

REGULAR MEETING OF THE CITY COMMISSION
September 14, 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 Rabbi David Kay, Congregation Ohev Shalom, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Mayor Bradley introduced Larry Brown as our new City Attorney with the Brown, Gargenese, Weiss & D' Agresta law firm.

Citizen Public Comments:

Attorney Rob Skubiak, representing Frank Cosentino's Pro Shop, asked the Commission to reconsider the decision made on August 24 with respect to RFP-7-2009, Tennis Management Services at the Azalea Lane Recreational Center. Mayor Bradley asked City Manager Knight and Attorney Brown to consider what actions may be required by the Commission.

Mayor's Report:

a) Palmano's Restaurant Business Recognition Award Presentation

Mayor Bradley recognized Palmano's Roastery & Espresso Bar as this quarter's recipient for the Business Recognition Program award. He explained that this program was designed to recognize the Winter Park business and commercial property owners who demonstrate a commitment to the vitality of Winter Park's business climate. Chamber of Commerce Chairperson Patrick Chapin and CRA Director Sherry Gutch provided remarks. Rich Palmano thanked everyone for the award.

b) Attorney Trippe Cheek Presentation

Mayor Bradley presented James E. Trippe Cheek, III with a plaque for his valuable services to the City of Winter Park. Attorney Cheek was not present to accept the award.

c) Employee Recognition – Mike Ruby, Lakes Division

Mayor Bradley, Fire Chief Jim White, and Public Works Director Troy Attaway recognized Mike Ruby from the Lakes Division with the Citizens Award of Merit for assisting with a fire.

- d) Board appointment: Sandy Modell to the Winter Park Police Officers' Retirement System Board

Motion made by Mayor Bradley to appoint Sandy Modell as the fifth member on the Winter Park Police Officers' Retirement System Board of Trustees; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

- e) 90 day priorities

Mayor Bradley commented that they are working through their 90 day priorities and the Economic Development Plan is coming forward. He stated that soon they will be setting their next 90 day priorities and he may be scheduling a work session for October 12.

- f) Economic Development Plan

Mayor Bradley stated that next week there will be a presentation of the draft Park Avenue Revitalization plan to the steering committee.

- g) Sherry Gutch resignation and replacement.

Mayor Bradley commented that they received Sherry Gutch's resignation and that Mr. Knight is working on her replacement. He also stated that Human Resources Director Anna Currie will be retiring and there will be appropriate recognition for Ms. Currie at another time.

- h) Regional transportation funding task force report

Mayor Bradley commented that he is on a Regional Transportation Funding Task Force and they have gathered information on how transportation is funded in the four County areas. This includes: gas taxes, ad valorem taxes, tolls, and private development. He stated that this group is meeting quarterly and ultimately they will be bringing to each municipality and the counties potential ways to fund some of the major transportation issues that we face as a region.

He also spoke about serving on the Metropolitan Advisory Committee of MetroPlan and that they are finding funding issues. He stated that the City has two issues that are coming up which include the Morse Boulevard repaving, along with trail work such as the Cady Way Trail. He explained that the challenge is the regional transportation and funding and he will be bringing forward reports from time to time. He also mentioned that every two years Texas A&M publishes a list of the worst traffic places in the country and Central Florida moved from ninth to sixth place which is a list that we do not want to be on.

- i) City bond refinancing closing on two major bonds

Mr. Knight stated that for the last 18 months they have been trying to refinance their water, sewer and electric bonds. He explained the background information regarding the process and that they closed on these two major bonds on September 1 and September 10. Thanks were provided to staff and the advisors for saving the City millions and for their hard work.

Consent Agenda:

- a) Approve the minutes of 8/24/09.
- b) Approve PR #142694, purchase of chemicals for lakes treatment for Chain of Lakes to piggyback Lake County contract; \$100,000.00.
- c) Approve award of RFP-16-2009 Fire Services billing to Intermedix. **PULLED FOR DISCUSSION. SEE BELOW.**
- d) Ratify the Fire Union contract.
- e) Approval to develop an ordinance establishing performance standards for the operation of digital billboards. **PULLED FOR DISCUSSION. SEE BELOW.**

Consent Agenda items c) and e) were pulled for discussion.

Motion made by Commissioner Anderson to approve Consent Agenda items a), b) and d); seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Consent Agenda item c): Approve award of RFP-16-2009 Fire Services billing to Intermedix.

Fire Chief Jim White explained that Fire Rescue assumed patient transport services in 1997 and because the filing of medical claims requires great attention to detail and expertise, it was decided at the time to outsource all patient billing services to a private firm. The City has utilized the services of the same company for the past eleven years, renewing an updated contract annually. It was staff's recommendation to perform a competitive bid process for this year's contract renewal. He stated that the RFP explained in detail the needs of the City from both a financial return, as well as an emergency medical provision perspective.

He spoke about the recommended vendor being confident they can meet and in most cases, produce a higher rate of return than our base minimum of 60%. The charge for this service remains completely recoverable through the collection of these fees. Commissioner Dillaha asked what they bill out per year on transport services. Chief White responded and answered further questions.

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

Consent Agenda item e): Approval to develop an ordinance establishing performance standards for the operation of digital billboards.

City Manager Knight explained that this is related to digital billboards located within the City limits and sets forth standards by which they would operate. He addressed the title sheet referring to Clear Channel not being agreeable to adopting "performance standards" and clarified that they submitted proposed "performance standards" which will be looked at in developing the ordinance. Mr. Knight answered questions.

Commissioner Bridges addressed her prior questions when this first came up about the degree of distraction with the sign's brightness and the frequency of message changing and asked about any analysis/studies performed. Mr. Knight agreed to provide the study. Mayor Bradley commented that he hoped they invite any interested parties with expertise to help Mr. Knight and the City Attorney craft this potential ordinance. Mr. Knight agreed.

Motion made by Commissioner Bridges to approve Consent Agenda item e); seconded by Commissioner Anderson. Upon a vote, Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote.

Action Items Requiring Discussion:

- a) Discuss codifying the Code of Ethics drafted and prepared by the Ethics Board (modified based on previous Commission feedback). **PULLED FROM AGENDA.**

This will be placed on the September 28 agenda.

- b) Request of Jim and Charles Veigle to swap car sale locations from 1234 W. Fairbanks to 2250/2286 W. Fairbanks Avenue.

Building Director George Wiggins explained that the Veigles own the property at 1234 W. Fairbanks Avenue that holds two car sale businesses. They have the option to rent this property to Verizon and they are requesting the ability to move or swap locations to the 2250/2286 W. Fairbanks location, closer to I-4, which they also own. In return they would improve those properties with perimeter landscaping (hedges) and remove the outdoor canopy (that was used for Ruben's Tires). They further agree to cease vehicle sales from these new locations after six years which will coincide with the termination of the Orlando RV agreement at the Holler property. Motor vehicle sales are now prohibited by the zoning code, but a grandfathered-in vehicle sales business, like at 1234 W. Fairbanks Avenue, can continue indefinitely unless they close and the property is vacant for six months. Mr. Wiggins presented photographs of the properties at 2250/2286 W. Fairbanks Avenue.

He stated that on the negative side, the properties at 2250/2286 W. Fairbanks Avenue are much larger than the one at 1234 W. Fairbanks Avenue and the aesthetic improvements are nice but not overwhelming. On the positive side, the Veigles counter that given the state of the economy and that the City's sewer project is still pending, there is no real redevelopment option for these properties near I-4 anytime soon. This agreement assures that vehicle sales will be permanently gone from 1234 W. Fairbanks Avenue immediately and from 2250/2286 W. Fairbanks in six years. He stated that staff's recommendation is to approve this; long term the City removes car sales from the Veigles properties and in the interim the City gets a slightly improved appearance closer to I-4. Mr. Wiggins answered questions.

James Veigle, 2250 W. Fairbanks, requested that page 3 of the Vehicle Sales agreement says to construct a five (5) foot wide landscape strip along the Fairbanks Avenue frontage of these properties with the plants/hedges to be maintained at a 30" minimum height and interspersed with crape myrtles every 20'. Mr. Veigle answered questions.

Mayor Bradley addressed concerns with negotiating this live. Commissioner Bridges agreed and wanted to ensure the contents of the agreement protects the future vision of Fairbanks Avenue. She had concerns that Mr. Veigle wants a five (5) foot buffer and we are seeking a seven (7) foot buffer for the long term. She expressed that they would want to mirror the new seven (7) foot buffer with any future redevelopment which is what they established for the future redevelopment on Fairbanks which is not clear in the agreement.

Motion made by Mayor Bradley for Mr. Veigle and staff to get together to finalize the details and to bring back the revisions for the Commission to approve; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.

c) Charter Review Committee, including Commission nominations to the committee.

Mayor Bradley commented that on August 24 the Commission decided to begin the Charter review process and established a method to select the Charter Review Committee members. He stated that each Commissioner is appointing a member and the Commission will select two members at large to total seven (7) members.

Mr. Knight commented that Marilyn Crotty of the UCF Institute of Government will be facilitating the meetings and is here this evening to answer any questions. He added that the first committee meeting is scheduled for September 17 at 6:30 p.m. at the Public Safety Building. The Commissioner selections included: Mayor Bradley: Dori Madison; Commissioner Diebel: James Johnston; Commissioner Anderson: Mark Van Valkenburgh; Commissioner Bridges: John Stevens; and Commissioner Dillaha: Kenneth Murrah.

Members at large nominations were submitted as follows: Mayor Bradley: Joe Terranova and Kip Marchman; Commissioner Diebel: Joe Terranova and Gary Brewer; Commissioner Anderson: Joe Terranova and Gene Randall; Commissioner Bridges: Kip Marchman and Gene Randall; and Commissioner Dillaha: Steve Bechtel and Gene Randall. City Manager Knight commented that both Gene Randall and Joe Terranova had three votes each. Mayor Bradley agreed. **Motion made by Commissioner Diebel to accept all seven names (Dori Madison, James Johnston, Mark Van Valkenburgh, John Stevens, Kenneth Murrah, Joe Terranova and Gene Randall) to serve on the Charter Review Committee; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.**

d) Presentation of the Central Park expansion fundraising plan.

Mayor Bradley commented that the Commission did not see the backup information for this presentation in advance and was concerned about voting since it was the first time seeing it.

Commissioner Dillaha stated that they voted on August 10 on a five part motion to move forward with the City's option with the post office property. She explained that is to build a new post office facility in exchange for ownership of the valuable land that the post office owns. She addressed item #5 of the motion stating that she brings forth a fundraising campaign structure to the Commission today for approval. She addressed speaking with various citizens about this opportunity to expand Central Park and found interest and agreement that this is a very doable project in terms of the money that needs to be raised and the time frame that is required to raise the funds. She stated that Susan Skolfield will be the volunteer spokesperson for the fundraising project and planning consultant Todd Ruopp has agreed to help develop a fundraising plan.

Susan Skolfield and Todd Ruopp provided a PowerPoint presentation titled "A Rare Opportunity Capital Campaign" that addressed how they can grow Central Park by 20%, how a capital campaign can raise the \$4 million necessary to do this, and what happens or could happen if the City does not take action on this, including losing the opportunity to acquire the 2.03 acres adjacent to Central Park and the U.S. postal service retaining control who could accept a plan to develop the land into a multi-story mixed-use development.

Todd Ruopp presented the capital campaign methodology, the case for support and the capital campaign success factors. He added that Steven Goldman wants to become a campaign co-chair. Ms. Skolfield concluded by asking the Commission to give the residents the chance to show how much they value green space by raising private funds to increase Central Park by 20%. Ms. Skolfield and Mr. Ruopp answered questions.

Commissioner Anderson stated if this is approved they need to make sure the committee understands that there are several unknowns in this process and that depending on the final negotiations, it may be a \$5 million target as opposed to \$4 million; and that we are in the process of asking for an extension with the post office which is not finalized. He asked if the committee is still willing to go forward. Mr. Ruopp responded that the plan was predicated upon that February 20 date and if it were extended it would give the campaign more time to achieve its goals. However, he stressed that there was no steering committee yet.

Commissioner Dillaha stated that she has spoken to people that want to be on the steering committee; however, until the Co-Chair is named and they meet, it is not appropriate to announce/appoint committee members without their involvement. Mayor Bradley asked if the Commission would ratify this group. Commissioner Dillaha stated that it is not necessary and that it would be up to the Chair and Co-Chairs of the committee to do that.

Attorney Brown commented they may want a resolution that would disclaim any responsibility on the part of the City and addressed other issues to consider when moving forward such as having a provision for an escrow for the benefit of the donors. Commissioner Anderson commented that coming forward with further definition of what this entails is a valid request.

Mr. Ruopp spoke about the option of having an escrow agent that would be the recipient of the donations and be a private 501(c) 3 that could act in that capacity. Mayor Bradley suggested that the campaign team consider forming a 501(c)3 and do that on behalf of the City or use our City resources for that. Commissioner Anderson agreed that was a good idea.

Commissioner Dillaha commented that when this started two years ago there was no plan or Capital Campaign Manager, but there was tremendous support in the community for expanding Central Park. She stated that this campaign will be done much differently, which she believed assures its success.

John Skolfield, 358 Ultoria Avenue, asked the Commission to allow this opportunity to move forward.

Pat McDonald, 2348 Summerfield Road, urged the Commission to support this.

Jack Rogers, 1002 Temple Grove, spoke in favor of the Central Park expansion fundraising and encouraged everyone to move forward on this.

Joe Terranova, 700 Melrose Avenue, commented that this was a good plan, but if they do not raise the money he believed the City should negotiate with the post office for an option to purchase that property in the future.

Ed Sabori, 446 Melrose Avenue, believed that they should look at another option and take some more time before they make a decision. He questioned the expenses of a typical campaign.

Michael Hale, 2161 Blossom Lane, supported the Central Park expansion fundraising.

Mr. Ruopp responded to citizen comments. He encouraged approval of this to move forward into the steering committee and to ask the Co-Chairs to provide an update in a future meeting.

Motion made by Commissioner Anderson to allow the fundraising effort to go forward on the conditions that in 4 weeks the steering committee is identified to the City Commission and at the October 12 meeting the City Attorney will advise us on the type of contractual relationship they need to have with this fundraising group; seconded by Commissioner Bridges. Mayor Bradley asked if this means that they have the opportunity to approve the fundraising committee. Commissioner Dillaha commented this was not necessary. **Commissioner Anderson commented that he would limit his motion to a formal approval of the two chairpersons.**

Commissioner Dillaha commented that this is a group of volunteers that will raise the money (instead of the City) to own these 2.0 acres of land and did not see the need to approve the individuals who would serve on that. Commissioner Anderson stated there should be some formality to be ratified in a formal agreement. Mayor Bradley stated that he did not want this conversation to dampen the effort or enthusiasm for a fundraising initiative and is important that they do this prudently. Commissioner Diebel gave direction that as the committee chairs get organized, that any messaging that either sounded like or pledged any assets from the State Office Building (that has been part of their previous discussion) is not to be part of the public plea at this point. Mayor Bradley commented that his only concern was that they did not see this presentation in advance and their policy requires that.

Upon a roll call vote, Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote. Commissioner Dillaha added that there is a website at www.arareopportunity.org regarding the presentation.

There was a recess taken from 5:39 -5:53 p.m.

Public Hearings:

- a) ORDINANCE NO. 2778-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE ABANDONMENT OF AN ELECTRIC DISTRIBUTION EASEMENT RECORDED IN O. R. BOOK 3187, PAGE 363, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS LYING WITHIN 343 CHEROKEE LANE AS MORE PARTICULARLY DESCRIBED HEREIN; 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 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.

- b) ORDINANCE NO. 2777-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT OVER THE EAST FIVE FEET (5.00') OF THE WEST TWO HUNDRED (200') FEET OF BLOCK 3,

PETER MACK'S REVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "G", PAGE 21, OF THE PUBLIC RECORDS OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED HEREIN; 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.

- c) ORDINANCE NO. 2276-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW PUBLIC NOTICE AND ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, ADOPTING A 2009 PUBLIC PARTICIPATION PLAN, 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. Attorney Brown commented that there was a minor amendment on page 2 which was prompted by an email from Commissioner Anderson who was concerned that if we were enumerating specific exceptions to the twice a year requirement, but omitted those that are laid out in the statute we might be inadvertently conflicting with the statute. He clarified that this will only apply to small scale amendments. **Commissioner Anderson accepted this as part of the motion; seconded by Commissioner Bridges.** Mayor Bradley was concerned that the adjustments in size limit this Commission as he has discussed before on this matter. Commissioner Anderson asked if they could place an effective date of November 30, 2009 in the ordinance. Attorney Brown agreed.

Commissioner Anderson amended his motion to insert a November 30, 2009 effective date; seconded by Commissioner Bridges. Upon a roll call vote, Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion carried with a 3-2 vote.

- d) Adjustments to the City fee schedule.

City Manager Knight explained that the City policy has been to review the City fee schedule twice each year to determine that fees are adequate to cover the City's costs and that appropriate fees are in place for services the City provides. The fee schedule will be effective October 1, 2009. Mr. Knight and Mr. Hamil answered questions.

Commissioner Anderson commented that he was opposed to having the affordable housing demolitions fee. Mayor Bradley agreed.

Motion made by Commissioner Anderson to approve the fee schedule striking the demolition fee; seconded by Mayor Bradley. Commissioner Bridges commented that she

was in favor of the demolition fee and asked Commissioner Anderson to consider cutting it in half if he believes \$2,000 is too much instead of striking it in its entirety. Commissioner Anderson responded that he would if it was a different economic environment. Commissioner Dillaha commented that she agreed with Commissioner Bridges to keep it as staff recommended. **Upon a roll call vote, Commissioners Dillaha, Diebel and Bridges voted no. Mayor Bradley and Commissioner Anderson voted yes. The motion failed with a 3-2 vote.**

Motion made by Commissioner Dillaha to approve the fee schedule as presented; seconded by Commissioner Bridges. Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion carried with a 3-2 vote.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING ELECTRONIC CAMPAIGN REPORT FILING IN A SORTABLE FORMAT, WITH LINKS TO INFORMATION REGARDING CORPORATE DONORS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Ethics Board Member Julie Zimmerman explained the formation of the board and the first matters to be addressed of campaign finance reform and conflicts of interest whereby the board determined that transparency should be the first step in addressing campaign finance reform. She explained that many cities are using electronic filing and the State of Florida has requested that cities and municipalities switch to electronic filing. She commented that they have created a spreadsheet for electronic filing of campaign finance reports in a sortable format which allows the public to see who is giving to the candidate's campaigns.

Motion made by Mayor Bradley to approve the ordinance on first reading and to delete #5; seconded by Commissioner Diebel for discussion. He was concerned that this only gets a small portion of the groups and believed that this is an unnecessary requirement. Ms. Zimmerman agreed with deleting #5 of the ordinance.

Commissioner Bridges commented that she disagreed with Mayor Bradley and believed that #5 is a concerted effort to create transparency. Mayor Bradley commented that the bigger issue is whether or not an entity can give a number of contributions to a single source. **Upon a roll call vote, Commissioners Anderson, Dillaha and Bridges voted no. Mayor Bradley and Commissioner Diebel voted yes. The motion failed with a 3-2 vote.**

Motion made by Commissioner Bridges to accept the ordinance as proposed on first reading; seconded by Commissioner Anderson. Upon a roll call vote, Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion carried with a 3-2 vote.

- f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO ELECTIONS; AMENDING SECTION 42-7 TO PROVIDE THE QUALIFICATION DEADLINE TO FILE WITH THE CITY CLERK; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. No public comments were made. City Manager Knight explained that the City Clerk is requesting that the qualifier for City elections be changed

from two weeks to one week to begin at noon on the first day of qualifying and ending at noon on the last day of qualifying. He stated that we are the only City in Orange County with the possibility of a primary election which affects the timing about printing and testing. This would provide more time to get the ballots printed and for the Supervisor of Elections to test ballots and equipment. He explained that changing the deadline to one week will not affect the candidate filing their papers or in any way affect their campaign. He stated that staff recommendation is to approve the ordinance.

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

- g) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" SECTION 58-212, FLOOD PLAIN REGULATIONS SO AS TO ADOPT THE NEW FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAP APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
First Reading

Attorney Brown read the ordinance by title. No public comments were made. Building Director George Wiggins explained that the City's flood plain regulations are governed by the Flood Insurance Study and Flood Insurance Rate Maps issued by FEMA which establish the 100 year flood plain elevations for our lakes and streams. FEMA has issued a new study and rate map effective September 25, 2009 and this replaces the documents currently in use, dated December 6, 2000. He stated that the City is required to update our flood plain regulations for the new study and rate map otherwise the City's residents cannot purchase federally backed flood insurance. Mr. Wiggins answered questions.

Motion made by Commissioner Bridges to accept the ordinance on first reading; seconded by Commissioner Diebel. 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.

Millage and Budget Public Hearings:

Mayor Bradley opened the public hearing and read into the record the following: "The millage rate needed for fiscal year 2010 to generate the same property tax revenue for the City as in 2009, based on the Property Appraiser's certification, is 4.4051 mills. The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills. This proposed millage of 4.0923 mills would represent a decrease in property taxes not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency of 7.10%. In addition, a .2144 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2001 approved by the citizens of Winter Park at the May 16, 2000 bond referendum, and a .0913 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 1996 approved by the citizens of Winter Park at the June 4, 1996 bond referendum."

Mayor Bradley commented that this would be a simultaneous public hearing on both these ordinances.

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .2144 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2001, AND A .0913 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004. First Reading
- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING FUND, COMMUNITY REDEVELOPMENT FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, GOLF COURSE FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AS OF SEPTEMBER 30, 2009; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. First Reading

Attorney Brown read both ordinances by title. City Manager Knight provided a PowerPoint titled "Maintaining Today to Strengthen Tomorrow FY 2010 Proposed Budget." He spoke about the taxable value table, revenues impacted by the economy, balanced budget highlights, changes to the proposed budget, proposed budget exceeding goals, reserves, reserves as % of operating expenditures, the employee count, employees per capita, and the operating millage rate. Mr. Knight answered questions.

Joe Terranova, 700 Melrose Avenue, spoke about three budget items: 1) that the library runs at the rate proposed by the City Manager; 2) concerns that the budget cuts for paving was below what it was in the last fiscal year; and 3) urged the Commission to approve the form based code in next year's budget or ask the City Manager to make some adjustment this year.

Commissioner Dillaha expressed that they are not being conservative enough and was concerned about not funding the capital improvement projects. She stated that she does not support the budget as it is now but supports the millage rate. She added that they need to bring employees benefits more in line with what other cities are doing and that the salary and benefits are 71% of expenditures.

Motion made by Mayor Bradley to increase paving from 5.5 to 9 miles which increases the budget amount \$290,000, offset by the savings in the health insurance premiums, the state allocated net revenues and the ambulance transportation fees (which net \$150,000), and also by the difference in a reduction in street tree trimming; seconded by Commissioner Diebel for discussion.

Commissioner Bridges commented that she could not support the street tree trimming. She stated there would be no uniformity or control and they are obligating citizens to a tremendous financial expense if they have to remove or prune a tree and that this should be left to the Forestry Division. Commissioner Dillaha added that this is an increase in some regard and she was not in favor of doing this. Commissioner Anderson stated that he could support everything in Mayor Bradley's motion with the exception of the street tree trimming.

Commissioner Bridges commented that she was uncomfortable with combining these things such as the connection with street paving and tree trimming and believed they need to determine how much they need to balance and then individually go through their choices.

Mayor Bradley withdrew his motion; seconded by Commissioner Diebel. He commented that the Commission needs to decide how they would like to proceed on this item.

Each Commissioner discussed the adjustments they wanted to have made in the proposed General Fund Budget. There was general consensus on the following adjustments:

Community Center operations funding placeholder	100,000
Commuter rail operations funding placeholder	154,000
Contingency	<u>850,726</u>
Total initially proposed contingency	1,104,726
Savings in health insurance	155,432
Other adjustments	(10,850)
Impact of reductions in state revenue estimates released 08/19/2009	(69,962)
Anticipated improvement in collections of ambulance transport fees	75,000
Reduce Planning budget for legal ads	5,000
Reduce City Clerk legal ad budget to 2008 actual	5,392
Reduce IT travel and training budget to 2008 actual	6,763
Reductions in funding for Parks special events	14,000
Reduce funding for Iron Mountain records storage	15,000
Eliminate federal lobbyist	40,000
Reductions to longevity	100,000
Reductions to 401a and 457	160,000
Form Based Codes study	(40,000)
Additional funding for street paving/repairing bricks and curbs	<u>(290,000)</u>
Revised contingency	<u>1,270,501</u>
Increase in contingency balance	<u>165,775</u>

There was a recess taken from 7:32 p.m. - 7:45 p.m.

Mayor Bradley stated that they were decreasing the budget by \$165,775. **Motion made by Commissioner Anderson to amend the proposed budget by these amounts discussed; seconded by Commissioner Diebel with a clarification that the net amount of the adjustments would be added to the reserves.** Mr. Hamil agreed.

Commissioner Bridges stated that she was uncomfortable with the method which they followed this evening and would have preferred having in-depth discussion earlier during work sessions. Mayor Bradley noted that they had two work sessions on the budget and no one brought anything forward and that they had opportunities to place it in writing, which two Commissioners took advantage of but at some point they need to make a decision. Commissioner Dillaha agreed with Commissioner Bridges and was not comfortable with putting together the budget piecemeal. She added that they should have looked at the entire benefit package as opposed to this. She reiterated that she did not think they were being conservative enough and did not support it.

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.

Motion made by Commissioner Anderson to accept the ordinance on first reading to set the operating millage at 4.0923 and debt service millage rates at .2144 for the General Obligation Bonds, Series 2001; and .0913 for the General Obligation Bonds, Series 2004; seconded by Commissioner Bridges. Commissioner Diebel advocated decreasing the millage versus allocating this into reserves knowing that we are meeting our reserve goal for this fiscal cycle. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Bridges and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.**

Motion made by Commissioner Anderson to accept the 2010 budget ordinance on first reading as amended; seconded by Commissioner Bridges. 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.

City Attorney's Report:

- a) Attorney General's update regarding Mayoral appointments and Charter ramifications. (Potential ordinance establishing succession of alternates on boards and Commissions which can have quasi-judicial and land development duties; potential ordinance(s) creating the number of regular members on boards having quasi-judicial duties. Elevation of current alternates to regular members as part of the initial transition.)

Attorney Brown stated that he did not have a ruling from the Attorney General at this point. Mayor Bradley commented that this item will be tabled for another meeting.

Non-Action Items:

a) City Manager's Report.

City Manager Knight gave an update on the electric rate study and the Community Center modification to the floor plan and site plan. He added that as part of the strategic plan the Commission wanted to have joint meetings with various advisory boards on a periodic basis. He commented that one of the meetings is with P&Z, Code Enforcement, Board of Adjustment, Construction Board of Adjustment and History Preservation and recommended that they place it on the calendar. Mayor Bradley suggested they have the work session in October and the Commission direct key questions to the boards. Mr. Knight answered questions.

Commissioner Dillaha commented that it may be beneficial to have a board presentation at each of the Commission meetings as to the types of things they have been dealing with over the last year and they could relate that to other boards. She stated that it would be good to receive a report which may be part of the presentation. Mayor Bradley asked if staff could put something in writing and highlight two or three topics. He commented that he is willing to try this as it is specifically focused on the strategic plan.

Mayor Bradley commended City Manager Knight, Human Resources Director Anna Currie and the firefighters for their work on the Fire Union ratification contract.

New Business (Public):

No public comments were made.

New Business (City Commission):

1. Commissioner Dillaha asked the Commission to consider forming a Budget Review Board going forward. Mayor Bradley commented that she and Commissioner Bridges served on a subcommittee to review citizen boards and suggested this be discussed. Commissioner Bridges believed that it was worthy of discussion for a work session and there was a great deal of merit to that type of board. Mayor Bradley stated that he would like clarification as to what they would do. Commissioner Dillaha commented that it will be an advisory board that will assist with quarterly reviews of our budget and financial reports and make recommendations or report to the Commission when reviewing the budget.

Amending the development agreement process.

Commissioner Dillaha spoke about the need for a policy or resolution regarding amending development agreements with the City. She commented that if an applicant or entity has a developer's agreement with the City and wants to amend the agreement she believed it should come to the Commission first so they can decide if they should make the change to the agreement. She stated this came about because of the YMCA; however, it was also important to have some kind of process in place so that there is no question as to who has the authority.

Attorney Brown commented that all contracts with the City can be amended only by action of the City Commission. He believed that it would be very reasonable to impose a requirement that entities who are parties to a development agreement will take no action with any other department without first coming to see if the City Commission would entertain an amendment to

the agreement that would allow them to take action. Mayor Bradley commented that the YMCA will be on the September 28 agenda and asked the City Attorney to provide more clarity on this matter and provide something in writing for their review. Attorney Brown agreed.

Attorney Brown stated that if this is the practice that is implemented, then they are simply giving permission to a party of the development agreement to go through the process and they would not declare that act to be a default or a breach of the contract. Mayor Bradley suggested that, with contracts going forward, they should probably see how they would be amended and that process should be in the contracts, particularly in the future, so it would protect all parties.

Policy regarding smoking in/on City property/City parks.

Commissioner Dillaha asked if they had a policy regarding smoking in our City parks and if there could be one implemented. City Manager Knight commented that they do not have a policy. Commissioner Bridges commented that she would like to look into this further. Attorney Brown stated that they do not have jurisdiction because it is at the state level; however, if they came at it from the perspective of protecting against fires, that may be a way around the preemption of second hand smoke and regulating the health issues. Mayor Bradley commented that this was a good idea, but they did not have consensus among the Commission at this point.

Fleet Peeples Park: Development of standards (rules and regulations) for use of Fleet Peeples Park; FDEP fencing requirements (e-mail is attached from Jeff Prather of FDEP regarding fencing requirements and ensuring shoreline and lakes are free of debris). Discussion to require quarterly updates on certain data: e-coli counts and shoreline conditions, fundraising update.

Commissioner Dillaha commented about not having anything in writing from this organization regarding rules and regulations, what their responsibilities are and there is no fundraising plan. She stated that she would like for them to come back to the Commission with a fundraising plan and to update them on a regular basis. She asked Attorney Brown whether they should have an acknowledgment or something that says what the responsibilities are going to be for this organization. Attorney Brown commented that he has not had a chance to review all the documents on this matter and he would meet with her separately to discuss it. Mayor Bradley commented that if they do this, it should be for all the "friends organizations" and not single out only the Friends of Fleet Peeples. Commissioner Dillaha agreed. Commissioner Anderson commented that it would be reasonable to ask for a status report.

Commissioner Dillaha also spoke about the e-mail (provided in the Commission packet) from the Department of Environmental Protection (DEP) regarding the removal of the fence from the lake which divides the dogs from the people area and about ensuring the shoreline and lakes are free of debris. City Manager Knight commented that they are planting aquatic plants to have those established before they remove the fence in order to divide those two areas. Mayor Bradley clarified that this was not an email to our City from the DEP.

Commissioner Dillaha expressed enforcement issues that have occurred at the park where the police have been called out. Commissioner Anderson commented that when they revisit the budget perhaps they can allocate \$50,000-\$100,000 for additional enforcement costs. Commissioner Dillaha stated that they would not spend any more money on this park.

Commissioner Dillaha also wanted to receive a report from Lakes Department employee Tim Egan regarding monitoring the water and the e-coli counts. City Manager Knight stated that they test every 2 weeks and they will provide her with that information.

2. Commissioner Bridges commented that our library has hired two different firms regarding site discussions for moving the library, which is either to City Hall or the State Office Building site. She stated that they have spent an extraordinary amount of money with ZHA and have given Rick Mellin the direction to facilitate this. She addressed the need for a consensus on everything before moving forward.

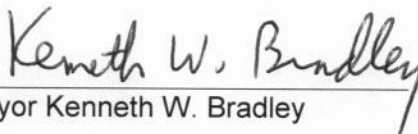
Mayor Bradley asked City Manager Knight to contact Mr. Mellin to discuss what we may be able to do together in terms of joint planning. Mayor Bradley commented that he could place this under Action Items Requiring Discussion on the next agenda, or they can receive feedback on this matter.

3. Commissioner Bridges asked for clarification on the modifications made to the Community Center. City Manager Knight stated that he would provide her with the plans.

4. Mayor Bradley commented that he would be requesting a few meetings regarding the library and areas such as New York Avenue.

Motion made by Commissioner Bridges to adjourn the meeting; seconded by Commissioner Anderson.

The meeting adjourned at 9:23 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham