

REGULAR MEETING OF THE CITY COMMISSION
March 9, 2009

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 Building Director George Wiggins followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Citizen Comments:

1. David Bridewell, 310 E. Kings Way, spoke in support of the Winter Park Library and wanted them to maintain the service they provide. Mayor Strong asked that further comments regarding this matter be addressed after the presentation on the library's budget.

Mayor's Report:

a) Proclamation-American Red Cross Month.

Mayor Strong read a proclamation proclaiming the month of March 2009, as "American Red Cross Month". Volunteers Tricia Stein and Bob Flint accepted the proclamation on behalf of the American Red Cross and thanked the City for the recognition of their community service.

b) Proclamation-Bike Month.

Mayor Strong read a proclamation proclaiming the month of March 2009, as "Winter Park Bicycle Month". Traffic Engineer Butch Margraf and Jamie Krzeminski, Pedestrian Advisory Board Chair accepted the proclamation. Mr. Krzeminski commented that they appreciate the City's support in their efforts to become a more bicycle friendly community. He also announced the events they have in conjunction with Florida's bike month for March.

c) Non-Agenda Item.

Mayor Strong announced the arrival of Communications Director Clarissa Howard's baby.

d) Presentation concerning the Library's Budget.

Mark Van Valkenburgh, 319 Raintree Court, addressed the concerns of the library's budget. He commented that last year they maintained their status of being the number one library in the State, circulation is up 12% and program attendance is up 32%. He stated that despite the sky rocketing usage, revenues are decreasing and they are projecting a budget shortfall of approximately \$85,000. He explained they are funded differently than other libraries, for example, Orange County has a separate millage rate. He stated if they applied Orange County's millage rate to the City of Winter Park they would have approximately an 11% increase in funds than what they receive from the City's general revenue. He expressed that they do everything possible to raise money and it was unfortunate that almost all of their sources of funding are providing less revenue than initially forecasted. He commented that they significantly cut their budget without affecting key services last year and that the current recommendation to the Board of Trustees is to cut some full time employee positions and to close the library one day a month.

Mr. Van Valkenburgh commented that instead of the full amount of \$85,000, both he and Library Director Bob Melanson agreed to ask the City to help the library educate the public by providing a challenge grant. He suggested that the City match dollar for dollar on all the funds the library can raise from now until the end of April; up to a maximum of \$42,500. Mr. Van Valkenburgh and Mr. Melanson answered questions.

Becky Savill, 321 Sterling Avenue, Board of Trustees, spoke in support of the library.

Carolyn Planck, 901 Palmer Avenue, Board of Trustees, thanked the City for their financial support and expressed her appreciation for the City representative on the Library Board. She asked the Commission to consider their request.

Doug Kerr, 1201 Sharon Place, Board of Trustees, expressed the importance of why the library is ranked number one in the State and thanked the Commission for their consideration.

Joe Terranova, 700 Melrose Avenue, agreed with Mr. Van Valkenburgh. He addressed his long range pledge to the library. He stated if the Commission approves the matching grant, he will give an additional \$1,000. He urged the Commission to approve the request.

Mayor Strong commented that he was supportive of the library's proposal, but would like to hear staff's recommendation. He added if they take action, the funds would come from the Contingency Fund. City Manager Knight agreed.

Commissioner Anderson commented that he was supportive of the library's goals, but had concerns about what will happen in September. He suggested discussing the consideration of a matching fund approach as an action item on the next agenda.

Commissioner Bridges stated that she was supportive and agreed with making it an action item for the next agenda or taking action now, if that was appropriate. She stated she understands how diligent the library has worked to monitor their budget.

Commissioner Dillaha commented that she was supportive and suggested looking at the revenue projection in advance for the next fiscal year. She also had concerns about what will happen in September.

Commissioner Diebel stated that she supports a separate millage for the library so they can further emphasize the importance of funding it. Commissioner Bridges agreed that she would like this to be brought forward for discussion with serious analysis of the pros and cons and how they can address the ongoing need of the library. She commented that she was uncertain if the millage is the best way, but believed it was worthy of discussion.

Mayor Strong addressed the library being an independent organization and being able to raise money from charitable institutions, which it could not do as a government entity. He stated that he would not like to jeopardize that aspect of its ability to support itself.

Mayor Strong stated there was general support for Mr. Van Valkenburgh's request, but the Commission would like it to be on agenda for the next meeting. He also requested a forecast of how the library will deal with next year's budget. Mr. Van Valkenburgh commented that Mr. Malenson will do that.

Consent Agenda:

- a) Approve the minutes of 2/23/09. **PULLED FOR DISCUSSION. SEE BELOW.**
- b) Award of IFB-9-2009 Lake Berry Stormwater Treatment Project to Barracuda Building Corporation; \$198,304.82.

Motion made by Commissioner Dillaha to approve Consent Agenda item b); seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.

Consent Agenda item a) was pulled for discussion.

Consent Agenda Item a): Approve the minutes of 2/23/09.

Commissioner Anderson commented that on page 2 under Consent Agenda item a), the minutes for February 9 should reflect that he noted Ms. Furman's comments regarding the accurate depiction of the vision of redevelopment of New England Avenue were her opinion and that what she said be included in quotes. **Motion made by Commissioner Anderson to approve the February 23 minutes and the amended February 9 minutes of the prior meeting, subject to that modification; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion:

There were no Action Items.

Public Hearings:

- a) ORDINANCE NO. 2763-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-33 "HOURS OF SALE" SO AS TO AMEND THE HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR DECEMBER 31ST NEW YEAR'S EVE WITHIN THE HANNIBAL SQUARE NEIGHBORHOOD. Second Reading

Attorney Cheek read the ordinance by title.

Lurline Fletcher, 790 Lyman Avenue, commented that she was not for or against this ordinance, but wanted to go on record that she spoke about it.

Motion made by Commissioner Diebel to adopt the ordinance; 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.

- b) ORDINANCE NO. 2764-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-83 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" SO AS TO MODIFY AND CLARIFY THE PROVISIONS FOR THE APPLICABLE WATERFRONT SETBACK. Second Reading

Attorney Cheek read the ordinance by title. There were no public comments.

Commissioner Bridges questioned the 50% re-vegetation clause. She believed that our goal has been to keep natural vegetation on the lakefront lots and had concerns that one has to be

remodeling, restoring, or constructing a boat dock in order for this to take place. Planning Director Briggs explained that this is a trigger to try and get people whose lakefront properties might not meet that 50% standard to plant aquatic plants, while spending money on the rebuilding or construction of a dock or boat house.

Public Works Director Troy Attaway addressed their desire to have the vegetation on the shorelines and our code allows up to 50% clearing. He stated that they are going to work with the Department of Environmental Protection (DEP) and will start sending information letters to people with historically cleared shorelines that explains the State and City rules. He added that they will begin with education and it will be a process to get everyone into compliance. Commissioner Dillaha commented that they should also have a timeline for compliance with the requirements from DEP. Mr. Attaway stated he will review the letter for the timelines.

Motion made by Commissioner Anderson to adopt the ordinance; seconded by Commissioner Dillaha. Mr. Attaway spoke about the vegetation ordinance and if Commissioner Bridges continues to have concerns, they will address it. **Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 8, "LANDSCAPE REGULATIONS" SO AS TO ADOPT NEW LANDSCAPING REGULATIONS. First Reading
- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 9, "IRRIGATION REGULATIONS" SO AS TO ADOPT NEW IRRIGATION REGULATIONS. First Reading

Attorney Cheek read both titles together since they were related. There were no public comments.

Building Director George Wiggins commented that City staff, along with two landscape architects Stephen Pategas and Tom McMacken, met for several months and developed new City landscape and irrigation ordinances that comprehensively address landscaping requirements for commercial buildings, provides water conservation measures by limiting amounts of irrigation on properties undergoing development or redevelopment, and specifies shade trees on residential properties. He explained some of the items that differ between the existing and the proposed landscape ordinance. He stated that St. Johns River Water Management District (SJWMD) put into effect yesterday some new water restrictions that differ from our irrigation ordinance. He stated that SJWMD has a model irrigation ordinance that we should consider fitting in with our irrigation ordinance.

Commissioner Dillaha commented that she had some ideas about the language in the landscape ordinance.

1. Section 58-341 Definitions.

Commissioner Dillaha suggested tweaking the definitions of the landscape plan and landscaping with regard to the hardscape elements. Mr. Pategas agreed with the changes.

2. Section 58-343 General Requirements for All Properties Involving New Construction, Renovation, or Expansion.

Commissioner Dillaha asked for clarification regarding (a) "All properties undergoing initial development or re-development involving new construction, renovation, or expansion of the improvements on any property shall be required to conform to the landscape requirements in this Division if the value of the work is more than fifty (50) percent of the value of the improvements on the property as set forth in the most recent records of the Orange County Property Appraiser". Mr. Wiggins explained how the process works. Both he and Mr. Pategas answered questions posed by Commissioner Dillaha.

Section 58-343(a).

Commissioner Dillaha suggested having additional language that includes "as a condition for the issuance of a building permit" and "prior to the issuance of a certificate of occupancy", within the same paragraph to keep the language together. She commented that she was aware that provision exists elsewhere in the ordinance. Mr. Wiggins stated it was under Section 58-351(c) where they are empowered to "withhold the issuance of a certificate of occupancy for non compliance of a building project" and it was also listed under Section 58-351(a).

3. Section 58-340 Purpose and Intent.

Commissioner Dillaha suggested adding another purpose that would explain how it ties in with our strategic plan differentiator as a City regarding our tree canopy; and our strategic initiative of reforestation. Mr. Pategas agreed.

4. Section 58-344 One and Two Family Dwellings.

Commissioner Dillaha stated they do not specifically mention lakefront lots in this new code and suggested a provision that says "for lakefront lots for new construction, renovation, etc., one canopy tree is required along the shoreline". Mr. Pategas stated that was an interesting idea and there was an opportunity to add trees along the shoreline.

Section 58-344(c).

Commissioner Dillaha commented that this Section states that "shade trees shall be required at the rate of one (1) per 33 feet of lot", but she believed the standard was 35 feet. Mr. Pategas explained how they came up with that figure.

Section 58-344(b).

Commissioner Dillaha wanted to ensure that we were not encouraging more understory trees as opposed to shade trees. Mr. Pategas addressed her concerns. She also inquired about "requiring the tree placement on private property, omission of a tree due to existing tree spacing or other modifications may be made at the direction of the Parks Department". She asked why this was going through the Parks Department instead of Code Enforcement. Mr. Wiggins and Mr. Pategas stated it could go either way. She commented that she will leave that to Mr. Wiggins to use the right enforcement agency.

5. Section 58-342 (c) General Criteria for All Properties.

Commissioner Bridges asked about cypress mulch being prohibited. Mr. Pategas explained the intent was not to have a ban on its sale in Winter Park, but rather to educate and to encourage people to decrease their use. Commissioner Bridges addressed the need to develop aggressive educational policies or procedures and to have literature and information available for residential development concerning cypress mulch. Mr. Pategas explained the issues with cypress mulch. Mr. Pategas and Mr. Wiggins answered questions.

Commissioner Anderson voiced concerns that minor interior alterations would trigger applying the full requirements of the landscape code to a resident's property. Mr. Wiggins agreed to create language that would address that concern. Mr. Pategas spoke in greater detail about the matter.

Commissioner Bridges asked what we are doing as a City to inform and educate residents in regard to water conservation. Utilities Director Dave Zusi explained they have a partnership with Orange County Florida Yards and Neighborhoods. He stated this is an educational program to inform homeowners on how to become more environmentally friendly with their landscape practices. He addressed their efforts in using their budget to reach as many people as possible. Mr. Pategas also commented about water conservation. Commissioner Dillaha thanked them for doing this and believed it is important to our community.

Mr. Wiggins explained that the irrigation ordinance is tied to the landscape ordinance. He reiterated that it was brought to his attention today that the SJWMD has adopted new water restrictions, effective March 8 and it does not correspond with our irrigation ordinance. He stated that Planner Stacey Scowden heard from the St. Johns representative and she suggests a model irrigation ordinance that has been prepared by St. Johns. Mr. Wiggins recommended they combine those model ordinance irrigation regulations from St. Johns with our irrigation ordinance. He requested that both the landscape and irrigation ordinances be tabled and to bring them back to the next meeting.

Motion made by Commissioner Bridges to table both ordinances; seconded by Commissioner Anderson. Commissioner Anderson asked Mr. Wiggins to look at the application that is set at 50%. He suggested inserting "the value of the work is at least \$50,000 and more than 50%" and explained this was to create a threshold that renovation work has to be a specific amount of money. Commissioner Dillaha commented that she appreciated what he is saying, but preferred the language as is. Commissioner Anderson stated they should defer this discussion until they reconsider the entire ordinance. Commissioner Diebel agreed. Commissioner Dillaha asked about the comments that were agreed to in the landscape ordinance. Mr. Wiggins stated it will be included and brought back to the Commission. **The motion carried unanimously with a 5-0 vote.**

City Attorney's Report:

Attorney Cheek commented that he had no items to report. He stated there have been a few situations involving potential lawsuits and he may suggest having a meeting in a few weeks.

Non-Action Items:

a) City Manager's Report.

City Manager Knight gave an update on the Waste Pro negotiations and answered questions. He also commented that the National Geographic magazine ranked the City of Winter Park 38 in the world for historic destination locations.

Mr. Knight stated that they were trying to retrieve the final information about the \$950,000 for the Amtrak station upgrade. He asked the Commission if they wanted to schedule a work session or wait to see if the State Legislature will pass this. Commissioner Dillaha commented that she would like to wait and make sure they receive it and understand the restrictions for the use. There was consensus to agree with Commissioner Dillaha's suggestion.

There was a recess taken from 5:28 p.m.-5:34 pm.

New Business (Public):

1. Meredith Tracey, 1664 Chatfield Place, Orlando, spoke about a press release stating that the Friends of Fleet Peoples Park (FFPP) does not endorse either candidate (Ken Bradley or David Strong) for Mayor. She requested the Commission consider bringing Fleet Peoples Park (FPP) back into their hands because of the variety of issues surrounding the park. She commented that less than a year ago the Commission unanimously approved the master plan for FPP as a dog friendly park; and to allow the process of developing the Memorandum of Understanding to continue between the City and the FFPP.

2. Charles Namey, 1060 McKean Circle, asked Barry Tracey to read a letter that he prepared regarding the FPP issue and one of the City boards.

3. Barry Tracey, 1664 Chatfield Place, read the letter on behalf of Charles Namey. The letter is attached at the end of the minutes.

4. Sandy Womble, 940 Old England Avenue, believed that Fleet Peoples Park has been singled out and hoped the Commission would resolve this issue. She asked that they investigate this board and to pass an ordinance that says when board members communicate with other board members it is read into the public record for that meeting. She also showed pictures from the presentation made at the February 11 Parks Board meeting on Fleet Peoples Park.

5. Neil Frazee, 371 E. Reading Way, addressed that: 1) there needs to be a public apology to both Janet Atkins and the Friends of Fleet Peoples Park (FFPP) for the actions taken by the Parks Board; 2) those members that may have created some kind of legal issue either need to be reprimanded or ultimately removed from the Parks Board; 3) the City Commission reconfirm its prior action of approving/endorsing the master plan; and 4) the City Commission take on the responsibility of working with FFPP. He commented that Commissioner Bridges has been working with them on finalizing the Memorandum of Understanding and to bring it back for the Commission's approval in order to move forward with the implementation of the plan.

Mayor Strong directed staff to circulate the February 11 and February 25 Parks Board meeting audio. Commissioner Bridges commented that she already heard the audio. Commissioner Anderson requested that the April 2008 Commission meeting audio regarding the consideration of the master plan also be provided. Mr. Knight agreed.

New Business (City Commission):

1. Commissioner Diebel asked to discuss the Fleet Peoples Park issue. She commented that they were very clear with endorsing the master plan that had been put forth. She stated that she has never heard of a situation where a City Advisory Board does something completely contrary to the Commission's vote.

Commissioner Bridges addressed the importance of listening to the audio before having this ongoing discussion. She stated that she acted as a liaison and the Commission's motion was to approve the plan with the caveat that the Friends of Fleet Peoples Park (FFPP) board and the Parks Board meet together and delineate the responsibilities and determine the costs. She stated a subcommittee was formed by the FFPP and the Parks Board and representation from both those boards met. However, due to scheduling conflicts and because Mr. Namey was admitted to the hospital, she asked to delay the ongoing Memorandum of Understanding (MOU) or partnership meetings. She stated that the boards were working together and they set all the preliminary discussion regarding the MOU. She expressed that many people spoke on this matter and there was misinformation as well. She believed they could meet again and resume the work they were doing.

Commissioner Diebel recalled that with the master plan, they specifically asked for that contingent to come back and present how the master plan could be funded and in what timeframe the priorities exist. She commented that they asked them to budget this and if they need any future funding, the Commission would consider it with a vote. She stated that she would still look forward to that being the goal of both boards. Commissioner Anderson commented that there was also the request of an operational plan. He commented that he would like to listen to the audio and see if the scope has changed dramatically from what they asked for in April 2008.

Parks and Recreation Director John Holland commented that the FFPP item will be on the March 18 Parks Board agenda. Commissioner Dillaha suggested the Commission listen to the audio and asked for a report from the Parks Board regarding the outstanding issues and when they will be able to resolve those issues.

Mayor Strong commented that he would like to listen to the audio to understand what was originally said. He stated he also heard accusations of poor behavior and would like to personally hear that to reach his own conclusion. He believed that when this is done, it needs to go to the Commission to be resolved. He stated that the Parks Board needs to give their recommendations and would like to hear the FFPP opinions, if they differ from the Parks Board recommendation. Mayor Strong suggested they do this in April. Commissioner Diebel agreed.

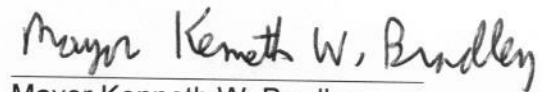
2. Commissioner Bridges commented on our "Green City" initiative and questioned why we do not have solar panels on the roof of City Hall. She stated that there is an opportunity to pursue Federal dollars and wanted to see more aggressive steps taken to reduce energy costs in our buildings. She addressed exploring lighting and solar panels and the available funding to improve those. She asked staff to look into this and the possibility of grant funding.

3. Commissioner Dillaha commented that the National Geographic magazine ranked Winter Park 38 and that it recognizes Winter Park as a historic city. She stated we need to take measures to achieve that designation and to keep what makes us special from disappearing.

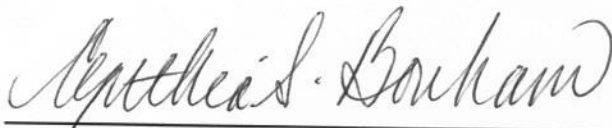
4. Commissioner Dillaha asked Mr. Wiggins when they would hear from consultant Nore Winter. Mr. Knight commented that Mr. Wiggins sent the Commission his report on the Neighborhood Character workshop via email during the Commission meeting.

5. Commissioner Dillaha commented that she attended the MetroPlan Municipal Advisory Committee meeting in place of Mayor Strong last week. She stated that one of the items on the agenda was the stimulus money and there was an exhibit that has the priorities for District 5 for \$29 million in expenditures/funding. She asked about the \$200,000 to resurface Morse Boulevard from U.S. 17/92 to Park Avenue. Mr. Knight explained that Morse Boulevard met the criteria for funding and our other roads did not. Mr. Attaway addressed the major criteria was that it had to be a Federal aid highway. Mr. Knight added that there was also a Police grant for \$30,000 and they are working on other things.
6. Commissioner Dillaha mentioned that she went to Coral Gables last week along with City staff and spent two days meeting with the Mayor, the Planning Director and other department heads. She commented that Coral Gables has 29 City boards; a preservation officer on staff; and 20 historic neighborhoods which the City designates and educates the neighbors within that area. She stated that she would put together her notes and will share that with the Commission.
7. Commissioner Dillaha asked Mr. Briggs if he could start to update the Land Development Code. Mr. Briggs stated there is a draft and can begin to circulate it to the Planning and Zoning Commission.
8. Commissioner Dillaha asked about the status of the reforestation plan. Mr. Holland commented that he will finish the details of the plan this week. She also spoke about the spacing of the trees and commented that they should look at every 33 feet apart instead of every 60 feet, as they reforest the right-of-ways and neighborhoods. Mr. Holland responded that 60 feet is the best practice policy and one that will enhance the trees longevity.
9. Commissioner Bridges spoke about the tree fund and wanted to know if that information will be incorporated into the reforestation plan. She stated that she wanted an update of how that money is being spent and where those trees will be planted.
10. Commissioner Bridges commented that she would like to see a strategic plan based upon the Parks master plan and the costs associated with that.
11. Commissioner Bridges stated that as they get further into the landscape and irrigation ordinance, she would like them as a Commission to identify opportunities and direct funds for the education of our citizens. She commented that there is a Neighborhood Council and during her time on the Council they provided educational seminars for the citizenry.

The meeting adjourned at 6:25 p.m.


Mayor Kenneth W. Bradley

ATTEST:


Cynthia S. Bonham, City Clerk