

REGULAR MEETING OF THE CITY COMMISSION
November 9, 2009

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:50 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Building Director George Wiggins, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson (via phone)
Commissioner Margie Bridges
Commissioner Beth Dillaha

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Nancy McLean

Members absent:

Commissioner Karen Diebel

Citizen Public Comments:

No citizen comments.

Mayor's Report:

- a) Recognition of the Public Works Department by the Tuscany Place Homeowner's Association for street bricking.

Jim Kragh and Dr. Paul Schmidt spoke on behalf of the Tuscany Place Homeowner's Association and expressed their appreciation for the City's work on the recent street improvement project at Tuscany Place. Mr. Kragh read a proclamation addressing the completion date of October 24 for the 'Bricking Project' and presented the Public Works Department with a token of their appreciation.

- b) Recognition of the Fire Department for receiving the Garry Briese IAFC Safety Performance Award.

Mayor Bradley stated that on September 4, the International Association of Fire Chiefs (IAFC) awarded Fire Chief Jim White and his team the Garry Briese IAFC Safety Performance Award. The award was to recognize their innovative accomplishments as they successfully designed, developed and implemented a safer ambulance patient compartment for America's firefighters. Chief White gave brief remarks.

- c) Electronic applications for board appointments in 2010.

Mayor Bradley commented that he hoped to have the Commission's support regarding electronic applications for board appointments in 2010.

Non agenda item.

Mayor Bradley commented that November 11 is Veterans Day and on November 16 there is a special event throughout Orange County. He stated that he will be participating with Mayor Crotty and other Orange County Mayors to recognize our veterans.

Consent Agenda:

- a) Approve the minutes of 10/26/09.
- b) Approve purchase of five (5) all weather cardiac monitors/defibrillators from Physio Control (Medtronics), piggybacking off NASPO contract SW60300; \$118,783.95.
- c) Approve the award of the IFB-1-2010 Morse Blvd Resurfacing Project to P&S Paving, Inc.
- d) Approval to name the Winter Park Tennis Center office building in honor of Nancy Corse Reed. **PULLED FOR DISCUSSION. SEE BELOW.**

Consent Agenda item d) was pulled for discussion.

Motion made by Commissioner Dillaha to approve Consent Agenda items a), b) and c); seconded by Commissioner Bridges. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

The following people spoke in support of the request and recognized Ms. Reed's tennis career and accomplishments:

Beverly Buckley, Rollins College
Pennie Parker, Rollins College (read a letter on behalf of Betty Pratt)
Trish Riddell, 1705 Lyndale Boulevard
Bill Swartz, 2020 Taylor Avenue
Kay Merrill, Azalea Lane Tennis Center (submitted a petition in support of naming the Tennis Pavilion in honor of Nancy Corse Reed)

Upon a vote, item d) carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

Action Items Requiring Discussion:

- a) Fiscal Year 2009/2010 Hannibal Square Community Land Trust, Inc. Operational Grant Agreement.

Mayor Bradley asked if they received an audited financial statement from the Hannibal Square Community Land Trust, Inc. Assistant CRA Manager Peter Moore stated it was received.

Denise Weathers, Executive Director of the Hannibal Square Community Land Trust, gave a Powerpoint presentation on the Hannibal Square Land Trust and their mission. She spoke about the board of governance; the community development projects; the 2010 proposed development 5 year business plan; housing education and counseling programs and providing affordable housing in perpetuity.

Motion made by Commissioner Dillaha to approve the operational grant agreement; seconded by Commissioner Bridges.

Mary Daniels, President of Hannibal Square Community Land Trust (HSCLT) thanked Ms. Weathers for her dedication and work as Executive Director. She commented that they look forward to future partnerships with the City and the continued support of HSCLT in the form of operational funding.

Commissioner Bridges stated for the record that she is on the Hannibal Square Community Land Trust board and thanked Ms. Weathers for making this a viable housing option. Attorney Brown commented that Commissioner Bridges could vote and there was no conflict.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

b) Land Development Code – Select a date for public hearings and/or work session.

Planning Director Jeff Briggs asked the Commission to determine the schedule for public hearings to adopt the new Land Development (Zoning) Code to implement the comprehensive plan. He addressed the new summary sheets outlining the prospective changes that were posted on the City's website and provided to the Commission.

Motion made by Commissioner Dillaha to agree with staff's recommendation and advertise for the November 23 meeting for the first reading and December 14 for the second reading; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

c) Request for City support for the 5th annual boat parade.

City Manager Knight explained that the coordinators of the Winter Park Boat Parade are requesting that the Commission waive the one day boat permit fees for any boat that does not already have a boat decal. They were also requesting the City's assistance with promotion of the event.

Boat Parade Founder and Chairman Bob Hartnett stated that the proceeds from the parade go to the Albin Polasek Museum and is hosted at that location. Commissioner Bridges asked for clarification on the fee waiver. Mr. Hartnett explained this in further detail.

Commissioner Dillaha questioned why this could not have been handled through another department rather than coming to the City Commission. Mr. Knight commented that he had no problem with that and would like that authority.

Motion made by Commissioner Bridges to waive the \$6.00 boat fee for the Winter Park boat parade; seconded by Mayor Bradley. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

Commissioner Dillaha suggested having a threshold where some of these items do not have to be on the Commission agenda and give the City Manager authority to approve. Mayor Bradley agreed and suggested bringing this up under New Business.

d) Charter Review recommendations.

Mayor Bradley commented that the Charter Review Committee held seven publicly noticed meetings from September 17 through October 28 and the City Commission and Charter Review Committee held a joint meeting to discuss the recommendations on November 4. He stated that the Commission will provide direction to the City Attorney on which Charter amendments should be included in the referendum ordinance. He thanked facilitator Marilyn Crotty and the Committee for their work on the Charter Review.

Motion made by Mayor Bradley to approve the Charter Review recommendations as presented by the Charter Review Advisory Committee, items 1 – 10 as in their packet; seconded by Commissioner Bridges. Commissioner Bridges clarified that the consensus of the Commission at the joint session was that item 9; New Section – Ethics should read “The City Commission shall adopt by ordinance and maintain a local code of ethics.” She asked they strike the remainder of the sentence.

Joe Terranova, Charter Review Committee member, stated they recommended a preamble and that there were eleven items to include. He added that there was another item the City Attorney was going to change so that the intent of the Charter Review Committee was correct in terms of voting on ordinances and resolutions.

Commissioner Bridges asked if they would be addressing the change in the language with Section 2.08. Procedure. **Mayor Bradley modified the motion to include the preamble and the additional language in Section 2.08; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.**

Commissioner Dillaha addressed Section 2.06 Functions of Mayor related to board appointments. She believed it was in the best interest of the City to have the Commission collectively, along with staff recommendations come up with the board appointments because of the need to have individuals with experience. Commissioner Dillaha answered questions. Commissioner Anderson stated that he was in favor of leaving the board appointment process the way it is.

Motion made by Commissioner Dillaha to strike from Section 2.06, Functions of Mayor the sentence “he shall annually appoint members of the City Boards subject to the approval of the Commission” and insert a new section called “Board Appointments” where board nominations and appointments shall be made collectively by the City Commission and with positions filled no later than two months after the beginning of the board term; seconded by Commissioner Bridges for discussion.

Commissioner Bridges asked the Commissioners to consider the motion so they can all participate and work closer in the process and it would depoliticize the process. She added that staff input would be beneficial and believed this was a positive solution. Mayor Bradley commented that he already solicits input from staff and the Commission for appointments.

Joe Terranova, Charter Review Committee member, commented that the Charter language should not be changed and they should not limit the powers of the Mayor in this regard. He believed there would be unintended consequences in changing the rules.

Bob Hartnett, 401 Lakewood Drive, stated that this proposal would complicate the government and the Sunshine issue. He commented that this was not a good motion for the Committee, the Commission or the community.

David Lamm, 1250 Alexa Drive, expressed concerns that this proposal could politicize the issue more and asked them not to politicize this and to do things that are for the benefit of the boards and the community.

Commissioner Dillaha stated that she does not want this to be political and was trying to avoid that with this recommendation.

Upon a vote, Commissioners Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Anderson voted no. The motion failed with a 2-2 vote. Commissioner Diebel was absent.

Commissioner Dillaha proposed another Charter amendment to require a supermajority vote of the City Commission to amend the Future Land Use component of the comprehensive plan. She explained that to be able to change comprehensive plans on a 3-2 basis does not show that there is a definitive agreement that the amendment is in the best interest of the City and does not help to instill any sense of stability amongst the citizens regarding amending the comprehensive plan.

Commissioner Anderson stated that he spoke to Secretary of the Florida Department of Community Affairs Tom Pelham several weeks ago who authored "A Citizen's Planning Bill of Rights". He stated that what came out of that was one item requiring a supermajority vote only for text changes on comprehensive plans. He suggested distributing that document to the Commission and to discuss it at the next meeting. Mayor Bradley stated that this be distributed through the City Clerk's office, but if they did take action he was not sure how they would get it into the ordinance in terms of the referendum. City Manager Knight stated that they could ask Attorney Brown to prepare the language and it would be available to include or not include this in the ordinance for the two readings.

Commissioner Anderson suggested having a motion to draft an ordinance where the supermajority language is limited to text changes in the Future Land Use Element. Commissioner Dillaha asked that they consider the requirement for amendment to the Future Land Use Element in its entirety and discuss it at the next meeting. She added that it is important to let the citizens decide. Commissioner Anderson commented that in his conversation with Secretary Pelham he believed the reason they limited it to text changes was to avoid definition changes and not to make map changes based on supermajority votes.

Motion made by Commissioner Dillaha to have the City Attorney draft an ordinance for the Commission's review that would require a supermajority vote of the City Commission when amending the Future Land Use Element of our comprehensive plan; seconded by Commissioner Bridges. Commissioner Anderson asked Commissioner Dillaha to amend the motion to include only text changes. Commissioner Dillaha commented that they could agree on language the first time around then discuss it. Commissioner Bridges wanted to know what

the text changes would encompass. Planning Director Jeff Briggs answered questions. Upon discussion, Commissioner Dillaha agreed to Commissioner Anderson's recommendation.

Commissioner Dillaha restated her motion that a supermajority vote be required of the City Commission to amend the text within the Future Land Use Element of the comprehensive plan. She explained that this means that any language that changes land use policies would have to be approved by four votes. Mr. Briggs addressed that the Future Land Use Element is text, policies, densities and intensities, and a map and that zoning changes would not need a supermajority; however, changing policies would need a supermajority vote. **Commissioner Bridges accepted the modification to the original motion.**

Joe Terranova, 700 Melrose Avenue, opposed this because of the unintended consequences.

Sally Flynn, 1400 Highland Road, urged the Commission to move forward and take it to the voters.

David Lamm, 1250 Alexa Drive, believed it was premature to consider any kind of additional requirement and under its current format within the future land use maps it is a restrictive element that has unintended consequences at this point and time.

Dan Bellows, 511 W. New England Avenue stated that he opposed to supermajority request by Commissioner Dillaha and believed it was irresponsible and unfair to the citizens of Winter Park.

Planning Director Jeff Briggs clarified that Commissioner Dillaha said this is for the Future Land Use Element and not the entire comprehensive plan. Commissioner Dillaha agreed that it was intended for the Future Land Use Element only.

Eric Rosoff, 1247 Via Salerno, believed it was premature and having a supermajority may prohibit the Commission's own actions that they would like to take.

Mayor Bradley commented that this is was not good policy. **Upon a roll call vote, Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley voted no. The motion carried with a 3-1 vote. Commissioner Diebel was absent.**

Mayor Bradley noted that there were several Charter Review recommendations from other Commissioners that the Charter Review Committee chose not to act on. Discussion ensued regarding the sunseting of the Charter Review Committee.

Motion made by Mayor Bradley to discharge the current Charter Review Committee and going forward into the future if they have additional Charter Review issues that they reappoint or appoint a new group; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent. Mayor Bradley thanked the Committee for their service to the City and the City Commission.

e) Economic development incentives.

City Manager Knight explained that the City Commission had a work session on November 4 to further explore economic development incentives. He stated that he emailed the Commission a memo and the requests made by Dan Bellows appeared to generate interest by the Commission to pursue "the acquisition of assets" related to: 1) purchase of the parking piazza; 2) acquisition of the two lots at 813 West New England Avenue and 426 West Lyman Avenue; and 3) the potential purchase some or all of the five acres of property at Monroe and Bennett Avenues for electric utility and/or post office distribution.

He commented that in order to proceed, the City needs to obtain appraisals to substantiate the land values they are discussing. He addressed that the vacant residential lots will cost \$350 per lot or \$700 total and the commercial appraisal for the Ravaudage property would be \$2,900. He added that the parking piazza is more difficult to find comparables for but was told that the surface parking typically values at \$5,000 per space making the 12 spaces \$60,000 - \$65,000.

Motion made by Mayor Bradley to authorize the City Manager to go forward with the appraisals which may lead to the potential purchase of these properties; seconded by Commissioner Anderson.

Commissioner Dillaha wanted a recommendation from the City Manager and staff whether we need to be purchasing any of these. Commissioner Bridges agreed and commented that she was hoping staff had met with Mr. Bellows to see if he had other properties that he might be willing to negotiate with the City on and did not want to limit it to these three properties.

Dan Bellows, 511 W. New England Avenue stated that he will be sending the Commission information regarding vacant land on New England in the commercial district that he will offer to the City as a donation and that it would be that amount of land and a fee simple title that would accommodate the Post Office retail. He added that he has a list of land that he would like to donate and/or sell and that he can help the City and the City can help him. Mayor Bradley commented that Mr. Knight can work with Mr. Bellows on this. Mr. Knight agreed.

Mayor Bradley stated that the economic development incentives are still working its way through staff and it will come to the Commission at some point. He spoke about this being a slower process versus the opportunity whether we purchase land or not. Commissioner Bridges stated that she did not want to tie the two together. Mayor Bradley agreed that they are two different issues.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

f) Discussion of a potential ordinance(s) creating the number of regular members on boards and Commissions which have quasi-judicial duties. Also, the elevation of current alternates to regular members as part of the initial transition. (Tabled and continued from the City Commission meeting of July 13, 2009.)

Mayor Bradley commented that he wants this to be discussed when Commissioner Anderson brings forth the conversation so that there are two items as it relates to how they may or may

not handle alternates. There was consensus among the Commission to hold this open until Commissioner Anderson is ready.

There was a recess taken from 5:48 p.m.-5:59 p.m.

Public Hearings:

- a) ORDINANCE NO. 2785-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; AMENDING SECTIONS 1-11 AND 2-108 OF THE CODE OF ORDINANCES TO PROVIDE FOR SUPER-PRIORITY OF CODE ENFORCEMENT LIENS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. He explained that with future code violation orders, once they become liens on properties, they have the priority of an ad valorem tax lien with respect to mortgages that are recorded after the effective date of the ordinance. No public comments were made.

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

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE II, "CONCURRENCY MANAGEMENT REGULATIONS" SO AS TO AMEND AND READOPT PORTIONS OF THE CITY'S CONCURRENCY REGULATIONS IN CONFORMANCE WITH THE CITY OF WINTER PARK'S NEW COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT RELATED TO PUBLIC SCHOOLS, WATER AND SEWER AS ADOPTED FEBRUARY 23, 2009, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. No public comments were made. Planning Director Jeff Briggs explained the ordinance updates the City's Concurrency Management Regulations in our Land Development Code (Article II) to implement new policies for public schools, water and sewer to reflect the newly adopted comprehensive plan. He stated that there are two types of changes in this ordinance which updates the concurrency rules for the first time since 1991: 1) addition of school concurrency (the City needs to add provisions to address that new feature); and 2) change to new levels of service for water and sewer (640 gpd versus 700 gpd) based on actual usage. Mr. Briggs and Utilities Director David Zusi answered questions.

Motion made by Commissioner Bridges to accept the ordinance on first reading; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE NO. 2730-08 TO EXTEND THE DEADLINE ESTABLISHED IN SECTION TWO BY ONE YEAR. First Reading

Attorney Brown read the ordinance by title. No public comments were made. Planning Director Jeff Briggs explained that the City agreed to de-annex five properties on Orlando and Benjamin Avenues via Ordinance No. 2730-08 on February 11, 2008. However, that ordinance did not become effective per Section 2 until Orange County established new comprehensive plan and zoning designations on these five properties which had to occur by January 29, 2010. Orange County believes that when these properties are de-annexed they do not carry with them the existing commercial zoning but the properties have no zoning at all until new zoning is established by the County. For whatever reason that deadline date cannot be achieved and Mr. Bellows is requesting the City to extend the deadline by one year. Mr. Briggs and Attorney Brown answered questions.

Commissioner Bridges commented that Mr. Bellows has agreed that after the de-annexation he will come back and apply for re-annexation. Mr. Briggs explained that the "Agreement for De-Annexation and Annexation of Property" that has been executed by Mr. Bellows gives the City the right (at our discretion) to annex not only these five properties back into the City but the entire project.

Upon further discussion, **motion made by Commissioner Anderson to table this ordinance; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes.** Commissioner Anderson clarified that he was tabling this because he wanted to understand the force of goodwill involved in having us seated at the entitlement table when the zoning issues come before Orange County. **The motion carried unanimously with a 4-0 vote.**

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING AND RESTATING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2624-05, AS SUBSEQUENTLY AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the titles of ordinances d) and e) together. No public comments were made. City Manager Knight explained that these ordinances came from the Attorney hired by the Pension Boards in order to make IRS changes to the ordinances and to clean up items. He stated that the Actuary has ruled there is no financial impact to any of these changes and that Administrator Jeff Templeton was available for questions.

Mr. Knight stated that the Commission also asked for the Pension Boards to look at other changes that would save some money and they appointed a subcommittee. The subcommittee will be reporting back to the Pension Board on November 12.

Motion made by Commissioner Bridges to accept the amendments to the City of Winter Park Police Officers pension plan ordinance on first reading, seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING AND RESTATING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN, AS ADOPTED BY ORDINANCE NO. 2614-05, AS SUBSEQUENTLY AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. First Reading

Motion made by Commissioner Bridges to accept the amendments to the City of Winter Park Firefighters pension plan ordinance on first reading, seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

- f) Resolution-Declaring that the City is to fund capital improvements to underground electric/CATV facilities at properties abutting Fawsett Road, Glencoe Road, West Dana Way, West Reading Way, West Rockwood Way and Lake Chelton Circle. **THIS HAS BEEN POSTPONED UNTIL DECEMBER 14, 2009.**
- g) Resolution-Confirming the special assessments to underground electric/CATV facilities at properties abutting Fawsett Road, Glencoe Road, West Dana Way, West Reading Way, West Rockwood Way and Lake Chelton Circle. **THIS HAS BEEN POSTPONED UNTIL DECEMBER 14, 2009.**

City Attorney's Report:

No report.

Non-Action Items:

- a) City Manager's report.

City Manager Knight gave an update on the Bridgebuilders Brotherhood meeting. He spoke about scheduling Citizen Advisory Boards to individually come to Commission meetings. He stated that they have a tentative schedule for the Ethics Board to come to the next meeting. Mayor Bradley asked Attorney Brown if he reviewed the Ethics Plan. Attorney Brown stated he reviewed it preliminarily and that there are some serious legal issues to work through.

Mayor Bradley commented that the Commission collectively did the City Manager's evaluation at their last work session. He stated that both the areas of improvement and strengths were recognized and that there is no formal action that they were taking as it relates to merit increases because the City is not providing merit increases for our staff during this budget cycle.

New Business (Public):

No New Business.

New Business (City Commission):
Commissioner Dillaha:

1. Commissioner Dillaha spoke about electronic filing for boards and suggested they have a more thorough description of the time that is required and the board duties. Mayor Bradley agreed and believed that there needs to be a job description which leads to an appraisal on a board. He asked staff to start bringing that forward and added that this could be one of the items they discuss with the boards.
2. Commissioner Dillaha asked to follow up on one of their 90 day priorities of the procedures for running Commission meetings. Mayor Bradley commented that this is already scheduled for November 23 at 2:00 p.m. to discuss Resolution 1978-07 and December 14 at 2:00 p.m. to discuss the library.
3. Commissioner Dillaha asked about public hearings and if public input should be taken first before making motions. Attorney Brown explained that it does not affect the legality of this as long as the public has opportunity to comment on the matter and it is properly noticed.
4. Discussion of Ordinance 2524-03 related to water and sewer connection/impact fees and the corresponding Economic Development Policy: Commissioner Dillaha asked about the difference between connection and impact fees. Attorney Brown explained the two fees. Commissioner Dillaha commented that they need to differentiate between the two and have a specific ordinance that articulates impact fees. She addressed the 2003 policy ordinance relating to the sewer connection fees that allows the City to defer some of these fees as an economic development incentive policy.

City Manager Knight explained that this came about because they were trying to attract certain types of businesses on Park Avenue and that the Economic Development Director believed having flexibility and deferring impact fees for restaurants (for example) might help those businesses to get established before they had to pay the fee. Mr. Knight answered questions.

She recommended that the City Attorney bring forth an ordinance regarding impact fees. Mr. Knight clarified that the ordinance they have calls it connection fees but the study that supports it and the fees that are in place are actual impact fees. Commissioner Dillaha suggested they review the policy and make sure that all the restaurants have an opportunity to have the same terms for deferment and address the policy in terms of charging for seats that are outside versus inside. Mayor Bradley believed it was a matter of policy versus an ordinance. Commissioner Dillaha stated that it needs to be clarified.

Motion made by Commissioner Dillaha to direct staff to review this in its entirety and to bring the Commission a recommendation; seconded by Commissioner Bridges. Commissioner Bridges asked for further information on how many of the businesses we have incentivized, but have not been able to maintain the 5 year installment plan or have gone out of business. **The motion carried unanimously with a 4-0 vote. Commissioner Diebel was absent.**

Commissioner Bridges:

Commissioner Bridges addressed speaking with Mr. Bellows about having a work session to discuss properties he has available that the City could consider. Upon a suggestion by Mayor

Bradley, there was consensus for staff to do a prioritization list of the properties before it comes to the Commission.

Mayor Bradley:

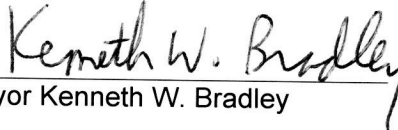
1. CRA extension and boundaries.

Motion made by Mayor Bradley to instruct staff to bring a recommendation to the Commission that staff study a possible life extension or time extension as well as potential boundaries that may make sense for our CRA to be expanded or contracted. Commissioner Anderson wanted to add that the Fairbanks corridor could be considered in two ways: 1) based on our existing boundaries; and 2) if we are successful in getting the annexation. **Mayor Bradley agreed and stated that it should be considered as a part of the motion; seconded by Commissioner Anderson.** Mr. Knight answered questions.

Mayor Bradley commented that the intent of his motion is to address what the Orange County Property Appraiser Bill Donegan brought to the Commission in terms of looking at redevelopment areas and the timing to do that. Commissioner Anderson addressed the importance of economic development in this area. **The motion carried unanimously with a 4-0 vote. Commissioner Dillaha was absent.**


Motion made by Commissioner Dillaha to adjourn the meeting; seconded by Commissioner Bridges and carried unanimously with a 4-0 vote. Commissioner Diebel was absent.

The meeting adjourned at 6:54 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham