

REGULAR MEETING OF THE CITY COMMISSION
April 14, 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 Dr. Bob Bushong, First United Methodist Church, 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 Attorney Trippe Cheek
City Manager Randy Knight
City Clerk Cynthia Bonham

Mayor's Report:

a) Proclamation - National Telecommunicator's Week.

Mayor Strong read a proclamation proclaiming National Telecommunicator's week from April 13-19, 2008. He recognized the Police Department Emergency Communications Manager Vonda Jones, Chief Ball and the entire team at the Police Communications Center for the work they perform everyday which is crucial to protecting the citizens of Winter Park.

b) Employee of the Quarter (First quarter of 2008) – Mike Rich.

Mayor Strong recognized Mike Rich, Foreman in Construction Services, as the 2008 first quarter Employee of the Quarter.

c) Nomination of 2008 Vice-Mayor.

Mayor Strong asked for a nomination for Vice Mayor. **Motion made by Commissioner Dillaha to appoint Commissioner Bridges as Vice Mayor, seconded by Commissioner Anderson. The motion carried unanimously.**

Mayor Strong announced that Public Hearing item i), conversion of the Electric Revenue Bonds, was postponed until the next meeting on April 28, 2008.

Teri Gagliano, applicant for Public Hearing item 5 e), Request of Chez Vincent/Hannibal's to change the hours of sale and consumption of alcoholic beverages, asked for this to be tabled. There was a consensus to table this until a future meeting.

Action Items:

- a) Approve the minutes of 3/24/08.
- b) Approve the following:
 - 1) Award IFB-11-2008, Purchase of Electrical Materials for the Canton CA-6/Center Street Extension of the undergrounding project to HD Supply – Utilities; \$41,440.21 (Budget: Electric Revenue Bond Series 2007).

- 2) Extension of surveying services contract with Southeastern Surveying & Mapping Corporation to include New England Avenue, Osceola Avenue, Brewer Avenue and Cortland Avenue; \$34,900.00 (Budget: Electrical Undergrounding Bonds Series 2007)
- 3) Approve rejection of all bid responses for IFB-10-2008, Installation of Street Brick Pavers and deny the protest from Roman Roads.
- c) Reschedule the Monday, May 26, 2008 Commission meeting to Tuesday, May 27, 2008 due to the Memorial Day holiday.
- d) Approve the renewal of the Alcalde and Fay contract.
- e) Approve the extension of the Clear Channel agreement for one year.
- f) Approve the proposed changes to the fee schedule within the City Attorney's contract for the City Attorney's compensation.
- g) Update on the Comprehensive Plan and schedule a work session.
- h) Parks and Recreation Commission request for City Commission action on the Central Park parking lot.
- i) Accept the Fleet Peoples Park Master Plan.
- j) Discussion of Charter review.
- k) Discussion of Commission work sessions.
- l) Discussion of Commission meeting times.
- m) Proceed with the voluntary annexation of the seven properties plus the road right-of-way of Stonehurst Drive.
- n) Approval of Phase II of the Plan the Possibilities engagement with ZHA.

Motion made by Commissioner Anderson to approve Action Items a, b1, c, e, and n; seconded by Commissioner Bridges and carried unanimously with a 5-0 vote.

The following items were pulled from the agenda for discussion: Items b2, b3, d, f, g, h, i, j, k, l and m.

Action Item b2: Extension of surveying services contract with Southeastern Surveying & Mapping Corporation to include New England Avenue, Osceola Avenue, Brewer Avenue and Cortland Avenue; \$34,900.00 (Budget: Electrical Undergrounding Bonds Series 2007)

Commissioner Bridges asked for clarification on this item. City Manager Knight explained that this was part of the electric undergrounding program, it went out to bid and Southeastern Surveying & Mapping Corporation was selected. He added they did phase I and they would like to continue to use this bid to do phase II. Public Works Utility Liaison Terry Hotard stated that Southeastern Surveying was originally chosen for their qualifications as well as price, but they delivered a good product which was done in a timely manner and they also provide CAD which is a valuable asset to the other departments.

Motion made by Commissioner Bridges to approve Action Item b2; seconded by Commissioner Diebel and carried unanimously with a 5-0 vote.

Action Item b3: Approve rejection of all bid responses for IFB-10-2008, Installation of Street Brick Pavers and deny the protest from Roman Roads.

City Manager Knight explained that this was a bid for the installation of street brick pavers and they received several bids but none of them fully complied with the bid requirements. He stated

it was staff's recommendation to reject all bids and send this out to rebid. In addition, the City Clerk's office located an unopened bid response that had been delivered prior to the due date and time specified within the invitation for bid. He addressed it being re-bid and those bids will be opened later this week but one bidder (the low bidder) filed a protest to this bid.

Roberto Sevi, President of Roman Roads and Tracey Barchers, Vice President of Roman Roads, stated they were not protesting but rather following the proper protocol as allowed by law. He agreed with what Mr. Knight explained to a certain extent but believed there were abnormalities in regard to policies. He voiced concerns over the addendum and this being placed out for re-bid before the Commission had a chance to take a look at it. Ms. Barchers also expressed that this was a price driven bid and all the bids were announced publically but nothing in the rebid has been submitted that would change the initial first bid, so it appears that bid shopping will take place. Attorney Cheek explained they must follow the bid process and when the Procurement Department asks for an addendum to be filled out and turned in as a supplement to the bid package and it is not done, the bid is non-compliant and that leaves you open for a bid protest by someone else. He recommended the re-bid.

Commissioner Anderson commented that it was unfortunate that the bid prices were disclosed prior to disqualifying all of the bids but the proper procedure was followed. **Motion made by Commissioner Anderson to go ahead with the re-bid process and deny the appeal; seconded by Commissioner Bridges and carried unanimously with a 5-0 vote.**

Action Item d: Approve the renewal of the Alcalde and Fay contract.

Commissioner Anderson explained that it was his understanding that this is a qualified firm to appeal to the Transportation Department and the water and sewer issues which are the two primary aspects of lobbying. He expressed being in favor of renewing the contract. Commissioner Bridges inquired if this would be money well spent. City Manager Knight responded that they cannot predict the future but in the past they have generated far more in revenue than they have cost the City and they are a good firm to work with. He stated that presently they are working on five projects and they are trying to get the City funding this year. He stated they only funded half of their contract during the budget process and they are at the end of the six months. Mayor Strong asked if \$30,000 is taken from the contingency as proposed what the balance would be. Mr. Knight responded \$140,000 and answered questions.

Motion made by Commissioner Bridges to approve Action Item d; seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Action Items f: Approve the proposed changes to the fee schedule within the City Attorney's contract for the City Attorney's compensation.

City Manager Knight explained that two years ago the City bid out the City Attorney services and entered into a contract with Winderweede, Haines, Ward and Woodman, P.A., that contained a two year rate guarantee which has now expired. He addressed that under the revised proposal, 1) the total retainer would remain at \$25,000 per month, however it would now be split between general services and the CRA per month; 2) the exclusion of litigation services from the base retainer will increase the cost if there is litigation and this amount would vary from year to year; 3) the other areas of increase would be in areas that will be passed through to a third party and will have no budgetary impact to the City. Attorney Cheek and Mr. Knight answered questions.

Commissioner Dillaha stated in the past few years they have had a good amount of litigation and needed land use expertise but now may be the time to think about the criteria for what they need in a City Attorney. She expressed interest in seeing how much they spend in legal fees for the year and what they have spent over the past few years. Commissioner Dillaha suggested they think about if there is merit in having an in-house attorney as opposed to an attorney on retainer from a law firm. She also wanted to know about looking into having an attorney present at Planning & Zoning Commission meetings as well as the Board of Adjustment and other meetings.

Mayor Strong suggested they place this agreement on a budgetary cycle and confirm this fee agreement through the remainder of this fiscal year through September. Attorney Cheek agreed. Mayor Strong stated as they go through the budgeting process they can look at some of these questions and budget that accordingly if they elect to make a change. Mayor Strong stated this would give Commissioner Dillaha and the others the opportunity to think about questions they may have between now and then.

Commissioner Bridges agreed and thought it would be helpful to see what criteria they go through in the review process to evaluate firms. City Manager Knight agreed to provide that information.

Commissioner Anderson recommended that the City Attorney and City Manager Knight work together to determine if there may be expanded hours needed and how they would approach that. He suggested they report back in 2-4 weeks with a recommendation and to see where there may be the need for additional services. Commissioner Dillaha agreed that would be a starting point because she would like to gather information, review it and figure out which way they want to go.

Motion made by Commissioner Anderson to confirm the fee schedule through the balance of this fiscal year of September 2008. Seconded by Commissioner Diebel and carried unanimously with a 5-0 vote.

Action Item g: Update on the Comprehensive Plan and schedule a work session.

Director of Planning Jeff Briggs explained the work session being scheduled to review the comprehensive plan policy issues and to see if the comprehensive plan at the DCA still has the confidence of the City Commission. He stated they are continuing to discuss with the DCA the issue of traffic concurrency and trying to remedy the comments from the Department of Transportation which is now delaying a resolution from the DCA until more negotiations take place and the transportation issue is resolved.

Mayor Strong asked if there is any prohibition against changing the substance of any other areas of the comprehensive plan currently at the DCA. Mr. Briggs stated there was not and if there is interest in changing any of those areas, those discussions need to begin because when an agreement is reached with the DCA he does not want to begin those discussions at that time that may take months and not be ready. He commented he preferred to begin discussions now and to review the comprehensive plan so we can determine which pieces may not be consistent with the philosophy of the new Commission.

City Manager Knight spoke about the possible desire to repeal the current comprehensive plan in Tallahassee and that now is the time to give staff direction if the Commission wants to repeal

the ordinance and have it ready for the April 28 meeting. The date of the administrative hearing was addressed. Mr. Briggs explained that if the issues about compliance cannot be resolved, there is representation at the administrative hearing that can decide between the two conflicting sides. He believed it would never get to that point because of resolving the issues before that happens. The pending litigation was addressed and whether a repeal of the ordinance would terminate the litigation. Attorney Cheek believed that to be the case.

Commissioner Dillaha spoke in favor of rescinding the current ordinance that adopted the current comprehensive plan at the DCA in order to end the litigation and expedite the process and to correct some of the issues that some of the Commission believes are not right. She believed that some of the intent of the original comprehensive plan had been lost. She stated she would like a schedule to expedite the comprehensive plan to go to the DCA based on the 2006 original transmittal and then get a process going with the Planning Department and the Planning and Zoning Commission (P&Z). City Manager Knight provided a proposed schedule if they choose to rescind the ordinance. Commissioner Bridges agreed to rescind the ordinance because the comprehensive plan adopted in 2007 did not reflect the primary wishes of the majority of the citizens, the intent and goals were changed radically, and she believed the 2006 transmittal had followed the process and procedure of public input. She preferred to notify the DCA that the City would be using the 2006 comprehensive plan.

Commissioner Anderson agreed that rescinding the ordinance is the cleanest and fastest process to get an adopted comprehensive plan in place. There was a general consensus to put the comprehensive plan repeal ordinance on the next agenda. Mr. Briggs clarified that we are going to continue the talks with the DCA with respect to the transportation issue because we need to resolve the DOT comments. The date and time for the work session was discussed. There was a consensus to hold the work session on April 23.

Action Item h: Parks and Recreation Commission request for City Commission action on the Central Park parking lot.

Chuck Trice, Assistant Parks and Recreation Director, explained that the trailers are on their way out and the opportunity presented itself to either expand the park or address the options whereby direction is needed. City Manager Knight explained there are a couple of plans in the Commission package, the Parks and Recreation Commission recommendation was to convert the site where the old Chamber of Commerce building was located but also Municipal lot B (lot north of Morse Boulevard on New York Avenue) to park. He presented four options and summarized each option along with the cost. He addressed the informal parking study provided by Mr. Eschbach of how much Lots A and B are utilized and a recommendation from the Chamber of Commerce to leave 40 spaces along with other caveats they wanted to be implemented such as the Way Finding Program (signs). City Manager Knight answered questions from the Mayor and Commission.

Nancy Shutts, 2010 Brandywine Drive, was opposed to spending funds on this because of more pressing issues and not knowing at this time what the needs will be in this area.

Joe Terranova, 700 Melrose Avenue, addressed the prior conceptual approval to turn Lots A and B into parks and agreed with the goal. He offered a solution to the parking (underground) as a long term goal rather than spending money on a temporary basis to solve the problem.

Kathryn Grammer, 200 S. Interlachen Avenue, spoke in favor of the park expansion and suggested to implement better signage for parking to solve that issue.

Pat McDonald, 2348 Summerfield Road, spoke in favor of turning the parking into green space.

Phil Eschbach, 210 Chelton Circle, clarified the basis for the Parks and Recreation Commission's recommendation; i.e., this was in the master plan, the parking places have been mitigated by the City, and they have the money (\$500,000 CRA funding). He urged the Commission to go ahead and do this as the master plan designates.

Vicki Krueger, 200 Carolina Avenue, spoke in favor of turning the parking into green space.

Sam Stark, Winter Park Chamber of Commerce, stated that Lot B needs to be park space and part of the master plan. He addressed the lack of a parking shortage in the City and the need to communicate to the public regarding parking.

Judy Von Weller, Winter Park business owner and on behalf of the Park Avenue Area Association, spoke in favor of the green space (Lot B). She provided a list of 13 items they wanted addressed before the lot goes green to include implementing a Signage and Way Finding Program, the City's financial support of the south valet station of \$6,000 which they have matched through their merchants, and to implement the Parks and Recreation Board recommendation for option 2 to maintain 40 parking spaces.

Brian Wettstein, owner of BullFish on Park Avenue, thanked the Parks and Recreation Commission for being sensitive to their parking needs. He spoke about the merchants depending on this parking for their businesses and asked that a comprehensive parking plan be implemented that uses a small task force to work with City staff and supported the Chamber and Park Avenue Area Association (PAAA) comments as a roadmap to start the process. He addressed the importance to have a member of the PAAA appointed to the Parks Board. He asked that the greening of Lot B and later Lot A be contingent upon the comprehensive parking plan for the Central Business District, taking into account Park Avenue and New York Avenue, that the current parking issues be addressed, and the pending parking deficit in the short term along with a long term strategy based on the City's comprehensive plan be addressed before the parking is removed.

Carolyn Cooper, 1047 McKean Circle, asked to move forward with improving the signage for parking. She spoke about the mitigation of the parking spaces before the park could be expanded which was contained in the current comprehensive plan and that the parking spaces were replaced. She suggested that area employees use the top level of the garage at Park Place so that any parking spaces available in the corridor are available for visitors. She asked to move forward now with expanding the park.

Commissioner Anderson expressed concerns with a recession. He addressed the total agreement being that the lot is going green, but the issue is with the timing of when this will happen, and that they need to change the behaviors before they take out the parking.

Commissioner Bridges addressed the thought put into this by citizens and the need to do a better job of showing where these parking places are. She suggested utilizing the Update paper to educate all residents about the parking and what they are trying to achieve. She spoke about the importance of valet parking to all merchants and believed that not all the merchants are

participating in bearing the cost and that they should take proactive steps to look at that. She believed they should green the parking lot now and with good education and better signage we are going ahead and meeting our goals of greening the parking lot and meeting the master plan.

Commissioner Dillaha spoke about wanting to correct the perception problem with parking but did not want to miss the opportunity to expand the park. She spoke about the non-utilization of the top two floors of the parking garage at Park Place and the need for signage and to green parking lot B immediately. She spoke about losing the 80 spaces in Lot B and to make up for it in other areas but that education and signage needs to take place. She addressed supporting the unanimous Parks Board decision, to green Lot B using City staff, and to better utilize the parking. She expressed her desire to attend the monthly merchant meetings of the Park Avenue Area Association.

Commissioner Diebel did not support this at this time because of it being premature to spend City funds and that we need to have a sound fiscal plan on the post office property and determine how that obligation will be resolved. She stated she supports it in the long term and wants to implement the Parks Master Plan but that the City has a bigger issue at hand and a bigger obligation than this one.

Mayor Strong agreed with Commissioner Anderson that we are 6 months away from completing the Plan the Possibilities. He agreed that they all support the Parks Master Plan which includes making this a park but was not sure they need to deal with that independent of the Plan the Possibilities project at this point. He stated he is 100% committed to making both Lots A and B park space but did not feel the urgency to make that decision today and should be done in conjunction with the Plan the Possibilities program.

Mayor Strong inquired as to what is under the trailers and when they would be removed. City Manager Knight responded it would be 3 or 4 weeks. Public Works Director believed there was dirt and asphalt under the trailers. Commissioner Bridges expressed concerns with removing the trailers and leaving the asphalt parking lot as it is as well as the dirt when the trailers are moved. She suggested to utilize xeriscaping and using pathways that interconnect the rest of the park over to New York and to use other types of plantings instead of grass. She asked the Parks Department to come back with alternate plans and costs because of being unacceptable to her to leave a dirt pad with asphalt around the remainder of it. Commissioner Dillaha addressed the opportunity now that should not pass by. Commissioner Anderson asked if this should be revisited when the trailers are gone and elaborated on the four options before them. City Manager Knight addressed the need for cleanup when the trailers are removed.

Further discussion took place regarding this issue and waiting for the Plan the Possibilities discussions to be completed. Mayor Strong suggested placing a sign there that the property will be a park in six months. Commissioner Anderson again explained his two objections, interfering with the pattern of business for a while and spending money when you are not sure what will happen with the Plan the Possibilities.

Mayor Strong suggested making a commitment that we will convert this property consistent with the master plan commencing in six months from today which provides time to educate and communicate to the community what is happening; and to spend funds to make the property presentable.

Commissioner Diebel stated she was not comfortable with this and that this is one decision that adds up to a much larger decision and that she would rather see Commission direction in six months that has a firm commitment on how we deal with the post office obligations and the funding. She stated holding ourselves to this timeframe does not solve the larger issue which is going to take more money and time and a larger commitment on behalf of the Commission. She believed it to be an artificial deadline and was not sure it registers on the priority scale. She stated it is her recommendation to get through the Plan the Possibilities program and outcomes of the Charrettes and things happening today that are already invested in and figure out how we solve the obligation of the post office property.

Motion made by Commissioner Dillaha that in six (6) months we will green parking lot B and within that six month period of time we will come up with adequate signage to instruct visitors and employees where public parking exists, improve our signage, and come up with some type of communication to communicate to all the merchants and to visitors coming to Winter Park where parking exists; seconded by Commissioner Bridges. 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.

Commissioner Anderson asked for clarification that funding for the signage is from CRA funds. Mayor Strong stated they need to sit as the CRA board to make that commitment. He stated between now and the next CRA meeting they can refer that to the advisory board for their recommendation.

A recess was taken from 5:31-5:45 p.m.

Action Item i: Accept the Fleet Peoples Park Master Plan.

Assistant Parks Director Chuck Trice stated the proposal before the Commission is from the Friends of Fleet Peoples who has gone through the process for nearly a year and that Neil and Jan Frazee have been working on this at no cost to the City. He stated they are asking the Commission to accept the proposed plan. City Manager Knight addressed the park site plan within the Commission package and explained there will be several amenities added and that a portion of the park is to be dog friendly and another portion will be without the dogs. Mr. Trice further explained the breakdown of the acreage for the dog portion versus non-dog portion. Mr. Knight stated this will discontinue access for the public to the boat ramp as it is currently open to non-motorized boats.

Commissioner Bridges asked if the Parks Board has the ability to put in the pavilions and what the budget is to make this appropriate for people. Mr. Trice stated the Friends of Fleet Peoples intend to pursue fundraising and that the Parks Department has some funding for benches and tables but not the major amenities. Commissioner Bridges asked what the cost would be to make the people side of the park swimming, user friendly and maintained. Mr. Trice stated the people side would cost about \$250,000.

Neil Frazee, 371 E. Reading Way, on behalf of Friends of Fleet Peoples Park, provided a petition with 637 signatures wanting the park to remain in its current configuration but stated they will be happy to accept the proposal before the Commission this evening to keep this as a dog friendly park. He addressed the meetings held before the Parks Board and that the Friends of Fleet Peoples are committed to raise funds to support the entire park. He stated they consider this a long range plan because of funding and that they also need a survey. They are

proposing a new restroom facility to serve both sides of the park, a playground in the non-dog area, five pavilions, and connectivity to the regional trail system currently going around Lake Baldwin and connecting to Cady Way. He stated they need this approved so they can receive commitments on funding and have something to show the public.

Commissioner Bridges asked where the fencing lines are located. Mr. Frazee clarified the questions asked. He elaborated on the motorized boats currently using the lake that are not supposed to be there and the lack of monitoring of the boat ramp. She asked for clarification on their funding vision and their expectation as to how long it will take to complete the entire park. Mr. Frazee addressed their commitment to protect this park space and to raise the funding which he believed is going to be tough at this time. Commissioner Bridges voiced concerns about the funding vehicle of commercial venues and there should be delineated responsibilities up front and specific guidelines so the venue does not try and dominate the park as to what happens there and to make sure it does not become a commercialized park. He committed to go to the Parks Board to obtain approval if they get a commercial vendor wanting to commit large funding with conditions before they accept the funding. Commissioner Anderson asked if there is a maintenance standard for the active use of the park.

Charles Namey, 1060 McKean Circle, addressed their Charter listing them as being an education organization who educates people on the proper use of the park and to raise funds to be channeled through the Parks and Recreation Department in order to improve the park. He stated they are also dedicated to preserving and protecting the memory of Fleet Peeples. He stated within their Charter they cannot do some of the things the Commission is concerned with nor expand their role to take over the job of the City's Parks Department.

Mr. Frazee clarified that they had discussion whether or not they would channel money through the Parks Department or try to do things on their own. He stated on the private side, they can do things less expensive than going through the public entity so they will work with the Parks Department as they raise money. Commissioner Anderson asked if there is an operating standard that should be reviewed that allows the continued use of the park for the long term. Mr. Frazee stated there are not a lot of standards at this time but that they recognize there are issues at the park that need attention. There was further discussion regarding the maintenance and any sanitation issues involved in this type of park versus a non-dog park. Commissioner Anderson stated he has not heard that the sanitation is a huge issue.

Commissioner Dillaha suggested having guidelines/rules and regulations for the use of the park to be placed into the guidelines for all City parks. She asked about liability in the park because of the possible misbehavior of the dogs. Mr. Frazee stated they do not enforce the rules of the City and they have been instructed if there are unruly dogs or dog owners that they call 911 and let the police handle it. Attorney Cheek spoke about the liability issue. Commissioner Dillaha suggested implementing a fee for usage to generate revenue for maintenance of the park. Mr. Frazee stated that is a decision of the Commission or Parks Board and how it would be implemented but that he believed it may cost more money to implement and monitor the program than would be collected. Commissioner Dillaha asked City Manager Knight that the Parks Department explore imposing guidelines and the possibility of a fee. Commissioner Dillaha asked if there should be a provision where the City has the option to discontinue the use of the park in case the Friends of Fleet Peeples ceases to exist in the future. Attorney Cheek stated the use of the park can always be changed and would like to see that option to provide flexibility for the City if the need arises. Other questions were asked and answered by Mr. Frazee regarding the wooded area on the other side of the fence and the natural habitat existing

on that site. Commissioner Dillaha expressed concerns with the entire lake front being utilized by dogs which could affect the other wildlife in the area. Commissioner Diebel commented she is supportive of this and the Friends of Fleet Peeples securing funding for this effort.

Mayor Strong asked for clarification that the Friends of Fleet Peeples will do the fundraising to implement the master plan. Mr. Frazee stated they will collect as much funding as they can but they may ask for help from the City to write grants or to provide matching funds but as of this time have not asked the City for any funding.

Janet Atkins, 1060 McKean Circle, serving on the Parks Board, spoke in favor of the master plan, addressed the many involved that did not charge for their services, favored keeping the park for dogs and to move forward to raise the money needed.

Barbara Hovanetz, 608 Langholm Drive, spoke in support of moving forward with the master plan.

Kim Allen, 271 Virginia Drive, asked if data exists as to how many users of the park are Winter Park residents and how the cost of maintaining the park can be offset. She spoke about other areas requiring a pass to use the park.

Linda Walker, 794 Comstock Avenue, asked about the leash laws and if they apply to this park. Attorney Cheek explained the law. Ms. Walker supported the dog park after clarification.

Motion made by Commissioner Diebel to adopt the master plan for Fleet Peeples Park and support of the Parks and Recreation recommendation; seconded by Commissioner Dillaha. Commissioner Bridges asked Commissioner Diebel if she would consider modifying her motion to include that the Friends of Fleet Peeples and our Parks Board meet together and create a set of operating rules as we have for our other parks which would delineate the responsibilities of the parties involved and would lay out the guidelines, including any fees, and what the boundaries and expectations are from both parties. Commissioner Dillaha asked that current guidelines for parks be updated for Fleet Peeples to address the current use.

Commissioner Diebel stated she is agreeable if that is important to Commissioner Bridges but asked if it should be a different direction to the Parks and Recreation Board to pursue that work or if this needs to be tied together. She stated this would activate the group of people who are interested in completing the master plan of funding, etc. so they can move forward with their initiatives and maybe do that in parallel.

Commissioner Dillaha, as the seconder to the motion, agreed to the amendment.

Motion made by Commissioner Bridges to support the approval of the adoption of the Fleet Peeples Master Plan as proposed with the addition that the Friends of Fleet Peeples Park and the Parks Board meet together and create a set of guidelines outlining the responsibilities of both parties. Commissioner Diebel accepted the amendment. Upon a roll call vote, the motion carried with a 5-0 vote.

Action Item j: Discussion of Charter review.

Janie Baker, representing Bridgebuilders of Winter Park, asked the Commission to consider discussing single member districts. She stated it would be a good thing for the entire City and that the Commission should reflect all of the people who live in the City.

Joe Terranova, 700 Melrose Avenue, explained that there is no set time when a Charter needs to be reviewed and that if there is a Charter review he would like to serve on that Committee but recommended they do not proceed at this time.

Carolyn Cooper, 1047 McKean Circle, supported not having a Charter review and suggested the Commission focus on the major issues.

Commissioner Dillaha believed it would be good to obtain information about single member districts. In regards to Charter review, she stated there should be a true purpose for reviewing the Charter and until they have identified issues or they arise in the future she did not think it was prudent to take on another project at this time.

Commissioner Anderson stated that the single member district issue would be an integral part of Charter review along with Commission compensation and staff organization. He believed they should do a Charter review but not tackle it right now because of other major projects and getting through the budget cycle. He suggested they place this on the agenda in six months.

Commissioner Bridges agreed that there are topics that deserve review but it is about timing and prioritizing and she would support discussing this in the future (6-8 months) when the more pressing items have been dealt with. Mayor Strong asked Mr. Knight to calendar this item for six months from now. Mr. Knight agreed. Commissioner Diebel commented that when they discuss this again she would like education and background from the last Charter review. Commissioner Bridges added that she would like that information further in advance such as 30 days or more to review and digest prior to any discussion. Mayor Strong agreed.

Action Item k: Discussion of Commission work sessions.

Mayor Strong stated that the previous Commission adopted a standing work session meeting on the third Monday of each month. City Manager Knight commented that they fully support having more work sessions and it is a great way to informally discuss major topics. Mayor Strong suggested that all the department heads do not need to be at work sessions. Mr. Knight agreed. Commissioner Diebel commented that she asked Attorney Cheek about utilizing conference calls and he indicated they could do that with the Commission's concurrence. She suggested they break up the work session in one hour increments and focus on one topic at a time. Mayor Strong addressed scheduling work sessions with a predetermined itinerary; anyone who could not be physically present could do so by phone; they should limit the meeting time or reschedule if schedules do not permit the third Monday. There was a consensus that the third Monday of the month would be the desired date and the time would be from 12:00 - 1:30 p.m., subject to change if schedules do not allow.

Action Item l: Discussion of Commission meeting times.

Commissioner Bridges stated that in the process of running for City Commission it was mentioned to her that 3:30 p.m. was a difficult time for citizens to attend and participate in the process. She also spoke with staff who indicated the later start times would mean a later end time. She commented that both are meaningful points of view but asked if we could find a compromised time or at least look at this and give it an opportunity. She stated that they might also agree to make efforts to shorten the Commission meetings both through the scheduling process and limiting their comments. Commissioner Dillaha stated that she had similar input from citizens where they cannot be here at 3:30 p.m. and suggested a 5:00 p.m. start time, put a time limit on the meetings and to streamline the meetings.

City Attorney Cheek commented that there are certain things they are required to do after 5:00 p.m. and the legislature have recognized the importance of those items, one being the budget. He suggested designating categories that would not happen before 5:00 p.m.

Mayor Strong spoke about a bill before the legislature that they had to open the meeting with 15 minutes for public comment. City Attorney Cheek stated that it was still pending but if that bill passes that will dictate a lot of what they do and will change the schedule around. Mayor Strong suggested they wait and look at this again at the May 12, 2008 Commission meeting. There was a consensus to wait until May.

Action Item m: Proceed with the voluntary annexation of the seven properties plus the road right-of-way of Stonehurst Drive.

Planning Director Jeff Bridges explained that staff surveyed 22 property owners in the Stonehurst enclave to determine their interest in annexation. He addressed the public meeting held to acquaint all the residents with the pro's and con's of the annexation. They received seven (7) approvals, 11 oppositions and no responses from three owners. He asked the Commission to approve proceeding with the voluntary annexation of the seven property owners in favor of joining the City, together with the road right-of-way of Stonehurst Drive. He asked for direction whether to once again contact the seven property owners to ensure they are still interested, send a letter to everyone else to inform them of what they are doing and if they want to join now is the time, and advertise the ordinance to bring before the Commission at a future meeting. Mr. Briggs answered questions.

John McCabe, 1914 Stonehurst, asked the Commission not to approve the annexation of Stonehurst. He stated that if it is approved, this proposal would result in a forced annexation that the majority of the homeowners do not want. He stated that a postcard survey does not provide for an adequate public debate, has no true legitimacy and can be misinterpreted for many reasons.

Lyn Gilbert, 1922 Stonehurst, stated he returned the postcard survey and was in favor of the annexation but he did not want to affect his neighbors which this may be to their dislike.

Charles Rosenfelt, 1812 Stonehurst, supported in favor of the annexation.

Mr. Briggs explained they were asking for direction to advertise an ordinance, will have two public hearings and they will send notice to the property owners if they move forward. He stated that there is a provision in the State law that when there is an island enclave under 10 acres, the

County can allow the City to annex it without referendum. He explained that it is not our choice to proceed but rather the County's choice whether they want to give up the area without a referendum. He stated if the City tried the annexation referendum that is unlikely to succeed based on the survey results. City Manager Knight added that if the vote fails the City is prohibited from annexing any property in this area for two years.

Mr. Briggs stated that any one of these individuals can pay \$300 to cover the cost of advertising and ask to be annexed one by one, however by the Commission's direction they are saving each of them the \$300 fee and will do it collectively for the six properties who want to annex.

Mayor Strong expressed that he wants to accommodate the people who do and do not want to annex. Mr. Briggs explained if staff is not directed to advertise the annexation, he will have to go to each individual for the \$300 application fee to be annexed. Mayor Strong stated if they want to annex, they should file their voluntary petition and the Commission will consider it and he would most likely be in favor of it. Commissioners Bridges and Anderson agreed. Mr. Briggs answered questions.

Commissioner Diebel stated if there was anything they could do to increase public safety, she was in favor of that. She stated if it is more efficient for some homeowners to benefit from, she is supportive and those that do not want to partake do not have to. Commissioner Diebel commented that if they could get some sense of the homeowners that do not wish to be in the City for any particular reason, she wanted to make sure there was no misinformation because staff provided the advantages. Commissioner Bridges explained that they held a public meeting and she thought it was conclusive but that possibly there is additional misinformation that might need clarification.

Mayor Strong stated it was the consensus of the Commission not to take action on this tonight but if any individual property owners would like to initiate action to annex the Commission will consider it.

Public Hearings:

- a) ORDINANCE NO. 2735-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING THE CONVEYANCE OF THE CITY WATER PLANT PROPERTY AT 3200 UNIVERSITY BOULEVARD Second Reading

Attorney Cheek read the ordinance by title and provided an update that they have been trying to work out the terms of the contract. He stated they are down to one issue relating to the five year billboard prohibition that was part of the original position of the Commission as part of the sale. He stated that Full Sail has come back and asked to be allowed to put a sign on the property which they indicated is a sign for their institution. He stated he thinks that is within the spirit of the deal but that they are still working to define that. He suggested passing the ordinance contingent upon the contract being with their approval. No public comments were made.

Motion made by Commissioner Anderson to adopt the ordinance, subject to the City Attorney's approval of the terms of the contract, seconded by Commissioner Diebel. 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) Conditional Use Approval - Strollo's Market & Café, 200 W. Fairbanks Avenue, to allow the sale and consumption of alcoholic beverages as a component of the 36 seat café.

Planning Director Jeff Briggs addressed the new café located within 300' of residential properties causing the need for the conditional use approval. He spoke about the condition of approval that they close at 9:00 p.m. and that no live amplified musical entertainment is allowed. Commissioner Bridges asked about the conditional use transferring to future owners. Mr. Briggs explained this is correct as long as the nature of the business does not change. She expressed concerns about future pre-existing conditional uses. Mr. Briggs explained the process for any changes to conditional uses already approved.

Patricia Strollo Good, 200 W. Fairbanks Avenue, owner of the café, explained their business and their intentions to never expand the concept of their current business.

Motion made by Commissioner Bridges to approve the conditional use request, seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

- c) Conditional Use Approval - Savita Prasad, 2103 W. Fairbanks Avenue to allow the operation of a car repair business.

Planning Director Jeff Briggs explained the request to operate a car repair business. He stated with the time lapse between Just Brakes closing and Ms. Prasad wanting to restart the car repair business, the conditional use has expired. He stated they do not feel redevelopment in this area is right at this moment so they are recommending approval. He stated the applicant signed a lease with the property owner who told them they could do this and was unaware of the conditional use until they applied for their occupational license. He stated it will be a while before the sewer and streetscape projects are done so the timing is not right for redevelopment but that down the road that is not the image of what is wanted at the corner of Fairbanks and Formosa. He stated the Planning and Zoning Commission approved this as an interim use for a three year time period and a three party agreement being signed and recorded so everyone is aware of the 3 year restriction. Also, repairs will be done inside the building, there will be no storage of vehicles outside the building after they close and no cars will be sold or leased from the premises.

Owner/Applicant Savita Prasad, Luxury Auto Specialists, stated they are trying to open their business and have been working and leasing the property since December. She stated she is not going to fix cars in the front or back and it is a small two bay shop that can only be used for car repair. She agreed with the three year condition. She requested to be allowed to ask the owner to construct a privacy fence in the back so she can park customer cars until they are picked up.

Neil Rider, 857 Crestwood Lane, Altamonte Springs, Manager of Luxury Auto Specialists, spoke about the three vehicles currently parked in the back that have caused complaints. He asked if the fence is approved if his vehicles will be a problem parked there.

Mr. Briggs stated he would prefer not to allow a fence and that there should be a limit of two cars outside that would not dramatically negatively change the appearance of the property.

Motion made by Commissioner Dillaha to approve the request of Ms. Prasad for conditional use approval to allow the operation of the car repair business on 2103 Fairbanks Avenue, subject to the Planning and Zoning conditions and to only allow the two cars to be parked outside, seconded by Commissioner Bridges and carried unanimously with a 5-0 vote.

d) Rollins loan regarding emergency sirens:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING AND PROVIDING FOR THE BORROWING OF NOT EXCEEDING \$135,000.00 TO FINANCE THE PURCHASE OF AND INSTALLATION OF AN OUTDOOR EMERGENCY WARNING SYSTEM; PROVIDING AN EFFECTIVE DATE First Reading

Attorney Cheek read the ordinance by title. He explained that the ordinance is necessary to borrow the money which was agreed upon a long time ago for the outside sirens.

Mayor Strong commented that he would like to pay back Rollins as quickly as possible. Finance Director Hamil explained they do not have to do this but Rollins has offered to give the City the money to front the cost of the program. He stated that the advantage is they will give 3 years of interest free use of \$135,000.00 and they will pay back \$45,000 per year over the 3 year period.

No public comments were made.

Motion made by Commissioner Bridges to accept the ordinance on first reading, seconded by Commissioner Diebel. 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.

e) Request of Chez Vincent/Hannibal's to change the hours of sale and consumption of alcoholic beverages.

This item was tabled until a future meeting.

f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION ONE "STORMWATER MANAGEMENT" SO AS TO REVISE THE DESIGN STANDARDS FOR STORMWATER SYSTEMS TO PROHIBIT GRADES ELEVATED ABOVE TWO FEET FROM ADJOINING PROPERTIES First Reading

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

Planning Director Jeff Briggs explained there was a new Breast Clinic project at 200 Glenwood Drive and the parking lot is an unfortunate design that was built up in order to keep the underground exfiltration above the water table. He stated that by building up 4.5 feet it was not friendly to the street or to the neighbors in terms of the retaining walls that had to be built because of the elevation needed for the underground exfiltration. He explained that they do not want this to happen again and this ordinance cures that problem by prohibiting any grade change more than two feet for either above ground or underground stormwater retention systems. Mr. Briggs answered questions.

Motion made by Commissioner Anderson to accept the ordinance on first reading, seconded by Commissioner Dillaha. 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.

- g) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN; AMENDING SECTION 3, BOARD OF TRUSTEES; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 19, DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Human Resources Director Anna Currie explained the changes within the ordinance. City Manager Knight explained that the ordinances are the same for both police and fire. Burgess Chambers, Investment Advisory to the Pension Plan, explained the changes on how they set up the ability of the board to make investments. Jeff Templeton, Administrator for both plans, explained portions of the ordinance. Mr. Chambers and Mr. Templeton answered questions.

Commissioner Anderson clarified that they are passing an ordinance that delegates all of the responsibility for directing the investments to the board which includes a minority representative of Commission appointees, protections are in place at the state level and if there is something they have a disagreement with, they can retract the authority. He stated that it was a detailed and thorough investment policy and he commended them on their efforts.

No public comments were made.

Motion made by Commissioner Anderson to accept the ordinance on first reading, 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.

- h) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN; AMENDING SECTION 3, BOARD OF TRUSTEES; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 19, DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. First Reading

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

Motion made by Commissioner Bridges to accept the ordinance on first reading, 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.

- i) RESOLUTION NO. 1991-08: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2521-03 OF THE CITY ENACTED ON JUNE 24, 2003, AND RESOLUTION NO. 1898-05 OF THE CITY ADOPTED ON MAY 9, 2005, APPROVING A CHANGE IN INTEREST RATE MODE FROM AN AUCTION RATE MODE TO ANOTHER AUTHORIZED INTEREST RATE MODE FOR THE CITY'S OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A AND B; PROVIDING FOR THE PURCHASE OF A LIQUIDITY FACILITY, THE EXECUTION AND DELIVERY OF THE LIQUIDITY FACILITY DOCUMENTS AND THE APPOINTMENT OF THE LIQUIDITY FACILITY PROVIDER; AUTHORIZING THE EXECUTION AND DELIVERY OF A REMARKETING AGREEMENT WITH RESPECT TO SAID BONDS AND APPOINTING THE REMARKETING AGENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A TENDER AGENT AGREEMENT WITH RESPECT TO SAID BONDS AND APPOINTING THE TENDER AGENT; APPROVING THE CONDITIONS OF THE BOND INSURER IN ORDER TO FACILITATE THE MODE CHANGE; AUTHORIZING THE CITY'S AUTHORIZED OFFICERS, THE CITY'S FINANCIAL ADVISOR, THE CITY ATTORNEY, BOND COUNSEL AND DISCLOSURE COUNSEL TO DO ALL THINGS NECESSARY AND APPROPRIATE TO ACCOMPLISH THE MODE CHANGE; AUTHORIZING THE PREPARATION AND DELIVERY OF A REOFFERING MEMORANDUM FOR THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled until April 28, 2008.


Vice Mayor Margie Bridges

ATTEST:


City Clerk Cynthia Bonham