

REGULAR MEETING OF THE CITY COMMISSION
September 28, 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 Pastor George Cope, Calvary Assembly of God 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
Assistant City Attorney Bill Reischmann
Deputy City Clerk Nancy McLean

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

Citizen Public Comments:

1. Dr. William Gordon, Aubree Ringler and Kyle Benzion, Winter Park High School, asked for consideration of an extension to the noise ordinance for the Winter Park High School Homecoming dance from 11:00 p.m. – 12:00 a.m. on October 24, 2009. Mayor Bradley commented that this would be on their next agenda.
2. Greg Witherspoon, Canin Associates, opposed Consent Agenda item d) regarding the hiring of the consultant (Placemakers) to prepare the architectural design guidelines for the Central Business District.
3. Phil Kean, 1021 Lincoln Circle, opposed the \$2,000 increase to the demolition fees which was passed at the last Commission meeting and asked the City Commission to reconsider their decision.
4. Charlie Clayton, 1230 N. Park Avenue, opposed the demolition fee.
5. Jim Cooper, 1080 Keyes Avenue, requested the City Commission reconsider the newly adopted \$2,000 fee on the residential housing demolition.

Mayor's Report:

- a) Resolution – Sister City with the City of Sant'Angelo, Italy.

Assistant CRA Manager Peter Moore explained that the resolution is creating a Sister City partnership between the City of Sant'Angelo, Italy and Winter Park, Florida to facilitate the exchange of social, political, and cultural information and programs between the two municipalities. He stated that they were approached by Chris Marconi with Full Sail about this Sister City relationship. He added that Sant'Angelo was devastated by an earthquake earlier this year. Mr. Moore presented a video clip of Sant'Angelo, Italy.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.

Mayor Bradley presented Loredana Contecicchetti, Honorary Vice Consul of Italy and Chris Marconi with the resolution and a Tiffany stained glass window from the Morse Museum. Ms. Contecicchetti and Mr. Marconi thanked the City and gave brief remarks.

Mayor Bradley commented that we have a Sister City relationship with the town of Frenstat in the Chec Republic and they will be having a major anniversary next year. He expressed that the Albin Polasek Museum wants us to do something in partnership with them.

b) Presentation of Web site video produced in partnership with Full Sail SPARK program.

Communications Director Clarissa Howard explained that a few months ago, she was directed to look for other alternatives for the production of a video on the City's web site. She stated that the best alternative was continuing our great relationship with Full Sail University. She commented that both she and Communications Assistant Director Craig O'Neil created a schedule for our videos that would run three times a year covering winter, spring and summer. Ms. Howard presented their first Webisode and stated that the video will be featured on the homepage of the City's web site on October 1 and will be a valuable tool to help market the various amenities that our City has to offer. She thanked Jackie Gardner Full Sail SPARK Production Team Manager and her team of students. Mr. Gardner also thanked the City for giving the students this opportunity to work on this project.

c) Retirement of Human Resources Manager Anna Currie.

Mayor Bradley commented that Human Resources Manager Anna Currie retired and thanked her for valuable services to the City of Winter Park.

d) Park Avenue Task Force recommendations update.

Mayor Bradley commented that he and two other Commissioners attended the Park Avenue Task Force meeting. He stated that he was impressed with the plan and the CRA board will see it next month. He added that there will be another meeting with the Park Avenue stakeholders on October 13.

e) Economic Development Plan.

Mayor Bradley stated that the Economic Development Plan will be coming forward.

f) Electric Rate decrease effective October 1, 2009.

Mayor Bradley explained that in spite of the October 1 rate increase, with the significantly reduced fuel adjustment, our electric customers will see their electric bills decrease by about 4.5% beginning October 1.

g) City Manager's Evaluation.

Mayor Bradley commented that the Commission has received a copy of the evaluation form for the City Manager. He asked each Commissioner to complete that and return to Mr. Knight by October 15. Commissioner Bridges wanted to use last year's evaluation form since it was more detailed. Mayor Bradley asked Mr. Knight to circulate both versions. Mr. Knight agreed.

h) Charter Review Committee meeting

Mayor Bradley announced that the Charter Review Committee had two meetings and they are making good progress.

Consent Agenda:

- a) Approve the minutes of 9/14/09.
- b) Direct staff to submit the nomination for downtown Winter Park to the State Division of Historical Resources for review and forwarding to the Keeper of the National Register of Historic Places. **PULLED FOR DISCUSSION. SEE BELOW.**
- c) Approve the purchase of bulk sodium hypochlorite (bleach) for the Water and Wastewater Plants from Odyssey Manufacturing Company piggy-backing the City of Mulberry contract throughout fiscal year 2010.
- d) Authorize staff to proceed with hiring the consultant (Placemakers) to prepare the architectural design guidelines for the Central Business District. **PULLED FROM AGENDA.**
- e) Approve the request of Jim and Charles Veigle to swap car sale locations from 1234 W. Fairbanks to 2250/2264 W. Fairbanks Avenue with the changes made from the September 14, 2009 Commission meeting regarding the time period (5 years plus option for one more year) and the landscaping requirements. **PULLED FOR DISCUSSION. SEE BELOW.**
- f) Approve the following budget adjustments:
 - 1. Appropriate \$18,869 received in grants and donations for the purchase of equipment for the Fire Department
 - 2. Increase the Code Enforcement budget for lot clearing by \$20,000 due to the need to care for neglected properties.
 - 3. Appropriate \$25,168 in grant revenues for the Police Department related to overtime reimbursement for task force operations.

Consent Agenda items b) and e) were pulled for discussion. Consent Agenda item d) was pulled from the agenda.

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

Consent Agenda item b): Direct staff to submit the nomination for downtown Winter Park to the State Division of Historical Resources for review and forwarding to the Keeper of the National Register of Historic Places.

Planning Director Jeff Briggs explained that this was to move forward with the National Register of Historic Places for downtown Winter Park. He stated that the National Register District is for recognition and most importantly, is an economic development tool that allows property owners to get up to a 20% tax credit on contributing properties. The City Commission's Strategy Map

also included the initiative "Identify and preserve existing historic assets". The initiative is supported by policies in the Comprehensive Plan Future Land Use Element and Planning Area G Downtown/Rollins College, as well as Community Redevelopment Agency Strategic Plan Goal 3. He stated that they are at the point where they are discussing approving it with the district boundaries.

He addressed there being some question about the western district boundary because on the west of the railroad tracks there are 3 properties (the Farmers' Market, which is not an issue; the train station platform and the post office) which lie within the proposed district, as recommended by the Historic Preservation Committee. He stated that there is a concern about the potential of bureaucracy associated with the City moving forward because of the requirement of a review whenever Federal money is expended. He commented that the alternative would be for the Commission to tweak the district boundary and pull it in around the train station and the post office, yet maintain 100% of Central Park and eliminate those two properties.

Mayor Bradley wanted to table this and place it as an action item on the next agenda so that citizens can speak if they wish to do so. Commissioner Dillaha commented that they had a lot of citizen input and presentations made by Bland & Associates and others and wanted to move forward. Mr. Briggs and Senior Planner Lindsey Hayes answered questions.

Commissioner Anderson asked how they might go forward in regards to changing the post office if they are successful in raising the money. He also questioned if we take money from the Federal government for the modifications of the existing train station how that might work if the train station was located in the historic district boundaries. He wanted more clarity on that and agreed with tabling this until the next meeting.

Commissioner Bridges suggested Ms. Hayes do a synopsis with a clear delineation and understanding of what these two boundaries would mean, what the review would be and which are the contributing properties. Mayor Bradley added that he wanted to know what the implications are to the post office and to ensure that there were no unintended consequences for trying to do something positive.

There was general consensus among the Commission to table this item until the October 12 meeting. Commissioner Bridges also asked Ms. Hayes to add this to Frequently Asked Questions on the City's web site. Mr. Knight agreed.

Consent Agenda item d): Authorize staff to proceed with hiring the consultant (Placemakers) to prepare the architectural design guidelines for the Central Business District. **PULLED FROM AGENDA.**

Attorney Reischmann commented that it would be appropriate to delay action so they can address concerns regarding this item. Mayor Bradley stated that it will be on the next agenda under Action Items Requiring Discussion.

Consent Agenda item e): Approve the request of Jim and Charles Veigle to swap car sale locations from 1234 W. Fairbanks to 2250/2264 W. Fairbanks Avenue with the changes made from the September 14, 2009 Commission meeting regarding the time period (5 years plus option for one more year) and the landscaping requirements.

Attorney Reischmann explained that the City Commission discussed this request at the September 14 meeting. He stated that Attorney Brown reviewed the agreement and there were slight modifications made; however, none of the actual substantive terms have been changed. He stated that this agreement has been sent to the Veigle's and they have no objections to this moving forward today. **Motion made by Commissioner Anderson to approve Consent Agenda item e); seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 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 forward from 9/14 meeting). **PULLED FROM AGENDA.**

Mayor Bradley stated that the Chair and Vice Chair were not available to speak today. He suggested that our legal team review this to ensure that the proposed code is in compliance with all state codes.

Commissioner Bridges suggested including the Assistant City Manager who functions as a City Manager in his or her absence. Mayor Bradley agreed and asked Attorney Reischmann to review what other cities have or have not incorporated into their Code of Ethics.

Commissioner Dillaha asked the City Attorney for a clarification on which sections are presently in the Florida Statutes and what has been added that is different from the statutes; and Section 1.08 Political Activities. She wanted to ask the Ethics Board members what the discussions were for some of the sections included in this.

Mayor Bradley questioned if the ethics policy does or does not apply to the Commission (since they are governed by state law), or does state law supersede that. He also wanted clarification on the definition of "relative". Attorney Reischmann commented that he would look at these issues. Mayor Bradley asked City Manager Knight to place this on the agenda once it is ready for discussion with both the City Attorney and the Ethics Board. Mr. Knight agreed.

- b) Golf course Pro Shop plans and proposed renovation schedule.

Parks and Recreation Director John Holland explained that the Pro Shop is being temporarily relocated into the Country Club facility beginning on September 30; the Pro Shop operations will be returned to the existing building following renovations. He summarized the improvements made to the pro shop.

He added that the design of the Pro Shop renovations have been proposed by the architectural team of Jack Rogers, Steve Feller and Frank Roark following numerous meetings on site to evaluate the condition and possibilities of renovating the aging structure. He commented that the plan designated as "Option A" illustrates the initial renovation of the structure with "Option B" illustrating the future addition of the cart storage area. Mr. Holland showed pictures of the patio area.

Mr. Rogers gave a presentation on the architectural renderings for the Pro Shop and stated that the existing 500 foot Pro Shop could be renovated with a \$75,000 budget. He explained the work that could be accomplished with that money in Phase I and if they can move the

merchandising side back into the existing Pro Shop, there will be two rooms that can be rented in the Country Club. He commented that the City will benefit significantly with this additional income. He stated that Phase II would encompass adding 500 square feet for the cart storage area and would require approximately \$150,000 to do both phases. Mr. Holland and Mr. Rogers answered questions.

Dykes Everett, 341 Webster Avenue, spoke about the neighborhood not being included during this process. He expressed that it was a bad idea to expand the commercial enterprise at the golf course. He commented that due to the renovation, compressors were moved to his front yard which is causing noise. Mr. Everett summarized that he wanted 1) the compressors removed; 2) move the service and intensity back to the core of the golf course operations and not towards the neighborhood; and 3) to reach out to the neighbors in forming a group that can provide input on both the technical and financial aspects to supplement the architectural team and the dedicated staff.

Commissioner Bridges believed that it would be prudent to meet with the neighborhood and was sorry that they were excluded. She commented that there is an opportunity for them to move forward with the "real Pro Shop" as opposed to its temporary housing.

Commissioner Dillaha expressed that she was in favor of doing this and funding it this year. She also believed that they should be more sensitive to the neighbors in making some of these decisions and plans. Thanks were provided to the architectural team for taking the time to help the City resolve this issue.

Commissioner Diebel asked for clarification because of her recollection that they began the relocation to start working on the water problem and plan for renovation, not to create a new restaurant or any type of increased density in the Country Club. Mr. Knight explained that it was not a new restaurant; part of what they presented was an opportunity to improve merchandising and other sales, which is all part of trying to figure out how to bridge the gap in the shortfalls in the revenues.

Commissioner Anderson commented that this was also part of an effort to be competitive with other golf courses and it was the best use of the City assets at the time. He added that the compressor issue needs to be addressed and as part of their budget discussion they should see if this project can move forward in light of a better cost. He wanted to ensure that they are prioritizing correctly and that the renovations to the Pro Shop and the porch include the structural revisions needed to make those buildings sustainable. He stated that he would like to continue the development of the cost associated with this conceptual project as it had been outlined with "Option A." He commented that "Option A" needs to be evaluated and to consider if all the recommendations that have been made by our consultant are incorporated. Commissioner Diebel agreed and supported addressing the noise issue with the compressors.

Commissioner Dillaha reiterated that she would like this to be accomplished in fiscal year 2010 because they could use the two rooms in the Club House for rentals that would generate more revenue. Mayor Bradley asked staff to look into the compressor situation. He expressed the importance to be sure residents are informed and seek their input when necessary. He stated that they will discuss this again during the budget item.

There was a recess taken from 5:56 p.m.-6:12 p.m.

Public Hearings:

- a) ORDINANCE NO. 2781-09: 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. Second Reading

Mayor Bradley commented that Commissioner Diebel left the dais. Attorney Reischmann read the ordinance by title. No public comments were made.

Motion made by Commissioner Anderson to adopt the ordinance; seconded by Commissioner Dillaha. Mayor Bradley commented that he would be voting against this ordinance but supported electronic filing. He stated that the provision that passed at the last Commission meeting to have the Sunbiz link does not go far enough and if they want to have transparency then it should go deeper. **Upon a roll call vote, Commissioners Anderson and Dillaha voted yes. Mayor Bradley and Commissioner Bridges voted no. Commissioner Diebel was away from the dais. The motion failed with a 2-2 vote.** Mayor Bradley tabled this item until Commissioner Diebel returned.

Motion continued upon Commissioner Diebel's return to the dais

Motion made by Mayor Bradley to adopt the ordinance and to delete #5; seconded by Commissioner Diebel. He clarified that this was to keep all of their electronic reporting within the ordinance, but would eliminate the requirement under the Sunbiz link. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson and Diebel voted yes. Commissioners Dillaha and Bridges voted no. The motion carried with a 3-2 vote.**

- b) ORDINANCE NO. 2780-09: 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. Second Reading

Attorney Reischmann 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 and Bridges voted yes. Commissioner Diebel was away from the dais for this item. The motion carried unanimously with a 4-0 vote.**

- c) ORDINANCE NO. 2779-09: 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) Second Reading

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

Motion made by Commissioner Dillaha to adopt the ordinance; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. Commissioner Diebel was away from the dais for this item. The motion carried unanimously with a 4-0 vote.

Mayor Bradley turned the Chair over to Vice Mayor Diebel.

d) Request of the Winter Park YMCA at 1201 N. Lakemont Avenue:

Planning Director Jeff Briggs addressed the conditional use request from the Winter Park YMCA for a 3,115 square foot expansion to the existing building for new locker rooms. He stated that the original request started off with the conditional use request for an additional zero-depth children's pool and an expansion to the parking lot but have since then withdrawn those two requests and will not be part of the public hearing tonight. He emphasized that the approval is only for the locker room expansion.

Mr. Briggs gave background information on the YMCA and their approval in 1996 to build the facilities there today. He stated that the locker room expansion was approved in 1996 but not constructed at that time. He explained that conditional uses expire after two years and that approval is no longer valid. He stated the YMCA is asking the City Commission to reestablish what they previously approved in 1996 and to let them finish the locker room expansion.

He addressed the discussion at the P&Z meeting concerning the locker room expansion because of the "dirt" area where the locker rooms are to be built has been and is being used as an employee parking lot and those cars being displaced to the main paved parking lot. He suggested a solution to extend the existing parking lot to the west, replacing the existing stormwater retention area by converting that retention area to underground stormwater ex-filtration. The expansion of the parking lot would add about 14-15 parking spaces and bring the site back to its current parking volume. He stated that there was a condition to that effect relating to the recommendation from the P&Z for approval and since that time the YMCA has adjusted their site plan. He added that the P&Z gave a unanimous recommendation for approval which reestablishes the approvals that were granted by the City Commission in 1996.

William "Bud" Oliver, Executive Director of the YMCA, provided a PowerPoint presentation and spoke in detail regarding the history of the YMCA, the process to meeting growing needs within the community, and understanding YMCA membership and their goals. He also submitted a petition in support of the YMCA.

George Powell, Powell Design Group, provided a PowerPoint presentation on the landscaping enhancements and the proposal to complete the final build-out of the original conditional use approval from 1996 (family locker rooms). With regard to the locker room expansion, he noted that this was approved in 1996 as part of a multi-phase project and that due to funding issues was never completed and this request does not expand the building beyond what was approved in 1996. He emphasized that the parking for the 3,115 square foot addition is already in place.

Steve Shelling, YMCA Board Chair, stated that they need to continue to invest in the YMCA to ensure it is here for future generations.

The following people spoke in opposition to the request:

Tom Ackert, 1570 Place Picard
Jean McIntosh, 1756 Pine Avenue. (Submitted a petition opposing the expansion of the YMCA)
John Kurash, 1050 N. Lakemont Avenue
Margaret deBoer, 1748 Pine Avenue
Kay Zimmerman, 1040 N. Lakemont Avenue
Geri Throne, 1771 Chestnut Avenue
Bryan McIntosh, 4105 Bibb Lane
Kathy Kiely, 1800 Oneco Avenue

The following people spoke in favor of the request:

Joe Terranova, 700 Melrose Avenue
Lou Nimkoff, 740 Williams Drive
Mary Rumberger, 1234 Palmer Avenue

Attorney Reischmann explained that they are considering the request for a conditional use and was not an extension of one. He stated that this was a quasi-judicial hearing and that they are applying policy to specific facts that they hear this evening. He answered questions.

Mr. Briggs listed the P&Z's conditions to approving the conditional use as follows: 1) Expansion of the existing parking lot over the exiting stormwater retention area with no more than up to 15 spaces; 2) Any changes to the approved plans, including internal floor plans, will require approval from the City; 3) The YMCA is to research areas of remote parking for employees and adding more bike racks to promote more bike ridership with their members; and 4) The final landscape plans and updated lighting plan come back to the board for final approval.

Commissioner Dillaha asked how many lockers would be added. Mr. Powell stated it will increase from 75 to about 118 for the men's lockers and increase from 44 to about 120 for the women's lockers. He added that this was a conceptual plan. Mr. Powell answered questions.

Commissioner Anderson asked if they double the number of women's lockers if there would be parking available for times when the YMCA is more utilized. Commissioner Dillaha questioned since there is no swimming pool or parking lot now being requested, what the impact would be on cars and parking. Mr. Powell commented that increasing the number of lockers does not necessarily mean they will increase the usage but could extend the members stay to shower and change because of the convenience. He explained that this was an effort to service the existing clientele.

Mayor Bradley declared an email sent to him suggesting that he had conflicts because the hospital does business with the YMCA. He explained that they rent space from the Crosby YMCA and did not believe that precluded him from voting on this matter.

Motion made by Mayor Bradley to adopt the recommendations of the Planning and Zoning Commission as presented; seconded by Vice Mayor Diebel for discussion.
Attorney Reischmann answered further questions.

Commissioner Anderson commented that in order for him to support the expansion he wanted to know a specific locker count and if there should be a condition that includes a modification to the existing development agreement. Attorney Reischmann commented that a development agreement will have to be agreed to by the applicant as opposed to conditions being stipulated

which can be imposed on the applicant. He stated that in 1996 and 1997 the City and the YMCA reached an accommodation and memorialized that in the developer's agreement. He stated that the developer's agreements can be amended.

Commissioner Anderson commented that the developer's agreement is material to how he views the conditional use. Commissioner Dillaha agreed and believed that if there is no clarity about some of the provisions in this conditional use permit then she wants a new developer's agreement or a new conditional use permit that cleared up any misconceptions regarding further acquisition of property, further expansion of a building, and no second outdoor pool to be constructed.

Vice Mayor Diebel commented that they are being asked to either consider or not consider the approval of the conditional use that was unanimously approved by the P&Z with the four conditions. There was further discussion regarding the need for a locker count. Commissioner Anderson stated that he was not comfortable voting without this number and wanted to hear from staff or the applicant as to the appropriate number of lockers that would regulate the membership and utilization of the facility. He also wanted to know what the peak parking load for this facility is and how it relates to the population that is using that facility at the time. Vice Mayor Diebel asked Mr. Knight to take those back to the applicant. Mr. Knight agreed.

Mayor Bradley commented that there is a motion on the floor but, **made a motion for the continuance of this discussion until the October 12 meeting; seconded by Vice Mayor Diebel.** Mr. Briggs clarified that they had their public hearings and when this comes back in two weeks they will continue and decide on the motion.

There was recess taken from 8:31 p.m.-8:41 p.m.

Millage and Budget Public Hearings: (started at 5:10 p.m.)

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) ORDINANCE NO. 2782-09: 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. Second Reading

- b) ORDINANCE NO. 2783-09: 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. Second Reading

Attorney Reischmann read both ordinances by title.

Joe Terranova, 700 Melrose Avenue, addressed the large amount of money spent on the form based code study. He suggested that either they reserve money this fiscal year to complete the study or if they are reluctant in doing that, then earmark the money.

Charlie Clayton, 1230 N. Park Avenue, asked that they look at the demolition fee in the budget and reconsider their decision.

Phil Kean, 1021 Lincoln Circle, asked the Commissioner to reconsider the demolition fee.

Mayor Bradley commented that the demolition fee was not in either of these ordinances because it was adopted in the fee schedule at the last Commission meeting. He stated that based on citizen input it is up to the Commission to decide if they want to reconsider this or not.

City Manager Knight stated that they were informed by the Property Appraiser's Office that the taxable valuation of property in Winter Park had increased from the July 1 Certification of Taxable Value to the September Certification of Final Taxable Value by \$11,347,467 which will generate an additional \$45,000 in property taxes that can be added to our available revenues.

Mr. Knight stated that the attorney representing the Police Union addressed that they cannot unilaterally make the decision to decrease the longevity bonus because it is subject to bargaining; the Fire Department voiced the same concern. He stated that they reduced longevity by \$100,000 and he was hoping to apply that to all employees. He gave notice to both the police and fire departments that this action would be coming. He explained that the Fire Department also includes the 457 deferred compensation match component and they have one employee that is in the 401 pension plan.

Commissioner Diebel addressed her preference to lower the millage rate that she advocated during the budget cycle to stay at 3.995 and would not support the current ordinance.

Commissioner Anderson asked for clarification on the street paving. City Manager Knight explained that they voted to pave the 9 miles plus Morse Boulevard and that it was \$290,000 of expenditures with an additional \$200,000 coming from the Federal government. There were further comments made regarding how much funding should be allocated toward paving. Commissioner Anderson wanted to stay with the 9 mile budget and suggested using the \$200,000 towards other projects. Commissioner Dillaha agreed with not allocating an extra \$290,000 towards road paving, putting in the \$90,000 to put them at the 9 or 9.5 mile level, and take \$200,000 to fund the first two phases of the Pro Shop improvements. Mayor Bradley asked for an amendment since this was already voted on at the last meeting.

Motion made by Commissioner Anderson to increase their revenues by \$200,000 in grant money from the Federal government and to create a \$200,000 expenditure potentially for the Pro Shop or capital items. Motion failed for lack of a second. Commissioner Anderson asked for further clarification as to whether the \$200,000 for the Morse Boulevard paving was included into the budget. Mr. Knight explained that it was not part of the budget, but it will be added to the Capital Improvement Plan. He also stated that if they want to continue with the 9 miles then they would need \$125,000 out of the \$290,000. Public Works Director Troy Attaway explained that would get them to 7.5 miles with their own crews and the 2 miles from the stimulus project would be contracted out. Mr. Knight and Mr. Attaway answered questions.

Motion made by Commissioner Anderson to allocate \$125,000 of contingency toward the Pro Shop renovations for this year; seconded by Commissioner Bridges. Mayor Bradley clarified that this was an amendment to the budget and asked why this was being moved up the list as a priority. Commissioner Anderson believed they should sustain improvements to the Pro Shop. Commissioners Dillaha and Bridges gave their rationale as well. Mr. Knight gave an overview of the 5 Year Capital Plan. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.**

Upon further comments, **a motion was made by Commissioner Anderson to change the \$290,000 for street paving to \$210,000.** He explained that this would reduce the \$290,000 for street paving by \$80,000 and apply that and the additional \$45,000 property tax to the renovation of the Pro Shop. **The motion failed for lack of a second.**

Motion made by Commissioner Anderson to adopt the ordinance 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. 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 adopt the 2010 budget ordinance as amended; seconded by Commissioner Bridges. Mayor Bradley commented that he will vote for the budget, but did not support the action taken at their last meeting and still has concerns in terms of the change in our benefits structure for our staff. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.**

City Attorney's Report:

a) Attorney General opinion regarding Advisory Board appointments.

Mayor Bradley explained that this came up as a request from the Commissioners as to whether or not an ordinance could be drafted to the elevation of current alternates to regular members on the three quasi-judicial boards such as the Code Enforcement Board, the Board of Adjustment and the P&Z Board.

Attorney Reischmann addressed the opinion of the Attorney General that the Commission has the ability to pass any guideline for appointment of members or alternates to their appointive boards as long as those guidelines are not inconsistent with the current provisions in the Charter. He stated that the Charter says that the Mayor nominates, subject to Commission approval on an annual basis. He expressed that the Attorney General analyzed the different provisions that exists in our code and that there are different methodologies that the City has used in the past. He stated that this Commission has a substantial discretion in establishing procedures through an ordinance on how they fill vacancies.

Attorney Reischmann commented that the reasonable interpretation in his opinion is that when terms expire the Mayor nominates and the Commission either approves or disapproves. He spoke about the issue of alternates and the absence of language in the Charter about alternates which means they can decide what they want and can establish a process. Mr. Reischmann went into further detail of the Attorney General's response and answered questions.

Commissioner Anderson clarified: 1) for an expired term, the Mayor has nomination power and the Commission can approve or disapprove; and 2) by ordinance they can govern unexpired terms that require replacement. Attorney Reischmann agreed and reminded them that they cannot adopt an ordinance which creates a conflict with the Charter.

Commissioner Anderson asked how long we have had alternates. Building Director George Wiggins commented it has been 10 years for the Board of Adjustment and the others followed.

Mayor Bradley asked if there is another process to appoint alternates. Attorney Reischmann stated that the Charter says that the Mayor shall annually appoint members of the City Boards subject to the approval of the Commission. He stated that it is his understanding that currently that is the process that the Commission uses to appoint alternates.

b) Status of tennis center negotiations and protest.

Attorney Reischmann provided a copy of the methods of procurement of goods or services. He stated that on August 24 the Commission awarded the Tennis Management Services bid at the Azalea Lane Recreational Center (RFP-7-2009) to High Performance; however, Frankie C's Pro Shop filed a bid protest. He explained that Mayor Bradley directed staff and the City Attorney to bring back additional information or take action to facilitate a decision at a future meeting. Attorney Reischmann spoke about the RFP process to date and the factors of the bid protest whereby Frankie C's Pro Shop could challenge their decision and say that it was inappropriate because they are issuing a contract to a bidder that is not responsive and responsible under their own RFP. He provided the Commission with their legal options. He stated the RFP is clear and it requires a certain level of certification and the RFP says that they need to take the facts as they exist at the time of the bid opening. He commented that at the time of the bid

opening High Performance was not certified, consistent with the RFP. Attorney Reichmann answered questions.

Mayor Bradley stated that this would be placed on their next agenda under Action Items Requiring Discussion and asked Attorney Reichmann to send the legal options in writing to the Commission. Attorney Reichmann agreed.

Non agenda item

Attorney Reischmann spoke about the manner in which they conduct quasi-judicial hearings and stated that it is important to follow the rules carefully so their decisions can be upheld upon a procedural challenge. He stated that he will send out a memorandum to the Commission on the quasi-judicial process for their information. Mayor Bradley suggested identifying on the agenda when public hearings are quasi-judicial or legislative.

Non-Action Items:

a) City Manager's Report.

Schedule a joint work session with the Economic Development Advisory Board (EDAB) to discuss strategic plan.

City Manager Knight explained that the purpose is to understand what they think about the strategic plan being drafted. Mayor Bradley suggested that Mr. Knight email the date of the next meeting and the Commissioners that want to attend and have input can do that. He added that it will come before the Commission once it is scheduled.

Schedule a work session for the Land Development Code.

Planning Director Jeff Briggs stated that the Land Development Code will be on the agenda October 26. He commented that they sent out notices. Mayor Bradley suggested they move forward with the public hearing and schedule the work session after that.

Commissioner Dillaha believed that there are some policies they need to clarify and include in the Land Development Code; one is to address what happens when there are withdrawals by applicants. Attorney Reichmann stated that the statute requires that any amendment to the Land Development Code go through their Planning and Zoning Commission. Mr. Briggs stated that the P&Z is working on the conditional use section of the code and there will be a work session on September 30 at noon. He commented that Commissioners are welcome to attend.

b) Update on Fleet Peoples Park.

Sandy Womble provided a PowerPoint presentation on the Fleet Peoples Park. She spoke about the new board, their new Friends of Fleet Peoples Park logo, adding their address to highlight the off leash dog park, promoting Winter Park events on their bulletin board, the events and organizations, their fundraising status, and potential board members.

Commissioner Bridges asked how much they have in actual funds generated from the fundraising. Ms. Womble stated that she would get that information to her.

Commissioner Dillaha commented that it would be good for the Parks Board to be informed about this as well. She asked about selling signs in the park which advertises commercial business. Ms. Womble commented that they have signs but they are sustaining sponsors. Commissioner Dillaha questioned if commercial advertising can be allowed and a group charge and collect that revenue. Mr. Holland stated that it is a sponsorship, but at the next Parks Board meeting they will be discussing the difference between sponsorship signs and offsite advertising. Attorney Reischmann commented that the issue is that they are potentially creating offsite signs and violating our own sign code. Mayor Bradley suggested that the City Attorney and the City Manager decide that.

Commissioner Dillaha addressed the ordinance that on Saturday and Sunday there is an on leash requirement and wanted to ensure that what they are doing is consistent with ordinances. Mayor Bradley directed City staff to look into this and give the Commission a report.

c) Presentation of library expansion options.

City Manager Knight commented that no one was here to present for the Library. Mayor Bradley asked that this be deferred to the list of agenda items needing discussion.

d) Monthly financial report.

Mayor Bradley commented that by September 30 they would have completed the fiscal year. Mr. Knight answered questions.

Mayor Bradley stated that he would continue to work with staff to try and balance items on the agenda.

New Business (Public):

Laura Riecki, Orlando Rowing Club, stated that she approached the Parks Board with the idea for a Winter Park water sports center and believed that there is an opportunity at Fleet Peoples Park for the creation of this on Lake Baldwin. Mr. Holland commented that this was brought up as a business item on their last agenda and it will be on their October 28 agenda. Mayor Bradley commented that it sounds like an intriguing idea and commented that the Commission will hear that at the appropriate time.

New Business (City Commission):

1. Commissioner Anderson requested that there be a review of the demolition fees in the fee schedule to be placed on the October 12 agenda under Action Items. Mayor Bradley agreed.
2. Commissioner Anderson commented that during his meeting with Commissioner Dillaha last week they discussed budget items and he wanted to ensure they communicate that we continue to be top notch within our competitive set regarding the benefits program and the total compensation programs. He suggested that in their next 90 day session they have a discussion about defining what that means and what our quality standards are for our total compensation package.
3. Commissioner Dillaha spoke about campaign finance reform and stated that this was the reason that the Ethics Board was formed in the first place. She wanted to explore this further

and asked if the board was working on it. City Manager Knight stated that Assistant City Manager del Valle could report on this at the next meeting.

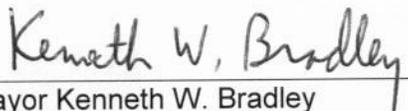
4. Mayor Bradley commented that he was bringing two resolutions forward for their review and decision at the next meeting to include a resolution supporting Florida's High Speed and Inter-City Rail applications. He stated that these are Federal funded projects that would have a train line run from downtown Tampa to Orlando International Airport and eventually connect with the commuter rail system, if approved. The other is a resolution of the Florida League of Cities opposing Florida 2010 Amendment 4 ("Hometown Democracy"). He stated that he would bring the wording of that to the next meeting for discussion and decision. Commissioner Dillaha did not agree with opposing Hometown Democracy and was not in favor of bringing a resolution forward on that.

Motion made by Mayor Bradley that the Hometown Democracy resolution be discussed with further language at another time; seconded by Commissioner Diebel. 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.

Commissioner Dillaha commented that she would like to draft a resolution to ask Tallahassee to consider supporting Tri-Rail with a funding source and to consider funding LYNX which just had their budget cuts. Mayor Bradley suggested she bring that forward. She agreed to do that.

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

The meeting adjourned at 9:57 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham