

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
December 10, 2007**

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

The invocation was given by Reverend Mike Armstrong, First Baptist Church Winter Park, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Karen Diebel

Also present:

City Attorney Trippe Cheek
City Manager Randy Knight
City Clerk Cynthia Bonham

Mayor's Report:

a) Recognition of the Fire Corps Volunteers.

Mayor Strong recognized the City's first group of Fire Corps citizen volunteers. He stated that Fire Corps is a partner of the Department of Homeland Security's popular Citizen Corps Program and their mission is to increase the capability of Fire and EMS Departments through the use of volunteer citizen advocates.

b) Recognition of Captain Randall Mells, Florida Fire Marshal of the Year.

Chief Bart Wright, representing the Florida Fire Marshals and Inspectors Association, presented Captain Randall Mells with the Florida Fire Marshal of the Year award.

c) Presentation of the Best of Orlando award to the Farmers' Market.

Mr. Dan Winkler, representative from the Orlando Weekly presented a plaque for the Farmers' Market being the best in Orlando.

d) Board appointments: Civil Service Board:

Mayor Strong reminded the Commission that this board has to be appointed now since their term runs from January to January. Mayor Strong's nominated Jere Daniels and Rick Frazee for reappointment for 3 year terms.

Motion made by Commissioner Metcalf to approve the reappointment of Mr. Daniels; seconded by Commissioner Eckbert and carried unanimously.

Motion made by Commissioner Bridges to approve Mr. Frazee to replace Carina Graham; seconded by Mayor Strong. Motion failed with a 3-2 vote with Commissioner Bridges and Mayor Strong voting yes and Commissioners Eckbert, Metcalf and Diebel voted no.

Motion made by Commissioner Metcalf to approve the reappointment of Mr. Brewer; seconded by Mayor Strong and carried unanimously.

Action Items:

- a) Approve the minutes of 11/26/07.
- b) Approve the following bids and purchases:
 - 1) Change order to Purchase Order 133215 to Orlando Paving Company for Phase 1 of Palmer Avenue paving project; \$39,188.62 (Budget: Streets – Road Materials & Supplies)
 - 2) PR 135640 to Thor Guars, Inc. for the purchase of a lightning prediction system for Lake Island Park and the golf course; \$27,900.00 (Budget: Parks & Recreation Projects – Lightning Detection)
 - 3) PR 135734 to Data Works for the purchase of fingerprint scanners and Software; \$100,800.00 (Budget: Federal Forfeiture Funds)
 - 4) Commission select firm to enter into negotiations for RFQ-27-2007 Planning and Architectural Services to prepare guidelines/code and serve as a member of the Design and Architectural Review Committee for the City of Winter Park. **PULLED FOR DISCUSSION. SEE BELOW.**
- c) Confirm the appointment of the Assistant City Manager. **PULLED FOR DISCUSSION. SEE BELOW.**
- d) Approve staff to proceed with an annexation petition for the 24 properties/14 acres located in unincorporated Orange County - Stonehurst Road.
- e) Approve the recommendations of the Ethics Task Force incorporating staff recommendations. **PULLED FOR DISCUSSION. SEE BELOW.**

The following items were pulled from Action Items for discussion: b-4; c, and e.

Motion made by Commissioner Metcalf to approve Action items 'a, b) 1) thru 3) and d'; seconded by Commissioner Diebel and carried unanimously.

Action Item b-4: Commission select firm to enter into negotiations for RFQ-27-2007 Planning and Architectural Services to prepare guidelines/code and serve as a member of the Design and Architectural Review Committee for the City of Winter Park.

Mayor Strong expressed his preference to shortlist the four firms to two and to hear from them again. Commissioner Bridges disagreed short listing the firms now because Commissioners Metcalf and Eckbert were not present for the presentations and they were at a disadvantage because they did not have the benefit of their questions. She stated she felt the task force had changed their recommendations.

Commissioner Metcalf stated that he had the CD's from the four presenters and recommended the team's decision and to move forward. Commissioner Eckbert stated that he has paid attention to the presentations as well as being a part of the initial grading of them at the committee level and was comfortable moving forward with the staff recommendation. Commissioner Diebel supported having extra questions with another meeting between two firms in order to have more unanimity among the Commission. She stated at the last meeting she requested a recommendation of what differentiated the rankings between each firm and would

like to hear that. She supported moving forward expeditiously and picking one of the two firms that the task force recommended.

Mayor Strong stated he supported short listing the first two recommendations of Canin and Associates and Torti Gallas & Partners. He asked if they would be available next week to hear them one more time if it could be arranged.

Motion made by Commissioner Eckbert to approve staff's recommendation; seconded by Commissioner Metcalf.

Commissioner Diebel stated she would like to have some good consensus on how the collection of community input is. She explained there was one firm's ability to do that locally and she was supporting the efforts of the integration of the Winter Park Campfire group. She believed if they were going to hear more information they should have more specificity on this because it is important that they get through this process effectively.

Commissioner Bridges stated they should delay this and spend time going through the selections because citizen input is one of the critical differentiators and one of the most important aspects of determining form based code. She expressed concerns with the Campfire website and how it has been managed. She found it to be problematic for this particular consultant in the selection they were going through. There was further discussion on the firms and their experience with form based code.

Jack Rogers, 1002 Temple Grove, suggested a process he believed would avoid confrontation and move forward together in a mutual and beneficial manner. He suggested that they short list all four firms; re-mail the RFQ to all 30 firms; give the four firms the opportunity to supplement the original submission to incorporate any new material; reconvene the task force with the selection committee including present and new commissioners, reschedule interviews with the new firms and ask them questions, and that the people making the selection must attend the interviews and be involved with the process. He believed that this would be a good beginning to restore consistency with the consultant's competitive negotiation act and its principal of selecting the most qualified firm.

Patty Heidrich, 1112 Shultz Avenue, believed there was no need for another RFQ and they were very satisfied with their number one choice. She asked the Commission to move forward with this and allow the task force to do their work.

Jeffrey Blydenburgh, Torti Gallas Team Architect, clarified that his name was on the proposal as an architect, not as Winter Park Campfire. He stated that the Winter Park Campfire site would be an inappropriate place to do this. He commented that if his affiliation with Winter Park Campfire is a problem he would drop out of the public participation facilitation. He also stated that Winter Park Campfire is a non-partisan site where all issues are aired. He welcomed the opportunity to have the short list from four firms to two.

Pat McDonald, 2348 Summerfield Road, addressed the need for additional time to do it well and asked the Commission to consider what Mr. Rogers' suggested.

Peter Gottfried, 1841 Carollee Lane, asked to move forward with his firm Canin and Associates.

Jean Cumming, 902 Golfview Terrace, urged the Commission to move forward and make a decision.

Commissioner Diebel commented that she would support entering into negotiations with the most qualified firm and if they deem them to be unsatisfactory the process allows them to terminate that and choose the second most qualified. She would support that based on the reminder that the public input process is well covered with the survey, website, discussion and Charettes with their number one ranked firm. She believed they should keep the process moving according to the task force recommendation.

Commissioner Eckbert clarified his motion. **Motion made by Commissioner Eckbert to concur with staff's recommendation to proceed with the selection of the firm that was ranked highest originally and subsequently, Canin and Associates; seconded by Commissioner Metcalf. Upon a roll call vote, Commissioners Eckbert, Metcalf and Diebel voted yes. Mayor Strong and Commissioner Bridges voted no. The motion carried with a 3-2 vote.**

Action Item c: Confirm the appointment of the Assistant City Manager.

Commissioner Diebel asked City Manager Knight for a summary of his decision. Mr. Knight summarized why Ms. Michelle del Valle was chosen as the new Assistant City Manager. He explained that she has a great deal of experience in performance based budgeting.

Mayor Strong spoke about Ms. del Valle's salary being within budget. He asked if they were anticipating an employment contract. Mr. Knight stated he had not discussed that with her. Mayor Strong and Commissioner Eckbert believed it was in Mr. Knight's purview to make this decision. Mr. Knight assured the Commission that she was an operations person and has the skills for this position.

Motion made by Commissioner Bridges to approve the hiring of Ms. del Valle as the new Assistant City Manager; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Action Item e: Approve the recommendations of the Ethics Task Force incorporating staff recommendations.

Commissioner Eckbert stated that he supported recommendations 5, 6, and 7 as the right place to begin implementation of fixed reform; 5) Require Ethics Training for all city employees, elected officials, and appointed members of boards, committees, and task forces; 6) Assemble all ethics-related ordinances and forms, incorporating all relevant state laws for easy access, reference, and training; and 7) Enhance the City's communication program to assure transparency for all City activities.

Commissioner Bridges suggested that the Ethics Officer be the Assistant City Manager's responsibility and to have one person that handles this rather than having departmental Ethics Officers. Commissioner Metcalf suggested having Human Resources Director Anna Currie do the job or have an inspector general type person who is outside the normal chain of command that people can go to without fear of any risks/challenges to their job. He suggested getting the

information together and handing it out, ensuring that everyone is aware of it and have employees sign up for training. Commissioner Eckbert asked Mr. Knight to make a recommendation for that person rather than it being a position. He stated that Anna Currie could be the right person for the job and Mr. Knight should give guidance of who that person should be.

Mayor Strong stated that he would adopt their recommendations with the understanding that it will take a long time to come to fruition and be effective. He commented this was a place for them to start and improve upon with time.

Motion made by Commissioner Eckbert to approve items 5, 6 and 7 with some modification of number 3 along the lines that Commissioners Bridges and Commissioner Metcalf described.

Commissioner Diebel commented that in their prior work session she believed that they should implement number 5 by collecting all of the information, synthesize it and decide how to train people on the sensitivity of the rules we abide by.

Barry Greenstein took note of the Commission's previous comments praising other task forces, particularly the Architectural Task Force for having diversity in their membership and when they came up with a unanimous decision they respected that. He commented that the Commission needs to respect their unanimous decision as a board.

Kit Pepper, 2221 Howard Drive, asked to consider their recommendation, couple it with staff's recommendation and form it with an ethics board that the City can use to service a foundation for ethics measures that may be used in the future. Ms. Pepper recommended that the ethics board have legal counsel assigned to it so that it could assess where our laws need to meet with State laws.

Patty Heidrich, 1112 Shultz Avenue, spoke in favor of the board recommendations.

Kathryn Grammer, 200 S. Interlachen Avenue, spoke in favor of the task force recommendations.

Joe Terranova, 700 Melrose Avenue, believed they should establish the seven recommendations of the task force and establish a basis for measuring ethics in Winter Park.

Thaddeus Seymour, 1804 Summerfield Road, spoke in favor of the task force recommendations.

Will Graves, (non-resident) 3048D George Mason Avenue, spoke about the issue of ethics.

Carolyn Cooper, 1047 McKean Circle, spoke in favor of the task force recommendations.

Motion made by Commissioner Bridges to approve the recommendation in its entirety; seconded by Commissioner Metcalf with an amendment that someone serve in the Chief Ethics Officer position to be recommended by the City Manager, and that they report to the City Manager if the issue does not include him and that it be to the Commission otherwise.

Commissioner Bridges amended her motion that this board has a legal representative from the City. This was to include staff's recommendations and add legal representation for that board. She also recommended that the board be five members in size. Commissioner Metcalf agreed and seconded the motion for the five members.

Commissioner Eckbert addressed his two primary concerns with the ethical proposal; it creates unrealistic expectations that with the formation of an ethical board they will somehow have resolution to ethical issues but there may be times when there is no resolution; and was concerned about the unintended consequences of public policy. He stated that he would support the motion if Commissioner Bridges would be willing to delete the final sentence of #2 and focus the staff organization of ethics review as an ethics officer rather than departmental.

Commissioner Bridges stated that she would like to reiterate her motion that they adopt this as recommended. Attorney Cheek asked for clarification of her motion. Commissioner Bridges stated that she accepted the amendments and added the legal representation for the board. Attorney Cheek stated he understood that the Ethics Board would be recommending an ethics code to the City Commission for consideration. He asked if that was her understanding as well. Commissioner Bridges agreed.

Upon a roll call vote, Mayor Strong and Commissioners Bridges, Metcalf and Diebel voted yes. Commissioner Eckert voted no. The motion carried with a 4-1 vote.

Public Hearings:

- a) Requests of Rollins College: Ordinance-to amend the zoning code to establish a new conditional use provision for non-profit educational facilities; and 2. Conditional Use request-to permit the Osceola Lodge and Bigelow House properties at 231 N. Interlachen Avenue and 230 N. Knowles Avenue to be used for the Winter Park Institute.

Attorney Steve Bechtel represented the next two items due to a conflict with Winderweedle. Attorney Bechtel read the ordinance by title.

Planning Director Briggs explained that Rollins College reached an agreement with the Morse Genius Foundation to use the Osceola Lodge and the Bigelow House properties for the Winter Park Institute. He explained that this would be the home base for their visiting scholar program. He stated the properties are zoned R-2/R-3 residential and the contemplated use is not residential and does not fit in the current zoning. He also explained that staff's intent was to limit the field of potential users to historic properties on the State registry list and in the CBD and non-profit institution (Federally). He addressed the unanimous P&Z recommendation in favor of the conditional use with some conditions. Mr. Briggs explained that at the present time the Osceola Lodge is not on the tax rolls; however the Bigelow house is. He stated that aside from that condition, Rollins is in concurrence with the recommendations from P&Z. Mr. Briggs responded to questions from the Commission.

George Herbst, Vice President/Treasurer for Rollins College, addressed the July 9 approval. He stated the college held October meetings with neighbors and they were all sent information on the proposed use, and they held an open house and two public meetings. He explained the

proposed use was positively received by the neighbors including those adjacent to the property. He requested that the Commission consider deleting or revising two of the conditions recommended by P&Z; 1) that the condition of no loss of the existing tax base at either facility be removed and the City partner with Rollins by allowing the property to be designated as tax exempt if the applicable ownership and youth standards are met; and 2) that the condition relating to signage be revised which was to permit tasteful and limited signage on Interlachen Avenue and Knowles Avenue to help with the identification of the property there.

Mr. Herbst spoke about misunderstandings that property owned by not-for-profits is automatically tax exempt. He stated that was not the case and organizations like Rollins and the Morse and Genius Foundations pay property tax on properties not used for tax exempt purposes. He explained that the college has done its share to try and generate revenue for the City and the CRA has benefited by the substantial development of SunTrust Plaza and the continued use of the Lawrence Center in the same way. Mr. Herbst commented they will be writing a report in early 2008 on the taxes paid by the college and it will be certified by the City staff that what they represent is in agreement with City records. They have engaged in an economic impact study to be prepared by a qualified and independent research firm, and they are preparing a Campus Master Plan to submit to the Commission in 2008 as the Commission requested. Mr. Herbst answered questions.

Joe Terranova, 700 Melrose Avenue, agreed with the ordinance and the conditional use. He believed that the verbiage regarding taxes should be taken out. He thought it was an excellent project and should be supported by the Commission.

Will Graves, (non-resident) 3048D George Mason Avenue, spoke in favor of the proposal.

Jack Rogers, 1002 Temple Grove, speaking as the owner of the land at 145 and 165 Lincoln Avenue located right across Knowles Avenue from the Bigelow House, supported the college's proposal.

Jean Cumming, 902 Golfview Terrace, asked about the restrictions on any future expansion of the institute, if parking is going to be contained on the property already there, the flow of traffic, and if this is going to be like a bed and breakfast. Mr. Briggs responded.

Commissioner Bridges commented they should not adopt the P&Z recommendation regarding taxes. She stated that is an issue to be addressed and they have already made some steps towards doing it. She stated that in principal she could appreciate and agree with that but this was not the place to start.

Motion made by Commissioner Metcalf to accept the ordinance on first reading; seconded by Commissioner Bridges. Mayor Strong and Commissioners Eckbert and Metcalf disclosed they had several conversations with citizens and a representative from Rollins about this issue. **Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

Commissioner Bridges asked about the signage issue that Mr. Herbst addressed, if Mr. Briggs discussed with Mr. Herbst the size of the signage that he was referencing on Interlachen Avenue and if the size was discussed with neighbors. Mr. Briggs responded that they probably would not want anything larger than 6-8 square feet and something within that limitation takes

away the concern of the location of the Interlachen frontage. Mr. Herbst responded that size was not discussed with neighbors. Commissioner Metcalf commented that it should be identified as the Rollins Institute because it would enhance the prestige of it. Mayor Strong suggested that it could be 8' and if they wanted to make it bigger they could return and request it. There was a consensus on the 8' signage.

Motion made by Commissioner Bridges to approve this recommendation with the restriction that they remove the recommendation by P&Z regarding the loss of the existing tax base and that the signage be restricted to 8' or less on Interlachen with approval by the Commission and to be reviewed by this Commission prior to installation; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

- b) RESOLUTION NO. 1983-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2726-07 OF THE CITY WHICH AUTHORIZED THE ISSUANCE OF NOT EXCEEDING \$2,500,000 ORANGE AVENUE IMPROVEMENT REVENUE BONDS, SERIES 2007, OF THE CITY TO FINANCE ALL OR PART OF THE COST OF THE ACQUISITION AND CONSTRUCTION OF CERTAIN ORANGE AVENUE STREETScape IMPROVEMENTS IN THE CITY; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES SPECIALLY BENEFITED BY SUCH IMPROVEMENTS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Motion made by Commissioner Metcalf to adopt the resolution; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0.

- c) Reconsideration of the 6th amendment to the JW Marriott Hotel developer's agreement.

Due to client conflicts, the City Attorney for this matter was Steve Bechtel. Planning Director Jeff Briggs explained this item being on the November 26 Commission agenda for a possible motion to reconsider the action taken at the November 12 meeting to approve the "Sixth Amendment" to the Development Agreement for the Langford/Regent Hotel property to include the new building parameters for a JW Marriott Hotel. He stated that the Commission indicated they had concerns about operational aspects of the project as well as the lack of notice. Mr. Briggs explained that even though notice was not required for the first action, the Commission wanted to provide notice for tonight's public hearing which they complied with.

Attorney Bechtel described the compilation of the original development agreement in 2001 through the previous five amendments which is effective today. He provided further insight regarding the amendments and explained the difference in the #6 amendment. He addressed the Master Plan provision being completely eliminated, the insertion of the new Master Plan, the approved uses being changed, the designation of the JW Marriot as a luxury hotel being added, and the deletion of the reference to the management agreement with the Regent Hotel organization. He stated that the Commission should have the compilation document;

Commissioner Metcalf's document, the proposed revised 6th amendment, and the correspondence that came in on November 26 from the developers, and the reduced depiction of the master plan.

Attorney Bechtel explained that he has been working with Rebecca Furman (representatives on behalf of Langford CP, LLC) for the past two weeks and this morning they received the revised 6th amendment signed by her client. He also stated that on Friday they received a letter from a Marriott executive attesting that the number of parking spaces was adequate in his opinion. Mr. Briggs added that the 20 spaces for library staff continued to stay in the agreement as long as the understanding that the operation of the parking garage will be both valet and self service. Attorney Bechtel and Mr. Briggs answered questions of the Commission.

Mr. Briggs explained that the City Commission also indicated that the adequacy of parking was a concern. He stated the applicants are confident they have enough parking but the concern exists that parking will occur off-site on other properties and will interfere with their business operations. He explained that staff has suggested an ordinance that would be a general city-wide application that could give the Commission an option to compel businesses to lease off-site parking for special events or employee parking when deemed necessary. He believed that this would be something useful for the City to have and if the Commission is interested and provides direction, staff would work on the ordinance and bring it back in the future.

Commissioner Metcalf supported an ordinance and staff putting together something they can agree on regarding any major project that meets the codes. Commissioner Eckbert asked what the changes were with the parking from the November 12 meeting to today's meeting. Mr. Briggs responded that 30 more spaces were added to the parking garage and it was included in the new exhibits to the agreement.

Rebecca Furman and Terry Young, representatives on behalf of Langford CP, LLC, asked to reaffirm the vote that was taken on November 12 and the 6th amendment modifications made. Ms. Furman addressed the postponement by the City and the costs incurred because of this. She spoke about the parking and stated that they agreed to set aside 20 spaces for the library, build an additional 30 spaces on the top of the 6th level; parking was increased to 436 spaces. She stated they want to work with the neighbors and residences to bring this to completion.

John Dannecker, Shutts & Bowen, counsel for the residences of the Winter Park Condominium Association, expressed concerns with parking, noise, the privacy wall, and the lack of details in the plans. He stated they tried to approach the developer and address those concerns and were told they would not negotiate with them. He hoped there was a solution that was available because they want this project to move forward. He asked to reconsider or table the present proposal.

Willow Shambeck, 339 Park Avenue, read a letter on behalf of Julie von Weller who supported the JW Marriot project. Ms. Shambeck also spoke in favor of the JW Marriot.

Robert Langford, 412 Fletcher Place, previous owner of the property, commented that their parking spaces were sufficient and spoke highly of the quality of the JW Marriot hotels and the clientele it will attract.

Property Manager Erica Dias, The Residences of Winter Park, read a letter on behalf of Larry Roth member of the Board of Directors for The Residences who spoke in favor of the JW Marriot. He asked the Commission to review the concerns regarding parking.

Bill Battaglia, 300 South Interlachen Avenue, President and Director of The Residences, stated they supported the hotel project but spoke against not seeing the plans, not having dialogue or specificity, and not addressing concerns they have raised. He asked the Commission to table this or have their impacts addressed.

Bill Donadio, 160 Alexander Place, expressed concerns with the hotel because of the impact to their neighborhood. He asked to help with the traffic and parking and to keep construction workers off their streets.

Joe Terranova, 700 Melrose Avenue, stated that the City should not reconsider the prior approval of the agreement. He stated that the parking was adequate. He believed that the City needs to work with the neighbors and The Residences and should encourage the developers to do the same and move forward.

Ms. Furman addressed the private dispute between The Residences and the developer. She reminded the Commission that this was approved on November 12 and that a re-consideration should not be considered.

Lee Zehngbot, 300 S. Interlachen Avenue, asked the City to have the developer engage in a dialogue with The Residences. He stated they are in favor of the project but frustrated by the developers lack of cooperation.

Attorney John Nadjafi, on behalf of The Residences of Winter Park, spoke about paragraph one of the 6th amendment of the developers agreement and asked for additional specificity as to what that it means.

Planning Director Briggs addressed the elevations and stated they met with the developers and architects about the specific architectural detail of materials that they contemplate using for the New England frontage. This includes partial elevation of the parking garage, which will be the same elevation and materials on the parking garages facing the library and on Lyman. He stated they can make changes on the interior but they have to live up to the quality of the materials in the luxury connotation that we demand by virtue of the developer agreement with the exterior. He also commented about the pool location and the pool bar type of outdoor entertainment and how the noise will be handled.

Commissioner Eckbert addressed: 1) the parking for the neighborhood and potential users of the JW Marriot (any problems should be solved between the City and JW Marriot) and 2) the privacy wall issue being between the developer and The Residences. He stated that the original design was a gracious open integrated project but now there is a privacy wall. He commented that they were being respectful in establishing the privacy of The Residences but that maybe the residents do not feel the same.

Attorney Bechtel suggested including an interpretation statement in the approval of the 6th amendment that they do not want the privacy wall if that is what they decide. He also commented that reconsideration was no longer an issue. Mayor Strong commented about the

ability in the permitting and additional planning process to reconcile a lot of these issues and did not believe the Commission should be a part of this.

Commissioner Bridges believed they had addressed the parking and notice issues and that the other things could be resolved in the Planning Department. She believed that they need to move forward and approve this and when The Residences and the developer work together they will both have a common interest in making this project the best that it can be and will find a resolution.

Commissioner Metcalf disclosed his conversation with Mr. Heistand this morning and was anxious to resolve the issues with The Residences. He suggested that one of the Commissioners attend those discussions and he wanted to see a meeting take place to resolve The Residences issues as soon as possible and to put the updated documents on the website.

Attorney Bechtel suggested that the motion be to approve the draft 6th amendment in the package this evening as the final document and to authorize the Mayor to sign in lieu of the previous documents. Commissioner Metcalf stated that he would do that based on Ms. Furman's assertion that she will ensure that her client will meet with these residents as soon as possible to resolve any existing issues. Mr. Furman agreed to do so.

There was further discussion regarding the parking. Mayor Strong asked Mr. Knight to direct staff to prepare the appropriate ordinance regarding the parking issue. There was a consensus.

Commissioner Metcalf discussed with Ms. Furman the issues of paragraph 9 in the original agreement being unchanged, the number of parking spaces that is generated with the build out of the entire 6th level, the location of the pool and the allowance of the music. Mr. Battaglia commented that after this meeting that he along with Commissioner Metcalf, Mr. Heistand and other representatives and residences were going to discuss all these issues. He believed they were at a disadvantage because they did not have input and did not understand why they needed to take up the Commission's time with discussing these issues. He stated this will be the topic of the meeting with the other parties and they should be the ones speaking with the developers first and then return to the Commission if they have irreconcilable differences or disagreements.

Mayor Strong commented that they need to proceed with the approval of this agreement and Commissioner Metcalf as the umpire needs to reconcile these things in good faith recognizing that there may not be total accommodation.

Commissioner Metcalf asked Rebecca Furman if she understood the motion. **The motion was to approve the 6th amendment as submitted by staff and as executed by the developer in lieu of the previous versions; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried with a 5-0.**

City Attorney's Report:

Attorney Cheek reported that they filed a motion to dismiss the case regarding the lawsuit filed by Mr. Trismen, the matter is still under advisement with a court in Tallahassee, and there has not been a ruling.

He explained he received word today that there have been two interveners (Mr. Trismen and the Progress Point entity) in the DCA proceeding relating to the comprehensive plan in regards to the notice of non-compliance. Attorney Cheek stated that the Commission gave him and staff direction to negotiate a resolution on various issues raised by the DCA. He addressed their intent to do that and the interveners will be able to attend those meetings. Commissioner Eckbert asked for further clarification. Attorney Cheek responded.

Non-Action Items:

- a) Environmental Review Board Recommendation - To pursue measures to become a "green local government" through improved environmental performance.

Director of Public Works Troy Attaway explained that with today's emphasis on global environment changes and energy use, the Environmental Review Board believes a resolution showing the City's support for green environmental efforts were in order. He addressed the resolution to pursue measures to become a "Green Local Government" using criteria and standards developed by the Florida Green Building Coalition. He stated that the board has reviewed several programs including the "Cool Cities Initiative" and the International Council for Local Environmental Initiative and Cities for Climate Protection. He stated he believed the resolution best meets the needs of Winter Park and that it will be placed on the January 14 agenda.

- b) Florida Department of Transportation submittal of the 30% design plans and costs for the commuter rail stop.

Mayor Strong commented that they received the interlocal agreement today instead of the 30% design plans. City Manager Randy Knight explained they received the 30% plan late last week and they still have questions on the cost data. He stated that they asked for an extension and the proposed interlocal agreement gives them that extension until January 14 before they have to make a decision. He recommended they approve the revised interlocal agreement or schedule a special meeting in the next 30 days to deal with the commuter rail issue. He also stated that the County asked that they take action on this so there is something formal saying they are giving the City more than the 30 days.

Motion made by Commissioner Metcalf to approve the revised interlocal agreement; seconded by Commissioner Diebel. The motion carried unanimously with a 5-0.

New Business (Public):

1. Carolyn Cooper, 1047 McKean Circle, spoke about the urban use ordinance being rushed.

2. Vincent Gayciana, Chez Vincent Restaurant, 533 W. New England Avenue, asked that their hours of operation be extended on New Year's Eve. Mr. Briggs provided an emergency ordinance.

April Kirsheman, on behalf of Hannibal's, explained that she met with Dexter Richardson today and the businesses are in agreement with remaining open until 2:00 a.m. She stated that her understanding from Mr. Richardson was that they were permitted to stay open in years past but she would rather have permission. She stated there were other things to discuss regarding this particular ordinance and its impact on the Westside but that would be calendared on a future agenda.

Vickie Krueger, 200 Carolina Avenue, asked if they could pass the ordinance with the requirement that the businesses hire private security.

Commissioner Bridges believed that they made promises to the residents and that they need to honor that promise they made. She stated she would not be supporting the motion to extend the hours.

Motion made by Commissioner Metcalf to approve a one time exception to 2:00 a.m. Mayor Strong asked Commissioner Metcalf if he would consider 1:00 a.m. **Commissioner Metcalf restated 1:00 a.m.; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Eckbert, Metcalf and Diebel voted yes. Commissioner Bridges voted no. The motion carried with a 4-1 vote.** Mayor Strong stated that he would like to see notices in the neighborhood regarding this action.

New Business (City Commission):

1. City Manager Knight stated they have installed the sirens and they will be tested on January 8 at noon, weather permitting. He also addressed having public announcements and press releases.

2. Commissioner Diebel stated she submitted a summary of strategic objectives for discussion which she would like to follow up on and receive feedback from the Commission at the next scheduled work session. She commented that it could be structured and a cumulative list would be helpful. Mayor Strong stated that he would like input from the Commission in their January meeting and to schedule the work session as quickly as possible after the election with the newly elected Commissioners and Commissioner's Eckbert and Metcalf. There was a consensus.

The meeting adjourned at 9:05 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham