

**REGULAR MEETING OF THE CITY COMMISSION**  
**September 13, 2010**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Father Richard Walsh, St. Margaret Mary Catholic Church, followed by the Pledge of Allegiance.

**Members present:**

Mayor Kenneth Bradley  
Commissioner Phil Anderson  
Commissioner Beth Dillaha  
Commissioner Tom McMacken  
Commissioner Carolyn Cooper

**Also present:**

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

**Approval of the agenda**

Mayor Bradley requested that the Citizen Budget comments section be eliminated and that it be incorporated into the overall budget conversations. Staff requested and recommended that Item 14A be tabled since additional work needs to be done. Mr. Knight requested to add Parkland Acquisition as Item 12F. The Mayor also requested Item 12C be the first item to address under Action Items Requiring Discussion since there are several citizens present for this item and then requested to go to the Consent Agenda items. Commissioner Cooper requested Item 11G be removed from the agenda, however there was a consensus not to remove it.

**Motion made by Commissioner McMacken to approve the agenda with these changes; seconded by Commissioner Dillaha. The motion carried with a 4-1 vote, with Commissioner Cooper voting no.**

**Mayor's Report**

a. **Presentation of Winter Park Sidewalk Art Festival Poster by Carole Mooreland**

Carole Mooreland, Winter Park Sidewalk Art Festival, presented the City with the official poster for 2010. She noted that the original art work that won the award for Best of Show is currently displayed in the Library. Mayor Bradley thanked Ms. Mooreland for her volunteer work and all of the citizens, along with the Winter Park Sidewalk Art Festival board for their signature events.

b. **Fourth Quarter 2010 – 90 Day Action Plan**

Mayor Bradley requested to have a work session for the fourth quarter 90 day action plan. It was suggested and acknowledged that this be done during next Monday's regularly scheduled work session.

Mayor Bradley mentioned that on August 25, 2010 there was a Groundbreaking Ceremony for the Community Center and that work is underway. He thanked staff, the Commissioners, the design and build team and the citizens for attending and said he is looking forward to the ribbon cutting ceremony sometime next year.

Mayor Bradley noted that on September 11, 2010, Father Walsh conducted the Blue Mask which is a remembrance to those who lost their lives on 9/11, and those who serve and have given their lives in Fire and Police service. He mentioned that since 9/11 there have been over 2,000 Fire and Police personnel killed in the line of public service throughout the United States and asked that everyone remember those and pray for them.

Mayor Bradley declared September 17-23 as Constitution Week. He noted that September 23 will be the 223 anniversary of the United States Constitution and reminded everyone to celebrate and acknowledge the freedom, rights and privileges that it provides for each of us.

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

City Manager Knight reminded everyone about the Fairbanks Avenue meeting that is being held on Tuesday, September 14, 2010 at the Civic Center from 6pm-8pm. It will be an open forum meeting, meaning there is no specific start time and encouraged all to attend.

Mr. Knight stated that staff has been meeting with the Friends at Mead Garden group and they would like to have a joint meeting with the Commission to hear the direction on how they would like to utilize their group and to also work through the master plan and their fundraising efforts. He suggested a work session in October, possibly the first or third Monday. Mayor Bradley suggested going on a field trip with them so they can be in the presence of Mead Garden. Commissioner Cooper suggested meeting with the Parks and Recreation Director first to understand the current plans, desires and resources before they meet with Mead Garden. Commissioners Dillaha and McMacken agreed. Mayor Bradley asked Mr. Knight to calendar this item as appropriate. He acknowledged.

Mr. Knight asked about the potential work session that was mentioned last week regarding budget policies. He said that a couple of Commissioners suggested that it be at next Monday's work session rather than the Thursday morning time that was suggested and asked if they could set this meeting now. Commissioner Anderson noted that he might not be able to attend next Monday's meeting. Mayor Bradley noted that unfortunately some of them would not be able to attend Thursday's meeting. Mayor Bradley asked if Commissioner Anderson and Commissioner Dillaha could start this topic of discussion since they suggested it at the last meeting and then bring the item to a full work session of the entire Commission. There was a consensus to do so and it was agreed that this work session would be scheduled for Thursday, September 16, 2010 at 8:00 a.m.

Commissioner Dillaha requested that under the Evaluation of Boards that they set a date in October to bring it back to finalize the item. She also mentioned that she will be bringing back the Conservation Code topic when they discuss the Strategy Map comments at the next meeting. Commissioner Cooper suggested that they talk about the open positions first when they have the discussion on Board consolidations. Mayor Bradley reminded the Commissioners to complete the evaluation report for the City Manager by September 20, 2010 and send it to Human Resources Director Mary Greenwood.

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

No items to address.

### **Consent Agenda**

- a. Approve the minutes of 8/23/10. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the renewal of the line of credit with SunTrust for electric operations. **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- c. Approve PR# 145189 to Reynolds Inliner LLC for sanitary sewer main rehabilitation lining, piggybacking St. Petersburg contract # 06041-111; \$76,632.00. **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- d. Reappoint City Manager Knight and Planning Director Briggs to the South Seminole & North Orange County Wastewater Transmission Authority. **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- e. Approve the budget adjustment for clearing neglected lots of overgrowth in the amount of \$20,000 for the Code Enforcement Division. **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- f. Approve the budget adjustment for EMS operations to purchase supplies in the amount of \$5,000 for the Fire Department.
- g. Request to suspend the current animal ordinance to allow the Dog On It event in the Cady Way softball field. **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

**Motion made by Commissioner Cooper to approve Consent Agenda Item F; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

#### **Consent Agenda Item 'a': Approval of the Minutes of 8/23/10**

Commissioner Cooper stated that on page 8, where it says "Commissioner Cooper shared her concerns with establishing a fee structure," that she wanted to add "she supported extending the time to fund raise by one year". She then stated where it says "revenue such as grants and the need to have a plan in place"; she requested to add "to have a restroom and a pavilion available on the people's side of the park if funds are not collected".

**Motion made by Commissioner Cooper to approve the minutes as presented with the adjustments which have been discussed; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

#### **Consent Agenda Item 'b': Approve the renewal of the line of credit with SunTrust for electric operations**

Commissioner Dillaha questioned the reason for keeping the line of credit open and increasing the amount. Mr. Knight said that the rating agency thinks it is important. He said until they receive the cash balance to a sufficient level for working capital purposes they should have it for emergency situations and is also an important part of their ratings. The reason for the increase is as the electric utility grows, the percentage of operating costs also grows. She asked what happens if they do not have the line of credit or if they do not approve it. Mr. Knight said they may lower the City's bond rating. He then explained the parameters with the use of the line of credit, the costs to have it, and that the Commission must approve it prior to usage.

**Motion made by Commissioner Cooper to approve Consent Agenda Item b; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'c': Approve PR #145189 to Reynolds Inliner LLC for sanitary sewer main rehabilitation lining, piggybacking St. Petersburg contract # 06041-111; \$76,632.00.

Commissioner Dillaha questioned the piggybacking and wanted to know if there were any parameters set or written policies. Attorney Brown clarified the item noting that the Purchasing Manual has one page that deals with piggybacking and it states that the Commission will determine if piggybacking is approvable for a particular acquisition. She asked if this is something that they should develop a policy with items on parameters, guidelines and criteria. Mr. Knight acknowledged and noted that they can set criteria. He then explained the evaluation process and noted that the price and cost savings is the reason why they do these contracts. Attorney Brown clarified the piggybacking policy issue and provided legal counsel. He noted that he is working with the City's purchasing department on this item and said that if you want to piggyback, this would be the most appropriate type of contract to piggyback off of because it is essentially a commodities contract.

**Motion made by Commissioner Dillaha to approve Consent Agenda Item c; seconded by Commissioner McMacken. Commissioner Dillaha confirmed that there was an agreement to put together some type of policy or criteria around piggybacking. Mr. Knight acknowledged. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'd': Reappoint City Manager Knight and Planning Director Briggs to the South Seminole & North Orange County Wastewater Transmission Authority.

Commissioner Dillaha asked why Water and Wastewater Utility Director, Dave Zusi is not on this Authority. Mr. Knight stated that the person has to be a Winter Park resident and he does not qualify.

**Motion made by Commissioner Dillaha to approve Consent Agenda Item d; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'e': Approve the budget adjustment for clearing neglected lots of overgrowth in the amount of \$20,000 for the Code Enforcement Division.

Mayor Bradley asked if this was a budget transfer or if the item is going to cost them an additional \$20,000. Mr. Knight explained that it is both and that they budget a certain amount of money to clear lots throughout the year. If the residents do not adhere, they hire a contractor and then bill the owner, which typically results in the City having to file a lien and the City ultimately receives the money. He noted that because of today's economy than in previous years, they have exceeded the lot clearing budget.

**Motion made by Commissioner McMacken to approve Consent Agenda Item e; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'g': Request to suspend the current animal ordinance to allow the Dog On It event in the Cady Way softball field.

Commissioner Anderson questioned the waiving of an ordinance and how it is interpreted. Commissioner Dillaha asked for clarification. Attorney Brown stated that technically they should amend the ordinance and the ordinance needs to contain fairly clear standards so that the City Manager is not waiving the ordinance with his discretion. He said that whenever they want the City Manager to have the authority to waive something, that he should have very clear standards that would allow him to exercise his discretion so that he is not running afoul. He also provided several standards they might want to include.

An overall discussion ensued with the pros and cons with amending the ordinance and the repercussions involved if they change the ordinance versus issuing a waiver. It was noted that it also pertains to many other ordinances. It was mentioned that they could choose to table, deny, approve and do it through the right process. Commissioner McMacken stated that he believes there are two actions, one is the potential to approve this waiver and the second is to grant permission to the City Manager to waive all such events. Mayor Bradley asked to calendar the second item as new business. Mr. Knight acknowledged.

**Motion made by Commissioner Dillaha to table this item. The motion failed for lack of a second.**

Commissioner Cooper asked Parks and Recreation Director Holland if there is an alternative location that would allow them to comply with the ordinance and still have this event. Mr. Holland noted that they reviewed Fleet Peoples but there is no adequate space and West Meadow is affected by the dog ordinance.

**Motion made by Commissioner Anderson to approve the event and direct staff to come back with modifications to the ordinance to allow the approval; seconded by Mayor Bradley.**

Commissioner Dillaha suggested using West Meadows because it is an open area and it could possibly have its own set of guidelines that would allow for different types of uses, such as this type of event. Mayor Bradley suggested that staff could work on this matter and bring it back to them.

Commissioner McMacken shared his concerns with waivers being granted for lots of activities in the park or the Christmas parade and does not agree to close them all down until they come up with rewriting ordinances which could take months. He asked Attorney Brown if they are breaking the law for granting a waiver for this item. Attorney Brown stated they are not breaking the law in that sense. He said that clearly staff and the police have the discretion on whether or not to enforce a particular law and that is different from a waiver. He further elaborated on this matter and stated that if they want to be practical and allow for this event, the best approach is Commissioner Anderson's approach to let them know that the ordinance will be amended to

allow for this event so by the time the event occurs, it will be proper under the law to allow for it. There was an overall discussion with regards to rewriting the guidelines for Central Park, West Meadows and the ordinance.

**Motion amended by Commissioner Cooper to amend Commissioner Anderson's motion (the last part, with the direction as to what he wanted staff to do). She would prefer to amend that to give the discretion to the City Commission as opposed to trying to write criteria that would address all situations. She said for discussion she has tried to write criteria before and typically what happens is you end up allowing something that you did not want to allow because you have now established a very clear criteria and that becomes very difficult.**

**Commissioner Anderson restated his motion to approve the venue and to direct staff to come back with empowering actions, whatever those are, to allow that to happen.**

**Commissioner Cooper withdrew her amendment.**

Commissioner Dillaha suggested allowing it for the West Meadow and to set guidelines that would permit this kind of activity with a limit as to how many times a year they would permit it because West Meadow is not a playing field or a playground with young children, which is why dogs are typically permitted in those types of areas. She was in favor of approving the event but wanted to set guidelines for West Meadow which is a special open area that is different from the City's other parks and allow for that type of an event to take place.

**Motion amended by Commissioner Dillaha to agree with Commissioner Anderson to approve the event but to approve it in West Meadow and to bring back a very simple amendment to the animal ordinance that would allow for this type of an event to take place in the West Meadow. Motion failed for lack of a second.**

Susan Bekaert, Dog On It Agility Club, stated that the parking at West Meadow is not adequate for the anticipated 200 cars and motor homes with dogs expected to attend this event and noted that they have looked at this area but it is not adequate. Commissioner Dillaha asked why is this being held in Winter Park since they do not reside in the City. Ms. Bekaert and Maureen Wagner of Dog On It explained that there is no physical location for their business but the club members are from Winter Park. She also stated that they have dog training on Harpers Road on Tuesday and Thursday evenings from September through May and most of their work is in Winter Park.

Bonnie Jackson, 3009 Temple Trail, spoke in opposition to the event and stated that it is not appropriate.

Joe Terranova, 700 Melrose Avenue, said he agrees with Commissioner Anderson's motion saying it is appropriate and they should approve it and to also look at the entire situation with regards to the ordinances.

Commissioner Anderson asked Mr. Knight if this is a recurring event that has occurred in the past. Mr. Knight stated yes that it is his understanding that it has been in this park and at Lake Island and has switched back and forth. Commissioner Anderson asked if there was a reason

why it is not at Lake Island. Mr. Holland noted that they find the accommodations better at Cady Way; they prefer the enclosed fence area.

Commissioner Dillaha stated that the issue is not about dogs but is about ordinances and there is a responsibility to follow the ordinance. She said that she will not be able to support it because the ordinance has been in place regarding ball fields and recreation areas for years for specific reasons. Commissioner Anderson clarified that this venue was approved by the Parks Board for the Cady Way venue and the motion is to correct the ordinance for this to happen so that it is not in violation of the ordinances which is his intent.

Commissioner Cooper stated that she is comfortable with allowing this event but is not comfortable with routinely violating ordinances or routinely circumventing them. Commissioner Anderson agreed. Commissioner Cooper said because this has gone on for so long is the only reason that she would entertain approving it at this time. She stated that she expects ordinances to be complied with unless there is some overwhelming reason why the ordinance needs to be changed. She stated she would like for them to try to find a field that is the least damaging to the children and that is Mr. Holland's job and she does not want to dictate that. She commented that she will be supporting this particular effort and it is not an indication that she supports amending the City's ordinances for any group that comes to town but will support this because they have a long standing relationship with this group and the precedence has been set that the Parks Board violated the ordinance.

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

A recess was taken from 4:51 p.m. to 5:03 p.m.

**Action Items Requiring Discussion:**

- a. Approve the first amendment to amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency

This item was tabled and is rescheduled for the September 27, 2010 meeting.

- b. Approve the purchase of the vacant lot at 2225 Howard Drive

This item was tabled and is rescheduled for the October 11, 2010 meeting.

- c. Request for temporary, 3 month Art on the Green exhibition to celebrate the completion of the Central Park renovation project

Ms. Newberg, Public Art Advisory Board, requested a temporary mini "Art on the Green" outdoor sculpture exhibition of three pieces by Barbara Sorensen and Chris Scala to celebrate the completion of the Central Park renovation project. She stated that the artworks' placement will be coordinated through the Parks Department Director so as not to interfere with scheduled event layouts such as the Autumn Art Festival and Windows in the Park site plans. Ms. Newberg gave a PowerPoint presentation illustrating the artwork pieces selected and the bio's

on the artists. Parks and Recreation Director Holland provided a map showing the placement of the exhibition items.

Commissioner Cooper questioned the monitoring and security of the art pieces to try and avoid damage. Ms. Newberg noted that it will be the same way as Art on the Green and that the artists are well aware that this is public art. Commissioner McMacken wanted clarity regarding security. Ms. Newberg stated that the artists are not providing security but that they are insured.

**Motion made by Commissioner McMacken to approve; seconded by Commissioner Dillaha.** Commissioner Anderson recommended that the items be placed a distance from the permanent exhibitions in the City so there is not a distraction to such icons as the historical Emily Fountain. Mayor Bradley thanked the Board for this wonderful idea and noted that it will be a great three month exhibit. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- d. Recommended revisions to the National Register of Historic Places nomination for Downtown Winter Park from the Florida Bureau of Historic Preservation

Planning Director Briggs provided a brief outline and asked the Commissioners for approval for splitting the area into east and west sections. He answered questions.

**Motion made by Commissioner Cooper that staff and the City Consultant make changes and submit the revisions to the nomination as recommended by the Florida Bureau of Historic Preservation at the earliest possible date and that they be empowered to accept further amendments to the nominations should the Florida National Register Review Board recommend approval with additional conditions during the meeting; seconded by Commissioner Dillaha.** Mayor Bradley asked how much the City pays for our consultant. Mr. Briggs noted \$12,500. **Upon a roll call vote, Mayor Bradley voted no and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

- e. RFQ 23-2010, Golf pro shop continuation.

This item was tabled and is rescheduled for the September 27, 2010 meeting.

- f. Park Land Acquisition.

City Manager Knight addressed the park land acquisition and provided an update on his findings. He presented four options as follows:

Option 1 - Leave it as is and we have the next 7 years to try to get more federal or state funding, other grants, other donations or issue bonds to complete the necessary funding. Of course this would also require another extension or the negotiation of a new contract with the Post Office. This is the easiest option both for us and Cong. Kosmas but may ultimately result in not being able to accept the money.

Option 2 - Ask Congresswoman Kosmas to change the backup to expansion of Howell Branch Preserve so the money can be used there. We would then have to negotiate a deal with the Clayton Family Trust which I believe is very doable.



Option 3 – Ask Congresswoman Kosmas to change the backup to expansion of the tree farm property. There is a swath of land that runs on the west side of Margaret Square from Monroe to the tree farm that would make a very viable entrance to the tree farm property. We have not attempted to negotiate for this property at this point and it is not listed for sale, but if we are ever going to use the tree farm for anything other than its current use it would be great to have another entrance that doesn't go through the subdivision. This option may be risky as there are more issues to work out.

Option 4 – Acquire the second piece of property on Nicolet that we wanted for drainage purposes for Minnesota and Fairbanks corridor. This would require using the current property that we purchased as well as the proposed property as park and drainage which Troy and Don believe is easily accommodated. The asking price is around \$425k so it might take some additional funding from the Stormwater Fund but that fund has the money. This would be very helpful in solving the drainage problems in that area. This project might best fit the category of Economic Development that the funds are being appropriated from.

Option 5 – Acquire the land on the north side of Minnesota across from the Azalea Lane Tennis Center for the expansion of that park. I am not sure exactly how we would utilize it, but it is for sale. This is the property that was a code enforcement problem. The owner passed away and the family has it for sale. We are trying to get an asking price.

He noted that he has explored the various possibilities for modifying the use of the \$250,000 that Congresswoman Kosmas secured on their behalf. He explained that the actual language in the bill reads, "Acquisition of Land for Expansion of a Park" and that the bill itself does not specify Central Park or the Post Office property. He said that Congresswoman Kosmas is willing to try to change the backup to a different park but they need to know which park by Tuesday and that she cannot change the way it is worded in the bill, so it has to be used to "acquire land" and it has to be for an "expansion" of a park. He noted that they cannot use the money to enhance a park or to acquire an option on the post office property. He added that once the bill is adopted and signed by the President, they would have 2 years to sign an agreement with HUD and then 5 years from that point to spend the money, so they have up to 7 years to finalize something. If they don't use the funds by the end of that time it would be unappropriated and they would lose the opportunity to use the funds.

**Motion made by Commissioner Cooper that they agree on Option 1; seconded by Commissioner McMacken.** Mr. Knight answered questions pertaining to the chances on whether it will be passed or not and if there could be more than one option to choose. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

**Budget Public Hearings:**

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .2394 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2001, AND A .1019 MILL VOTED DEBT SERVICE LEVY UPON ALL

REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004. First Reading

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

Mayor Bradley explained the budget approval process. He said there are some budget items that they have mutually consented to at a previous work session and they will read them in as part of the overall budget. He stated that there are eleven amendments to the budget that will be read in, each of them having a first and second. They will then open the floor for public comment for all items. A discussion will follow and then the Commission will vote on each of the amendments and then they will vote on the overall budget.

Mayor Bradley stated that the millage rate needed for fiscal year 2011 to generate the same property tax revenue for the City as in 2010, based on the Property Appraiser's certification, is 4.5225 mills. The budget proposed by the staff and supported by the City Commission with various actions that they have taken initially, with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills. This proposed millage of 4.0923 mills would represent a decrease in property taxes not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency of 9.51%.

In addition, a .2394 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2001 approved by the citizens of Winter Park at the May 16, 2000 bond referendum, and a .1019 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 1996 approved by the citizens of Winter Park at the June 4, 1996 bond referendum."

Margaret Sanders, 641 Williams Drive, stated that the millage rate decrease creates a negative impact on a priority with forestry services as it relates to the upkeep of tree trimming and the care of trees. She wanted the Commission to reconsider the decrease in the millage rate.

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

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING FUND, COMMUNITY REDEVELOPMENT FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, GOLF COURSE FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2010; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. First Reading

Attorney Brown read the ordinance by title. **Motion made by Mayor Bradley to accept the budget as presented by City Manager Knight along with the consensus items which came out of their budget work session meeting of September 8, 2010; seconded by Commissioner Cooper.**

First proposed amendment item is to increase the Curb and Sidewalk Improvements.

**Motion made by Mayor Bradley to amend the original budget motion that they increase the Curb and Sidewalk Improvements by \$100,000 in the Capital Improvement Plan; seconded by Commissioner Dillaha.** Commissioner Anderson asked for clarification regarding the bottom line number and the contingency. Finance Director Wes Hamil clarified the item. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson and Dillaha voted yes. Commissioners Cooper and McMacken voted no. The amendment carried with a 3-2 vote.**

Second proposed amendment item is the Boys and Girls Club.

Commissioner Anderson stated that he is not prepared to make a budget related amendment but there is a discussion that he would like to have regarding a policy change and he would like to handle this as a new business item. Mayor Bradley agreed. There was no objection from the Commission. He stated that the reason he brought the item up is if they have this policy discussion and they want to change the budget, they will be able to change it at the second reading.

Third proposed amendment item is to eliminate the State Lobbyist.

**Motion made by Commissioner Dillaha to eliminate the State Lobbyist position at \$55,000; seconded by Commissioner Cooper.** Commissioner Anderson asked for clarity and if they were removing the Lobbyist money from the budget. Mayor Bradley said that is what this amendment does if passed. Commissioner Dillaha provided her rationale for her motion. She stated that the lobbyist works approximately three months of the year for \$55,000 and noted that they have Dean Cannon as Speaker of the House representing the City and she cannot justify spending that money in this economy for doing a job that Mr. Cannon, the City Commission, the City Manager and staff can be doing.

Mayor Bradley stated that he will be voting for it because the three months out of the year that the lobbyist works in session is not the time to get items passed, it is done during the nine months that they are not in session. Commissioner McMacken stated that he likes having that presence there and is important because there are many discussions going on this coming year regarding commuter rail, pension, and health care reform. He stated he is very comfortable having them there on the City's behalf and he will be supporting continuing that service. Commissioner Dillaha asked how the dollar amount was determined. Mr. Knight stated that it was negotiated and was originally out to bid and has stayed the same with no cancellation fee.

Commissioner Cooper stated she will be supporting eliminating the state lobbyist out of their budget because the issue across the country and in Tallahassee is going to be pension reform. She stated that they do not have to pay as a municipality to make that happen and is comfortable that they will be represented as a totality, as a state trying to deal with pension reform and that it is clear as to what their focus would be. She commented that she is very comfortable that the work will go on without their specific contribution as a municipality because they are already paying for it as a state and a county and that they can do without that representation this year. Mayor Bradley clarified that voting no means to keep it in the budget

and voting yes means removing the lobbyist. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson and McMacken voted no. Commissioners Dillaha and Cooper voted yes. The amendment failed with a 3-2 vote.**

Fourth proposed amendment item is to modify Commission salaries.

**Motion made by Commissioner Dillaha to transfer the lobbyist money to the Commission which has received the same pay since 1953 and is basically a transfer; seconded by Commissioner Anderson.** Commissioner Anderson asked if they were just talking about a number for now and Commissioner Dillaha stated yes. Mayor Bradley asked for clarity on the dollar amount. **Commissioner Dillaha clarified her motion by stating that Amendments 3 and 4 are related and instead of funding a lobbyist it was to use that money to fund a future Commission. Commissioner Anderson said but the number was \$50,000; Commissioner Dillaha said \$50,000 a year. Commissioner Anderson seconded that for discussion.**

Commissioner Dillaha noted that the Commission has been paid \$200 a month since 1953 and that the complexity of the job and the time requirements are a lot greater than they were in 1953. She hoped the increase would encourage more residents to run. Commissioner McMacken addressed what the dollar bought in 1953 and what it goes for now, whereby they would be making \$19,000 a year and the Mayor would be making \$24,000 year and that Commissioner Dillaha allocated \$50,000. Commissioner Dillaha noted that amount is between 5 people. He said that if they brought the salary up to \$10,000 a year for a Commissioner and \$12,000 for the Mayor, they cannot act on that until March 2011, which would be half of the \$50,000, so she would actually be asking for \$26,000. Commissioner McMacken said rather than the \$50,000 for this budget he would be in support of the \$26,000 and that would bring them half way and would be supportive of a lesser number.

**Motion made by Commissioner Dillaha to amend the amendment to \$26,000 instead of \$50,000; seconded by Commissioner Anderson.** Mayor Bradley asked if that was an annual number. Commissioner Anderson noted that this is for this fiscal year's budget and it will commence in March. Commissioner Anderson stated that he would like to see a competitive analysis done before this gets implemented, to determine what the compensation should be. He noted that both Commissioner Dillaha and his terms expire in March so they will have absolutely nothing to benefit from this.

Mayor Bradley objected to the statement of not getting good commissioners if they pay more or not. He stated that each one of them knew the salary when they ran for the position. He stated that he will be voting against this amendment even though he knows he is worth a lot more than \$26,000 year. He stated he will be voting no because he cannot in good conscious negotiate with our firefighters or policemen, or City workers, a reduction or decrease in their salary and vote for one for himself.

Commissioner Dillaha said she does not think it is fair for it to be a volunteer job and it is very time consuming. She said if you want to do a good job and she believes in compensating people even if it is just a little bit and thinks it is the right thing to do. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The amendment carried with a 4-1 vote.**

Fifth proposed amendment item is to fund the Tree Preservation Arborist.

**Motion made by Commissioner Cooper to fund the Tree Preservation Arborist from the General Fund; seconded by Commissioner Dillaha.** City Manager Knight provided clarification and said this is the way the proposed budget already has it so it would not be an amendment to the existing budget, it is already funded out of the General Fund. He said that what came up during the work session was whether or not to fund it out of the Tree Preservation Fund. **Commissioner Cooper said she understands and restated her motion not to fund it out of the Tree Preservation Fund; seconded by Commissioner Dillaha.**

Commissioner McMacken asked for clarification on the motion noting that there are two items listed, either funding part time or full time. Mr. Knight stated if funded at full time it will have an impact because it is currently funded at part time in proposed budget. Mayor Bradley asked that they clarify the amendment and asked if it was to increase this or to maintain it. **Commissioner Cooper clarified the amendment and said it is to increase it to full time and pay for it out of the General Fund.** Mayor Bradley said that they would be voting full time and \$22,000. Commissioner Dillaha shared her concerns with the up keeping of trees and how important it is. Mr. Knight provided information on the dollar amount spent for the maintenance of trees and what a code enforcement arborist does. **Upon a roll call vote, Mayor Bradley and Commissioner Anderson voted no. Commissioners Dillaha, Cooper and McMacken voted yes. The amendment carried with a 3-2 vote.**

Sixth proposed amendment item is to move up to \$50,000 of the Contracted Tree Trimming from the Tree Preservation Fund.

Commissioner Cooper asked if there was no action if that expense stays in the General Fund. Mr. Knight said as currently proposed, the employees would still be funded and there would be no contractor. The original budget was status quo, the three vacant positions would then be filled and they would do it that way. What was proposed in the work session meeting was that they replace those three vacant positions with \$100,000 worth of contract work.

Mr. Knight said according to the amendment, \$50,000 would come out of the General Fund and the other \$50,000 was to come out of the Tree Preservation Fund. Commissioner Cooper did not want \$50,000 to come out of the Tree Preservation Fund for the second half of the contract but wanted it to be funded out of the General Fund. Mayor Bradley said for clarity; he did not think the \$100,000 was from the Tree Preservation Fund according to their consensus that they discussed on this item. Mr. Knight clarified that \$50,000 is out of the General Fund and she wanted to spend the other \$50,000 from the General Fund, so she wants to add \$50,000.

**Motion made by Commissioner Cooper that they fund the tree trimming 100% from the General Fund, which would be an additional \$50,000; seconded by Commissioner Dillaha.** Mr. Knight again clarified the proposed recommendation and the use and purpose of the Tree Preservation Fund. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The amendment carried with a 4-1 vote.**

Seventh proposed amendment item is an adjustment to the General Employees Pension Program (401a).

**Motion made by Commissioner Dillaha to recommend that the 401a for General Employees (in 2006 was that general employees contribute 3% and the City contributed**

**7% to that retirement fund and that was slated to increase up to 12% and it is currently at a staggered 7, 8, 9% contribution from the City depending on years of service) that instead of the employees being able to contribute only 3%, that they could elect to contribute up to 5% and the City would match dollar for dollar up to 5% so an employee could still essentially be putting 10% away. In her mind this is a policy decision and she feels the taxpayers and the City should be matching as opposed to doubling or tripling or more the contributions going into that fund for now. The economy has changed dramatically since 2006 and she feels this is a move that needs to be made. She said that the dollar amount would be to do this, 5% for 5%. Commissioner Cooper asked if she could amend the amendment. Mayor Bradley said no. Commissioner McMacken asked if a second would merely bring this up for discussion. Mayor Bradley said that is all it does. Commissioner Cooper seconded.**

Commissioner Dillaha provided her explanation for the recommendations that she made to the budget and shared her concern with the current debt situation. She provided a copy of a debt trend chart that she created (see attached) which shows the difference between 2007 and 2011. She also explained her rationale for her recommended budget cuts to employee pensions and benefits and noted that other cities in the surrounding areas are reducing the pensions. She said she is trying to do what she thinks might be fair. She noted that she receives comments from the taxpayers and when she looks at the budget she thinks it is equitable to have a dollar from the employee and the City. She noted that if the economy changes in years to come and it is a competitive environment again they can adjust the benefits accordingly. Commissioner Cooper asked what Maitland's pension policy is. It was noted they put in 6% for the employee.

Mr. Knight stated that he has provided a survey of all of the tri-cities and Maitland and City of Oviedo are the only two that have lesser benefits than the City of Winter Park in the tri-county area. Mayor Bradley noted that those cities with the most generous benefits (raking 1) to least generous (ranking 15) according to what he read is St. Cloud (1), Winter Garden (2), Winter Springs (3), Ocoee (4), Kissimmee (5), Apopka (6), Altamonte Springs (7), Sanford (8), Lake Mary (9), Casselberry (10), Longwood (11), Orlando (12), Winter Park (13), Maitland (14) and Oviedo (15).

Mayor Bradley asked for clarity on the pensions for employees covered under the defined contribution plan, which is 100% funded because it is matched, and if there was a decrease would it help fund the pension liability issue that they are facing with police and fire, unless they use it for the fund. Mr. Knight stated yes. Commissioner Dillaha stated that these savings could help in areas such as the Stormwater Fund and the Water and Sewer Fund. Mr. Knight reassured her that the Stormwater Fund is not struggling and the reason for the increase in fees is because the Commission adopted it, all of the cities subsidize their Stormwater Fund and we are the first City to try and make it self-sufficient, and we do more in stormwater than any city around.

Mayor Bradley noted that turnover is something that they need to consider and by making sure the people that stay are not equally disturbed is the reason why he will be voting against this. **Motion made by Commissioner Cooper to amend the amendment to raise the percentage being discussed to 7%. Commissioner Dillaha asked if it is a dollar for dollar match. Commissioner Cooper stated yes. Commissioner Dillaha asked if the employee could elect to put in 0 to 7 percent and the City would match up to 7 percent. Commissioner Cooper said that was the second alternative. Commissioner Dillaha seconded the amendment.**

Mayor Bradley asked what that value would be. Commissioner Cooper stated \$157,000 total, \$84,000 for the General Fund. Mayor Bradley asked Mr. Knight about the program they have today with regards to the staff report he sent. He asked for clarity if it was with their current plan or that was with any changes to their plan. Mr. Knight stated that the 7% number is in the report which is the \$84,000 for the General Fund. Mayor Bradley clarified his question in terms of how they compare to other municipalities. Mr. Knight stated that is the current plan. Mayor Bradley stated that up to 7 would reduce them, so it would not change their ranking position. Mr. Knight said that is correct, the City would still be ranked 13 out of 15.

Commissioner Cooper stated that she is not sure she understands how that would keep them at the same relative standing. Mr. Knight stated that the City would not be ranked 13th at 5%, the City would be ranked 15th at 5%. He noted that currently we are ranked 13th at the current plan which is 7, 8, 9% and this would make it 7%, so we would still be ranked 13 out of 15. Mr. Knight also stated that there are very few employees that would be able to take an extra 4% out of their salary to continue to receive the 7% match and this would not be doable for a large number of the employees. He recommended if they go to 7% if they would allow some sort of grandfathering on the employees matching contribution for current employees and implement the mandatory matching for new hires.

Commissioner Dillaha stated that in 2006 there were increases from the City but there was not a requirement for the employee to contribute any more than 3%. Mr. Knight stated that is correct, there was a survey of all the surrounding communities and at that time the City was behind all of the other cities. He said it was just based on the subsidy and not based on the employee's portion and the average around the surrounding community was 10% and there were a lot of cities that were even higher than that amount so they requested to move the plan to where the City would be more highly competitive. That was to be implemented over a three year period of time and when they got to year three they were not able to fund that third year increase so they froze it. He stated that last year they decreased it back to the 7, 8, and 9%, so they took 2% away basically across the board last year to take it back to the 7, 8, 9% and this would take it back to the 7% which is where it was from 1992 to 2006.

Mr. Knight mentioned that a vast majority of the employees live paycheck to paycheck and a 4% decrease in their pay and with this is over and above. In addition they are now charged more for dental insurance and higher co-pay's in health insurance, along with the other changes that were made to their benefits. He noted that in the original budget they took nearly 1 million out of employee benefits to balance the original budget, so this would be over and above that. Commissioner McMacken asked about the 4% that he referred to and wanted to clarify if the employee would only receive that match if they put in the extra 4%. Mr. Knight stated yes. Commissioner McMacken stated that he would be very comfortable with the 7% if they left the 3% where it is at. He is not prepared to go to that distance and said that is not the amendment that is before them. Mr. Knight clarified that Maitland requires no match from the employee and they receive 6% from the City. Commissioner McMacken stated that he is very comfortable going with the continued 3% and that the City puts in 7% which eliminates the 8% and 9%. He stated the 7% addresses the majority of the employees they have and continues that process. Mr. Knight noted that the 8 and 9% is based on longevity.

Commissioner Cooper stated that she can amend her motion in that regard. Mayor Bradley stated that he is intrigued because they have both flipped on both the numbers. He asked for



some kind of consensus. Commissioner McMacken stated that he is not comfortable going with the 5% to 5% at this time and he would be voting against that. Mayor Bradley noted that is not on the table at this point and they have to vote what is before them.

**Commissioner Cooper stated that she just amended her amendment to put that on the table. Mayor Bradley stated that is a third amendment and asked if she wanted to withdraw her second amendment to do that. She stated if that is necessary she would be happy to. Mayor Bradley noted that the seconder of the second motion would have to do that. Mayor Bradley asked Commissioner Dillaha, noting that she is the seconder of the second amendment to the amendment. She stated yes. Mayor Bradley said she has withdrawn that. He then said Commissioner Cooper is moving now a second amendment to Item Number 7.**

**Motion made by Commissioner Cooper to amend the amendment that the employee's contribute 3% and the City contributes 7%; seconded by Commissioner McMacken.** Mayor Bradley asked Mr. Knight to explain how this would vary from the current plan. Mr. Knight said that would be an \$84,000 savings to the General Fund and \$157,000 citywide. Mayor Bradley asked if there was a reduction or change. Mr. Knight noted that it is a change over from what they currently have, because it is currently 7, 8, 9% and she is making it 7% across the board. He stated that there is no change in the cost to the City from her previous amendment because the City's share was 7% either way; what she changed was what was coming out of the employee's pocket. Mayor Bradley asked if there is a requirement for employee contribution and can they put in 0. Mr. Knight stated that they do not have a choice, it is currently required that the 3% percent be put in by the employee and that stays the same. He noted that what this is really doing is going back to the way it was prior to 2006, because the tiers started in 2006.

Commissioner Anderson stated that he would be more comfortable addressing this issue in the context of their competitive position with the communities around and all of the other benefit aspects that may need to be adjusted and not just going into this year but in the future years. Commissioner Dillaha asked Mr. Knight what the unemployment rate is for the City. He noted that he does not know and that this is not something that they track as a municipality and do not have the resources to track unemployment. She mentioned that there are taxpayers in the City that are unemployed that have lost their jobs and might have foreclosed on homes. Mr. Knight noted that he understands her point but they are not reducing the burden on the taxpayer with her vote on this issue because they have already approved the millage rate at the same millage.

Mayor Bradley stated that he is grateful that this City is not facing what some of the other municipalities are facing, which are reductions of 25 and 50% of property values. He said he is grateful that this City only faces a 10% reduction and that our challenges are not as great as other cities which speaks to the quality of this City and he is not going to take it out of staff to fund other items. Commissioner Cooper stated that she thinks we are in a new norm and believes that they are at a point where they can no longer compare municipal benefits and salaries only within municipal governments. She stated she knows from all of the companies that she is associated with that there is nothing close to a tiered contribution and she does not think the City employees are underpaid. She noted that if someone can show her that information she promised she would put this back next year but she will be supporting this and believes it is reasonable in this economy and it is important that they can continue to keep good people on the payroll. She said at some point they will have to start laying people off regardless



of how good a shape the City is in because of facing a \$59 million annual required contribution in this City in the next 10 years and they have \$17 million worth of unfunded actuarial liabilities. She commented that she does not like doing this but she thinks they have to face the reality that they are not in the same environment economically that they have been in the past and when it gets better they will fix it again.

Mayor Bradley stated that he wanted to clarify her item and noted that they are not going to face a \$59 million pension annual cost. She stated yes, that over 10 years they are. He stated over a 10 year period yes, but not per year. She said it will be about \$6 to \$7 million per year. He said it is also based on market conditions of what happens with their investments. She agreed that it is assuming an interest rate of 7 and 8% and that it could be a lot worse and believed they have to start today aggressively trying to make things better. Mayor Bradley said that is specifically in their Fire and Police pension funds and that is not in this fund. She said that is correct, but this general fund is where the \$6 million per year annual contribution will come from.

Commissioner Dillaha stated that the reason for doing this was to not be more competitive but to bring the general employee retirement closer to the Police and Fire. She said she does not know if that is the reason for the increase and at that time the Commission said any increases should be brought to the Commission every year to justify why there should be a need for it. Commissioner Cooper stated that she is hoping they can raise it back. Commissioner Anderson stated that in their first term, two years ago they cut it.

**Upon a roll call vote on the amendment to the amendment that the employee's contribute 3% and the City contributes 7%, Mayor Bradley and Commissioner Anderson voted no. Commissioners Dillaha, Cooper and McMacken voted yes. The amendment carried with a 3-2 vote.** Mayor Bradley noted that this is the initial adjustment and they have an original amendment and noted that at this point it becomes muted.

Eighth proposed amendment item is a Health Insurance Subsidy Change.

**Motion made by Commissioner Dillaha for consideration as a policy decision.** She said currently the health insurance plan that is supplied to the employees there are two different plans. One for employees that were hired prior to 2008 and another for employees that were hired after 2008 and the difference is in the subsidies coming from the City and from the employee for family plans and plans for employee plus one. She said this is a policy decision for the Commission whether or not there should be two different tiers in the City or whether everyone should be on the same plan. Motion failed for lack of a second.

Ninth proposed amendment item is the funding of Mead Gardens-Phase I Capital Improvements.

**Motion made by Commissioner Dillaha saying she placed this as a Capital Improvement project and not so much as a project but to start funding the improvements to Mead Garden, which has never had consistent funding over the years in the Capital Improvement schedule. It has always been listed as an out there in the future, lets bond it to go to the voters for several million in funding. There is a Friends Group trying to raise money in grant money for Mead Garden and without the City showing a commitment to its 49 acre park it is difficult to get Foundation or grant money. She believes they need to start funding it regularly every year, a certain amount, so they can**

**start caring for the strategic plan for that park. She is moving it at \$300,000; seconded by Commissioner McMacken for discussion purposes.**

Commissioner Dillaha stated that she wanted to put into the Capital Improvement schedule every year an allocation for Mead Garden to begin carrying out the strategic plan and the rehabilitation of Mead Gardens since it has no consistent funding. Her original recommendation was to use the \$200,000 that was put aside for general parks maintenance and put that towards Mead. They cannot carry out the strategic plan unless they start funding it or unless they go and ask the voting citizens to approve a bond initiative which she knows has been in the capital schedule for a while. She believed in paying as you go and is what they should be doing as a City and she is attempting to do that with funding Mead Garden and in the hopes that they then get some Foundation money and returns of matching funds and that would help them get to where they need to be.

Commissioner Cooper asked how much is in the budget now for Mead Gardens and what will \$300,000 a year do. Mr. Knight stated that they have over a \$4 million master plan and that there are seven objectives. Commissioner McMacken asked if they are currently carrying anything in the budget for Mead Garden capital improvements. Mr. Knight stated only through fundraising and it is in the five year capital plan but is all based on funding. Commissioner Cooper questioned if it is in the maintenance and is it \$100,000 and nothing in capital. Mr. Holland stated it is \$85,000. Mr. Knight stated they are performing maintenance.

Commissioner McMacken stated that he is not ready at this time to put that kind of money into Mead. He wants to see it go forward noting that it is a \$4-5 million deal and they have it listed in the capital plan as a bond issue and when they start spending \$5 million on a park he wants some kind of yes or no from the citizens. He addressed asking the citizens about the purchase of the golf course which they agreed to. He said ideally if they had \$5 million sitting around in the coffer somewhere they would do it, but he is not ready to put money into that this year. Commissioner Dillaha stated that in talking with the Friends of Mead Garden it has been expressed time and time again that it is very difficult to get Foundation money when the City is not committed to its own park. Mayor Bradley stated that is fascinating having to choose which parks we need to fund that way and which ones we do not because it apparently does not apply to Fleet Peoples.

Commissioner McMacken stated they have many capital issues they have to deal with such as City Hall. He stated that they have bonds to pay off yet and that is another scenario, how much can they go after and then they will have the same issue when it comes to City Hall because they are certainly not going to pull those dollars out of the budget; it will be a capital improvement and they will have to go out and get bonds for that project.

**Motion made by Commissioner Cooper to amend the amendment for the Mead Garden proposal that they fund Mead Garden at a standing rate of \$100,000 a year. Motion failed for a lack of a second.**

A recess was taken from 7:06 p.m. to 7:14 p.m.

Commissioner Anderson stated that on this round of budget discussions he is probably not prepared to vote for this but he would be open to hearing it at the next meeting if there was a matching concept involved and Commissioner Cooper agreed. **Upon a roll call vote, Mayor**

**Bradley and Commissioners Anderson, Cooper and McMacken voted no. Commissioner Dillaha voted yes. The amendment failed with a 4-1 vote.**

Tenth proposed amendment item is to Establish Contingency.

**Motion made by Commissioner McMacken that in the amended budget they had reduced the Contingency Fund to \$16,000 and he felt that was insufficient and asked that the Contingency be brought up to \$100,000; seconded by Commissioner Anderson.** Mayor Bradley asked where the money will come from since right now they have a \$1.805 million contingency. Mr. Knight stated that the \$83,897 would bring them back to the \$100,000 and stated that the total would go up if they do not do this. He stated that all they are doing is either keeping it in reserves or contingency.

**Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The amendment carried unanimously with a 5-0 vote.**

Eleventh proposed amendment item is to reduce mailing costs.

**Motion made by Mayor Bradley to encourage more electronic billing and payment of utility bills in order to reduce the costs in that area for mailing and postage by 10% at this initial point; seconded by Commissioner McMacken.** Mayor Bradley stated that in their conversation last week they discussed that they are not exactly sure how but they wanted to put some money in and if they can get more that is more power to the budget for the future. He said this is not just about money but also about becoming more green and allowing them to figure out a way to encourage electronic billing.

**Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The amendment carried unanimously with a 5-0 vote.**

Mayor Bradley asked if there were any other items to be brought in for discussion. Three other items were added.

Twelfth proposed amendment item is Funding for the Winter Park Historical Association.

**Motion made by Commissioner Anderson to fund up to \$35,000 but not more than 50% of the funds raised from other sources for the Winter Park Historical Association. He clarified by stating that they have to raise at least \$35,000, this has the matching kind of a context, in that their operating budget, at which point \$35,000 would also come from the City and he thinks this is an initial way to go about bringing some stability into this organization, just as they have done with the library; seconded by Commissioner Cooper.**

Mayor Bradley asked if the match begins at \$35,000 or they have to raise \$35,000 before they pay \$35,000 or is it dollar for dollar. Commissioner Anderson noted that this is in addition to what is already in the budget. Mr. Knight stated that it is a dollar for dollar match up to \$35,000. Commissioner Anderson agreed. Mr. Knight noted that in the base budget there is currently \$25,000.

Mayor Bradley noted that is in addition to what they provide, such as their rent. He said they do not know if Maitland pays rent or not with their funds and he does not know how they do their Casa Feliz and he does not know if we looked at any of those items. Mayor Bradley stated that it would be great if we could do an assessment of everything they are doing with their historical

preservation so they can compare apples to apples. Commissioner Anderson stated that he thinks they have done that a couple of times and Mayor Bradley noted that they probably still underfund it. Commissioner Dillaha stated that she agrees that they need more funding, the \$25,000 is not adequate and it needs to have consistent funding just as the library. She noted that maybe this year it is a matching situation and next year it is nothing, she thinks it would be the right thing to do and that the group is the gatekeeper of the history of this City.

Mayor Bradley stated he wanted to speak against this, because he does not think there is anything wrong with the Historical Association; they have a lot of worthy organizations in the City. He mentioned that he became familiar with the Winter Park Pop Warner League which he believes the City increased their fees, something like \$8,000 which is almost 30% of their funding and the City does not provide them with any waivers for the use of City fields. He noted that a couple of hundred students a year register and 70% of those are Winter Park students and he has trouble when they are making other tough decisions to continue to fund the Historical Association and also at a time when it appears, for whatever reason, that donations are down.

Mayor Bradley asked about a possible conflict of interest in terms of the amendment. Attorney Brown asked for more specifics. Commissioner Anderson stated that his wife serves as an unpaid Board member. Attorney Brown said that is really the key whether the vote inures to the special private gain of his wife and if she is unpaid then the vote is irrelevant. Commissioner Anderson mentioned the worthwhile nature of WPHA and that historic travel is a huge generator of revenues for the City.

Commissioner Cooper stated that National Geographic Travel Magazine rated Winter Park as number 38 out of 154 cities that were evaluated based on authenticity and stewardship and it is our responsibility to provide stewardship. She said that for herself, her vote will always be to provide stewardship of the heritage that we have been blessed with and she hopes that they can embrace that as a community because it is an economic driver and she is very much in favor of this.

**Upon a roll call vote, Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The amendment carried with a 4-1 vote.**

Thirteenth proposed amendment item is for \$50,000 in the Capital Improvement Budget for the Pro Shop.

**Motion made by Commissioner Dillaha for consideration of \$50,000 in the Capital Improvement Budget in addition for the Pro Shop which she thinks would take it to the ability to fully fund the rehabilitation of the existing Pro Shop in addition to what they have already funded.** Commissioner McMacken asked if this was in addition to the \$125,000 that they are going to further discuss this evening. Commissioner Dillaha stated that is correct. **Motion was seconded by Commissioner McMacken for discussion purposes.**

Commissioner McMacken asked for clarity and stated that this item is to be discussed under another agenda item and until they resolve that issue, he does not know how they are going to add additional funding to something that they may or may not fund later in the program.

**Motion made by Commissioner Dillaha to pull her recommendation for now and they talk about it under the Pro Shop discussion and they can take any action they need to or may**

**want to at the next Commission meeting; seconded by Commissioner McMacken.** Mayor Bradley noted that there is no amendment to the motion at this point and that is a zero dollar.

Reduce Stormwater Rates

**Motion made by Commissioner Cooper to request that they reduce the 9% Stormwater rate to 4.5%, taking \$125,000 away from the General Fund budget.** Mayor Bradley asked for clarity saying that they have to approve the rates and he does not know how to do that. Mr. Knight stated that the budget includes it and the Commission adopted a policy four years ago to have the Stormwater Fund become self sufficient over a five year period so they were doing that at 12% a year since that was the amount it was going to take. He mentioned that they got there early with only a 9% increase this year and he thinks that what Commissioner Cooper is requesting is that they only do half of that this year and take the other half as a General Fund subsidy for one more year and that she means to do the other half next year. Commissioner Cooper stated yes. She stated that she has some rationale for lowering the fee when they get to discussion.

**The second to the motion could be heard at the meeting or on the recording.**

Commissioner Cooper noted that they agreed earlier, prior to her time on the Commission, that they would increase the stormwater rates by 12% and then they lowered it to 9% this last year. She said in this year they will achieve their goal and have a little something extra and she is just not sure they need to increase the taxpayer fees that much. She said she was provided the Florida Stormwater Association Rates and out of 153 cities they have the highest rate and that possibly they could fund the stormwater and make it self sufficient but to have a little more gradual ending and allow the taxpayers two years to finish the program instead of one year. She said it would put quite a bit back into the budget and thought it was worth looking at since it is \$125,000. Finance Director Wes Hamil explained that the 9% got them an extra \$250,000 in revenues so if they cut that in half it would be \$125,000. He said he took the projected surplus they would have in stormwater for next year and deducted that from the \$125,000 leaving a net cost to the General Fund of \$29,500.

Mayor Bradley asked if it would cost them money then to save or lower fees. Mr. Knight stated that they are focusing on the General Fund and that this fund has to transfer money over to the Stormwater Fund balance; it subsidizes it. He noted that last year the number was \$250,000, the proposed budget would have zeroed that out and there would have been no transfer anymore. He said that Mr. Hamil is calculating with a projected ending balance there and that really it only takes another \$29,000 to make that fund hold. Mayor Bradley asked what the benefit is in what is being described. Mr. Knight stated that the rate payer that pays the Stormwater Fee, instead of paying a 9% increase would only have a 4.5% increase. Mayor Bradley said it sounds like they are taking money from their property tax and reducing their Stormwater Fee cost. Mr. Knight stated that is correct.

Commissioner Anderson stated that this is an interesting concept but asked if stormwater affects a lot more people than just residents. Mr. Knight noted that non-profits also pay the Stormwater Fee. Mayor Bradley asked if they left the budget alone or if they voted against this, they would not increase the \$29,000 of general revenue costs. Mr. Hamil stated that is correct and the Stormwater Fund would do a little better than break even next year; it would have an extra \$95,000. Mr. Knight clarified that it does increase the subsidy for the current year and that Commissioner Cooper is saying they should do it over a two year period instead of one year.

Mayor Bradley asked how long it would take if they kept it at 0 to achieve the same goal. Mr. Knight stated that if they had not raised the Stormwater Fee at all they would have been subsidizing at least \$154,000. Commissioner Anderson asked if they changed the stormwater rate to a 5% increase instead of a 4.5% if the subsidy would go away. Mr. Knight stated it would take almost 5.5%. Commissioner McMacken asked if there is an amendment required. Commissioner Cooper asked if she accepts that, is it necessary to amend it. Mayor Bradley stated whoever the seconder was needs to agree. Commissioner Cooper asked if anyone remembers who the seconder was, there was no answer and then she asked if she can simply change it herself. **Motion made by Commissioner Anderson to make an amendment to make it 5.5%.** Mayor Bradley said it is at 5.5% and that means it goes to zero. Mr. Knight said yes it does go back to zero. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The amendment carried with a 4-1 vote.**

### **PUBLIC COMMENTS**

Joe Terranova, 700 Melrose Avenue, commended the City Manager and Commissioners for providing a larger surplus than last year and for keeping the millage rate down. He stated that he understands the argument regarding pensions and the need to keep costs down; however the argument falls apart when you say to employees we want to cut your salary by two percent but the Commission wants to raise our own salary, which makes it very difficult to support it on a rational basis. He mentioned the reduction in health benefits and suggested the Commission bring in an expert to look at the overall benefit package. He suggested that this item not be included now but until an expert has prepared a valid study that is based on a professional review of all employee salaries and benefits.

Bill Palm, 2127 Mallard Circle, commended the Commission for the budget cuts that were made and shared his concern with future budgets and the unfunded pension liability issue. He said he hopes that the Commission does something to change the funding formula for pensions.

Bonnie Jackson, 3009 Temple Trail, spoke about the pension issue and the difference between the private and public sector. She stated that she does not support her taxes going towards City employee pensions and benefits.

Craig Campbell, 401 Park Avenue South, spoke in opposition to the budget cuts and pension cuts. As a current employee for the past 25 years, he clarified the 2006 year 7%-3% pension contribution and noted that number was established in 1992 when the City went from a defined benefit to the defined contribution. He said employees work for the City not to get rich, but for a secure livable livelihood for their families, to receive good benefits and a secure future after they retire.

Sally Flynn, 1400 Highland Road, spoke in favor of increasing Commission salaries and stated that they are the least paid of any surrounding City and she supports that they receive a decent salary.

Nancy Shutts, 2010 Brandywine Drive, supported the funding for Commission salaries. She also spoke about employee pension cuts and stated that they have to start somewhere in looking at the projection in what is coming down the road with the numbers.

Linda Kulmann, 257 E. Canton Avenue, representing Winter Park Historical Association stated they need funding support from the City. She noted that if they do not preserve the small physical items in the community that history will be lost. She spoke about the volunteer services that WPHA provides, a museum, six speaker programs a year and an archive service. She mentioned that they receive funds through fundraisers and memberships. She also noted that the City donations have decreased considerably over the years.

Randy Jones, 1035 Kelly Drive, stated that he works for the City for the benefits and the security of working for a municipality. His big concern is if they cut the benefits that bring quality individuals to work for the City, they may be left with less quality individuals working for the City. He mentioned if they start reducing or eliminating the benefits that attract good quality individuals to work for the City, they are going to lose good quality employees. As a resident and taxpayer of the City that concerns him because it will affect the quality of work and service which will be a disservice to the residents and taxpayers.

Linda Walker, 794 Comstock Avenue, questioned the Boys and Girls Club item and did not understand why it would not be open to the public for comment even though they mentioned that they would speak about the item later. She did not know whether they were funding them or not. Mayor Bradley clarified that there is no funding in this budget for that item and the item that is being discussed is whether it needs to come back and that will be discussed as new business. Mr. Knight stated that they were bringing the item back in house. Mayor Bradley noted that the services will continue but the City will be providing the services versus the Boys and Girls Club.

Commissioner Cooper stated that she will not be supporting the budget because she has felt that they needed to far more aggressively set aside reserves to deal with their upcoming liabilities. So while she is very appreciative of everything they have done, she does not think they have done enough.

Mayor Bradley said he will be voting no only because he could not in good conscious vote for a raise for himself when they are cutting in places but spending in others and that ultimately impacts the employees, to what he thinks is far more negative than it needs to be. Commissioner Dillaha said she agrees and is not in favor of the budget either. Attorney Brown stated that they have a legal duty to pass a budget.

**Upon a roll call vote on the amended budget, Mayor Bradley and Commissioners Dillaha and Cooper voted no. Commissioners Anderson and McMacken voted yes. The budget as amended failed with a 3-2 vote.**

**Motion made by Mayor Bradley that they put into the budget the consensus items which came from their budget work session; seconded by Commissioner Cooper.** Commissioner Anderson stated that he would support another amendment which would take out the Commissioner pay. Mayor Bradley noted that the Commissioner pay is not adjusted in the work session document. Commissioner Cooper asked if that was all he was supporting without any of the amendments. He replied yes. **Commissioner Cooper then withdrew her second. The motion failed for lack of a second.**

**Motion made by Commissioner Anderson to approve the original budget but with the withdrawal of the Commissioner pay.** Mayor Bradley asked if it was in the original budget as

amended. Commissioner Anderson said no, the original budget as what the original motion was with all of these changes but withdrawing the Commissioner pay. He stated that he is supporting the Mayor's position with eliminating the Commissioner pay. Mr. Knight clarified by saying everything that got passed and all the amendments today except for the Commission pay is the motion that he is making, so it is all the things on all these different amendments minus the Commission pay; **seconded by Commissioner Cooper.**

Commissioner Dillaha stated that she cannot support that. She noted that she has a hard time paying a lobbyist \$55,000 a year to not know what that person is doing most of the time when they have representatives. She said she cannot justify paying a lobbyist and not paying the people who would serve the citizens of Winter Park. **Upon a roll call vote, Mayor Bradley and Commissioners Dillaha voted no. Commissioners Anderson, Cooper and McMacken voted yes. The amended budget carried with a 3-2 vote.**

A recess was taken from 7:39 p.m. to 7:57 p.m.

### **Public Hearings**

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN INCLUDING A NEW UPDATED FIVE YEAR CAPITAL IMPROVEMENT PLAN AS PART OF THE COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT SUBSTITUTING FOR THE CURRENT FIVE YEAR CAPITAL IMPROVEMENTS PLAN AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

**This item was tabled and is rescheduled for the September 27, 2010 meeting.**

- b. Final conditional use approval-Request of Rollins College and Novasol Energy: Including modifications to the preliminary conditional use approval granted on December 14, 2009 to increase the height and decrease the side setbacks for the installation of solar panels on a portion of the top deck of the parking garage of the SunTrust Building at 400 S. Park Avenue

Planning Director Jeff Briggs provided a brief explanation noting that this is a preliminary and final conditional use approval to install solar panels on the top of the SunTrust Parking Garage. He stated that back in December when a preliminary approval was given to this project, the final plans were to come back and as often happens, when you arrive at the final design and engineering, some things changed. He noted that there are two material design changes and one added design feature from the originally approved plans are as follows:

1. Solar Panel Height – The structural design of the support structures has increased the height of the solar panel assembly from 10 feet, 8 inches above the roof deck to 12 feet, 4 inches. This is an increase of 1 foot, 8 inches. Technically, any increase in project height over one foot qualifies as a "significant change" per our code. This necessitates the modification to the preliminary conditional use approval.
2. Solar Panel Setbacks – The structural design of the fastener spacing is spreading the solar panels slightly further apart from each other. As a result, the setback from the northern



edge of the parking garage is decreasing from 47 feet to 40 feet, 5 inches and the setback to the south edge of the parking garage is decreasing from 47 feet to 42 feet, 4 inches.

3. Lighting Plan – These final construction plan submittals show the interior lighting fixtures that will be suspended underneath the solar panels for night security lighting.

Mr. Briggs noted that the remaining outstanding issue is to make sure this structure is visually appealing and that it is on top of a beautiful architectural project. He summarized by stating that the Planning staff believes that the submittals are complete for a final conditional use approval and covers the issues that are important to them concerning this project. These are significant changes but they do not significantly affect the major issue of the visibility of this structure, aside from the one outstanding visual material issue. Staff recommended approval with one condition: (1) that the steel structural support system be either painted or screened from exterior view on the north and south sides. Mr. Briggs responded to Commissioners questions and concerns.

Rebecca Furman, representing the applicant, provided a Power Point presentation detailing the project. She provided an update on the significant changes. She noted that the solar panels have been “pulled back” from the stairwell and that the project team does not feel that the solar panels will be visible from the north and south sides. She said that the key design issue was to keep this solar array structure as invisible as possible from locations close to the parking garage and suggested that they use a canvas overlay to permanently hide it, but only if the City requires it. She mentioned that it will not be visible from the east and west sides but from the north and south sides, if you are 250 feet away you will be able to see the structure. She explained that to the north, the 250 feet takes you on Knowles Avenue to about midway up to New England Avenue; on the south side, the 250 feet takes you into Fairbanks Avenue and to some spots within the college campus so it will not be totally invisible from those locations to the north and south driving by but is not visible for the most part.

She discussed Rollins’ concerns with regard to painting and maintaining the solar panels. She requested that there be some flexibility with the proposed condition of approval. She noted that they have a concern that by adding the canvas it will draw more attention to the structure than if it did not have the canvas. Their proposal is to build it, to have the option at the City’s pleasure to add the canvas, but they would let the City decide once it is up. She also noted her suggested change to the recommendation which removes “being at a minimum or including, but without limitation”. She stated that they cannot agree to without limitation let the City decide after they have put this up there, whether or not it is aesthetically pleasing.

There was considerable discussion by the Commission about various methods to achieve screening of the structural elements of the solar panel assembly. The Commission discussed the canvas screening with awning fabric.

Mr. Scott Bitikofer, Director of Facilities Management for Rollins College explained that while NovaSol Energy will own and maintain the solar panels, Rollins College will be responsible for the maintenance of the “structure”. He noted that they will be cleaned four times a year or every quarter and there will be no reduction in parking spaces. He also spoke about the enhancements that the solar panels will bring to the parking garage.

Attorney Brown noted that this is a quasi-judicial proceeding and since they are requesting a conditional use permit, they have a right to a conditional use permit unless the City has a need to impose reasonable conditions to make the structure compatible with the surrounding neighborhood and also be in compliance with the code. He explained the interpretation of the code and provided legal counsel.

Commissioner Anderson asked if they used the original setbacks if they would have the same issues regarding visibility and if it would be feasible. Mr. Bitikofer provided a detailed response. Attorney Brown noted that if the City votes to turn this down it would not be on the basis of aesthetics; it would be on the basis of compatibility and scale given the size on the superstructure.

Ms. Furman and Mr. Haseeb Quadri, CEO of NovaSol Energy answered questions and concerns from the Commissioners pertaining to the visibility of the building and explained in detailed what will be seen from the street. He also noted that even if they prepared a 3-d model they still would not have a good frame of reference as to where it would be visible and what is going to be visible. Mr. Briggs noted that P&Z staff recommended that they take a look at the structure the way it is presented and within six months the Commission can make the decision whether to add the canvas. Mayor Bradley asked for clarity regarding a time certainty that would be a function of a conditional use and if it qualifies on the compatibility and scale conversation. Attorney Brown stated that they could issue an order that would allow the conditional use subject to, which can include a development agreement that within six months after certificate of completion, at the direction of the City Manager or designee, that they would install an appropriate covering. He mentioned that they could require that it be canvas or poly lattice or another type of material.

**Motion made by Commissioner McMacken to approve the conditional use with the condition that prior to the final inspection approval that the City would review the need or not for an additional canvas cover around the structure as to screen the other side of the infrastructure of the solar panels after their installation; seconded by Mayor Bradley.**

Kim Allen, 271 Virginia Drive, said this is a great idea but has concerns with the structural integrity as it relates to hurricanes, with the electrical savings they will be gaining and the additional costs and impact on taxpayers and on the overall electrical utility. Mr. Briggs addressed the Commission noting it meets the 110 MPH wind load criteria.

Commissioner Cooper asked about other codes requiring screening of structures for compatibility. Building Director George Wiggins commented. Mr. Scott Bitikofer responded to questions related to the thickness of panels, mounting rails and canvas length.

**Upon a roll call vote, Mayor Bradley and Commissioners Anderson and McMacken voted yes. Commissioner Dillaha and Cooper voted no. The motion carried with a 3-2 vote.**

- c. ORDINANCE NO. 2820-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO IMPLEMENT REQUIREMENTS FOR INACTIVE CONSTRUCTION SITES; ELECTRONIC SUBMISSION OF BUILDING PLANS WITH RELATED FEES AND MEMBERSHIP CRITERIA FOR THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

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

**Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

d. Adopting the Fee Schedule effective October 1, 2010

Commissioner Cooper commented on page 242 and requested to add a lot consolidation fee and lot split fee, like they now have in a subdivision. She noted that currently there is a \$100 street closure fee and that Park Avenue should not be closed unless it is a City sponsored big community event. She would like to exclude Park Avenue from the \$100 fee for getting a permit to close the road and if they are going to close Park Avenue it should be on a very selective basis so she does not know if they need to even mention it in the fee schedule or if they want to simply exclude Park Avenue from the street closure fee schedule. She commented that if they are going to close Park Avenue for something other than a City wide function sanctioned by the City, she would expect it to cost about as much as it costs to get Central Park and would not expect it to be a small fee.

She also commented on adjusting the daily fee for the use of lakes. Mr. Knight stated that he does not know how much flexibility they have in raising that rate because they had to go to a daily fee in order to receive the state funding to do the herbicide treatment. Public Works Director Troy Attaway said the current fee is comparable to all of the other areas and cities. She said \$6 is very low and she would love for them to take a look at it. She commented on City park business permits; noting it is \$25 fee with no definition of what a business is or how big or how many people might constitute being there.

Commissioner Dillaha mentioned on page 243 regarding the fee for street closure. She noted that is \$100 and it is on a cost basis versus a market basis. She wanted to have that street closure permit be in line with the other fee schedule for events for Central Park, West Meadow and other parks and recommended that they follow that same kind of schedule. Mayor Bradley asked if there was a non-profit fee and an all other groups fee for special events closing or is there a Park Avenue fee versus closing another street. She said she was thinking of this in terms of downtown streets.

Mayor Bradley asked if this was maybe within the CBD or something. Mr. Wiggins said regarding the special events permit, they separate it out for profit and not-for-profit and they have a break for the non-profits and then about 2-3 years ago, due to the requests for street closures they had a fee of \$100. He said they have all kinds of requests there, it could be the Chamber of Commerce having a street closure, it could be a block party in a neighborhood and there is a wide range of activities and that is how that came about. Commissioner McMacken said they are talking specifically, he believes the discussion started with Park Avenue, other than the Car Show, Dinner on the Avenue and the parades, and asked what they do now. Commissioner Cooper said that is the reason she just wanted to parenthetically remove Park Avenue so that Park Avenue is utilized for City events. Commissioner McMacken asked what a City sponsored event is. She asked if they have a list of things now that they treat differently. Mr. Knight said if it is City sponsored they treat it differently. Mayor Bradley said there is a category of events that they condone. She said by putting Park Avenue as an exclusion to the \$100 or \$200 street closure that would necessitate discussion relative to closing Park Avenue.

Commissioner Dillaha agreed those figures should be adjusted. She then addressed page 254, regarding shoreline alteration permits, plants only, plants and retaining wall, and the violations carrying a penalty of three times the permit cost so that would be \$150 or \$300. She said if you are putting in a wall or taking out all of the shoreline vegetation without a permit, a \$300 penalty is really not a deterrent and recommended a higher amount. Mayor Bradley asked the City Attorney if they are limited in terms of penalties. Attorney Brown said there is a statute that dictates the amount of the penalty and he would have to look it up, but he is recalling that it might be up to \$500 per violation and you can also make violations a second degree misdemeanor punishable by up to 60 days and that code violations can be made a second degree misdemeanor.

Commissioner Dillaha referred to page 280, Parks Fees and asked why some things have a cost basis attached to them versus a market basis pricing. Mr. Knight explained the reasoning. Commissioner McMacken spoke about the field rentals and the ones that are market rate and the fee for making a late reservation. Attorney Brown addressed there are user fees generally and the law on user fees is they have to be to some extent reasonably related to the actual cost of providing the service and it has to be voluntary so that it is not a tax. She then mentioned park fees and field rentals should be based on a market base rate. Mr. Knight explained the difference in the fees charged. Attorney Brown provided clarification on impact fee/user fees. She then spoke about the adult sport team fees being reduced. Mr. Holland explained that there was a reduction in flag football leagues; therefore, they reduced the fees to have more teams. She asked for a report on the usage and what they have lost by increasing the fees. Mr. Holland acknowledged. She shared her concerns with limiting the number of attendees for special events being held at parks such as Dinky Dock and taking into consideration if the event would prohibit lake access to the public.

**Motion made by Commissioner Dillaha to approve the following changes: (1) For street closure events for downtown streets she would change the event fee from a \$100 and \$200 fee, she thinks it should follow what the rest of their parks have, the \$500 and \$1650 fee for small and large events, (2) For lakes, for after the fact permit fees she would increase those to \$500, (3) Adult Sport Team Fees being reduced from \$550 to \$450 she would make it contingent on seeing a report as to how the \$550 fee has impacted rentals for usage; (4) Regarding new fees for Dinky Dock she would limit them to small events, she does not know what the right number is, maybe it is 6 times a year and maybe that event is 200 people or less instead of 400; seconded by Commissioner Cooper.**

**Motion made by Commissioner Cooper to amend, to add a \$500 to \$800 fee for lot consolidation consistent with lot subdivisions depending on the number of lots that they are combining it would be exactly like the subdivisions are now. On page 242 of the packet she said it reads Subdivision 3 lots or less \$500 over 3 lots \$800 and in the past they didn't have, before the comprehensive plan, definitions relative to lot consolidations and lot splits so she would like to add appropriate fees for those consistent with the methodology used for subdivisions. On street closures she would like to parenthetically exclude Park Avenue and let that be dealt with on a one by one basis. On page 255 of the agenda packet on user fees for lakes she would like to double the existing fee. On page 52 the parks business permit she would like to limit that to no more than 10 participants for each business she would like to limit the number of participants or to cap the number of participants; seconded by Commissioner Dillaha.**

Regarding the daily use lake fee, Mr. Attaway stated that if it went to \$12 the City would not be in the state funded program and would lose approximately \$250,000. Commissioner Cooper asked what the maximum is and he said we are probably right on it; they can maybe do \$7. Commissioner Cooper asked how he knows; he stated because they told them and that was two years ago. Commissioner Cooper asked if they could check and set it at the maximum and that would be her motion.

Kim Allen, 271 Virginia Drive, commented about businesses in the community using parks. She said there should be some consistency in fees, and encourages them to look at residents first in all activities.

**Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Anderson and McMacken voted no; Commissioner Cooper and Dillaha voted yes. The amendment failed with a 3-2 vote.**

**Upon a roll call vote on the original motion with adjustments, Mayor Bradley and Commissioner Anderson voted no; Commissioners Cooper, Dillaha and McMacken voted yes. The motion carried with a 3-2 vote.**

**Motion made by Commissioner Cooper to add lot consolidation fees and lot split fees consistent with the existing subdivision fees that are under the City's Land Development Code Fees; seconded by Commissioner Dillaha. Mayor Bradley asked about the cost of consolidation versus the cost of splitting. Mr. Briggs stated that it is based upon the public notice fees. Upon a roll call vote, Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

**Motion made by Commissioner Cooper that on page 52 of the packet, there is a park's business fee of \$25 a month to have a business in the park; she would like to limit participants; that that fee covers to 10 participants per business. The motion failed for lack of a second.**

**Motion made by Commissioner Cooper that they parenthetically exclude Park Avenue from the general fee listing and they request that staff come back with recommendations relative to how to deal with Park Avenue; seconded by Commissioner Dillaha.**

Commissioner McMacken asked about the current policy for closing Park Avenue. Mr. Wiggins explained currently there is a special event permit request procedure and they charge \$100 for the road closure and depending on the size of the event and whether it is profit or non-profit, they do a direct charge to them for any cost for off-duty police officers or any other personnel that has to work the event. Commissioner McMacken asked if the application for this use goes through Building or Parks. He explained that the Building Department coordinates the process and it goes through all of the departments who have to identify all of their issues and costs related to it and they get billed for those costs. There was an overall discussion related to the pros and cons with closing Park Avenue and the associated fees. They also discussed the increase in fees approved in the previous motion and how it will affect the road racing events and other quarterly and annual events that take place in the City.

Commissioner Anderson asked if it would be appropriate to say that these fees do not include Park Avenue and on the second reading of the ordinance they will adopt Park Avenue fees.

Mayor Bradley noted that this is not an ordinance and it is done with their action tonight. Commissioner Dillaha addressed her recommendation to exclude Park Avenue and to send it to the Parks Board to come up with a recommendation. Commissioner Cooper agreed for them to come up with criteria and recommendations. Mr. Knight asked if they can leave the fee in place until they get a replacement fee back to the Commission so if something comes up they do not have a zero fee. Mayor Bradley stated that he is not sure the Parks Board is the only group that has a say in this matter that there are a lot of different groups that would love to have a say on it. Commissioner Cooper asked about the current fee. Mr. Knight said with the motion that previously passed got increased to \$550 for a small event and \$1,650 for a large event. Commissioner McMacken said that fee would devastate road race deals. Commissioner Cooper said that is not the intent and that is the reason why she would like it go back to Parks and have it looked at.

Mayor Bradley said that is not in her motion, it says she is going to eliminate the fee and then bring back usage. Commissioner Cooper explained that what she said was they were going to eliminate Park Avenue from the standing fee and she was going to request that the Parks Board come back with a recommendation relative to Park Avenue so they could think it through a little bit because she just does not want Park Avenue to be treated like any other street. Commissioner Anderson asked if they could adopt the fee schedule as is and then amend it in two weeks. Commissioner Cooper said she thinks that closing down Park Avenue should be something they should approach very cautiously and should not be something that for \$100 anyone can come in because they have a fee schedule that says they can. Mr. Knight noted that most of the times that they close Park Avenue it is at the request of the business district, such as a business after hours. It was noted that the fee closure is for the whole day not per hour.

Commissioner McMacken asked if they wanted to rescind that and go back to the \$100 until somebody comes forth with a different policy. She stated she is comfortable leaving that there. Commissioner McMacken said right now that \$1,650 for a large group of road runners would cancel that race quickly. Mayor Bradley said he thinks what they have is working and to adjust it or make modifications is erroneous and another two hour conversation when they have other pressing matters in the City and that is why he will be voting no. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson and McMacken voted no. Commissioners Dillaha and Cooper voted yes. The motion failed with a 3-2 vote.**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO WATER AND SEWER UTILITY IMPACT FEES; AMENDING SECTION 102-57 OF THE CODE OF ORDINANCES TO CORRECT THE NOMENCLATURE USED AND REFER TO SUCH FEES AS IMPACT FEES; AMENDING SECTION 102-92 OF THE CODE OF ORDINANCES TO CORRECT THE NOMENCLATURE USED, REFERRING TO SUCH FEES AS IMPACT FEES; REPEALING ORDINANCE 2524-03; AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. First Reading

**This item was tabled and is rescheduled for the September 27, 2010 meeting.**

A recess was taken from 9:53 p.m. to 10:00 p.m.

### **City Commission Reports**

#### **a) Commissioner Anderson**

Commissioner Anderson stated that he would like the Boys and Girls Club discussion to be handled as an Action Item Requiring Discussion and schedule it for the next Commission meeting.

#### **b) Commissioner Dillaha**

##### **1. Discussion to hold a town meeting in the Fall**

Commissioner Dillaha talked about having a town hall meeting in the fall. Mr. Knight mentioned that there are several topic specific type town meetings already scheduled, such as the upcoming transportation forum and other meetings. It was noted that they will all think about it this item.

Commissioner Dillaha wanted to follow up on an item discussed a few months ago concerning the recycling and the possibility of going to once a week cycle and wanted to see what the next step is. There was a short discussion on what transpired at the meeting held a few months ago. Mr. Knight noted that he will look back in the minutes and provide an update and status on the item.

##### **2. Updating the 2004 Debt Management Policy**

Commissioner Dillaha suggested talking about the Debt Policy. It was decided to schedule the item on Thursday, September 16, 2010 at 8am for a work session meeting to start the process. It was suggested to have the item come back for a future work session and have the Bond Counsel, City Attorney and Financial Advisor present when they finalize the item.

#### **c) Commissioner Cooper**

Commissioner Cooper wanted to know if she could submit the City Manager's evaluation report after the budget was approved but it was noted that it is due by September 20, 2010.

Commissioner Cooper mentioned that there really is no system for configuration control of their comprehensive plan changes and she would certainly like to see something put in place. Mr. Knight acknowledged.

#### **d) Commissioner McMacken**

Commissioner McMacken mentioned this coming Monday's work session and wanted to include in the discussion the Golf Pro Shop and Boys and Girls Club in an attempt to decrease the time in the next regularly scheduled Commission meeting. Mayor Bradley and Mr. Knight acknowledged the request.

e) Mayor Bradley

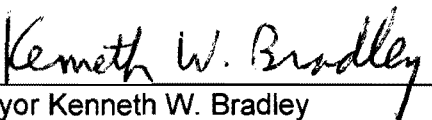
Mayor Bradley noted that due to time constraints he will hold his items as a point of reference and possibly address them at another time.

1. Electric Utility bulk power contract
  - a. Renewable energy sources incorporated into contract
  - b. Status
2. Transportation Plan
3. Denning Vision
4. Campaign finance reforms and local conflicts of interest: Charter Amendment
5. Attorney Bills
6. Amtrak Station design and rebuilding schedule
7. Repeal Ordinance No. 2793-10 aligning comprehensive plan changes with the vote of the citizens in March 2010 as expressed in Charter Amendment # 10

**Meeting Adjourned**

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

The meeting adjourned at 10:29 p.m.

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

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk Michelle Bernstein



## Winter Park 2007 vs. 2011

	2007	2011
<b>GF REVENUES</b>	<b>\$47.3 Million*</b>	<b>\$43.4M**</b>
<b>TOTAL DEBT</b>	<b>\$140,622,027</b>	<b>\$185,136,200</b>
<b>TOTAL DEBT / RESIDENT</b>	<b>\$4936</b>	<b>\$6500</b>
<b>DEBT SERVICE</b>	<b>\$10,152,274</b>	<b>\$15,213,964 (50% increase)</b>
<b>TOTAL DEBT SERVICE / RESIDENT</b>	<b>\$356</b>	<b>\$531</b>
<b>ANNUAL PENSION CONTRIB.</b>	<b>\$2.0M</b>	<b>\$2.7M</b>
<b>OC MILLAGE RATE***</b>	<b>5.1639</b>	<b>4.4347</b>
<b>WP MILLAGE RATE</b>	<b>4.7580</b>	<b>4.0923</b>

\* Peak revenue year in history of Winter Park

\*\* 8% decline from 2007

\*\*\*Winter Park Taxpayers pay Orange County \$19,000,000 in taxes per year / OC Millage 4.4347 / WP Millage 4.0923

**Florida Average Municipal Debt Service per Person: \$118.70** (Source: Florida Department of Financial Services)