

REGULAR MEETING OF THE CITY COMMISSION
May 26, 2009

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

The invocation was given by Reverend Robert Lord, All Saints Episcopal Church 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
Deputy City Clerk Nancy McLean

Citizens Comments:

1. Nancy Shutts, 2010 Brandywine Drive, urged the Commission to make critical decisions concerning the allocation of City funds and to listen to staff and advisory board members who carefully research all the facts. She provided the 2010 Parks and Recreation special requests list.
2. Bill Shallcross, 1450 Bonnie Burn Circle, spoke about speed radar signs and other traffic calming devices in school zones and hoped that they could explore those devices.
3. Peter Weldon, 700 Via Lombardy, wanted to further the City's public discussion of ethics. He asked Commissioner Dillaha to respond to his questions from May 15, inviting her to have a debate with him on these issues. Mr. Weldon submitted the questions into the record which are attached at the end of the minutes. Attorney Cheek commented that he could address the Commission, but not a particular Commissioner.
4. Joshua Vickery, Aloma Baptist Church, stated they are having an event called "Patriotic in the Park" on June 28 and requested a fee waiver for the event.

City Manager Knight explained that they made the request to the Parks and Recreation Commission; however, per the policy they did not qualify for the fee waiver and is appealing to the City Commission. There was a consensus that this be placed on the next agenda. Commissioner Dillaha added that they need to have the recommendation from the Parks Board.

5. Joe Terranova, 700 Melrose Avenue, spoke about the process of the Mayor's board appointments and about the role of the Commission regarding those appointments.

Mayor's Report:

- a) 2009 Board appointments.

Mayor Bradley commented that the Commission was provided additional nominees for the board appointments. He explained that whether or not alternates are immediately moved up and/or reappointed is not stated in the past history of our City and at some point they need to look at the overall process for appointments on the committees.

Motion made by Mayor Bradley to approve the board nominations as presented; seconded by Commissioner Diebel for discussion. Commissioner Dillaha commented that there were a number of "to be determined" slots without names. Mayor Bradley stated that he will make those nominations at another Commission meeting. Upon discussion, **Mayor Bradley withdrew his motion to take the boards one at a time; seconded by Commissioner Diebel.**

The board vacancies were discussed individually and voted upon. The following motions were made for each board.

1. Board of Adjustment.

Motion made by Mayor Bradley to approve the nomination of Phil Kean to the Board of Adjustment; seconded by Commissioner Anderson. Upon discussion and a vote, **Mayor Bradley and Commissioners Anderson and Diebel voted yes. Commissioner Dillaha and Bridges voted no. The motion carried with a 3-2 vote.**

2. Code Enforcement Board.

Motion made by Mayor Bradley to approve the nomination of Shelia Gupta Deciccio to the Code Enforcement Board; seconded by Commissioner Anderson. Upon a vote, **Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.** Mayor Bradley will revisit another nomination at the next Commission meeting to fill a remaining vacant position.

3. Economic Development Board.

Motion made by Mayor Bradley to approve the nomination of Daniel Butts; seconded by Commissioner Diebel. City Manager Knight explained that one opening is being filled by Chamber of Commerce Chairperson Patrick Chapin and they have the Mayor's nomination of Daniel Butts. Upon discussion, **Mayor Bradley withdrew his motion until they have clarity on how many positions are available; seconded by Commissioner Diebel.** Mayor Bradley will revisit this at the next Commission meeting. Commissioner Anderson asked if Ms. Gwen Lennox (alternate) reapplied.

4. Environmental Review Board.

Motion made by Mayor Bradley to approve the nomination of David Hayes to the Environmental Review Board; seconded by Commissioner Anderson. Upon discussion and a vote, **Mayor Bradley and Commissioners Anderson, Diebel and Bridges voted yes. Commissioner Dillaha voted no. The motion carried with a 4-1 vote.**

5. Keep Winter Park Beautiful.

Motion made by Mayor Bradley to approve the nominations of Leslie DeChurch and Jody Whitley to the Keep Winter Park Beautiful Board (to replace Rob Smith and Jill Gabel); seconded by Commissioner Diebel. The motion carried unanimously with a 5-0 vote.

6. Lakes and Waterways Board.

Motion made by Mayor Bradley to approve the nominations of Ronald Scarpa and David Morehead (alternate) to the Lakes and Waterways Board; seconded by Commissioner Diebel. Upon discussion and a vote, Commissioners Anderson, Dillaha and Bridges voted no. Mayor Bradley and Commissioner Diebel voted yes. The motion failed with a 3-2 vote. Mayor Bradley will revisit these nominations at the next Commission meeting.

7. Planning and Zoning Commission Board.

Motion made by Mayor Bradley to approve the nomination of James Johnston to the Planning and Zoning Commission Board; seconded by Commissioner Diebel. Upon discussion and a vote, Commissioners Anderson, Dillaha and Bridges voted no. Mayor Bradley and Commissioner Diebel voted yes. The motion failed with a 3-2 vote. Mayor Bradley will revisit this nomination at the next Commission meeting.

Ethics Board appointment concern: City Manager Knight stated that at the last Commission meeting they confirmed Sarah Rumpf (alternate) to the Ethics Board; however, she did not meet the Winter Park residency requirement.

b) Meetings with Commissioners.

Mayor Bradley commented that he met with Commissioner Anderson and wants to meet with Commissioner Bridges next. He suggested they schedule a meeting to discuss upcoming issues in a public forum. Commissioner Bridges agreed.

c) Utility Bond Ratings.

Mayor Bradley stated that the utility staff met with the Fitch representatives about our bond ratings and that they are impressed with our City and the progress we have made with our utilities.

d) 50 years of Winter Park Sidewalk Art's Festival posters displayed in Orange County.

Mayor Bradley announced that the Orange County Commission Chambers has honored our City by having and displaying many of the original paintings that have become posters for the Sidewalk Art Festival over the past 50 years. He encouraged both the City's citizens and the Commission to visit.

e) 90 day action plan update.

Mayor Bradley stated that he is tracking the key issues for the 90 day action plan. This includes financial diligence, "Planning the Possibilities", the post office and the historical designation. He commented that there will be a work session on "Planning the Possibilities" next week and they could take time to address the historical designation in the coming weeks. He added that he is working on completing board appointments.

Consent Agenda:

- a) Approve the minutes of 5/11/09. **PULLED FOR DISCUSSION. SEE BELOW.**

- b) Approve the replacement of Canton Avenue Substation Power Transformer T-1.
PULLED FOR DISCUSSION. SEE BELOW.

Consent Agenda Item a): Approve the minutes of 5/11/09.

Commissioner Dillaha asked for more clarification on page 5 regarding the Planning and Zoning Board appointments and believed that both recommendations were voted down. Mayor Bradley commented that his understanding was that both recommendations were voted down and not individually. He also wanted to listen to this section of the audio and tabled it until the next meeting. There was consensus among the Commission.

Consent Agenda Item b): Approve the replacement of Canton Avenue Substation Power Transformer T-1.

Motion made by Commissioner Dillaha to approve for discussion; seconded by Commissioner Bridges. Commissioner Dillaha commented that there are two transformers that are over 30 years old and that the Canton Avenue Substation Transformer (T-1) needs to be replaced at a cost of approximately \$600,000. She believed that the next transformer will need to be replaced soon and wanted to know how they were budgeting to address that and where the money might come from. Electric Utility Director Jerry Warren responded.

Mayor Bradley commented that the long term utilities capital is an important issue for them to continue to look at. Commissioner Bridges commented that she shared the same concerns as Commissioner Dillaha. She added that she would be more comfortable knowing that there is a plan underway and suggested the Commission give direction to the Utilities Advisory Board or staff about how they plan to replace this \$600,000 piece of equipment. Mr. Knight expressed that they will provide the information to the Commission. Mayor Bradley agreed with Commissioner Bridges and suggested that they look at the long term capital in the second meeting in June. There was consensus among the Commission. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion:

- a) City finances and action plans.

Finance Director Wes Hamil gave a brief overview of the four major City funds; the General Fund, Community Redevelopment Fund, Water and Sewer Fund, and Electric Services Fund. He commented that a transfer schedule was added to the packet per the request of Commissioner Anderson which includes the transfers between the General Fund and the other funds and an explanation of the purpose of each of these transfers. He added that Commissioner Dillaha requested another column to show the original budget and how it compares to the adjusted budget. Mr. Hamil and Mr. Knight answered questions. Mayor Bradley commented that the Property Appraiser will be releasing his projections at the end of the week and asked that the Commission receive that information once it is released. Mr. Knight agreed. Mayor Bradley asked if they anticipate any further budget reductions. Mr. Knight stated that they do not anticipate any further reductions in the current year.

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

b) Golf Pro Shop move into the Country Club.

Parks and Recreation Director John Holland stated that staff was directed to bring back an interim occupancy plan. He commented that the Commission was provided an action plan with dates and that they are requesting an interim move of the pro shop to the Country Club facility until improvements to the existing pro shop are completed. He also asked the Commission to accept the timeline for development of the business plan and the design strategy. Mr. Holland answered questions.

Michael Cole, 761 Old England Avenue, 1113 Via Del Mar, spoke in favor of moving the pro shop into the Country Club.

Commissioner Anderson commented that they will generate \$31,000 in revenue and will lose \$30,000 - \$40,000 that they currently receive from the clubhouse. He saw this as an interim move and stated they could always reverse their decision. Mr. Holland commented that the recommendations of the consultant are to provide improvements in both revenue and facilities for the golf course. He thanked Commissioner Bridges for putting together the architectural team that gave them the initiative and commented that they have an excellent plan to move forward without destroying the building. He believed it is a good solution if they can get a funding mechanism in place and raise funds. He stated that the interim move would cost approximately \$15,978 and it is in a fund used for the support and maintenance of that building. He stated they are addressing the drainage issues (with the golf cart storage) and hope to solve that in the near future.

Commissioner Dillaha voiced concerns that they were making this move to generate a small amount of revenue. She commented that this could be the wrong solution and the wrong increase in the revenue stream.

Commissioner Bridges commented that the funding that has been referred to has not been used to address the serious maintenance issues that have been ongoing with the existing pro shop. She suggested they use the \$15,000 to fix the stormwater intrusion into the building, level the flooring, and address the issues that are revenue generating. She was concerned that the budget implication states that in either case the funding will need to be secured before the project begins, yet they want to move the pro shop to the other building without designated funding. She added they also do not have a group to raise money for this and questioned why they do not wait until they receive the architect's full analysis before they move.

Motion made by Commissioner Anderson to go forward with an interim move into the existing clubhouse and to receive the report from the architects with their ideas on the conservation of the existing pro shop and what it might entail in a capital project in time for their next budget cycle meetings. Mayor Bradley clarified that they would move on the schedule presented to them. Commissioner Anderson agreed. **Seconded by Mayor Bradley for discussion.**

Commissioner Anderson saw this as utilizing the assets they have and not so much as increasing revenues to the City. He believed at best it was a break even revenue proposition by offsetting lost rental revenue with retail sales. He stated that they want to see historical structures used and used in a compatible format. He added the directive that they need to fix the water problem and that someone needs to find the money to maintain our existing facility.

Commissioner Dillaha addressed her concerns of: 1) letting an existing asset degrade and then moving the use to another asset that may degrade as well; 2) making a move prior to having a plan in place, such as knowing the cost to improve the existing pro shop or where the money will come from; and 3) that the temporary move into the clubhouse will become permanent. Mr. Holland commented that with the \$15,987 they will expend on the move, approximately 75% of that will be good for the other building as well. He stated that the fixtures, patio tables and chairs, and food service items will be relocated into the new pro shop.

Commissioner Anderson amended his motion to include an admonition to perform deferred maintenance and remove the water from the storage facilities on the existing pro shop; seconded by Mayor Bradley. He amended his motion to also include a timeline that within 45 days something will happen to remedy this water problem; seconded by Mayor Bradley. Upon a vote, Mayor Bradley and Commissioners Anderson, Dillaha and Diebel vote yes. Commissioner Bridges voted no. The motion carried 4-1.

There was a recess taken from 5:12 p.m. - 5:25 p.m.

a) Fleet Peeples Park master plan modification.

Mayor Bradley addressed the five issues he was concerned with regarding the master plans that were presented. They were as follows: 1) to understand the environmental concerns and whether or not the mediation that has been proposed with swales, etc., will address those; 2) conflicting master plans that have been presented offer a different size for the off-leash part of the park; 3) the conversation of fees and whether it is to limit the number of dogs in the park at one time; 4) if the fees are for generating revenue; and 5) (from the last master plan) whether or not there should be other usages of the park. He added that he wanted to know how it may be funded or structured. Mayor Bradley commented that this has been the most volatile issue they have faced as a City in the last year and it is important to talk and work together in making this park one of the Nation's best.

Parks and Recreation Director John Holland commented that the Parks and Recreation Commission is recommending modifying the Fleet Peeples Park Master Plan to address environmental concerns. The environmental concerns affecting the park property and Lake Baldwin water quality are: 1) controlling contaminated storm runoff into Lake Baldwin; 2) controlling erosion of the park property; 3) establishing aquatic vegetation on the lake front; and 4) reducing the capacity and overloading of the off-leash park. Two types of approaches to address this were to reduce exposure to the off-leash area to the beach area and providing for a user fee structure that may possibly reduce it.

Environmental Resource Manager Tim Egan spoke about two issues that related to the environmental aspect of Lake Baldwin and Fleet Peeples Park: 1) the ecological integrity of the lake itself; and 2) the human, health and safety aspects. He explained these in more detail. Mr. Egan also spoke about the wooded area of Fleet Peeples Park and commented that biologists agree that the off-leash dog use is not compatible with the wildlife areas, but it is considered low value because of its size and the urban setting and it does not have a lot of connectivity to the other natural areas. He stated if the City wants to promote this as a wildlife sanctuary, then it should not be open to off-leash dog use, and if off-leash use is allowed, the Commission needs to understand it would minimize its usefulness to the wildlife currently capable of using it. Mr. Egan answered questions.

Mayor Bradley asked the public to address the two master plans that were presented to the Commission.

Bonnie Jackson, 3009 Temple Trail, commented that she sent an email requesting a time extension for public comments. She spoke about facts that derived from the Wade Trim Study presented to the Commission in 2008. She concluded that they need to manage Fleet Peoples Park in a way that maximizes the recreational uses and protects the health and safety of our residents. She stated that the only way to accomplish that goal is to reduce the off-leash dog area and move it back off of the water.

Ed Englander, 1255 Arlington Place, read a letter that he prepared which is attached at the end of the minutes.

Sindy Levine, 1251 Arlington Place, finished reading Mr. Englander's letter into the record.

Mayor Bradley asked that Ms. Jackson and Mr. Englander enter their email/letter into the record.

Joan Collins, 1820 Edwin Boulevard, spoke in favor of Fleet Peoples being a dog park.

Dallas Maddron, 2014 Strathaven Road, spoke in opposition to the dog park.

Rick Frazee, 1921 Englewood Road, spoke in favor of the dog park and stated the fence line has to include restrooms. He stated that the green plan covers some swales and it addresses the problems that the dog waste causes. He encouraged the Commission to vote for the green plan. Mayor Bradley asked for clarification on the green plan. Mr. Holland stated this plan was approved by the Commission on April 14, 2008.

Joseph Brock, 2341 Randall Road, spoke in favor of the dog park and wanted to dispel the notion that this is the largest dog park in the nation. He commented that this plan is a product of unlawful action by the Parks Board and on April 14, 2008 there was a motion unanimously passed by the City Commission which adopted the proposal of the Fleet Peoples Park with the addition that the Parks Board would meet with the Friends of Fleet Peoples Park to develop the plan for implementation.

Nancy Shutts, 2010 Brandywine Drive, was in favor of the dog park, but with limited space. She asked the Commission to look at the budget restraints of the plan and asked where they will get the money. She also wanted to have consistency in the fees and something in this park that is available to everyone.

Vicki Krueger, 200 Carolina Avenue, voiced concerns with people and the lake and that canine fecal material going into the lake is a potential health hazard for all. She believed that there should be an off-leash dog park and the restrooms should be accessible on both sides or duplicated. She showed pictures of Maclnery Dog Park in Hawaii which has a dog pool and a waterfall that can be kept clean. She suggested the Commission remove access to the lake and urged everyone to work together so they can develop a dog pool. She provided the information concerning the Maclnery Dog Park.

Neil Frazee, 317 E. Reading Way, spoke about the level of service and the holding capacity of the park. He stated that there is a shortage of dog friendly parks and that they would be happy to keep the 13.5 acres currently in the plan.

John Fishback, 180 Chelton Circle, Chairman Elect of Friends of Fleet Peeples, commented that he was troubled by the divisiveness and tension over this issue. He believed that the park needs to be improved; that privately they can raise money and have minimal cost to the City. He submitted petitions in support of the Fleet Peeples Park Master Plan that was approved by the City Commission on April 14, 2008.

Jan Nichols, 1505 Bonnie Burn Circle, spoke in support of the dog park and wanted it to stay an off-leash dog park and to see it improved. She stated that as a resident of Winter Park she would be willing to pay a dog park fee and liked the idea of the pool that Ms. Krueger presented.

Kim Allen, 271 Virginia Drive, Parks Board member, spoke about the City Commission's directive, the Parks and Recreation Commission responsibilities, the comprehensive plan, and its commitments.

Kistine Latimek, 2355 Forest Road, spoke in favor of the dog park and urged the Commission to keep it as is.

Joe Terranova, 700 Melrose Avenue, favored the first proposal approved by the City Commission last year and to add the environmental issues that were recommended. He stated that he was opposed to making it a smaller place for dogs and charging a fee.

Eric Viej, 2340 Randall Road, referred to the motion passed by the City Commission at the April 14, 2008 meeting. He was also concerned that assertions were being made with no proof.

Peter Weldon, 700 Via Lombardy, commented that an off-leash dog park is an asset to Winter Park regardless of who uses it. He urged the Commission to reconsider the original approved plan and charge P&Z with the obligation along with the Fleet Peeples Park organization to fulfill the original charter that was agreed to last year.

Carolyn Cooper, 1047 McKean Circle, suggested that all authority, expertise, responsibility and accountability remain in the Parks Department. She also requested that the Commission prioritize the budget for these items across the City relative to all of our other shortfalls in our budget. She commented that with fees they should try to make this self-sufficient for any special activities that go on in any of our parks.

Tom McMacken, 1821 Shiloh Lane, commented that they need to allocate the funds for construction and long term maintenance and if individual citizen groups want to donate, that would be great. He did not like either plan and stated that if they are going to design something they need to do it right.

There was a recess taken from 6:45 p.m. - 6:56 p.m.

Motion made by Mayor Bradley that ratifies the park presentation that was presented and already moved by this board on April 14, 2008, with the addition of the following; the environmental swales that have been presented; the landscape plan, as well as the irrigation for that; seconded by Commission Diebel for discussion.

Commissioner Anderson spoke about the process to date and commented that things have changed, such as finances and having an on-leash versus an off-leash park. He added that there

is still the desire to have other uses at the park and to allow access to the water front. He was concerned that when they say it is off leash all the time, then may be there should be larger zones where people can have picnics without being disturbed. He expressed that he would like to see a compromise where there is some shrinkage of the off-leash all the time area in an effort to move the existing pavilion and some components into an on leash area of the park. He did not see City funds being forthcoming anytime soon. He also stated that finding a way for the dogs to continue to have access to the water front was important.

Commissioner Dillaha addressed her concerns about the lack of civility that has taken place in the last year. She commented that the conditions have changed and they received new information with environmental issues and they have a commitment to protect wildlife areas and environmentally sensitive lands. She also stated they need to abide by the comprehensive plan. She stated that their budget issues are severe; the plan presented was for \$800,000 and she was uncertain how that would be funded or even if they should fund that.

Commissioner Dillaha believed they need to create an off-leash dog park that primarily serves City residents; it should be environmentally safe, be a size that is manageable for the safety of both dogs and people, be cost effective and allow for other uses in the park. She added they need to determine what will be the best park they can design for Winter Park residents and then outline those issues. In terms of funding, she agreed with having swales and beyond that, improvements should be made with donations. She had a concern with the Friends of Fleet Peoples sense of entitlement to the park and the threats that have resulted from that. She also presented an article from the East Orlando Sun titled "East Orlando Users Await Winter Park's Command on Dog Park."

Mayor Bradley clarified the terms of the motion and stated that the cost would be \$26,000 and he was proposing to do the sod and the swales. Commissioner Dillaha commented that she was not supportive of the motion because she was supporting the recommendation that came from the Parks Department and the Parks Board.

Commissioner Diebel commented that what the Mayor put forth in his motion is that all constituencies would agree that we need to complete the environmental swales, the sod, the vegetation and so forth. She commented that she was supportive of the motion because it does these things in the short term.

Commissioner Bridges recognized that providing the swales, controlling the erosion and dealing with these issues is important to this park, and these were brought forward after their original conceptual approvals. She commented that these items are solutions, but was concerned that it is a short term solution and they may need to fund this again. She commented that they would be better served to create a good dog park and one that is properly designed and planned. She agreed that many things have changed and she has always approved an off-leash area for the dogs, but expressed serious concerns about the dogs being in the water. She referred to the Public Works Department, Lakes Division from December 2008 saying it was not their recommendation to have dogs on the lake and in the beach area and if dog use of the area is not prohibited, human recreational use of the lake should not be encouraged or allowed.

Mayor Bradley spoke about ongoing costs as well as the Parks Department budget and the continual need to make sure they appropriately budget for sod. He believed that letting any of our parks get to a point where they are not meeting their standard is problematic and that should be addressed in the Parks budget. Mr. Holland answered questions.

Commissioner Anderson amended the motion to put the existing pavilion into the on-leash park area, and to create a line that flows down to the termination point on the beach. Mr. Anderson clarified that he was working from the plan approved a year ago, moving the line of the fence to incorporate the existing outdoor pavilion. Commissioner Anderson and Mr. Holland identified the existing fence line and the pavilion by drawing it on the site plan. Commissioner Anderson believed that there should be more acreage in the on-leash part of the park because of the dramatic change to make the off-leash area off-leash all the time. He stated that incorporating the pavilion is more of a budget response, is short term and creates an additional half acre. He commented that the Parks Department recommendation is too constraining in the off-leash area and he did not necessarily agree that the restrooms had to be in the on-leash part of the park.

Commissioner Bridges addressed concerns with people without dogs having to go into the off-leash area to use the restroom. Commissioner Anderson commented that in the long term they will want two different restroom facilities and pavilions that serve both uses. He stated that he was trying to find a compromise given our financial situation that acknowledges off leash all the time and find an immediate way for people who want to use the park again as a way to do that. **Seconded by Commissioner Diebel.**

Commissioner Dillaha was concerned that they would go down this path for something that has not been adequately thought through and they will keep revising this. She added that the restrooms should be outside of an off-leash area so people without dogs do not have to go into a busy area with dogs running around.

Attorney Cheek clarified that they were voting on the amendment. **Upon a vote, Mayor Bradley and Commissioners Dillaha and Bridges voted no. Commissioners Anderson and Diebel voted yes. The motion failed with a 3-2 vote.**

Mayor Bradley stated the original motion is to keep the current park as they have seen it, which was approved by this Commission on April 14, 2008 and included the environmental swales, the labor, the sod, and the irrigation system along with the aquatic vegetation. **Upon a vote, Commissioners Anderson Dillaha and Bridges voted no. Mayor Bradley and Commissioner Diebel voted yes. The motion failed with a 3-2 vote.**

Motion made by Commissioner Anderson to redesign a compromise between these two plans that addresses the long term plan for the park, that incorporates the multi uses that gives more acreage than what Parks has currently shown for the dogs, and creates a long term plan. He clarified that he wants to have staff hire a professional architect to come back with a compromised plan using these two designs. **Seconded by Commissioner Diebel for discussion.** Commissioner Anderson stated that he was not voting for either proposal and wanted something in between. He commented that the first challenge is to come up with a scope on acreage and uses. **Commissioner Anderson withdrew the motion; seconded by Commissioner Diebel.**

Motion made by Commissioner Anderson to schedule a work session to go through what the scope should be on this property and the work session's purpose is to have a concise scope to give to the designer; seconded by Commissioner Bridges. Commissioner Anderson agreed with the Mayor about doing the environmental mitigation. Commissioner Dillaha agreed to have a work session, but wanted to turn this over to the Parks Department staff to design and to not hire an outside source. **Upon a vote, Commissioners Anderson, Dillaha and**

Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion passed with a 3-2 vote.

Motion made by Commissioner Anderson to proceed with the swales and the sod work as environmental mitigation plans immediately; seconded by Mayor Bradley for discussion. Commissioner Bridges stated they should address the most immediate concern of the runoff into the lake and to invest in these things after they go through the redesign. Mayor Bradley commented that the sod is important to get the park up to a standard. **Upon a vote, Mayor Bradley and Commissioners Anderson, Dillaha and Diebel voted yes. Commissioner Bridges voted no. The motion passed with a 4-1 vote.** The work session was scheduled on June 8 from 2:30 p.m. – 4:00 p.m.

d) City Attorney RFP.

City Manager Knight stated at the April 27, 2009 meeting, the Commission requested that staff prepare an RFP for City Attorney services. He explained that there was a draft RFP in their packet that was prepared based on the RFP issued in 2005 and modifications were made with input from the Commission. He asked for direction regarding the issuance of the RFP and how they would like to handle the selection committee process.

Commissioner Dillaha commented that she would like to serve on the selection committee. Mayor Bradley was comfortable with her serving in his place on that committee. There was consensus among the Commission. **Motion made by Mayor Bradley to have Mr. Knight assemble key people from the department heads that need to be involved to go through the RFP; Commissioner Dillaha will serve in the initial RFP process; and it will be brought back to the City Commission for ratification; seconded by Commissioner Bridges.**

Commissioner Dillaha wanted to add under "Services of the City Attorney" to provide a monthly itemized invoice for services rendered. She commented that this would be to keep track of how much time is spent on behalf of the City and on which particular issues. Attorney Cheek commented that having timesheets might be an impediment to the bids. There was further discussion on the monthly itemized invoice. Mayor Bradley commented that they have an RFP proposal that includes a modification for a monthly itemized invoice for services rendered, a selection committee with City Manager Knight and key members that he selects along with Commissioner Dillaha. **The motion carried unanimously with a 5-0 vote.**

Public Hearings:

- a) Conditional Use Approval -To construct a new 38,000 square foot community center on the 4.53 acres holding the existing community center at 721 West New England Avenue.

Planning Director Jeff Briggs gave a brief overview and explained the two conditions related to the final plans and the parking issue. He stated that the P&Z Commission was motivated to approve the variance with the recognition that there is public parking within 300 feet that is available. He commented that the P&Z condition states that they do a self assessment by the CRA every 3 years to see if they create a parking problem and if they do, they need to use CRA revenues to help resolve that issue. He also stated that a number of people came out to support the project and that they want this community center to be used frequently. He commented that CRA Manager Sherry Gutch and the Wannemacher Architect firm were standing by for the

presentation, but that the Commission has already heard it before. He stated they are not approving the project tonight; they are approving it as the CRA when the bond issue comes. He explained that tonight is the zoning approval to get to that next step.

Bonnie Jackson, 3009 Temple Trail, commented that the community center is under the Parks and Recreation Commission who has not been a part of the process. City Manager Knight explained that the CRA is funding the majority of this; however, it will be one of the facilities that will be managed by Parks and Recreation.

Kim Allen, 271 Virginia Drive, expressed that there was ample opportunity to have input in these discussions. She also commented that if they build this, they need to fund the programs as well.

Sally Flynn, 1400 Highland Road, stated that she went to the P&Z meeting and the Westside community supported this.

Joe Terranova, 700 Melrose Avenue, stated this has the complete support of citizens and is a good project. He urged the Commission to approve this so it can move to the next phase.

CRA Manager Sherry Gutch submitted a letter in support of the project on behalf of Mary Daniels for the record.

Motion made by Commissioner Bridges to approve the conditional use; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. Commissioner Diebel vote no. The motion carried with a 4-1 vote.

- b) RESOLUTION NO. 2023-09: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE FAIRBANKS AVENUE PEDESTRIAN AND LIGHTING IMPROVEMENT PROJECT.

Public Works Director Troy Attaway explained the intent of the resolution and stated that the total cost of this project is \$1,000,000, 100% funded by FDOT through the Local Agency Program Agreement. He stated that the project includes new sidewalk with brick edging along Fairbanks from Park Avenue west to the railroad tracks, new patterned texture markings of the crosswalks at the New York Avenue/Rollins crosswalk, the Ollie/Phelps/Lakemont intersections with Fairbanks/Osceola/Aloma Avenues, along with new decorative street lighting from the railroad tracks east to Cortland and from Shepherd to Lakemont Avenue. Mr. Attaway answered questions.

Commissioner Bridges asked if there are any locations that are adjacent to private properties that have enough of a setback that the City could offer them a street tree to soften these edges. Commissioner Anderson saw this as allocating some private property grant money for landscaping improvements. Commissioner Bridges agreed it could happen that way. Mr. Attaway stated they could work with Ms. Gutch to come up with interest or locations that would be appropriate. Mr. Attaway showed examples of the lighting.

Motion made by Commissioner Bridges to adopt the resolution; 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.

City Attorney's Report:

No report.

Non-Action Items:

- a) City Manager's Report.

Mr. Knight explained that the Public Art Advisory Board has raised enough money to purchase the molecular dog statue at Shady Park and it will be a permanent fixture there.

New Business (Public):

Bonnie Jackson, 3009 Temple Trail, commented that the Parks and Recreation Commission were asked by the Friends of Fleet Peoples Park to post a fundraising sign in Fleet Peoples Park. She stated that they voted against allowing them to do that but they posted it anyway and are fundraising on public property. She asked the Commission to take action. Mayor Bradley asked Mr. Knight to address that matter with City staff.

New Business (City Commission):

- a) Civility and Decorum; specifically relating to the Parks Board discussion of the May 11 meeting. (Commissioner Dillaha)

Commissioner Dillaha spoke in reference to their last Commission meeting and her concern regarding the treatment of the Winter Park citizens who serve on our City's Parks and Recreation Board. She addressed what happened on behalf of those Parks Board members and on the behalf of all citizens who serve on the many boards that we have. She commented that everyone needs to be respectful of one another. She also provided a copy of an article titled "The Meaning of Civility" which talks about the constructiveness of public debate.

- b) Funding of mass transit projects (whether commuter rail or light rail) in advance of required state approvals. (Commissioner Dillaha)

Commissioner Dillaha wanted to discuss sending a resolution to Tallahassee and the Florida League of Cities concerning the need to obtain state approval first (if state approvals are required) prior to FDOT carrying out projects and expending taxpayer dollars and getting the local governments to do the same. She explained that she was talking about a dedicated funding source for a commuter rail or light rail system. Commissioner Bridges agreed with sending a resolution to Tallahassee and the Florida League of Cities.

Mayor Bradley commented that they have expended numerous sums of City money even without our own plans and that this is the same discipline they should look at practicing themselves. He understood that she was saying there needs to be plans for funding.

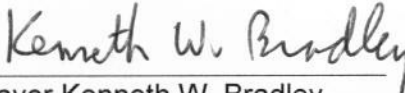
c) Citizen Input. (Commissioner Bridges)

Commissioner Bridges asked if the Commission would consider allowing more than the one minute per citizen under the citizen input portion of the Commission meetings. Mayor Bradley commented that they could discuss this at an upcoming meeting.

New Business (City Commission):


1. Commissioner Diebel asked that since the Florida Communities Trust is not going to be funded in the state budget if we still have an obligation to go through with a grant application. She asked Mr. Knight and Attorney Cheek the status of that and if they have notified the other party.
2. Commissioner Diebel also wanted to discuss the form based code. Mayor Bradley stated that could be added to the "Planning the Possibilities" work session agenda and it can be discussed at the June 8 meeting.
3. Commissioner Bridges commented that she would like to call in for the "Planning the Possibilities" work session on June 8.

The meeting adjourned at 8:57 p.m.



Mayor Kenneth W. Bradley

ATTEST:



Cynthia S. Bonham, City Clerk