

REGULAR MEETING OF THE CITY COMMISSION
November 22, 2010

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

The invocation was given by Pastor Kathy Thacker, St. Andrew's United Methodist 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
City Clerk Cynthia Bonham

Mayor Bradley said he is often asked "what is a good way to start a meeting". He mentioned while at the new Kaboom Playground just built at Cady Way Park he saw a sign for Playground Rules that he is going to adopt. He asked the Commissioners to join him in having this be their mantra for future commissions. The rules are: 1. Have fun; 2. Play safely; 3. Watch out for each other; 4. Laugh a lot.

Approval of the agenda

Mayor Bradley said the applicant has requested to table 12H until the December 13, 2010 meeting. He asked if item 12G can be addressed first under public hearings. Commissioner Cooper requested to reverse the order of B&C under Action Items Requiring Discussion. She also requested to table Consent Agenda Item C and reschedule for December 13. There was not a consensus to table this item. Commissioner Dillaha requested to add discussion for RFP for the financial advisor; it was agreed to schedule it as Item E, Action Items. Commissioner Cooper requested to add Item F, Action Items to discuss the makeup of the RFP selection committee. **Motion made by Commissioner McMacken to approve the agenda as amended with the continuance of item 12H, moving item 12G and the addition of items 11E and 11F; second by Commissioner Dillaha and carried unanimously.**

Economic Development Advisory Board Update

CRA Director Dori DeBord provided an update on the Economic Development Advisory Board (EDAB) and introduced Mark Riecher, Chairman of EDAB. There was a Powerpoint presentation that included who the EDAB is, their mission, their initiatives and what makes their organization work. Mr. Riecher summarized their current undertakings and their future goals they wish to accomplish. Ms. DeBord and Mr. Riecher answered questions of the Commission.

Mayor's Report

1. Proclamation – Winter Park Public Library 125th Anniversary

Mayor Bradley introduced Doug Kerr, Library Board President as he presented the library with the 125th anniversary proclamation and proclaimed the month of December 2010 as 'Winter Park Public Library Month'. He said that Winter Park is one of the top rated libraries in our

state. He mentioned that on December 9 there will be a cake celebration at the library and encouraged all citizens to participate in celebrating this great event.

2. "Operation Gratitude" - Recognition of Andrew Weinstock

Mayor Bradley introduced Andrew Weinstock. He spoke about his work on "Operation Gratitude". Fire Chief White explained how Andrew came to the fire station with this great idea and asked them for assistance. Andrew explained that Operation Gratitude is a non-profit organization which sends care packages to the troops overseas and that he worked only on one part of the program by collecting candy to send overseas. Andrew said with the help of the City, the citizens and Chief White he exceeded his 2,000 pound goal and collected 4,341 pounds of candy. Mayor Bradley, Fire Chief White, city staff and citizens thanked Andrew for his outstanding contribution.

3. Parks Department accreditation

Parks and Recreation Director John Holland said this was a group effort in obtaining the Parks Accreditation. He thanked Joe Abel, Director of Leisure Services of Seminole County for his assistance. Mr. Abel explained the commitment made by the Parks and Recreation Department and by complying with a body of standards deemed essential to the quality of services delivered and the professionalism of its operational system and having accomplished best management practices, it was recommended by the members of the Commission for Accreditation of Parks and Recreation Agencies, that they receive accreditation effective October 26, 2010 and recognized as an accredited parks and recreation agency for a period of five years. He also explained that the City is now one of 90 agencies across the nation with this accreditation.

Mayor Bradley thanked everyone for their hard work and efforts for the huge success at the Winter Park Harvest Festival and for the numerous volunteers from all over the world that helped set up the new Kaboom playground at Cady Way Park last week.

Mayor Bradley mentioned that last week he attended the Florida League of Cities Advocacy meeting and one of the main issues they are addressing is related to pensions. He noted that he has a copy of their advocacy policy which might be useful to the Commission since they are addressing the same issue.

4. Commissioner appointment: Financial Advisor Selection Committee

Mayor Bradley said he would like to serve on the Financial Advisor Selection Committee. Commissioner Dillaha said she would also like to serve. **Motion made by Commissioner McMacken appoint Mayor Bradley and Commissioner Dillaha to the Financial Advisor Selection Committee; seconded by Mayor Bradley. The motion carried unanimously with a 5-0 vote.**

5. Commissioner appointment: Bond Counsel Selection Committee

Commissioner Dillaha nominated Commissioner Anderson. Mayor Bradley agreed. **Motion made by Commissioner McMacken to appoint Commissioner Anderson to the Bond Counsel Selection Committee; seconded by Mayor Bradley. The motion carried unanimously with a 5-0 vote.**

City Manager's Report

City Manager Knight introduced CRA Director Dori DeBord who briefed the Commission on the deal points for the State Office Building. Ms. DeBord stated that they are currently working on finalizing the lease agreement and they have settled on the major issues, but there are still some issues that are being worked out. She addressed the work session scheduled for December 13, 2010. She said they are expecting to receive a proposal today from Concord Eastridge and that she will pass this information along to them once it comes in. She then answered questions of the Commission regarding the valuation study and what it is based on.

Commissioner Anderson commented that he thought they are off \$50,000-\$100,000 a year in the lease payment. Ms. DeBord said it would be helpful if there is a consensus to change the terms and to know what those terms would be prior to engaging in a lease agreement so they can present it to Concord Eastridge to incorporate into the lease. Both Commissioners Cooper and McMacken suggested having a work session to finalize the agreement and to discuss other concerns such as the cost and lack of corporate guarantee. Ms. DeBord clarified Mayor Bradley's concern regarding the potential sub-lease and how it is handled in the agreement and the escalation terms. He said there needs to be some fair escalation that continues to go up that and to include that item. There was a consensus for a December 6, 2010 work session from 5:00-7:00 p.m.

Mr. Knight mentioned that the town hall meeting is scheduled for January 13, 2011 at 7:00 p.m., but that he needs to know what type of format is to be taken. There was a consensus to include it on the December 13, 2010 meeting agenda for discussion.

Commissioner Cooper requested Mr. Knight to add the Home Acres annexation reserve area to his list of updates. Mr. Knight noted that they have it on the agenda for discussion at the next Commission meeting.

Commissioner Dillaha asked about the Pro Shop. Mr. Knight said the update is to come in December. After questioning, Mr. Knight noted that the strategic plan details will be coming very shortly and that he has been working with staff on the revisions. She asked to add to the December 6, 2010 work session an item regarding the five goal items from the City Manager Evaluation. There was a consensus for this.

City Attorney's Report

Attorney Brown provided an update on his meeting with Orange County regarding the commuter rail agreement and said that it was a very positive meeting. He noted that Orange County has accepted virtually everything they proposed, but had some minor language issues that will be in the revised document that he will provide to the Commission. He said they have completely accepted the ability for the City to terminate if at any time during the term of the deal there is not a 100% dedicated funding source. They asked the City to consider that termination be by a super majority vote of the Commission but that Mr. Knight said absolutely not, but they seemed to compromise that before the City votes to terminate they are recommending holding a public hearing. He mentioned that they also want to tweak the issue relating to the local tax funds in which the City participates. He said they would like to consider using that as a dedicated funding source and that they are totally understanding that it would be acceptable so long as it is across the board, meaning all municipalities in Orange County would have to give up the

same percentage of that fund so that it would not be a discrimination against the City. He said the City did not lose any ground in terms of the dedicated funding source issue and the not to exceed issue.

Attorney Brown said they had a discussion regarding the issue of liability and insurance costs and that he is waiting to hear back from them. He explained that he agreed in concept that there should be a comparatively low not to exceed amount for ordinary years of operation, but they will propose a defined liability claim per year where if there is a significant accident then there would be a higher not to exceed amount because that would include the City's contribution. He said he will make the changes and then present it to the City Commission for voting and then the County commission will vote on it. He said he will be finalizing the language within the next couple of weeks but is trying for the December 13, 2010 meeting. Both Mr. Knight and Attorney Brown provided clarity to Commissioner Dillaha's concern about possibly having a combined cap versus a single cap.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of 11/8/2010.
- b. Approve the reduction in fines imposed by the Code Enforcement Board against the property located at 1254 Via Estrella. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**
- c. Approve the proposed Application, Collection and Administrative Policy for off-leash area and entry fees for Fleet Peoples Park. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**
- d. Accept \$150,000 donation from Winderweedle, Haines, Ward and Woodman, PA, for capital improvements at Mead Garden and authorize the Mayor and City Manager to sign associated documentation.
- e. Approve award and PR #145733 to Consolidated Pipe & Supply Company; \$69,600 (IFB-2-2011 Purchase of 6" HDPE DIPS Pipe)
- f. Approve the following purchases and contracts:
 1. Statement of Work No.1 to Master Program Agreement and Business Associate Agreement with Extend Health, Inc. and authorize the Mayor to execute both agreements
 2. Administrative Services Agreement ASA-705580 with Aetna and authorize the Mayor to execute the agreement; \$43.73 per employee per month for Aetna Choice POS II; \$46.43 per employee per month for Open Access Aetna Select
 3. Application for Stop Loss Insurance with Aetna (RFP-6-2007) and authorize the Mayor to execute the application; \$451,696.00
 4. Master Services Agreement for self-funded Prescription Drug Benefits Plan with Addendum I (Aetna Specialty Pharmacy) and Service and Fee Schedule (RFP-6-2007) and authorize the Mayor to execute the agreement
 5. Piggybacking the State of Florida contract # 618-000-01-1 with Office Depot for the purchase of Office Consumables and authorize the Mayor to execute the Piggyback Contract

6. Piggybacking the Lake County contract # 03-001 with Helena Chemical Company for the purchase of Agricultural Chemicals, authorize the Mayor to execute the Piggyback Contract and approve Blanket PO; \$50,000
7. Piggybacking the City of Maitland contract # 270-10-1C with A Budget Tree Service, Inc.; authorize the Mayor to execute the Piggyback Contract and approve Blanket PO; \$118,000. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**

Motion made by Commissioner McMacken to approve items 'a', 'd', 'e', 'f' 1-6; seconded by Commissioner Anderson and carried unanimously with a 5-0 vote.

Consent Agenda Item 'b' - Approve the reduction in fines imposed by the Code Enforcement Board against the property located at 1254 Via Estrella.

Commissioner Dillaha spoke about the violation and said she does not want to approve a full waiver of the fines. Mr. Knight noted that the property is now under foreclosure, the bank currently owns it and is now trying to sell the property, and the lien is problematic to them. Code Enforcement Director George Wiggins provided a background history on this property and the overall procedures that are involved with violations and penalties. He addressed Commissioner Anderson's concern regarding similar situations with foreclosed properties. Mr. Wiggins explained that they are currently working with the City Attorney to bring forth a proposal to the Commission with a method on how they are going to deal with these issues in the future so that every case does not have to come back to the Commission.

Motion made by Commissioner McMacken to approve staff's recommendation (reducing fine to \$1,000 plus the administrative costs and costs of services rendered to correct the violation. The total assessment will be \$3,418.50); 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 the proposed Application, Collection and Administrative Policy for off-leash area and entry fees for Fleet Peoples Park.

Motion made by Mayor Bradley to table this item until a review by the Parks and Recreation Commission has looked at the policy and brings them a recommendation. Commissioner McMacken asked Parks and Recreation Director John Holland if they looked at this. Mr. Holland stated that it was on the agenda but was not listed as an action item. He said they were made familiar with the policy and chose not to take any action on it. Mayor Bradley stated that his motion would obligate them to take action. **Motion failed for lack of second.**

Motion made by Commissioner Anderson for open discussion; seconded by Commissioner Cooper and approved unanimously. Commissioner Dillaha shared her concerns with the cost of the daily ticketing machine and said that more considerations need to be made regarding the rules and regulations. She suggested that staff find another methodology for the daily pass scenario. Commissioner Cooper said she is concerned with large events being held in the park and suggested that staff come up with a way for citizens to be able to print their dog passes on-line to help save money so they do not have to purchase a costly machine. Commissioner McMacken said there is a standard set of rules for all parks and these items should be listed. Mr. Holland explained the application process, the daily pass

machine, the rules and regulations, and enforcement. Commissioner Anderson said they are using the same concept as the boat tag machine that currently works fairly well and then asked for clarity of the fees for additional dogs. Mr. Holland noted that it is \$75 for the first dog and \$50 for every dog thereafter in the same family.

Motion made by Commissioner Dillaha to go with staff's recommendation for the annual pass including the daily ticketing machine and adding to the rules and regulations the following: first to change it to annual pass, not permit and would require that the fee schedule and the regulations are posted on the City website; add for regulations "Owners of dogs (not pets) without proper registration will be asked to leave the park and repeat offenders will be subject to a fine of 'x' amount of dollars; that dogs must be within voice range and under owner's control at all times; the owner/guardian must not and cannot leave the park without their dogs; that professional dog walkers, trainers and groomers shall not use the park to conduct their business; dogs shall not harm humans, other dogs or wildlife; that a maximum of 3 dogs per guardian or owner at one time unless accompanied by another adult; and that no smoking or alcohol is allowed in the park; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper to remove the prohibition on smoking and alcohol, assuming alcohol is covered elsewhere; seconded by Commissioner McMacken.

Motion amended by Mayor Bradley that there would be a non-binding resolution for the dog fees and that it be placed on their City wide election in March to determine whether or not dog fees are a good thing for Fleet Peoples Park. Motion failed for lack of a second.

Commissioner Dillaha shared her concern regarding smoking in the park, specifically in the off leash dog area with cigarette butts being hazardous to the dog's health and the fire hazards with the park. Mr. Holland stated that over the past several years they have discussed making City parks non-smoking and there is a state statute currently in place that does not allow cities to do that. He also noted that they are currently working with the Winter Park Health Foundation in trying to encourage our parks to be non smoking, fresh air park facilities.

Motion amended by Mayor Bradley that the Fleet Peoples Park be placed on the agenda at the next city wide election and move an amendment to this that whether or not Fleet Peoples Park be a dog park. Motion fails for lack of a second.

Edward Englander, unknown address, said he does not want to be taxed twice and asked the Commissioners to rescind this ordinance before it goes into effect and leave well enough alone.

Sally Flynn, 1400 Highland Road, spoke about the dog fees and said she does not feel it is right to keep charging \$50 for each additional dog.

Lori Martin, 2271 Wairn Drive, requested that this item come before the voters rather than allowing only the Commissioners to make this decision since it affects all citizens.

Rick Frazee, 1921 Englewood Road, said the fees that they will be charged are extravagant and requested that they adjust the fees by making the park free or charge \$25 a year.

Wesley Ann Hunt, 171 West Rockwood Way, said she is in support of the idea of putting the vote to the people since it personally affects them. She also asked them to reconsider the fee schedule and to allow for a reduced fee for veterans, handicapped citizens and senior citizens in the community.

Peter Weldon, 700 Via Lombardy, said he would like to see as a citizen that the City fulfill their responsibilities and make this the best run dog park in Central Florida.

Michael Palumbo, 559 Oak Rescue Lane, said they should put this issue before the people of the City.

Sandy Womble, 940 Old England Avenue, said they should hold off on their decision and to allow everyone that is involved participate in the decision making process.

Nancy Shutts, 201 Brandywine Drive, said she hopes they approve this.

Motion amended by Commissioner Anderson that the \$50 additional dog fee be applied to households and not per additional dog; seconded by Commissioner McMacken.

Commissioner Anderson clarified his motion by stating that it would be \$75 for the first dog and \$50 per household for the additional dogs for a maximum of \$125. Attorney Brown clarified the reduction in user fees for residents and non-residents and noted that user fees need to bear a reasonable relationship to the cost of actually providing the service for which the user fee is charged. He also mentioned that they would be permitted to give some price reduction for the handicapped or veterans and they could do it on a per park basis. Commissioner McMacken asked Mr. Holland if they grant those types of differentials in fees for resident and non-resident at other facilities. Mr. Holland said yes.

Upon a roll call vote on the first amendment (to remove the prohibition on smoking and alcohol, assuming alcohol is covered elsewhere), Mayor Bradley and Commissioner Dillaha voted no. Commissioners Anderson, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

Commissioner Anderson restated his motion "to amend the \$50 fee should include all additional dogs in the household after the first \$75". **Upon a roll call vote on the second amendment Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

Commissioner Anderson stated that he wanted to be able to vote for this but the rules have become so restrictive that he would like to consider them a bit longer. **Motion amended by Commissioner Anderson to table, seconded by Mayor Bradley. Upon a roll call vote, Mayor Bradley and Commissioner Anderson voted yes. Commissioners Dillaha, Cooper and McMacken voted no. The motion failed with a 3-2 vote.**

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

Item 'f-7' - Piggybacking the City of Maitland contract # 270-10-1C with A Budget Tree Service, Inc.; authorize the Mayor to execute the Piggyback Contract and approve Blanket PO; \$118,000

Commissioner Dillaha asked Mr. Knight for clarification on what arbor services contract is for and if it was different from the previous item in the last meeting that was presented by Forestry. Mr. Knight said it is different and explained that this is one is for an outsourced forestry crew to do production trimming. **Motion made by Commissioner McMacken to approve; seconded 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.**

A recess was taken from 6:19 p.m. to 6:43 p.m.

Public Comments

Peter Weldon, 700 Via Lombardy, provided input and his perspective concerning the Denning Drive office property and the potential lease by speaking about the lease, the tenant's obligation, and the appraisal.

Michael Palumbo, 559 Oak Reserve Lane, said he is disabled and is going to be using a wheelchair and is requesting that Fleet Peoples Park meets the ADA accessible requirements. Mr. Knight said they are currently working with the City Attorney and the applicable departments to address this requirement for all parks and buildings.

Robert Laughlin, 255 Osceola Court, said he wanted to speak about an upcoming Historical Preservation Commission quasi judicial hearing. Attorney Brown stated that since it is a quasi judicial item that he should save his comments until the item is formally listed on the agenda so you protect his rights and the applicant's rights.

Stan Lieberman, 200 St. Andrews Boulevard #3701, asked to help make the intersection of Perth and Dundee safer by installing a stop sign on Perth approaching Dundee. Mayor Bradley referred the item to staff and asked Mr. Knight to bring forth a recommendation and to also inform Mr. Lieberman of the status. Mr. Knight acknowledged.

Action Items Requiring Discussion:

- a. Potential Charter question to change citizen board appointment methodology

Mr. Knight asked the Commission for their recommendation. Commissioner Dillaha commented on the process and provided her rationale for bringing this item forward. She said the goal is to have staff and the City Commission collectively work on making board appointments based upon qualifications of the different applicants. She feels there are two issues to address with the charter; to remove the sole authority for nominations from the Mayor and have it done collectively by the Commission and to clearly articulate the role of the boards, committees and task forces which can be addressed at a later date. Mayor Bradley asked for clarity regarding the time frame of this item. Mr. Knight stated that they spoke with Orange County Supervisor of Elections Mr. Cowles and he said it would be sufficient to have it to them by January for the March election, which would allow the City to have two readings for approval. Assistant City Manager Michelle del Valle answered questions of the Commission regarding the Charter

Review Committee's process and the reason for bringing this item forward. Commissioner Cooper said she could support a charter question and out of all the options presented by staff she likes option two. Commissioner McMacken said he looked at option number two and it would require tweaking boards to make the process work and he would rather have the boards work and the process feed the boards. Commissioner Anderson said he is in favor of a check and balance approach and to preserve what is in place and that he is not in favor of changing it.

Commissioner Dillaha suggested that they strike one sentence in Section 2.06 Functions of Mayor; Vice Mayor, which reads "He shall annually appoint members of the city boards subject to the approval of the commission" and suggested to replace with "The City commission shall by majority vote make all appointments and reappointments to the boards, commissions and committees of the City. The commission shall take applications even if the present members are requesting reappointment. Appointments shall take place as part of the official Commission agenda items. Attorney Brown suggested additional language.

Commissioner Dillaha suggested to draft an ordinance that outlines of all the different processes and details of how people are appointed to boards, committees and task forces. Mayor Bradley stated that they have discussed the issue which is specifically a charter amendment to be placed before the citizens and asked the Commission if they would like to bring this matter forward. **Motion made by Commissioner Dillaha to approve to have the City Attorney provide language and bring forward; seconded by Commissioner Cooper.**

Peter Weldon, 700 Via Lombardy said he supports the current structure of the charter and does not see any benefit by changing it.

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.

b. Consideration of engaging a Federal Lobbyist

Mr. Knight explained that the Commission asked for this item to be placed on this agenda, allowing for consideration of two options; to renew the contract with the existing lobbyist Alcalde and Fay of \$5,000 a month; or to solicit a bid whereby staff could start the process now with anticipation of having a recommendation by the second meeting in January 2011. Mayor Bradley spoke about the bidding option and asked if they engaged a lobbyist by January 10, 2011 if it would be too late for certain bills. Mr. Knight addressed the schedule for swearing in the new legislators and agreed that it will make the bidding process and RFP schedule tighter, or they can get quotes from several other lobbyists that they are acquainted with. Mr. Knight clarified the process regarding the purchasing policy and what the Commissioners can approve.

Commissioner Dillaha said she is not in favor of a last minute RFP, but is in favor of retaining a Federal lobbyist because of the opportunities that exist. Mr. Knight explained that Alcalde and Fay will not reduce their \$5,000 month fee since that is their standard rate they charge for all clients of our size. Commissioner Dillaha suggested that if they continue to retain Alcalde and Fay, that they could also do grant writing for the City. Mr. Knight agreed. **Motion made by Commissioner Dillaha to continue to retain our Federal lobbyist Alcalde and Fay; seconded by Mayor Bradley. 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.**

c. State and Federal legislative priorities

Mr. Knight explained the list of projects and policy issues (attached) and that he is seeking approval from the Commission and to answer questions. He explained that staff submitted the ideas to him and he then listed them in priority order according to the projects that he felt had the best opportunity to receive funding from the state or federal level.

Commissioner Cooper spoke about the state legislative priorities and recommended obtaining funding for the transmission lines to be put underground on Fairbanks, funding a linear park along northwest Fairbanks to improve the water quality of Lake Killarney by having more pervious space there, and the funding for Lee Road medians. She spoke about the legislative priorities and wondered if there was a way to encourage an extension on the \$30 million cap from the American Recovery and Reinvestment Act. She noted that she wanted to see the expansion of Central Park be placed back on the list and to remove the numbers on the list and insert bullets instead. Mr. Knight explained that it is up to the Commission to either add their suggested items or delete items and will then work with our lobbyist to fine tune the list on what they believe is realistic and achievable.

The Commission agreed that the final list should be brought back to them under a consent agenda item so they understand what is being requested. Mayor Bradley commented on the legislative priorities and noted that pension reform is the big issue they need the lobbyist to address. He said the first item that should be addressed is Protection of home rule authority, the second item would be to oppose the Public Service Commission regulation, and third would be pension reform and with that he is in support of the list.

Motion made by Commissioner Cooper to approve the list as presented with the following additions: Underground of transmission lines on West Fairbanks, West Fairbanks linear park plan, Lake Killarney aquifer recharge and preservation of single family homes, Lee Road medians, commuter rail liability issue (in addition to the funding), expansion of Central Park (the acquiring of the Post Office property) and see if they can have an impact on the continued cap at \$30 million relative to bank qualified debt (the American Recovery Investment Act); seconded by Anderson. Mayor Bradley said they may want to consider adding the concept of Lake Lillian restoration and the library.

Forest Michael spoke about Lake Lillian and said it has the potential of going into the new master plan that the Water Management District is doing and has the potential for good public funding. He suggested that they add this item to the list as it would be a very positive and timely endeavor.

Motion made by Mayor Bradley to amend the list to include Lake Lillian funding at both the federal and state level; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Anderson and McMacken voted yes. Commissioners Dillaha and Cooper voted no. The motion carried with a 3-2 vote. Commissioner Cooper stated that she voted no because she does not understand the match yet that would be required with it.

Upon a roll call vote on the list presented (attached) and Commissioner Cooper's additions (above) and the amendment (above), Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

d. Mead Botanical Garden Enhancement Visioning and Operational Planning

Mr. Knight stated that he forwarded a memorandum this past week to everyone from Commissioner Cooper dated November 15, 2010 that has some suggested language. Commissioner Cooper said it includes a summary of recommended key point items to discuss and possibly be included (see attached). **Motion made by Commissioner Anderson to adopt a resolution around Section 8 on the keypoints for discussion; seconded by Commissioner Cooper.**

"8. Key points submitted by Commissioner Cooper:

- a. All terms of Letter of Acknowledgement continue.
- b. Approve lease of land under Learning Center. Consider extending to TL Mead Botanical Collection after demonstrated success with ELC.
- c. FMG to cover all operating expenses (including personnel, utilities, and maintenance) for ELC.
- d. Capital Improvement funds to be included in (FY12-15) Capital Plan budget.
- e. Short term renewable lease only on ELC land until success demonstrated.
- f. Lake Lillian, Howell Creek Botanical and Uplands Botanical areas to remain open to the public without entry fee.
- g. City to write all grant request for government grants.
- h. FMG to write all grant request for non-government grants after City approval to pursue.
- i. Process request through Parks Board/Planning & Zoning IAW Schedule A, Letter of Acknowledgement."

Motion made by Commissioner Cooper to amend to add item 'j', that all fees generated by the programs and the events sponsored by Friends of Mead Gardens (FMG) will be used exclusively for operations, maintenance or capital improvements to Mead Gardens so that all fees generated there stay there; seconded by Commissioner Anderson.

Commissioner Anderson asked Commissioner Cooper for clarification regarding capital improvements. She explained by reading item 3a of her memo: "City agrees to budget funds (or equivalent in-kind support) totaling \$200,000 per year (FY2012-FY2015), for capital improvements required to implement the seven Mead Gardens Strategic Plan priorities. The level of this funding commitment is conditioned upon municipal revenues remaining stable or increasing in future fiscal years covered by this agreement." Discussion ensued with each Commissioner sharing their concerns with funding, governance, guidance and vision. Mayor Bradley said he is concerned about hiring someone to create a vision versus starting with some guidelines and then whoever comes helps them fulfill the need.

Motion amended by Commissioner Anderson that on the motion that says 8d on the keypoints "capital improvements", if they could substitute a version of page 1 where it says 3a, where they could revise 3a to add "pending a presentation of an improvement plan and a governance strategy, the City agrees to budget funds of at least \$200,000 per year"; seconded by Mayor Bradley.

Motion made by Mayor Bradley to amend to add item "k" that working jointly with FMG the hiring of an appropriate counsel/leadership or consultant/director to achieve the vision will be mutually considered; seconded by Commissioner Anderson.

Commissioner Cooper asked for clarification. Mayor Bradley said that they need a director, no matter who pays for it, but he thinks they need permission to do that because they are not going to let somebody else come up with a consultation for land that the City owns without some authority. Commissioner Dillaha suggested that they handle it as two separate items, and to go forward with the environmental learning center first and the second part is the governance item of all of Mead Garden, which she would like to have Director Robert Bowden or a similar consultant to come in and talk to the Commission first as a City and figure out some options.

Motion amended by Commissioner Dillaha to contain only items 'b', 'c', 'd', 'e', 'f', or to strike 'a', and change 'g' to "the city and FMG will write grant requests" and delete 'k'. Motion failed for lack of a second.

Motion amended by Commissioner McMacken to approve item 'b', the lease of land under the learning center contingent upon a proper lease put forward and item 'k', to bring forth the required expertise to help them decide on what other items that they should advance on. Motion failed for lack of a second.

Jeffrey Blydenburgh speaking on behalf of FMG stated that Robert Bowden has been a part of this process since day one and recommends that he is a part of the plan for moving forward. Mr. Blydenburgh complimented Commissioner Cooper on the document that she produced and said they agree with it and have a few additions to it. He clarified that Mead Gardens should be called Theodore Mead Botanical Garden and that has been the name from the start. He spoke about the 8 points and recommended that item 'a' be included; that item 'b' be extended; they agree with item 'c', capital improvement funds to be included; and item 'e' would be really useful to succeed to have the leasing of a greater area as part of what they are doing.

Mr. Blydenburgh stated that they agree that all 47 acres should be open to the public and their goal should be that there is no admission charge; they suggested that item 'g' and 'h' be governed by the letter of acknowledgement so the City can take the lead on federal grants and FMG would take the lead on private grants; and item 'i' as long as they are running the environmental learning center they are meeting the requirements of the lease and that is what they would promote as a lease negotiation and the hiring of appropriate counsel they clearly support that. He said they offered to have the Director of the American Public Gardens, Dan Stark to assist with this effort and they are proposing to do a work shop that would include Bob Bowden, the director of the Botanical Garden in Vero Beach and Marie Selby Gardens in Sarasota. He said with these points to consider they concur with them moving this item forward.

Mayor Bradley shared his concerns with them wanting a bigger piece of property under the lease and said that he thinks the Commission is not ready to make that step yet since it needs to be further defined and determined. Mr. Blydenburgh said it is more beneficial and explained that if they just had the environmental learning center piece of it and they are not able to address the other areas, it will affect their ability to perform the way the City would like them to perform. Commissioner Cooper stated that she does not see them being inhibited from continuing to work with the City for the entire garden and implement the strategic plan. Mr. Blydenburgh said that is true.

Forest Michael suggested alternate language to use regarding the request for additional property, such as "that the FMG would work with the City to restore the TL Mead Botanical Garden and its facilities" that should accommodate the issue. Mr. Michael also addressed the

grant writing items and said in working with the City it can contribute matches towards some of the public grant writing and there should be some collaboration between both FMG and the City.

Upon a roll call vote on the first amendment to add item “j” (to add item ‘j’ that all fees generated by the programs and the events sponsored by Friends of Mead Gardens (FMG) will be used exclusively for operations, maintenance or capital improvements to Mead Gardens so that all fees generated there stay there), Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the second amendment to add item “k” (that working jointly with FMG the hiring of an appropriate counsel/leadership or consultant/director to achieve the vision will be mutually considered), Mayor Bradley and Commissioners Anderson and McMacken voted yes. Commissioners Dillaha and Cooper voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on the third amendment to replace 8d with 3a (and to amend that on the motion that says 8d on the key points “capital improvements”, if they could substitute a version of page 1 where it says 3a, where they could revise 3a to add “pending a presentation of an improvement plan and a governance strategy, the City agrees to budget funds of at least \$200,000 per year”), Mayor Bradley and Commissioners Anderson, McMacken and Cooper voted yes. Commissioners Dillaha voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the overall motion as amended (to add item ‘j’ that all fees generated by the programs and the events sponsored by Friends of Mead Gardens (FMG) will be used exclusively for operations, maintenance or capital improvements to Mead Gardens so that all fees generated there stay there; that working jointly with FMG the hiring of an appropriate counsel/leadership or consultant/director to achieve the vision will be mutually considered; and to amend that on the motion that says 8d on the key points “capital improvements”, if they could substitute a version of page 1 where it says 3a, where they could revise 3a to add “pending a presentation of an improvement plan and a governance strategy, the City agrees to budget funds of at least \$200,000 per year”, Mayor Bradley and Commissioners Anderson, McMacken and Cooper voted yes. Commissioners Dillaha voted no. The motion carried with a 4-1 vote.

For clarification purposes, the final adoption motion is as follows:

- a. All terms of Letter of Acknowledgement continue.
- b. Approve lease of land under Learning Center. Consider extending to TL Mead Botanical Collection after demonstrated success with ELC.
- c. FMG to cover all operating expenses (including personnel, utilities, and maintenance) for ELC.
- d. Pending a presentation of an improvement plan and a governance strategy, the City agrees to budget funds (or equivalent in-kind support) of at least \$200,000 per year (FY2012-FY2015), for *capital improvements* required to implement the seven Mead

Gardens Strategic Plan priorities. The level of this funding commitment is conditioned upon municipal revenues remaining stable or increasing in future fiscal years covered by this agreement. The plan and strategy will include a feasibility evaluation of a fee-based botanical garden before the City spends significant sums on the formal area.

- e. Short term renewable lease only on ELC land until success demonstrated.
- f. Lake Lillian, Howell Creek Botanical and Uplands Botanical areas to remain open to the public without entry fee.
- g. City to write all grant request for government grants.
- h. FMG to write all grant request for non-government grants after City approval to pursue.
- i. Process request through Parks Board/Planning & Zoning IAW Schedule A, Letter of Acknowledgement.
- j. All fees generated by the programs and the events sponsored by Friends of Mead Gardens (FMG) will be used exclusively for operations, maintenance or capital improvements to Mead Gardens so that all fees generated there stay there.
- k. Working jointly with FMG the hiring of an appropriate counsel/leadership or consultant/director to achieve the vision will be mutually considered.

e. RFP Bonds Advisor

Commissioner Cooper explained that she was part of the external audit task force that was staffed with all professionals in that area. She thinks these are critical positions and they should be representative of a wide span of experts. She preferred that not everyone on the committee work for the City but wanted to have other experts from the community plus a commissioner for both the bonds and financial advisors. Mayor Bradley asked about the selection process. She suggested that each of them be able to provide the City Manager with a recommendation of a name. Attorney Brown provided legal counsel regarding the use of city staff versus non-city staff and for this type of an engagement they would not have confidentiality problems so it is within their policy directive if they wanted to do that. Mr. Knight reminded them that the outside party may want to bid on the engagement and therefore could not be an advisor. Commissioner McMacken suggested that each selection committee have a citizen representative with appropriate expertise in the area being evaluated and to limit the requirement for the bond and financial advisor positions.

Motion made by Commissioner Cooper that on the bond and the financial consultant RFP task force that they have a commissioner, City Manager, Finance Director and the rest of the seats be filled by qualified citizens within the community that bring expertise in that area and the City Manager can select those individuals (two citizens on the bond counsel and one citizen on the financial advisor); seconded by Commissioner McMacken. It was agreed that the City Attorney should not serve on the selection committee only because they need to keep him as a neutral party so he can advise them on any legal issues that may arise and so there is not a conflict of interest. **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.

f. RFP Group Make Up

Commissioner Dillaha shared her concerns about the RFP language and the need to eliminate the conflict of interest with the financial advisor. She was also concerned with how the financial advisor is paid on a per deal basis and suggested to possibly put a not to exceed amount or use an hourly, monthly or annual retainer. She requested that the GFOA best practices be included in the RFP for financial advisors.

Mr. Knight agreed and stated that these items have already been included and they were sent out to them today and all of the points are addressed in there. Commissioner Dillaha asked if they should include a clause that "every three years you shall rebid this". Mr. Knight said he has no problem with changing that. He explained that they get to know your credit, so there are advantages when they appear before rating agencies and they also have the history. Commissioner McMacken suggested using the term "review" as opposed to "rebid" so they know that the term is three years and that the Commission will be reviewing it at that time.

Public Hearings

- a. RESOLUTION NO. 2070-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING NORTH PHELPS AVENUE AND BRYAN AVENUE AS MORE PARTICULARLY INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS OF THE INSTALLATION OF UNDERGROUND ELECTRICAL/BHN FACILITIES; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. No public comments were made. **Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner 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.**

- b. ORDINANCE NO. 2828-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, CREATING SECTION 2-26 OF THE CODE OF ORDINANCES SETTING THE SALARY FOR THE MAYOR AND CITY COMMISSIONERS AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE Second Reading

Attorney Brown read the ordinance by title.

Julie Zimmerman, 250 Carolina Avenue, shared concerns with Section 7 of the ordinance regarding the effective date and the timing. She asked that they vote no on this issue for the sake of the City residents and City employees since the timing is not right during these current economic conditions.

Motion made by Commissioner Dillaha to adopt the ordinance; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioner Anderson voted no. Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

c. Proposed Charter amendments:

ORDINANCE NO. 2829-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUBMITTING TO THE ELECTORS OF WINTER PARK A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY AT THE REGULAR CITY ELECTION TO BE HELD MARCH 8, 2011; PROVIDING BALLOT TITLE, SUMMARY AND TEXT FOR THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR THE CALL OF A REFERENDUM ELECTION; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, EFFECTIVE DATE OF ORDINANCE AND AN EFFECTIVE DATE FOR THE APPROVED AMENDMENT. Second Reading

Attorney Brown read the ordinance by title. No public comments were made. Commissioner Cooper asked Attorney Brown if it was possible to amend the language so that it could help citizens understand what the real motivation is for this ordinance. Attorney Brown agreed and said it is a good idea, consistent with the law, to try and explain to the voters the perceived benefit. He stated that if the majority of the Commission would like for him to add some language and he can do it within 75 words, he would do so. Attorney Brown made suggestions to the language.

Motion made by Commissioner Cooper that they amend the ballot language in section 2 of the ordinance to clarify the purpose for the change with language that would be acceptable to the City Attorney and fit within his limitations; seconded by Commissioner Dillaha. Attorney Brown recapped his statement since Mayor Bradley stepped out. He said "shall the Charter be amended to provide for Winter Park elections to be held every other year, by providing 4 year terms in office; with a transition period, etc." Attorney Brown asked if everyone was comfortable with this. There was a consensus to add this language. **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.**

d. ORDINANCE NO. 2830-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF ALL THE OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2004, OF THE CITY, AND THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$17,000,000 REVENUE BONDS OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE WATER AND SEWER SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. No public comments were made. **Motion made by Mayor Bradley to adopt the ordinance; 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.**

e. ORDINANCE NO. 2831-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE IV, "SIGN REGULATIONS" SO AS TO IMPLEMENT PROVISIONS OF THE CENTRAL BUSINESS

DISTRICT/PARK AVENUE AND MORSE BOULEVARD DESIGN GUIDELINES, PROVIDE REGULATIONS FOR SIGNS IN OFFICE DISTRICTS ON FOUR LANE ROADS, PROVIDE REGULATIONS FOR SIGNS ALONG INTERSTATE FOUR, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. No public comments were made. **Motion made by Commissioner Anderson to adopt the ordinance; seconded by Commissioner Dillaha.** Building Director George Wiggins stated that there is one slight editorial change. He explained that they failed to remove the last part of the sentence on the first page of ordinance in section 58-124(b), paragraph one that reads "on all other streets in these zoning districts." He said that was approved at the last meeting to remove this portion of the sentence.

Motion amended by Commissioner Cooper to approve to include that deletion under section 58-124(b), sentence one, the last phrase; 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.

Upon a roll call vote to adopt the ordinance as amended (include that deletion under section 58-124(b)), Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- f. ORDINANCE NO. 2832-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" SUBSECTION (d) (5) SO AS TO MODIFY THE LAKEFRONT SETBACK PROVISIONS, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. No public comments were made. **Motion made by Commissioner Dillaha to adopt the ordinance; 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.**

- g. Request of St. John Lutheran Church for Conditional Use Approval to re-establish an elementary school from preschool through fifth grade for a maximum of 100 students from the existing church facilities at 1600 S. Orlando Avenue.

Mayor Bradley noted that they are in a quasi judicial proceeding. Planning Director Jeff Briggs explained the conditional use request to re-establish a daycare and church school on the property and provided a brief background history. He said this request is for 150 student maximum and noted that they have all of the facilities in place from the previous school that existed, including ample parking and overflow parking across the street. He said this particular school is going to be operated by the Monarch Learning Academy and their policy is that parents get out of their cars and come to the classrooms to pick up their children so there will be no car lines or nuisance factors with traffic congestion.

He answered questions regarding the request for traffic engineering to look into the intersection of Garden and Orchid. Mr. Briggs noted that it was two neighbors that asked the City to put a stop sign at that intersection. Public Works Director Troy Attaway stated that traffic engineering is looking into it right now. Mr. Briggs addressed the public notice requirement. Ms. Connie

Hagerman, Church Business Administrator spoke on behalf of the applicant and asked that the conditional use permit be reinstated that it is a great asset to the community.

Motion made by Commissioner McMacken to approve the conditional use request; 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.

- h. Request of the Winter Park Towers for Final Conditional Use Approval pursuant to the Preliminary Conditional Use Approval granted on June 28, 2010 at 1111 S. Lakemont Avenue.

Request was made by the applicant to table this item until December 13, 2010.

- i. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" RENAMING THE SECTION TO INCLUDE WETLANDS AND ADDING A NEW SUBSECTION (f) SO AS TO INCLUDE WETLAND SETBACK PROVISIONS AND PROTECTIONS, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.
First Reading

Attorney Brown read the ordinance by title. No public comments were made. Planning Director Jeff Briggs explained the recommendation and answered questions. He defined where the wetlands and flood plain areas exist throughout the city. He addressed the only locations of wetlands are in the two stream sections; one is between Lake Sue and Lake Virginia along Howell Creek and the other is north of Howell Branch Road along the stream section. He said those areas are delineated as conservation areas in the Comprehensive Plan so they are already covered because they are flood plain areas.

Motion made by Commissioner Dillaha to accept the ordinance on first reading; seconded by Commissioner McMacken. 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.

City Commission Reports

- a) Commissioner Anderson

No items to address.

- b) Commissioner Dillaha

- 1. Discuss drafting and adoption of a doggie dining ordinance to provide for patrons with dogs in outdoor areas of (participating) restaurants and as required per Florida Statutes

Commissioner Dillaha suggested that a doggie dining ordinance be drafted and to do so according to State statutes. Commissioner McMacken asked for clarification because the

document that was provided states "the governing body of a local government may establish by ordinance a local exemption procedure". He stated that he does not read where this is required. Commissioner Dillaha stated that she contacted the Division of Professional Regulation (DPR) who said it is required and is posted on their website.

Attorney Brown provided counsel regarding state law enforcement and governmental guidance. He stated that in his opinion the City is not violating the law by not doing this. He explained that if restaurateurs allow dogs in their facility they are at risk of being cited for violation of State law so the question is one of policy and if the Commission wants to establish by ordinance the local exemption. Mr. Knight responded to the Mayor's question that there have been no requests from any restaurateurs for this and that the City has not enforced it and that the Orange County Health Department would be the one to enforce the law. Attorney Brown said the Division of Hotels and Restaurants would be involved. Mr. Knight mentioned that they can make it part of their occupational license application where they can check a box saying that their restaurant will have doggie dining. Attorney Brown was asked about the implementation of the ordinance, liability, and potential expenses if they adopt the ordinance. He said there is no liability risk because it is a governmental discretion or decision. He clarified that technically this does not allow dogs inside a restaurant, with the exception of service animals that is for a designated outdoor area of a restaurant. There was no consensus to bring this forward.

2. Discuss incorporation of "best practices" for ex-parte communication within 1993 Ordinance (amending ordinance) and repealing of Resolution

Commissioner Dillaha suggested taking the existing ordinance and incorporating best practices into that. She wanted to see if the Commission wanted to talk about prohibiting ex-parte communication altogether. Attorney Brown provided legal counsel on prohibiting all ex-parte communication, best practices and clarified the difference between "person" and "party" as referenced in the statutes.

Commissioner Cooper recommended that any email affecting quasi-judicial issues or any issues that they are voting on, that they forward a copy to the City Clerk to be printed out for public record which was noted to be a good idea. Attorney Brown said that is an acceptable alternative, but noted that they should be printed and made part of the record. He also stated that he thinks an attempt to absolutely ban ex-parte communications is not going to be workable. He said he is not sure they can even do it because it could conflict with the statutes.

Commissioner Anderson shared his concerns by stating that he does not like this idea because it takes the good will out of serving for the City. He understands the desire but he does not want to have it so constricting. Mayor Bradley requested that the City Attorney provide them with a guidance document so that they can then discuss whether or not there needs to be additional changes to the ordinance. Attorney Brown acknowledged the request.

Commissioner Dillaha said she would like to send some interesting language to Mr. Knight for him to read and see if it is something that is appealing and if there is any interest in utilizing any of the language to go forward with this. It was recommended that she send the information to the City Attorney first for his review and input which was acknowledged.

c) Commissioner Cooper

1. Commissioner Cooper spoke about the new water mandates and asked if staff could provide them with an update on how the City's lakes measure up and any anticipated costs in getting in line with it.
2. Commissioner Cooper asked for an update from staff regarding the meetings that have been taking place regarding Home Acres.
3. Commissioner Cooper suggested switching the public hearing items to the first part of the agenda and moving the consent agenda items to the end of the meeting so that some citizens do not have to wait all night for their item. There was an overall short discussion. Mr. Knight explained that over the past couple of years they have switched it back and forth several times and it seems that someone always has to wait for their item because each Commission meeting is so different because it is based on the different agenda topics. There was no consensus to do it.

d) Commissioner McMacken

No items to address.

e) Mayor Bradley

Mayor Bradley wanted to follow up on the ADA compliance item that a citizen spoke about this evening and clarified that Mr. Knight was going to look at this item. It was agreed by acclamation that Mr. Knight will look at all parks and other city spaces and provide them with an inventory. Mr. Knight acknowledged.

1. Discuss the circumstances/conditions to remove any City Board member from their position

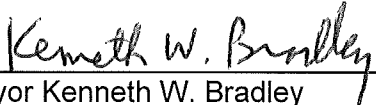
This was not addressed.

2. City Commissioner governance

Mayor Bradley commended everyone for their hard work especially on Mead Gardens and said this is a great example of governance.

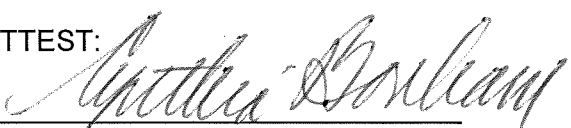
Mr. Knight followed up on the request for a Christmas parade float for the Commission to use that they have acquired one which will accommodate up to 16 people.

The meeting adjourned at 10:03 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

Memorandum: Mead Garden Request

Date: Nov 15, 2010

To: Randy Knight, Troy Attaway, John Holland

From: Carolyn Cooper

1. City supports FMBG in its mission to revitalize Mead Gardens. The City recognizes and encourages the partnership, participation and cooperation of FMG in planning and implementing steps to improve, preserve and beautify Mead Garden in accordance with the Letter of Acknowledgement (including all Schedules thereto) and the approved Mead Garden Master Plan.

2. City agrees to lease the land within the footprint of the proposed Environmental Learning Center to the FMG and encourages initiation of fund raising by FMG to implement the plan for an ELC and associated *operating costs*. (lease terms to be determined and incorporated as Schedule B to the Letter of Acknowledgement). All grant requests require preauthorization from City.

3. FY2012-2015:

- a. City agrees to budget funds (or equivalent in-kind support) totaling \$200,000 per year (FY2012-FY2015), for *capital improvements* required to implement the seven Mead Gardens Strategic Plan priorities. The level of this funding commitment is conditioned upon municipal revenues remaining stable or increasing in future fiscal years covered by this agreement.
- b. City agrees to continue to provide parks maintenance services including spraying for invasives, at the current scope of 2 equivalent parks personnel plus chemicals during the period of this agreement. Current value: \$100,000 per year.

4. FY2011: City agrees to provide the following in-kind support to the revitalization of Mead Botanical Gardens.

- a. Lake crews: On-going support to clean and maintain the pond shoreline and creek channel. Current value: \$10,000.
- b. Public Works: Clearing of area between proposed Environmental Learning Center and Wetlands. Current value: \$25,000.
- c. Parks/Landscape/Forestry: 400 man-hours. Relocating of current maintenance facility equipment and supplies and clean up of building for hand off to FMG. Restorative trail and tree work. Current Value: \$10,000

5. The City authorizes FMG to participate in meeting with St John's Water Management District to explore feasibility of Lake Lillian restoration. Staff to present findings to City Commission for discussion/review.

6. The City to prepare a statement of commitment to include a complete schedule of City contribution/commitment to the accomplishment of the revitalization of Mead Garden for presentation to potential donors; including:

- a. 1995 - installed stormwater treatment and piping phase 1 in clay-pit area and dredged ponds down by creek - \$500,000
- b. 1996 - reconstructed driveway entrance road/curbing; in-house crews -\$100,000
- c. 2007 - improved stormwater treatment in clay-pit phase 2 - \$250,000
- d. Various times - nuisance vegetation treatments in wetlands; contractor and in-house crews - \$25,000
- e. 2010 - stormwater treatment phase 3 construction of ponds along Pennsylvania - \$650,000.
- f. 2010 – new maintenance facility to free land and bldg. for learning center - \$500,000

7. Why no capital funding in FY 2011?

- a. Not included in budget. Budget process just completed and budget adopted.
- b. Included in CIP as 200K(FY11-12), 50K (FY13), 100K (FY14-15). All funding sources were identified as fund raising or bond issue. Bond issue not practical. I am unaware of availability of fund raising proceeds by FMG.
- c. Budget cuts deep and painful this year: Examples:
Froze 3 policemen at \$180K. This request includes 135K in personnel.
\$305K in benefits reduced from Police budget.
\$250K in benefits reduced from Fire budget.
We have reached impasse in Fire/Police negotiations.

8. Key points:

- a. **All terms of Letter of Acknowledgement continue.**
- b. **Approve lease of land under Learning Center. Consider extending to TL Mead Botanical Collection after demonstrated success with ELC.**
- c. **FMG to cover all operating expenses (including personnel, utilities, and maintenance) for ELC.**
- d. **Capital Improvement funds to be included in (FY12-15) Capital Plan/budget.**
- e. **Short term renewable lease only on ELC land until success demonstrated.**
- f. **Lake Lillian, Howell Creek Botanical and Uplands Botanical areas to remain open to the public without entry fee.**
- g. **City to write all grant request for government grants.**
- h. **FMG to write all grant request for non-government grants after City approval to pursue.**
- i. **Process request through Parks Board/Planning & Zoning IAW Schedule A, Letter of Acknowledgement.**

State Legislative Priorities

Projects:

1. Railroad Crossing Safety Enhancements and Quiet Zones
2. Mead Garden
3. Roadway Improvements and Bike Lanes for Minnesota Avenue
4. Acquisition of Howell Branch Creek Property for Open Space and Linear Parkland
5. Funding for Florida Forever – Florida Communities Trust program
6. Expansion of reuse water system

Legislative matters:

1. Pension Reform
2. Dedicated Funding Source for Commuter Rail
3. Protection of home rule authority including control of local planning issues, revenues and expenditures
4. Oppose Public Service Commission regulation of municipal owned electric utilities
5. Remove statutory requirements for public employees to provide subsidized health, hospitalization and other insurance coverage for retirees
6. Ban on texting while driving

Federal Legislative Priorities

1. Railroad Crossing Safety Enhancements and Quiet Zones
2. Roadway Improvements and bike lanes for Minnesota Avenue project
3. Acquisition of Howell Branch Creek Property for Open Space and Linear Parkland
4. Fairbanks/Orange/Pennsylvania Phase II
5. Expansion of reuse water system