

REGULAR MEETING OF THE CITY COMMISSION
July 27, 2009

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 5:00 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Reverend J. Lawrence Cuthill, Winter Park Presbyterian 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 Lionel Rubio
Deputy City Clerk Nancy McLean

Non agenda item:

Mayor Bradley announced that Attorney Lionel Rubio was sitting in for City Attorney Trippe Cheek today.

Citizen Public Comments:

1. Val Woska, 210 Trismen Terrace, spoke about the Azalea Lane Recreation Center and requested that the tennis courts be kept in good condition.
2. Bonnie Jackson, 3009 Temple Trail, appealed the motion made by Commissioner Anderson in regards to Fleet Peeples Park at the July 13, 2009 Commission meeting. Ms. Jackson provided her appeal for the record. City Manager Knight stated that her appeal would be reviewed.
3. Sally Flynn, 1400 Highland Road, requested that the citizens have the opportunity to raise the funds for the expansion of Central Park.
4. Carolyn Cooper, 1047 McKean Circle, agreed with raising funds for the expansion of Central Park. She commented that the post office may not be in a position to extend the agreement.

Citizen Budget Comments:

Mayor Bradley commented that they will have budget comments under Action Items Requiring Discussion for item a) setting the tentative millage rate.

Mayor's Report:

- a) Presentation by Orange County School Board Chairperson Joie Cadle.

Joie Cadle, Orange County School Board Chairperson, provided a PowerPoint titled "Orange County Public Schools Today – Summer 2009." She summarized their student enrollment (1994-2008), diversity, socio-economic status, high performing district, 2009 school grads 141 A

& B schools (82%), career & technical education, human resources, OCPS operations, repaired and replaced schools since 2003, their building program, strategic plan, school board 2008-2009, school board issues, the school board chairman as well as other issues. Ms. Cadle answered questions.

b) Presentation of ICMA Community Sustainability Award.

Mayor Bradley announced that the City has been awarded the 2009 Community Sustainability Award for the City's Affordable/Workforce Housing initiatives. Planning Director Jeff Briggs gave brief remarks.

c) Appointment to the Orange County Community Action Board.

Commissioner Anderson stated that Hope Kramer has agreed to be the alternate on the Community Action Board.

Motion made by Commissioner Bridges to approve Hope Kramer to the Orange County Community Action Board; seconded by Commissioner Diebel. The motion carried unanimously with a 5-0 vote.

d) Passing of retired Police Captain E. Matthew Hunter.

Mayor Bradley announced the memorial service for Police Captain Matthew Hunter on August 7 at 12:00 p.m. at Knowles Chapel of Rollins College. He asked everyone to acknowledge Captain Hunter's 32 years of service to the City.

e) Commission meeting agenda process.

Mayor Bradley requested that new business items be submitted in writing for the agendas.

Consent Agenda:

- a) Approve the minutes of 7/13/09. **PULLED FOR DISCUSSION. SEE BELOW.**
- b) Approve PR# 142249 to Air Liquide Industries for the purchase of liquid oxygen for ozone gas, piggy-backing Orlando Utilities Commission contract.

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

Consent Agenda item a): Minutes of 7/13/09:

Mayor Bradley addressed page 2 where they appointed two individuals for recommendations to the Orange County Civic Facilities Authority, Stewart Kramer and James Goff. However, the minutes reflect Mr. Goth was appointed and it needs to be modified to Mr. Goff.

Commissioner Anderson wanted to clarify his motion (pages 3-4) regarding the Fleet Peoples Park discussion. He stated that this was contingent upon Phase I funding to occur within 12 months from the date of approval, that being July 13, 2009 and funding is to be provided by the Friends of Fleet Peoples organization. He asked that these two changes be reflected in the minutes.

Motion made by Commissioner Anderson to approve the July 13, 2009 minutes as amended; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion:

- a) Discussion of a potential ordinance(s) creating the number of regular members on boards and Commissions which can have quasi-judicial duties. Also, the elevation of current alternates to regular members as part of the initial transition.

Mayor Bradley commented that this item was tabled and his motion from the last Commission meeting still stands. He stated that they discussed the number of members on regular boards and Commissions which included the Code Enforcement Board, the Board of Adjustment and the P&Z Board.

Mayor Bradley's July 13 motion:

Motion made by Mayor Bradley that the three quasi-judicial Commissions presented, the Code Enforcement Board, the Board of Adjustment and the P&Z Board move to seven (7) members and the current alternates move into full time positions on those boards, and the alternate positions be eliminated; seconded by Commissioner Diebel.

Commissioner Bridges commented that she was not in favor of increasing them all to seven (7) members. Commissioner Anderson wanted to see this as part of the Charter review process. He stated that at the previous Commission meeting he raised the question about the possibility of reworking our ordinances to mandate that alternates move into the permanent slots as they are vacated. He expressed that he was waiting to hear from our City Attorney regarding legal advice on this matter.

Attorney Rubio stated that Attorney Cheek will return this week and he was certain that Attorney Cheek would send out that opinion before the next Commission meeting. Mayor Bradley stated that he would table this for now and when they have the opinion it will be placed as an action item requiring discussion.

- b) Discussion of the City Attorney selection process.

City Manager Knight explained that on July 22, 2009, oral presentations were given by the top 6 ranked firms to the Selection Committee. Upon conclusion of the presentations, the Selection Committee ranked the firms and determined that they will recommend removing the labor attorney services from this RFP and release a separate RFP for the specialized services.

Commissioner Anderson commented that he was comfortable having the discussion among the Commission of the top 4 ranked law firms during the next meeting following the receipt of the recommendations from the Selection Committee.

Commissioner Dillaha questioned the modification of one of the proposals during the oral presentation from the initial proposal which had made an impact on the final outcome. She stated that, according to the specification, they are not allowed to modify proposals. She

expressed that she wants to ensure that the rules are applied fairly to all the firms that bid on this.

Mr. Knight explained that there is a clause within the RFP that bids are good for 90 days and that it cannot be changed and another clause that discusses not changing proposals. He stated that it was determined that three firms had modified their proposals in some form. However, it is not uncommon for there to be changes between the written proposal and the oral presentations. Mayor Bradley commented that they elected to follow an RFP process, but the City Attorney works at the will of the Commission and if they chose to modify his contract at any time, the Commission can do that. Mayor Bradley stated that this would be presented on the August 10 agenda for discussion.

c) Setting the tentative millage rate.

City Manager Knight explained the Commission must adopt and submit the tentative millage rate to the Property Appraiser by August 4, 2009. He stated that this is the rate the Property Appraiser will use in preparing the "Notice of Proposed Property Taxes" to all property owners in August 2009. Once the tentative millage rate is set, it may not be exceeded unless an extensive notification to property owners is undertaken but the final millage can be lower than the tentative millage without additional notification requirements. He recommended adopting an operating millage rate of 4.0923 mills. Mr. Knight answered questions.

Motion made by Commissioner Diebel to set the millage rate which was previously set at 3.995; seconded by Mayor Bradley for discussion. She advocated for a lower millage rate on the basis that there are taxpayers and homeowners who are seeing their assessed values greater than market values.

City Manager Knight commented that the difference in the dollar amount would be approximately \$380,000-\$390,000. Commissioner Dillaha suggested going with the recommended millage rate of 4.0923 knowing that it could be reduced and possibly having Commissioner Diebel identify the areas that \$380,000 can be cut in the next budget work session. Commissioner Diebel stated that she could put forth her suggestion for the Commission's consideration in the budget cycle but wanted to see them set a precedent that they would lower the millage rate to reflect the economic times that homeowners are facing.

Bonnie Jackson, 3009 Temple Trail, supported the millage rate being set at 4.0923 and to have the Commission determine where they will cut the money.

Joe Terranova, 700 Melrose Avenue, had no objection to the millage rate being 4.0923 as long as it does not exceed that limit. He also asked the Commission to support the library's budget.

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

Motion made by Commissioner Anderson to set the tentative millage rate at 4.0923 which will represent a decrease of taxes paid by anyone whose home values have decreased in assessed value; seconded by Commissioner Bridges.

Commissioner Diebel asked Commissioner Anderson to consider a partition of the millage rate that he advocated for such as the library. Commissioner Anderson commented that he would consider it for a future discussion. City Manager Knight explained that there would have to be a great deal of legal work involved before they can actually position themselves as a separate receiving entity of that millage. He commented that they would not have to go to referendum but it would need County approval. Commissioner Bridges agreed with Commissioner Diebel in that they need to create some kind of identified and sustainable funding for the library and supported investigating this further. Commissioner Diebel stated that she is looking for a recommendation from the City Manager to establish a certain level of sustainable funding for the library that is supported by a millage partition.

Commissioner Anderson commented that he would like to see it in the context of a capital program for the library. City Manager Knight stated this would take a referendum. Mr. Knight answered further questions. Commissioner Diebel advocated for only the operations itself.

Mr. Knight stated that they also need to adopt the debt service millages of .0913 and .2144 mills that are required to service debt on the General Obligation Bonds, Series 2004 (Golf Course bonds) and Series 2001 (Public Safety Complex bonds).

Commissioner Anderson amended his motion to include the debt service millages of .0913 for the General Obligation Bonds and .2144 mills on the Public Safety Complex bonds; seconded by Commissioner Bridges.

Mark Van Valkenburgh, 319 Raintree Court, on behalf of the Library Board, expressed their support of the discussion to establish a separate millage rate.

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

Public Hearings:

- a) ORDINANCE NO. 2774-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO WATERWAYS; AMENDING SECTION 114-67 - SPEED OF BOATS, BY ADDING AN EMERGENCY "NO WAKE ZONE" DURING PERIODS OF HIGH WATER LEVELS; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Rubio read the ordinance by title. No public comments were made. **Motion made by Commissioner Bridges to adopt the ordinance; seconded by Commissioner Dillaha. Upon a roll call vote, Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote.**

- b) Conditional Use Approval – Allowing the sale and consumption of alcoholic beverages in conjunction with a new 32 seat restaurant to open at 961/963 Orange Avenue.

Planning Director Jeff Briggs explained that the applicant is requesting conditional use approval to allow the sale and consumption of alcoholic beverages within the 32 seat restaurant planned at 961/963 Orange Avenue due to this location being within 300 feet of residential properties. He showed a map of the site and explained that this was unanimously recommended by the Planning and Zoning Commission with the conditions that the hours of

operation end at 10:00 p.m. and that there be no live amplified music. Mr. Briggs stated that the criteria associated with these types of conditional usages are intended to safeguard and protect adjacent residential neighbors from restaurant/bar establishments that could cause nuisances related to overflow parking on residential streets or noise. He commented that the applicant contacted him today but they are not sure if the economics of converting the building will work; however, they would like the ability to move forward in case they can overcome those challenges.

Commissioner Bridges expressed concerns with parking. Mr. Briggs stated that parking exists in the parking lot on the rear of this property, as well as on-street along Orange Avenue. He explained at the end of August the Land Development Code will come before the Commission which will include the parking section and that would be the time to discuss this. He stated P&Z has looked at most of the code and he will pass on the parking comments to them. Mr. Briggs answered questions.

Motion made by Commissioner Dillaha to accept the conditional use approval as presented; seconded Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.

Mayor Bradley asked that CRA Manager Sherry Gutch work with this organization. He stated that it would be wonderful to have a new restaurant and if this site works, we would welcome them at other sites within the City. Ms. Gutch agreed.

- c) RESOLUTION NO. 2028-09: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING POLICY ASSURANCES REGARDING THE FUTURE ANNEXATION OF THE STONEHURST DRIVE AND KINGS WAY ENCLAVE.

Attorney Rubio read the resolution by title. No public comments were made. Planning Director Jeff Briggs explained that this resolution is to formally acknowledge commitments previously discussed with Stonehurst residents. In 2008, the City agreed that it would not build new sidewalks or sanitary sewer and committed to vacating a part of Stonehurst Drive, which is something residents said would influence their potential votes.

Motion made by Commissioner Bridges to adopt the resolution; seconded by Commissioner Dillaha.

Commissioner Bridges commended the Planning Department for taking this action to assure the concerns of the citizens that live there and for protecting their special neighborhood.

Mayor Bradley stated that he will support this, but was concerned with taking action that will ultimately limit our right to put in sewers and sidewalks. He believed that the sewers may become matters of public health in years to come.

Mr. Briggs explained that when a Commission acts on a resolution or an ordinance they are stating their policy at that point and time. He stated that it does not mean that a future Commission cannot change the policy with respect to Stonehurst. He commented that presently this is what the residents have requested. Mayor Bradley addressed annexing other communities that have desired sewers and this has not been done yet but is something they need to put on their planning horizon.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW PUBLIC NOTICE AND ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, ADOPTING A 2009 PUBLIC PARTICIPATION PLAN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Rubio read the ordinance by title. **Motion made by Commissioner Bridges to accept the ordinance on first reading; seconded by Commissioner Anderson for discussion.**

Mayor Bradley asked for clarification on the blue sections of the ordinance. Mr. Briggs explained that the blue sections reflect the modifications made by the Planning and Zoning Commission after staff created the ordinance.

Planning Director Jeff Briggs addressed the ordinance updating the process and notification procedures in the Land Development Code for amendments to the comprehensive plan as well as adopting an updated Public Participation Plan.

He stated now that the comprehensive plan is official, the code provisions for future amendments needs to be updated given changes in State and City notice requirements since 1991. He commented that staff had three goals in the preparation of this ordinance: 1) since the majority of comprehensive plan amendments involve a simultaneous change to the comprehensive future land use map and the zoning map, the process and notification requirements need to be exactly the same as currently exists for rezonings; 2) adopt the State Statute requirements for comprehensive plan amendments, by reference, so that if the State changes those requirements, they automatically change for the City without having to amend our code (the City did not do that originally in 1991 and now we have outdated text that reflects the State rules from 1991 and not from 2009); and 3) to clarify the exemptions for mailing City-wide notices that pertain to annexations and the annual updating of the Capital Improvements Plan given the \$6,000 cost of those City-wide mailings.

He stated for the most part, the ordinance recommended by the Planning Commission accomplishes these goals; however, they changed the text to recommend that the comprehensive plan be amended a maximum of twice per year. That is more restrictive than the State law which permits "small scale" amendments (those involving property of less than 10 acres) to occur more frequently.

Commissioner Dillaha commented that our current code says 5 acres or less but since 1992 the State Statutes has said that 10 acres or less is a small scale amendment. She asked why they have to change this now. Mr. Briggs responded and answered other questions.

Mayor Bradley amended the motion to delete all of the blue sections added to the ordinance; seconded by Commissioner Diebel.

Commissioner Dillaha commented that she would like to follow up with keeping the 5 acre threshold. She also spoke about requiring a super majority vote to amend the future land use

element of the comprehensive plan and wanted to include this in the ordinance. Mr. Briggs commented that it could be included if the Commission agrees. Commissioner Dillaha explained that conditions have changed recently such as the environment at the State Legislature, the passing of Bill 360 and the DCA losing its oversight on Growth Management and it is up to local governments to provide safety nets and to have more scrutiny when amending comprehensive plans.

Commissioner Diebel did not see how procedurally they could make a super majority motion on a land use code that is not yet adopted. She wanted to see what our land code was before they adopted a procedure that required a super majority change to it. Mr. Briggs responded.

Commissioner Anderson wanted to hear from staff about the impacts of the passing of Bill 360 before taking an action on the super majority requirement and was not sure if it was ready for this ordinance. Mayor Bradley commented that since it has to do with the land use code, he did not believe it was appropriate for this ordinance either.

Commissioner Anderson commented that the Bill 360 discussion was on the agenda today as a non-action item and believed that Commissioner Dillaha was looking at how Bill 360 impacts our home rule and self governance and if there are conclusions to draw from that. Commissioner Dillaha commented that she could bring this up under new business if that was more appropriate. Mayor Bradley suggested placing it under New Business for the next agenda. Commissioner Dillaha agreed.

Mr. Briggs explained the 5 acre threshold in greater detail and the State law of 10 acres. He commented that the Commission could adopt rules that are more restrictive than the State and establish the 5 acre threshold that is in our code if they believe that the difference between a small scale amendment can be heard on any monthly City Commission agenda versus those that only need to come up twice a year. Commissioner Anderson commented that if it is a sweeping change to the comprehensive plan, this should not be done easily, but if it is a minor map change for a quarter acre property it should be allowed more often than twice a year. Commissioner Bridges commented that a 5 acre change could be a huge change to the unique character of Winter Park depending on where it is and the impact could be felt community wide.

Discussion ensued regarding the restrictions with small scale comprehensive plans, the difference between large and small scale amendments, and when each can be considered for change (twice a year or otherwise). Commissioner Diebel commented that she seconded the motion because she did not see the logic in making the process twice a year if it is a small scale scenario and had confidence in the sitting Commission to be able to support the small scale more than twice a year.

Carolyn Cooper, 1047 McKean Circle, explained why twice a year was selected. She stated they supported it because it was in our existing code, it is the process followed by Orange County or Orlando and they received a legal opinion from an attorney who did not believe he could guarantee success with trying to reduce the threshold from 10 acres down to a lower number. She also commented that this is where the super majority belongs if the Commission chooses to do so.

Joe Terranova, 700 Melrose Avenue, supported the amendment that Mayor Bradley suggested.

David Lamm, 1250 Alexa Drive, addressed the logic of it being 5 or 10 acres. He commented that based on his past experience, they have set the bar at 5 acres and anything smaller would be very detrimental in the planning process.

Commissioner Dillaha commented that P&Z unanimously recommended adoption of this ordinance and believed that it should not be easy to amend the comprehensive plan and was supportive of P&Z. Upon clarification asked by Commissioner Anderson, he requested this be tabled. Mayor Bradley agreed to table this until the next Commission meeting.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" SO AS TO ADOPT NEW PUBLIC NOTICE PROCEDURES FOR ANNEXATIONS TO THE CITY OF WINTER PARK. First Reading

Attorney Rubio read the title. No public comments were made. **Motion made by Commissioner Anderson to accept the ordinance on first reading; seconded by Commissioner Bridges.**

Planning Director Jeff Briggs explained that this ordinance proposes to revise the process and notification procedures in our code for annexations to require mailing a City-wide notice for the public hearings whenever the annexation encompasses more than 10 acres of single family property or more than 3 acres of other non-single family property. The rationale of the Planning Commission is that the City residents should be aware of any sizable annexations and that the current notice (legal ads and the City's website) are not sufficient. He stated that P&Z is recommending this ordinance on their initiative. He further explained when a referendum is required and that the City can only annex areas designated in the comprehensive plan.

He stated that staff did not agree with the need for this ordinance. He explained that staff assumes that the public and the City Commission support the desire to eventually annex the areas designated in the comprehensive plan. If not, they need to change the comprehensive plan. He also commented that it does not make sense to spend \$6,000 on a City-wide mailing for a potential annexation of a neighborhood to tell residents we are proposing to implement the comprehensive plan when all the Commission would be doing is to provide for a referendum and let the residents/property owners/voters decide whether they want to be annexed. Mr. Briggs answered questions.

Pat McDonald, 2348 Summerfield Road, asked the Commission to consider language that would discourage fragmented annexations; require a cost benefit analysis of annexations; does not consider annexations that involve the same property more than once a year; and does not consider annexations that involves the same owners property within 200 feet of a property granted annexation within a property within 12 months.

Mayor Bradley commented that this would not be applicable to this ordinance since it was a notice for annexation. City Manager Knight responded that it does not change all of our other rules regarding annexation. Mr. Briggs explained that the comprehensive plan requires a cost benefit study before they bring the Commission anything that says they should go ahead with a referendum. Mr. Briggs answered further questions.

Commissioner Bridges believed that City-wide communication and the education of what the City is doing are sometimes less than sufficient. Mayor Bradley agreed and believed it needs to be looked at, but was disturbed with needlessly spending \$6,000 to communicate. He

commented that citizens would see the \$6,000 as an extra expenditure that some may constitute as unnecessary. Commissioner Diebel advocated using the Outreach Emergency Alert System for notification.

Commissioner Dillaha agreed with the public notification and supported P&Z's recommendations. Mayor Bradley stated that he would not support this because they have already told our citizens what we want to annex. He explained that it has been in the comprehensive plan; citizens can read the Commission agendas in multiple ways; and reiterated that it is an extra \$6,000 in unnecessary costs.

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

City Attorney's Report:

No report.

Non-Action Items:

- a) City Manager's Report.

No report.

- b) Monthly financial report.

Financial Director Wes Hamil provided the monthly financial report. Commissioner Anderson asked about the status of the electric service bonds. Mr. Hamil explained that the holders of the bonds have until August 10 to submit offers to sell their bonds. He stated they will then set a purchase price to determine how much of the bonds they can buy back and at what kind of discount. He addressed that they are proceeding with preparing a preliminary official statement offering documents for both the water and sewer bonds and the electric service bonds. They are also having discussions with the rating agencies regarding the potential sale of our bonds.

- c) Senate Bill 360 impact on the City's Comprehensive Plan and future development reviews.

Planning Director Jeff Briggs explained that Senate Bill 360 recently signed into law by Governor Crist significantly changes comprehensive plan law and development review requirements by eliminating State mandated transportation concurrency within the "dense urban areas" of the State. This includes all of Orange and Seminole counties and means the State will no longer require any urban area to implement transportation concurrency as part of their comprehensive plans. He stated that Winter Park and the other affected urban counties and cities have two years to update their comprehensive plan accordingly. Until comprehensive plans are amended, the current transportation concurrency rules stay in full force and effect.

He added that by December 1, the FDOT and the DCA are to report and recommend to the Legislature on the potential for adoption of a statewide "mobility fee". This mobility fee may replace transportation concurrency statewide or it may replace the transportation impact fee, but no one knows for sure. For now Senate Bill 360 does not limit the home rule powers of the City

to require traffic improvements as part of development approvals or remove our ability to impose fees for the proportionate share of traffic improvements needed.

Additionally, Senate Bill 360 eliminated DRI's (Developments of Regional Impact). The Ravadage project (Home Acres/Dan Bellows) was a DRI but now the review and approval lies solely with Orange County.

He explained that the City needs to wait and see how some of the other cities/counties in Florida respond and to see what is being proposed for the "mobility fee". However, in early 2010, Winter Park needs to begin the process to amend our comprehensive plan, eliminating the State DCA mandated traffic concurrency requirements, but maintaining our local ability to require developers to fund traffic improvements needed by their project.

d) Commuter rail discussion regarding the status of the project and an update by staff (Commissioner Dillaha)

Assistant Public Works Director Don Marcotte gave an update on the discussions at the June 3, 2009 Technical Advisory Committee meeting. He answered Commissioner Dillaha's questions which were provided as backup in the Commission packet. He stated that he has not been to a Technical Advisory Committee meeting since June 3 and the next legislative session may take place in October or November 2009.

Commissioner Dillaha commented that she was interested in the discussion regarding Plan B, shifting liability to the local governments. Mayor Bradley commented that it was not the local governments; it would go to the Commuter Rail Commission and at this point it is not being pursued.

Commissioner Anderson asked that either City Manager Knight or our City Attorney check the letters to and from Orange County. He believed that Orange County committed that any self insurance retention for this type of insurance program would not be an operating expense to the City of Winter Park. Mr. Knight agreed to do so.

Mayor Bradley added that MetroPlan has formed a committee to evaluate dedicated funding for transit. He stated that he is a member of the committee and will actively work to ensure that in the future the City does not have to pay for this ourselves. He commented that the liability issues are important to work through. Commissioner Anderson added that if we do not see a demonstrated effort from the State Legislature in this upcoming session to approve a dedicated funding source for the Tri-Rail system in south Florida, then there is very little faith in the leadership to make it happen for Central Florida.

Commissioner Dillaha wanted to track this and see what the revised plan might be if they come back for a special session. She shared the concern that if there is no dedicated funding source or the backing by the state then this is a big financial burden for the City. Mayor Bradley commented that they need to stay up to date and he appreciates MetroPlan considering Winter Park's position.

New Business (Public):

1. Barry Greenstein, 2348 Summerfield Road, was concerned about the process for the selection of the City Attorney and believed that the modifications that occurred were not fair. He suggested that the Commission listen to all six firms again.
2. Pat McDonald, 2348 Summerfield Road, asked for clarification regarding the Commission meeting procedures. She expressed that it would be helpful for citizens to understand the process of public comment and the new business section. Mayor Bradley responded.

New Business (City Commission):

- a) "Planning the Possibilities" - Post Office (Mayor Bradley)

Mayor Bradley commented that the Planning the Possibilities discussion follows the work session which they had earlier today. He stated that he would like to discuss the possible rezoning of the current post office property back to the public, quasi-public for the next agenda under Action Items Requiring Discussion. Commissioners Anderson and Diebel agreed. Commissioner Diebel clarified that this would be a comprehensive plan and a rezoning change that could not be done for 6 months. She advocated some flexibility.

Mayor Bradley also wanted the City Manager (along with the consulting staff) to work with the post office to ensure that we have all of our options for development past 2010. He clarified that he wants the City to decide what happens to that site and not the post office if they ever choose to change it. There was consensus among the Commission to place this on the next agenda under action items.

Commissioner Dillaha had items she wanted to bring up concerning the post office, such as going forward with expansion of the park and continuing the fundraising efforts for the next five months. Commissioner Anderson suggested that he and Commissioner Dillaha meet to craft language to propose for consideration. Mayor Bradley agreed and asked they bring it forward to be placed on the next agenda.

- b) Discuss refinements to Resolution 1978-07, Rules for the City Commission, including Public Comment, New Business (Public), time allocated for comments and policy for placing items on the agenda (Mayor Bradley)

Mayor Bradley stated that he would table item b) in the interest of time and it will be placed on the next agenda.

- c) Discuss and clarify the Absentee Voting Policy (Commissioner Dillaha)

Commissioner Dillaha commented that they have not had a very clear policy on absentee voting for the Commission. She stated that there has been a lax interpretation of the City Charter, the Florida Sunshine Manual and Florida Statutes regarding this matter. She added that she provided backup (in the Commission packet) and the requirement is that there is a quorum physically present to vote and participate in meetings.

Attorney Rubio addressed that he reviewed Mr. Cheek's memo regarding absentee voting and being allowed to participate by telephone. He stated that consistent with Mr. Cheek's opinion this Commission makes the rules with how they will proceed with particular actions.

Commissioner Dillaha stated that she contacted Florida Institute of Government Director Marilyn Crotty, Florida League of Cities Attorney Chip Morrison, and Sunshine Law Attorney Alexis Lambert for further clarification on this matter. She cited some of Florida Statute 166.041.

Commissioner Anderson commented that he supported Commissioner Dillaha's intent of exploring the conditions such as extraordinary business or personal travel. He wanted to see some guidelines provided that discuss the minimum physical quorums that are present and the way in which you have to listen to the issue before casting a vote. Mayor Bradley commented that codifying this might be difficult. He stated that if Commissioner Anderson could not be here for good reason, he would accept that. Commissioner Anderson commented that having a codified remote call in procedure would give comfort that it would allow them to anticipate and be able to do it predictably. Mayor Bradley did not believe that this needs to be codified and commented that he trusts the Commission.

Commissioner Bridges commented that she would like to have a policy whether it is codified or not. She believed that if they call in and a vote is to be taken, then they need to hear either the entire meeting or anything they would be voting on because the public input needs to be part of the hearing process.

Commissioner Dillaha commented that it is important for all of them to have the same understanding. She believed having a policy in place with the parameters of when a Commissioner could call in would remedy the situation. She commented that this would also be good for the public and expressed that public participation is crucial to the process.

Commissioner Anderson suggested this be on the agenda. Mayor Bradley commented that when it comes forward as an action item he would like for it to have specifics.

Mayor Bradley adjourned the meeting. Commissioner Dillaha commented that she was not finished. Mayor Bradley put the meeting back in session.

New Business:

1. Commissioner Dillaha wanted to discuss at the next meeting how they take public comment and how they conduct the Commission meetings.

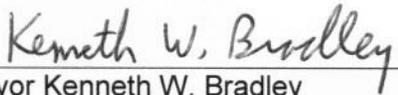
2. Commissioner Dillaha was concerned about the developer's agreement with the YMCA which has been publicly noticed on the P&Z agenda. She believed that it has not gone through the correct process of coming to the Commission to allow them out of this agreement so they can go to P&Z with their expansion and potential approval. City Manager Knight commented that the YMCA's position is that the developer's agreement says they will not expand the building and their interpretation is that the swimming pool and the parking lot are not expanding the building. Mr. Knight answered questions. Mayor Bradley commented that this would come before the Commission on September 28.

3. Commissioner Dillaha had concerns with the way their agenda works; how they are addressing their public hearings; and citizen input. She wanted to place this on the next agenda

under New Business. Commissioner Anderson wanted to discuss each Commissioner having 10 minutes if they choose to speak under New Business. He added that if someone from the public speaks for their 4 minutes, but if there are 2 Commissioners that think their time should be extended, then that minority should have the ability to grant this. Mayor Bradley commented that this might be difficult and that it needs to be looked into. Mayor Bradley suggested that both of these items go under the discussion of New Business, Resolution 1978-07. Commissioner Anderson agreed. Mayor Bradley reiterated that items be placed in writing in advance for the agendas and he would bring this up under New Business, Resolution 1978-07.

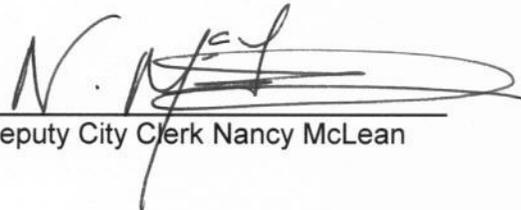
4. Commissioner Bridges encouraged Mayor Bradley to consider allowing citizens to have more than the one minute input. Mayor Bradley commented that he talked with City staff about how we can address the Commission and not be present in terms of emails, texts and other types of information. He stated that attending the Commission is one of the many forms that citizens communicate with the Commission.

The meeting adjourned at 8:50 p.m.



Mayor Kenneth W. Bradley

ATTEST:



Deputy City Clerk Nancy McLean