

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
May 22, 2006**

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 offered by Building Official George Wiggins, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong  
Commissioner Douglas Storer  
Commissioner John Eckbert  
Commissioner Barbara DeVane

Also present:

City Attorney Trippe Cheek  
City Manager James Williams  
City Clerk Cynthia Bonham

Members Absent:

Commissioner Douglas Metcalf

**MAYOR'S REPORT:**

a) Board appointments (remainder from the May 17 special meeting).

Mayor Strong asked that these appointments be deferred to the June 12 meeting when Commissioner Metcalf is present. Mayor Strong asked the City Manager to inform the board members that being appointed to a three year term does not necessarily mean a six year term. He stated he appreciates their work and it is not a penalty if they are not reappointed.

b) Discuss Task Forces.

Mayor Strong stated he would like to address the possibility of forming three task forces. He asked that the Commissioners think about these for the next meeting along with anyone the Commission would like to nominate. He indicated that he would like a seven member board; he would nominate three members and each Commissioner would nominate one member (to total seven). He stated he did not view these as requiring a staff liaison but they need to be public meetings with minutes taken. He asked that the public indicate their interest in serving on these task forces and hoped there would be a broad spectrum of participants. He listed the task forces as follows:

1) Commuter rail – Mayor Strong advised the Commission that the City will be asked to make a financial commitment in August or September 2006 of several million dollars which will require the City to bear operating expenses. He stated he would like the task force to educate themselves about the commuter rail proposal, determine a way to educate the citizens, and obtain a sense from the community whether or not they agree with the financial commitment the City would be making and if it is in the City's best interest. He stated he believed the task force would be

ready to meet in the next month. Commissioner DeVane suggested utilizing previous members of the Light Rail Task Force because of the many similar issues. Mayor Strong clarified that he is seeking interested members to communicate their interest for the next meeting. Mayor Strong would appoint three and each Commissioner would nominate one member for consideration, not subject to the Mayor's approval.

2) Architectural Standards Task Force - To study the advisability of architectural standards and possibly combine this with alterations to our historical ordinances. He stated that an Architectural Review Board was a topic discussed during the last campaign which has positives and negatives and that he hoped to have experts in this field to provide input as to whether or not they believe this is desirable for the City. He asked that anyone interested inform the Commissioners and for the Commissioners to provide names of persons they want appointed to the task force at the next Commission meeting. Mayor Strong would appoint three and each Commissioner would nominate one member for consideration, not subject to the Mayor's approval.

3) Task Force to evaluate the desirability of relocating Brookshire School to Cady Way Park – Mayor Strong addressed the composition of the task force to be members interested in parks and schools. He asked that names be provided at the next meeting by the Commission and other persons interested in serving on this task force. Mayor Strong would appoint three and each Commissioner would appoint one member for consideration, not subject to the Mayor's approval.

c) Comprehensive Plan Schedule.

Planner Jeff Briggs provided the proposed schedule for the transmittal and adoption of the City's Comprehensive Plan. He summarized the remaining work needing completion to meet the schedule. He spoke about the desire of the Commission to hire experts to review the plan before it is transmitted to the Department of Community Affairs and how this would fit into the schedule. He summarized the public meeting schedule and their suggestion that the Comprehensive Plan Task Force and the Planning and Zoning Commission as the recommending bodies, hear the public comments. He stated the comments should be received back from the State in October, the City has a minimum of 60 days to respond back, and will probably be January 2007 when the changes are formulated and we have a comprehensive plan back for adoption. He asked if the Commission agreed to this schedule.

Commissioner Eckbert spoke about the staff recommendation to exercise an external review process. He asked how this would work within the proposed schedule. Mr. Briggs explained they have a completed draft comprehensive plan being transmitted to the DCA on August 1 and could also give this to a consultant which allows them the entire month of August to review the plan and provide comments. He stated that any good changes submitted by the expert could be incorporated into the plan after that time. Upon further questioning, Mr. Briggs explained the process once the comments are returned from Tallahassee in October. Commissioner Storer commented that he agreed with the schedule and

the idea of an outside consultant which he believed would help the process. Mr. Briggs spoke about the type of expert that would be beneficial, i.e., planners experienced in growth and development or a land use attorney because they can spot the loopholes that someone could take advantage of.

Commissioner DeVane spoke about being asked to extend the review period here in the City. She expressed the importance of review by both planners and a land use attorney and agreed with the proposed schedule. She suggested offering more citizen input during the time of the budget hearings. She further explained that the comprehensive plan is not a solution to the City's land use problems but that a lot of the issues are within the Land Development Code which the City has the ability to change. She recommended forming a task force to be a continuation of the existing Comprehensive Plan Task Force or a totally new group to review the Land Development Code.

There was a consensus to accept the schedule as proposed and to proceed on that schedule. Future discussion will take place regarding the question of an external review and/or task force.

**NEW BUSINESS – CITIZENS COMMENTS:**

1. Peggy Strong, 916 Palmer Avenue, spoke in favor of keeping Winter Park as a small quaint community and to keep the large developers out of the City.
2. Kathryn Grammer, 200 S. Interlachen Avenue, #300 addressed conflicts of interest, the appearance of conflicts and the need for board members and City Commissioners to abstain from voting. She addressed the need for tougher codes to be more strictly observed by all. Commissioner Eckbert spoke about the many issues that they struggle with but explained the law and their requirement as an elected official to cast their vote unless they have an economic interest which causes a voting conflict. Attorney Cheek agreed with the explanation provided.
3. Antoinette Foley, 1270 Lakeview Drive, spoke about the State statute and the appearance of conflicts and the need to abstain from voting. She asked if certain Comprehensive Plan Task Force members are influencing the language used in the plan to benefit their clients. She quoted a newspaper article from the Sentinel concerning this issue and asked that members with conflicts step aside and resign their positions.
4. Patricia McDonald Greenstein, 2348 Summerfield Road, asked that the City Attorney disclose the results of his investigation of conflicts of interests of members of the Comprehensive Plan Task Force because of the composition of the board including attorneys, architects of developers, developers and builders. She spoke about her observance of board members wielding their influence. She addressed the perception of conflicts of interest eroding the public trust.
5. Lurline Fletcher, 790 Lyman Avenue, spoke about the need to keep the City a small community. She also addressed safety concerns with Westside students crossing Holt when traveling from Pennsylvania and Capen to Morse Boulevard to

Orange Avenue/Fairbanks and Holt. She asked that safety precautions be installed at this area. Mayor Strong asked the City Manager to suggest possible additional safety at this location.

6. Margie Wagner, 181 W. Stovin Avenue, read into the record the Comprehensive Plan position of "One Winter Park" and expressed concerns with the Task Force schedule and process.

7. Nancy Shutts, 2010 Brandywine Drive, supported the comprehensive plan timeline as presented. She spoke about the many opportunities for the public to ask questions and to better understand the plan and process.

8. Janie Baker, 450 Northwood Circle, spoke about the lack of a Westside board member on the Comprehensive Plan Task Force. She stated that member could have informed the Westside citizens of what was taking place.

9. Beth Dillaha, 1801 Forrest Road, member of the Tree Preservation Board, spoke about the value of City trees and the awards the City has received for preserving the trees. She addressed the importance of preserving and protecting trees for new developments and showed pictures of trees she believed should be saved. She asked that the ordinances be followed for new development.

10. Carolyn Cooper, 1047 McKean Circle, expressed concerns with City ordinances not being in compliance with the comprehensive plan. She displayed information of the projects already approved that the City has not yet seen the impact of. She summarized the additional parking places, the additional number of units and vehicles, safety problems, and the need not to give away City property. She spoke about the need to comply with the current comprehensive plan until the new plan is approved. She provided information from Coral Springs regarding land use development codes causing litigation or confusion as to whether or not they were approved and the use of a moratorium upheld as a reasonable way to halt development until the code was reviewed.

11. Patricia McDonald Greenstein, 2348 Summerfield Road, addressed her conversation with Tallahassee regarding the submittal of the City's comprehensive plan.

Mayor Strong addressed the proposed comprehensive plan schedule. He asked Mr. Briggs to make a recommendation for a public hearing on the Westside in the evening. There was a consensus to schedule this with the Commission.

#### **CITY ATTORNEY'S REPORT:**

Attorney Cheek commented about the May 17 meeting and the discussion at that meeting regarding his direction to provide conflict of interest information. He summarized their discussion.

**CONSENT AGENDA:**

- a) Approve the minutes of 5/8/06.
- b) Approve the following budget adjustments:
  - 1) Carry forward \$34,791 in funds budgeted in FY 2005 for construction of a pipe storage canopy at the Public Works Complex.
  - 2) Appropriate matching funds received from private parties for neighborhood grant projects. \$5,150 was received for the North Lakemont entrance and \$5,000 was received for a landscaping project at the Cloisters Condominiums.
- c) Approve the following purchases and RFP's: **PULLED FROM THE CONSENT AGENDA. SEE BELOW.**
  - 1) PR 126295 to Sensus Metering Systems for the AMR Touch Read Meter Change Out Program; \$77,310.00 (Budget: C.I.P./Utilities).
  - 2) RFP-15-2006 Insurance Agent/Broker award to Wittner National Group; \$60,000.00 (Budget: Insurance Fund).
  - 3) Negotiations for RFP-13-2006 Parks/Recreation Master Plan with Wade Trim (Budget: Parks & Recreation).
  - 4) PR 126618 to Brick America, Inc. for the purchase of bricks for Hibiscus Avenue; \$52,041.00 (Budget: Public Works).
- d) The Parks and Recreation Commission approved a 50% fee waiver (\$504) for Winter Park High School's use of the Civic Center. They are requesting a full waiver (\$1008) from the City Commission. Staff recommends a minimum payment of \$288 (\$48 x 6 hours) to cover hard costs.
- e) The Parks and Recreation Commission approve a 50% fee waiver (\$480) for Welbourne Day Nursery's use of the Civic Center. They are requesting a full waiver (\$960) from the City Commission. Staff recommends a minimum payment of \$240 (\$48 x 5 hours) to cover hard costs.
- f) Renew the Environmental Center Mead Garden agreement with Orange County Public Schools to expire May 31, 2007.
- g) Approve the agreement with the Orange County Tax Collector for the collection of non-ad valorem assessments.
- h) Authorize the addition of a Chief Accountant position for Finance at a cost for FY 2006 of approximately \$22,000 to be funded from General Fund contingency.
- i) Authorize the Mayor to execute the amendment to the Habitat for Humanity Development Agreement dated May 8, 2001, as presented.

Mayor Strong asked for removal of Consent Agenda item 'c'. Janie Baker, 450 Northwood Circle, asked to remove Item 'i' for comments.

**Motion made by Commissioner DeVane to approve the Consent Agenda with the exception of items 'c' and 'i', seconded by Commissioner Storer. The motion carried unanimously.**

Consent Agenda Item 'c'

Mayor Strong asked about the insurance broker. City Manager Williams explained the insurance agent/broker for the City and the solicitation of bids. Mayor Strong asked about the amount of \$60,000 paid to the broker. Commissioner Eckbert, as a member of the committee overseeing the broker selection, explained that there were 6-7 responses and this bid was within the lowest. City Manager Williams stated this amount is less than the City has paid in the past. It was explained that the agent/broker acts as the City's advisor. No public comments were made.

**Motion made by Commissioner Storer to approve Consent Agenda item 'c', seconded by Commissioner DeVane and carried unanimously.**

Consent Agenda Item 'i'

Janie Baker, 450 Northwood Circle, spoke in favor of the issue.

**Motion made by Commissioner DeVane to approve Consent Agenda item 'i', seconded by Commissioner Storer and carried unanimously.**

A recess was taken from 4:42 – 4:51 p.m.

**PUBLIC HEARINGS:**

- a) ORDINANCE NO. 2672-06: 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 RIGHT-OF-WAY OF HARMON AVENUE FROM BUCKINGHAM ROAD TO CLAY STREET, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

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

- b) AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL

CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND  
PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. City Manager Williams and Utilities Director David Zusi explained the intent of the ordinance. This will be in the next City newsletter to remind the public. No public comments were made.

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

- c) Conditional Use Request of Palm Beach Land Trust to develop a two story office building of 21,112 square feet at 700 W. Morse Boulevard.

Planner Jeff Briggs summarized the conditional use approval made in 1997 for a two story office building on Morse Boulevard previously acquired by the Chamber of Commerce to build their headquarters. He explained that the current applicants are requesting to build a two story 21,000 square foot office building at this location of 700 W. Morse Boulevard. He stated there are no variances necessary and the project meets the code. He commented that they have designed the project with sensitivity to the Plaza because of an open colonnade on the side of the building. He showed the layout of the proposed plan.

Mr. Briggs further explained the City owned a 50' x 125' lot that the City was going to give to the Chamber in 1997 to use for their stormwater retention. He stated the utilization of the area as a joint stormwater retention pond, both for this project and the redevelopment of the Community Center, is part of this proposal. He stated there is already a makeshift pond there and that this would become a more formalized pond that the developer has agreed to construct at their expense as well as the outfall structure. He stated they need to utilize about 25% of the capacity of the pond and the City would have the remaining 75% available for the City's needs. He stated staff agreed that this is a good arrangement and is a wash for the developer because alternatively, they proposed to do exfiltration in the center of the parking lot and put a metal grate over the top. He stated the concept of the joint pond was endorsed by the Parks and Recreation Commission but not the Planning and Zoning Commission. Staff agreed with the joint retention pond as opposed to having a metal grate over a retention area.

Commissioner Storer asked what the negatives were with the metal grate. Mr. Briggs responded about the aesthetics and the possible difficulty with walking on the grates. He stated we are saving funds by having them construct the pond. Public Works Director Attaway responded that the cost savings is approximately \$50,000.

Commissioner DeVane spoke against retention ponds and expressed her preference of an underground exfiltration system where it is not visible. She stated the Community Center has not been remodeled yet and she believed that having



the pond behind the property will limit anything we do there. Further questions regarding the underground system versus the above ground retention pond were posed and answered by Mr. Attaway and Mr. Briggs.

Applicant Ron Campbell, asked for approval and site plan approval to construct the building. He summarized his request.

Lurline Fletcher, 790 Lyman Avenue, spoke against the two story building on the Westside and the need to keep the area residential. She expressed concerns with retention and sinkholes.

Margie Wagner, 181 W. Stovin Avenue, commended the applicant for keeping with the code and not asking for variances. She spoke about the P&Z concerns with the request for joint retention and Mr. Stevens concerns that the capacity may not be adequate.

Kim Allen, 271 Virginia Drive, asked how much the property is worth where the retention would be shared and if it is a fair trade.

Beth Dillaha, 1801 Forrest Road, asked to see the elevation of the proposed project. Mr. Briggs displayed the elevation.

Carolyn Cooper, 1047 McKean Circle, spoke about the height of buildings and the need to relate the number of stories to the number of feet.

**Motion made by Commissioner DeVane to approve the plans, including the Planning and Zoning Commission conditions, and to require the drainage to be on site for the development and not on City property, seconded by Commissioner Storer and carried unanimously with a 4-0 vote.**

Commissioner DeVane commented that she would like the flexibility as we go back and look at the Community Center to explore all of the property and to get away from open drainage fields.

Mayor Strong disclosed meeting with other representatives of the developer.

- d) Request of Don Casto Lifestyle Properties for the approval of the Final Development Plans for the redevelopment of the current driver's license property at 940 W. Canton Avenue.

Planner Jeff Briggs explained the final development plan approval request and the history of the project. He stated the building was moved 10 feet further off of Denning Drive per the Commission request to provide more setbacks and preserve more trees along Denning Drive. He continued that the plan provides for a 40' public easement for a sidewalk/pedestrian path/lighted way to provide a pedestrian connection from the Winter Park Village to Lake Island Park; the balance of the path to be added when the State Office Building property is redeveloped. He stated that all the conditions of the Commission and the Planning and Zoning Commission (P&Z) have been incorporated into the plans. He commented that no



variances were required for this project. He addressed two issues raised by the P&Z concerning the color palette chosen and a 3,000 foot increase in building size from preliminary plan approval to the final plan approval before them. He stated this resulted in a 3-2 vote for approval.

Commissioner DeVane asked that the applicant address the issue of the trees on the property. Commissioner Eckbert asked for clarification of the P&Z minutes. Mr. Briggs addressed the 3,000 square foot issue and whether this needs to go back to the P&Z again.

Attorney Hal Kantor and representing the applicant, spoke about their project being approvable and the lack of variances. He clarified the conditions of approval that were further reviewed by the P&Z and added to the plans presented this evening to include the color palette being revised, the prohibition of time share use, prohibiting new unit owners from enclosing patios and balconies, wider sidewalks on Canton and Denning Avenues, shifting the building, and decorative streetlights. Mr. Kantor spoke about the easement agreement that needs to be concluded and recorded before they can obtain a building permit. He concluded that the building color and the 3,000 square foot increase will be addressed.

Architect Robert Moriset addressed the concerns of the Planning and Zoning Commission and the proposed changes made after that meeting. This included the aesthetics of the elevation, i.e., colors of the buildings and roofs and softening the building corners.

Drew Smith, Don Casto Lifestyle Properties, addressed the square footage of the project by garage and amenity deck; corridors, lobbies and circulation; and residential units. He spoke about their desire to save as many trees as possible.

Lurline Fletcher, 790 Lyman Avenue, spoke against the aesthetics of the proposed buildings as well as the construction of condominiums on the Westside. She commented about possible sinkholes with this project and all other projects on the Westside.

Antoinette Foley, 1270 Lakeview Drive, spoke against the aesthetics of the proposed building and what is taking place with construction on the Westside.

Rudolph Scott, 750 Northwood Circle, addressed concerns with the project being proposed because of causing a potential sinkhole at that location.

Patricia Greenstein, 2348 Summerfield Road, spoke against the large amount of building taking place on the Westside.

Carolyn Cooper, 1047 McKean Circle, spoke about Winter Park needing to be a low density community. She stated the project is inappropriate.

Margie Bridges, 767 Antoinette Avenue, clarified the colors being proposed. She spoke about the 3,000 square foot difference and her dissenting vote on the P&Z. She expressed concerns with setting a precedent. She indicated the need that the

process be followed and to take the 3,000 square foot difference back to the P&Z for review and approval.

Jan Nichols, 1505 Bonnie Burn Circle, asked that the process be followed and that the project go back to P&Z.

Commissioner DeVane asked Attorney Cheek to review how a significant change in terms of square footage (whether or not the 3,000 square feet is considered significant) is defined in the City's code. She stated if it is significant, it needs to follow the process and go back to the P&Z for approval.

Commissioner Eckbert asked for clarification if this is the same building reviewed by the P&Z. Mr. Briggs responded affirmatively. Commissioner Storer read the motion made at the P&Z regarding approval and asked for clarification which Mr. Briggs explained. There was discussion regarding the need to clarify the intent of the P&Z motion. Mr. Briggs explained that any project increasing over 250 square feet after approval is deemed a significant change that can be approved but is not a guaranteed approval. He concluded that they provided an explanation concerning the increase in square footage and that it does not materially change the project. He stated it is within the discretion of the Commission if they want to send it back to the P&Z.

Commissioner DeVane expressed concerns with not following the procedures outlined and setting a precedent by approving this without going back to the P&Z for further review of the additional 3,000 square feet.

**Motion made by Commissioner DeVane to send this back to the P&Z to review the 3,000 square foot change in the plans, seconded by Commissioner Storer.**

Commissioner Eckbert addressed citizen concerns associated with this project and his uncertainty about the pejorative nature of the language used by some residents towards the developer, the P&Z and Commission for complying with the laws in place. He spoke about the need to better understand why a similar type treatment to other developers who may not have followed this path results in the same treatment for this developer who has followed the rules and has done everything they can to attempt to work with a member of the P&Z concerning the color. He stated that he hopes for resident dialogue in the next couple of weeks to help him better understand those issues.

Commissioner Storer spoke about supporting the motion. He commented that he did not personally care for the color palette but that he was not on the Commission to make aesthetic decisions and did not believe that the P&Z was either. He stated that is an area that he did not believe the City wanted to head toward. He stated that the change in square footage is significant because he has held other developers to that same standard. He stated that the P&Z needs to review the increase in footage and that clear direction needs to be made by that board.

Mr. Briggs stated that the applicant just now informed him that they will reduce the project by 3,000 square feet to comply with the exact numbers from the original approval if this can be resolved this evening. Commissioner Storer reminded the Commission about the recommendation made by the P&Z that this issue come back before them. Commissioner DeVane addressed her support of the process that needs to be followed. Attorney Cheek asked that the motion be clarified for the record.

**Motion clarified by Commissioner DeVane that the project go back to the P&Z for clarification of the 3,000 square feet difference in question and that the P&Z review that and make a determination whether it is acceptable. Commissioner Storer as the seconder agreed.**

Mayor Strong commented that he did not have problem with the color or the 3,000 feet. He stated he has an issue with the fairness of this request, he believes it is consistent with the comprehensive plan but he takes to heart that the Westside is being treated differently from the rest of the City. He stated he believes the developer has done the best they can do but believed the Westside community has been short changed to the detriment of the entire City.

**Motion carried unanimously with a 4-0 vote.**

- e) Request of Sydgan Corporation: Changing land use designation of Multi-Family Residential (R-3) to Central Business District (C-2) on a portion of the property at 352 Hannibal Square, East; and Conditional Use and Planned Development Approval for the redevelopment of the properties at 352 Hannibal Square East and 463 W. Lyman Avenue to build a two story building fronting Hannibal Square consisting of retail and two apartments; and development eight residential units along the Lyman Avenue frontage with interior parking.

Withdrawn by the applicant.

- f) SUBD-Request of the Estate of Sarah Galloway to allow 860 Via Lugano to be divided into three lakefront lots.

The applicant requested that this item be tabled until June 12, 2006.

**Motion made by Commissioner DeVane to table this request until June 12, 2006; seconded by Commissioner Storer and carried unanimously.**

**CITY MANAGER'S REPORT:**

a) Vision post card survey results.

Communications Director Clarissa Howard summarized the results of the vision post card survey that was mailed out the week of April 10, 2006. After summarization, she informed the public that this is available on the City's website.

b) Grandfathering parking at commercial businesses and conditional uses.

1. City Manager Williams stated that staff would like to know how to proceed. Building Official George Wiggins advised the Commission about a recent concern about reopening commercial businesses where there is insufficient parking. He spoke about how the current code is lacking a provision to re-examine their parking or require them to come up to code, and how the City has allowed this in businesses that have been in operation even though they have deficient parking. Mr. Wiggins further addressed possible changes to the code that would require businesses to come into compliance. He recommended deferring this to the Planning and Zoning Commission to review measures that would provide that businesses come up to the City's parking standards.

Commissioner DeVane agreed that this should go to the P&Z. She spoke about businesses reopening after being vacant for a long time and the lack of parking.

There was a consensus to refer this issue to the P&Z Commission to provide a recommendation to the City Commission.

2. Mr. Wiggins addressed conditional uses. He stated that there has been discussion whether to remove or reduce the use of the conditional use approval process. He spoke about how the removal of this process would remove projects from the public hearing process. He explained various zoning districts and which conditional uses are allowed in those districts. Upon further comments, he did not recommend substantially changing the conditional use process and recommended to continue using the current process for expanded public notification and procedures as already gone through with regard to larger notification to the public depending on size and scope of the project.

Upon questioning by Commissioner Eckbert as to why this issue is being discussed, Mr. Wiggins explained that Commissioner DeVane originally asked for this discussion. Commissioner DeVane asked if we could also grandfather conditional uses. Mr. Wiggins explained that conditional uses are a zoning right given to the property and its owner and future owners; subject to the conditions originally placed on that conditional approval. She expressed concerns with granting conditional uses that in the future may prove to be troublesome and asked that this be reviewed. Commissioner Storer addressed the need to look at a unified way of approaching these conditional use approvals and attaching time frames to them. Commissioner DeVane asked that more discussion take place

and recommended that the Planning and Zoning Commission review this and provide a recommendation.

Carolyn Cooper, 1047 McKean Circle, spoke against the conditional use process and granting conditional uses.

c) Establishing an electric utility "Contribution in Aid to Construction" (CIAC) Appeal Process.

Utilities Director Don McBride explained the process being established to respond to developer and builder concerns of the cost of developing the electric utilities. He spoke about the policy in place that the builder/owner pays the entire estimated cost of providing the facilities to serve their new building which has caused concern among the builders. He addressed the reasons for the increase in cost to the builder. He stated the City is providing much better and highly planned facilities so we can underground the system which costs more money to do. He stated the Utilities Advisory Board (UAB) was receiving questions from developers and resistance from some of them so the UAB wants to be able to act as a mediation board on this. He stated the ultimate decision will be with the City Commission as the regulatory authority.

Commissioner Eckbert commented that this needs to happen. He explained the current procedures in place. Mr. McBride addressed the consensus from the Utilities Advisory Board.

Lucy Strong, 300 Virginia Drive, asked if this will also be for businesses. Mr. McBride provided an affirmative answer and explained the reimbursement process.

There was a consensus of the Commission to approve the appeals process.

d) New item not on the agenda

City Manager Williams asked approval for the early replacement of the 1999 Freightliner Ambulance to take advantage of the proposal prior to the 2007 exhaust emission standards price increase.

Fire Chief White explained the vehicle replacement system in place, the changes being made to the diesel engine chassis and the estimated increase in cost for the changes. He spoke about the 1999 vehicle that is scheduled for replacement in 2009 and the advantage of replacing the vehicle now because of the cost savings. Commission discussion ensued regarding whether this is a smart purchase at this time.

No public comments were provided. There was a consensus to approve the request with the funds to come out of the Vehicle Replacement Fund.

**NEW BUSINESS (CITY COMMISSION):**

1. Commissioner Storer thanked the Mayor for allowing the presentation of a proclamation to retiree Suzanne Ackley from Brookshire Elementary.

2. Commissioner Eckbert spoke about the time limit allowed for speakers which is not being enforced and the need for a remedy. Mayor Strong commented the three minute beep should still happen and the speaker should wind up their comments at that time. Commissioner Eckbert stated if this time is not going to be enforced that maybe it is not a good thing to have. Attorney Cheek suggested having a second beep for the public to wind down.

Upon discussion, there was a consensus to set the timer at four (4) minutes with a one minute warning to finish up. Commissioner DeVane asked that the public be encouraged to line up for speaking to save time.

3. Mayor Strong spoke about the need to schedule the strategic planning session date for the City Commission. He suggested scheduling this at the next meeting.

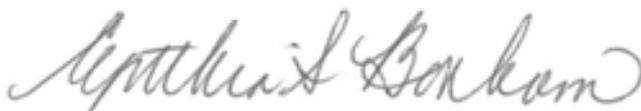
4. Commissioner DeVane asked that the issue of running red lights be addressed at a future meeting when staff can prepare a presentation. Discussion ensued regarding camera installation at the lights and the need for strict penalties for abusers. Police Chief Ball spoke about the pros and cons which will be included within his presentation.

5. Commissioner Devane asked that staff prepare a presentation concerning the status of hurricane preparedness for the City. She asked that this information be provided to the public.

Mayor Strong adjourned the meeting at 7:22 p.m.

  
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Mayor David C. Strong

ATTEST:



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City Clerk Cynthia Bonham