The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 3:40 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Pastor Joshua Vickery – Aloma Baptist Church, followed by the Pledge of Allegiance.

**Members present:**  
Mayor David Strong  
Commissioner Margie Bridges  
Commissioner Phil Anderson  
Commissioner Beth Dillaha  
Commissioner Karen Diebel

**Also present:**  
City Manager Randy Knight  
City Attorney Trippe Cheek  
City Clerk Cynthia Bonham  
Deputy City Clerk Nancy McLean

### Mayor’s Report:

1. **Proclamation-Architecture Month.**

   Mayor Strong read a proclamation proclaiming October 2008 as Architecture Month.

2. **Proclamation-Winter Park Autumn Art Festival Weekend.**

   Mayor Strong read a proclamation proclaiming the weekend of October 11-12, 2008, as Winter Park Autumn Art Festival Weekend.

3. **Recognition of Azalea Lane senior tennis tournament players. PULLED FROM THE AGENDA – NOT DISCUSSED.**

4. **Presentation of the Government Finance Officers Association Distinguished Budget Presentation Award.**

   Finance Director Wes Hamil presented the Government Finance Officers Association's Distinguished Budget Award for Fiscal Year October 2008. He commented they will have the information for preparing the document for fiscal year 2009 with the approval of the budget this afternoon and it will be available on the City’s website.

5. **Proclamations recognizing the retirements of city employees with 20 or more years of service.**

   Mayor Strong presented City employees with a proclamation proclaiming September 22, 2008 as Appreciation of Service Day in honor of Doriah Haines, Jerry Lewis, Officer Donald McAfee, Officer Steve McDaniel, Harold Van Meter, Officer Melinese Roberts and Melissa Taylor.

6. **City Manager annual evaluation.**

   Mayor Strong announced they recently received the revised City Manager annual evaluation but did not have a chance to review it. He stated this will be deferred until the next Commission
meeting and if the Commission has comments between now and then they should communicate that with Human Resources Director Anna Currie.

**Action Items:**

- **a)** Approve the minutes of 9/8/08.
- **b)** Approve the following budget adjustments:
  1) Appropriate $6,640 in Reserves for Developmental Services (Building Permits) for the building permit voice response system support contract.
  2) Appropriate $12,700 in fire inspection training fee revenues in excess of the annual budget to purchase a web based conferencing and training system.
  3) Appropriate $13,000 of reimbursement received from the State for equipment usage and staff time in assisting with brush fires to purchase redundant technology for response and firefighter safety. **PULLED FOR DISCUSSION. SEE BELOW.**

The following action item was pulled for discussion: b) 3).

**Motion made by Commissioner Dillaha to approve Action Items a, b) 1), and b) 2); seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.**

**Action Item b) 3):** Appropriate $13,000 of reimbursement received from the State for equipment usage and staff time in assisting with brush fires to purchase redundant technology for response and firefighter safety.

Commissioner Anderson asked if radios will be replaced soon. Fire Chief White responded that the technology being purchased is computer electronic equipment currently used in emergency response units. He commented that if they purchase any radio equipment (to go with these vehicles) they would be compliant for the upgrade and there would be no conflict with future purchases.

**Motion made by Commissioner Anderson to approve Action Item b) 3); seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.**

**Public Hearings:**

- **a) Adjustments to the City Fee Schedule to become effective October 1, 2008.**

  Finance Director Wes Hamil explained the adjustments to the fee schedule that included an increase in stormwater rates by 12% and a 2.39% increase in water and sewer rates. He added that electric rates have already been increased and there are a few adjustments in the parks area relating to the use of the Central Park West Meadow and other field rental rates. Staff answered questions on impact fees, the fee structure for use of Fleet Peeples Park and Central Park Meadow, irrigation fees and industrial waste fees.

Commissioner Dillaha commented that she attended a Lakes and Waterways Board meeting and the neighbors spoke about an after-the-fact permit. She questioned if these need to be increased for it to be more of a deterrent and to ensure the permitting process is followed. She suggested this may be something for the board to look at.
Mayor Strong asked if the various advisory boards reviewed the fee schedule. Mr. Knight responded to a certain degree. Mayor Strong suggested it may help the Commission to defer some of the judgment to them.

Motion made by Commissioner Anderson to approve the adjustments for the fee schedule; seconded by Mayor Strong. The motion carried unanimously with a 5-0 vote.

b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING A FORMULA FOR THE TRANSFER OF FUNDS FROM THE ELECTRIC UTILITY TO THE GENERAL FUND; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. Second Reading

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

Commissioner Anderson suggested tabling the ordinance until they complete their water/sewer and electrical bond refinancing. He commented that moving the cash before they go through another refunding of the bonds might raise concerns about the other two rating agencies. Mr. Hamil supported Commissioner Anderson’s suggestion.

Motion made by Commissioner Anderson to table the adoption until the Commission chooses to take this up again; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING A FORMULA FOR THE TRANSFER OF FUNDS FROM THE WATER AND SEWER UTILITY TO THE GENERAL FUND; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. City Manager Knight explained they discussed the different ways to help compensate for Amendment 1 in the budget work sessions over the past few months. He commented that this is one of the additional revenues the Commission agreed to and to transfer more money from the Water Fund to the General Fund to cover those general services that the General Fund provides. Mr. Knight and Mr. Hamil answered questions.

Joe Terranova, 700 Melrose Avenue, believed it was important they are in accordance with our bond covenants in both the sewer and water funds. He stated there are certain bond covenants requiring that Reserves be maintained and they need to ensure they are in compliance.

Motion made by Commissioner Anderson to approve the ordinance on the first reading; seconded by Commissioner Bridges for discussion. Commissioner Bridges expressed concerns because of the bond implications and going to our Enterprise Funds and shifting money into our General Fund. She stated that recognizing the severity of our economic situation she would support it this year but did not believe it was a good policy to continue developing as they move along. Commissioner Dillaha agreed and commented they need to address or budget this going forward as opposed to taking these funds from other funds. Commissioner Bridges asked if they could limit this ordinance to a time frame that is temporary. City Manager Knight commented that they could do that and answered questions.
Commissioner Anderson commented that he looked at this differently. He stated that the water and sewer enterprise is profitable and generates a significant amount of cash flow. He explained they are reinvesting the majority of that cash flow back into capital improvements and there is a surplus. Mayor Strong commented that this is something to remember for the next budgeting cycle and consider if they want to revisit this.

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

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AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO
BOATING AND WATER SAFETY; AMENDING SECTION 114-59, USER FEE
SCHEDULE; RECEIPTS; APPLICATION OF REVENUES, TO PROVIDE FOR A DAILY
USER FEE; ELIMINATING 1 DAY AND 2 CONSECUTIVE DAYS FEES; PROVIDING AN
EFFECTIVE DATE. First Reading
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Attorney Cheek read the ordinance by title. No public comments were made. Public Works Director Troy Attaway explained this was the first step to get into the State Funded Aquatic Plant Management Program. He stated the Lakes and Waterways Board recommended this and they want to have this in place as soon as possible.

**Motion made by Commissioner Bridges to accept the ordinance on first reading; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and voted yes. Commissioner Diebel was away from the dais and did not vote. The motion carried with a 4-0 vote.**

There was a recess taken from 5:05–5:15 p.m.

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e) Appeal of DI Partners, LLLP contesting the decision by the Planning and Zoning
Commission upholding the City Building and Zoning Official’s interpretation and
enforcement of Article III, “Zoning” of Chapter 58, Land Development Code,
regarding the provisions of Section 58-64 for nonconforming uses relating to the
denial by the City for the use of the “Holler Chevrolet” property at 860 W.
Fairbanks Avenue for the sale and service of recreational vehicles as applies to
the provisions of the code regarding nonconforming uses. Consideration of a
settlement of the lawsuit filed by DI Partners, LLP.
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**Motion made by Commissioner Dillaha to table this item; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel. The motion carried unanimously with a 5-0 vote.**

**City Attorney’s Report:**

1. Attorney Cheek explained they had a shade meeting to discuss the potential settlement of the DI Partners, LLP litigation. He stated he has continued to negotiate with Attorney Frank Hamner on behalf of the property owner and they are fairly close based on his understanding of what the City’s position is likely to be. He commented there is one pending issue that needs to be resolved and provided a handout on points discussed after the shade meeting.

Planning Director Jeff Briggs spoke about the City/DI Partners settlement points and the need to make a motion to move forward. He explained the settlement in terms of a motion will allow us
to table the appeal and in the next 2 weeks it will be put into a formal agreement and brought back for the Commission’s approval. However, if the motion is something that the property owner does not agree with, the appeal will proceed under public hearings.

Attorney Cheek explained he prepared the handout and the item about being limited to five years was not agreed to by the property owner. He commented that compliance with the City landscaping code is probably going to meet the concerns heard about landscaping but that is something that has not been discussed yet. Mayor Strong asked what happens if they reach an understanding. Attorney Cheek responded that they would prepare a settlement agreement and have it on the agenda for next Commission meeting.

Mr. Hamner briefly went through the items they agreed on with the exception of the five year issue. He commented that the lease already contained two separate one year renewals which had to be considered in good faith. They proposed that there would be no RV use of property other than this tenant; if this tenant leaves, the RV use terminates but that owner could use the site for car and light truck sales up to the 5 year limit. He also commented about the clause requiring the use to be for the sale of predominantly new RV’s and that the vehicles are to be motor homes, not campers, trailers, etc. He stated there will be campers and trailers in their inventory, however they will be to the back of the lot and they can define that in an agreement.

Commissioner Dillaha disclosed that she met with Mr. Hamner. Mr. Briggs and Mr. Hamner answered questions regarding the landscape code, landscaping and buffering. Commissioner Bridges suggested the tenant work towards a long term landscaping plan along the perimeter versus inside the parking lot. Mr. Hamner commented that he believed the tenant would prefer that. Mayor Strong suggested they have a motion to approve these general terms subject to a final agreement at the next meeting.

Motion made by Commissioner Anderson to approve these settlement points for the change to allow 7 years (five years plus the landlord’s option for the two additional one year extensions) for the current lease and include predominately motor homes; seconded by Commissioner Bridges for discussion.

Commissioner Bridges disagreed with the word “predominant” and wanted specific percentages for new RV’s and other motor home vehicles. Mr. Hamner clarified that would be characterized as the non-motorized vehicles. Commissioner Bridges agreed and reiterated that be limited to a percentage of vehicles on the lot. Mr. Hamner did not object to adding a percentage and would speak to the tenant about the percentage of 25%. Commissioner Anderson modified his motion that predominately means no more than 25% of vehicles will be non-motorized vehicles; Commissioner Bridges seconded. Attorney Cheek commented they will bring back language that addresses the landscaping. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Non-Action Items:

a) City Manager’s Report.

City Manager Knight provided updates on the citizen survey and the Way Finding presentation.
New Business (Public):

1. Robert Vega, 4040 Gilda Rose Place, requested an extension for the conditional use at the 125 S. Interlachen Avenue property. Mayor Strong suggested that Mr. Vega provide the necessary information to Mr. Briggs for the October 14 agenda.

2. Joe Terranova, 700 Melrose Avenue, stated he asked to speak at the commuter rail work session but did not because of time constraints. He spoke about the opt out clause, taking the leadership in finding a dedicated funding source, double taxation and ad valorem taxes. He asked to participate in their next work session.

3. Guy Colado, 327 Beloit Avenue, spoke about the budget and this being difficult economic times. He addressed the commuter rail contract that has no cap and operates on a percentage in an industry where historically there have been cost overruns.

New Business (City Commission):

1. Commissioner Bridges asked that they extend the workshop on commuter rail because of the need for further discussion. She asked Attorney Cheek to give the Commission his full legal opinions on the issues they were discussing. Mayor Strong agreed. Commissioner Diebel expressed her objection to the request to have another work session on commuter rail.

2. Mayor Strong reminded the Commission about the citizen survey work session on September 29, 2008 at 1:30 p.m. and the next Commission meeting scheduled for Tuesday, October 14, 2008.

3. Commissioner Dillaha asked Attorney Cheek to explain the Statute regarding disclosure requirements when they meet with an applicant on agenda items requiring action. Attorney Cheek explained that they need to disclose they met with them. Mayor Strong and Commissioner Anderson disclosed they also met with Mr. Hamner.

4. Commissioner Dillaha expressed concerns with decorum at Commission meetings and the need to work together and agree/disagree without personal attacks. She hoped going forward they can share differences of opinion and stick with the topics of discussion.

5. Commissioner Bridges asked for an update on the negotiations with the Post Office. City Manager Knight explained that they have been waiting for the Post Office to get in contact with them since their meeting. Mayor Strong stated there was an additional site for a possible location. Commissioner Bridges stated she was a recipient of an email from a citizen who drew up some plans for the existing site. She suggested to discuss this later and believed there was some merit. Mayor Strong stated they were waiting for the Post Office to make some basic decisions then they can go from there. Commissioner Bridges asked to be updated when additional information is provided.

Millage and Budget Public Hearings

Mayor Strong opened the public hearing and read into the record the following: "The millage rate needed for fiscal year 2009 to generate the same property tax revenue for the City as in 2008, based on the Property Appraiser’s certification, is 4.1470 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 1.32%. In addition, a .2066 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 .0869 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."

Attorney Cheek read both ordinances by title. Both were acted upon simultaneously. Mayor Strong asked about the status of their present contingency. City Manager Knight explained the funds available.

Kenneth Murrah, 1601 Legion Drive, urged the Commission to keep the millage rate at 4.0923.

Shay Silver, 735 Pansy Avenue, spoke about the Villa View Park and referred to the January 28, 2008 minutes regarding the unanimous motion to proceed with the entire build out of the park. She stated they were to begin in July 2008 but that never happened and Parks and Recreation Director John Holland informed her that the money for the park was reallocated at a budget work session and would be done in phases. She stated that she spoke with Mayor Strong who explained he took full responsibility for this and wrote a memo to the City Manager regarding the Commission approving the complete build out of the park in January.

Michelle Rodriguez, 1667 N. Park Avenue, spoke about the projects original cost proposal and the intent of the Knowles development agreement to provide funding for new park space and to equip that space. She stated this plan went through numerous boards and evaluations and there was no opposition to the park. She expressed concern that the Commission made a decision without the history, facts or information. Ms. Rodriguez answered questions.

Dr. Betty Tallen, 1170 Kenwood Avenue, addressed Ms. Silver and Ms. Rodriguez being very active in keeping the neighbors informed. She read a letter from Feely Developments, Inc. concerning support of green space and the park.

Dori Madison, President of Mead Garden, 2900 Cove Trail, commented that the budget for Mead Gardens needs to be increased over time and asked they continue to support their efforts to reclaim the maintenance area.

Robin Birkbeck, Oak Boulevard, supported the park and any green space they can create in Winter Park.

Shelly Silver, 735 Pansy Avenue, spoke in favor of the park and urged the Commission to support this.

Kim Allen, 271 Virginia Drive, commended staff on the $2 million budget cuts to make the City more efficient. She spoke about the millage rate and expressed they need to ensure enough money is put aside for projects. She also commended Mayor Strong and Commissioner Dillaha for their service.

Joe Terranova, 700 Melrose Avenue, commended City Manager Knight and staff on the budget and addressed the difficult economic climate. He urged the Commission not to raise the 3.995 millage rate.
Commissioner Bridges asked why the park was not built when they stipulated January. Mr. Knight responded and addressed the consensus at the budget work session on phasing the project and reallocating the funds. Commissioner Bridges addressed the commitment made to the project and not making the connection that they were choosing between something they had already agreed to fund and something they were looking at during the work session. Commissioner Diebel agreed they made a commitment and overlooked the connection. Mayor Strong commented that the Commission approved this in January and they need to honor that commitment. He stated they either need to reconfirm the commitment of this park or not. Commissioner Bridges wanted a timeline that this is done expeditiously. Mr. Holland stated he spoke with Public Works and this could be started in November and completed by January.

**Motion made by Commissioner Diebel to include $127,627 in the budget to accelerate the park project and work to commence no later than the middle of November; seconded by Commissioner Bridges.** Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel. The motion carried unanimously with a 5-0 vote.

Commissioner Bridges spoke about policy and process. She asked that either the department head or Mr. Knight give the Commission a reminder of obligations made or when they agreed to fund certain things.

Commissioner Diebel asked Mr. Knight about their commitment to Mead Garden and how much funding is being considered in the upcoming budget. He stated that the Commission agreed to consolidate the Mead Garden facility with the Showalter Field maintenance facility and build it at Showalter Field; $300,000 has been committed in the fiscal year 2009 budget towards construction. Commissioner Diebel commented that she was comfortable with this.

Commissioner Bridges reminded the Commission about attending the Mead Garden summit with Parks and Recreation Director John Holland, members of the Friends of Mead Gardens, and the Parks Board representatives. She commented that it was prior to the Family Fall Festival at the Welcome Center on October 25, 2008 at 9:00 a.m.

Mayor Strong asked if anyone wanted to delete or add anything to the revised budget. Commissioner Anderson commented that looking at the 10 year pro forma the commuter rail funds of $693,000 needs to be $1 million in 2017. He explained that they could make that place holder until FDOT has clarification on the Self Insurance Retention Fund and the Furniture and Equipment (F&E) Replacement Reserve Fund. Mr. Knight answered questions.

**Motion made by Commissioner Anderson that beginning in fiscal year 2010 increase the commuter rail funding to get to the million dollar mark by 2017.** Mayor Strong asked if they can address next year’s budget. Mr. Knight explained that if Commissioner Anderson is directing him to prepare a budget with that in there, they can do that for 2010. Mayor Strong addressed the commitment to make a million dollar reserve as important for our financial future and possibly even for our bond ratings. **No second was made to the motion.**

Commissioner Bridges believed that taxes should not be raised from the 3.995 millage rate and they need to take a look at additional expenditure cuts this year. Commissioner Diebel agreed and asked if she would support a motion to set the millage at 3.995. Commissioner Bridges agreed. Commissioner Diebel expressed that she strongly advocated the 3.995 millage rate throughout the work sessions and did not believe in raising taxes. She proposed they withdraw
the ordinance and adopt one with the 3.995 millage. Commissioner Bridges commented that she supported this but it also left them with a $400,000 deficiency.

Commissioner Anderson proposed delaying Showalter/Mead Garden and the Cady Way restroom that equaled $400,000. He stated that was the approach Orange County took when they refused to raise their millage rate; they cancelled their capital items. He stated if that was the direction this Commission was following then he would make a motion to set aside those two projects until they find other budget items that might be cut.

City Manager Knight explained that the 4.0923 millage rate was not a tax increase but a tax decrease. He stated that assessed evaluations went down by Amendment I and therefore it takes more of a millage rate to generate the rolled back tax rate. Commissioner Diebel asked further questions and discussion ensued on the millage rate.

Commissioner Bridges strongly believed in the 3.995 millage but stated she believed the Commission may be willing to adopt the budget and millage of 4.0923 and give City Manager Knight the direction to continue to streamline and look for other cost savings in our budget. She shared the concerns of the other Commissioners that we are in a serious financial situation and it is imperative to improve our Reserves.

Commissioner Dillaha supported the 4.0923 and was not in favor of cutting any capital projects. She stated they need Reserves for their bond rating. She agreed with Commissioner Bridges that there is more they can do and look at in the coming months. Commissioner Bridges added that she was not willing to give up any capital projects in this budget and supported the 4.0923 even though she wanted to stay at 3.995. Mayor Strong addressed that Mr. Knight’s job is to look at the budget daily and has complete confidence he continually looks at how they can save money. Commissioner Bridges agreed.


Motion made by Commissioner Anderson to adopt the ordinance at a millage rate of 4.0923; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

b) ORDINANCE NO. 2750-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; 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, 2008; AND AUTHORIZING TRANSFER OF FUNDS HEREBIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. Second Reading

Motion made by Commissioner Bridges to approve the budget as modified tonight; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

The meeting adjourned at 7:24 p.m.

Mayor David C. Strong

ATTEST:

Cynthia S. Bonham, City Clerk