

**REGULAR MEETING OF THE CITY COMMISSION**  
**April 13, 2009**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 4:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Citizen Comments:

Joan Cason, 1915 Woodcrest Drive, expressed her disappointment finding out that Police Chief Doug Ball and Deputy Chief Bill McEachnie were retiring and it was not posted on the website.

Mayor's Report:

- a) Presentation of the Best of Show from the 2009 Winter Park Art Festival.

Linda Guthrie and Carole Moreland, Co-Presidents of the Sidewalk Art Festival, presented the City with the Best of Show from the 2009 Winter Park Art Festival.

- b) Employee of the Quarter Presentation – Caleena Shirley.

Mayor Bradley recognized Caleena Shirley, Planning Technician, as the first 2009 Employee of the Quarter.

- c) Check presentation of \$1,125,249 to the City by the Florida Department of Environmental Protection.

Vivian Garfein, Florida Department of Environmental Protection (DEP), presented the City with a check for \$1,125,249 for the recent construction and completion of several stormwater projects. Public Works Director Troy Attaway thanked the DEP and gave a brief PowerPoint presentation on the Lake and Stormwater Management Program.

- d) Selection of 2009 Vice Mayor.

**Motion made by Commissioner Dillaha to nominate Commissioner Bridges to continue as Vice Mayor; seconded by Commissioner Anderson.** City Manager Knight explained there is no formal policy on this issue and historically the position has rotated through the Commission from year to year. Commissioner Diebel commented that she would be interested in serving in this capacity if they rotate the position. Commissioner Dillaha wanted to keep Commissioner Bridges as Vice Mayor and expressed her knowledge of the City and boards. Commissioner Anderson commented that Commissioner Bridges has done a great job as Vice Mayor, but would like to see the tradition of rotating maintained. He asked Commissioner

Dillaha to modify her motion for Commissioner Diebel to become Vice Mayor. Commissioner Dillaha wanted to keep her nomination as it stood. **Upon a vote, Mayor Bradley and Commissioners Anderson and Diebel voted no. Commissioners Dillaha and Bridges voted yes. The motion failed with a 3-2 vote.**

**Motion made by Commissioner Anderson to nominate Commissioner Diebel as the rotational Vice Mayor; seconded by Mayor Bradley.** Mayor Bradley believed it would be good for all of the Commissioners to have the opportunity to serve in the chair and appreciated Commissioner Bridges serving in that responsibility. Commissioner Bridges commented that if the Commission wants to rotate this position then she believed Commissioner Dillaha should be Vice-Mayor. Mayor Bradley and Commissioner Anderson both agreed that historically it has been the senior Commissioner up for rotation. Commissioners Bridges and Dillaha addressed the importance of attendance and availability for this position. **Upon a vote, Mayor Bradley and Commissioners Anderson and Diebel voted yes. Commissioners Dillaha and Bridges voted no. The motion carried with a 3-2 vote.**

- e) Appointment of City Commission representative to the Library Board.

**Motion made by Commissioner Bridges to nominate Mayor Bradley as the representative to the Library Board; seconded by Commissioner Diebel.** There was a consensus that Mayor Bradley serve on the board.

- f) City finances and action plans.

Mayor Bradley commented that they are facing some serious challenges and will be discussing this more in-depth with a presentation at the next Commission meeting. He added that they will have continued updates going forward with every second Commission meeting of the month.

- g) Parks and Recreation Commission.

Mayor Bradley expressed concerns about the recent heated conversations and allegations made regarding the Parks and Recreation Commission. He requested that the Parks Board bring forward a master plan as soon as possible and to continue to work toward a master plan for all of our parks. He commented that he wants to be focused on the overall work product and not on each other.

- h) Federal requests.

Mayor Bradley commented that he traveled to Washington, D.C. with City Manager Knight and Commissioner Diebel last week to discuss several projects that we have before our legislative delegation. He believed that they will see positive benefits from their visit and their ongoing work with the Federal government to support specific needs. Mr. Knight commented on follow-up conversations they had and documentation that was forwarded to them. Commissioner Diebel spoke about their trip, they represented several projects and that it had been a very effective day. She stated that they look forward to having some of their funding requests go through Appropriations and receiving news about that. Mayor Bradley added that some of the stimulus funding has potential opportunities for our City.

- i) Announcements regarding Casa Feliz Historical Designation; 75<sup>th</sup> Anniversary of the University Club; Winter Park Historical Association Garden Tour.

Mayor Bradley commented that Casa Feliz was nationally designated on the Historical Register.

Mayor Bradley announced that this year is the 75<sup>th</sup> anniversary of the University Club. He stated this is a great organization that has meant so much to the community.

Mayor Bradley stated that he walked through the Winter Park Historical Association Garden Tour and was impressed by the Historical Association's work and the ten homes he saw with gardens.

- j) Board appointment process and k) Board appointment – Code Enforcement Board alternate.

Mayor Bradley commented that items j) and k) are for informational purposes. He stated that he was deferring item k) to the meeting of May 11. He welcomed citizens or any Commissioner who knows interested citizens to apply for boards.

**Consent Agenda:**

- a) Approve the minutes of 3/23/09.
- b) Reschedule the Monday, May 25, 2009 Commission meeting to Tuesday, May 26, 2009 due to the Memorial Day holiday.
- c) Approve the two (2) year extension of the conditional use zoning approval for the Furst Realities Residences located at 170 S. Knowles Avenue.
- d) Approve moving the Pro Shop operations into the lounge of the Country Club in July. **PULLED FROM THE CONSENT AGENDA. SEE BELOW.**
- e) Approve Task Order 2009-01 for CH2M Hill, not to exceed \$47,500. **PULLED FROM THE CONSENT AGENDA. SEE BELOW.**

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

Consent Agenda Item d): Approve moving the Pro Shop operations into the lounge of the Country Club in July.

Commissioner Bridges outlined her concerns regarding the move of the Pro Shop operations into the lounge of the Country Club in July. She asked the Commission to support her decision to not approve this item and to evaluate other options. Mr. Holland answered questions. She commented that she was not opposed to addressing the Pro Shop issue but wants to find good solutions. **Motion made by Commissioner Bridges to table the item until after they receive the Parks Department's master plan; seconded by Commissioner Dillaha.** She also asked that other options to be brought forward with a cost analysis.

Commissioner Dillaha commented that there may be other alternatives they could focus on. Mayor Bradley addressed the need to expedite this because of the building decaying. Commissioner Dillaha expressed concerns about the loss of revenue which may be greater than what they gain from the merchandise and food sales. Mayor Bradley commented that even if they had money to rebuild they would need to move the Pro Shop for a period of time anyway.

He stated this keeps it in a timeframe that continues both the master plan as well as having time to figure out what they need to do.

Commissioner Anderson asked that she amend her motion to table it until the next meeting upon presentation of a more detailed listing of all the costs involved in moving it. **Commissioner Bridges agreed to the amendment; seconded by Commissioner Dillaha.** Commissioner Bridges commented that she wants a thorough analysis of all the repairs, including repairs to the existing building, moving costs, and new renovation costs that would go into making the Club House Pro Shop ready. **Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion carried with a 3-2 vote.**

Consent Agenda Item e): Approve Task Order 2009-01 for CH2M Hill, not to exceed \$47,500.

Utilities Director Dave Zusi explained that the City is actively participating in regional water supply planning and Alternate Water Source (AWS) projects to provide adequate capacity for future needs. This task order provides assistance with an alternative project that, if successful, would be a more cost-effective option for the City. The timing is critical based on pending commitments for the Yankee Lake AWS project. He added that the task order is not to exceed \$47,500 to provide assistance with discussions/negotiations with the Orlando Utilities Commission and St. Johns River Water Management District, hydraulic modeling, preliminary design activities, and assistance with consumptive use permit modifications. Mr. Zusi and Mr. Knight answered questions.

**Motion made by Commissioner Dillaha not to approve Task Order 2009-01 for CH2M Hill. The motion failed for a lack of a second.**

**Motion made by Commissioner Anderson to approve Task Order 2009-01 for CH2M Hill, not to exceed \$47,500; seconded by Commissioner Diebel. Upon a vote, Mayor Bradley and Commissioners Anderson, Diebel and Bridges voted yes. Commissioner Dillaha voted no. The motion carried with a 4-1 vote.**

**Action Items Requiring Discussion:**

Action item a): Recommendation of the Ethics Board.

Board Chairman Barry Greenstein explained that the Ethics Board was tasked with assignments by the City Commission and they have been working diligently on the development of the Winter Park Code of Ethics. He commented that they had four recommendations and would like the Commission to authorize the City Attorney to prepare the appropriate ordinances/resolutions. They were as follows:

1. Increase transparency in campaign contribution reporting as recommended by the Ethics Board (Ordinance).

Ms. Julie Zimmerman, Ethics Board member, commented that according to Florida and other states they are now going to be filing campaign expenses and contributions electronically. She stated they have taken the existing document and created an Excel spreadsheet that will be available to download from the City Clerk. She stated that the information they have on the

the number assigned by the Secretary of State for identification purposes of corporations and businesses. She stated this would now be done electronically and emailed to the City Clerk.

**Motion made by Commissioner Diebel to create an ordinance that reads that they move to electronic filing of campaign finance contributions and disclose the registrar entity identifier for any company that is contributing to a campaign; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.** Attorney Cheek commented that he would draft the ordinance.

2. Include a regular review of campaign finance and of whether there is need for further reform as a standing matter within the scope of duties of the Ethics Board, with any recommendations arising from that review to be forwarded to the Commission (Resolution).

Commissioner Dillaha commented that this started about 3-4 years ago and it involved conflicts of interest and campaign finance reform. She addressed the discussion in July 2008 and the vote taken to clarify direction. Mr. Greenstein commented that they were not prepared to bring anything forward in terms of campaign finance reform beyond the electronic filing. He stated they chose to table that until a later date. Mayor Bradley commented that there is no action other than to continue with the direction that has been given to them in the future.

3. Adopt Code of Ethics as recommended by the Ethics Board to be included in the City of Winter Park Municipal Code (Ordinance).

Commissioner Diebel commented that she would like to see a draft of what the board is putting forward before the Commission agrees to an ordinance. Mayor Bradley agreed and stated they will not take formal action at this time.

4. Expand the duties of the Ethics Board to review the inclusion of investigatory and enforcement chapters and make recommendations on those areas to the Commission (Resolution).

Attorney Cheek clarified what the board was asking for. Commissioner Diebel commented that she would not be comfortable with this until they see the recommended Code of Ethics. Mr. Knight clarified the recommendation. Commissioner Dillaha commented that investigations are done at the State level and did not believe that a board of City volunteers should take on that type of a role. There was a consensus that this should remain at the State level and that the Ethics Board would not have the authority to do this.

Commissioner Dillaha suggested that they clearly define conflicts of interest when they update the Code of Ethics. She asked that they articulate whether conflict of interest would be at the Commission or board level.

Mr. Greenstein commented that the Ethics Board is going to have a public hearing on May 13 and that former Commissioners and Mayors and citizens are invited to give their position on conflicts of interest and campaign finance reform.

There was a recess taken from 6:07 p.m. - 6:16 p.m.

**Public Hearings:**

- a) ORDINANCE NO. 2765-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE," ARTICLE IV, "SIGN REGULATIONS" SECTION 58-134, TEMPORARY SIGNS SO AS TO ADOPT A NEW SUBSECTION (g) "PORTABLE SIGNS" WITH RESTRICTIONS. Second Reading

Attorney Cheek read the ordinance by title. No public comments were made.

**Motion made by Commissioner Dillaha to adopt the ordinance; seconded by Commissioner Diebel.** Commissioner Bridges commented that this does not include the issue of not blocking sidewalk/pedestrian traffic. Mr. Knight commented that our current ordinances do not allow blocking of sidewalks. **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) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 8, "LANDSCAPE REGULATIONS" SO AS TO ADOPT NEW LANDSCAPING REGULATIONS. First Reading

Attorney Cheek read the ordinance by title. Building Director George Wiggins explained the intent of the landscape and irrigation ordinances and that they work in tandem. He explained and provided a handout regarding the revisions made to the landscape ordinance from the prior meeting regarding Section 58-343; General Requirements for All Properties Involving New Construction, Renovation, or Expansion; and Section 58-344(b), One and Two Family Dwellings. There was discussion on the revised version of both proposals. Mr. Wiggins and Architect Steve Pategas answered questions. Commissioner Anderson further modified Section 58-344(b), One and Two Family Dwellings of the ordinance.

Tom McMacken, 1821 Shiloh Lane, commented that the ordinance should specify that the City Arborist could present that there is an opportunity for two shade trees. Mayor Bradley clarified that the choice could be either a shade tree or two understory trees after staff review. Mr. McMacken agreed.

Forestry Director Lee Mackin supported the idea of having one shade tree and two understory trees for a quarter acre lot or larger and to either offer the ability to plant one shade tree or two understory trees for smaller lots.

Attorney Cheek read the proposed language that he believed Commissioner Anderson was trying to reflect. He stated that 58-344(b) "One shade tree shall be required within the lot per quarter acre, but in no event less than one shade tree per lot. For lots less than a quarter acre in size, the City may allow two understory trees in replacement of the one shade tree." Commissioner Anderson agreed.

**Motion made by Commissioner Diebel to accept the ordinance on first reading with the requested changes as dictated by the City Attorney; seconded by Commissioner Anderson.** Commissioner Dillaha commented that she was still not comfortable with it and suggested they come up with something better. **Commissioner Diebel clarified that this also includes the approval of the revised language of Section 58-343; seconded by Commissioner Anderson. 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.**

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 9, "IRRIGATION REGULATIONS" SO AS TO ADOPT NEW IRRIGATION REGULATIONS IMPLEMENTING THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND WATER CONSERVATION REQUIREMENTS ON PROPERTIES UNDERGOING NEW DEVELOPMENT OR REDEVELOPMENT. First Reading

Attorney Cheek read the ordinance title. No public comments were made. Building Director George Wiggins commented that they are in compliance with what the St. Johns Water Management District wanted in the ordinance. Mr. Wiggins and Mr. Pategas answered questions.

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

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS WHICH INCLUDE CERTAIN FIRE SPRINKLER REQUIREMENTS AS THE WINTER PARK BUILDING CODE; DECREASING THE MEMBERSHIP ON THE CONSTRUCTION BOARD, AND UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE WITH AMENDMENTS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. No public comments were made.

Building Director George Wiggins explained that every three years the State of Florida, through the Florida Building Commission, updates the base code used for construction throughout the State. In addition, the base code of the City Building and Property Maintenance Code is also updated to a new edition. With those updates the City must review and amend our administrative and technical amendments to those codes where needed. He stated the proposed ordinance accomplishes these updates and explained what it includes. He added that the Construction Board of Adjustment and Appeals met and reviewed the ordinance and unanimously recommended adoption of the updated ordinance. Mr. Wiggins commented that there were additions to the building code ordinance and provided a handout.

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

**Public Hearings items e) and f).**

Attorney Cheek read all of the titles of the ordinances and resolutions reducing the number of members on boards. Mayor Bradley commented that there would be a simultaneous public hearing on these.

City Manager Knight commented that the Commission adopted a new policy in January regarding City Board policies and procedures. The policy stipulated the need to reduce City Boards that contained more than seven (7) members to no more than seven (7) members through attrition. He stated the only objection to this practice is Keep Winter Park Beautiful and the Environmental Review Board. Mr. Knight answered questions.

Tom McMacken, 1821 Shiloh Lane, addressed the need for Mayor Bradley to closely look at individuals being considered for appointment to the boards if they are going to be reduced to be sure the people serving on those boards fulfill the technical requirements that are often written in the ordinances.

- e) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE NO. 1558 BY CLARIFYING THE NUMBER OF MEMBERS OF THE ENVIRONMENTAL REVIEW BOARD; AMENDING ORDINANCE NO. 1913 BY DELETING SECTION 4 IN ITS ENTIRETY; PROVIDING AN EFFECTIVE DATE. First Reading

**Motion made by Commissioner Diebel to reduce the Environmental Review Board to seven (7) members. The motion failed for lack of a second.**

**Motion made by Commissioner Diebel to support the Chairperson's recommendation of 9 members; seconded by Commissioner Bridges.**

Commissioner Dillaha wanted to respect the Chairperson's request but was not convinced that they cannot get the same amount of work done with 7 members. Commissioner Anderson was less concerned with the number of people on a board, but wanted to be sure they have a quorum and work is accomplished. Mayor Bradley agreed that the efficiency or effectiveness of a board is not necessarily determined by its number of members and that it is more important to have productive boards. He wanted to make sure that they had strong citizen participation in all they did and commented that limiting that would concern him.

Environmental Review Board Liaison Troy Attaway answered questions. **Upon a roll call vote, Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote to not change the membership.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE NO. 2675-06 BY DECREASING THE MEMBERSHIP OF THE PUBLIC ART ADVISORY BOARD FROM ELEVEN (11) MEMBERS TO SEVEN (7) MEMBERS; PROVIDING AN EFFECTIVE DATE. First Reading

**Motion made by Commissioner Dillaha to reduce the Public Art Advisory Board to seven (7) members; seconded by Commissioner Bridges.** Commissioner Dillaha distinguished between smaller and larger boards. She commented that sometimes there are not enough applications to fill the 22 boards and that there may be boards they can eliminate. Commissioner Bridges agreed and commented if that does not work they can come back and make it a larger board. Commissioner Anderson believed this was a volunteer board that probably has some fundraising and would leave it the way it is. **Upon a roll call vote, Commissioners Dillaha, Diebel and Bridges voted yes. Mayor Bradley and Commissioner Anderson voted no. The motion carried with a 3-2 vote.**



- f) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING RESOLUTION NO. 1716 BY DECREASING THE MEMBERSHIP OF THE UTILITIES ADVISORY BOARD FROM NINE (9) MEMBERS TO SEVEN (7) MEMBERS; PROVIDING AN EFFECTIVE DATE.

**Motion made by Commissioner Dillaha to reduce the Utilities Advisory Board to seven (7) members; seconded by Commissioner Bridges.**

Commissioner Anderson commented that he would like to see a sub-advisory board that focuses on bond issues. Electric Director Jerry Warren commented that the Utilities Advisory Board is very useful and knowledgeable. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson and Diebel voted no. Commissioners Dillaha and Bridges voted yes. The motion failed with a 3-2 vote.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE KEEP WINTER PARK BEAUTIFUL BOARD, AMENDING RESOLUTION NO. 1977-07 BY AMENDING SECTION 5 OF SAID ORDINANCE IN ITS ENTIRETY; PROVIDING AN EFFECTIVE DATE.

Keep Winter Park Beautiful (KWPB) Chairperson Pat Handwerk, 1760 Via Contessa Court, spoke in favor of keeping the KWPB at 12 members so they can continue to serve the citizens of Winter Park to the best of their ability. She answered questions.

**Motion made by Commissioner Diebel to take the recommendation of the board and withdraw the resolution; 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.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE ECONOMIC DEVELOPMENT ADVISORY BOARD, AMENDING SECTION 1 OF RESOLUTION NO. 1951-06 TO DECREASE THE MEMBERSHIP OF THE ECONOMIC DEVELOPMENT ADVISORY BOARD FROM THIRTEEN (13) MEMBERS AND ONE (1) ALTERNATE TO FIVE (5) MEMBERS AND ONE (1) ALTERNATE; AMENDING SECTION 1 OF RESOLUTION NO. 1766-01 TO REDEFINE THE DUTIES OF THE BOARD; AMENDING SECTION 2 OF RESOLUTION 1766-01 TO ADDRESS BOARD MEMBER QUALIFICATIONS; PROVIDING AN EFFECTIVE DATE.

**Motion made by Commissioner Bridges to leave the EDAB Board at the membership level that exists. The motion failed for lack of a second.**

**Motion made by Commissioner Dillaha to reduce the Economic Development Advisory Board to 5 members; seconded by Commissioner Bridges.**

CRA Manager Sherry Gutch explained that she and Assistant CRA Manager Peter Moore recommended the Economic Development Advisory Board be reduced to five members to make it more manageable. However, she did not have a problem with it being seven members.

Economic Development Advisory Board (EDAB) member Mike Harbison, 2150 Forrest Road, commented that the EDAB has provided no benefit to the City. He recommended they abolish this board and ask for citizen volunteers with specific skills to work on specific projects for a limited amount of time.

Commissioner Bridges asked if there was a need for this board. Based on the revised resolution, CRA Manager Sherry Gutch believed that there was a need but that they should meet on an as-needed basis.

Mayor Bradley commented that it seems like this board is needed more than ever right now due to our economic times. Commissioner Dillaha commented that they need to manage and set expectations of what is required to be on these boards. She stated if a board does not have clear goals or a mission then she was concerned about the amount of staff time these boards take. Mayor Bradley was also concerned with the 5 members compared to 7 on other boards. Commissioner Anderson asked if Commissioner Dillaha would amend her motion to table this until the next meeting to allow time to review the business memberships and other types of members involved and to speak to the board chairperson. Commissioner Dillaha wanted to vote on this.

**Motion made by Commissioner Anderson to table the resolution; seconded by Commissioner Diebel.** Commissioner Bridges agreed with Ms. Gutch's recommendation of the board. Commissioner Dillaha also agreed with the staff recommendation, but understood wanting to table it. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Diebel voted yes. Commissioner Bridges voted no. The motion carried with a 4-1 vote.**

g) Adjustments to the City Fee Schedule.

Finance Director Wes Hamil explained that two times a year, they review the City's schedule of fees and prepare a document that is available on the City website. He stated that the first 5 pages is a summary of all the changes proposed to the fee schedule. He spoke about minor modifications that were made to the schedule. City Manager Knight and Electric Director Jerry Warren answered questions.

Mayor Bradley commented that some of the rates went up dramatically and voiced concerns about the after school and summer programs. Mr. Holland explained how they set the rates for flag football and the after school programs. Mr. Holland and Assistant Director Ronald Moore answered further questions and elaborated on the scholarship opportunities for summer programs.

**Motion made by Commissioner Bridges to accept the fee schedule (as presented) to become effective April 14, 2009; seconded by Commissioner Diebel.** Commissioner Anderson commented if there were scholarship funds available then he was comfortable with the fees as scheduled. He asked to be notified if any problems arise with attendance or registration with the summer program. Mayor Bradley commented that it was good to know there is scholarship money available. He also mentioned that he received citizen input on the third garbage fee, which is a new fee being enacted. Mr. Knight agreed.

**Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.**

h) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, GRANTING A RESIDENTIAL, COMMERCIAL AND CONSTRUCTION SOLID WASTE COLLECTION FRANCHISE TO WASTE PRO OF FLORIDA, INC.; PROVIDING TERMS, CONDITIONS AND OTHER PROVISIONS; PROVIDING AN EFFECTIVE DATE First Reading

Attorney Cheek read the ordinance by title. Utilities Director Dave Zusi explained that the City Commission recently awarded the contract to Waste Pro and authorized staff to enter into negotiations to develop the contract and franchise agreement. The contract is for an initial 7 year term and calls for the existing service schedules to be maintained. He further explained the contract and the effective date of May 1, 2009. He also commented that there were changes to the existing contract and provided the Commission with a handout. Mr. Zusi answered questions.

Steven Pategas, 1425 Berkshire Avenue, voiced concerns about the additional monthly rate for another cart when it may go unused. Mr. Knight commented that this is an attempt to shift the cost to those that are putting out more trash. He stated that people can put out bags to avoid this monthly fee.

Rick Frazee, 1921 Englewood Road, suggested there be no extra charge for an extra cart.

**Motion made by Commissioner Anderson to accept the ordinance on first reading; seconded by Commissioner Dillaha.** Commissioner Anderson suggested having a certain type of bin for yard waste to avoid the plastic bags. He was also interested in Mr. Frazee's comments and wanted to know more about that. Mr. Zusi and Mr. Knight answered questions. **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.**

**City Attorney's Report:**

No report.

**Non-Action Items:**

- a) City Manager's Report.

No report.

**New Business (Public):**

1. Joe Terranova, 700 Melrose Avenue, commented that he appreciates the advice he has received from Planning Technician Caleena Shirley who serves on the Hannibal Square Land Trust Advisory Board and on a subcommittee.

2. Neil Frazee, 371 E. Reading Way, requested that the Commission reconfirm their approval of the master plan with the condition of creating a set of guidelines. He asked that the Commission take over the responsibility to finalize the agreements so the members of Friends of Fleet Peoples Park can begin the process of implementing a community plan that will serve the citizens of Winter Park. City Manager Knight called for a point of order and stated the new business section is to discuss items that are not coming before the Commission at a future meeting. He commented that the Fleet Peoples Park (FPP) discussion will come before the Commission at a future meeting.

3. Sandy Womble, 940 Old England Avenue, explained the importance of citizens being allowed to speak out because they have had no voice at the Parks meetings regarding the Fleet Peoples Park issue. Mayor Bradley commented that they need to move forward with this matter

so they can make decisions and approve the master plan as presented by the Parks and Recreation Commission.

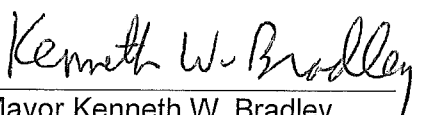
**New Business (City Commission):**

1. Commissioner Bridges commented that she was concerned with outdated information on the City's website. Mayor Bradley asked that she give her list of problems she sees with the website to Mr. Knight. Commissioner Bridges agreed.
2. Commissioner Bridges asked that they add language to the portable sign ordinance to include not blocking pedestrian walkways and to bring this back as an amendment to the ordinance they passed this evening.
3. Commissioner Diebel reminded the Commission that there is an important hearing on April 15 in Tallahassee regarding commuter rail. She stated that she would support that committee on behalf of our citizens and support commuter rail. She invited the other Commissioners to do the same. Mayor Bradley commented that he supports commuter rail and will be attending the hearing.


Commissioner Dillaha commented that she was not in support of the bill that is going to the Senate. She commented that it is a liability bill that would allow CSX to cause injury and death to passengers and they would not be responsible for that and would be the transference of liability onto the taxpayers of Florida.

4. Commissioner Dillaha wanted to make sure they discuss the orientations and expectations among the different boards. Mayor Bradley agreed they would do that.
5. Commissioner Dillaha commented about the Tree Preservation Board (TPB). She stated that she spoke with code enforcement in Altamonte Springs and they explained that tree removal companies cannot do any business and permits are not issued for tree removal unless the tree removal company has an occupational license, a certificate of insurance, workers compensation and an arborist within their organization. She wanted the Tree Preservation Board members to discuss this and put something similar into code. She also wanted to talk about TPB duties in regard to education of trees with the public. She added that she would like for the board to handle more than appeals.
6. Commissioner Dillaha commented that Coffee Talk is coming up and all the Commissioners are scheduled for the morning and the evening. She wanted to make sure they were all doing the same thing and would be available to the citizens at both sessions.

The meeting adjourned at 8:35 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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Cynthia S. Bonham, City Clerk