

REGULAR MEETING OF THE CITY COMMISSION
August 9, 2010

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 Pastor Jim Book, First Christian Winter Park Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson (not present)
Commissioner Beth Dillaha
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

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

Approval of the agenda

Commissioner Dillaha requested to move the Advisory Board item to an action item. The agenda was approved by acclamation of the City Commission as presented with that change.

Citizen Budget Comments

No public input was provided. Mayor Bradley noted that citizens will have the chance to speak at the next Commission meeting, in addition to the two meetings in September which will be primarily devoted to the City budget.

Mayor's Report

a. Passing of Donald Jung

Mayor Bradley asked everyone to pause for a moment of silence to remember Don Jung who passed away two weeks ago. Mr. Jung was a longtime resident of the City, a local accountant, a gentleman who served on numerous boards including the Pension Board and was also the City's external auditor for almost 20 years. He noted that he was a great man and a wonderful citizen.

b. Recognition of William Shallcross for printing donation

Mayor Bradley recognized Mr. Bill Shallcross for his services to the City and thanked him for printing and donating 1,000 bumper stickers with the slogan "Please drive with extraordinary care". Mr. Shallcross mentioned that 400 bumper stickers were donated to the City and another 600 will be distributed throughout the City in areas such as the historical society, the library and the chamber for all citizens to put on their vehicles and make it a safer place to live.

c. Mayoral appointments

Mayor Bradley noted that with the passing of Donald Jung there is an open position in Pension Board that needs to be filled.

Motion made by Mayor Bradley to nominate Robert Harvie to the Police Pension Board as an appointment to 2011; 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. Commissioner Anderson was not present.

d. Automated External Defibrillator (AED) dedication and installation at Cady Way Park

Mayor Bradley mentioned that he had the privilege of attending a gift ceremony last week at Cady Way Park where the City received an Automated External Defibrillator (AED) from the Cardiac Science Organization. It was presented by the family and dedicated in memory of 29 year old Bryan Van Valkenburg who passed away two years ago while playing softball at Cady Way. Mayor Bradley noted this is the first AED device installed in an outdoor setting and is automatically linked to 911 so if someone uses this device, lights and alarms go off and an automatic 911 call is made to help receive assistance in emergency situations. He noted that this was a multi-departmental achievement and thanked the Fire Department, the Parks team, IT team, Risk Management team and the friends and family of Brian for their support and achievement.

e. Advisory boards

This item was moved from Action Items Requiring Discussion to after Public Hearing Item e.

City Manager's Report

City Manager Knight reminded everyone about the upcoming Pension Board joint meeting this Thursday at 5:00pm to discuss pension costs and how to deal with the spike coming. He invited all of the Commissioners to attend.

He also noted that the Florida League of Cities is putting together an Advisory Commission of City Managers to act as advisors to the Florida Legislature as it relates to local government issues. He mentioned that he has been asked to serve and will therefore have some input into the process.

Mayor Bradley noted that based on a previous work session meeting, the City Manager has distributed to the Commission an excel spreadsheet for them to add suggestions for the 2010-11 budget. He reminded the Commission to complete this item so that they can incorporate the items into the August 16 work session discussion and then go before the City Commission.

Commissioner Cooper mentioned that her primary focus is on the pension and before she can make recommendations to the City Manager on how much money she would like to see put aside in reserves, she needs an answer relative to what the total dollar value of exposure is and what his plan is. She thinks they need to look at the actuarial structure, pension benefits and reserves and hopefully not too much borrowing because that is of concern to her but acknowledged that it is an alternative. City Manager Knight acknowledged her request and noted that he emailed the number that she requested to all of the Commissioners today but he did not answer the part on what they are going to do about it.

City Attorney's Report

a. **Properties within the City not on the tax rolls**

Attorney Brown provided a follow up from the last meeting. He stated that he researched this item and that it would be appropriate for him to receive further direction if there was a consensus of the Commission as to what further action the Commission would like to consider. He explained that it would be a staff function if the City Commission wanted to obtain a report as to what properties are currently exempt from the ad valorem tax rolls and that would be something he could work with the City Manager on to determine the extent to which they have exempt assets. He noted that there is currently nothing in the Land Development Code that prohibits or exempts non-profit entities that are off the tax rolls from occupying any area of the City and that each commercial and office district has a permitted use.

He referenced that under Chapter 163, it is required for the municipality to identify where within the city educational institutions, particularly K-12 are a permitted use, noting that they have to make some allowance for schools. As recently as January 14, 2007, the City enacted Ordinance 2729-08, which mentions that non-profit educational facilities would be conditional uses in R-2 districts. He stated that they have many areas in the Land Development Code where non-profit and other tax exempt organizations are either permitted or conditional uses. He asked if this is something that they want to look into regulating to any extent and if so, some landowners would have the right to make a Bert Harris claim. He explained the rationale and further elaborated on this. He noted that most jurisdictions do not attempt to prohibit non-exempt uses in broad commercial areas; however, it can be done and is not unlawful as long as you have reasonable allowance for educational institutions. He explained that there is nothing in the law that prohibits the City from taking a look at their commercial corridors and making a determination that in certain areas that are designed for commerce, you want to preclude uses that are exempt from tax.

Attorney Brown addressed several concerns and questions that were raised by the Commission related to conditional uses in certain areas or districts, PD1 and PD2 zones, defining permitted and conditional uses in planned development zones, particularly in the West Fairbanks Corridor area. He also addressed the concerns and issues related to the Rollins College Master Plan and potential Bert Harris claims.

There was a consensus of three to have staff review with the City Attorney, coordinate with Planning and Zoning to explore the commercial corridor or areas of certain commercial corridors to remain on the tax rolls and to explore the repercussions and local consequences. This will be brought back to the Commission with their findings. It was also noted that it might be helpful to bring back examples of where other municipalities have addressed this. Mayor Bradley noted that he will ask the City Manager at the right time to schedule this with staff and Planning and Zoning.

b. **Commuter rail agreement with Orange County**

Attorney Brown provided a follow up to the draft document that deals with two issues; the Not To Exceed (NTE) amount and the 100% dedicated funding source and indemnity as part of the NTE amount. He stated that he is comfortable with this draft document and that he spoke to Jim Harrison (Orange County) a couple of weeks ago and that he is still comfortable

recommending those types of changes. He did indicate that they will counter offer the NTE amount.

There was a question regarding a timeline. Attorney Brown stated there is not; however, he encouraged the Commission to come to a consensus and allow them to send the document to Orange County so they can receive their counter proposal and finalize the amendment.

Attorney Brown noted that Commissioner Dillaha sent out three changes that Mr. Knight emailed to everyone which are subject to the decision of the Commission. Mayor Bradley noted that these are great ideas and they will have to vote on them if they were going to make changes. He then explained the process by which they are going to address what the City Attorney has brought forward. He noted that what Commissioner Dillaha is proposing is an amendment to what Attorney Brown has proposed and that they can schedule this at their next meeting after they address this item. Commissioner McMacken asked if it required a public hearing or is it an action item. Attorney Brown noted that they have to give him direction to send it to Orange County. Mayor Bradley noted that the Chair is going to have a public hearing on it. Commissioner McMacken requested to bring this item forth at the next meeting and at that time they will allow public comment. There was a consensus of three to do so.

Commissioner Dillaha explained her three recommendations and the rationale behind each item as follows: 1) Page 6, referencing payments dates and tying inflation to the NTE amount. Attorney Brown noted that is acceptable with him and he can modify this item; 2) Page 7, #7, regarding the dollar amount of the City's financial obligation and asked if the language can be modified. Attorney Brown provided legal counsel. Her second part of this item pertained to the cost of insurance premiums, deductible payments, litigation expenses, and liability being included in a formula and stated that this should not be a part of their financial obligation. Attorney Brown provided a detailed explanation regarding cost of claims and insurance premiums, settlements and noted that they handled her concern in paragraph 7. 3) The third recommendation was regarding Termination, and suggested that the termination dates contain the same clause or language as the counties and Orlando which are tied into FDOT finalizing the agreement with CSX in terms of purchasing the corridor. Attorney Brown noted that there is a blank line in the document so a date can be inserted. Mayor Bradley noted that is a great point and is a matter of policy that will be decided at their next meeting. She also spoke briefly about adverse impacts that were previously mentioned by Commissioner Cooper. Attorney Brown stated that Mr. Harrison and Deputy County Attorney Joel Prinsell would not recommend to the County Commission the ability to terminate for any reason other than the dedicated funding source. Discussion ensued regarding the City's rights to a stop, to not participate or to move the station to another location. Attorney Brown explained the general rules of governmental bodies, governmental decisions and the termination issues.

Commissioner Cooper stated that she appreciates what the Attorney has done relative to capping the City's exposure and to give them an opportunity to opt out should dedicated funding not be available. She recalled that on May 24, 2010, the Commission voted "that while we are asking the City Attorney to evaluate the cap that he also evaluate if there is a way to address other adverse impacts to the community". She stated that no one said only termination, they simply said other adverse impacts to the community and the Commission voted 4-1 to do that. She asked why they have not come up with some way to address adverse impacts. Attorney Brown explained what had transpired in the meeting with Orange County and the agreeable recommendations that were conveyed to him. She mentioned that traffic level of service is easy

to define and that there are other remedies short of termination that should be pursued. She shared her concerns that currently the City roads are at a "C" level of service and that there will be 24 Lynx buses per hour feeding the station and that she would feel better knowing that if it creates traffic congestion and if the level of service on Park Avenue or New York Avenue drops to an "F" level, that the City would have the opportunity to relocate the stop within the municipal boundaries. She stated that she is welcome to hearing other remedies which led into an overall short discussion.

Attorney Brown asked if he should return at the next meeting with that effort embedded in the draft for consideration: the ability to relocate the stop and anything else he can think of short of a sanction against them or termination. An overall discussion ensued as to what the next step would be. Mayor Bradley stated that he will rule that what is brought forward to include Commissioner Dillaha's accepted items and that the City Attorney will have another draft that will come forward to the Commission. He stated that Attorney Brown needs to coordinate with Orange County over the next two weeks to discuss if there are any adverse impacts per the May 24 vote that can be mitigated. He added that Attorney Brown will incorporate those acceptable items into another draft document and bring it back to the Commission. Attorney Brown stated that he will contact Orange County and address the concerns regarding the issues discussed along with other adverse impacts. Mayor Bradley stated that this will be on the agenda in two weeks and will be open to public comment and voted on at that time.

Canin and Associates issue

Attorney Brown distributed a letter to the Commission regarding the Settlement Agreement with Canin & Associates. He provided an update that in the last couple of days they received the Settlement Agreement from the Attorney for Canin & Associates informing them of a \$50,000 payment due within 14 days of a formal approval in a public meeting. Attorney Brown provided a brief outline on the terms of the agreement and it was agreed that this item be put on the next meeting agenda for discussion and action.

Consent Agenda

- a. Approve the minutes of 7/26/10. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the expenditure of Forfeiture Funds to complete the Public Safety Radio System Upgrade.

Motion made by Commissioner McMacken to approve Consent Agenda Item 'b'; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote.

Consent Agenda Item 'a': Approval of the Minutes of 7/26/10

Mayor Bradley requested on Page 3, Consent Agenda Item 'a', second paragraph, to add that the Commission also asked Mr. Wiggins if they could ask for an electronic version to be submitted in addition to the paper version that is submitted.

Mayor Bradley requested on Page 9, second paragraph, second sentence to add the word "not" so it reads "There was not a consensus of the majority of the Commission to do so."

Commissioner McMacken requested on Page 11, first paragraph after the recess was taken from 8:10 p.m. to 8:25 p.m. to change the wording of the sentence to read "After the recess, Commissioner McMacken stated he believes he has the option.....".

Commissioner Cooper requested on Page 14, Item 2, second sentence, remove the word "and" and replace with "in accordance with the" best practices in the industry.

Motion made by Mayor Bradley to approve the minutes as presented with the adjustments which have been discussed; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote. Commissioner Anderson was not present.

Action Items Requiring Discussion:

- a. Engagement of Nore Winter (Winter and Company) for urban design services for the West Fairbanks Avenue corridor

Building & Code Enforcement Director George Wiggins presented a proposal from Nore Winter to provide planning and urban design services for the West Fairbanks Avenue corridor and the redevelopment activities. Mr. Wiggins noted that the West Fairbanks Avenue is a major gateway into the City and requires a significant upgrade in design and development standards that will lead toward the best use of this corridor. With the planned construction of a sanitary sewer and streetscape improvements, it is essential that that new development has a pattern to follow that will enhance this area with standards that reflect the high quality and character of Winter Park. Mr. Wiggins noted Nore Winter is a planning and design company and that they previously provided consulting services to the City regarding a residential code workshop.

Mr. Wiggins also noted that a letter of recommendation was received from Jack Rogers who is very familiar with their work. Mr. Wiggins provided a brief outline regarding the various projects and the services that Nore Winter would be providing. Mayor Bradley asked if this was handled as an RFQ process. Mr. Wiggins noted that they were given the direction to look into Placemakers, Nore Winter and Canin Associates. Due to time constraints and a litigation issue with Canin Associates, they were left with the only choice of Nore Winter. Discussion ensued regarding the RFQ process. The Commission shared its concerns and recommended that this item be tabled until the Canin and Associates litigation is resolved and then solicit through the RFQ process.

Motion made by Commissioner McMacken to put this out in some kind of RFQ process and table this and/or until conclusion of the contract or the agreement with Canin is formalized; seconded by Mayor Bradley.

An overall discussion followed regarding the timing of this item due to the Canin litigation issue, including whether Placemakers would be interested in working with the City since they were engaged as a sub-consultant for Canin and were involved in the original form based code project with the City. Attorney Brown addressed the items of concern and answered questions regarding a continuing services contract, the RFQ process and the implications. Commissioner Cooper asked Mr. Wiggins what the schedule looks like for West Fairbanks as it relates to the City's schedule. Mr. Knight stated that their schedule for the paving and sewer for Fairbanks is to start around the beginning of next year or the end of this year and the sewer work would start

before the paving work. She also asked if any of the design guidelines work would have anything to do with the actual interface with Fairbanks. Mr. Knight stated that is correct.

Joe Terranova, 700 Melrose Avenue agreed with Commissioner McMacken's motion and with his rationale for making the motion and urged all of the Commission to support it.

Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Anderson was not present.

General Public Comments

Lurline Fletcher, 790 Lyman Avenue, stated that the trees need trimming on 811 English Court and asked for the City's help.

A recess was taken from 5:15 p.m. to 5:30 p.m.

Public Hearings:

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, PROHIBITING ON OR OFF LEASH ANIMALS IN SPECIFIC CITY PARKS, PARK AREAS AND CITY FACILITIES; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PERMITTING OFF LEASH ANIMALS IN A SPECIFIC AREA DURING SPECIFIED HOURS; AND PROVIDING AN EFFECTIVE DATE.
First Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Dillaha to table and seconded by Commissioner Cooper. Attorney Brown clarified that there is no debate or conversation around a move to table. **Commissioner Dillaha withdrew her motion to table.**

Commissioner Dillaha stated that she discovered there are several items that need to be addressed that are not in the current ordinance such as conservation areas, wildlife habitat, environmental issues and that the Land Development Code does not define or identify ways to protect those areas. She shared her concerns of the ordinance being incomplete and more due diligence needs to be done and that she would rather see them work on the code first before changing anything.

Commissioner McMacken shared his concerns and noted that this ordinance addresses the different interpretations of dogs on Park Avenue and in Central Park and that he would like to use this as a basis to go forward so there is a mechanism for enforcement. He mentioned that they could address the other concerns after they performed their research and possibly modify the ordinance at a later date if they needed to. Commissioner Cooper asked Attorney Brown if the existing ordinance is enforceable. Attorney Brown stated it is enforceable and that there were items that needed clarifying. He addressed who will enforce this, the discretion with enforcement and that code enforcement will address the issues. Discussion ensued regarding enforcement of the existing ordinance and the interpretation of the ordinance.

Commissioner Cooper suggested leaving the existing ordinance on the books, direct staff to enforce the laws and learn more about botanical gardens and whether animals on leashes are or are not compatible with the mission of the botanical garden. Commissioner Dillaha asked if they should update the ordinance somewhat now knowing they have to do more work and due diligence or if they should wait until they address, identify and define conservation areas, wildlife habitat and bird sanctuaries which is why she recommended to table the item. Commissioner McMacken noted everything is not resolved in this ordinance but there is enough in there that clarifies where they want to be and allows them the baseline to move forward which is his intent in bringing this item forward.

Motion made by Commissioner McMacken to accept the ordinance on first reading as presented by staff with one change in the title of the ordinance because the title represents specific areas during specific hours and he believes the three words “during specific hours” should be deleted because hours are not addressed anywhere else in the ordinance; seconded by Commissioner Dillaha for discussion.

Commissioner Dillaha stated that she supports making the adjustments to make it better now knowing they are going to continue working on this and she has a plan that she would like to present to the Commission under new business.

Commissioner Cooper asked Environmental Resource Manager Tim Egan for a better understanding regarding domestic animals on leash and botanical gardens and how that works or if it works. Mr. Egan shared his views and noted that in an urban park he does not think there is a big difference in how wildlife or habitat would be affected or impacted if there were on-leash animals in the park versus just people. Commissioner Cooper expressed concerns related to animals and plants that are considered endangered and asked if he was comfortable that we will not cause those animals to relocate. Mr. Egan commented that as long as there is traffic control and access management control and all persons or dogs use the designated paths or raised trails, it should not impact those areas of concern. He also responded to Commissioner Cooper’s concern related to animals coming in from Winter Park Road and going down the pathway that currently exists and that he believed it will not impact the wildlife or habitat in any way. He also said that if the wildlife that currently exists in the park now is tolerating that use, there is no difference in his opinion if the person was walking the dog on a leash; it is more of an issue if the trail is appropriate for people to use concurrently with dogs which is more of the Parks Department’s review than his.

Commissioner Dillaha spoke about the creek area and the wetlands and noted that this is an area that is a significant habitat and should be protected. Mr. Egan agreed. She then asked how you protect the area when you have people with dogs both on leash/off leash. Mr. Egan shared his views regarding areas that are designated as conservation areas and said that if they want to allow some sort of access for people to observe wildlife areas, they should have designated routes for traffic control and to set up boardwalks and trails that are stabilized so the traffic is restricted to those areas. Commissioner Dillaha asked who controls the traffic. Mr. Egan stated that it was historically done at Mead Gardens by signage and he assumes by the Parks personnel that are working in the park. Commissioner Dillaha inquired if there have been any studies that track species at Mead Gardens and it was noted that there were no studies conducted. Mr. Egan then explained that he is not aware of any studies that show that having dogs on leash with people in a park has any greater impact than just people using the park in the same areas; however, there are issues with animals running wild and that feral cats are a

big issue with the huge impact on wildlife, particularly in parks and natural areas that are in urban areas. He stated that dogs off leash would have the same kind of impacts but did not believe that dogs off leash would not be as devastating of an impact as feral cats. He noted that the dogs are out there when the owners are and if you want to promote wildlife use, you do not want to have domestic animals running loose.

Commissioner McMacken noted that he agreed that they are getting into design issues that are very site specific and it does not belong in an ordinance, but belongs in the design and the operations of that specific park or facility they are looking at. He addressed the need to make decisions on the conservation areas and whether to eliminate people and dogs from that area.

Commissioner Cooper noted that there are numerous people concerned about Mead Gardens and that it was deeded to them as a botanical garden. She wanted to understand what the deeds say and their meanings. Parks and Recreation Director John Holland noted that there are four deeds for different areas of Mead Gardens and that the main deed is the Treat parcel which he believed is the deep wetland area. He noted that if it is not continued to be used as a botanical area/park that it could revert back to the heirs of the property. Mayor Bradley asked if there was anything botanical in the deeds specifically about the rest of the properties. Mr. Holland noted that the Bartels property is also for use and benefit of a Mead botanical garden but does not say it has to be maintained. Mr. Holland addressed the restrictions in the deed that they need to be aware of that states "shall keep and maintain said property as a park and shall not permit the condition of the same to deteriorate or use said property for any purpose other than a park nor neglect or abandon the said property".

Commissioner Cooper asked if the wetlands are the botanical gardens area and if the ordinance addresses the wetlands. Commissioner McMacken said that the ordinance specifically says that the animals are not allowed within the wetlands. Mr. Holland noted that the Leedy deed states "if this property should cease to be used for the Theodore L. Mead Botanical Garden Inc. then this property shall revert back to the grantors". Commissioner McMacken stated that there are multiple questions as to the composition of Mead Gardens related to conservation areas, botanical gardens and the mentioning of it as a park which are site specific as to how you design and operate the park. Mr. Holland noted that the Rose property also refers to it and states "shall not be used for any purpose other than as a botanical garden". Commissioner Cooper shared her concerns regarding specific language used in the revised ordinance. Both Mr. Holland and Attorney Brown clarified the items of concern. She also provided numerous alternative language suggestions to the entire ordinance and provided rationale for her suggestions.

Motion made by Commissioner Cooper to amend that in the statement on Mead Gardens and Kraft Azalea Gardens they add "on leash" for clarification, that in Kraft Azalea Gardens they add "the exedra and the fishing dock", that on Fleet Peoples Park they move the qualifier relative to leashes to a section that actually is talking about animals on leashes, that in Central Park we put a period in the last sentence after special event and we delete everything from there to the end of the sentence; seconded by Commissioner McMacken.

Sally Flynn, 1400 Highland Road, stated that she does not understand what the motion is. Commissioner Cooper provided a hard copy to her.

Joe Terranova, 700 Melrose Avenue, mentioned that the ordinance is not really necessary and the ordinance on the books is adequate, except for the clarification of allowing dogs on Park Avenue. He stated that Mr. Holland made a reasonable interpretation of that and that we should follow that interpretation. He advised leaving the ordinance alone and instead to focus on the dedicated funding source for commuter rail, unsustainable pension contributions for workers, and how to attract more business on Park Avenue.

Joseph Brock, 2341 Randall Road, noted that every park is going to be banned to on leash dogs and thinks this is unnecessary and agrees that feral cats cause a much more serious problem.

Kim Allen, 271 Virginia Drive, shared her concerns regarding the assets the City has and the uses of each and noted that Mead Gardens should be protected.

Bonnie Jackson, 3009 Temple Trail, spoke about the previous allowable special dog events and that it was against the current ordinance and discourages this to happen.

Rebecca Eagan, 1311 Palmer Avenue, shared her concerns with allowing pets in parks and noted that we must safeguard the integrity of the City's natural areas.

Brian Wettstein, 329 Park Ave North, supports the ordinance that City staff has presented.

Rick Frazee, 1921 Englewood Road, agrees that animals should be controlled in parks and agreed with staff's recommendation with the current ordinance presented.

Herb Weiss, 521 Virginia Drive, noted that he is in favor of the ordinance and as responsible citizens everyone needs to follow the rules to help control the problem.

Patrick Chapin, 151 West Lyman, is in support of the current ordinance since it offers the much needed clarity.

Woody Woodall, 328 North Park Avenue, is very much in favor of the Doggie Door events that they have on Park Avenue because it brings a lot of shoppers to Winter Park.

Marti Miller, 1399 Aloma Avenue, shared her concerns and mentioned that if they had enforced the rules that are in place today, they would not be here today.

Beverly Lassiter, 316 Virginia Drive, spoke about Mead Gardens, its history and her personal involvement and shared her concerns with preserving the park.

Upon a roll call vote on the amendment, Mayor Bradley voted no. Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried with a 3-1 vote. Commissioner Anderson was not present.

Upon a roll call vote on the original motion, Mayor Bradley and Commissioner Cooper voted no. Commissioners Dillaha and McMacken voted yes. The motion failed with a 2-2 vote. Commissioner Anderson was not present.

It was noted that this Item will not be talked about for 6 months per City Policy adopted on October 22, 2007.

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE," ARTICLE VI, "SUBDIVISION REGULATIONS" SO AS RENAME SAID ARTICLE VI AS THE "SUBDIVISION AND LOT CONSOLIDATION REGULATIONS"; ADDING NEW DEFINITIONS TO SECTION 58-371 "DEFINITIONS"; AMENDING SECTION 58-377, "CONFORMANCE TO THE COMPREHENSIVE PLAN" TO INCORPORATE POLICY DIRECTION FROM THE COMPREHENSIVE PLAN AND ADDING A NEW SECTION 58-392 "LOT CONSOLIDATIONS" TO ESTABLISH REQUIREMENTS FOR THE REVIEW AND APPROVAL OF LOT CONSOLIDATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Planning Director Jeff Briggs explained that one of the last things to implement the comprehensive plan within the Land Development Code is to implement the policies regarding subdivisions and lot consolidations within the subdivision regulation chapter. He addressed the two issues regarding subdivisions or lot splits that deal with the new policy that states "strongly discouraging the subdivision of estate properties (larger than an acre) and of lakefront properties". He stated those general policies are in the comprehensive plan and are taking this language and putting it into the subdivision code so there is guidance that relates back to the comprehensive plan. He stated the ordinance also implements the policy regarding lot consolidations because of the concern that if you have a street that has a typical pattern, someone could purchase more than one home and aggregate them together and wind up building a larger home on a street that had smaller homes. He stated there needs to be controls to keep the character and makeup of the individual street.

He explained the exceptions from the Planning and Zoning Commission: anyone should be able to purchase up to 25 feet of the neighbors lot to combine it with theirs; and the scenario that if you purchase a house in between two neighbors and do not care about increasing the FAR (not build a larger house) but want additional yard the owner will not have to go through a lot consolidation, subject to a deed restriction.

Questions were asked by the Commission for clarification whereby Mr. Briggs responded. Commissioner Dillaha addressed the language regarding Section 58-377 (b) "In existing developed areas and neighborhoods, etc." Upon discussion, the words "or exceed" will be deleted. She also addressed Section 4-a (lot consolidations) and felt the need to clarify the sentence where the City Commission determines if the new lot and building is out of scale with the street. Mr. Briggs explained the Commission will make these judgment calls. Commissioner McMacken asked if this scenario should be as a conditional use because everyone will be different and they will be trying to write rules for every scenario that comes before them. He asked if it could be simplified. Mr. Briggs stated that in effect is what this is, but it not calling a conditional use (zoning term) in this subdivision chapter. Commissioner Dillaha addressed wording of Section 58-392 (b) but there was a consensus that the language was clear. Commissioner Cooper spoke about Section 58-377 (c) and the need to clarify changing the "and to "or" language. Mr. Briggs stated he understood and will do so.

Motion made by Commissioner Cooper to accept the ordinance on first reading with the changes discussed (see paragraph above), seconded by Commissioner Dillaha. No public comments were made. Upon a roll call vote, Mayor Bradley voted no.

Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried with a 3-1 vote. Commissioner Anderson was not present.

A recess was taken from 7:20 p.m. to 7:27 p.m.

- b. RESOLUTION NO. 2063-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 320 CORTLAND AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

Motion made by Commissioner McMacken to adopt the resolution, 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. Commissioner Anderson was not present.

- c. RESOLUTION NO. 2064-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG TEMPLE GROVE AND BONITA DRIVE FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

The Commission met as the Equalization Board for the following two resolutions. Attorney Brown read the resolution by title. No public comments were made.

Motion made by Commissioner Cooper to adopt the resolution, seconded by Commissioner Dillaha. Commissioner Cooper asked about the 5% contribution. It was clarified that Bright House pays 5% and the resident pays 95% and on the plug-in side (city side) it is 50-50. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Anderson was not present.

- d. RESOLUTION NO. 2065-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV (BHN) FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ADJACENT TO TEMPLE GROVE AND BONITA DRIVE, GENERALLY DESCRIBED AS THOSE PROPERTIES ADJACENT TO TEMPLE GROVE AND BONITA DRIVE, PROVIDING AN EFFECTIVE DATE.

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

Motion made by Commissioner McMacken to adopt the resolution, 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. Commissioner Anderson was not present.

6e. Advisory boards

Mayor Bradley mentioned that City Manager Knight, Ms. del Valle and himself, at the direction of the Commission have looked at streamlining the boards. He also noted that the City Attorney has also weighed in on the language for the enabling actions of the advisory boards since they are very inconsistent. It was noted that they are looking at the 21 boards and to possibly reduce it to 15 or 16 and that there are some logical combinations of boards. Mayor Bradley also mentioned that there is also one new board which is called Administrative Services that would incorporate some of the issues the Ethics Board currently addresses along with some of the government operations which may include finance, compliance issues and other items. He also stated that they may also be a sounding board for some personal issues that are not within the civil service area, such as benefit issues. It was also noted that the Mayor and City Manager agreed to serve as a sub-committee to the Commission to evaluate the City's use of volunteer citizen boards.

There was an overall discussion regarding the adoption of the five recommendations that the Mayor and City Manager presented which included the board structure, nomenclature, standardize operating procedures, board evaluation and membership. Each of the Commissioners shared their general concerns and the pros and cons with each item presented. They also briefly commented on the statutory requirements of seven members and to eliminate alternates, and the importance of the standardization of qualifications for members and their roles, responsibilities, authority, attendance and participation. Mayor Bradley noted that the intent is to go forward with the strategic direction and then the City Attorney and City Manager will look at all of the boards, along with understanding the enabling ordinances and possibly streamline the ordinances.

A lengthy discussion ensued regarding each board and which ones should or should not be eliminated, if they can be combined or if they need to remain separate, and which ones need to have five or seven members as it relates to the requirements of the board and/or per the statutes. Attorney Brown stated that some of these boards have advisory roles and quasi judicial adjudicatory roles and that this information will be looked at and taken into consideration. Mayor Bradley mentioned that there are 3 boards that are quasi judicial, which are the Board of Adjustment, Code Enforcement and Construction Board of Appeals and technically everything else is advisory. Commissioner Dillaha suggested that everyone draft a memo with their additional thoughts and regroup on these at a later time and to send the information to the City Manager so that he can incorporate the items. There was an overall agreement to this. Mayor Bradley asked both Mr. Knight and Mr. Brown to start looking at the ordinances and see if there is a way to consolidate them.

City Commission Reports

a) Commissioner Anderson

Not present.

b) Commissioner Dillaha

Commissioner Dillaha stated that she would favor putting together a plan of action that they could act on that could define the terms, identify the areas, determine how the areas will be enhanced and protected, and write it into code so that it impacts the animal ordinance. She stated that they need to talk about education and mentioned the need for signage in parks and neighborhoods, along with the need for dog receptacle stations throughout the City. She stated that they have money in Keep Winter Park Beautiful and that would be a very good use and a great project. She stated that this is the last environmental asset that they have not put into code.

Mayor Bradley stated that he supports the issue, but wondered if this item is appropriate for the Environmental Review Board to discuss and address. Commissioner Dillaha recommended that Tim Egan start a draft document that defines what a conservation area, wildlife habitat area and bird sanctuary is and identify them throughout the City and then address how to protect those areas, and then give it to a particular board to help create an implementing code. There was a consensus of three for this item to be given to Mr. Knight to have staff address the concerns and follow up with the Commission.

Commissioner Dillaha mentioned that there needs to be a discussion to review the fundraising for Friends of Fleet Peoples Park since the one year time period for raising the funds has expired and to discuss how it impacts the future implementation of a master plan and the future of the park. It was noted that the "Friends Group" discussion is scheduled for the next Commission meeting on August 23, 2010. She also wanted to review and discuss their financials, the current operation and activities that take place at the park, safety concerns and potential liability issues since there are no regulations and no means of enforcement. Commissioner Dillaha stated that she agrees with Commissioner McMacken that they need to have a separate discussion on what "Friends Groups" are and that the City needs to put a policy together. Commissioner McMacken mentioned that there are two things they need to talk about; a contractual discussion they had with a "Friends Group" for a dollar amount and how do they, as a City, want to structure all "Friends Groups" in general. Commissioner Dillaha stated that the goal is to have a safe park that serves the residents primarily. Discussion ensued as to what particular items should be discussed, what decisions need to be made and the overall goals.

Mayor Bradley asked Commissioner Dillaha that if she has received information about bad incidents occurring in the park that everyone else does not have, if she could forward that information to the City Manager so that everyone has an awareness of the issues. She agreed to do so.

Mayor Bradley said there is a consensus to go forward to ask what has been raised and then to relook at what that does or does not do with the master plan. Mayor Bradley suggested that this same review should be for Friends of Mead Gardens, the Hope Fund and every fund that they have outstanding in the City.

c) Commissioner Cooper

Commissioner Cooper stated that she thinks these discussions should be addressed by John Holland in his department.

Commissioner Cooper wanted to acknowledge Mr. Leroy Brown's passing and noted that he served on the Parks and Recreation Board, he built over 30 to 40 homes in the City and his family still resides here in the city. Mayor Bradley asked Mr. Knight if there is something that can be created to memorialize and recognize individuals that served this City. This request was acknowledged by Mr. Knight.

Commissioner Cooper wanted to thank Representative Susan Kosmas for all of her assistance that she provides to the City and requested that she be recognized with an official appreciation from the City with a local press release or in the City Speaks.

d) Commissioner McMacken

No items to present.

e) Mayor Bradley

1. Use, goals and number of work sessions

Please refer to Item 3 below.

2. City Attorney bills itemized for last year

Mayor Bradley asked Mr. Knight if he could present a copy of the City Attorney bills that have been itemized over the last year so they can review where his time has been used within the City since it is a precious resource.

3. City Commissioners requirements within the City Charter on directing City staff or resources

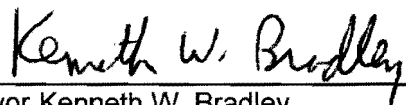
Mayor Bradley mentioned that as discussed in the strategic planning meeting, one of the weaknesses of this Commission is micro-managing. He noted that they tried to create work sessions, noting there were four in the last two weeks and one of the goals to having work sessions was to try to streamline the Commission meetings with fewer hours and in his assessment it is not working. He felt they are having more meetings and longer meetings and one of the concerns is utilizing staff time for those meetings. He asked if there is any way that they can streamline and hold to the meetings that have originally been scheduled and try to schedule the items into that. He noted two upcoming meetings, August 16, 2010 which is dedicated to the budget and the City Commission meeting on August 23, 2010. An overall lengthy discussion resulted with each of the Commissioners providing their input with the pros and cons of having these bi-weekly work session meetings or discussions, the need or no need for staff's attendance, the scheduling of these meetings and if there is a need to continue them.

City Manager requested that extra work session meetings be called in a public meeting so that there is enough advance notice to allow staff the adequate time to prepare, coordinate, schedule and post the information to the public. The Commission stated that this is a fair request as the next step and there was an overall consensus to do so.

Meeting Adjourned

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

The meeting adjourned at 9:12 p.m.



Mayor Kenneth W. Bradley

ATTEST:



Deputy City Clerk Michelle Bernstein