joe Terranova, 700 Melrose Avenue, believed they need to submit this plan to Tallahassee and receive their approval. He urged the Commission to approve what they have and once it comes back make adjustments, if necessary.

Rebecca Furman, Lowndes Drosdick Doster Kantor & Reed law firm, representing New England Partners LLC, reiterated their request for the CBD zoning which one of the other properties (401 W. New England) received on New England at the last meeting. She stated they were given the 1.0 FAR and believed they would be able to provide a development more consistent with what is already seen in Hannibal Square at a 2.0 FAR. She expressed that 2.0 is a more appropriate FAR for the continued development down New England Avenue (referencing properties fronting New England Avenue between Virginia Avenue and New York Avenue). She stated that staff had not removed items A through F (criteria for New England special exception in Policy 1-3.2.4) out of the approved policy to date. Ms. Furman also requested the February 9, 2009 minutes be reviewed to ensure accuracy to the approved motion's language and reflected as stated in the actual policy of the comprehensive plan.

Pat McDonald, 2348 Summerfield Road, voiced concerns that in the Transportation Element and the Capital Improvements Element (CIE) we have lowered the Levels of Service (LOS) of our roads. She commented that we previously had a LOS "C" and now we have LOS "D" and requested they revert back to LOS "C". She also asked that the Public Participation Plan be removed from this ordinance.

Mayor Strong commented that they need to look at the issues raised by Ms. Cooper and Mr. Rogers along with the levels of service and the New England Avenue FAR. Mr. Briggs commented that they will need a conclusion on these since the comprehensive plan is being adopted this evening. He stated that in terms of the New England issue, this was the item they referred back to P&Z and it came back with keeping it "red" (commercial) but giving the extra benefits (potential to receive increased FAR up to 1.0 as stated in the comprehensive plan Policy 1-3.2.4). He explained that they did a motion to that effect for the first reading and they will incorporate that into the comprehensive plan per that motion.

Mayor Strong asked if they should take another look at the New England Avenue FAR. He believed that the north side of New England Avenue is suitable for "pink" (C-2) zoning. Commissioner Diebel agreed. He stated that the majority of the Commission did not support this at the last meeting and they do not support it this evening.

Mr. Briggs explained that they changed the level of service in this comprehensive plan for our collector roads from LOS "C" to LOS "D". He explained that if there is a street that does not meet the level of service then we are under the obligation to fund and do the improvements necessary to bring it back to "C". Commissioner Dillaha commented that at the last meeting they spoke about changing the neighborhood roads from LOS "D" back to LOS "C". Mr. Briggs explained that they could do that with local roads.

A. Transportation Element

1. Policy 2-2.1: Level of Service Standards.

Motion made by Commissioner Dillaha to change the Level of Service from "D" to "C" for local streets; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

2. Policy 2-4.1 and Policy 7-2.1.5: Regional Mobility Strategy

Mr. Briggs explained that in the first comprehensive plan they sent, we were not planning to do or participate in any improvements on the State roads because it is not our traffic. However, DCA believed that everyone needed to pitch in and work to improve the capacity on State roads. He addressed going to the DCA a second time with this general policy that we would be a partner in the Regional Mobility Strategy and DCA commended us on that policy, but said the City was not committing to do anything except commuter rail and it was not enough. Therefore, they were given direction by Mike McDaniel (DCA) to come back with firm commitments.

He addressed that presently the CIE element has some firm commitments. It has a project of a turn lane improvement at Orange Avenue and 17/92, and a funding commitment that if there is a road improvement project that is approved by the Metropolitan Planning Organization (MPO) and receives State funding, that we have committed to fund our proportionate share of that project. He explained the City is protected because we are talking about our share being the net new trips and the net new trips the City generates are minimal if not insignificant. He stated they have been told by DCA staff that these are the commitments necessary for them to find us in compliance and that is what he put forward because it is generated by DCA mandates. He believed the City can safely fulfill this commitment based on the low calculations for net new impacts to traffic our City generates and it is unlikely that any cost generating projects will be funded in the near future. However, if they find the money to fund these projects, it will go into the Transportation Improvement Plan (TIP) and we will have a six year notice to decide if we want to honor this commitment or change the comprehensive plan. He stated they can amend the policies at that time period and see if we can get the State to accept the amendment.

Commissioner Dillaha commented that she does not like the language as is and wanted to either strike or rewrite it. Mr. Briggs explained that the Commission directed staff to meet with the DCA staff to find out what is necessary to get this plan into compliance and they did that. Commissioner Bridges expressed that the language bothers her as well and asked why we have this language in our comprehensive plan when it is not substantiated with comprehensive

plans in our surrounding region. Mr. Briggs explained that DCA is using our City's plan as a template for other cities to follow due to Winter Park being the example in terms of excellence in planning throughout the State of Florida. Mr. Briggs answered further questions.

Commissioner Anderson commented that they could tie this commitment to our ability to spread the costs and whether we choose to spread the costs is our decision. He stated if Tallahassee takes away our ability to spread the costs then they have taken away our commitment to fund these projects. Mr. Briggs stated they have the two mechanisms of the transportation impact fee and the proportionate share and if the ability of the City to use those two is taken away, then he agreed with a policy that we would not honor the commitments. He suggested they do this as a separate policy. Commissioner Anderson suggested making an amendment that as long as we have the right to assess those fees, we commit to do this. Commissioner Anderson recommended that Mr. Briggs draft something while the meeting continues. Mr. Briggs agreed to do so.

3. Policy 2-6.6: Regional Light Rail Transit System.

Motion made by Commissioner Dillaha to delete Policy 2-6.6 because it is not pertinent; seconded by Commissioner Bridges. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

4. Policy 2-6.9: Regional Freight Mobility Study.

Commissioner Dillaha commented that they should strike this because it is a freight mobility study and even if we do not participate financially, we are participating with staff time. She stated that it was not pertinent. Commissioner Diebel believed that it was pertinent and relevant and we do not want freight trains coming through so we want to participate to make sure that we can minimize that. She added that it would be in our best interest to work with any agency that wishes to do that. No further comments were made.

B. Future Land Use Element

1. Policy 1-3.8.11: Restriction on the Use of (C-2) Zoning Outside of Areas Designated CBD on the Future Land Use Map or Certain Areas within the CBD.

Motion made by Commissioner Dillaha regarding Policy 1-3.8.11, "restriction of C-2 zoning" to change the language from "abutting New England Avenue between Pennsylvania Avenue and New York Avenue" to "abutting New England Avenue between Pennsylvania and Virginia"; seconded by Commissioner Bridges. Upon a roll call vote, Commissioners Bridges and Dillaha voted yes. Mayor Strong and Commissioners Anderson and Diebel voted no. The motion failed with a 3-2 vote.

2. Policy 1-3.2.3: Hannibal Square Neighborhood Commercial District.

Motion made by Commissioner Dillaha relating to Policy 1-3.2.3, "Hannibal Square Neighborhood Commercial District" to amend the #2 language, "properties abutting New England Avenue between Pennsylvania and New York Avenues" to read "properties abutting New England Avenue between Pennsylvania and Virginia Avenue"; seconded by Commissioner Bridges. Upon a roll call vote, Commissioners Bridges, and Dillaha

voted yes. Mayor Strong and Commissioner Anderson and Diebel voted no. The motion failed with a 3-2 vote.

Attorney Cheek mentioned a discrepancy on page 1-16 regarding the policy on Creation of Two Planned Development Districts where the numbers were transposed. Mr. Briggs agreed to change that.

Commissioner Dillaha asked about the present language regarding the single family residential building FAR. Mr. Briggs explained that the language is in the February 9, 2009 minutes and they agreed to a threshold of 38% FAR with the ability to reach 43% based on achievement of design guidelines.

C. Transportation Element

1. Continuation of Policy 2-4.1 and Policy 7-2.1.5: Regional Mobility Strategy

Commissioner Anderson commented that Mr. Briggs provided the draft language for policy 2-4.1. Mr. Briggs suggested that it be a new policy.

Motion made by Commissioner Anderson to adopt a new policy related to Policy 2-4.1 to the extent that the State of Florida continues to provide the authority for the City to assess transportation impact fees and implement proportionate fare share extractions from new development and redevelopment; and that the City will maintain the commitments made in Policy 2-4.1; seconded by Commissioner Dillaha for discussion.

Commissioners Dillaha and Bridges preferred this to be in the same policy. Attorney Cheek suggested putting the sentence at the end of existing Policy 2-4.1 and rephrase that they are referring to the commitment herein. Commissioner Anderson clarified that the City will maintain the commitments made herein.

Commissioner Anderson amended his motion to include this language in Policy 2-4.1; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Commissioner Diebel stated that she was still concerned about the supermajority and the ability to make small scale amendments as necessary. She believed it would be an undue hardship. Mayor Strong commented that it was worthy of more discussion but not tonight.

Commissioner Dillaha read the motion from the February 9, 2009 minutes made by Commissioner Anderson that "for tonight's adoption they make the statement that the maximum residential FAR is 38% with the potential bonus of 5% based on meeting design incentives". Commissioner Dillaha believed it needs to say based upon yet to be determined design incentives. Mr. Briggs explained the intent of the motion made.

Commissioner Dillaha asked Attorney Cheek if Section 3 of the ordinance regarding the public hearing plan should be removed. Attorney Cheek read Section 3 and stated that it references adopting a Public Participation Plan and that they could end it after repeal within subsection 58-5(c) and drop the remaining sentence. Commissioner Dillaha agreed. Mr. Briggs explained he would do that.

Motion made by Commissioner Anderson to approve the comprehensive plan as amended by various votes this evening, striking the last clause in Section 3 regarding the Public Participation Plan; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson and Dillaha voted yes. The motion carried with a 4-1 vote. Commissioner Diebel voted no.

City Attorney's Report:

There were no items to report.

Non-Action Items:

- a) City Manager's Report.

City Manager Knight suggested that the Commissioners take a look at Villa View Park.

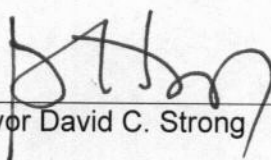
New Business (Public):

There was no new business.

New Business (City Commission):

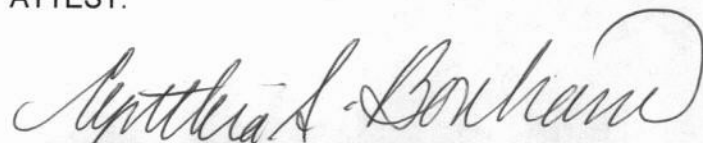
Commissioner Dillaha commented that there is a stimulus report that is showing all of the stimulus projects that have been requested throughout Florida and that Winter Park was not on there. She questioned if there was an opportunity to ask for something and suggested the quiet zone project. City Manager Knight commented that it could be added. Commissioner Anderson asked if the lobbyists were doing anything. Mr. Knight said they were.

The meeting adjourned at 8:10 p.m.



Mayor David C. Strong

ATTEST:



Cynthia S. Bonham, City Clerk