

**REGULAR MEETING OF THE CITY COMMISSION**  
**April 26, 2010**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley  
Commissioner Phil Anderson (via phone until 3:45)  
Commissioner Beth Dillaha  
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight  
City Attorney Larry Brown  
City Clerk Cynthia Bonham  
Deputy City Clerk Michelle Bernstein

Commissioner Tom McMacken

**Non-Agenda Items**

Mayor Bradley reported that he attended the Crealde 35<sup>th</sup> Anniversary Celebration whereby they presented the City with a black and white artistic photograph. He requested that it be added to the City collection.

**Approval of the agenda**

The agenda was approved by acclamation of the City Commission.

**Parks and Recreation Commission Update**

Ray Colado presented a PowerPoint presentation as Chairman of the Parks and Recreation Commission. He summarized their duties and responsibilities. Mr. Colado listed the current board members, what their agendas consist of to include policy appeals, Central Park rentals and special park events, recommendations on policy revisions, rules and standards, Capital Improvement Prioritization and departmental planning and budgeting. He listed the Capital Projects for 2010: Lake Island Recreation Center ADA Compliance, Azalea Lane Court Repair and Gateway Medians Refurbishment. He stated they also had special work sessions in addition to their monthly meetings dealing with major projects.

There was a short question and answer period after the presentation. Parks Director John Holland provided detailed information regarding the overall duties and responsibilities of the Parks and Recreation Department.

Commissioner Anderson left the meeting via phone at this time.

**Mayor's Report**

- a. Presentation of the Tree City USA and Growth Award – **Postponed to future meeting**
- b. Mayoral appointments – to be presented at the May 10, 2010 meeting
- c. Repaving of General Rees Avenue – This project entails multi-jurisdiction work on this County Road since it borders both the City of Winter Park and the City of Orlando.

### **City Manager's Report**

- a. Report on cost of expanding the East Morse Boulevard streetscape project east of Interlachen

City Manager Knight stated there was a request from Ms. Duba at the previous meeting to extend the streetscape project to the easternmost portion of Morse Boulevard. A staff analysis packet was provided for that project. He stated it would be about a \$260,000 project which is not in the budget at this time and it is also not in the CRA because the CRA ends at Interlachen so CRA funds cannot be used for this project. Mr. Knight commented that it is not staff's recommendation that we move forward with this project at this time and asked for direction. He stated they are going to repave that area starting in the next 60-90 days which will resolve the pothole issues.

Commissioner Dillaha spoke about street lamps and that neighborhood associations come together to fund those and asked if there is an opportunity for that. City Manager Knight stated if they wanted to pay for decorative streetlights they could work out a program. Commissioner Dillaha asked if they could just do it particularly from Interlachen to the Boat Tour. Mr. Knight responded in the affirmative and that he can contact them.

Questions were posed by the Commission. Mayor Bradley asked if they are repaving from Park to Interlachen or if that is becoming brick on Morse. City Manager Knight stated it is becoming brick, all the way to the intersection but not including the Interlachen intersection. Mayor Bradley expressed his preference to keep a consistent look and feel down to the boat dock.

Commissioner Cooper spoke about this being a very high visibility area and that people visit the Boat Tour regularly and believed it would probably qualify under the policy of special brick street corridors which has a special funding mechanism. Mr. Knight and Mr. Attaway addressed the assessment program that the Commission decided to discontinue for now until funding returns to more of a normal level. Other questions of the Commission were replied to by Mr. Attaway concerning bricking the road portion and maybe pave with asphalt the perpendicular parking on the south side. Commissioner McMacken asked Troy if he could look at bricking, paving, sidewalks and undergrounding the streetlights and provide at the next meeting what the costs would be.

Mayor Bradley commented that he is not sure the whole paving budget is \$260,000 and asked if there are things that could be added over time so there is a consistent look and feel from the train tracks to the lake. Commissioner Cooper expressed concerns with busses backing out onto Interlachen. Mr. Attaway stated they are prohibited from going down that section. Commissioner Dillaha asked to get the numbers together as Commissioner McMacken suggested and to possibly consider it as they are doing the budget.

Mayor Bradley asked City Manager Knight if we could postpone the P&Z coming on May 10, 2010 because of the lengthy agenda and the CRA meeting.

### **City Attorney's Report**

- a. Tolling Agreement

Attorney Brown asked if the Tolling Agreement can be put on the next meeting or the meeting thereafter because they were told yesterday about other clients that may be added to it. He referenced the first paragraph, stating that it allows for him to identify additional property owners on or before May 4, 2010. Attorney Brown stated he could answer any questions that anyone might have.

Commissioner Dillaha asked if someone can come forth to be part of the tolling agreement without bringing forth any rationale or any reason. Attorney Brown replied yes, you could be part of the tolling agreement without any rationale just by asking and to be represented. Commissioner Dillaha asked if there should be a shorter time frame to actually present something that is real instead of 6 months to a year. Attorney Brown stated the statutes gives them 1 year to file notice of the claim and then there is a 4 year statute of limitation after that and that starts to run from the first time the regulation inordinately burdens their property. Upon questioning, Attorney Brown stated neither party may terminate for the first 6 months from the effective date as long as the parties engage in meaningful negotiations of claims that may be presented.

Mayor Bradley addressed concerns about the changes to residential and commercial areas, the concern of litigation and lawsuits, and the City's potential liability on these agreements. He requested an executive session so it can be addressed and since we are now in a tolling agreement, we need to understand the extent of our liability. Attorney Brown acknowledged.

#### Canin and Associates contract

Attorney Brown mentioned the Canin & Associates contract issue that was discussed at the last Commission meeting and that he sent to each Commissioner and the Mayor his correspondence with Canin's attorney. Mayor Bradley addressed his understanding that they discussed seeing the work product that we have at this point and then going forward to schedule a work session. Attorney Brown said he will call Ms. Furman and suggest to her the best way to handle that is for her and her client to come to a work session and bring the work product with them if that is acceptable. Mayor Bradley requested to see the work product before the work session. Commissioner Cooper asked that before we have a session if they could provide a copy of the contract and stop work order. City Manager Knight agreed to provide those.

#### Non-Action Items

There were no action items for discussion.

#### Public Comment

Anthony Gray, 452 Sylvan Drive addressed camphor trees in his yard that he is not allowed to cut down due to the current Tree Policy. Mayor Bradley asked City Manager Knight to look at the current tree policy on why we would preserve or not preserve this type of tree, and to address this process. City Manager Knight stated this was a big topic of discussion when the Tree Preservation Board rewrote the policy and when it came to the City Commission and the policy decision made by the Commission was to leave camphor trees in there as a protected tree that required a permit to remove. Mayor Bradley stated that a citizen has brought this issue to them and noted that it will be addressed under new business section and see if there is a will of the Commission to ask the Tree Preservation Board to look at the issue.

**Consent Agenda:**

- a. Approve the minutes of 4/12/10. **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the Owner's Design Build Consulting Services contract with ZHA to act as project manager and owner's representative related to the Winter Park Community Center project. **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- c. Approve the Task Order 2010-03 East (Winter Park Estates) Wastewater Treatment Plant – Rerating; \$49,877 to CH2M Hill.

**Motion made by Commissioner McMacken to approve Consent Agenda item c; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote.**

**Consent Agenda Item 'a'**

Mayor Bradley said that Commissioner Cooper had some requests to make some adjustments to the minutes regarding the Ethics Policy and his request was for the City Clerk to provide a verbatim transcript.

**Motion made by Mayor Bradley that the minutes be modified to include a verbatim transcript of the section on Ethics and on Page 21 there was a word that said consensus under the Dog Park, he would say "majority" would be accurate. Commissioner McMacken seconded the motion.**

Commissioner Cooper motioned by saying that she would like to amend that the language for the minutes relative to the Ethics be condensed significantly from the verbatim and she would like to propose that we say "Commissioner Cooper explained that she thinks ethics is very important and all of this is verbatim, she felt that the ethics ordinance presented sounds like a declaration of frustration. She hates to think the best Winter Park can do is to pass an ordinance saying we will follow state statutes. We follow state statutes anyway and she doesn't want us to give up that easily. She went on to clarify that she thinks there should be both an ethics board and a meaningful ethics ordinance. She does not believe this particular ordinance was the best ordinance that our ethics board could bring forward."

**Motion amended by Commissioner Cooper to add the verbiage above instead of placing the verbatim transcript into the minutes. Commissioner Dillaha seconded the amendment.**

Commissioner McMacken stated he would like to see the verbatim transcript. Commissioner Cooper said she did not believe this is an unreasonable request to ask that the minutes reflect what she said about the topic in a briefer format than the verbatim transcript.

**Upon a roll call vote on the amendment, Mayor Bradley and Commissioner McMacken voted no. Commissioners Dillaha and Cooper voted yes. The amendment failed with a 2-2 vote.**

**Upon a roll call vote on the original motion to approve the minutes with the verbatim transcript and a change on page 21 from consensus to majority and to change the verbatim transcript to reflect a comment by Commissioner Anderson versus**



**Commissioner McMacken, Mayor Bradley and Commissioners Dillaha and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

Consent Agenda Item 'b'

Commissioner Dillaha addressed the consultant expenditure of about \$200,000 to oversee the Community Center construction. She believed we would get a better quote by the City going to RFP instead of piggy backing on another city's RFP. She asked to discuss the \$200,000 expenditure and believed that some of the scope could be done in-house, such as maintaining the budget and reviewing the cost estimates. She asked City Manager Knight if Finance would get involved with that. He responded by saying Finance would not get involved in that, but Troy Attaway and Joe Serrano would get involved in that piece. She stated that she cannot okay the expenditure of \$200,000 for a consultant to oversee a project that would take 10-11 months to complete.

City Manager Knight spoke about the multiple projects going on at the same time, and we only have one person, and that it is not uncommon to get assistance from the outside for large projects. Mayor Bradley asked if it was in the budget to do this. City Manager Knight responded yes and that it is an important service to have and delaying the project at this point will delay us 60 days or more by putting it out to bid and then time obtaining that service. There was an overall discussion and an agreement that this item needs to go to an RFP and the scope of services should not be the same as referenced in the City of Inverness contract.

City Manager Knight asked that Mr. Attaway explain and address the issue. Mr. Attaway stated that when you are doing a design build project there are many things that come up that you need support on; we have staff that can do the work but we do not have staff that do \$9 million projects on a routine basis. He spoke about the four other projects going on right now that total another \$2-3 million which is why we wanted this expertise on board to help with the project.

Commissioner Dillaha stated her concern is that we should have treated it as an RFP when we had time and maybe ZHA would have come back in a competitive situation with a much lower bid instead of piggybacking it on an old RFQ from a different economic time.

Commissioner Cooper stated that there is not a sole source justification that talks about the pricing in the contract. She stated that she understands about needing the expertise if we are short of help and that some of the scope could have been done in-house, but that we could have fixed priced the building contract after the design was done, but that they need to compete this contract.

Commissioner McMacken stated he would have liked for this bid to have been out much earlier but believed this consultant has been involved in the project since its inception and perhaps will be the best group to take charge of this one. He expressed concerns with the \$25,000 bonus statement in the contract and asked about the timeline of bidding this out if the Commission votes against the current contract. Mr. Attaway explained the timing.

There was further discussion concerning the general contractor from a design build standpoint and if there a penalty if we were to push this project out by two months before starting it. Mr. Attaway stated he does not believe there is a penalty and that they are doing a design build and that Turner Construction has the Phase I, which is going through and getting all of the pricing and coming back to us with a guarantee maximum price. He commented that is a big decision point

that we have coming up and construction is not going to start unless there is an agreement on what that price is. Commissioner McMacken asked if we need a consultant on board to make a final decision on that guarantee maximum price or if that is being handled in-house by staff. Mr. Attaway stated that was one of the things they were looking for and felt they needed that expertise.

**Motion made by Commissioner Dillaha to not approve this contract but to go to RFP immediately for consultant services. Seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Dillaha, Cooper and McMacken voted yes. Mayor Bradley voted no. The motion carried with a 3-1 vote.**

**Action Items Requiring Discussion:**

a. Extension of Conditional Use for the Morse/Pennsylvania Parking Garage

Planning Director Jeff Briggs stated this is an action item following the staff's discussion with the Commission. He explained the request to extend the conditional use permit of the additional levels on the parking garage behind the buildings at Morse and Pennsylvania. He explained that when the garage was originally approved in 2000, it was linked to the development of a residential product on the vacant properties north on Symonds. He further explained the history of this request and that this conditional use runs out May 14, 2010 and that the property owner is seeking an extension to give them the opportunity to take the re-zonings through the due process course as they have not been able to because of the city's actions with the comprehensive plan and revising the Land Development Code.

He explained the staff recommendation to provide an additional year so the rezoning issues can be resolved one way or the other; however, the additional levels are not being built for the residential development, but are being built in anticipation of a prospective building on the corner of Pennsylvania and Symonds, which they have not approved yet and prospective development across the street at 531 W. Morse, which the city has not approved yet. Staff is recommending that this approval be linked to the approval of those projects because we do not know how much of this additional parking garage needs to be built.

Commissioner McMacken said at the last meeting Mr. Briggs handed out a copy of the motion, and wanted to know if what is highlighted in here is the same motion that was presented before because he believes there were questions about that. Mr. Briggs stated yes and that there were a couple of words that were tweaked but it is basically the same motion.

There was discussion regarding the applicant bringing forth plans in July 2006, 531 W. Morse was never a part of this developer's agreement, nor has the developer's agreement ever been amended to include that. Mr. Briggs addressed the condition in 2005 that said that those future buildings have to go through the Planning and Zoning Commission process. Commissioner Cooper stated she is comfortable with that, but the City is bringing forward this request not the applicant. She stated she understands that she feels like Mr. Briggs would like to give him another year and she understands that he lost a year during the comprehensive plan issue, but originally he was supposed to have built this residential in 2000 so this developer's agreement has been on the table for a long time. She continued by saying if they are going to extend this conditional use that they not use the motion that they have here because it includes a building that is not a part of this developer's agreement.

**Commissioner Cooper motioned to extend the Conditional Use to permit expansion of the Morse/Pennsylvania parking garage for one year from May 14, 2010 conditioned as follows:**

- 1. No construction shall take place on the additional parking garage expansion until compatible development is approved by the City (as required via conditional use) for the vacant portion of the property at 655 W Morse Boulevard on the Pennsylvania and Symonds corner and construction of the approved project has begun.**
- 2. The maximum parking garage expansion is not to exceed 5 levels. The specific authorized expansion will be determined based on land development code parking requirements for approved projects on the properties governed by the approved Development Agreement that demonstrate the need for such parking.**
- 3. All other terms of the 11/28/00, Developer's Agreement, as amended on 11/26/07, remain unchanged. (This includes the requirement for residential development.)**
- 4. This Conditional Use approval becomes effective upon mutual execution of an amendment to that Developer's Agreement.**
- 5. This extension does not indicate or imply that the Commission approves any specific future development or level of parking required to accommodate such development. All proposed development is subject to the normal land use processing approvals.**

**Commissioner Dillaha seconded the motion for discussion.**

Mayor Bradley asked Commissioner Cooper if the applicant has seen a copy of her motion. Commissioner Cooper replied by saying it's exactly what we have in our agenda packet with the exception that since 531 Morse was not in the developer's agreement, it should not be tied automatically as a part of this conditional use. Mayor Bradley asked why she would not accept staff's recommendation. Commissioner Cooper explained that staff's recommendation includes a piece of property that is not in the developer's agreement that is tying that piece of property to this conditional use which is inappropriate.

Commissioner Dillaha disagreed with extending the conditional use by one more year when there are no projects that have gone for review to substantiate the need for the extra parking. The applicant, Mr. Bellows is entitled to come forth with his projects and for re-zonings and at the same time ask for the expanded parking on that parking garage.

Mr. Briggs stated that the motion is acceptable to staff but that Mr. Bellows may want to see the motion. Mr. Briggs provided a copy to Mr. Bellows for his review.

Commissioner Cooper explained her reason for adding that a developer's agreement had to be executed in the amendment because since Mr. Bellows did not request this and the city is requesting an extension of this. She did not want the Commission to be putting any conditions upon him that he had not agreed to.

Mayor Bradley stated that parking is important to our City and making sure we obtain more is important, even if there are projects to do or not to do, he is intrigued by the parking garage with or without additional development at this point.

## **Public Comments**

Dan Bellows, 511 W. New England Avenue stated that he did not have time to read the motion and will not have time to read it and digest it today. He expressed frustration with the Commission not listening to the City Attorney or staff and that he is asking for nothing to be changed in his developer's agreement or his subsequent extensions, except an extension of time. He stated he would like to remain status quo with the entitlements that he believes that he has been given but yet a situation of incapableness for him to perform on has occurred. Mr. Bellows said that he is asking for 3 years extension, status quo, no other changes to the document and he would like to build the extra two levels. He mentioned that he has to go through the process of Planning and Zoning and City Commission for any buildings they build and the parking has nothing to do with it.

Mayor Bradley stated he would be in favor to table this item since Mr. Bellows has not had the option to review this. Mr. Bellows replied that Attorney Brown believes the conditional use expires May 14, 2010. Mayor Bradley stated we have one more meeting before that if we table this, or we can act on it tonight as is. Mr. Bellows agreed to table this since there is one more meeting because it expires. Attorney Brown stated that one option Mr. Bellows has is a short term extension to give the city staff a couple of months. He also pointed out that if the amended developer's agreement provides that the developer agrees to begin residential development of the land fronting on Symonds Avenue at the same time as construction begins on the addition of the fourth and fifth levels of the parking garage and that the City may withhold certificates of occupancy for the fourth and fifth levels of the parking garage until the developer has completed the residential units. He stated he believes an extension is reasonable.

Mayor Bradley asked about Commissioner Cooper adding additional requirements to that extension and what that does to them from a legal standpoint. Attorney Brown said with a conditional use, you have a right to impose reasonable conditions that are related to making the proposed development compatible with the surrounding property and the zoning district in which the conditional use is granted, so the conditions legally that are being imposed need to be tied to making the proposed development compatible with the zoning district and the adjacent properties.

**Motion made by Mayor Bradley to table this until May 10, 2010, until such time as the affected party has an opportunity to review the impact of this motion that is on the table. Commissioner Dillaha seconded the motion. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

A recess was taken from 5:28 p.m. to 5:37 p.m.

### b. Discussion and adoption of FY 2011 Budget Goals

City Manager Knight stated that the departments are currently working on their proposed budgets that they will be delivering to him in May and then he will be preparing his proposed balanced budget to the commission to be distributed in early July. At this time they do not know the property tax number until they get the first estimate on June 1, 2010. The purpose of these budget goals is to allow the Commission earlier input into the process than it has had in previous years; last year they proposed about three budget goals and this year they expanded it to be more inclusive of the overall budget. He provided a list of budget goals for review and to guide the staff and the City Manager in preparation of the annual budget and asked for direction and for

the Commission to take action on the document as presented and if they wanted to modify any particular goals.

Commissioner Dillaha stated that maybe they should discuss information that the Commission would like to see in advance of preparing the budget and provided seven (7) items for consideration. She recommended preparing for a 9% decrease because of the decrease in property values. City Manager Knight clarified that he will provide a budget after knowing the number as of June 1. Commissioner Dillaha requested she would like to see a 10 year trend chart of key indicators for the general fund, electric utility fund and stormwater utility fund and to track salaries and benefits, assessed property valuations, bonds and debt, millage rates, unreserved fund balance, and any other expenses. She also wanted to see a list of what capital improvement projects they have had to defer in the last 3 years, particularly the projects that got funded but because of the budget adjustments were deleted.

Commissioner Cooper questioned the recommended goal to the increase in the general fund reserve of \$1 million and hoped that the million dollars is at the existing millage rate. City Manager Knight said that was correct and that it should say increase the reserves more than the million dollars under the goal in the millage rate. She asked other questions for clarification to include understanding the adoption of the goals.

Commissioner McMacken stated that when they looked at employee benefits from 2009 and 2010, there is a list of 14% to 45% reductions and under the recommended goal we adjust and control the cost benefits by 5%. He asked how that 5% relates to what they did in the previous budget, in the overall percentage. City Manager Knight stated that the previous one, all of those items added together were probably slightly more than 5% if you add all of those together last year. Commissioner McMacken asked other questions for clarification regarding levels of service and the reduction of budgets by department. Mr. Knight expressed his preference of providing a list of ways to more strategically cut that he believes they can cut and that he works with the departments in preparing their budget. He also commented about the 10% cut in property taxes, that the property taxes are only 35% of the budget, so they are not talking about a 10% reduction in overall expense.

Mayor Bradley stated his biggest concern is in the employee compensation and wanted to make sure all of the employees are fairly compensated, stating a COLA versus a merit, and that all the raises should be merit based. He wanted to know what the cost would be if there was a merit increase that could be for staff in a broader pattern of \$40,000 and wanted to see that because maybe it is not much more and if it is another \$140,000 in the \$36 million budget he would personally like to find that. City Manager Knight stated that he could provide what every 1% of a budgeted merit increase would potentially cost. Mayor Bradley asked to work on the 2% Cost of Living raise and determine the market and how that compares to like institutions that we are compared to. He also stated that he does not want to get any further backward in employee compensation than we already had to, he understands that if there is a 10% reduction then we may have to and this is his main recommendation. Mayor Bradley also addressed street sweeping and City communications and requested to look at additional types of electronic communication such as email, and that we might be able to distribute a greater amount of communication for a lower cost.

Commissioner Dillaha stated she is in agreement with maintaining the current millage rate and funding the reserves by another million dollars. She also mentioned the level of service, particularly in the code enforcement department, noting it has only two staff members and



recommended the hiring of two additional code enforcement officers. She also spoke about the benefits, saying it is important to set some policy now and that she does not think that reducing costs by 5% is the kind of policy that she wants to look at. She stated she wants to consider a 401A matching plan instead of the City contributing three times the amount that the employee contributes. She also spoke about the need for pension review, to look at the contributions to both the police and fire, because it grows every year with a big unfunded liability and that maybe we should hire an independent consultant to look at this. City Manager Knight stated that we would definitely have to hire someone to do that and it is something that we are going to talk about in the union strategy session next week; they have proposals for pension modifications for police and fire, and there will have to be an impact statement for each of those potential changes which we will have to spend money to get answered. He stated the accountants cannot do that and it is an actuary computation and is coming. Commissioner McMacken asked if the consultant should take a look at benefits across the board or just the police and fire. Commissioner Dillaha said we should take a comprehensive look at the overall benefit policy.

City Manager Knight asked if they wanted to be in competition with who we compete with for employees, if we want to be in the top third salary benefits, middle third or bottom third. Mayor Bradley requested that Mr. Knight bring that recommendation to them in terms of that. Mr. Knight stated they tried that in the past and could not get a consensus, so he tried a different approach this year. Mayor Bradley stated we need to target in terms of some numbers here versus if we want to make a matching or not. Commissioner Dillaha stated it is policy, and there is not a lot of competition right now but a lot of unemployment, and we are seeing our revenues drop and costs go up. She stated that changes need to be made and it is time to be looking at these plans comprehensively and make some changes that still keep us competitive but are reality. She also said she does not agree with adding another \$140,000 for a cost of living raise at time when revenues are declining and questioned car allowances for 28 employees that maybe should go to a per diem rate.

**Motion made by Mayor Bradley to accept Mr. Knight's recommendations to begin the initial budget and also have a second plan if there was a 10% reduction in property values, which would reduce potential costs of an additional \$1.6 million and include some of the ideas that have been presented by the Commissioners. Commissioner McMacken seconded the motion for discussion.**

Commissioner Cooper stated she would like to see a very clear comparison of every one of the benefits against other municipalities and private industry. Mayor Bradley noted that this has been done recently and Commissioner Cooper asked Mr. Knight for a copy of that information.

No public comments were made and there was no further discussion.

**Upon a roll call vote to begin the budget process with the goals before them and in addition do a analysis of what a 10% reduction would require in terms of expense adjustments, Mayor Bradley and Commissioners Cooper and McMacken voted yes. Commissioner Dillaha voted no. The motion carried with a 3-1 vote.**

c. Post Office extension

City Manager Knight explained that when they were in Washington D.C. they spoke with our representative Congresswoman Susan Kosmas on a potential funding issue for the post office



project and also talked about granting a time extension. He had also attempted to get some new language in the extension agreement that would clarify some of the issues, such as the extra square footage that the contract calls for that they no longer need as part of their new requirements for a postal facility, as well as putting some parameters around the discussion of the operating costs. They refused to include any of those items in the extension and came back with a simple one year extension that would carry us through February 2, 2011. We were already beyond the term of this agreement but they are willing to do that and the extension that is in the agenda packet is the one year simple extension and has all of the dates going back one year. It is staff's recommendation that there is really no harm in agreeing to the extension, it does not mean that we are going to come up with the money, it at least keeps that door open, and should we come up with a concept or funding opportunity. He stated we can still negotiate those other pieces and use our legislative support to try and get things in a more favorable contract.

Mayor Bradley stated that by extending this agreement we are really taking on \$2-3 million or more because he does not think we have priced what the difference in operating costs would be. Mr. Knight stated that they are not committing to anything though, what the extension is allowing them to do is present a plan by June 2011 for their approval. Mayor Bradley asked if we would be better off not extending the contract. City Manager Knight explained having the year extension would not allow them to sell the property to someone else.

Commissioner Dillaha said it is a good idea to extend the agreement so they can see themselves through September or whenever the Federal budget would be adopted. Mayor Bradley stated if they did get the \$2 million, they would still be \$4-\$5 million short and fundraising has borne no fruit at this point. City Manager Knight stated we are still short and have about \$1 ½ million in pledges and donations and that we would have to verify if those pledges are still good.

**Motion made by Commissioner Dillaha for approval of the extension; seconded by Commissioner McMacken.**

Joe Terranova, 700 Melrose Avenue, agreed with extending the agreement but did not believe it would do any good nor that we are going to come out on the end of it with us moving ahead on this project. He said if you go forward with the extension of the agreement he felt that you need to have an option of first refusal to buy the land which he believes is the way to secure this property for the City.

Anthony Gray, 452 Sylvan Drive, addressed the Commission by saying if the post office was a public corporation you would sell it short, it is bankrupt and is going to get worse. He believed the post office will not exist in its current form in the future and advised against putting any meaningful money to it.

Commissioner McMacken questioned City Manager Knight about the possibility of first right of refusal discussed with the post office per Mr. Terranova's comments. City Manager Knight reported that they have discussed that with them in the past and they mentioned it when they were in Washington D.C. They basically said they are not selling the property, it is not for sale, they have no intention of selling the property and they reminded us that every time there was a new Mayor there was a new direction.

**Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

Mayor Bradley acknowledged that there are three boy scouts and their troop leaders in audience as part of their badge for government and appreciated their participation in the city government.

**Public Hearings:**

a. Adjustments to the City Fee Schedule

Finance Director Wes Hamil addressed this item. He spoke about reviewing the fee schedule on a bi-annual basis and making adjustments as necessary. Commissioner Dillaha asked if the Fire-Rescue \$40.00 fee for special events covers the costs; Mr. Knight responded in the affirmative. She asked about the adult entertainment application fee and if that is comparable to other cities that deal with this. Attorney Brown stated it is low and you have to base fees on the actual costs you are incurring. Commissioner Cooper asked how the fee amounts are determined and if an annual comparison is done with other municipalities. Mr. Hamil responded that individual departments keep statistics of comparable fees. Commissioner Cooper asked that all fees are reviewed to make sure we are correctly charging. Commissioner McMacken commented about the two columns containing current fees and proposed fees and asked that these remain for future adjustments. Mr. Hamil stated the first page contains all the changes made to this fee schedule.

**Motion made by Commissioner Dillaha to approve the fee schedule as presented; seconded by Commissioner McMacken.** No public comments were made. **Upon a roll call vote, Commissioners Dillaha, Cooper and McMacken voted yes. Mayor Bradley voted no. The motion carried with a 3-1 vote.**

- b. A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA DEFINING THE ECONOMIC DEVELOPMENT/CRA DEPARTMENT OF THE CITY OF WINTER PARK AS THE CITY'S LOCAL ECONOMIC DEVELOPMENT AGENCY FOR THE CITY OF WINTER PARK PURSUANT TO THE REQUIREMENTS OF CHAPTER 288.106(3)(a)(9), FLORIDA STATUTES AND PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. Economic Development/CRA Director Dori DeBord addressed provided a PowerPoint presentation explaining the programs that the Commission reviewed last year: the Targeted Job Creation of the QTI Program, the Anchor Investment Tax Rebate Program, and the Anchor Development Fee Rebate Program. She asked for consideration of the State Qualified Targeted Industry (QTI) Program and a new program, the Targeted Industry Job Retention Program and summarized both.

Commissioner Cooper asked that we look at these issues as separate actions: if we want to participate in the QTI Program and if we chose to participate if we want to designate the Economic Development Office as our Economic Development Agency or to have the CRA Agency be designated. There were further comments regarding this issue and the associated statutes. Ms. DeBord clarified that under no circumstances can she pledge the city's money but that the resolution will allow her to calculate what the pledge may be. She stated she has to come back to the City and ask them to grant a resolution or letter of support to pledge that money with regard to the QTI.

Further questions were asked of Ms. DeBord for clarification that she responded to. Mayor Bradley commented that this is an investment and if someone is going to be bringing well paying jobs to Winter Park or is going to do something that we want in Winter Park, the question of policy

is whether we want to participate with them. Ms. DeBord spoke about the need to market Winter Park as being interested in economic development and a place where they would like people to come and consider putting new businesses within the Winter Park community.

**Motion made by Mayor Bradley to adopt the resolution as presented; seconded by Commissioner McMacken for discussion purposes.**

Commissioner Dillaha asked questions about what is driving this program and if we have lost companies and have not retained jobs because we did not have this in place. She spoke about paying out money and not knowing if it would make a difference or not. She commented about this being funded through both the general and CRA funds and that we need to create a foundation that attracts businesses and residents here which she believed the City has right now. She stated she is not supportive of this because she does not see how it will work. Ms. DeBord stated it is an incentive and further elaborated on the program. Commissioner Dillaha expressed concerns with this reducing revenues and paying out money at a time when we should not be doing it unless we know for sure that this is going to make a difference.

Commissioner McMacken stated if the City controls the amount of money expended on this that he is willing to look in the direction of providing the perception that the City is willing to work with a business that wants to come to Winter Park.

Commissioner Cooper stated she was not so much concerned with the QTI Program as it was that making sure that we have very clear internal procedures relative to what the Economic Development Agency does and does not do and is clear as to what our anticipated budget is going to be in agreement up front of what the budget will be capped at and how it is relative to the rest of the budget. She stated she cannot support the second program at this point because the first program is different in that it works with other entities to verify job creation so that is not something that Winter Park would have to have the skills to verify and additionally they do a lot of analysis and look at the return on investment for the communities. Mayor Bradley stated think of it as an incentive not as an expense that is important. She concluded that the QTI Program may be a good pilot program to try but wanted to make sure we do nothing with the budget where the existing millage rate is not adequate. Additional comments were made regarding this issue. No public comments were made.

**Motion made by Mayor Bradley to table this item until May 10 when Commissioner Anderson returns because he has been a proponent of this, seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Cooper and McMacken voted yes. Commissioner Dillaha voted no. The motion carried with a 3-1 vote.**

- c. RESOLUTION NO. 2050-10: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA ACCEPTING AND APPROVING THE CITY'S PORTION OF THE ORANGE COUNTY LOCAL MITIGATION STRATEGY

Attorney Brown read the resolution by title. Fire Chief Jim White addressed the resolution whereby the Local Mitigation Strategy is updated every five years. No public comments were made.

**Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- d. ORDINANCE NO. 2801-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF THE OUTSTANDING PARK AVENUE IMPROVEMENT REVENUE BONDS, SERIES 1998, OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$3,000,000 PARK AVENUE REFUNDING IMPROVEMENT REVENUE BONDS, SERIES 2010, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM LEGALLY AVAILABLE NON AD VALOREM FUNDS OF THE CITY BUDGETED AND APPROPRIATED FOR SUCH PURPOSE; AND PROVIDING AN EFFECTIVE DATE.  
Second Reading

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

**Motion made by Mayor Bradley to adopt the ordinance; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- e. ORDINANCE NO. 2802-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 301 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner McMacken.**

Lurline Fletcher 790 Lyman Avenue, spoke in opposition to changing land on the Westside. Commissioner Cooper stated that this property had already been rezoned quite some time ago.

**Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- f. Ordinances – Changing the zoning on four properties:

Attorney Brown read the titles for all four ordinances.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3A) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 400 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 463 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT COE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 535 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 227 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Planning Director Jeff Briggs explained the location of the properties and the comprehensive plan designating these properties as Central Business District (CBD). He commented that in this area most of the properties have the corresponding C-2 zoning but the property owner has asked for the properties that do not carry that designation as listed above to be rezoned as C-2 in conformance with the comprehensive plan. He stated based on the comprehensive plan, if you have CBD Future Land Use, the compatible zoning is C-2. He stated that both staff and the P&Z recommend approval.

Attorney Brown stated that he conferred with other attorneys in his firm after the last meeting and that they informed him that cities administratively rezone all the time to make the zoning consistent with the comprehensive plan designation. It is the consensus of his staff that this is not unusual or improper to rezone to make it consistent and that the City has the legislative authority to rezone property.

Commissioner Cooper stated that she preferred to see all four properties be rezoned at the time the applicant brings a plan forward. She stated while we may have the authority to administratively rezone if you look at the standards by which we approve the zonings one of them is that it is consistent with the comprehensive plan and that the proposed project that comes forward is compatible. She stated these properties are different and she has a different thought for each one of them.

Mayor Bradley asked about liability issues the City would have if the LDC and comprehensive plan are different. Attorney Brown responded that if the landowner were to come forward and submit a development proposal that would be consistent with the comprehensive plan but precluded by the current zoning, he would probably have a cause of action if he can show there is a diminution in the value of his property. He stated this is routine in other cities and is discretionary but there is nothing unreasonable with staff bringing this forward because all they are trying to do is make is consistent with the comprehensive plan. Commissioner Cooper said we have inconsistency on about 40 residential properties next to the hospital.

Commissioner McMacken asked if these properties were rezoned if any future development would still come before the P&Z and City Commission. Mr. Briggs replied they would have to go through the process. Commissioner McMacken stated they are not asking for anything different than what has already been allowed in the comprehensive plan. Further comments continued among the Commission. Commissioner Dillaha asked if the Future Land Use is CBD if this means these parcels are entitled to C-2 or if it means that they can ask for C-2 when they come



forward with a plan. Attorney Brown responded that they have a right to come forward with a plan consistent with C-2 and to get a rezoning to C-2. He stated there are no vested rights but it is very reasonable given the downtown core to do this.

**Motion made by Commissioner McMacken to accept the ordinance on first reading and rezone these four properties; seconded by Mayor Bradley.**

Commissioner Dillaha asked if this is precedent setting. Attorney Brown stated it is not precedent setting as to dissimilar properties in different geographic regions with different compatibility considerations.

Dan Bellows, 511 W. New England Avenue, as an agent for the property, concurred with staff's recommendation to bring these properties in compliance with the comprehensive plan. He addressed his frustration that there will not be plans for years to come on his property and that his property value will decrease without the C-2 zoning. He stated the Commission is creating a real problem for him and other property owners by not granting the zoning.

Joe Terranova, 700 Melrose Avenue, agreed with Mr. Bellows and that this zoning should be brought into compliance with the comprehensive plan. He addressed the P&Z approving this and that the landowners have agreed to it.

Lurline Fletcher, 790 Lyman Avenue, opposed this because she disapproves where businesses are placed instead of residential homes.

Commissioner Dillaha stated there was a reason why it was zoned C-3A, because there is residential property in back of 400 W. New England Avenue and once you rezone it to C-2 the entitlement is there. Commissioner Cooper stated she will vote against this not because she is against the C-2 zoning for these properties but because her issue is we have a procedure and policy that allows us the opportunity to look at projects relative to compatibility and as long as we have that policy it is incumbent upon us to try and do that. She wanted to see these rezoning approvals be granted in concert with the approval of projects.

**Upon a roll call vote of ordinance #1 (400 W. New England Avenue), Commissioners Dillaha and Cooper voted no. Mayor Bradley and Commissioner McMacken voted yes. The motion failed with a 2-2 vote.**

**Upon a roll call vote of ordinance #2 (463 W. New England Avenue), Commissioner Dillaha voted no. Mayor Bradley and Commissioners Cooper and McMacken voted yes. The motion carried with a 3-1 vote.**

**Upon a roll call vote of ordinance #3 (535 W. New England Avenue), Commissioner Dillaha voted no. Mayor Bradley and Commissioners Cooper and McMacken voted yes. The motion carried with a 3-1 vote.**

**Upon a roll call vote of ordinance #4 (227 Hannibal Square East), Commissioners Dillaha and Cooper voted no. Mayor Bradley and Commissioner McMacken voted yes. The motion failed with a 2-2 vote.**

- g. Ordinances – Requests of the City of Winter Park for the United States Post Office property located at 300 N. New York Avenue:



AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM CENTRAL BUSINESS DISTRICT TO OPEN SPACE AND RECREATION ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM CENTRAL BUSINESS DISTRICT TO INSTITUTIONAL ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Attorney Brown read all four ordinances by title. No public comments were made. Mayor Bradley asked Mr. Briggs to clarify the ordinances before them. Mr. Briggs explained the first two ordinances change the comprehensive plan and zoning to Parks and Recreation; the second option changes the comprehensive plan and zoning to Institutional PQP; and third option is if the Commission wanted to split this property and have the north half PQP and the south half Parks.

Upon discussion, **motion made by Mayor Bradley to change the future land use designation of the comprehensive plan from Central Business District to Institutional the north of Garfield and Open Space and Recreation south of Garfield. Motion seconded by Commissioner McMacken.**

Commissioner Dillaha spoke about notifying the post office that the City was considering zoning the property as PR and that they did not respond to the City. Mr. Briggs stated they provided the City-wide notices required by code, the notices were sent to the property owners within 1,500 feet, 30 days in advance and mailed a notice to the post office 30 days in advance of the P&Z hearing as well as communicate to them twice via email asking them for comment and reaction to the change and that we did not receive a reply from them. Attorney Brown stated the City can do this

and if they make a Bert Harris claim they will evaluate it. He stated this is a risk but believed it to be a reasonable risk.

Discussion ensued whether it would make sense to rezone the post office property as PQP and the rest of the property as PR to eliminate the reasonable risk, the current C-2 zoning of the property and the post office having a year to make their notice of claim. Attorney Brown stated this is a classic situation of changing a land use designation and if it is done as a park, that fits the classic inverse condemnation standard. Further discussion ensued regarding this issue.

**Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Mayor Bradley that the change of zoning designation of Commercial C-2 will be to PQP north of Garfield and PR south of Garfield, seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- h. Ordinances – Requests of the City of Winter Park for the West Meadow property, 150 North New York Avenue:

Attorney Brown read the three ordinances by title. Planning Director Briggs stated that the former parking lot has been converted to the West Meadow and the property reflects the previous use (Institutional zoning) for the municipal parking lot. He stated both the future land use designation and the zoning needs to be changed. He stated the third ordinance deals with a piece of the old West Park Avenue that juts down into the property that needs to be vacated so it will no longer be public right-of-way but will be City land (all the land reverts to the City). He stated this is only a map cleanup to appropriately reflect that it will not become a road at some point. Commissioner McMacken stated there is nothing in the Recreation designation that prevents temporary parking there for events and did not want to see anything that would prevent that use.

Questions were posed by the Commission that Mr. Briggs answered and clarified.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE EXISTING COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OPEN SPACE AND RECREATION ON THE 1.21 ACRES OF THE WEST MEADOW TO CENTRAL PARK PROPERTY AT 150 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

**Motion made by Commissioner Dillaha to accept the ordinance on first reading to change the Future Land Use Designation from Institutional to Open Space and Recreation for the West Meadow; seconded by Commissioner Cooper.**

Lurlene Fletcher, 790 Lyman Avenue, addressed the need for the Westside to receive greenspace instead of parking areas.

Mayor Bradley expressed concerns that PQP allows them to have recreation; Mr. Briggs responded.

**Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF PUBLIC, QUASI-PUBLIC (PQP) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE 1.21 ACRES OF THE WEST MEADOW TO CENTRAL PARK PROPERTY AT 150 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

**Motion made by Commissioner McMacken to change the zoning of PQP to PR, seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT PORTION OF WEST PARK AVENUE LYING SOUTH OF CAROLINA AVENUE AND NORTH OF MORSE BLVD. SITUATED BETWEEN BLOCKS 30 AND 31, REVISED MAP OF THE TOWN OF WINTER PARK, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

**Motion made by Commissioner Dillaha to approve vacating the right-of-way of West Park Avenue between the West Meadow and Central Park, seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

### City Commission Reports

a) Commissioner Anderson

No report.

b.) Commissioner Dillaha

1) Lee Road Medians - Improving a gateway

Commissioner Dillaha presented photos to address the Lee Road medians to improve the gateway to the City. She addressed the need to plant trees to beautify the roadway. She mentioned she has been asking John Holland and Mr. Knight if they can go ahead and improve the medians. She spoke about FDOT not recommending this. She asked for support to move forward with beautifying the medians.

Mayor Bradley said he is in support of this but expressed concerns with possibly being at odds with FDOT. Commissioner McMacken he was in agreement to improve the medians and to direct staff to talk to FDOT. Public Works Director Troy Attaway stated that the City provided FDOT with a plan to maximize the amount of trees but FDOT minimized the amount of trees so the City asked them to reconsider. FDOT then agreed to take a second look at the request and are scheduling a face to face meeting with them to discuss this. He stated they are working the process and will try and get as many oak trees as they can in there. Staff will bring back a plan

for the Commission to review. Commissioner Dillaha addressed calls she receives regarding the high speed on Lee Road and believed that adding trees will make the traffic slow down.

2) Denning Drive construction site - parking garage

Commissioner Dillaha presented photos expressing concerns and addressing the unfinished parking garage construction site at this location being unsafe with overgrown weeds and vegetation and that the construction fence is coming down. She asked about inactive construction sites and the City's rights to clean it up or improve it, and how long a project can stay inactive. She stated that she received code information from the Director of Code Enforcement, George Wiggins, but wanted clarification on residential projects versus commercial regarding completion and rights to include demolition. Mr. Wiggins stated he would provide copies of the information he provided to Commissioner Dillaha to all the Commissioners. Mr. Wiggins explained there are specific administrative provisions in the building code that deal with inactive construction sites. He further elaborated on the code. Staff was directed to ensure that we are following the current codes on this site or any construction sites.

Commissioner Dillaha requested to address the code in terms of language, particularly stating "if any structural work is partially completed on residential or multi-family sites, there is a deadline and if a project is not completed, the City can demolish it." She did not see any provisions for the City in terms of commercial properties that are partially completed for years. Mayor Bradley stated this question will be addressed and redirected back to the Commission. City Manager Knight stated he will provide a report on their findings on what can be done, along with any suggested changes. Mayor Bradley stated the answers will come forth by staff to the Commissioners and then decide if the changes are to be made.

3) Changing the way Commission meeting agendas and agenda packets are configured (for ease in downloading and viewing, particularly by the public).

Commissioner Dillaha requested that the agenda packages on the website be more user friendly. She suggested that all agenda attachments for resolutions, ordinances, etc. have an icon that you can select and download that particular item versus the entire document. Commissioner Cooper stated she supports this 100%. City Manager Knight stated he inquired with staff on this item and it can be done; however, it will increase the workload by 1.5 hours versus 15 minutes. Commissioner McMacken also supported this.

4) Wayfinding program status.

Commissioner Dillaha stated she spoke with City Manager Knight about the stalled wayfinding program and it was noted the issue is the font size on the state roads and there has not been an approval on the signs. She asked if the Commission would be agreeable to look at finding a solution as opposed to not moving forward and increasing the font size for the state roads. Mayor Bradley stated there has been a decision that was already voted and we would be changing that and asked that staff bring it up on the agenda if that is something they are proposing.

5) Work sessions

Commissioner Dillaha stated with two new commissioners, it is difficult to work on items when you only meet two times a month to vote on business items and there is no opportunity for in-depth discussions. She asked if there is any interest in having a work session before a Commission

meeting, or possibly on the Thursday before a Commission meeting or Saturday mornings. Mayor Bradley noted the meetings already scheduled and did not know how to add additional work sessions. Mayor Bradley stated he would be in support of having work sessions from 3:30pm to 4:30pm and then start the Commission meetings afterward if that would allow the Commission to take action, if there was a commitment for that. Discussion ensued that Commissioners can call work sessions as they determine the need.

Commissioner Dillaha asked that Representative Dean Cannon speak to the Commission to discuss issues in the legislative session to update what issues have been passed and what might impact the future decisions being made. City Manager Knight stated that Bill Peebles will be attending the next commission meeting to discuss these items.

c) Commissioner Cooper

No items to address.

d) Commissioner McMacken

Commissioner McMacken addressed that he is still waiting to receive a copy of the architectural contract with the design team for the new Amtrak Station. City Manager Knight stated the contract was just received and will be forthcoming.

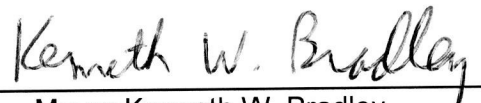
e) Mayor Bradley

Mayor Bradley addressed City Manager Knight with his concern that the City Attorney's contract is on an hourly versus a retainer basis. City Manager Knight stated that he has been in discussion with Attorney Brown and he has proposed an approach whereby he would be physically present at City Hall a couple of days for several hours each week to help bring down the cost overall. He stated they are looking at different ways of proposing a retainer and is currently being worked on. Mayor Bradley stated this item is an important item and requested that it be brought forward. He also asked that the agenda for the strategic planning session be distributed.

**Meeting Adjourned**

**Motion made by Mayor Bradley to adjourn the meeting; seconded by Commissioner McMacken by acclamation.**

The meeting adjourned at 8:31 p.m.

  
\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:

  
\_\_\_\_\_  
City Clerk Cynthia S. Bonham