

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
May 13, 2003**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth "Kip" Marchman at 4:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Mayor Kenneth Marchman, followed by the Pledge of Allegiance.

PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners John Eckbert (arrived at 4:42 p.m.) and Barbara DeVane; City Attorney C. Brent McCaghren; City Manager James Williams and City Clerk Cynthia Bonham. Absent: Commissioners Douglas Storer and Doug Metcalf.

MAYOR'S REPORT:

- a) Winter Park High School Principal Bill Gordon recognized student athletes for their athletic accomplishments in basketball and track.
- b) Former Commissioner Kenneth Murrah presented a \$1,000 check to the City for the purchase of trees.
- c) Mayor Marchman recognized David Rodriguez, Parks Maintenance Division, as May 2003 Outstanding Employee of the Month.
- d) The Mayor nominated the following board appointments for the upcoming year:
 - Board of Adjustment: Reappointment of Michael Clary and Robert Cadle
 - Code Enforcement Board: Appoint Chad Walters and Lori Kifer
 - Community Redevelopment Advisory Board: Appoint John Cascio
 - Environmental Review Board: Appoint Gary Brewer; reappoint Willard Wisler and Katie Gill
 - Historic Preservation Commission: Reappoint John Cunningham and Ann Stevens
 - Housing Authority: Appoint Jane Newnum
 - Lakes and Waterways Advisory Board: Appoint Evelio DeHoyos and James Saurman; reappoint Sue Foreman
 - Nuisance Abatement Board: Appoint Fred Shockley; reappoint Robert Hoertner
 - Parks and Recreation Board: Appoint Diane Reece; reappoint Ann Higbie
 - Personnel Review Board: Appoint Jere Daniels
 - Planning and Zoning Commission: Reappoint William Roll
 - Stormwater Board of Appeals: Appoint Dallas Maddron; reappoint John Melaugh and Ray Colado
 - Utilities Advisory Board: Appoint Joe Regner; reappoint John Mclaugh, Stanley Wilson, and John Weesner
 - Firefighters' Pension Trust Fund: Reappoint Tony Grey
 - Police Officers' Retirement: Reappoint Donald Jung; Confirm Zelle Washburn
 - Mechanical Board: Reappoint Charles Kulp
 - Plumbing Board: Reappoint Charles Miller, Raymond Holloway and Dale Newton

Commissioner Eckbert questioned the appointment of Evelio DeHoyos due to his pending litigation with the City. Attorney McCaghren explained the nature of the lawsuit as to whether Old England Avenue is a public right-of-way. Mayor Marchman spoke that he did not see a conflict situation.

Motion made by Commissioner DeVane to approve the appointments (as listed above), seconded by Mayor Marchman and carried with a 2-1 vote with Commissioner Eckbert voting

no.

Commissioner DeVane addressed the formation of several boards over the past 2 years. She asked that during the board creation that a review process or sunset provision be included to review their accomplishments, review if their task is complete or if refinements should be made to make the board more productive. She asked that staff come back with their recommendation. Attorney McCaghren addressed the Code Enforcement Board suggestion that appointments be made for various disciplines to the extent practicable. He asked for clarification if the appointments would be fulfilling one of the slots as outlined. Mayor Marchman clarified that Mr. Walters is an Attorney and Ms. Kifer would fill the slot as a business person.

e) City Manager's performance evaluation.

Mayor Marchman addressed the excellent job that the City Manager is doing and recommended that he be given a one step pay increase. Commissioners Eckbert and DeVane agreed with the Mayor's comments. **Seconded by Commissioner Eckbert and carried unanimously.**

CITY ATTORNEY'S REPORT:

No report.

CONSENT AGENDA:

- a) Approve minutes of 4/22/03.
- b) Authorize the Mayor to execute the Winter Park Pilot School Conceptual Agreement with the revisions as recommended by the City Attorney.
- c) Receive presentations regarding the Comparative Town Center Analysis and an attribute study: What Makes Winter Park, Winter Park completed by Crummer School students. Provide May 20, 2003, meeting agenda for discussing downtown Winter Park. Add presentations by the Park Avenue Merchant's Association and Park Avenue property owners/owner representatives.
- d) Receive presentation of the current fire inspection program with the Orange County Public Schools within the City. Support the Fire Chief's recommendation to draft a resolution in support of public fire education for all Winter Park schools.
- e) Discuss the annexation program westward to I-4, including the Lee Road and Wymore Road corridors. Proceed with the residential annexation referendums.
- f) Proceed with the proposed renovations to Fire Station 64 located at 1439 Howell Branch Road.
- g) Approve the request of the Parks and Recreation Department to proceed with the planning and design of the croquet court enlargement with coordination of Casa Feliz, Morse Foundation, Winter Park Croquet Club and the City's Landscape Architect. Determine operational costs and impact to existing staff.
- h) Review the request regarding the College Quarter Neighborhood Association request to brick Holt Avenue from Park Avenue to Pennsylvania Avenue as part of the Pennsylvania/Lake Sue bricking project. Direct staff to contact Rollins College to determine their funding participation. Direct staff to review the bricking policy to determine the appropriate funding split between property owners and the City for this situation.
- i) Approve budget adjustments as follows:
 - 1) Appropriate the \$10,000 contribution received for the Park's Tree Planting Program.

- 2) Transfer \$5,000 from the State Forfeiture Fund for use in the Park's Department Summer Recreation Program.
- j) Approve Bids, Purchases, and Change Orders as follows:
- 1) Additions to Bid WP-13-2001/2: Generator Maintenance and Repairs, to Industrial Power Services, Inc. for Central Utilities Building, Fire Station #64, City Garage Building and Portable Generator at LS #46. (Budget: Utilities Maintenance)
 - 2) Extension of Bid WP 5-2002/3, Purchase of Concrete Street Brick Pavers, from Paver Systems with prices, terms and conditions remaining the same as the original award. (Budget: Projects or Streets Division)
 - 3) Extension of Bid WP-8-2002/3, Open and Close Burial Spaces, with Quality Vaults, Inc. with the list of price changes as noted. (Budget: Cemeteries)
 - 4) PR 102286, to Kay Park Recreation, Inc. for bleachers from City of Jacksonville Contract #SC0463-00, \$31,413.00 (Budget: Parks/Recreation)
 - 5) Change Order #2, to Cathcart Contracting Company for Bid WP-10-2002, for additional work to date with a contingency for structure D-R field pour, plus foreseeable extras for remainder of the project, \$38,800.35 (Budget: CIP)
- k) Review calendar and update with upcoming events.
- l) Receive updates concerning Progress Energy (Florida Power Corporation). Receive report from Pecora & Pecora regarding the Electric Distribution System Communications Plan. Approve the price proposal as submitted by First Southwest Company for providing municipalization transition consulting services. Authorize the Mayor to execute the interlocal agreement between Apopka, Casselberry, Longwood and Winter Park for cooperating and coordinating in the prosecution of franchise litigation and negotiations with Progress Energy. Also, work together to investigate the least cost means of acquisition and transition to municipal ownership.

The following public comments were made regarding the Consent Agenda:

Joe Terranova, 700 Melrose Avenue, spoke about Consent Agenda item 'h'. He concurred that Holt Avenue should be bricked and believed it to be a logical extension of Pennsylvania/Lake Sue. He addressed problems with signalization on Fairbanks Avenue where you can not turn left onto Pennsylvania Avenue from Fairbanks. He stated that traffic is being forced onto Holt Avenue and that this should be looked at to help reduce traffic.

Norma English, 411 Holt Avenue, spoke in favor of bricking Holt Avenue because of speeders.

Nancy Shaw, 479 Holt Avenue, spoke in favor of bricking Holt Avenue because of safety concerns and to increase their property values.

Judy Kurtz, 800 McIntyre Avenue, spoke in favor of bricking Holt Avenue and that the City should fund the bricking. She addressed the need for traffic calming and improvements to the road.

Margie Bridges, 767 Antonette Avenue, spoke in favor of bricking Holt Avenue. She addressed her comments made at the work session of May 12, 2003. She asked that the City's bricking policy be implemented to brick Holt and to find the funding.

Stanley Wilson, 834 Antonette Avenue, stated he telephoned George Herbst of Rollins College concerning bricking Holt Avenue who gave his permission to pass on the following message to the

Commission. "Rollins is totally supportive of the College Quarter's request without reservation." Mayor Marchman spoke that the Commission understands the importance of Holt Avenue and will explore ways to accomplish this.

Bernard Essex, 269 E. Canton Avenue and President of the Winter Park Croquet Club, spoke about Consent Agenda item 'g'. He addressed the poor condition of the court and the need for expansion to attract players to the City.

Fran Sandberg, 1590 Dale Avenue, spoke in favor adding an additional croquet court.

Motion made by Commissioner Eckbert to approve the Consent Agenda, seconded by Commissioner DeVane and carried unanimously.

CITY MANAGER'S REPORT:

- a) Agenda for the joint meeting with the City of Maitland on May 19, 2003.

City Manager Williams addressed the scheduled meeting with Maitland and provided a draft agenda to review for revisions or additions. Discussion ensued regarding the electric power franchise issue that the Commission agreed should be an addition to the agenda.

- b) Top ranked firms for the Request for Qualifications, RFQ-11-2003, Parks and Recreation Master Plan.

City Manager Williams explained the RFQ for the Parks and Recreation Master Plan and were ranked in the following order: Wade Trim, Glatting Jackson, and HHI. He asked that staff be allowed to begin negotiations.

Upon comments regarding each firm, **motion made by Commissioner DeVane to proceed with negotiations with the first ranked firm (Wade-Trim). If negotiations do not produce a contract, proceed with the next ranked firms (Glatting, Jackson then HHI) until an agreement is reached. If an agreement is not reached with any of these top firms, re-rank the remainder firms and begin the process or presentations and negotiations again. Seconded by Commissioner Eckbert and carried unanimously with a 3-0 vote.**

- c) Pecora & Pecora Communications Plan approval.

City Manager Williams spoke regarding the communication plan for the electric power issue. Upon comments regarding the list of frequently asked questions about the City considering the purchase of the electric distribution system, suggestions were made to the answers provided within the list. Mr. Pecora will make the appropriate changes as suggested.

PUBLIC HEARINGS:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2478-02; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 26, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 29, REEMPLOYMENT AFTER

RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren read the ordinance by title. No staff or public comments were made.

Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and DeVane voted yes. The motion carried unanimously with a 3-0 vote.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2477-02; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 26, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 29, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren read the ordinance by title. No staff or public comments were made.

Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and DeVane voted yes. The motion carried unanimously with a 3-0 vote.

- c) Request of Sydgan Corporation for properties at 330/340/350/360 S. Pennsylvania Avenue and at 315/325/335/345 E. Hannibal Square

This item was tabled by the City Commission on March 25, 2003. Planner Jeff Briggs stated the item will be withdrawn by the applicant this evening because of changes to the plan not requiring C-2 zoning but that they may need R-4 multi-family zoning.

Applicant Dan Bellows, 533 W. New England Avenue, commented that they have been working on this issue since it was tabled. He spoke about the numerous meetings that have taken place with staff and the other appropriate entities. He stated that the height has been lowered and that they want to provide parking to create solutions for private property they own, for Hannibal Square Park and other development taking place. He spoke about the City's desire for liner buildings as addressed within the City's parking policy and did not have a problem with the liner building being entirely residential. He summarized other changes being made to the plan that would not require commercial zoning; the parking is already zoned R-3 and is allowed, but that they may request a zoning change of R-4. He spoke about the increase of residential units. Mr. Bellows withdrew his request at this time and stated he would return at a later time with other plans.

- d) 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 COMMERCIAL PROPERTIES ON THE SOUTH SIDE OF LEE ROAD INCLUDING 1500, 1560, 1600, 1640, 1650, 1660, AND 1680 LEE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE OF JUNE 1, 2003. First Reading

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 COMMERCIAL PROPERTIES ON THE NORTH AND SOUTH SIDE OF LEE ROAD AND PROPERTIES ON THE EAST AND WEST SIDES OF WYMORE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE OF JUNE 1, 2003. First Reading

Attorney McCaghren read both ordinances by title. Planner Jeffrey Briggs summarized the locations and composition of the proposed annexation areas. Mr. Williams reported that the City has not heard from the City of Eatonville since receiving their letter. Mr. Briggs addressed other areas that Eatonville would like to annex and recommended that the areas Eatonville asked be excluded from our annexation be included. Mayor Marchman asked that a letter be drafted to respond to Eatonville's Mayor. No public comments were made.

Motion made by Commissioner Eckbert to accept the first ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and DeVane voted yes. The motion carried unanimously with a 3-0 vote.

Motion made by Commissioner DeVane to accept the second ordinance on first reading, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and DeVane voted yes. The motion carried unanimously with a 3-0 vote.

NEW BUSINESS:

1. Commissioner DeVane reminded the Commission about the Housing symposium next week at the Civic Center.
2. Commissioner DeVane expressed concerns with the extension of the Heller's agreement for the landscaping portion of their property as previously approved by the Commission. She stated that Mr. Rogers was unaware this was happening and that she was not present at the meeting when it was approved. She stated that some of the original requirements agreed to would have been completed within a 2 year period. She stated that if an extension is allowed, that a cap be placed on the amount of money the City is willing to spend or come up with another alternative because of concerns with the rising costs of trees. She suggested that Mr. Rogers meet with the City Attorney to come up with a recommendation of how the extension can be refined to satisfy all parties involved. **Motion made by Commissioner DeVane that a cap be placed on the amount of funds the City is willing to spend and to come up with a recommendation of how the extension can be refined to satisfy all parties involved, seconded by Commissioner Eckbert and carried unanimously.**
3. Joe Funaro, 360 Pennsylvania Avenue, asked that residents be polled regarding the Sydgan properties as to whether they want commercial there and if so, what type they wanted to see developed. He also wanted the Commission to ensure that it would end up that way.

Mayor Marchman adjourned the meeting at 6:00 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk