

**REGULAR MEETING OF THE CITY COMMISSION**  
**November 23, 2009**

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 Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley  
Commissioner Phil Anderson  
Commissioner Margie Bridges  
Commissioner Beth Dillaha  
Commissioner Karen Diebel

Also present:

City Manager Randy Knight  
City Attorney Larry Brown  
City Clerk Cynthia Bonham

Citizen Public Comments:

Peter Weldon, 700 Via Lombardy, spoke about the Winter Park voters agreeing to have a commuter rail stop in Central Park and being fully informed of the issue at that time. He stated he hopes that Senator Dockery is here to share new information that can help the City further consider the SunRail project.

Patrick Chapin, President of the Chamber of Commerce, spoke in favor of commuter rail. He addressed Senator Dockery being present and that he hoped she would support commuter rail.

Matthew Falconer, candidate for Orange County Mayor, spoke against commuter rail at this time.

Mary Henry, 2150 Huron Trail, spoke in favor of commuter rail.

Vicki Krueger, 200 Carolina Avenue, spoke against commuter rail.

Jim Cooper, 1080 Keyes Avenue, spoke in favor of SunRail and asked why the largest opponent of SunRail is being allowed to speak.

Senator Dockery presentation regarding SunRail

Mayor Bradley provided comments regarding the presence of Senator Dockery being highly unusual that a state official who does not represent the citizens of Winter Park desires to speak to the Commission. He stated there will be no public comment allowed after the presentation but will allow comments from the City Commission. Commissioner Dillaha stated that she did not invite Senator Dockery here but that she was attempting to get on the agendas on the various city commissions up and down the corridor but that she expressed that she appreciated her coming and wanted to see her on the agenda.

Senator Paula Dockery of Lakeland provided a PowerPoint presentation regarding the A and S Lines, the cost for commuter rail, the impact to Winter Park, how the cost can be lowered, operating revenues, liability issues, and Federal funding.

Upon the conclusion of the 10 minutes granted to Senator Dockery, **a motion was made by Commissioner Anderson to allow another 5 minutes, seconded by Commissioner Dillaha.**

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

Senator Dockery stressed the need to renegotiate the deal in terms of liability, spoke about where the IOC is going and the cost, the need to understand why so much money is being given to CSX and ask why the Florida Department of Transportation is not negotiating a good deal on behalf of taxpayers. She stated there needs to be separate deals for each one; Tri-Rail, SunRail and High Speed Rail.

Questions and comments were made by the various Commissioners. Commissioner Anderson spoke in support of commuter rail when it is done well. He asked Senator Dockery if Winter Park has her support in getting a dedicated funding source for Central Florida's commuter rail at the same time the Tri-Rail is up for their dedicated funding source. Senator Dockery responded absolutely not if we are going to pay \$641 million for track that is worth far less. Commissioner Anderson asked Senator Dockery to support a dedicated funding source to occur at the same time as the Tri-Rail dedicated funding source if commuter rail becomes a reality.

Commissioner Dillaha addressed her lack of confidence that there will be dedicated funding. She asked about the status of the liability provision. Senator Dockery explained what she had spoken to U. S. Senator John Kerry about on this. Commissioner Dillaha asked if FDOT has to fund the operating deficits for the system for the seven years. Senator Dockery stated the payment of the first seven years of paying off the debt on buying the tracks is solid but did not believe the operation and maintenance funds will be available after that. Commissioner Dillaha addressed there will no longer be a bond issued for the purchase of the corridor but will be a loan. She asked if the money set aside for commuter rail can be used for education. Senator Dockery responded in the affirmative.

Commissioner Diebel addressed going to referendum with the citizens, negotiating the contract with Orange County and making provisions to opt out after seven years if necessary due to the lack of a dedicated funding source. She stated she prefers the energy and discourse to be targeted toward solving the issues versus trying to consistently come back and decide whether or not this is good for the community. She asked Senator Dockery if the solution is a public dedicated funding source, then she would like to understand how she is advocating for that and what her solution is for bringing this together on behalf of the statewide systems we are trying to support. Senator Dockery responded that we cut a good deal for the taxpayers.

Commissioner Bridges thanked Senator Dockery for speaking and providing a broader perspective on the issues we will face. She stated that all her questions already asked by other Commissioners have been answered.

Mayor Bradley concluded by addressing the support of our citizens for commuter rail by referendum. He stated the City has a binding contract with Orange County to provide a stop in Winter Park and the Federal Government has blessed Winter Park by paying a majority of the cost of the station. He spoke about the benefit to the City by having SunRail and he hoped that her presence here today is to also listen to Winter Park to be able to take back our views to the state. He addressed the support of the majority of Winter Park citizens who are clearly in favor of SunRail.

**Mayor's Report:**

a) Ethics Board presentation

Julie Zimmerman, Ethics Board, gave a presentation of their accomplishments to date that included thoroughly reviewing campaign finance reform issues, electronic filing of reports to help with transparency and drafted a Code of Ethics that includes language regarding conflicts of interest. They are presently working on an additional campaign finance reform initiative that will limit bundling contributions to no more than two businesses under similar ownership to contribute to campaigns but that this would require a special act of the State Legislature. She further addressed the committee's conversations concerning a variety of issues and alternatives surrounding the campaign finance reform and with many of the issues has been unable to build consensus that the proposed solutions are appropriate or will solve the problem. She stated the committee has considered the unintended consequences that may arise from imposing specific rules. She stated the board wants to plan for an educational awareness campaign of the Code of Ethics once adopted and they support the work of the Charter Review Committee in recognizing a Code of Ethics as part of the Charter.

Commissioner Dillaha asked about a timeline as to when the committee will have the information gathered and make recommendations regarding campaign finance reform. Ms. Zimmerman stated that part of the issue has been turned over to the City Attorney and to Mark Van Valkenburgh (their volunteer attorney) to find out what can and cannot be done. Attorney Brown stated he is working on this and there are some serious preemption issues that will require a special act of the Legislature if the Commission wants to put further restrictions other than the State Florida Election Code.

Commissioner Diebel inquired as to what Commissioner Dillaha wanted the Ethics Commission to specifically address other than the general reform issue. Commissioner Dillaha addressed the 2007 campaign where they volunteered to limit their contributions to only individuals with a maximum of \$250.00 per person. She also spoke about the two initial projects of the Ethics Board; conflict of interest and campaign finance reform. Commissioner Dillaha stated she wants the board to look at LLC contributions and either limiting or eliminating them and possibly limiting the amount of contributions from individuals. Commissioner Bridges asked that the board get their recommendations to the City Attorney. She encouraged a timeline to bring this to a rapid closure and did not believe it possible before the March 2010 election. Attorney Brown addressed working along with Mark Van Valkenburgh on the legal aspects of this.

b) Community recognition of Mr. Kenneth Murrah and Mr. Harold Ward

Mayor Bradley addressed the special recognition by the Winter Park Historical Association at the 3<sup>rd</sup> annual Peacock Ball. Mayor Bradley thanked Mr. Murrah and Mr. Ward for their contributions to the City. Mr. Murrah spoke about the importance of volunteerism and about how important today is for tomorrow. He addressed the planting of oak trees in the 1800's and the Hagle's formation of the Live Oak Fund to replace trees lost in the hurricanes of 2003. He spoke about Steve Goldman and David Strong who are working to upgrade the parks.

c) Consul General of Italy Marco Rocca's visit to Winter Park

Mayor Bradley addressed hosting the visit of Consul General Marco Rocca in Winter Park who came to the City as part of the sister City relationship the City recently formed with Italy. Mayor Bradley stated he was on a fact finding tour in Winter Park as well as other Florida cities and is trying to build economic development relationship with Winter Park.

d) Thanksgiving and giving thanks

Mayor Bradley provided Thanksgiving remarks to the Commissioners and citizens and thanked all.

e) Community Covenant supporting our troops

Mayor Bradley stated he participated with the Orange County Mayors in signing a covenant that was given to our armed forces that discusses the City's commitment to the troops. He spoke about the dedication of our men and women.

**Consent Agenda:**

- a) Approve the minutes of 11/9/09.
- b) Confirm the appointment of Ms. Dori DeBord as the new Director of Community and Economic Development effective December 14, 2009.
- c) Approve the resale of a Hannibal Square Community Land Trust home located at 654 W. Canton Ave., requiring City's waiver of first right of refusal and assignment of 99-year lease.

**Motion made by Commissioner Dillaha to approve the Consent Agenda; seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.**

**Action Items Requiring Discussion:**

- a) RFP-2-2010, Tennis Management Services.

City Manager Knight addressed the recommendation from the Selection Committee. He stated they have received many emails supporting both sides and clarified that this is about management of the facility; not who the best instructor is.

**Motion made by Commissioner Anderson to accept staff's recommendation (to award the contract as presented to Frankie C's Pro Shop) for discussion purposes; seconded by Commissioner Diebel.**

Attorney Brown reminded the Commission that this is not a quasi-judicial proceeding but is an administrative or executive decision whether to award a contract. He stated that reasonable limitations could be imposed on public comments.

Commissioner Anderson asked how the process would go and if staff would do a thorough vetting of the contract prior to the award and if anything turned up during the vetting, it would come back to the Commission. Assistant City Manager del Valle explained that the contract would be issued, they would collect all required documents as part of the RFP process, and

review them for accuracy. She stated they have done a reference and background check but could do additional research.

Commissioner Dillaha expressed her concerns with the RFP process that was followed and the lack of time the RFP was back out there. She spoke about the information they were provided and the references that were verified. She stated she contacted the City of Orlando Director of Recreation and Director of Athletics for Orlando. She stated that she did not receive a good reference for Frankie C and elaborated on what she was told by them. She stated she believed there were misrepresentations in the application submitted and could not support the recommendation of the Selection Committee given what she has learned.

She asked why staff did not contact the City of Orlando. Assistant City Manager del Valle stated they did contact their Purchasing and Tennis Center Manager and received a very different opinion from them. She stated they tried to contact other people in Orlando after they learned we had a conflicting report on Friday but were unable to reach them. She stated the references she received on the phone are enough that she would have disqualified Frankie C's Pro Shop from the entire process. She recommended bringing back the #2 and #3 candidates for oral presentations to the Commission at the next meeting.

The following spoke in favor of High Performance Sports:

David Odahowski, 345 Prairie Dune Way, Orlando  
Alison Yurko, 1770 Fairview Shores Drive  
Lisa Feldman, 1316 Green Cove Road  
Rose Plumley, 1639 Barcelona Way, Winter Park  
Belinda Davis, 215 Spring Run Circle, Longwood  
Paul Ricci, 3202 Deer Chase Run, Longwood  
George Jubert, unknown address  
Kevin Grail, 784 S. Pennsylvania Avenue  
Nicholas Pope, 2200 Fawsett Road  
Amie Kozan, 803 Maryland Avenue  
Woody Igou, 605 E. Gore Street, Orlando (Attorney)  
Cissie Spang, Park Plaza Hotel submitted an email in support

The following spoke in favor of Frankie C's Pro Shop.

Alvin Marrow, 5328 Halyard Court, Winter Park  
Nancy Miles, 687 Penn Place  
Joan Young, 1331 College Pt.  
Randie Frederick, 205 E. Copeland, Orlando  
Frank Glover, P.O. Box 608482, Orlando  
Robert Langford, 412 Fletcher Place  
Cynthia Skolfield, 640 N. Park Avenue  
Robert Skubiak (Attorney) for Frankie C  
Pat Handwerk, 1760 Via Contessa  
John Reker, 1660 Joeline Ct.  
Kendra Shortle, 1581 Cherry Lake Way, Heathrow  
Frank Cosentino (Frankie C's Pro Shop)

Commissioner Bridges stated she will not support the motion and spoke about her thorough review of all three applicants. She addressed the importance of bringing the best business plan

forward for the City to put into place an excellent program that continues to build. She believed that High Performance would do that because their business plan is superior and the projections were realistic. She expressed the importance of having a full time director at the Tennis Center.

Commissioner Anderson spoke about all the candidates being capable of taking the tennis center to another level and how it is tough not to be swayed by public comment in this kind of a setting. **Motion withdrawn by Commissioner Anderson; seconder agreed.**

**Motion made by Commissioner Bridges that we award the Tennis Center RFP to High Performance Services; seconded by Commissioner Dillaha.**

Commissioner Dillaha made further comments regarding each applicant and the business plans submitted by them. Commissioner Bridges addressed the E-Tennis presentation.

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

A recess was taken from 6:00 – 6:20 p.m.

**Public Hearings:**

- a) RESOLUTION NO. 2038-09: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23, UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

Attorney Brown read the resolution by title. City Manager Knight explained that this is the \$950,000 for the Amtrak Station; not commuter rail. Discussion ensued regarding the Federal funds that have been earmarked for Winter Park, the process the FTA says the City has to go through to make application for those funds, where the money has been placed and how this money is applicable to remodeling the station. City Manager Knight stated that they are working with FTA to obtain information regarding the rules and what the money can be used for; i.e., new building or remodeling, etc. He explained that this will come back to the Commission for approval before applying for the funds.

Commissioner Dillaha disagreed with not having all the details ahead of time before moving forward. City Manager Knight explained this is the next step in the process so the rest of the answers can be forthcoming. Commissioner Dillaha addressed unclear language in the agreement that Attorney Brown clarified. He explained that this is only asking permission to file for the grant and that the detailed grant application will come to the Commission for approval. Commissioner Dillaha elaborated on her research and what she believed the funds can be used for and cannot be used to rebuild the Amtrak station. She stated she is not comfortable with this at this time and will not support the resolution. No public comments were made.

**Motion made by Commissioner Anderson to adopt the resolution; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Bradley and Commissioners**

**Anderson, Bridges and Diebel voted yes. Commissioner Dillaha voted no. The motion carried with a 4-1 vote.**

- b) Conditional Use Request: Dr. Alexander Jungreis to add tennis court lighting to the existing tennis court at 1360 Alabama Drive.

Attorney Brown read the resolution by title. Planning Director Jeff Briggs explained the request and that because of the size of the fencing and the noise they have made the conditional uses. Discussion ensued regarding the conditions imposed on the applicant.

No public comments were made.

After questions, **motion made by Commissioner Bridges to approve the conditional use request for the tennis court lighting with the condition that the current owner provides a deed restriction to control the lighting hours of operation; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Bridges and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- 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. This was tabled at the November 23 meeting. Planning Director Briggs explained the ordinance and the agreement a year ago to de-annex the five properties on Orlando and Benjamin Avenues contingent upon execution of the de-annexation agreement and that the applicant work with Orange County to establish zoning by January 2010. He stated the deadline cannot be met and that this extends the deadline and gives Mr. Bellows additional time to work with the County to get zoning established on these properties.

**Motion made by Commissioner Anderson to accept the ordinance on first reading to approve the extension; seconded by Commissioner Dillaha.**

Commissioner Anderson addressed his conversations with Mr. Bellows and City Manager Knight. He expressed being supportive of this because he believes allowing this to be de-annexed will result in a stronger master plan for this project. He spoke about the entire project being re-annexed back into the City at the right time and the need to find the way and time to engage in this discussion and become a participant. He stated he believed that Mr. Bellows wants that to occur. City Manager Knight suggested bringing back a developer's agreement for approval that looks at the densities, financial incentives for the infrastructure from the franchise fees, etc. within the next 6 months.

No public comments were made.

Dan Bellows, 511 W. New England Avenue, stated they diminished the density quite a bit and added a 9 hole golf course which is  $\frac{3}{4}$  in Maitland and  $\frac{1}{4}$  in Winter Park. He spoke about the benefit of a developer's agreement and to run the plans through the P&Z. He further elaborated on his plan to develop this property and the timing. He stated it is beneficial for him to re-annex back into Winter Park as quickly as possible. Commissioner Bridges spoke about the need to bring the parties together to start getting everyone on the same page and working in a unified

direction. Planning Director Briggs commented that when Mr. Bellows was asking to annex the property, Mr. Bellows stated he is not willing to live within the confines of our zoning code so he went to Orange County who has more permissive rules than the City.

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

Commissioner Anderson asked that in the next 180 day planning that we include understanding how staff and P&Z will engage in this process.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUBMITTING TO THE ELECTORS OF WINTER PARK PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK AT THE REGULAR CITY ELECTION TO BE HELD MARCH 9, 2010; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED CHARTER AMENDMENTS; 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 AMENDMENTS.  
First Reading

Attorney Brown read the ordinance by title. The newly updated ordinance was provided to the Commission via email after the agenda packages were distributed.

**Motion made by Mayor Bradley to approve the eleven amendments from the Charter Review Committee with one modification that under Section 2.05, that the salary increase shall commence one year after the commencement of the adoption of the Charter change; seconded by Commissioner Dillaha.**

Commissioner Bridges inquired as to why he would not seek immediate implementation. Mayor Bradley provided his reasoning in that this would provide the time to budget this. Further clarity was made regarding the motion. Mayor Bradley stated this is only for the implementation and that the Commission can by ordinance increase their salary as they see fit after that and his intent is that the first time this goes into effect is in one year.

Gene Randall, 1285 Richmond Road, member of Charter Review Committee explained their reasoning for the wording in Section 2.05, Salary Increases. He stated their intent was so no one would be able to vote for their own salary without going through an election. Comments were made regarding trying to be fair so that some Commissioners are not getting a salary that others are getting. No other public comments were made.

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

Attorney Brown commented on Charter Amendment 12 regarding the text of the Future Land Use Element that would read: "Shall Section 2.11(b) (10) of the Charter be amended to provide that any change to the text of the Future Land Use Element of the Comprehensive Plan may be made only by four votes of the Commission members who are physically present at the meeting?" He stated this will be part of the ordinance for second reading.

**Motion made by Commissioner Dillaha to approve item 12 with a change that Section 2.11 of the Charter be amended to provide that any change to the text or any increase in**



**height, density and intensity within the Future Land Use Element of the Comprehensive Plan may be made only by a supermajority vote of the Commission members who are physically present at the meeting. The motion was seconded by Commissioner Bridges for discussion.** Commissioner Bridges suggested using the language that Attorney Brown provided regarding the four Commissioners versus the word supermajority. Attorney Brown asked that this be changed to four votes so the supermajority is clearer when it comes back to the Commission for second reading. **Commissioner Dillaha agreed to change the word supermajority to four votes.**

**Motion amended by Mayor Bradley to request that the Commission requires a 5-0 vote; seconded by Commissioner Dillaha.** Commissioner Dillaha addressed the need to keep the language regarding heights and densities because of the impacts to the character of the community. She addressed the importance for the citizens to decide. Further discussion ensued regarding the impact of including heights, densities and intensities in the language which would include every rezoning and would apply to the map. Commissioner Anderson voiced his opposition to the changes provided by Commissioner Dillaha. He said the supermajority should be used sparingly and changing a parcel to make it conform with the neighborhood does not rise to the supermajority requirement because there is a check and balance in place for this. He stated that map changes should not be governed by the absolute supermajority and was not in favor of adding the other provisions. Commissioner Diebel expressed her concerns about requiring the supermajority and stated every time they speak about this is a tyranny of the minority when we are talking about trying to progress any type of change that could be good for the community. Upon further discussion and questions, **the amendment was withdrawn by Mayor Bradley.**

**Motion amended by Mayor Bradley to require a 4-1 approval from our Commission to go forward, seconded by Commissioner Diebel.**

Pete Weldon, spoke in opposition to the supermajority vote. He submitted a copy of a letter for the record.

Sally Flynn, 1800 Highland Road, agreed with the supermajority for text changes but disagreed with the heights and densities.

Jean Cumming, 902 Golfview Terrace opposed the supermajority vote.

**Upon a roll call vote for the amendment to require a 4-1 vote to proceed with the motion made by Commissioner Dillaha, Mayor Bradley and Commissioner Diebel voted yes. Commissioners Anderson, Dillaha and Bridges voted no. The motion failed with a 3-2 vote.**

The original motion as presented by Attorney Brown and the amendment made by Commissioner Dillaha was then discussed. Mayor Bradley spoke about a 5-0 or 4-1 vote being bad because the comprehensive plan should change as the community's needs change and that the Commission should be able to do that with a 3-2 vote. He addressed the issues of height and density being problematic.

**Motion amended by Commissioner Anderson to strike the height, density and intensity portion of the original motion and revert to the original language as proposed by Attorney Brown; seconded by Commissioner Bridges. Upon a roll call vote for the**

**amendment, Mayor Bradley and Commissioner Diebel voted no. Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried with a 3-2 vote.**

**Upon a roll call vote for the original motion, only to include the text language, Mayor Bradley and Commissioner Diebel voted no. Commissioners Anderson, Dillaha and Bridges voted yes. The motion carried with a 3-2 vote.**

- e) ORDINANCE NO. 2786-09: 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. Second Reading

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

**Motion made by Commissioner Dillaha to adopt the amendments to the City of Winter Park Police Officers pension plan ordinance; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Bridges and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- f) ORDINANCE NO. 2787-09: 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. Second Reading

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

**Motion made by Commissioner Bridges to adopt the amendments to the City of Winter Park Firefighters pension plan ordinance; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Bridges and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- g) ORDINANCE NO. 2788-09: 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. 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 Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Bridges and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

A recess was taken from 7:45 – 7:55 p.m.

- h) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL AND PROHIBITED USES WITHIN THE ZONING DISTRICTS OF THE CITY, ADOPTING NEW DEVELOPMENT STANDARDS, DENSITIES AND INTENSITIES OF DEVELOPMENT, ADOPTING CHANGES NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED FEBRUARY 23, 2009, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Planning Director Jeff Briggs addressed the hearing being held after 5:30 as advertised. He spoke about the adopted comprehensive plan and the need to bring the zoning ordinance into conformance with the new growth and development rules. He addressed working on revisions to the land development/zoning code that went to the P&Z Commission and posted on the City's website, summary pages put on the website, and the ¼ page ad that ran in the paper. Mr. Briggs stated the updated changes have not been posted on the website.

Attorney Katie Reischmann stated that most of what she suggested as changes are re-wording and eliminating some repetition. She stated there are very few legal issues. Commissioner Dillaha agreed that the document is clarification, getting rid of redundancies and cleaning up language and did not see anything that was significant other than the recommendation to Section 58-89, subsection 17. Attorney Reischmann summarized her proposed changes to the ordinance that was originally provided in the package to include Section 58-89 (17) and Section 58-64 as well as other sections. Commissioner questions followed.

Commissioner Diebel expressed concerns that the proposed changes were not posted for the public view before this meeting. Commissioner Bridges stated the changes are not conflicting and did not see a problem moving forward.

**Motion made by Mayor Bradley to table this until December 14 at such time that the full document that has been revised by our Attorney be posted for public comment; seconded by Commissioner Diebel.**

Commissioner Anderson wanted discussion on the Land Development Code comparison list and agreed with tabling this item. Commissioner Dillaha stated for the record that she did not see the need to table this to have the first reading again.

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

Discussion continued regarding Section 58-89 and the recommendation to send notices to individual owners. Questions were asked for clarification by Commission members and answered accordingly.

Peter Weldon, 700 Via Lombardy, spoke in opposition to the changes and believed they did not represent input from the community that is most impacted by the code. He asked that the process begin again to involve the affected parties of the comprehensive plan and code more.

Frank Hamner, 1011 N. Wymore Road, addressed the need to be cautious with the implementation of this code because the Commission is heading toward not having flexibility with the supermajority and the changes being made. He stated that rezoning should not be part of the comprehensive plan but part of the Land Development Code so it can be changed at will. He asked that the legal issues and the changes be posted on the website and that substantial time be allowed for review. He addressed other areas he had concerns with.

Jean Cumming, 902 Golfview Terrace, spoke in opposition to the supermajority. She spoke about the property she owns on Orange Avenue and asked what happens if the person purchasing it wants to tear it down. She asked what happens to future of land already there and grandfathered in with the past and current rules. Mr. Briggs responded to her concerns. Mr. Wiggins spoke about having to comply with the current code if more than 50% of the current building is taken down by the property owner.

Commissioner Dillaha addressed other changes she wanted to see in the Land Development Code to be discussed at the next meeting this is addressed. She asked that in the C-2 zoning to take language from the Winter Park CBD district architectural guidelines saying that frontages do not exceed 100' in length and include it in the code; and to add more criteria as relates to section 58-89. She recommended going with the BOA definition of variance.

- i) Transmit to the Florida Department of Community Affairs an amendment to the Comprehensive Plan to amend and update the Capital Improvement Element to reflect the revised Five Year (FY 2010-FY 2014) Capital Improvements Plan and Narrative. **This public hearing is for transmittal to Florida DCA only – City Commission will adopt at a later date following the receipt and response to ORC comments from Florida DCA.**

Planning Director Briggs addressed the changes being proposed in the amendment. He spoke about the need to transmit this to the DCA, and that an ORC will come back and then will adopt the ordinance after changes are made.

**Motion made by Commissioner Dillaha to table this item; seconded by Commissioner Bridges for discussion.**

Commissioner Dillaha explained her reason to table. She asked for clarity regarding the situation with water and our share in the cost associated with improvements. Mr. Briggs responded to her question and that money will have to be spent to promote the use of reclaimed water for irrigation which will be done by expanding the Aloma Plant and working with Orlando to get some of their reclaimed water. He stated that money will still have to be spent in the 2015-2020 time period. Commissioner Dillaha wanted to be sure this is being budgeted for. She also addressed other areas she believed needed discussion that is part of the transmittal including Mead Garden (fundraising versus bond issues); and the language regarding commuter rail (\$950,000).

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

**City Attorney's Report:**

No report.

**Non-Action Items:**

a) City Manager's report.

City Manager Knight addressed the work session held concerning incentives for a hotel in the Hannibal Square area. He stated they were given direction to provide values of properties that the City may purchase from Mr. Bellows but that there was no formal action taken regarding the incentive package that was proposed. He stated that Mr. Bellows is asking about the incentives. Mr. Knight asked for clarification. Mayor Bradley stated he believed there was consensus but it was not in the timeline that Mr. Bellows needed. City Manager Knight clarified that they were directed to bring incentive programs back that were broader; but not specific to hotels. Commissioner Anderson and Mayor Bradley elaborated on Mr. Bellows' request not being timely. Commissioner Bridges stated he thought they were going to address the two issues separately and address a policy which they would incorporate with a new Economic Development Director. City Manager Knight stated they are looking into an alternative inventory and to appraise the property and assess the City's future needs.

The large turnout at the ice skating rink in Central Park was addressed.

**New Business (Public):**

None.

**New Business (City Commission):**

a) Commissioner Anderson

Commissioner Anderson asked that the post office rezoning and the change in the future land use issue be placed on the December 14 agenda. He stated the range of discussion should be a PQP or a Park designation and where the boundaries of such an application might go. It was clarified that this will have to go through the Planning and Zoning Commission first. He asked about the effective date of the comprehensive plan adoption ordinance and if they are going to do this with the post office, if they need to change the effective date of that ordinance. Mr. Briggs stated they will review this.

a) Commissioner Dillaha

1. Commissioner Dillaha spoke about Request for Proposals (RFP's) and asked that the City Commission consider participating in the large RFP's. Attorney Brown stated it is not unusual for elected officials to sit on RFP committees on larger projects. She asked that the entire process be made clearer and improve it where necessary.

2. Commissioner Dillaha asked that the December 14 agenda include an item concerning commuter rail. She stated she attended the commuter rail TAC meeting last week and found out there is another amendment (#2) to the interlocal agreement that the counties and Orlando is being asked to sign. She expressed concerns that Orange County has not brought this to our attention yet. She asked since the interlocal agreement is an addendum to our agreement with Orange County and it is changing if we need to look at this and provide our input. City Manager

Knight stated he attended the commuter rail commission meeting the week before this and sent out the Osceola County ordinance they were going to re-adopt so the Commission would have that.

Commissioner Dillaha also stated that FDOT will no longer issue a bond for the funding of the corridor and that this will be a financing deal of some kind. City Manager Knight explained that they are only getting the money from another branch of the Federal Government versus issuing bonds which is supposed to decrease the cost. He explained that our agreement states the City will pay a share of the debt service and they are only changing the mode at which they are issuing the debt because it is cheaper to do it that way.

Commissioner Dillaha also stated they changed the cars from the DMU's to locomotives which increases the noise and vibration levels. She stated she wants to bring this forward to the December 14 meeting to discuss the terms and changes and to consider having our City Attorney look at the agreement. Mayor Bradley asked for clarification as to what they would be discussing. Commissioner Dillaha stated they would discuss the amendment to the interlocal agreement, the language regarding debt service, and having our Attorney review the agreement.

Commissioner Diebel asked City Manager Knight if we have been presented a request to amend our interlocal agreement. City Manager Knight said we have not. Commissioner Diebel stated she did not see the purpose of scheduling a discussion around an amendment that has not been proposed. She stated if the intent is to inform the Commission, gather facts or put her point of view forward she believed there are ways to do that through the City Manager and did not see a purpose of continuing to discuss and schedule time around an amendment that has not yet been proposed to the City for consideration.

Commissioner Dillaha expressed her frustration with the City not being informed by Orange County. Commissioner Diebel stated the County cannot unilaterally amend an agreement with the City so what is under discussion is not pertinent until they suggest an amendment to our agreement from a legal standpoint; otherwise it is only facts for discussion purposes. Commissioner Dillaha stated then our agreement with Orange County is terminated and null and void because we never adopted the addendum which extended the deadlines for the project. Attorney Brown spoke about needing to review the agreement and see how it incorporates the addendum. Commissioner Anderson asked if the Commission wants to commence some fact finding on what is in the contract, what has been changed in the contract and whether it rises to the point of needing to be addressed and how to address this. Mayor Bradley stated this is moot until the State Senate votes and believed the intent of Commissioner Dillaha is to consistently try and close this contract. He stated in January 2009 the Commission voted not to do that and to continue the agreement. Commissioner Dillaha stated her intent is to take a bad agreement and make it better.

Commissioner Dillaha addressed the Mayor going to Tallahassee to speak before the legislature. Mayor Bradley stated he filled out a form but did not speak and asked why she is questioning his motives at this point. He stated he is questioning her motives because she is going against the will of the citizens of the City who voted for this.

Commissioner Anderson spoke about there not being a special session scheduled now in December according to Senator Dockery which questions whether it is time to look at the contract; not with the intent of throwing it aside but with the intent of bettering the financial

position of the City. He stated he believes the best time is the first meeting in January after we know what is happening with the State Legislature. Commissioner Bridges stated she is interested in having the City Attorney review the interlocal agreement for the purpose of educating them. Commissioner Anderson stated he is prepared to readdress this as a new business item on December 14 to scope out the work.

Campaign Finance Reform was not addressed.

- c) Commissioner Diebel

No new business.

- d) Commissioner Bridges

- 1) New permit process; expedited process/code enforcement.

1. Commissioner Bridges expressed her concern with a citizen specifically addressing and confronting a Commissioner and Planning and Zoning board members that was not stopped this evening. Mayor Bradley stated he should have stopped that as Chairperson. She asked that this be done in the future. Mayor Bradley agreed.

2. Commissioner Bridges spoke about a building permit that had been delayed. She stated she believed the process needs to be improved and asked the Commission to support this. She stated this could apply to both code enforcement and building inspections and the permit process. Building Director George Wiggins addressed a newly implemented procedure through the City's HTE permitting system on-line by which you can access on-line forms and resources. He explained a page on the website that allows anyone who has applied for a permit to see where the plans are in the process. He stated this is currently in place and have also been working with the Fire Department on ways to allow them to do more fire plan reviews. He further explained the current permitting process.

Mr. Wiggins then addressed the code enforcement/violation processes. He spoke about the list of properties they have been dealing with and taken action on. He also addressed department staffing, liens, and ways to try and improve the process. He stated they are also looking at a way to access violations by citizens on-line as in the permitting process. Commissioner Bridges spoke about the need to give direction to staff to move forward with whatever they need to do to implement this. She expressed the importance that we have permitting processes that are efficient and streamlined and promotes the expediency of getting the permitting process through. There was a consensus for staff to bring back a proposal.

- 2) Developer's Agreement for the YMCA and the City and neighborhoods and the YMCA's commitment into the future.

Carry over to the December 14 meeting.

- 3) Independent audit of billing practices.

Carry over to the December 14 meeting.


- e) Mayor Bradley

- 1) Development of a policy regarding non-Winter Park elected officials being on the agenda.

Mayor Bradley addressed the awkward position that the Commission was put in this evening with a State Senator who does not represent the citizens of Winter Park directly wishing to speak to the Commission. He stated in the future he is going to enforce the policy that if anyone is requesting someone to speak at the Commission meeting, that it requires it to go on their New Business section and that there be three affirmative votes to go forward with it.

**Motion to adjourn the meeting made by Commissioner Diebel, seconded by Mayor Bradley and carried unanimously.**

The meeting adjourned at 9:53 p.m.

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

ATTEST:

  
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City Clerk Cynthia S. Bonham