

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
May 9, 2005**

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

The invocation was offered by Reverend David Connelly, Ward Chapel AME Church, followed by the Pledge of Allegiance.

Members present:

Commissioner Douglas Storer
Commissioner John Eckbert
Commissioner Barbara DeVane (via telephone conference)
Mayor Kenneth Marchman

Members absent:

Commissioner Douglas Metcalf

Also present: City Attorney Trippe Cheek
City Manager James Williams
City Clerk Cynthia Bonham

MAYOR'S REPORT:

a) May 2005 Outstanding Employee of the Month

Mayor Marchman recognized Frank Dadabo, Senior Inspector, Public Works Department as the May 2005 Outstanding Employee of the Month.

b) 2005 Board Appointments

Motion by Mayor Marchman to approve the 2005 Board appointments, seconded by Commissioner DeVane. The motion carried unanimously.

Board of Adjustment:	Appoint: Jeffry Jontz Reappoint: Patrice Shirer
Code Enforcement Board:	Reappoint: Jesse Fitzgerald
Community Redevelopment Advisory Board:	Reappoint: Frank de Toma, Harold Barley, Frank Baker, and Phylis Moore
Economic Development Advisory Board:	Reappoint: Carl Bitler, David Jasmund, Blair Culpepper, and Michael Gay
Environmental Review Board:	Appoint: Wanda Salerno Reappoint: Michael Rippey, Elizabeth Hartnett

Historic Preservation Commission: Reappoint: Scott Hillman
Housing Authority: Reappoint: Judith Kovichars, Robert Hartley,
Dorothy Felton, Ann MacDiarmid
Lakes and Waterways
Advisory Board: Appoint: Erik Larson, Ann Saurman
Reappoint: Jack Beattie, Peter Gottfried
Parks and Recreation Commission: Reappoint: Thomas Sacha, Diane Thornton,
and Phil Eschback
Pedestrian and Bicycle Advisory
Board: Reappoint: Chris Menken, Susan Beal
Planning & Zoning Commission: Appoint: Rick Swisher
Reappoint: Margie Bridges, John Stevens
Public Art Advisory Board: Appoint: Louise Peterson, Susan Battaglia
Reappoint: Thomas McMacken,
Tree Preservation Board: Reappoint: Stephen Pategas
Utilities Advisory Board: Appoint: Marni Spence
Reappoint: Joe Regner, Julie Carmody and
Steve Miller
WP Firefighters' Pension
Trust Fund: Reappoint: Tony Grey
WP Police Officers'
Retirement Board: Appoint: Tony Gray,
Reappoint: Donald Jung
Building Code Board of
Adjustments and Appeals: Reappoint: Rodney Kincaid, Joe Fisher and
Eddie Cox
Electrical Board: Reappoint: James McElmurry, Ed Wolek
and Paul McCormick
Mechanical Board: Reappoint: Michael Sheerin, Ed Wolek and
Ronald Edenfield
Plumbing Board: Reappoint: David Snyder, Kenneth
Southwell

CITY ATTORNEY'S REPORT:

- a) Resolution-Providing for the issuance of a \$3,175,000 Electric Revenue Anticipation Note, Series 2005, to refund the Outstanding Electric Revenue Bonds Anticipation Note, Series 2004; and awarding the sale of the Revenue Anticipation Note to the Purchaser at negotiated sale.

City Attorney McCaghren asked for deferment of this resolution to discuss it simultaneously with Public Hearing Item 'f'.

CONSENT AGENDA:

- a) Approve bids and purchases as follows:

- 1) Award of RFP-8-2005 to Arbor Pro Incorporated for the Street Tree Inventory Service, \$2.95 per tree, with representative photo. (Budget: Tree Replacement Fund).
- b) Approve the following budget adjustment:
 - 1) Transfer \$4,712 in remaining funds from the Orwin Manor Gateway project (\$3,500) and the Winter Park Gardens project (\$1,212) to the Planning Department promotional account. The Winter Park Gardens project was completed under budget and the Orwin Manor Gateway project is not feasible at this time. These funds will be used for the HPC plaques program and public educational funds.
- c) Authorize the Mayor to execute the ground lease agreement with Sprint to allow Global Signal to sublease from Sprint its interest in the lease with the City.
- d) Authorize execution of the SunTrust Commitment to provide a Line of Credit Agreement for Electric Utility operations.

Mayor Marchman asked for public comments. No comments were provided.

Motion by Commissioner Eckbert to approve the Consent Agenda, seconded by Commissioner Storer. The motion carried unanimously.

PUBLIC HEARINGS:

- a) **ORDINANCE NO. 2625-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX THE PROPERTY AT 660 JACKSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading**

City Attorney McCaghren read the ordinance by title.

City Planner Briggs explained this ordinance was tabled at the last meeting because there was a question on the redevelopment of the property and whether it fits with the CH2MHill study of the Fairbanks Avenue corridor. He said the property is not directly on Fairbanks Avenue and not related to the enhanced setback that will be recommended in the CH2MHill plan. Mr. Briggs stated there will be a 15' setback in the front of the property in case an easement is needed. He said currently there is a warehouse on the property and the developer intends to demolish the front building and construct an attractive 2-story office building in the front.

No public comments were provided. Commissioner Eckbert inquired whether this was a second reading of the proposed ordinance.

Motion made by Commissioner Storer to adopt the ordinance, seconded by Commissioner Eckert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote. 3:41:55 PM

- b) **ORDINANCE NO. 2628-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING THE CONVEYANCE OF THE CITY PROPERTY AT 472**

WEST SWOOPE AVENUE, SUBJECT TO MINIMUM REQUIREMENTS AS SET FORTH HEREIN. Second Reading

Attorney McCaghren read the ordinance by title. No public comments were provided.

Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote.

- c) **ORDINANCE NO. 2629-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING RETAIL RATE TARIFFS FOR THE ELECTRIC UTILITY; PROVIDING FOR RATE CHANGES; AND PROVIDING FOR AN EFFECTIVE DATE. Second Reading**

Attorney McCaghren read the ordinance by title.

Assistant City Manager Knight explained that staff is in the process of working on a solution that would allow the City to offer time of use rates. He said although the solution will not be ready for June 1, 2005, a letter will be sent out to time of use rate customers advising them that the issue is being worked on. Mr. Knight stated staff intends to have a solution within the next 90 days that will allow the City to offer those customers rates that are similar to what they had under Progress Energy.

No public comments were provided.

Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote.

- d) **Request of Andrew Toshie to develop four townhouses at 2260 Hawick Lane:**

ORDINANCE NO. 2630-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ON THE PROPERTIES LOCATED AT 2260 HAWICK LANE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney McCaghren read the ordinance by title. No public comments were provided.

Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote.

- e) **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 94 "TAXATION" SO AS TO INCREASE THE OCCUPATIONAL LICENSE TAXES BY FIVE PERCENT (5%), PROVIDING AN EFFECTIVE DATE. First Reading**

Attorney McCaghren read the ordinance by title. No public comments were provided.

Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote.

- f) **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ISSUANCE OF A \$4,000,000 ELECTRIC REVENUE ANTICIPATION NOTE, SERIES 2005, TO REFUND THE OUTSTANDING ELECTRIC REVENUE BOND ANTICIPATION NOTE, SERIES 2004, OF THE CITY; AWARDED THE SALE OF SUCH REVENUE ANTICIPATION NOTE TO THE PURCHASER AT NEGOTIATED SALE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE. First Reading**

Attorney McCaghren read the ordinance by title. Bond Attorney Judson Freeman explained the intent of the ordinance. No public comments were provided.

Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote.

RESOLUTION NO. 1898-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2521-03 OF THE CITY WHICH AUTHORIZED THE ACQUISITION AND/OR CONSTRUCTION OF CERTAIN ELECTRIC SYSTEM DISTRIBUTION FACILITIES AND IMPROVEMENTS IN THE CITY, PROVIDED FOR THE ISSUANCE OF NOT EXCEEDING \$49,800,000 ELECTRIC REVENUE BONDS, SERIES 2005, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF, AND PROVIDED FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH SYSTEM; BY MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH AND AUTHORIZING A NEGOTIATED SALE OF SUCH BONDS, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution that was originally listed under the City Attorney's Report by title. No public comments were provided.

Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote.

Commissioner DeVane asked if it would be appropriate to include this information in the City's Update publication in case a citizen is interested in purchasing bonds. Mr. Freeman responded that would be a function of J.P. Morgan. Commissioner Eckbert elaborated on the process of seeking investors.

5. CITY MANAGER'S REPORT:

a) Questions for the 2005 resident survey.

City Manager Williams presented this issue. He said staff was asked at the last Commission meeting to distribute the survey to each Commissioner for comments. Mr. Williams said a revised set of questions has been provided for review along with e-mails received from Commissioners Storer and DeVane with additional suggestions.

Discussion ensued regarding the inclusion of questions related to education, parks, the electric distribution system, and for citizens to rank the facility that needs the most improvement. City Manager Williams confirmed the proposed changes. Consensus was to approve the survey with the suggested changes.

b) Policy for naming of buildings within the City.

Parks and Recreation Director John Holland elaborated on the commonly followed guidelines. He explained the issue of minimum donations and the naming of rooms within a building. Commissioner Eckbert inquired whether the monetary and naming considerations were separate criteria. Mr. Holland stated staff did not want to lose opportunities that may present themselves. Commissioner DeVane commented that the suggestion that these are commonly followed guidelines allows for flexibility. Commissioner Storer inquired whether the policy includes ball fields. Mr. Holland responded that the policy specifies projects which would cover ball fields.

No public comments were provided.

Motion made by Commissioner Storer to adopt the policy for naming of buildings within the City, seconded by Commissioner Eckbert. The motion carried unanimously.

c) Update on the parking proposal with St. Margaret Mary Catholic Church.

Planner Jeff Briggs explained that staff has reached an accommodation with St. Margaret Mary Church in regards to a joint parking option that would help in the short and long term with parking. He said the church has agreed for the City to use 34 parking spaces on the north end of the property that could be used by Park Avenue employees. He confirmed that staff will complete an agreement and return it to the Commission for approval.

Additionally, Mr. Briggs addressed the safety of the children that attend the church's elementary school. He spoke about the trial plan that would restrict the use of Swoope Avenue during the school hours (8:15 am.- 2:30 p.m.) to promote the safety of the school children crossing between the two sides of the campus. Mr. Briggs spoke of the public meeting held on Wednesday, April 27, 2005, following notice to surrounding property owners and tenants where no one opposed the church's proposal for the temporary closing of Swoope Avenue. He said staff recommended moving forward with the plan for a trial basis of two weeks. He explained a provision that would be included in the agreement to allow the City to opt out of the agreement.

Commissioner DeVane asked if this would apply to summer school. Mr. Briggs responded that the church does not offer summer school so the road would not be closed. Commissioner DeVane expressed her preference of raising the fence located in the back of the property. Mr.

Briggs stated that raising the fence was discussed and the church is amendable but that staff would like to provide notice of this to the Park Air residents.

No public comments were provided.

Consensus was to conceptually approve the joint parking option between the City of Winter Park and the St. Margaret Mary Catholic Church that will allow the City to use 34 parking spaces on the north end of the property, and the trial plan that would restrict the use of Swoope Avenue during the elementary school hours (8:15 a.m- 2:30 p.m.) to promote the safety of the school children crossing between the two sides of the campus.

NEW BUSINESS:

1. Danielle Dobbs, 2945 Waumpi Trail, resident of Dommerich Estates (Seminole County residents), presented a power point presentation on problems that have developed with additional power poles in her neighborhood. She asked whether the City would underground the utility lines on Waumpi and remove the excess power poles.

Vance Stober, 2595 Sweetwater Trail, expressed his concern with the appearance of the additional poles.

Charles Kent, 2839 Waumpi Trail, expressed his concern with the impact to property values from additional power poles.

Electric Department Director Don McBride addressed the spacing requirement for power poles. Mayor Marchman explained that this issue involves separate political jurisdictions. Commissioner Eckbert elaborated that Progress Energy's customer service was one of the primary motivations for the City to move forward with the acquisition. He said Progress Energy can provide all of their solutions. Mr. McBride explained that the possibility of moving the lines from one set of houses would require 14 or more easements. Commissioner Eckbert suggested that the residents affected obtain easements from the property owners to move the poles.

Assistant City Manager Knight explained the engineering solution that was performed under the arbitration award. He said the engineering solution that worked was to use the right-of-ways of which there is a legal right to use. He reported that this is happening to Winter Park residents as well in the areas where the City has to sever lines from Progress Energy. Mayor Marchman explained that the City cannot do anything outside of the city's jurisdiction.

2. Chuck Simpson, residing on St. George Street, commended staff for the brick repairs made on Pennsylvania Avenue and Lake Sue. He asked that the road be maintained in the shape they are currently in. Public Works Director Troy Attaway explained the repairs that were performed on the roadway.

Mayor Marchman adjourned the meeting at 4:56 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham