

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
July 10, 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 City Manager James Williams, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert (left 8:42)
Commissioner Douglas Metcalf
Commissioner Barbara DeVane

Also present:

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

Members absent:

Commissioner Doug Storer

MAYOR'S REPORT:

- a) 2006 First Days of School Proclamation - Presentation to Joie Cadle, Orange County Public Schools

Mayor Strong presented Orange County School Board member Joie Cadle with a proclamation in honor of the 2006 First Days of School. Ms. Cadle responded by thanking the Mayor and the Commissioners for the work they do for the young people within the community and the support they have given to schools, students, and teachers. Ms. Cadle said she would provide an update on the schools of Winter Park and inform the Commission on what is taking place at a later date.

- b) City of Winter Park Ethics Policy

Mayor Strong encouraged and asked for cooperation that everyone respect other opinions given and to refrain from personal attacks on someone's character and respect their opinion as being honest, unbiased and coming from the heart. He stated he hoped we can proceed with civility and honesty. He spoke about the ongoing suggestions from citizens for a clearer definition of conflict of interest or ethical conduct. He addressed the petition requesting a code of ethics.

Commissioner Eckbert stated that the City should be a leader in this regard and if it can be clarified and a better definition be provided, it should be done. Commissioner Metcalf stated he has never doubted the ethics of any board or Commission member concerning any activity in the City, but he will agree to one. Commissioner DeVane spoke about accusations made by residents with our past Mayor during the acquisition of the electric utility where he continually performed his duties according to the State and filed his conflicts of interests. She stated the concern still remains that certain members are not conducting themselves in an ethical manner. She suggested that a task force be appointed to review state standards and what other communities are doing in our area and throughout the

country and bring back recommendations with policies that can be incorporated and will dictate the behavior of elected officials, board and task force members, staff and contractors.

Commission consensus was to form the task force. Commissioner Eckbert stated it would be helpful that information be provided to the task force beforehand. Commissioner DeVane addressed the documents already in place at the City that can be provided. Commissioner Eckbert suggested that staff report what is currently in place to help define the process for the task force. Mayor Strong asked that each Commissioner provide a name for the Ethics Task Force for the next meeting.

- c) Discuss the action taken at the June 26, 2006 Commission meeting regarding the Glenridge property.

Mayor Strong spoke about the need for clarification of the approvals of the last meeting regarding the Keewin property (old Glenridge Middle School property). He summarized what he believed was agreed upon: Mr. Keen agreed to contribute \$300,000 and to commit \$250,000 (guaranteed) to total \$550,000; Mr. Keen will contribute another \$95,000 and against those contributions to the City Mr. Keen would buy the lot for \$502,000 and the difference would be paid somehow, sometime in cash consideration.

Commissioner DeVane addressed an additional \$45,000 buildout for the park. Alan Keen, Keewin Properties, agreed that there was also \$45,000 not mentioned by the Mayor. He agreed with the Mayor's summary. He stated he offered \$300,000, plus \$45,000 and another \$95,000 that the Commission asked him to pay equaling \$690,000. Mayor Strong continued that against that figure, Mr. Keen bought and will contribute the lot for \$502,500 to the City, leaving \$188,000 of consideration to be paid to the City at some point. He asked if that was correct.

Mr. Keen stated that does not add up, so he summarized what he believed was the agreement: \$300,000 towards the lot; set the \$45,000 aside because it was not part of the lot but was to improve the lot, set aside the \$250,000 because he already committed that money; so the \$300,000 was offered by him against the \$502,500. The Commission asked he pay another \$95,000, so if the numbers are added and taken them from the \$502,500, there is \$107,500 that was to be paid by the City even though he advanced the money. He stated that \$107,500 would be a credit against the \$250,000 that he is guaranteeing the City will receive so the City receives \$142,500 plus the \$45,000 totaling \$197,500.

Commissioner Eckbert summarized his understanding of what transpired using a table. He stated once the deficiency was identified, the default state is zero dollars in cash for any land purchase offsite and zero dollars for an offsite park with the missing ½ acre of land onsite. He stated that was the initial starting point where the problem was. He stated the Planning and Zoning Commission (P&Z)'s recommendation was \$300,000 in cash for the land purchase offsite, \$45,000 for park development offsite, plus the ¼ acre onsite park contribution. He stated he believed this is where some of the confusion came in; how we ended up with the

final numbers versus what the P&Z suggested. He stated the critical element is the developer is unwilling to provide what P&Z asked for and they would rather go back and do specific performance under the original contract which is to give the full ½ acre of parkland at Knowles Place. He stated the P&Z recommendation was not an alternative for execution under the contract. He stated the question then became whether it is better to have specific performance and receive the full 3 acres at the Knowles Place location or if there is another alternative that can result in achieving the park for the North Park Avenue neighborhood. He stated that is where the final column on the right hand side of the table he provided was devised which was an additional \$95,000 for land plus \$45,000 for the cash part with no additional onsite land contribution from the developer. Commissioner DeVane clarified that the number adds up to \$440,000 that the developer is paying; a guarantee of \$250,000 which is now guaranteed at the end, the \$95,000 was brought up because Mr. Keen mentioned what it would cost if we built the park as recommended by the neighborhood. She stated that decision of what the buildout is going to be has not been made but used that to come up with the \$95,000 but will look at what the neighbors want.

Commissioner Eckbert then addressed the purchase of the land of \$502,500; the value to be contributed to the City and \$107,500 is being front ended by the developer as a contribution in the land being made to the City. He said we should receive the land which is \$502,500 plus \$45,000 today from the developer; then on the back end will receive the remainder of the \$250,000 which is \$145,000 and when you add that with the \$45,000 contribution, it equals \$190,000 which is \$10,000 short of the \$200,000. He stated we were going to use a \$5,000 community grant and a \$5,000 in-kind contribution to count to \$700,000 in the cash flow way. He stated we can accomplish a long standing objective of securing the neighborhood park in the quadrant that is short and in the meantime have secured 100% of the financing of that from the developer when you count the \$5,000 in-kind contribution and have already budgeted a \$5,000 community grant.

Mayor Strong concluded that Mr. Keen will soon convey this property to the City and asked when the additional money will be provided. Mr. Keen addressed the development agreement that will come to the Commission stating he will convey the land at the time the plat is recorded, and at the same time will pay the \$45,000 to the park. He stated the \$250,000 is still based on the formula in the original agreement that the City receives the money (\$142,500) as the lots are sold. He stated he believed that would be in about 12-18 months after the 40th lot is sold.

Mayor Strong stated where to build a park in the N. Park Avenue area needs to be addressed separately in the new budget year or to seek other funding sources. Commissioner Eckbert spoke about the assurance of some funds being available for a park wherever the Commission agrees to locate a park. Commissioner DeVane addressed the possibility of obtaining State assistance to build a park on the north end of Park Avenue.

d) Not on Agenda – Staff liaisons on task forces

Mayor Strong addressed the need to appoint two staff liaisons to boards due to the resignations of Planning Director Don Martin and Assistant Planning Director Alberto Vargas. He appointed Lindsay Hayes to the Brookshire Task Force and George Wiggins to the Architectural Review/Historical Review Task Force.

NEW BUSINESS – CITIZENS COMMENTS:

Mayor Strong asked the public to address specific items on the agenda at the time the item is discussed rather than using this section. He stated this section is for new business not in the current agenda or contemplated for a future agenda.

1. Antoinete Foley, 1270 Lakeview Drive, submitted petitions asking the commission to identify and remove individuals on the Comprehensive Plan Task Force who have or appear to have conflicts of interest.
2. Barry Greenstein, 2348 Summerfield Road, read a letter from Steve Fehler, regarding the scale and density in the City, the need to maintain the City's character, and his opposition to large projects within Winter Park.
3. Alice Mikkleson, 621 Virginia Drive, asked that money be set aside in the budget to take care of parks in the City.
4. Mary Randall, 1001 and 1001 S. Kentucky spoke about the need to preserve Winter Park and its wonderful assets and to control growth.
5. Patricia Greenstein, 3248 Summerfield Rd, expressed her disappointment with the Commissioners regarding their decision with the Glenridge Property.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1952-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE USE OF RED LIGHT CAMERAS AT SELECTED SIGNALIZED INTERSECTIONS; PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the resolution by title. No public comments were made. Commissioner Metcalf spoke about the need to contact state legislators to push this issue. Commissioner DeVane addressed the additional enforcement undertaken by the Police Department and the large number of recent citations issued.

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

- b) RESOLUTION NO. 1953-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE INSTALLATION OF AND FUNDING OF PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES CONSISTING OF STREET BRICK ON FORREST ROAD, FROM FAWSETT ROAD SOUTH TO SPRING LANE; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING FORREST ROAD, FROM FAWSETT ROAD SOUTH TO SPRING LANE; PROVIDING AN EFFECTIVE DATE.

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

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

CONSENT AGENDA:

No Consent Agenda.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2676-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA CHANGING THE NAME OF THAT PORTION OF NORTH LAKEMONT AVENUE (ORIGINALLY A PART OF LAKEMONT AVENUE) WHICH IS LOCATED NORTH OF PINE AVENUE, THROUGH THE NORHTERN TERMINAL POINT OF THE STREET, TO ARBOR PARK DRIVE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

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

This issue was continued from the June 26, 2006, Commission meeting. Planner Jeff Briggs summarized what transpired at the last Commission meeting. He explained that it originally consisted of four platted lots so they can by right divide the property into two properties, but need they Commission approval to divide into three lots as requested. He stated the three lot layout has been submitted at this time and explained the lot size dimensions. He stated there was grounds for the

P&Z to recommend denial of the request because they believed it was better divided into two lots and because of concerns with the live oaks on the western portion of the property being in the way of the buildable lot. He stated they discussed assurances that can be put forth today that will notice future buyers that they have to go to the P&Z and obtain approval for their home and to take down the trees. He stated in the interim, the Foundation has met with the Mayor. Mayor Strong disclosed his meeting with the applicant after the last meeting.

Attorney Frank Hamner spoke about meeting with Mayor Strong concerning whether any of the property would be suitable for park land. He discovered that the City does not have funds to purchase a lot for a park at this time. He stated he has volunteered his services to assist with grants that the Mayor informed him about to assist the City for this purpose. He stated there were two issues at the last meeting with the trees and lot sizes. He spoke about the size issue with the lots and about their lot split request. He addressed the lot sizes on the east side being smaller. He provided a sketch of the lots from the surveyor and explained the change of lot sizes of the western lot over toward the center lot by 16' to accommodate the live oak trees.

Attorney Hamner provided possible language that will be contained in the documents for sale of the property that no trees can be removed, replaced or moved without P&Z approval and compliance with the tree preservation ordinance. He stated this will be made a part of any advertisement of the sale of the property, signs on the property, written documents, websites, etc. that the property is subject to certain Winter Park legal requirements regarding removal and replacement of trees. He stated they are offering this as an offer of approval for the three lots. He stated he is willing to use whatever language is necessary for this to be a condition of approval. He concluded by asking for approval to split into three lots, with the condition that they increase the lot size of the lot closest to Dr. and Mrs. Finkler to 41,000 square feet as shown on the sketch and to include in the advertisement language and similar language in the contract for sale regarding the trees which he will ensure will become a part of the contract.

Discussion ensued regarding the proposed lot sizes and the redrawing of the lot sizes to accommodate the trees. Mr. Hamner summarized the proposed lot sizes as follows: the lot closest to Dr. Finkler is 41,053 square feet (.94 acres), middle lot is 48,329 square feet (1.1 acre) and the lot closest to the McWilliams is 42,388 square feet (.978 acre). He stated they all meet the square footage and frontage requirements. Commissioner DeVane requested that Mr. Hamner ensure that staff has a copy of the survey.

Mayor Strong reported about his meeting with the Foundation, their need to proceed to market these lots immediately, and that they would not provide special accommodation for the City to acquire the property. Mr. Hamner clarified that the request of the City was for them to review whether they could make property available to the City at a reduced price and that it was his understanding that the price would not be low enough for the City to purchase the land. He stated they would have accommodated the City at a certain reduced price, but that did not work out. Mayor Strong stated we are not here this evening to discuss the creation

of a park on this property and if the City can acquire property for this purpose, the process will be long and expensive. He stated that he and Commissioner DeVane met separately with potential funding sources and would be up to a two year process to obtain any of the property. Mr. Hamner stated there is nothing that excludes the City from buying the property nor is there an incentive to be given to the City. Mr. Hamner reminded the Commission they have agreed to notify the City when the property is under contract.

Commissioner DeVane spoke about the issue of protecting the grove of trees and her discussion with the Florida Trust For Public Lands that would take up to two years and that the price is very high. She stated she wants to hear what the nearby property owners think about this and how this will impact them.

Pam Peters, 467 Lakewood Drive, spoke about lakefront impact with increasing densities of properties on the lakes and the need to provide and save greenspace. She asked about the possibility of volunteer park maintenance with neighborhoods.

Gil Finkler, 790 Via Lugano, spoke against having a greenspace in this area because of disturbances.

Margie Wagner, 181 W. Stovin Avenue, spoke about her tour of the property and the magnificent trees and wildlife that would be nice as a preserve. She hoped to find funding to purchase the property.

Will Graves, 3048D George Mason Avenue, spoke about the beauty of Winter Park and its many assets.

Karen Marell, 199 Osceola Court, asked that the property not be divided into three lots.

Carolyn Cooper, 1047 McKean Circle, spoke about the comprehensive plan test on the property and the rights of the Commission.

Jack Rogers, 1002 Temple Grove, opposed the request to subdivide the property. He stated the request needs to go back to the P&Z for more clarification.

Beth Dillaha, 1801 Forrest Road, provided support for a subdivision of two lots; not three.

Marc Hagle, 1220 Park Avenue North, addressed the need to protect the lake and to keep the City's character and to stop subdividing property. He asked for two lots, not three.

Tom McMacken, 1821 Shiloh Lane, asked that this go back to P&Z and define a buildable area on whatever lot the Commission decides to establish and to protect the trees.

Commission questions were asked of Attorney Hamner whereby Mr. Hamner responded. Mr. Hamner clarified their request is to subdivide into three lots with

conditions that the lot line be moved over 16', provide the advertisement language regarding the trees, and similar language in the contract.

Commissioner DeVane expressed concerns with splitting the property into three lots because of the live oaks. She addressed the insufficient information provided by the drawing showing the trees with the new lot split dimensions. She stated it is the applicant's responsibility to clarify this. She stated she is supporting the denial of the P&Z of the three way split and suggested sending this back to them. She spoke about not wanting estate properties to be carved up into 3-4 lots because of the City losing its charm. She commented that the desirable solution is to split the property into two lots. She spoke about the comprehensive plan providing for protection of the trees and that the Commission has the right to reject the three lot split even it meets the requirements of square footage with its neighbors. She stated it does not look positive about having a park at that location. She concluded by expressing the need to send this back to the P&Z for them to review the site plan with the trees in question and to identify what is buildable and what is not with the goal of protecting the trees.

Commissioner Eckbert asked for further explanation of what transpired at the meeting between the Foundation and Mayor Strong. The Mayor repeated information that he previously provided. He stated they did not discuss the issue of a two or three lot split. He further explained that he wanted to identify the valuable trees and what shadow they cast on the ground to determine what can be built comfortably on these sites before they come to a conclusion. Commissioner Eckbert spoke about the comprehensive plan and zoning that lays out the expectations of property owners. He expressed the need for the Commission to provide guidance if the property owners meet or exceed the guidelines and the Commission decides not to approve certain requests that are made. Planner Briggs explained the language in the comprehensive plan with keeping the density on the lakefronts and preserving the City's lakefront estates. Further discussion ensued regarding the comprehensive plan language.

Commissioner Metcalf clarified Commissioner DeVane's suggestion to send this back to the P&Z. She provided her explanation of the need to determine whether this can be split into three lots because of the location of trees and the possibility that the lot with the trees may not be buildable. She provided her view of the options: 1) to support the P&Z and suggest they split the lot into two lots; 2) to send it back to the P&Z and ask them to look at this with the tree survey in a more technical manner to show the Commission what impact this has on the possibility of a three way split; or 3) support a three way lot split. Planner Briggs explained the value of this project going back to the P&Z because they will define what the buildable areas of the lots are for all future buyers.

Mayor Strong asked if we can define a building envelope when a lot split is done. Mr. Briggs stated you can put whatever restrictive requirements upon approval as necessary to accomplish the objective of the Commission which in this case is preserving the trees. Mayor Strong asked if the applicant is prepared to do this and stated he will not support a three lot split unless he has some confidence that we can have a suitable building envelope on three different lots. Attorney Hamner

spoke about not knowing what size home someone may want to build. He stated you are getting into the general provisions of the code speaking about the smallest permissible density which he stated they have the permissible criteria right now. He stated they have provided a tree survey and the Commission is requesting something above and beyond that. He expressed concerns with meeting the requirements and having to keep coming before the boards for approval but was willing to provide information regarding the buildable lots. Attorney Hamner asked that the Commission give them the approval for the three lots on that condition.

Motion made by Mayor Strong to send this back to the Planning and Zoning Commission for review on defining a building envelope for up to three lots (up to three buildable site) on this property.

Mr. Hamner commented he believed this was to come back to the Commission, not the P&Z. Mayor Strong stated he could agree to that. Commissioner DeVane stated she wanted the P&Z to review this because they voted for a denial and because of the need to follow the process. Commissioner Metcalf disagreed because he stated the Commission made the adjustment at the last meeting about moving the lot line and setting up the parameters that would make this estate compatible with a three lot split. He asked for clarification regarding why this would be sent back to the P&Z instead of the Commission. Commissioner DeVane offered her reasoning for this going back to the P&Z because of their mission to resolve these types of issues that come back to the Commission for approval.

Commissioner Metcalf spoke about the tree ordinance in the City dictating what they can and cannot do and Mr. Hamner's statement that he will ensure that the advertising and contracts contain language to protect the trees. Further discussion ensued regarding what the P&Z is expected to accomplish by sending this back to them again. Planner Briggs suggested that the P&Z define the buildable areas, then they can sell the lots and the buyers will have confidence that this is already decided what the buildable area is. Commissioner Eckbert asked about the procedure for changing the zoning on estate lots. Attorney Cheek explained the process. Commissioner Eckbert asked that staff and/or the P&Z provide guidance as to what can or should be modified in the code to determine what is considered by the Commission as adequate protection of the State laws.

Motion made by Mayor Strong to return this to the P&Z to define the buildable envelopes on the site, and protect the live oaks and minimize the impact on the lakes, seconded by Commissioner DeVane. Motion carried unanimously.

RECESS TAKEN FROM 5:27 – 5:37 p.m.

c) Request of Brian Albertson:

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 3217 CORRINE DRIVE AND AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING,"

SO AS TO ESTABLISH OFFICE (O-2) ZONING OF THE ANNEXED PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Jeff Briggs requested to table this because of the need to have a full Commission to proceed.

Motion made by Commissioner Eckbert to table the ordinance, seconded by Commissioner Metcalf and carried unanimously.

- d) Subdivision Request of John Kolb to split the property at 1476 Grove Terrace into two single family lots of 65 and 85 feet wide. A variance requested for the interior lot which is required to have 75 feet of lot width in the R-1A zoning district.

The applicant was not present. Planner Jeff Briggs explained the request, location and zoning of the property. He explained the necessity of having a 75' lot width to have a conforming lot but that the subdivision code calls for an extra 10' for lots on corners to compensate for the extra setbacks needed. He stated they have a 150' wide lot and will have the 85' feet necessary for the corner lot but they are asking for a variance to establish a 65' wide lot on the interior of the lot. He stated the major issue is a 96" live oak on the back south portion of the property which the property owner is making efforts to divide the property so the tree is protected. The applicant has submitted specific plans for two homes that would be built showing how you can build them and preserve the signature tree. The applicant has agreed to a deed restriction easement to be placed on both properties so future owners know the tree is to be preserved. He stated the P&Z was not convinced that building two homes was less harmful to the tree than one home. He further explained why the P&Z denied the request. He spoke about the petition circulated against the splitting of the property.

Jim Cook, 1444 Grove Terrace, summarized the history of the request as presented to the P&Z and the many times the project has been tabled, continued or pulled from the agenda. He spoke about the lack of a hardship being shown to warrant a variance.

Robert Whorf, 1461 Grove Terrace, opposed the request to split the property. He provided pictures of the property.

Harl Graham, 1401 Grove Terrace, opposed the request because of the impact and the lack of a hardship to warrant the variance.

Wes Perkins, 1565 Grove Terrace, opposed the request because of the need to preserve the live oak.

Motion made by Commissioner Eckbert to deny the request, seconded by Commissioner Metcalf, and carried unanimously.

d) Moratorium ordinance:

Planner Jeff Briggs explained the reason for the ordinance as related to the comprehensive plan in the works and its adoption schedule.

The following spoke in favor of the moratorium for the following reasons: impacts of taller and larger buildings, the need to wait until the comprehensive plan is adopted so rules are in place for smart growth, property rights, developers building and not taking into consideration the impact to the community, to allow better control over development, the need to preserve the City in its current state, the need for clearly defined rules for building in the City, the need to preserve trees, the need for a guarantee to stop the development in the City, loss of ambience, certain zoning allowing taller building heights (55'), the need to value people more so than buildings, and the need to have the moratorium City-wide.

Jack Rogers, 1002 Temple Grove
Sharon Strong, 155 Stovin Avenue
Ken Hanson, 1700 Sunnyside Drive
Kathryn Grammer, 200 S. Interlachen Avenue
Richard Trismen, 1551 Laurel Road
William Traylor, 150 Chelton Circle
Randy Robertson, 1350 College Point
Michael Dick, 823 Granville Drive
Rick Frazee, 1921 Englewood Road
Will Graves, 3048-D George Mason Avenue
Sally Flynn, 140 Highland Road
Ann Saurman, 1041 Osceola Avenue
Susan Gabel, 1539 Golfside Drive
Mary Randall, 1000 and 1001 S. Kentucky Avenue
Martha McHenry, 530 Clarendon Avenue
Ned Cooper, 1047 McKean Circle
Marc Hagle, 1220 Park Avenue North

Recess taken from 6:59 – 7:10

Mike Harbison, 2150 Forrest Road
Karen Marell, 199 Osceola Court
Carolyn Cooper, 1047 McKean Circle
Mary Daniels, 650 Canton Avenue
Barry Greenstein, 2348 Summerfield Road
Janie Baker, 650 Northwood Circle
Bill Rosenfelt, 1400 New York Avenue
Beth Dillaha, 1801 Forrest Road
Margie Wagner, 181 W. Stovin
Irwin Taylor, 797 Pinetree

The following spoke against the moratorium ordinance:

Eric Rosoff, 1247 Via Salerno, spoke against overdevelopment in the City, but was against the moratorium. He spoke about the Central Business District (CBD) being infringed upon and attacked. He asked that the areas be better defined and if the CBD needs to be protected more, then it should be done. He stated he wants to encourage the need for redevelopment, but to do it tastefully and in character. He did not see the value of a moratorium and spoke that he had confidence in the decisions of the Commission.

Dan Bellows, 450 New England Avenue, addressed his projects already begun in the City that he does not want to see delayed. He asked that the current City process be allowed to continue.

No further public comments were provided.

Commissioner DeVane spoke in support of the moratorium because of the need to halt the building until the comprehensive plan is adopted. She expressed the necessity of moving forward with the ordinance.

Commissioner Metcalf commented the developers realize the changes taking place in the City regarding development. He spoke about listening to the citizens but did not believe a moratorium was the way to go because it also halts good projects and that good projects should not be penalized. He stated would like to have something stating the specific rules, i.e., comprehensive plan and will consider a moratorium that lasts until the comprehensive plan is sent to the DCA.

Commissioner Eckbert spoke about historically being opposed to moratoriums because of the good projects being penalized. He stated that this moratorium is the most fair way to go at this time and under these circumstances. He supported this through the submission of the comprehensive plan to the DCA.

Mayor Strong clarified what the ordinance is prohibiting and did not view the moratorium as infringing on property rights. He stated we should expand the ordinance for six months (through January) and that we need to clarify whether the ordinance should be City-wide or only for the CRA area. Upon discussion, it was determined that the ordinance should not be City-Wide. Discussion ensued regarding the expiration date of the ordinance and that the comprehensive plan revisions are not going to solve all the City's issues.

Motion made by Mayor Strong to accept the ordinance on first reading with the change made to Section 3 that the ordinance will expire on January 1, 2007; seconded by Commissioner DeVane. Upon a roll call vote, Mayor Strong and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote with Commissioner Storer being absent to vote.

CITY MANAGER'S REPORT:

a) Review of Planning Consultant Services for Comprehensive Plan.

Discussion ensued regarding the three firms who submitted proposals. Mr. Briggs addressed two firms he was familiar with. Various opinions were expressed regarding the preference of each Commissioner. Commissioner DeVane spoke about the need to hire someone that does not have a perceived possible conflict of interest. Upon discussion, Canin and Associates was suggested by the Mayor with a budget of \$25,000.

Motion by Commissioner DeVane that we retain Canin and Associates for \$25,000, that their work be completed by September 15, 2006, and that Brian Canin be the project leader and chief person in charge of interfacing with the City and the critical P&Z and staff sessions; seconded by Commissioner Eckbert and carried unanimously.

b) Budget discussion.

Finance Director Wes Hamil presented information regarding the 2006/2007 budget. He stated he has provided a balanced budget with the same 4.698 operating millage rate that we currently have. He summarized what is included within the proposed budget and the remaining \$800,000 to work with. He provided a list of department requests in priority order as set by the City Manager, a list of requests from outside organizations that have received funding in the past, the summaries of the revenues and expenditures in total for the General Fund, the list of expenditures by department, a summary of the most significant increases in costs, and a summary of what was cut from each department's original request in order to balance the budget. He stated he will provide more detailed information on departmental expenditures at the next meeting as well as backup justification for departmental requests and will set the tentative millage cap.

Commissioner DeVane asked Mr. Hamil to provide a list of priorities by department. She inquired about pension fund shortages. Mr. Hamil and Assistant City Manager Knight explained how this is handled and that they know prior to the budget year what the contribution will be for that year. Commissioner DeVane expressed concerns about the amount of debt service on vehicles and asked if they can see a schedule of why vehicles cost so much more. Mr. Hamil explained why the debt service and the vehicle rental is up. The type of vehicles purchased by the City was addressed along with the need to be fuel efficient. Modifications were made to the schedule as discussed and agreed upon. Commissioner DeVane spoke about the need to discuss the role of the City using taxpayers dollars to support not for profit organizations and the lack of youth sports budget requests.

Finance Director Hamil mentioned items not appearing under the list for requests for funding. He explained the pay plan study underway for City employees and exploring options for improving retirement benefits for general employees. He stated those numbers will be provided at a later time.

Susan Gabel, 1539 Golfside Drive, asked about future budget work sessions and if this information is available for the public.

Commissioner Eckbert commented that he needed to exit for the remainder of the meeting. After determining the need for four Commissioners to be present for a quorum of the CRA Agency, the regular meeting was temporarily adjourned to convene as the CRA Agency at 8:33 p.m. and reconvened as the City Commission at 8:42 p.m. Commissioner Eckbert departed the meeting at this time.

c) Northwood Circle wall discussion

City Manager Williams reported the Commission previously approved rebuilding the wall that was taken down with the property owner in return for giving the developer permission for a lot split but as of this time, the property owner has not done that. He recommended the following: to rebuild the north side wall that was damaged; reconstruct it as it is currently constructed in the right of way which requires an encroachment agreement by the owner, including removal of two trees in the right of way, relocate the sidewalk, and move the wall out into the right of way which removes it from private property. He stated the cost is \$21,400 and recommended the funds be taken from the Contingency Fund.

City Manager Williams also recommended that the document be recorded in the records to require any future developer of the lot to reimburse the City for the cost of the wall before any lot split is allowed, including granting an encroachment agreement to the City. He also recommended that the condition to pay for the wall by the owner be subject to this subdivision only, due to the proposed lot split, that will avoid any precedent set by others wishing to have their walls repaired. He also recommended that the subdivision form a Homeowners Association to maintain the wall once it is built; the City will assist them in forming the association. He stated if this is agreed, the City can proceed in the next 60 days to accomplish this. Attorney Cheek clarified that if owners of the property never ask for a lot split, that the funds will not be reimbursed to the City but that the wall will be reconstructed.

Mehrdad Moradi, 133 East Pine Street, Longwood, stated his wife is the owner of the lot. He stated he was just informed about this meeting and that he wanted to ascertain what is going on. Mayor Strong addressed the Commission at that time permitting a lot split into two lots with the provision that he pay to rebuild the wall. Mr. Moradi agreed and stated he would like an attorney to represent him if he chooses. Mayor Strong commented that Attorney Cheek can prepare the documents contemplated for transmittal to his counsel. Discussion ensued that the City has been waiting a year for Mr. Moradi to build the wall which has not happened and that the City wants to have the wall rebuilt which will be on City property.

Rudolph Scott, Jr., 750 Northwood Circle, spoke about the need to rebuild the wall as soon as possible and agreed that they will maintain the wall.

There was a consensus of the Commission to approve the City Manager's recommendation as stated above.

- d) Keith Gardner - Appeal the decision of the City Manager to allow alcohol at a corporate picnic and softball game on Cady Way Softball Field #10, July 16, 2006.

City Manager Williams spoke about the permit that was issued and approved by the Parks and Recreation Commission to use the park for a corporate party. He stated Mr. Gardner was present at that meeting and objected to the approval who has now indicated that he may want to appeal the decision within the five days allowed. He stated that staff's recommendation is to confirm the approval of the picnic with alcohol. Mayor Strong expressed his understanding that the picnic can be approved without alcohol or to have a police officer present.

Police Chief Ball stated he contacted the person requesting the event permit who informed him he wanted to rent the softball field for a private party for employees and their families with beer available. He stated the applicant agreed either to hire an off duty officer (applicant was willing to absorb the cost) to ensure the neighbors that the party would not get out of hand or not to serve alcohol at all. City Manager Williams stated the applicant will be contacted and they will be provided the options for them to choose.

NEW BUSINESS (CITY COMMISSION):

1. Commissioner DeVane asked for consideration to go back to the old agenda where citizens New Business is at the end of meeting. She stated items on the agenda need to be dealt with first and that the public will be able to attend the meetings later to speak. There was a consensus to put citizens New Business before the Commission New Business.

Mayor Strong adjourned the meeting at 9:05 p.m.

ATTEST:



City Clerk Cynthia Bonham



Mayor David C. Strong