

REGULAR MEETING OF THE CITY COMMISSION
November 24, 2008

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

The invocation was given by Parks and Recreation Director John Holland, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Karen Diebel

Also present:

City Manager Randy Knight
City Attorney Trippe Cheek
City Clerk Cynthia Bonham
Deputy City Clerk Nancy McLean

Mayor's Report:

- a) Presentation of a \$10,000 grant from Waste Management for Beautification and Recycling Programs.

Waste Management's Pubic Sector Services Manager Jim Swan presented Mayor Strong and Keep Winter Park Beautiful Director Gabriella Serrado with a \$10,000 grant based on their recycling efforts to be used to implement four beautification/recycling projects including tree plantings, playground restorations, phone book recycle campaign, and expanding our recycling education initiatives to elementary and middle schools in our area.

- b) Recognition of Mead Garden volunteers.

Mayor Strong recognized several volunteers for their hard work and commitment to beautifying Mead Garden to help the City achieve its mission in offering these beautiful parks.

Non Agenda Item

Attorney Cheek explained that in 2007 the City Commission passed a revised resolution regarding decorum at public meetings. He addressed "Rule 7. Decorum" and "Rule 9. Addressing the Commission" and explained these may good reminders at the beginning of meetings.

Action Items:

- a) Approve the minutes of 11/10/08.
b) Approve the purchase of traffic signal maintenance services from Control Specialists Co. for fiscal year 2009, piggybacking the City of Maitland contract.
c) Approve the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency. **PULLED FOR DISCUSSION. SEE BELOW.**
d) Approval to allow the City Manager to execute and the Fire Chief to manage the agreement with the State of Florida to house and operate the Mutual Aid Radio Cache (MARC) unit for Region 5. **PULLED FOR DISCUSSION. SEE BELOW.**

- e) Consideration of Fire Rescue Staffing – Overtime Reduction Action. **PULLED FOR DISCUSSION. SEE BELOW.**
- f) Approve the Business Recognition Award Program. **PULLED FOR DISCUSSION. SEE BELOW.**
- g) Approve the contract with the Federal lobbyist. **PULLED FOR DISCUSSION. SEE BELOW.**
- h) Approve the legislative agenda for the State lobbyist. **PULLED FOR DISCUSSION. SEE BELOW.**
- i) Approve the fee waiver policy as recommended by the Parks and Recreation Commission. **PULLED FOR DISCUSSION. SEE BELOW.**
- j) Provide direction regarding Charter review.
- k) Approval of the memorandum to be sent to the Orange County Commission regarding commuter rail. **PULLED FOR DISCUSSION. SEE BELOW.**

Motion made by Commissioner Anderson to approve Action Items a, b and j ; seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

The following action items were pulled for discussion c, d, e, f, g, h, i, and k. Mayor Strong announced they would break at 4:00 p.m. to have a teleconference phone call for item g.

Action Item c): Approve the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency.

Beth McGee, Executive Director of the Homebuilders Association of MetroPlan stated that their Association has been actively engaged with the School Board, Orange County and several committees appointed to assess the implementation of school concurrency. They believed that what the Commission is being asked to approve is deficient and in certain respects is contrary to the Growth Management Act. For the record, she submitted their objections to specific portions of the proposed amendment to the comprehensive plan and the interlocal agreement.

Planning Director Jeff Briggs explained that Florida Statutes requires that the School Board and local governments enter into interlocal agreements to implement statutory school concurrency requirements. The City participated on the Technical Planning Committee to ensure consistency with the School Board, Orange County and all non-exempt Orange County municipalities. He stated the required comprehensive plan amendments were included in the transmitted Winter Park plan amendments and the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency must be executed before the comprehensive plan amendments can be adopted.

Mr. Briggs commented that they recently received the ORC on the comprehensive plan and were not in compliance with the State law because they have not adopted this interlocal agreement. The interlocal agreement has been adopted by Orange County and Orlando, and has been or will be adopted by the other Orange County municipalities. He stated this will go into effect in March 2009 when we receive the notice of intent from the DCA to find our comprehensive plan in compliance. He addressed that the School Board and all local governments must update or adopt interlocal agreements consistent with the requirements of the Florida Statutes to ensure that plans for construction and opening of new schools are coordinated in time and place with the plans for residential development and concurrently with necessary services.

He commented that presently we have school capacity but schools without capacity will have to go to the School Board and enter into a Capacity Enhancement Agreement. He explained it will require that developers pay closer to the full cost of the classroom construction than the impact fees which do not cover 100% of the cost of classroom construction. Mr. Briggs answered questions and announced that Orange County Public Schools representative Julie Salvo was also present for questioning.

Commissioner Diebel commented that if the citizens desire to financially support the new Brookshire School then she wants to know that this board can increase impact fees as a measurement of participating in the new school. She commented that she would like to retain control at this board's level to increase or decrease impact fees in order to improve public schools in the City. Mayor Strong commented it was worth exploring. Attorney Cheek will look into this. Mayor Strong suggested they discuss this at their next Commission meeting on December 8 after they have a chance to review the Home Builders Association of MetroPlan document.

Motion made by Commissioner Diebel to table this item until December 8; seconded by Commissioner Anderson. Mayor Strong commented that they would like staff's response to the objections. Mr. Briggs agreed. **The motion carried unanimously with a 5-0 vote.**

Please note that Items g and h were discussed next.

Action Item g): Approve the contract with the Federal lobbyist.

Building Director George Wiggins reached Federal lobbyist's Skip Bafalis, Jim Davenport and Maurice Kurland of Alcalde and Fay by phone for this item. Mr. Wiggins explained that Alcalde and Fay have successfully obtained \$1.4 million in Federal funded projects on behalf of the City in recent years. He provided the Commission an updated list of project's the Federal lobbyist would work to secure funding for during the 2009 Legislative session. This included: 1) U.S. 17-92/Denning Drive Master Plan: \$16 million; 2) Fairbanks Improvement Project: \$3.6 million; 3) Winter Park Community Center: \$5 million; 4) Stormwater Treatment Projects: \$1 million; 5) Wetland property: \$1 million; 6) Bike/Pedestrian Plan Implementation: \$600k; 7) Interconnection of State Road traffic signals to create better traffic flow including undergrounding of conduits for SR426: \$200k; and 8) Quiet Zones: \$3 million.

Mr. Bafalis commented that they have all worked on Winter Park projects and represent other cities as well. Mr. Kurland explained that they anticipate that Congress will reauthorize the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2009. He stated this will present the opportunity to submit many transportation projects to be funded for Winter Park. He addressed that the 2005 SAFETEA-LU authorized \$286 billion in spending for the six-year period of 2004 to 2009 for numerous surface transportation programs and projects such as highways, transit, freight, safety and research. The bill included funding for approximately 7,000 projects for local governments and transportation authorities. He also spoke about the economic stimulus bill and commented that it is difficult to predict the specifics of this since it is still in the early phases.

Discussion ensued regarding the project list, what was achievable and items they should not spend their time and efforts on. Mr. Davenport recommended prioritizing the transportation projects and giving them their top three choices and to choose between having the Community

Center or the wetland property acquisition. Alcalde and Fay answered questions posed by the Commission.

Commissioner Bridges commented that some of these projects are joint ventures such as 17/92, the bike/pedestrian plan and wetland property acquisition and wanted to know if it would benefit the City to increase the likelihood to receive funding if they have more than one community such as Maitland looking at these projects. Mr. Davenport stated it was a possibility. Commissioner Diebel asked to compare the City of Oviedo's priorities on roads (specifically S.R. 426) with our priorities because they put significant amounts of pressure on our traffic and roads. Mr. Davenport suggested the Commission speak with other cities and ask what they are doing and see if they are willing to partner with them on a project.

Mr. Bafalis suggested that either the Mayor or Commission members come to Washington yearly and make a request for projects to show their interest. He stated this would be helpful to them and it will bring back great rewards to the City. Mr. Wiggins ended the teleconference phone call with the lobbyist's.

Motion made by Commissioner Diebel to approve the Federal lobbyist budget of \$5,000 per month, not to exceed \$50,000 in the current fiscal year; seconded by Commissioner Anderson.

Commissioner Anderson advocated being represented by the Federal lobbyist. Commissioner Bridges believed that staff could handle this for less cost and that the \$50,000 could be better spent in the City. She stated if the Federal government implements the types of transportation funding they are discussing, the City will be the beneficiary of these projects anyway.

Mayor Strong gave his insight on his participation with MetroPlan. He disclosed that he may have a conflict of interest with the U.S. 17-92/Denning Master Plan because it has a direct financial impact with property he owns. Attorney Cheek clarified that it will not affect him voting on whether or not to retain the lobbyist. Commissioner Dillaha commented that it would great if they could measure how many projects the lobbyist has accomplished for us. Mayor Strong commented that they can look at what they have spent and what they have received in dollars.

Commissioner Bridges asked if the motion could be amended to include our Commission/staff approaching the two other adjacent cities like Maitland and Oviedo and prioritize the effort they want these lobbyists to spend their time and our money on to be more unified in their approach. Commissioner Diebel asked if she would support the motion on the table and either Commissioner Bridges brings forth a motion subsequent or give specific direction to the City Manager to arrange the appropriate discussions with the other City Commissions of Maitland and Oviedo with the ultimate goal of prioritizing projects together. Commission Bridges agreed.

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

Motion made by Commissioner Bridges to direct staff to meet with our adjacent cities that are impacted by this, the City of Oviedo specifically regarding State Road 426 and Maitland specifically regarding 17-92, the bike/pedestrian plan and wetland property acquisition; seconded by Commissioner Diebel. The motion carried unanimously with a 5-0 vote. Mayor Strong clarified that staff is to return with a prioritization or a feasibility of working with those communities.

Action Item h): Approve the legislative agenda for the State lobbyist.

The City's State Lobbyist Bill Peebles stated that last year they succeeded in having the legislator appropriate \$1.6 million to Winter Park for projects but the likelihood that there will be appropriations during this legislative session is very slim. Mayor Strong commented that he met with Mr. Peebles last week in Tallahassee and he made it clear they should not expect anything. He added that he discussed obtaining legislation that will allow for a dedicated funding source for commuter rail which would be worth Mr. Peebles efforts if that is a reasonable expectation for this coming year. Mr. Peebles responded that commuter rail was part of the discussions last year and will be discussed this year as well.

Commissioner Dillaha stated that MetroPlan has put together a committee that consists of all the funding partners; this is their priority and believed they should work on this project and not spend the City's money on that effort. She commented on prioritizing the Fairbanks Improvement project that is critical for economic development in the City along with the Stormwater Treatment projects. She believed it may be better to approach the Community Center at the Federal level rather than the State level. Commissioner Anderson commented that the ability to get the local commuter rail tax is important for our long term success and to maintain the City's right to use TIF revenues without referendum.

Motion made by Commissioner Diebel to approve the 2009 State legislative agenda; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote. Mr. Wiggins asked for clarification about the Community Center being on the agenda. Mr. Peebles commented that it was fine to leave it on. Commissioner Anderson added it is important to pursue taking it from a standard building to a LED certified building and there is 'green' funding available. Mr. Peebles agreed.

Action Item d): Approval to allow the City Manager to execute and the Fire Chief to manage the agreement with the State of Florida to house and operate the Mutual Aid Radio Cache (MARC) unit for Region 5.

Commissioner Dillaha asked why Winter Park was hosting this as opposed to Orange County. Fire Chief White responded.

Motion made by Commissioner Diebel to approve the City Manager to execute and the Fire Chief to manage the agreement with the State of Florida to house and operate the Mutual Aid Radio Cache (MARC) unit for Region 5; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Action Item e): Consideration of Fire Rescue Staffing – Overtime Reduction Action.

Commissioner Dillaha asked how this will work and if the cost of three additional entry level Firefighter EMT positions with benefits of approximately \$166,747.23 includes pension or refers to salary and benefits. Fire Chief White responded and both he and City Manager Knight answered further questions.

Motion made by Commissioner Diebel to approve the Fire Rescue staffing; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.

Action Item f): Approve the Business Recognition Award Program.

City Manager Knight stated that CRA Manager Sherry Gutch had to leave but this could be rescheduled for the next Commission meeting.

Motion made by Commissioner Diebel to table this item until the December 8 meeting; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

There was a recess taken from 5:28 – 5:42 p.m.

Action Item i): Approve the fee waiver policy as recommended by the Parks and Recreation Commission

Parks and Recreation Director John Holland explained the new Fee Waiver Policy that has been approved by the Parks and Recreation Board. He stated that it allows for the phasing out of the existing policy in the elimination of the affiliated group waivers. The new Fee Waiver Policy, if adopted, will allow for a continuance of current approved fee waivers through December 31, 2008. During 2009, all current approved fee waivers will be reduced by 33%; in 2010, all current approved fee waivers will be reduced by 66%; as of January 1, 2011 no fee waivers will be in effect.

He stated that staff supports the Fee Wavier Policy and recommends establishing an approved list of event exemptions for longstanding public park events that meet specific criteria and serve the City's vision statement such as the holiday tree lighting, Wildcat Roar, Chamber events, etc. He also made a correction to the Rules and Standards for Rate Adjustments under Youth Leagues stating that 25% of the participants must be City residents and that a roster is required. Mr. Holland answered questions.

Commissioner Diebel did not support the policy because it excluded the AARP members in Winter Park to have met there for over 20 years but that she would support this if they could grandfather in this organization.

Commissioner Dillaha stated that the Parks Board was going through this to reduce the number of fee waivers in dollar amounts per year and to make it a fair and equitable process. She commended the Parks Board, liked the phased out approach, and agreed with the recommendation to designate certain annual events as City events. She added that there are probably a lot of other different locations for groups to meet.

Debra Hendrickson, Vice President, Winter Park Chamber of Commerce, speaking on behalf of the Board of Directors, addressed the fee waivers they have received in the past. She stated that their graduates from the youth and adult programs have a graduation ceremony at the Civic Center and asked that this continue as a fee waiver. She also explained the Chamber's mission and how it operates.

Mary Daniels, 650 Canton Avenue, provided a letter in reference to the Welbourne Avenue Day Nursery and asked the Commission not to phase this out completely. She asked to consider continuing to waive at least half the fee for any of the City's venues for Welbourne to have an event once a year going forward beyond 2010.

Bridgebuilder's President Janie Baker, 650 Northwood Circle, commented that they could not pay the fees that the City is going to charge for them to have functions in these facilities.

Carole Moreland, Co-President of the Winter Park Sidewalk Art Festival, commented that they always believed that the City was their partner in this and the festival has given many benefits to the City. She stated that currently they have fee waivers for their meetings and opposed the new fee waiver policy. She ask the Commission to consider what they are doing if they approve this.

Motion made by Commissioner Diebel to table acceptance of the Parks Board recommendation based on asking for some rework to consider what these speakers from the public asked for tonight and to bring this to the Commission's attention in a subsequent meeting; seconded by Commissioner Dillaha.

Commissioner Dillaha commented that she would like this to go back to the Parks Board and see what they consider as annual events and to understand their rationale on how they came to a decision. Commissioner Bridges added that the recommendation from the Parks Board was of their own making and they need to provide clear direction to the Parks Board of how to evaluate these various groups. She also asked that the Parks Board consider other locations for meetings. Commissioner Anderson supported the motion to table and believed that if they are advancing the cause of the City and there is an asset that would otherwise go idol then it was a good use of the City's assets.

Mayor Strong's approach was to pass a no waiver policy and identify entities/organizations or an event that the Commission believes merits an exemption. He stated that he did not want to discount the Park Board's effort to find consistency in what they do and that they should focus on more substantive issues. He also asked who received waivers to use City's facilities in 2008, what facilities are being used, and the cost. Mr. Holland stated he would provide that information. **The motion carried unanimously with a 5-0 vote.**

Commissioner Bridges suggested that the Parks Board use their Strategic Plan (values and vision) as a starting point as a measure of determining exempted events or organizations. Commissioner Diebel agreed. Commissioner Dillaha recommended the Commission give their thoughts to Mr. Holland, take it back to the Parks Board for consideration and to come back to the Commission in January. Commissioner Diebel volunteered to serve as the liaison for the Parks Board to take up this issue. Mayor Strong charged each Commissioner to communicate to Mr. Holland their opinion on this policy and possible exemptions so Mr. Holland and Commissioner Diebel can then make the presentation. There was a consensus.

Commissioner Dillaha commended the Parks Board on the work they have done. She asked how much it costs to have the Champs Bowl. Mr. Holland explained it is approximately \$4,500 and that money is allocated in their special events fund. He expressed that they are hoping to have sponsors this year to assist with some of the costs. Commissioner Dillaha believed they should reevaluate this and the event should be sponsored as opposed to the City funding it. Commissioner Diebel stated she will bring that forth in the January presentation.

Action Item k): Approval of the memorandum to be sent to the Orange County Commission regarding commuter rail.

Attorney Cheek explained that he drafted two letters using the list of topics approved by the Commission at the previous meeting and as suggested by the Commission reviewed this with Commissioner Anderson. He stated the first letter addresses things that it appears the County may be willing to consider as clarifications and the second is more likely to be construed as changes to the language. Commissioner Anderson requested adding verbiage in the second letter of item B), the last sentence regarding the farebox revenues generated that should be \$555,000 in 2017.

Pat Clem, 765 Via Lombardy, spoke in favor of commuter rail and asked the Commission to move forward on commuter rail.

Carolyn Cooper, 1047 McKean Circle, stated that as they readdress the Capital Improvement Element (CIE) they have been asked to include commitments to the regional mobility issues. She requested the numbers be annotated to reflect dedicated funding.

Will Graves, 3048-D George Mason Avenue, commented that the panel is not trying to stop commuter rail and there was a big difference between a Central Park stop and a Florida Hospital stop and do not need to be served by two stops in Winter Park.

City Manager Knight called for a point of order that the subject matter is whether to send these letters and not a referendum of commuter rail and asked the speakers to only address the letters. Mayor Strong agreed.

Agatha Frances, 790 Douglas Avenue, spoke in favor of commuter rail and public transportation.

Motion made by Commissioner Anderson to approve the memorandum to be sent to the Orange County Commission regarding commuter rail; seconded by Commissioner Bridges.

Commissioner Anderson stated this was not about killing commuter rail but is clarifying our contractual rights with Orange County. He believed commuter rail was a good thing and wanted to preserve our right to terminate in 2017.

Commissioner Dillaha expressed that they need solutions to their transportation problems and this is about the financial implications of the current terms of the agreement. Commissioners Dillaha and Anderson offered further suggestions to the cover letter which received a consensus among the Commission. City Attorney Cheek will amend the letter as agreed upon.

Attorney Cheek asked for clarification of the exact number for the farebox number on the second letter and asked if the Commission wanted to have a deadline for a response time. There was consensus for January 15, 2009. Mayor Strong suggested Attorney Cheek use the same language as the first letter since it was more accommodating. Attorney Cheek agreed.

The motion carried with a 4-1 vote. Commissioner Diebel voted no.

Public Hearings:

- a) ORDINANCE NO. 2753-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF

WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE PROPERTIES AT 1812, 1911 STONEHURST ROAD, 528 E. LAKE SUE AVENUE, 441 EAST KINGS WAY AND THE STONEHURST ROAD RIGHT OF WAY THEREOF, MORE PARTICULARLY DESCRIBED HEREIN.
Second Reading

Attorney Cheek read the ordinance by title. Planning Director Jeff Briggs informed the Commission that the residence of 1802 Stonehurst has decided not to annex so they were stricken from the ordinance. A revised ordinance was provided. No public comments were made.

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

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO WATERWAYS; AMENDING SECTION 114-1-DEFINITIONS; AMENDING SECTION 114-6 TO ADOPT STATE CODE RELATING TO SHORELINE OR WATERFRONT VEGETATION REMOVAL, TO INCREASE PENALTY FOR REMOVAL OF VEGETATION WITHOUT PERMIT, UPDATING STATE NAMED DEPARTMENT FROM DEPARTMENT OF NATURAL RESOURCES TO DEPARTMENT OF ENVIRONMENTAL PROTECTION, MODIFYING THE CONSTRUCTION OF RETAINING WALLS, SEA WALLS AND REVETMENTS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. No public comments were made. Public Works Director Troy Attaway explained that the revision is to modify access corridor allowances, increase slope requirements for new revetments and require re-vegetation of shorelines to current standards in conjunction with any seawall/revetment construction or repair permits.

Discussion ensued regarding the proposed revisions. Mr. Attaway answered questions.
Motion made by Commissioner Diebel to accept the ordinance on first reading; seconded by Commissioner Anderson.

Commissioner Dillaha commented that she provided the Commission with a sheet for discussion about their strategic initiatives to maintain or improve our City lakes. She asked Mr. Attaway to review, make comments and involve the Board. Mr. Attaway agreed.

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

- c) Request of Strollo's Market and Café at 200 West Fairbanks Avenue to amend the previous conditional use approval to extend their hours of operation from 9 a.m.-9 p.m. to 9 a.m.-12:00 midnight to include on-site consumption.

Planning Director Jeff Briggs stated the request is to amend the conditional use that Strollo's Market and Café was granted in April 2008. He added that the conditional use was required due to this location being within 300 feet of residential properties when there is a sale and consumption of alcoholic beverages. Mr. Briggs reviewed details of the previous request and stated it was approved based upon the conditions that the hours of sale and consumption of alcoholic beverages ends at 9:00 p.m. and that no amplified musical entertainment is permitted. He explained that the applicant now wants to extend the hours for the sale and consumption of alcoholic beverages until midnight. He discussed issues that the adjacent residential neighborhood has faced with Urban Flats, Fiddlers and O'Boys due to late night noise, vandalism and nuisances from the patrons. Mr. Briggs commented that P&Z agreed to extend their sale and consumption of alcohol time until 10:00 p.m. for a one year period. Mr. Briggs answered questions.

Applicant Jim Strollo, 777 French Avenue, commented that beer and wine sales at their establishment will be secondary and complimentary to patrons who are dining and it will not become a bar type setting. He believed that P&Z's recommendation of 10:00 p.m. was confining and asked that it be extended to 11:00 p.m.

Motion made by Commissioner Diebel to adopt the ordinance with the modification to allow the establishment to serve beer and wine until 11:00 p.m.; seconded by Mayor Strong for discussion.

Mayor Strong addressed Fiddlers staying open till 2:00 a.m. and was not concerned with the 11:00 request because Strollo's has a different clientele. Mr. Briggs commented that if this is amended, the Commission may want to tie it to the particular applicant of Strollo's Management since the conditional use runs with the land.

Commissioner Dillaha commented that she supported P&Z's recommendation and addressed the amount of noise complaints on Fairbanks Avenue for years because of the close proximity to the neighborhoods behind it. Commissioner Bridges was also concerned with the conditional use running with the land and supported the temporary one year position by P&Z to extend the hours to 10:00 p.m.

Mayor Strong commented that there are places open until 2:00 a.m. and maybe they should be looking harder at those establishments. He reiterated the nature of this market does not lend itself to the same clientele as the places open till 2:00 a.m. Commissioner Bridges commented that if they allow this, they are setting another opportunity for someone else to open up something different that would be open past 10:00 p.m. at night. Commissioner Anderson commented that he also agreed with P&Z's recommendation. There was further discussion on the hours of operation.

Mayor Strong clarified that his second to the motion was subject to it being for a one year period only. Commissioner Diebel accepted that.

Commissioner Diebel amended her motion to include that only Friday and Saturday night the sale and consumption hour is extended to 11:00 p.m. for a period up to one year;

seconded by Mayor Strong. Upon a roll call vote, Commissioners Bridges, Dillaha and Anderson voted no. Mayor Strong and Commissioner Diebel voted yes. The motion failed with a 3-2 vote.

Motion made by Mayor Strong to adopt P&Z's recommendation for a one year period; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

There was a recess taken from 8:27 – 8:34 p.m.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-82 "GENERAL PROVISIONS" SO AS TO ESTABLISH STANDARDS AND CRITERIA FOR BED AND BREAKFAST INNS AND AMENDING SECTION 58-91 "DEFINITIONS" SO AS TO REVISE THE DEFINITION OF A BED AND BREAKFAST INN. First Reading

Attorney Cheek read the ordinance by title. Planning Director Jeff Briggs addressed the previous request by Mr. Trovillion that was not approved. He stated that in general, bed and breakfast inns are a great concept but neighbors do not want that kind of business close to them and all R-3 and R-4 zoning is within residential neighborhoods. He stated that P&Z concluded that they have dealt with this in a number of locations over the years and have not been able to find a location that the neighbors would accept. P&Z decided to take it out of the code as a business that is permitted in a residential area and restrict it to office or commercial properties. He stated they recommended not proceeding with this ordinance and proceeding with a different ordinance which would take that provision out of R-3 and R-4 all together in lieu of this new code. Mr. Briggs answered questions.

Carolyn Cooper, 1047 McKean Circle, explained that she made the P&Z motion and asked to remove bed and breakfasts from all zoning designations. She stated that decision was made based on history that no matter where they tried to put it, it caused uproar in the community and ended up being denied.

Motion made by Commissioner Dillaha to table this ordinance and send back to Planning Zoning Commission for their review and recommendation. Commissioner Bridges asked for clarification.

Motion restated by Commissioner Dillaha to table this ordinance to go back to P&Z to create an ordinance to repeal all references to bed and breakfasts in all zoning designations; seconded by Commissioner Bridges. Mayor Strong believed that they should continue to allow bed and breakfasts in commercial zoning categories and does not preclude a small hotel in commercial zoning. Mr. Briggs agreed and clarified it will not be called a bed and breakfast in a commercial area but will be called a hotel. **Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.**

e) Request of Eucalyptus Properties:

To request a vertical zoning special exception/conditional use for up to 25% of the interior non-Park Avenue frontage floor space within the building at 212-218 N. Park Avenue. 1) Conditional Use: Approved by P&Z (5-0) for 25% non-retail on the first floor; 2) Exception to the Conditional Use: Approved 3-2 to continue to exclude real estate offices from the ground floor within the 25% non-retail.

Planning Director Jeff Briggs explained the request was for approval to permit a portion of the interior of the building at 212-218 N. Park Avenue to obtain a vertical zoning special exception that would allow non-retail tenants. He showed the floor plan of the redevelopment of the space that was formerly occupied by Jacobsen's. He stated Larry Williams owner of Eucalyptus Properties is undertaking a project called "The Shoppes of Park Avenue" to create an interior walkway, pedestrian arcade corridor with Koi ponds and a waterfall feature that is linking into the Garden Gate building. He added it is a great enhancement to Park Avenue and these types of buildings help to provide the Avenue with its unique charm.

Mr. Briggs stated that Mr. Williams is willing to give up 3,125 square feet of leasable space to create the open pedestrian walkway. He explained the special exception process in the zoning code since the mid 1980's that states up to 25% of the floor area that does not front on Park Avenue may be approved via special exception for non-retail use. The applicant would like the ability to rent two of the non Park Avenue frontages for non-retail tenants which will likely be a beauty salon type business which P&Z was supportive of and recommended that approval.

Mr. Briggs explained a request to use one of the front spaces as real estate office which caused considerable emotion from other real estate firms about the fairness of letting any new real estate office have a Park Avenue address which was denied by P&Z and withdrawn. However, the space can be rented to any real estate office on the second floor. He summarized the two issues as: 1) conditional use for 25% non-retail on the first floor; and 2) exception to the conditional use to continue to exclude real estate offices from the ground floor within the 25% non-retail.

Steve Grossman, representing Eucalyptus Properties, spoke about the issues that have limited the property from leasing along Park Avenue.

Charles Gibson, representing Engel Volkers Real Estate Company, provided background information on his company. He added that they like the ambiance of Winter Park's market and spoke in favor of the Eucalyptus Properties project.

Motion made by Commissioner Diebel to approve the conditional use for 25% non-retail on the first floor; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Commissioner Diebel asked P&Z member Carolyn Cooper why she denied the exception to the conditional use. Ms. Cooper responded.

Commissioner Bridges commented that she is supportive of allowing the real estate office to be behind the frontage of Park Avenue. **Motion made by Commissioner Bridges to approve allowing a real estate office at this property site as long as it does not front Park Avenue on the first floor to comply with our vertical zoning; seconded by Commissioner Diebel.**

She clarified that it was to allow the real estate office of non-retail on the back parcels not fronting Park Avenue.

Commissioner Diebel suggested a motion. **Motion made by Commissioner Diebel to override the P&Z exception to the conditional use with one modification to strike the prohibition of real estate offices from locating on the first floor of Park Avenue and be specific that real estate offices are allowed to locate on the first floor of Park Avenue and not the frontage that is concerning Commissioner Bridges. This project will comply with the 25% non-retail. Motion was seconded by Commissioner Bridges.** Attorney Cheek clarified the motion relates to the conditional use for this property.

Mayor Strong disclosed that he has a financial relationship with Mr. Williams with another property he owns and that Attorney Cheek did not believe there is a conflict of interest because he is a limited partner. He also stated he spoke to Mr. Williams about this prior to this meeting. Commissioner Anderson commented that in terms of a retail mix (first floor) he would be more comfortable limiting one space to a real estate user instead of two. He asked Commissioner Diebel to amend her motion. Upon further discussion, **Commissioner Diebel amended her motion to limit one space to a real estate office instead of two on the first floor; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

City Attorney's Report:

No items to report.

Non-Action Items:

- a) City Manager's Report.

City Manager Knight provided updates on Villa View Park and the Fire Union. He commented that they are on schedule with their Comprehensive Plan.

- b) Ethics Board Update

Assistant City Manager Michelle de Valle commented that Chairman Barry Greenstein was ill and could not attend. She addressed the Ethics Board being charged by the Commission with developing a Winter Park Code of Ethics with the first two subjects to be addressed being campaign finance reform and conflicts of interest. She stated that the Board is currently working toward finalizing a recommendation for campaign finance reform and then plans to address conflicts of interest. Ms. de Valle answered questions. Mayor Strong commented that when the Board is ready with their recommendations they will schedule a work session.

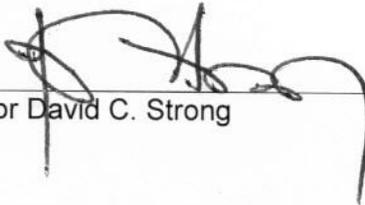
New Business (Public):

No items.

New Business (City Commission):

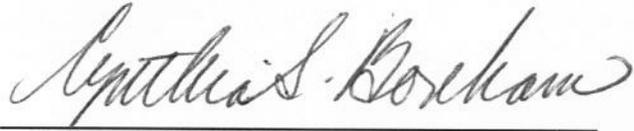
1. Commissioner Diebel suggested to reduce the carry over vacation for employees to two months for next year's budget (2009-2010), determining the current liability on the City's current balance sheet and fund a pay out of unused vacation to reduce the liability. She asked City Manager Knight and Fire Chief White to reconcile the numbers and bring it before the Commission to understand the total liability that exists and what exists among the Firefighter Union and the general employee base. She commented that the intent of the policy change is for City employees to use their vacation to rest; reduce the liability that is presently on the City's financial statement; it is specific to the Fire Rescue team to rest and to test this overtime theory they have been debating; and to have a more consistent Human Resources policy that would benefit City employees. There was consensus among the Commission for the City Manager to explore this issue for presentation at a future meeting. Commissioner Dillaha commented that maybe it should be a comprehensive review of benefits and everything in general.
2. Commissioner Diebel commented that there is a header on the Strategic Map entitled "Good Government Practices" and believed the City already employs good government practices. She ask the City Manager to bring forward a recommendation to the Commission on changing that title and consider Finance Director Wes Hamil as an advisor on that. There was consensus among the Commission regarding that request.
3. Commissioner Anderson suggested they try to prioritize the projects for the Federal lobbyist by the December 8 meeting and that the City Manager report on the conversations with the surrounding communities, if possible. Mayor Strong asked that they send City Manager Knight their individual priorities by Wednesday, November 26.
4. Commissioner Dillaha commented that Keith Gardner wanted to address the issue of the Emergency Debris Management Plan but had to leave. Mayor Strong suggested it be placed on the agenda for the next Commission meeting.
5. Commissioner Dillaha asked about closing City Hall for staff on December 26 since it falls on a Friday. Mr. Knight expressed that staff would greatly appreciate that and typically it is a very slow time. He answered questions about closing City Hall. Commissioner Diebel stated she would support employee's taking a vacation day rather than paying overtime to cover City services and would not support closing City Hall. City Manager Knight explained this has been done before and the Police, Fire, and Water and Sewer Plants have employees that have to work anyway and the cost would be \$28,000. Mayor Strong stated they would take action at the next Commission meeting and wants the City Manager's recommendation. Mr. Knight agreed.
6. Commissioner Dillaha asked they review their strategic initiatives at some point and get more detail on it.
7. Mayor Strong asked Attorney Cheek to look at ordinances that have arisen from a UCF study to address underage drinking and the associated problems. He suggested considering two ordinances; one to penalize locations that have proven to serve underage consumers of alcohol by reducing their hours of operation; and one to consider penalizing landlords of houses that rent and who allow parties at those houses. There was consensus for Attorney Cheek to review these ordinances. Mayor Strong added that the City needs to work closer with Rollins College because they now have an alcohol free campus.

The meeting adjourned at 10:01 p.m.



Mayor David C. Strong

ATTEST:



Cynthia S. Bonham, City Clerk