REGULAR MEETING OF THE CITY COMMISSION  
October 11, 2010

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 Parks and Recreation Director, John Holland, followed by the Pledge of Allegiance.

Members present:  
Mayor Kenneth Bradley
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:  
City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Commissioner Dillaha requested to discuss under new business two vacant lots on New England Avenue to be utilized for park space. Commissioner Cooper requested to table Item 11B to establish a resident and non-resident fee structure; however, there was no consensus.

Motion made by Mayor Bradley to approve the agenda with this change; seconded by Commissioner McMacken. The motion carried unanimously with a 5-0 vote.

Mayor's Report

a. Employee of the Quarter Presentation

Mayor Bradley recognized Utilities Billing Manager Delsia Margraf and Meter Systems Manager Earl Hoffman as the City's Outstanding Employees for Third Quarter of 2010. Mayor Bradley and Water and Wastewater Director Dave Zusi, Finance Director Wes Hamil and Division Chief Craig Campbell spoke about the outstanding jobs they perform on a daily basis. They were both recognized for their extreme commitment and excellent work ethic in helping to operate and perform an effective and successful transition with the Automated Metering Information System (AMI).

b. Presentation of new Winter Webisode produced in partnership with Full Sail University's SPARK program

Communications Director Clarissa Howard presented the Winter Webisode. She stated that the video will be featured on the homepage of the City's web site starting this week and will be a valuable tool to help market the various lakes and amenities in our City. She thanked the Full Sail staff, Rebecca Wise, Justin Burns and Jackie Gardner for their hard work and great video that they created.

c. Florida Blood Centers "Be a Hero Month"

Mayor Bradley proclaimed November 9, 2010 as "Be a Hero Day" and November 2010 as "Be a Hero Month". He acknowledged Executive Director of Public Relations at Florida Blood Centers
Pat Michaels for their hard work in coordinating the City's quarterly blood drive which helps provide the residents and city employees the opportunity to donate blood and save lives.

d. Appointment: Orange County Community Board

Due to the resignation of Commissioner Phil Anderson, Mayor Bradley asked if any of the Commissioners would like to volunteer for this position. After no response, Mayor Bradley asked each of them to think about serving on this board. He tabled the item for the next meeting of October 25, 2010.

e. Appointment: Metroplan Community Citizen's Advisory Board

Commissioner Cooper mentioned that she has an interest in participating on this board. Mayor Bradley advised that it is a citizen driven commission.

**Motion made by Mayor Bradley to nominate Tessa Hahn to the Metroplan Community Citizen's Advisory Board; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

**City Manager's Report**

City Manager Knight introduced the City's federal lobbyist, Maurice Kurland from Alcalde & Fay. Mr. Kurland provided an annual report and summarized the Fiscal Year 2011 appropriation requests. He noted that over the past 8 years they have been able to secure approximately $1.418 million for the City and currently they have pending an additional $250,000 earmarked. He noted that Congress has been exploring additional sources of funding toward a proposed $500 billion bill to fund transportation projects across the country over the next six years. He also mentioned that the following projects were submitted to the City's Congressional delegation with their assistance and then transmitted to the House Transportation and Infrastructure Committee for consideration: (1) Fairbanks Avenue Improvement Project - $4.5 million; (2) SR426 Traffic Flow Improvement Project - $160,000; and (3) Bike/Pedestrian Mobility Project - $480,000. Mr. Kurland answered questions of the Commission and provided a document listing the history of client's successes.

Mr. Knight mentioned that he distributed the 90 day calendar last week and if they have any questions or comments to contact him.

**City Attorney's Report**

Attorney Brown requested the Commission provide a consensus on two remaining issues on the Commuter Rail Amendment. The first issue pertains to Commissioner Anderson's amendment that removed the $350,000 not to exceed which left them back at what the County proposed which is the $500,000 annual not to exceed. It was noted that it was to up to $500,000 which would allow for negotiation room. Mr. Brown acknowledged and agreed to include all of the liability costs within that. He said he will send that to Orange County with a statement that we will start at $350,000 and maybe go up a little bit. He said it is his intention after tonight that he will revise it, send it to the County and sit down with them as quickly as possible. The second item pertains to the land use provision. He said it was not part of the motion; however, it was
requested by one of the Commissioners. He asked if there was a consensus to add something like this is in the amendment. There was a consensus to do so.

Consent Agenda

b. Approve the exemption to the noise ordinance for the Winter Park High School Homecoming Dance from 11:00 p.m. until midnight on November 6, 2010.
c. Award IFB-32-2010, Rebid – Fleet Peeples Park Multi-Use Trail Project, to Core Construction Group; $79,201.16 and authorize the Mayor to execute the contract.
d. Approve the relocation of a portion of the conservation easement at 1629 Chase Landing Way. PULLED FROM CONSENT AGENDA FOR DISCUSSION– SEE BELOW.
e. Approve the purchase of 12.5% Sodium Hypochlorite from Odyssey Manufacturing, piggybacking off the City of Eustis contract #001-10 and authorize the Mayor to sign the standard piggy-back contract.
f. Allow the improvements within the Webster Avenue right-of-way, subject to executed encroachment agreement with Mr. Marc Shapiro, 736 Kiwi Circle. PULLED FROM CONSENT AGENDA FOR DISCUSSION– SEE BELOW.
g. Approve the Professional Services agreement with Placemakers, LLC for preparation of a form based code and architectural design standards for West Fairbanks Avenue; $35,000. PULLED FROM CONSENT AGENDA FOR DISCUSSION– SEE BELOW.
h. Approve piggybacking the Pasco County Contract 05-114 for Janitorial Services with OR&L Facility Services for Fiscal Year 2011 and authorize the Mayor to sign the standard piggy-back contract. PULLED FROM CONSENT AGENDA FOR DISCUSSION– SEE BELOW.
i. Approve the budget adjustment of $41,389 to purchase a 2003 Ford F550 truck for traffic signal maintenance.
j. Approve piggy-backing Pinellas County contract #078-0382-B for Street Sweeping Services with USA Services of Florida, Inc. for fiscal year 2011 and authorize the Mayor to sign the standard piggy-back contract.
k. Authorize the Mayor to execute the audit agreement with James Moore and Company to audit the City's financial statements for the fiscal years ending September 30, 2010, 2011 and 2012. PULLED FROM CONSENT AGENDA FOR DISCUSSION– SEE BELOW.
l. Approve the payment of $65,030 to MobileTec International, Inc. for annual support of public safety Computer Aided Dispatch and Records Management Systems for FY2011 and authorize the Mayor to execute the annual maintenance support agreement.
m. Approve PR 145542 to Centurylink/Embarq for the purchase of equipment to upgrade IT infrastructure, piggybacking Cisco Systems, Inc. State of Florida contract 250-000-09-1; $114,731.75 and authorize the Mayor to execute the standard piggy-back contract.
n. Approve the following for the Community Center project: 1) PR 145429, Canam Steel Corporation; $93,000; 2) PR 145428, B & H Steel Co.; $100,799.90; and 3) credit card purchase, White Cap Construction; $37,321.50.
o. Approve the contract for Medical Director Services with Dr. Todd Husty for fiscal year 2011 and authorize the Mayor to sign the Medical Director Agreement.
p. Approve the agreement with the Internal Revenue Service, Criminal Investigation, for the purpose of receiving reimbursement for costs incurred by the Winter Park Police Department in providing resources to joint operations/task forces covering the period October 1, 2010 to September 30, 2011.

q. Approve the payment of $532,789.00 for package insurance policy covering 10/1/2010-10/1/2011; and payment of $122,500.00 for agent services covering 10/1/2010-10/1/2011 including workers’ compensation, general liability, auto, law enforcement, public officials liability, employment practices liability, crime and excess workers’ compensation coverage. PULLED FROM CONSENT AGENDA FOR DISCUSSION--SEE BELOW.

r. Approve the purchase of water and wastewater materials, piggy-backing the OUC Alliance contract #895-QQ for fiscal year 2011. This temporarily includes owner direct purchases of materials for the automatic meter reading project. Additionally, authorize the Mayor to sign the standard piggy-back contract.

s. Approve the scope of services to conduct a police and fire pension study and authorize the Mayor to sign a letter of engagement with Jim Linn of Lewis Longman & Walker, P.A. not to exceed $50,000.

Motion made by Commissioner McMacken to approve the Consent Agenda items a, b, c, e, i, j, l, m, n, o, p, r and s; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item 'd': Approve the relocation of a portion of the conservation easement at 1629 Chase Landing Way.

Attorney Brown and Attorney Rebecca Furman representing the property owner provided the Commission with clarification on what a conservation easement is and what it means.

Motion made by Commissioner McMacken to approve; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item ‘f’: Allow the improvements within the Webster Avenue right-of-way, subject to executed encroachment agreement with Mr. Marc Shapiro, 736 Kiwi Circle.

Commissioner McMacken asked for clarification regarding public access to the lake and shared his concerns with making sure that all citizens can still walk down and see the lake without feeling like they are walking through someone’s back yard. Commissioner Cooper said her concern is the fence and gates that clearly goes across public property and asked that they be removed. Commissioner Dillaha had concerns with the encroachment agreements and asked that these items come before them for approval prior to signing and to also allow for public comment. Mr. Knight said that all contracts will come to the Commission first. She asked if they should have a policy on easements or encroachments for signs to be placed in these areas. Mr. Knight said that they did put a sign up a couple of weeks ago that says “closed from sundown to sunrise” and is consistent with other right-of-ways.
Motion made by Commissioner Cooper that the encroachment agreement be validated or approved with the exception of the gates and the fence continuing across public property; seconded by Commissioner Dillaha.

Marc Shapiro, 736 Kiwi Circle, spoke in regards to the fencing and said it was meant to keep his two dogs within the property. He said it was not his intent to keep people out of the property.

Bonnie Jackson, 3009 Temple Trail, spoke against the fencing on the property. She asked that the City stop putting up fences in City parks and even though this is not an official park, it is park space.

Mayor Brady verified and stated that this parcel is not listed as a park.

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

Consent Agenda Item "g": Approve the Professional Services agreement with Placemakers, LLC for preparation of a form based code and architectural design standards for West Fairbanks Avenue: $35,000.

Commissioner Cooper spoke about the policy guidance and that they need to inform the contractor that they do not want to change the existing process. They are looking for help in the area of form of buildings. Commissioner Cooper suggested striking out a portion of the language dealing with West Fairbanks (see motion below) and wanted to add something relative to clarifying that the work product incorporates the current process for approval of development. Attorney Brown recommended deleting paragraph 7. Commissioner Dillaha asked if this is mandatory. Building Code and Enforcement Director George Wiggins addressed the issue. He noted there is a tentative work session to give guidance to the consultants on November 17, 18 and 19, 2010. He asked the Commission for input, along with a potential start date.

Motion made by Commissioner Cooper to approve the contract with the three changes, the first being that the statement of work clarify that the resulting work product will incorporate our current process for approval of development; number 2 - that the statement of work will delete reference to the design guidelines on page 2 of 4; and number 3 - that paragraph 7 be adjusted to delete the reference to indemnity that the lawyer brought up and that the date 17 - 19 of November 2010 is acceptable and that the start date is effective immediately upon execution; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item "h": Approve piggybacking the Pasco County Contract 05-114 for Janitorial Services with OR&L Facility Services for Fiscal Year 2011 and authorize the Mayor to sign the standard piggy-back contract.

Commissioner Dillaha asked if they put it out to bid on their own, if they would be able to get a lower price in 2010 versus 2006 when it was a very different economy. Mr. Knight explained that they have researched the surrounding area prices and are well within the market but if the Commission requests to bid the contract they will do that. Mr. Knight and Attorney Brown addressed the parameters that are involved with piggybacking. Public Works Director Troy
Attaway addressed the Commission’s concerns informing them on the process, the value that is received and the cost savings.

Motion made by Commissioner Anderson to table until the next meeting to hear how they ascertain that a 4 year old competitive bid situation is still applicable today; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

This item will be addressed in the October 25 meeting under Action Items Requiring Discussion.

Consent Agenda Item “k”: Authorize the Mayor to execute the audit agreement with James Moore and Company to audit the City’s financial statements for the fiscal years ending September 30, 2010, 2011 and 2012.

Motion made by Mayor Bradley to approve for a 1 year contract for the 2010. Motion failed for lack of a second.

Mr. Knight addressed the Commission’s concerns regarding an efficiency audit.

Motion made by Commissioner Dillaha to approve for 3 years; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioner Anderson voted no. Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

Consent Agenda Item “q”: Approve the payment of $532,789.00 for package insurance policy covering 10/1/2010-10/1/2011; and payment of $122,500.00 for agent services covering 10/1/2010-10/1/2011 including workers’ compensation, general liability, auto, law enforcement, public officials liability, employment practices liability, crime and excess workers’ compensation coverage.

Commissioner Dillaha questioned the brokerage fee and if the City could do it in-house. Mr. Knight explained that the insurance broker provides services for all City insurance policies and that they are more than just our agent. He explained that they are an extension of staff. They assist the City with numerous items, such as advisory services, risk management and claims. He also explained that they could do it in-house but the City would need to hire several additional persons to handle these tasks since the City’s Risk Management Division is busy handling and processing claims and numerous other tasks. He stated they find it is more efficient having an outside company performing the services.

Motion made by Commissioner McMacken to approve Consent Agenda item ‘q’; seconded by Mayor Bradley. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comments
Peter Weldon, 700 Via Lombardy, asked that they continue to complete the redevelopment and social programs that the CRA enables.
Bill Walker, 2171 Glencoe Road, suggested to adopt a practice on matters of policy and to possibly create a mediation group that would allow citizens to talk through issues in an informal arena.

Commissioner Dillaha suggested having work sessions prior to Commission meetings to address consent agenda items.

A recess was taken from 5:23 p.m. to 5:43 p.m.

**Action Items Requiring Discussion:**

a. **Approve the purchase of the vacant lot at 2555 Howard Drive.**

Stormwater Director Don Marcotte provided a brief history and noted that there are several opportunities for acquiring this parcel which include lake access and maintenance of the structures on the property and to perform stormwater treatments to improve lake water quality. He noted that the costs and funding associated with the purchase request of the vacant lot advised by the Lakes and Waterways Advisory Board is a not to exceed amount of $250,000, with estimated closing costs of $5,000 and an estimated Construction cost of $75,000. He noted that this would be an expense funded by the City’s stormwater utility as a capital improvement project. Public Works Director Troy Attaway addressed Commissioner Cooper’s concerns regarding the water quality over the last decade. Mr. Marcotte addressed the concerns regarding potential stormwater flooding issues, property access and existing easements.

**Motion made by Commissioner McMacken to approve the purchase; seconded by Mayor Bradley.** Commissioner Dillaha asked why this project was not on the Capital Improvement schedule. Mr. Marcotte explained that this has always been allocated to treat land locked lakes and they never specified a particular project. Mr. Knight explained that the City set aside money years ago to acquire land locked lake access property so when the opportunity arises they have the opportunity to do so.

Mr. Marcotte addressed the concerns with the fence. He noted that the owner has agreed to a black aluminum style fencing which does not match anything that is on either side. He also addressed the maintenance issue and said that Environmental Resource Manager Tim Egan would maintain the pond itself and the baffle structure as he normally does on every other pond and stormwater treatment system and the Parks Department would assist with mowing around the area.

Mr. Marcotte mentioned that they have capital improvements for other projects such as Minnesota Avenue and that it does not affect any other projects. Commissioner Cooper said she is not in favor of this because it is a large investment and questioned if it is the most needed stormwater work for $300,000. From her perspective, the lake quality has not deteriorated over the last decade and currently the City has access to service the lake by the generosity of a neighbor. She also sees the City taking a prime piece of waterfront property off the tax rolls and does not think it makes sense until they have at least tried to procure an easement or an access from Mrs. Phillips or one of the other neighbors. Commissioner McMacken explained his rationale for his motion by noting that this will be creating a water treatment area that serves all of the residents, and providing cleaner lakes and a better environment.
Barbara Ann Hodgin, 2425 Middleton Avenue, asked who is going to pay the maintenance on this each month or each year. Mr. Knight explained that the stormwater utility fund will pay for the maintenance.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

b. Fleet Peeples Park – Proposed entry fee policy for the off-leash dog area.

Parks and Recreation Director John Holland presented the proposed adoption of the Fleet Peeples Park Off-Leash Area Entry Fee Policy. He noted that the proposed annual permits will be $75 per year for the first dog per household, $50 per year for second dog per household, and $25 per year for third+ dog(s) per household. He noted that a certificate of rabies vaccination from a licensed veterinarian is required with the permit application and a tag will be issued for each registered dog. The tag must be on the dog while in the park, the tag color will change each year, the tags may not be interchanged between pets and permit fees are prorated at mid-year, June 1st.

He advised that to purchase a daily pass of $5, a current County rabies tag on the pet’s collar must be displayed. The Parks and Recreation Department will be handling the applications, tag issuance and daily passes. He said if a person wanted a daily pass on the weekend they would make provisions to obtain one at the Golf Course and possibly the library; however, they currently have not approached them for their assistance. He mentioned that the estimated cost for implementation is $1,600 based upon an estimate of 450 tags that they would sell during the year with no additional time or cost by staff. They are also anticipating selling an additional 150 tags for secondary dogs and 420 daily passes, assuming 8 per week, which would result in an income of $43,350 based upon assumptions. Mr. Holland addressed questions and concerns regarding the possibly of using an honor system to enter the park, enforcement and compliance. Commissioners Dillaha and Cooper shared their concerns with the fees and potential net revenue income and establishing a resident and non-resident fee structure.

Motion made by Commissioner McMacken to approve the Parks Department recommendation; $75 a year for the first dog, $50 a year for all other dogs in the household not just second dog or third dog, and a $5 daily pass; seconded by Commissioner Dillaha.

Motion amended by Commissioner Dillaha to also include establishing a fund that is earmarked for Fleet Peeples Park for the revenues from the annual passes to go into that fund to be utilized for operations and capital improvements; an implementation date of December 1, 2010 and for the Commission to review whatever the regulations are for the park that the user would have to sign; that is a liability waiver, what you can and can not do in the park, age of the dogs, number of dogs at one time, that sort of thing; seconded by Commissioner Cooper.

Commissioner Cooper asked if the fees and fines would have to be included in an ordinance. Attorney Brown noted that the penalty portion would have to be addressed in an ordinance but the fees can be addressed in the fee schedule. He suggested if the Commission generally approved of the rules and regulations, they could approve the item tonight but they would have
to remove any sanction, fine and/or penalty portion of the motion; then he and Mr. Knight could work on an ordinance that would incorporate the rules and bring it back to the Commission. Commissioner Dillaha approved of this process since she was the maker of the motion related to regulations.

Commissioner Dillaha restated her amendment which was to establish a fund that was earmarked for Fleet Peeples Park so that all of the revenue would go toward operations and capital improvements and also had recommended an implementation date of December 1, 2010 if that is reasonable and the third was in relation to the rules and regulations that the commission would be able to review those before they became official.

Michael Palumbo, 559 Oak Rescue Lane, is opposed to the fees and said that this is a public park. He said he is disabled with a service dog, living on a fixed income and they frequent the park on daily basis for exercise and socialization.

Carla Lubei, 1501 Oneco Avenue, said she is opposed to the dog fees.

Joseph Brock, 2341 Randall Road, said he sent an email with his concerns to the Commission and the Clerk for record. He stated that this is a violation and is illegal per Section 2-11 of the City Charter issued last year and should be issued as an ordinance not by motion.

John Rogers, 1002 Temple Grove, spoke about the fees, vaccinations and honesty system and mentioned that the $50 fee is reasonable and said the dog park is an asset.

Joan Collins, 1820 Edwin Boulevard, said they are destroying her quality of life. She is retired and takes care of numerous dogs and does not agree with the City charging fees.

Wesley Hunt, 171 West Rockwood Way, said her family moved to the City knowing they will have higher taxes but feels they are being discriminated with these fees just to use the dog park.

Lori Martin, 2271 Wairn Drive, said she goes to this park everyday is not opposed to fees but believes that the City should maintain the park.

Stuart Lilie, 200 E. Rockwood Way, shared his concerns with the fees and said it would diminish the use of the park.

Joyce R. Lilie, 200 E. Rockwood Way, said they are setting a risky precedence, enforcement is more costly and controversial, and it is wrong.

Charles Gordon, 720 Virginia Drive, said as a taxpayer he thinks it is a terrible waste of time and there are other issues that need to be addressed such as the economy. He said fees should be charged for the use of Central Park and all other City parks.

Johnny Potock, 2102 Howard Drive, said he is opposed to increasing fees and that the Commission should not make a decision until they do their homework. He said once you start charging dog fees you take away the citizen responsibilities of up-keeping the park.
Patrick Chapin, 151 W. Lyman, asked the Commission to think about their decision especially with the resident and non-resident fees.

Bonnie Jackson, 3009 Temple Trail, said they need to charge a fee and to regulate it.

Steve Leary, 422 Raintree Court, asked to scrap the whole item and move on.

Robin Birkbeck, 1106 Oaks Boulevard, said she likes the green spaces and parks but does not agree with charging fees.

David Akins, 1399 Aloma Avenue, spoke about the boating facilities and agrees with the fees.

Marti Miller, 1399 Aloma Avenue, said the fees will not break the bank and she uses the park for boating and that people need to also follow the rules with on leash and off leash.

Wautrelle Richardson, 1936 Greenmeadow Lane, said she opposes the fees and they need to charge everyone who uses the park, not just dogs.

Pete Weldon, 700 Via Lombardy, spoke about the fees and this being a social and political loser. He urged the Commission to withdraw the fees and reconsider their motion.

Nancy Shutts, 2010 Brandywine Drive, said the fees and the registration are a means of compliance and agrees with implementation. She asked for structure to the park.

Elizabeth Thomas, 4521 Elaine Place, said the reason she goes to the park is because they do not charge fees and if they want to raise funds they should create a snack bar.

Kim Allen, 271 Virginia Drive, spoke in favor of the fees and said it will help cover park maintenance.

Rick Frazee, 110 S. Orlando Avenue, said a benefit of the dog park is for socialization.

Dan Chwalisz, 930 McGregor Way, Maitland, said if he had to pay a dog fee he would not use the park and thinks it is a bad idea charging both residents and non-residents fees to use a public park.

John Fishback, 180 Chelton Circle, is opposed to the high fees and mentioned that Fleet Peeples Park would be willing to work with the City to create and keep a viable asset.

Charles Namey, 1060 McKean Circle, is opposed to dog fees and recommends that the park remain free to the public and continue to operate as an open passive dog friendly off-leash park.

Commissioner Anderson spoke about the other City facilities such as the golf course where there are fees associated with each facility and that the issue before them is a policy question and decision on how you fund it and whether or not you regulate it.

Commissioner Cooper clarified by saying to her knowledge there is no one trying to sell this park and she has no personal desire to close or sell this park; everything they do in the City requires maintenance and most things require fees. She said it is not her intention to
discourage non-residents from being in the City because she thinks it is critical to have them to help maintain our businesses.

Commissioner Dillaha said she is supportive of the fee and thinks it is a nominal fee that will provide for a safer and higher quality park. Commissioner McMacken said this is a City park and it is the responsibility as a City to run the park and is supportive of the fees. Upon a roll call vote, Mayor Bradley voted no and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Motion made by Commissioner Cooper to amend that non-residents be charged a break even cost base of $86.00 and residents at $75.00. Motion failed for lack of a second.

Motion made by Commissioner Anderson to amend to have some kind of an honor system installed at the park for the daily pass so that there is not a need to go to a different facility if you choose to use the daily use; Mayor Bradley seconded. It was noted that it would up to staff to research and implement the process. Upon a roll call vote, Mayor Bradley and Commissioner Anderson voted yes and Commissioners Dillaha, Cooper and McMacken voted no. The motion failed with a 3-2 vote.

Upon a roll call vote on the original motion (and also including the amendment that passed as stated above), Mayor Bradley and Commissioner Anderson voted no and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

A recess was taken from 7:49 p.m. to 8:03 p.m.

c. Street Closure Fees within the CBD.

Motion made by Mayor Bradley to return these fees, due to the unintended consequences of what they have done, back to the original fees which were there, which were the $100 and $200; seconded by Commissioner McMacken. Commissioner Dillaha shared her concerns with the fees being charged for events. Commissioner McMacken spoke about the overall fees associated with events being held in the park versus on the street and the difference between the two. Commissioner Cooper said the City should have a policy with a published fee for the use of Park Avenue. Mayor Bradley requested that this item be brought up under new business.

Motion amended by Commissioner Cooper that the fees being recommended of $100 and $200 are for events that have been incorporated into our pre-approved policy which will be reviewed on an annual basis. Motion failed for lack of a second.

Mr. Knight explained the procedures and costs associated with street closure events and application fees. He said a survey was taken in 2009 and that 90% of the merchants are in favor of the events and 80% said it helped increased their sales.

There was a consensus that staff will come back with a policy to look at what events are or are not held.
Patrick Chapin, Winter Park Chamber of Commerce, 151 W. Lyman, spoke about the fees and said they pay over $10,000-$15,000 to close Morse Boulevard for events. He noted that a lot of these events are not money makers and if they are charged a higher cost it will affect the quality and number of events.

Bonnie Jackson, 3009 Temple Trail, said having more events means more traffic and she does not like the congestion and inconvenience it creates in getting around in the City.

Brian Wettstein, 329 Park Avenue North, said for every dog event he has to obtain authorization from each neighbor and his application goes through seven City departments for review prior to approval. He also said that he can not afford the higher fees.

Peter Weldon, 700 Via Lombardy, said there are too many laws and too many lawyers and we need more judgment.

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


City Manager Knight explained the three and four year term options and asked the Commission for direction on what they would like to see in an ordinance for first reading. Mayor Bradley proposed four year terms which begin effective with the election of 2014. Until that time the Commissioners will serve three year terms and the Mayor will serve one, two year term until 2014 at which time there will be four year terms. Another option was three, four year terms served. There was an overall consensus for Attorney Brown to bring this item back to them with those two options. It was noted that by doing this it would result in having every other year elections and would save the City approximately $35,000 every other year.

Public Hearings

a. ORDINANCE NO. 2823-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN INCLUDING A NEW UPDATED FIVE YEAR CAPITAL IMPROVEMENT PLAN AS PART OF THE COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT SUBSTITUTING FOR THE CURRENT FIVE YEAR CAPITAL IMPROVEMENT PLANS AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. No public comments were made. Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

b. ORDINANCE NO. 2824-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO WATER AND SEWER UTILITY IMPACT FEES; AMENDING SECTION 102-57 OF THE CODE OF ORDINANCES TO CORRECT THE NOMENCLATURE USED AND REFERENCE SUCH FEES AS IMPACT FEES; AMENDING SECTION 102-92 OF THE CODE OF ORDINANCES TO CORRECT THE NOMENCLATURE USED, REFERRING TO SUCH
FEES AS IMPACT FEES; REPEALING ORDINANCE 2524-03; AND PROVIDING FOR CONFLICTS AND 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 McMacken. Water and Wastewater Utility Director Dave Zusi explained the two step process and addressed Commissioner Dillaha's concerns with the use of funds collected. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

c. ORDINANCE NO. 2825-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” WITHIN THE FUTURE LAND USE ELEMENT SO TO AS AMEND POLICIES INVOLVING DENSITIES, BUILDING HEIGHTS AND MIX OF USES WITHIN THE CENTRAL BUSINESS DISTRICT AND MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORIES; AMEND POLICIES CONCERNING THE PROHIBITIONS ON SUBDIVISIONS AND CERTAIN FUTURE LAND USE MAP CHANGES AND TO CLARIFY CERTAIN OTHER POLICY PROVISIONS AND DEFINITIONS, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. No public comments were made. Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner McMacken. Upon a roll call vote, Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote.

d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE IV, “SIGN REGULATIONS” SO AS TO IMPLEMENT PROVISIONS OF THE CENTRAL BUSINESS DISTRICT/PARK AVENUE AND MORSE BOULEVARD DESIGN GUIDELINES, PROVIDE REGULATIONS FOR SIGNS IN OFFICE DISTRICTS ON FOUR LANE ROADS, PROVIDE REGULATIONS FOR SIGNS ALONG INTERSTATE FOUR, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

This item was tabled and rescheduled for the October 25, 2010 meeting.

Mayor Bradley requested that the sign ordinance be separated from the design guidelines. Planning Director Briggs noted that they will list them separately.

e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” SO AS TO AMEND WITHIN SECTION 58-87 “LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS” SUBSECTION (d) (5) SO AS TO MODIFY THE LAKEFRONT SETBACK PROVISIONS, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. First Reading

This item was tabled and rescheduled for the October 25, 2010 meeting.

f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE AUTHORITY OF THE CITY MANAGER TO SIGN CERTAIN CONTRACTS UNDER SPECIFIED TERMS AND CONDITIONS; AMENDING SECTION 2-188 OF THE CODE OF ORDINANCES TO ALLOW THE CITY MANAGER OR MAYOR UNDER SPECIFIED TERMS
AND CONDITIONS TO SIGN CERTAIN CONTRACTS OBLIGATING THE CITY OF WINTER PARK; AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. No public comments were made. Commissioner Dillaha shared her concerns that the ordinance is too vague and needs more clarity as to what type of agreements and that she is not in favor of it. Commissioner Cooper said she is not comfortable in supporting anything that relates to the transfer of public owned property or the diminishment of public real property rights that would impact City revenue expenses or address public policy without the approval of Commission. Commissioner Anderson said he is in favor of giving more latitude to the City Manager on some of these items. Attorney Brown clarified this item and explained the current authority that both the Mayor and City Manager have and what they can authorize according to the Charter. To address Commissioner Cooper’s concerns, Attorney Brown noted that they can add item 7 to address real estate issues.

Motion made by Mayor Bradley to accept the ordinance on first reading with an addition to Section 2-188, Item C that they will add a number 7 that all contracts having to do with real estate will come before the City Commission; seconded by Commissioner Anderson.

Bonnie Jackson, 3009 Temple Trail, asked the Commissioners not to relinquish their power and authority.

Attorney Brown said the very last part of the new language says that all of the contracts that the Mayor or City Manager sign will be reported. Mr. Knight said he will include it in the City Manager’s Report. Mr. Knight explained the reason for this ordinance and that Attorney Brown suggested that they formalize this item to help alleviate any concerns or issues relating to the City Manager having authority to sign certain contracts.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO ANIMAL CONTROL; AMENDING SECTIONS 18-14 AND 18-45 OF THE CODE OF ORDINANCES TO ALLOW THE CITY MANAGER TO GRANT A WAIVER PERMITTING DOGS IN CITY PARKS AND OTHER CITY OWNED FACILITIES WHERE DOGS WOULD OTHERWISE BE PROHIBITED, AND SPECIFYING THE LIMITATIONS AND CRITERIA GOVERNING THE CITY MANAGER’S DISCRETION IN GRANTING A WAIVER; AMENDING SECTION 10-3 OF THE CODE OF ORDINANCES TO SPECIFY THE CONDITIONS UNDER WHICH THE CITY MANAGER MAY GRANT A PERMIT TO CONSUME OR POSSESS ALCOHOLIC BEVERAGES IN CITY PARKS AND OTHER CITY OWNED FACILITIES; AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. No public comments were made. Mr. Knight explained the Commission requested that this item come back as approval of the dog agility event. The ordinance already allowed the City Manager discretion to approve alcohol at certain events and this makes it more specific as to when it can be done. He noted that the dog issues are all new and it was not something they had done before. Commissioner Dillaha said her recollection was to have them adjust the animal ordinance to allow for a particular event or a certain number of events at Cady Way and instead of doing that this will give the City Manager the discretion to determine which parks and events. She said she feels it is too vague and discretionary. Commissioner McMacken agreed with her interpretation and that Attorney Brown
said they should correct the ordinance to allow for waivers first so the ordinance addresses it without having to go through this. He said he does not favor this one and he would rather address each ordinance and clean it up.

**Motion made by Commissioner Dillaha for denial of the ordinance on first reading; seconded by Commissioner McMacken.** Attorney Brown asked for clarity on what they would like to be done. Commissioner McMacken said if they have ordinances that they routinely grant variances for, he would much rather amend that ordinance. Discussion ensued regarding the process of how to adjust or modify specific ordinances at certain times so they specifically address dogs, alcohol and noise and if waivers should be included and the legal process to do that. **There was a consensus to withdraw this ordinance.** Mayor Bradley said since there was no direction given, both Attorney Brown and Mr. Knight will work together to bring this item back to let them know how they can stay in the straight and narrow regarding legalities. He also said this could be a great conversation for a future work session.

h. **RESOLUTION NO. 2068-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO IMPROVEMENTS TO STATE ROAD NO. 400 (INTERSTATE 4) BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SUBORDINATION OF THE CERTAIN EASEMENTS OWNED BY THE CITY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE MAYOR OF THE CITY TO ENTER INTO SAID SUBORDINATION OF CITY UTILITY INTERESTS; PROVIDING AN EFFECTIVE DATE.**

Attorney Brown read the resolution by title. No public comments were made. **Motion made by Commissioner McMacken to adopt the resolution as presented; seconded by Commissioner Anderson.** Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

i. **RESOLUTION NO. 2069-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO IMPROVEMENTS TO STATE ROAD NO. 400 (INTERSTATE 4) BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SUBORDINATION OF THE CERTAIN EASEMENTS OWNED BY THE CITY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE MAYOR OF THE CITY TO ENTER INTO SAID SUBORDINATION OF CITY UTILITY INTERESTS; PROVIDING AN EFFECTIVE DATE.**

Attorney Brown read the resolution by title. No public comments were made. Attorney Brown provided clarity to Commissioner Cooper’s concern and stated that this is very routine and sometimes you hold off and ask for something more. There was a short discussion concerning the landscaping for the Lee Road medians. Mr. Knight advised that it would be bad for them to hold this item up just to see if they can receive landscaping for Lee Road. Mr. Attaway noted that at the next meeting they will see the revised plan and if the Commission approves it, that would be the plan they will use for permitting.

**Motion made by Commissioner Cooper to adopt the resolution as presented; seconded by Commissioner Anderson.** Upon a roll call vote, Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Mayor Bradley was not present at the time of the vote.)
City Commission Reports

a) Commissioner Anderson

Commissioner Anderson expressed his desire to find a way to implement the daily fee at the dog park and to work with Mr. Holland on this. Commissioner McMacken agreed and noted that he spoke with Mr. Holland prior to this meeting about possibly having an electronic processing mechanism. He is also supportive with finding the best solution that works.

b) Commissioner Dillaha

1. Commissioner Dillaha addressed the two vacant lots on New England that are zoned R-3 and C-2 next to the chapel and the potential to use that as a park area while it is undeveloped. She asked what the owner’s intention is. Mr. Knight noted that they sent the Commission an email last week about this and said at this point there is no formal application but rather a preliminary discussion of whether it would meet code. They spoke about due process and Attorney Brown provided counsel. There was consensus that this will not be addressed further until a formal application has been made.

2. Commissioner Dillaha spoke about the previously approved dog agility event and asked if they allow any event sponsor to bring RV’s to camp out on City land and if there is a policy. She said some neighbors reported this and have concerns. She mentioned that this sponsor’s website stated that they will be providing three days of dry camping for $10 per RV. Mr. Holland explained that they researched the $10 fee and said they hired a person to handle the parking, signage and actively administrate and watch for any violations. He said there is normally not too many RV's out there and what they make pays for the person they hired for the three days.

3. Commissioner Dillaha shared her concerns by speaking about the previously approved fee schedule and the idea of after-the-fact permits and code violations. She asked if they should remove all reference to after-the-fact permit fees and say that violations will be subject to a penalty of up to and list whatever it is according to code enforcement. Attorney Brown mentioned that there is nothing incorrect in having a system where either people can settle it or if they do not, there is a code enforcement process; it is the will of the Commission as a policy matter.

Mr. Wiggins noted that the after-the-fact penalty has worked in areas of building and zoning multiple times. He explained that most fines are triple the cost of the permit and violations are issued that must be cured prior to commencing work. He noted that they can not just pay a fine and continue. Attorney Brown said according to Ordinance 1-21, a violation of a City code or ordinance is a civil infraction; the maximum civil penalty pursuant to this article shall not exceed $500 plus applicable court costs and legislative assessments per violation. He said there is a distinction between an ordinary code violation versus taking an action without a permit that is required, which could actually be more expensive than the maximum violation for code enforcement which is $500.

4. Commissioner Dillaha requested to review and have a discussion regarding the City Manager’s evaluation. Mr. Knight stated that he included this item in the 90 day schedule and is to be addressed on November 1, 2010.
c) Commissioner Cooper

Commissioner Cooper requested that the City Clerk read the motions back or the maker of the motion because it would be helpful to her for clarity purposes. Mayor Bradley said they can ask the City Clerk to do that or he can repeat it.

Commissioner Cooper spoke about the need for work sessions to review consent agenda items. She asked that at some point that this be brought up on the agenda as a possibility to try it for some defined period of time to see if it is helpful. Mayor Bradley suggested that each of them email or contact the City Manager with their questions prior to the meeting. He also suggested the possibility of using the 3:30-4:30 hour during City Commission time for a work session so they can ask questions and then have their meeting, versus having another separate meeting. Commissioner McMacken said he was intrigued with this suggestion and would like to further discuss this because there are a number of ways to handle this. Mayor Bradley said this would make them concentrate their energy time and that the work sessions have not made the Commission meetings any shorter.

1. Traffic and Transportation Plan (Commuter Rail, Quiet Zones)

Commissioner Cooper thanked Mr. Attaway for holding the transportation forum event. She asked that the Commuter Rail issues also be included in their published Transportation Plan.

2. Pension Policy

Commissioner Cooper spoke about the pension policy and said she continues to hear from numerous citizens who feel like even though the City is hiring a consultant to work the detail recommendations that it would be very beneficial to have a blue ribbon panel of qualified citizens to offer some research and suggestions relative to pension policies. She said the pension boards feel it is not their responsibility. Commissioner McMacken asked if they would have to officially authorize a group of citizens to do that. Mayor Bradley recommended that they ask the Pension Board to take this on as a responsibility. Commissioner Cooper stated that she is fine with that, if they can do that officially, as she thought they had done that. Mr. Knight noted that they had a joint meeting with them to receive information.

Mayor Bradley stated that he would support her if she asked them to bring back some suggestions in the next 90 days. He said it seems like it is possible that they could ask the Pension Board to both guide the process and provide feedback along the way and/or after the report has been received from the consultant. Commissioner Anderson said he would rather hear consultants come back with policy initiatives and if there are experts have them sit in on the work sessions and provide counsel outside of the work session. Mayor Bradley suggested to Mr. Knight that they look at the state legislative agenda long before February because they may want to be discussing this item as early as November and asked him if it was on the 90 day plan. Mr. Knight said yes it is and noted the Committee he is serving on with the other City Manager’s is meeting with the legislature on the 29th. Mayor Bradley noted that there will not be a lot they can do unless they have state legislative change.
d) Commissioner McMacken

Commissioner McMacken thanked Chief Railey, Chief White, Mr. Knight and staff for the great work they did this weekend during the Art Festival.

e) Mayor Bradley

1. Placing documents into the public record

2. Request reconsideration for 2011 budget item vote – City Commission and Mayor's salary increase

Mayor Bradley asked that two or three Commissioners join him in reconsidering the 2011 budget item vote to increase City Commission and Mayor's salary. Commissioner Dillaha stated that she thinks he can not bring this item back since he was on the no vote. He then asked if anyone on the yes vote if they would change their mind. There was no comment.

He provided an editorial from the Orlando Sentinel on September 30, 2010 titled "Clueless Winter Park" and asked that it be placed into the public record.

3. Use of volunteers in City project planning

Mayor Bradley asked Mr. Knight about the utility contract coming forth, if he has a work plan and if they will be voting on the item at the next meeting. Mr. Knight said Electric Utility Director Jerry Warren will be available to brief each of the Commissioners individually to get their questions answered since it is very complicated, with two contracts. He stated if they wait until the meeting it will make for a very long night and it will be coming up at the next meeting. Mr. Knight said that they will coordinate with each of the Commissioners to set up individual meetings with Mr. Warren. It was agreed to also have a lunch work session meeting next week with some kind of a future advisor or broker, and whoever would like to attend can do so.

Meeting Adjourned

Motion made by Mayor Bradley to adjourn the meeting; seconded by Commissioner Cooper by acclamation.

The meeting adjourned at 9:51 p.m.

ATTEST:

Mayor Kenneth W. Bradley

City Clerk Cynthia S. Bonham