

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
February 25, 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 Pastor Eric Dorane – Kress Memorial Seventh Day Adventist Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong  
Commissioner Margie Bridges  
Commissioner Douglas Metcalf  
Commissioner Karen Diebel (arrived at 3:36)  
Commissioner John Eckbert (arrived at 3:35)

Also present:

City Attorney Trippe Cheek  
City Manager Randy Knight  
City Clerk Cynthia Bonham

**Mayor's Report:**

1. Mayor Strong announced that Keller Outdoor requested to table Public Hearing item 'c'. **Motion made by Commissioner Bridges to table item c; seconded by Commissioner Metcalf and carried unanimously.** Rebecca Furman, on behalf of Keller Outdoor, stated she had no objection and asked for a continuance until March 10.

2. Mayor Strong stated that Bob Feller Day would be March 12 from 11:30-1:30 p.m., tickets may be purchased through the Parks and Recreation Department for \$15.00 per person and the net proceeds from this event would go to the Winter Park Little League.

3. Planning Director Jeff Briggs gave an update of the Department of Community Affairs (DCA) meeting held on February 21. He stated that Senior Planner Stacey Scowden, Mayor Strong and City Attorney Cheek attended, along with two interveners and three Winter Park citizens. He explained the nine items not in compliance because of being deficient. He stated that Traffic Transportation Planner Mark Hargrove was there assisting staff. Mr. Briggs believed they had a good meeting with the DCA and they seemed to understand what the corrections were and how they fit into our context. He addressed the State being interested in concurrency, infrastructure, and environmental policies; they will look over these materials but was not sure of the timeframe of that. Commissioner Eckbert arrived at this time.

Mayor Strong agreed that the meeting went well but thought they would not hear from them for months. Attorney Cheek agreed. Mr. Briggs explained when they hear from them, the conclusion has to be converted to a written document which says these things will be incorporated. He stated that staff will give them a couple of weeks and then contact them as to when the City should expect to hear from them.

**Action Items:**

- a) Approve the minutes of 2/11/08.
- b) Approve the following bids, purchases and change orders:
  - 1) Award of IFB-4-2008 Orange Avenue Enhancements Phase II to Gomez Construction Company; \$1,167,300.00 (Budget: CRA and Orange Avenue Improvement Revenue Bond, Series 2007).

- 2) PR 136646 to Chaz Equipment for manhole structural rehabilitation, piggy-backing off City of Delray Beach contract # 2002-37; \$69,462.00 (Budget: Capital Projects – Rehab Sewer Manhole).
  - 3) PR 136454 to Seal Analytical to purchase an automated multi-chemistry analyzer, piggy-backing off City of Tampa contract # 31072007; \$56,385.00 (Budget – Lakes Vehicle/Equipment).
  - 4) Award of IFB-7-2008 Grounds Maintenance Pineywood Cemetery/Trimming of Headstone Areas at Palm and Pineywood Cemeteries as follows:  
Primary Contractor: Begley's Cleaning Service, Inc. dba  
Millenium Grounds & Waters  
Secondary Contractor: Around 2It Landscape Services, Inc.
  - 5) Change Order #3 to Wymore WTP for East WWTP Electrical Repowering Phase 2 to CH2M Hill; \$1,018,983.00 (Budget: Fund 435 Sewer Impact Fees).
- c) Approve the sale of the University water plant property to Full Sail for \$1 million with a five year deed restriction on any future billboard.
- d) Approve the extension of the ARTYgator exhibit until May 18, 2008.

The following items were pulled from Action Items for discussion: b-5, and d.

**Motion made by Commissioner Metcalf to approve Action items a, b)1)-b)4) and c; seconded by Commissioner Eckbert and carried unanimously.**

Item b-5: Change Order #3 to Wymore WTP for East WWTP Electrical Repowering Phase 2 to CH2M Hill; \$1,018,983.00 (Budget: Fund 435 Sewer Impact Fees).

Utilities Director Dave Zusi explained that this was the second phase of the renovations they were doing with the conversion of the mechanical aerators process at the East Wastewater Treatment Facility. He addressed the existing motor control equipment not being adequate to accommodate the new blowers and electrical service with the aeration improvements. Mr. Zusi explained that the change order to this contract will save the City \$160,000 rather than doing a traditional design, bid, build type contract. He stated that it would be very expeditious in timing and a cost savings to do it this way. Mr. Zusi answered questions.

**Motion made by Commissioner Eckbert to approve Action items b-5; seconded by Commissioner Bridges and carried unanimously.**

Item d: Approve the extension of the ARTYgator exhibit until May 18, 2008.

Tom McMacken, 1821 Shiloh Lane, Chairman of the Public Art Advisory Board, but speaking as a private citizen, reported on the comments that he and other board members have received regarding the exhibit. He commented that the main question was when the exhibit was leaving. He asked the Commission not to grant the extension as requested.

Patty Heidrich, 1112 Schultz Avenue, asked not to approve the extension.

Mindy Matthews, ARTYgator Project Director, spoke about the exhibit start date of October 1, 2007 and ending after the Winter Park Art Festival. She stated this has been successful, well received and there were a number of endorsements and benefits to the community.

**Motion made by Commissioner Bridges not to approve the extension and to terminate the project as planned at the end of the art festival; seconded by Mayor Strong for further discussion.**

There was a lengthy discussion regarding the extension of the art project and exhibit. Commissioner Bridges asked for a commitment from Ms. Matthews that if they agreed to this that there be no extensions beyond May. Ms. Matthews agreed.

Tom McMacken, 1821 Shiloh Lane, explained that the Art Advisory board felt that the ARTYgators project was a commercial endeavor and it was not a public art issue therefore, it was out their purview.

**Upon a roll call vote, Commissioners Eckbert, Metcalf and Diebel voted no. Mayor Strong and Commissioner Bridges voted yes. The motion failed with a 3-2 vote.**

**Motion made by Commissioner Diebel to extend the date to May 18; seconded by Commissioner Eckbert with the assurance that this will be the end and there will be no other issues with wrapping up their tenure in Winter Park. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

**Public Hearings:**

- a) ORDINANCE NO. 2733-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO TAXICABS; AMENDING SECTION 110-107 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO ALLOW AN INCREASE IN TAXICAB RATES; PROVIDING AN EFFECTIVE DATE. Second Reading

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

**Motion made by Commissioner Metcalf to adopt the ordinance; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- b) RESOLUTION NO. 1987-08: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING BELOIT AVENUE, BETWEEN PENNSYLVANIA AVENUE AND NEW YORK AVENUE, AS MORE PARTICULARLY INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF BELOIT AVENUE, BETWEEN PENNSYLVANIA AVENUE AND NEW YORK AVENUE, PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the resolution by title. Troy Attaway explained the three projects that are in accordance with the street bricking policy.

Jim Stuart, 360 Beloit Avenue, asked why the vote was necessary now and stated he was against bricking. Mr. Attaway commented that the voting letters are sent out and the resolutions do not bind them to move forward with the project but are needed to have the ability to put them on the tax bill in November if the residents choose to go forward.

Attorney Cheek clarified to place non-ad valorem assessments on a tax bill there are certain requirements that have to be met and notice requirements. He explained this resolution is intended to allow the City to comply with those should it go forward with the bricking.

**Motion made by Commissioner Bridges to adopt the resolution; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

RESOLUTION NO. 1988-08: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING FRENCH AVENUE, LAKEVIEW DRIVE AND ALFRED J. HANNAH WAY, AS MORE PARTICULARLY INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF FRENCH AVENUE, LAKEVIEW DRIVE AND ALFRED J. HANNAH WAY, PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**Motion made by Commissioner Bridges to adopt the resolution; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

RESOLUTION NO. 1989-08: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING TUSCANY PLACE, EAST OF VIA TUSCANY, AS MORE PARTICULARLY INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF TUSCANY PLACE, EAST OF VIA TUSCANY; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**Motion made by Commissioner Bridges to adopt the resolution; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- c) Appeal by Keller Outdoor Inc. from the decision of the Winter Park Planning and Zoning Commission regarding the interpretation and enforcement of the City of Winter Park zoning code as to the determination by the P&Z that Keller Outdoor's use of the property with heavy duty equipment and trucks at 1221 Indiana Avenue is not a permitted business use of the General Commercial (C-3) zoned property.

Mayor Strong reiterated that this was tabled at the request of the prevailing party and it will be on the March 10 agenda.

#### **City Attorney's Report:**

Attorney Cheek encouraged the Commission to establish guidelines regarding appeals. He recommended they limit the presentation to 15 minutes for each side and does not include staff's presentation. Attorney Cheek stated that this will be on the next agenda and staff will send out a notice to the parties involved. There was a consensus among the Commission.

#### **Non-Action Items:**

There were no non-action items.

#### **New Business (Public):**

1. Lurline Fletcher, 790 Lyman Avenue, asked about the stop light at Denning and Canton. She asked that the streets be cleaned and asked about bricks on Pennsylvania from Morse to Welbourne and if notice will be given. Troy explained the light situation, the streets are being cleaned and the streetscape project on Pennsylvania whereby notices were provided.
2. Jeffrey Blydenburg, 204 Genius Drive, expressed enthusiasm regarding the progress of the form based code. He commented on how it has been a long process but they had strong community involvement. He stated that the most important people to participate in the process will be the Commissioners and their involvement will send a message that they are vested in this process and things will move forward.

#### **New Business (City Commission):**

1. Commissioner Diebel asked about the strategic planning session being scheduled and what is going to be accomplished. City Manager Knight explained the schedule, the goals and the process that will take place. He explained that Dr. Right, a professor at the University of Central Florida, agreed to facilitate the process and will meet with each of the Commissioners individually. He stated that the Commission can help guide the facilitator towards the issues they feel are important.

There was a lengthy discussion as to what each Commissioner believed should take place in the upcoming session. Commissioner Diebel expressed her preference to see the agenda more structured and wanted information packets for items/issues they can provide direction to. City Manager Knight explained that staff will provide the necessary backup information for them to make decisions on each of these major topics. Mayor Strong suggested they use the original strategic planning document that was used a few years ago and this could be a starting point to see what has changed from that strategic plan to where they are today.

Commissioner Diebel commented that she wanted to know what the likely decisions and major milestones the Commission or subsequent Commissions will be facing and what we consider the critical milestones that they have to plan for. She believed this was how an effective meeting should be structured. She explained the eight objectives that sent out that she believed needs to be accomplished regarding the strategic plan and suggested they limit the discussion to whether these are the right things to focus our time, money, planning and resources on. She commented that she will resend these objectives to Mr. Knight to circulate to the Commission. Mayor Strong commented that they should discuss this at the next meeting and if everyone is comfortable with her ideas to establish that as the agenda.


2. Commissioner Eckbert proposed that a Charter Review Committee be formed to review the Charter. He suggested that each Commissioner nominate two appointees at the next meeting. Commissioner Bridges agreed that it should be looked at but thought the new Commission should be involved since they will be here for the next 3 years. She believed it was not the appropriate time to do this.

Commissioner Eckbert commented on who would be best to serve on the committee. Mayor Strong suggested that this item be on the agenda for the next meeting for discussion, if not approval. Mr. Knight agreed to do so. Mayor Strong also commented that previous City officials and lawyers would be good to participate in this kind of effort. Commissioner Eckbert suggested that they bring their recommendations to the next meeting.

The meeting adjourned at 5:00 p.m.

ATTEST:

  
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City Clerk Cynthia Bonham

  
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Mayor David C. Strong