

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
July 24, 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 Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

Members present:

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

Also present:

City Attorney Trippe Cheek
City Manager James Williams
City Clerk Cynthia Bonham
Deputy City Clerk Nancy McLean

MAYOR'S REPORT:

- a) FRDAP grant award checks presentation by Senator Lee Constantine and Representative Dean Cannon for the Howell Branch Preserve improvements and the Mead Garden Trails renovations project.

Checks for \$200,000 each were presented by Senator Lee Constantine for the Mead Garden Trail project and Representative Dean Cannon for the Howell Branch Preserve project from grants received.

Mayor Strong announced that both Senator Constantine and Representative Cannon encouraged the Commissioners, staff and citizens to think about various grants to apply for in the upcoming year and to submit the applications in a timely manner.

- b) July 2006 Outstanding Employee of the Month – Brad Grainger, Engineer/Medic, Winter Park Fire-Rescue.

Mayor Strong recognized Brad Grainger, Fire Department Engineer/Medic, as the July 2006 Outstanding Employee of the Month.

- c) Board appointments – Ethics Task Force

Mayor Strong asked if the Commissioners had nominations for the Ethics Task Force Board. Commissioner Metcalf named Joe Regner. Commissioners Eckbert and Storer stated they would have their nominations at the next meeting. Commissioner Devane suggested the two names of Thad Seymour and Professor Rick Foglesong. Commissioner Storer appointed Dr. Seymour; Mayor Strong supported Barry Greenstein and suggested that Anna Currie be the staff liaison. City Manager Williams stated he had already asked her to be on the board. Mayor

Strong addressed the need for this to be finalized at the next meeting and to appoint the other member.

c) CRA Advisory Board appointment

Mayor Strong announced the need to take action on a CRA board appointment because an extra person was appointed. He announced Ms. Moore's resignation which brought the board to seven members. He explained Ms. Roberts will continue to be an alternate and Ms. Moore's position would not be replaced.

Motion made by Commissioner Eckbert to approve this, seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

e) Florida League of Cities voting delegate

Mayor Strong appointed Commissioner DeVane as the voting delegate for the Florida League of Cities conference in Jacksonville. There was a consensus that Commissioner DeVane represent Winter Park.

f) Item not on the Agenda

Mayor Strong brought forward a non-agenda item regarding the appointment of the Enzian Theatre Task Force to study the location for the Enzian Theater on or near Park Avenue. He announced Jim Barnes from the Economic Development Advisory Board had provided recommendations to the Commission and that Full Sail Real World Education was supportive of this effort. They asked that a Full Sail member be appointed to the task force and nominated Geoffrey Rogers, Vice President of Financial Services.

Mayor Strong announced the following members to the Enzian Theater Task Force: Faith: Bob Bushong; Retail: Brian Wettstein; Grant: Patty Maddox; Construction: Frank Herring; Non-profit: Sam Stark; EDAB: Agatha Francis; Education: George Herbst; Citizen: Beth Dillaha; and Geoffrey B. Rogers (Full Sail).

Mayor Strong asked City Manager Williams to confirm the members with Mr. Barnes including the addition of Mr. Geoffrey Rogers.

Motion by Commissioner Metcalf to approve the task force members, seconded by Commissioner DeVane. The motion carried unanimously.

CITY ATTORNEY'S REPORT:

City Attorney Cheek addressed two City ordinances relating to building heights in the New York Avenue Corridor and the completion of his research because of a question raised as to whether these ordinances which allow buildings 55 feet in height in the New York Corridor were inconsistent with the comprehensive plan. He explained, based on the language of the existing comprehensive plan both now and when the ordinances were adopted, he concluded they were not illegal.

CONSENT AGENDA:

- a) Approve the minutes of 6/26/06 and 7/10/06.
- b) Approve the following:
 - 1) Procurement Card (P-Card) Policies and Procedures Manual. This will be added to the Purchasing Policies and Procedures Manual previously approved by the Commission.
 - 2) Negotiation Team to begin negotiations with the top ranked firms for the RFP Request for Proposals-1-2006, Broadband Services for City of Winter Park. (see memo attached) Cost is unknown until negotiations are completed. At that time the team will bring back the contract details for discussion and final approval. **PULLED FROM CONSENT AGENDA. SEE BELOW.**
- c) Approve the following budget adjustments:
 - 1) Appropriate \$6,000 in payments received from merchants for the valet parking program on Park Avenue.
 - 2) Appropriate \$18,000 of General Fund contingency for a garbage compactor enclosure on the Bank of America property.
 - 3) Appropriate \$23,535 in reimbursement received from the State for overtime related to training provided by City Fire Department staff.
 - 4) Appropriate \$19,000 in permit revenues in excess of original budget estimates for travel and training and office moves for building plans review and code enforcement.
- d) Approve the annual expenditure for the Electric Utility Operations Center at 4515 Metric Drive, subject to approval by the City Attorney. **PULLED FROM CONSENT AGENDA. SEE BELOW.**
- e) Approve the proposal from Wade Trim for preparation of a Parks Master Plan. **PULLED FROM CONSENT AGENDA. SEE BELOW.**

Commissioner DeVane asked to pull item b (2) for more information. Mayor Strong asked to pull items (d) and (e) for more information.

Motion made by Commissioner Storer to approve the Consent Agenda, excluding items b(2), d) and e) seconded by Commissioner DeVane and carried unanimously.

Consent Agenda Item b(2):

Commissioner Metcalf explained the concept of having wireless available throughout the City's municipal area. He explained they had several meetings with a wide range of participants, including residents and technical experts. He stated they went through the RFQ proposal process and narrowed the field from seven to three respondents: Cellnet/Sky Pilot, Bright House and ClearWire. Commissioner Metcalf addressed the need for negotiations to choose the proposal that meets City requirements and allowing the City the opportunity for a third alternate channel, in case of emergency, thus allowing better communications. He stated this was the recommendation of the panel which carried a unanimous decision and is being presented to the Commission to move forward. Further comments were made

regarding fiber optics, the private partnership of three or four companies, and the City would have automatic meter reading.

Motion made by Commissioner Storer to approve Consent Agenda Item b(2), seconded by Commissioner DeVane and carried unanimously.

Consent Agenda Item d):

Mayor Strong suggested the possibility of using the State Office Building. He addressed the study expected on the potential use of that building. City Manager Williams explained the report would be here shortly. Mayor Strong did not want to approve this item until the Commissioner's had the opportunity to read the report.

Motion made by Commissioner DeVane to table this item, seconded by Commissioner Storer and carried unanimously.

Consent Agenda Item e):

Mayor Strong expressed his opinion of hiring consultants and the many talented people and staff within the community. He addressed the need that future items are done internally with citizens and staff in lieu of budgeting funds.

Motion made by Commissioner DeVane to approve Consent Agenda Item e), seconded by Commissioner Storer and carried unanimously.

PUBLIC HEARINGS:

a) ORDINANCE NO. 2677-06: 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 PROPERTY AT 3217 CORRINE DRIVE AND AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING," OFFICIAL ZONING MAP SO AS TO ESTABLISH OFFICE (O-2) ZONING OF THE ANNEXED PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

Planning Director Jeff Briggs reviewed the property on Corrine Drive and Northwood Terrace. He explained the applicant is trying to annex and rezone the property. He stated the Planning and Zoning Commission recommended it for approval. Mr. Briggs gave background information on the zoning of the property and welcomed any questions the Commission had.

Commissioner DeVane asked for an update on the joint planning agreements present in the County. Mr. Briggs addressed an agreement between Orlando and Orange County which dictated what should and should not be annexed. He explained this was to be annexed by Orlando but that the agreement had expired. Mr. Briggs stated the City has never had an agreement with Orange County.

Commissioner DeVane stated her concern with a stop from the state with changes to the land use map. She wondered why this was being discussed now when it

was her understanding annexations changed the land use map. Mr. Briggs responded by saying there is no limitations on the abilities of cities to annex properties as long as they meet the State statues. He explained it is a matter of updating the comprehensive plan and not amending it.

Commissioner Metcalf asked about the status of the north side of Northwood Terrace Drive. Mr. Briggs explained to the west there were banks and churches while everything to the east was single family residential. Commissioner DeVane asked for clarification regarding the areas in the joint planning agreement between Orange County and Orlando as shown on the map and if it would be annexed at a future date into Orlando. Mr. Briggs concurred.

Applicant Brian Albertson reiterated the positive aspects of this request. He stated he was not a developer and believed it was good for the church. He explained the church would like to take the proceeds from the sale of the property and reinvest it into their church. He believes they are compatible as neighbors. He addressed going through the proper channels and explained being prepared to build the structure within Winter Park standards. He asked that the Commission make a decision because he was not willing to wait another year. Commissioner Eckbert asked Mr. Albertson to elaborate on the support of the church. Mr. Albertson explained they have been to every Commission meeting together and he has become friends with the pastor.

Pastor Nubey, 3301 Corrine Drive, Corrine Drive Baptist Church (property owner), stated the members of the church and the neighbors are in support of this sale. He stated that the funds from the sale will go towards upgrading church facilities.

Commissioner DeVane stated when they annexed the area to the north they deliberately stopped at that line and did not annex property on the north side of Corrine. She stated they can not annex half of the property and that it should either stay in Orange County or that Orlando should take it. She expressed her concern with the Planning and Zoning Commission (P&Z) approval. She encouraged Mr. Albertson to talk to Orange County Commissioner Segal and see if he can help with this matter.

Commissioner Metcalf spoke about Corrine Drive being the natural southern boundary and that Orlando owns everything on the south side and the north side is Winter Park. He believed this is a good thing and this particular project represents the first step of what he sees will ultimately be commercial along that strip.

Commissioner Eckbert stated his first consideration involved staff recommendations from police and fire and he understands the building will enhance the neighborhood which has the support of the neighbors. He supported the project.

Commissioner Storer agreed with the cost of services and was relying on staff recommendations and the P&Z. He stated that Orlando had the option to obtain this property, but they elected not too. He stated this particular area is in need of

refurbishment and keeping Mr. Albertson and the church waiting is not the right thing to do.

Mayor Strong stated he has no problem with the project and would prefer analyzing annexing everything along Corrine Drive rather than one property. Commissioner DeVane concurred. Commissioner Eckbert agreed to look at this on a wider scale regarding annexation but also believed the request should move forward. He addressed the applicant going through the proper channels and recognized Mr. Albertson for trying to improve the neighborhood.

Mayor Strong asked if Mr. Briggs analyzed this from a financial and service standpoint in considering annexation as their recommendation. Mr. Briggs stated they had done so. Mayor Strong had an objection regarding the updated comprehensive plan which does not contemplate annexation onto Corrine.

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner Storer. Upon a roll call vote, Commissioners Storer, Eckbert, and Metcalf voted yes. Mayor Strong and Commissioner DeVane voted no. The motion carried with a 3-2 vote.

- b) Granting Communication System Easements to EMBARQ Florida, Inc.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE GRANTING OF A COMMUNICATION SYSTEM EASEMENT (SOUTH LAKEMONT FIRE STATION) AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney Cheek stated this was a communication system easement that has been negotiated between the City and EMBARQ to allow the placement of a line on the border of the South Lakemont Fire Station.

Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and Devane voted yes. The motion carried unanimously with a 5-0 vote.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE GRANTING OF A COMMUNICATION SYSTEM EASEMENT (ALOMA WATER PLANT) AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek, explained this was the same type of ordinance as the South Lakemont Fire Station. Attorney Cheek read the ordinance by title.

Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and Devane voted yes. The motion carried unanimously with a 5-0 vote.

c) Moratorium ordinance:

ORDINANCE NO. 2678-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS AND THE ISSUANCE OF APPROVALS FOR REZONINGS OR PLANNED DEVELOPMENT APPROVALS FOR MAJOR COMMERCIAL, OFFICE AND/OR MULTI-FAMILY DEVELOPMENT PROJECTS WITHIN THE CENTRAL BUSINESS DISTRICT, THE COMMUNITY REDEVELOPMENT AREA AND THE ORANGE AVENUE CORRIDOR AS DEFINED WITHIN; MAKING CERTAIN FINDINGS; PROVIDING AN EFFECTIVE DATE. Second Reading

Planning Director Jeff Briggs stated staff has made two minor changes to the ordinance since the first reading. He explained the attachment of a map as 'Exhibit A' that showed the area it relates to; and they added language to grandfather two applications coming to the Planning and Zoning Commission (P&Z) which had been advertised and were in the process. He spoke about not discussing during the first reading the vesting of any other applicant. He stated that anyone who brought in an application prior to July 24, 2006 that needed a comprehensive plan amendment would not be able to move forward due to State law prohibition. He explained that anyone who was granted a conceptual approval would be grandfathered.

City Attorney Cheek recommended including the changes that Mr. Briggs made. Mr. Briggs wanted clarification about whether applications submitted today would be grandfathered in because the applications were in prior to adoption.

Commissioner Metcalf stated this was already discussed in the previous meeting and that the moratorium would be effective with the second vote. Commissioner Eckbert stated to defend this legally the process needs to be when the second vote starts and that is when the lines are drawn. Mayor Strong expressed this as his recollection from the previous meeting. Commissioner DeVane expressed wanting the moratorium in effect and would like to move forward to make it happen.

Dan Bellows, 450 New England Avenue, opposed the moratorium. He stated how expensive it was to submit an application. Mr. Bellows said he moved forward because of what he heard from the Commission and with what staff recommended, he has three applications in, has met the criteria, and has spent money for materials and tools. He also stated he appreciates the modifications made on the second reading to the moratorium.

Allen Trovillion, 1260-1360 Palmetto Avenue, opposed the moratorium and believed Winter Park needs to move forward. He also agreed with Mr. Bellows regarding the expense of applications.

Todd Norman, 37 North Orange Avenue, opposed the moratorium. He was in agreement with Mr. Bellows and stated there are processes presently in place with the moratorium and he hopes the Commission takes that into consideration.

The following spoke in favor of the moratorium for various 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, 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, and the need to have the moratorium City-wide.

Sally Flynn, 1400 Highland Road
Sandy Womble, 940 Old England
Lurline Fletcher, 790 Lyman Avenue
Margo Cooper, 1807 Barker Drive
Will Graves, 3048 D George Mason Avenue
Janie Baker, 650 Northwood Circle
Viki Kruege, 200 Carolina Avenue
Marc Hagle, 1220 Park Avenue North
Bernard Essex, 269 East Canton Avenue
Rick Frazee, 1921 Eaglewood Road
Joan Cason, 1915 Woodcrest Drive, handed in a petition
Judy Maynard, 296 Detmar Drive

Beth Dillaha, 1210 Forrest Road, asked how the ordinance changes affect the moratorium. Mr. Briggs explained the original ordinance did not have text that addressed vesting and clarification was needed for the Commission's review and approval.

City Attorney Cheek addressed the law and the revised language being proposed within the ordinance: "However, it shall to apply to any complete application which were received previous to final passage or advertised and noticed and thus in process for consideration by the Planning and Zoning Commission and City Commission." He stated in order for someone to have vested rights they must have been entitled to what they filed an application for. He further explained legally entitlement.

Motion made by Commissioner DeVane to adopt the ordinance with the addition of the sentence to clarify any completed applications submitted July 24, 2006; seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken from 5:36 – 5:43 p.m.

- d) Conditional Use and Planned Development Approval request of Bill Roll to permit the construction of a seven unit townhouse development at 1390, 1394 and 1440 Indiana Avenue.

Planning Director Jeff Briggs stated this project meets conditional use approval and received a positive recommendation from the Planning and Zoning Commission (P&Z). He outlined the development options for this property and discussed the aspects of the request regarding tree preservation of a 40 inch oak and preserving

the cottage on the property. He stated by coming to the Commission as a conditional use they have the option of asking for a single PD variance to place a bedroom downstairs, increasing their building coverage of the 35% in the code to approximately 40%. He stated it does not increase the floor area ratio; they are within the 55% FAR, thus less building on the second. Mr. Briggs responded to board member questions and concerns.

Commissioner Storer asked about the nature of Mr. Steven's opposition. Mr. Briggs addressed Mr. Steven's zero tolerance for any variance. Commissioner Metcalf stated this is being set for seniors and asked if something could be done with garbage being picked up in the rear of the units. Mr. Briggs stated he was not certain if this was a possibility.

Commissioner Devane asked if a wall would be required paralleling the driveway off Wisconsin and if there is an elevation of the buildings. Mr. Briggs stated on the back side of Harmon there are two town house projects that have a rear drive and there will be a single wall in between the two properties for screening of driveways on both sides. Mr. Briggs stated the architecture is similar to Harper Place. Mayor Strong asked about Wisconsin Avenue. Mr. Briggs stated it is a Winter Park street and is paved and improved.

Stephen Gooch, 388 Shadowbay Boulevard, stated he was co-owner and co-applicant of this project and was there to answer any questions.

Carol Park, 1645 Berkshire, expressed concerns about Wisconsin Avenue being a path rather than a street and how traffic may be affected where the streets are very narrow.

John McKinney, 311 Niblick Avenue, was in favor of constructing a downstairs bedroom because of greater potential for a sale.

Margie Bridges, 767 Antonette Avenue, stated concerns with leaving the cottage on the back portion of the property and the garbage truck having difficulty driving to the rear of the property. Ms. Bridges stated this type of development was creating the look of row house structures and believed more greenspace is essential.

Beth Dillaha, 1801 Forrest Road, stated the City is losing open space, greenspace and trees. She agreed with Ms. Bridges with the look of row houses and opposed the variance on the bottom floor.

Susan Gable, 1539 Golfside Drive, stated her recollection of Mr. Stevens P&Z vote.

Mr. Briggs clarified they are not getting extra footage. Mayor Strong asked if they could improve Wisconsin or require the developer to do so since more traffic would be occurring. Mr. Briggs stated it may be a possibility.

Commissioner Eckbert explained having a bedroom downstairs is a positive aspect for our community and a 40 inch oak could be preserved. He stated this is a commendable project that appropriately addresses the concerns of the City.

Commissioner DeVane followed up on Commissioner Eckbert's comment that part of the approval be based on the developer continuing discussions with the property owners to the south regarding sharing a common driveway and the driveway being wider which would allow more uncovered green space on the lot.

Motion made by Commissioner Eckbert to approve this item contingent upon the developer attempting to combine the common driveway with the owner to the rear and to require paving of Wisconsin Avenue from their south property line north to Indiana Avenue to be mandatory, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

- e) Request of Orwin Villas LLC: Conditional Use Approval to allow the construction of a three story, 35 unit residential condominium building of 77,127 square feet with underground parking on the "Harper Plumbing" property lying between Miller and Indiana Avenues, east of the new Harper Place townhomes and west of Orlando Avenue.

ORD-Changing the zoning of Office (O-2) to Office (O-1) on the west 60' of the "Harper Plumbing" property lying between Miller and Indiana Avenues, directly east of the Harper Place townhomes.
First Reading

Request was pulled from the agenda.

- f) Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-91 "DEFINITIONS" THE DEFINITION OF REAL ESTATE OFFICE, PROVIDING FOR APPLICABILITY, PROVIDING AN EFFECTIVE DATE. First Reading

Planning Director Briggs explained the zoning code has vertical zoning provisions for the properties along Park Avenue that permits only retail business and restaurants on the first floor of the buildings. He explained that some offices were grandfathered but the code prohibits any other offices from locating on the ground floor of Park Avenue. Mr. Briggs explained a loophole exists in the zoning code definition of real estate office as dealing with the sale of property 'for others' and based on this, the code permitted the sales office for The Regent and the Carlisle when they are selling real estate not "of others" but their own real estate.

Commissioner DeVane stated there is no approval for the Carlisle and if anyone is grandfathered it should be Windsong and not the Carlisle. She stated the Carlisle has not submitted plans for review to P&Z and suggested that it be removed from being grandfathered. Mr. Briggs asked Attorney Cheek to address vested rights.

Guy Colado, 327 Beloit Avenue, stated the Carlisle does not own the property and they do not have the deed in their name therefore, they cannot sell something they do not own.

Building Director George Wiggins stated he did not believe they have a valid occupational license; he denied the permit for the Carlisle Sales Office so there is no Carlisle Sales Office based on his understanding.

Discussion ensued regarding the correct language to be used. **Motion made by Commissioner DeVane to accept the ordinance on first reading, and to amend the ordinance to read: "shall not apply retrospectively to licensed businesses" (if they are licensed as of the second reading on August 14, 2006, they are entitled to continue their business).** Commissioner Eckbert stated if they do not have the appropriate license they cannot be grandfathered and he would like some resolution to the Carlisle issue prior to the second reading. Mr. Wiggins was asked to contact them before the next meeting and make a determination whether or not they have a license. He spoke about his understanding that they did not have a license.

Seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

CITY MANAGER'S REPORT:

a) Planning and Community Development Department.

City Manager Williams asked that the Planning and Community Development Department be realigned because of the recent changes in that department with the resignations of the Planning Director and Assistant Planning Director. He proposed that the Department of Building and Zoning be separated from the Planning Department and that George Wiggins head that department and that Jeffrey Briggs become the Director of the Planning and Community Development Department, including the payment of salary that is line with other department directors.

No public comments were provided.

Motion made by Commissioner DeVane to approve the appointments of Jeff Briggs and George Wiggins as Department Directors, seconded by Commissioner Metcalf and carried unanimously.

b) Set the tentative millage cap for the 2006/2007 budget year.

City Manager Williams began the discussion by stating that Finance Director Wes Hamil and Assistant City Manager Randy Knight will be presenting budget information.

Finance Director Hamil spoke about the need to notify the Property Appraiser of the tentative millage cap which is used to calculate the taxes for the Notice of Proposed Tax that is mailed out in August. He stated that is the method used to notify the property owners of the first public hearing in September. He stated the rolled back rate is 4.106 mills which is the millage rate necessary if we were going to collect the same tax revenue as in the current year. He stated the budget prepared was based on the operating millage rate of 4.698 mills which is the current rate. He stated the general fund budget is about \$46 million which is 10.2% higher than the 2005 year. He stated the Contingency balance for next year of about \$905,000.

He provided a list of all department requests prioritized by the City Manager. He stated the items not allocated to new items will remain in the Contingency and that the funding of outside organizations also comes out of the contingency balance. He stated the balanced budget currently includes funding for the library at its current level but does not include funding for the increase they have requested or any other organizations. He stated that funds for the Federal lobbyist is included, but not the State lobbyist so those funds will have to be added to the budget if the Commission decides to. He stated a 2% cost of living adjustment is included; funding for replacing air conditioning, paint, floor and roofs at the public facilities at the same level; and a transfer of \$100,000 to the golf course fund to help shore up the operating expenses that exceed the estimated revenues from fees. He stated if that is not necessary, the transfer would not be made and money would remain in the General Fund.

Per questioning by Commissioner DeVane, Mr. Hamil clarified that if the millage is set at 4.698 mills, the total millage would be reduced from 5.09 to 5.03; if the operating millage goes up by the reduction in debt service millage, the total would remain at 5.09 mills which would give the City about \$220,000 more to work with. Commissioner DeVane encouraged the Commission to set the millage as high as possible because they cannot raise it later on and if they can reduce it, they will. She stressed the point that the 5.09 mills will not raise taxes.

Assistant City Manager Randy Knight addressed the schedule he provided showing each program/division/function of the City and the revenue generated by that function. He separated the critical functions, non-critical functions (City does not have to provide) and administrative functions supporting the other functions. He stated the schedule will allow the Commission to look at each division and make a policy decision whether or not to continue funding in the various areas. He spoke about the ability to change the level of service on any function, including critical ones. He stated this provides the opportunity for the Commission to discontinue or modify functions. He stated he would also provide more information on any of the functions as to what you get for the funds if the Commission desires. Mr. Knight stated the Commission does not have to make decisions this evening but that he wanted them to see this as the tentative millage is set so the Commission understands they have opportunities to change items in the budget. Mayor Strong stated his preference of setting the millage at last year's millage overall and then go down from there.

Commissioner Eckbert stated the analysis provided was good and very helpful. He asked if each category could be summed up for employees so they know how many employees are in each division. Mr. Knight stated there were requests for extra employees but that none were included in the budget. Mr. Williams stated they are also considering freezing some positions and unfreeze the positions as needed throughout the year. He stated he is confident that the budget is one the City can live with and have funded areas that were needed.

Mayor Strong asked Vice Mayor Storer to assume the gavel for a few moments.

Commissioner Eckbert asked about the maintenance of right-of-ways. Mr. Williams addressed the maintenance of medians and right-of-ways and the City's involvement.

Commissioner DeVane asked that a priority list be provided by departments. Mr. Williams responded that he would provide this but the priority numbers will be the ones that he gave them, not a priority number as provided by the department. Commissioner DeVane stated that when capital improvements are made in the facilities that generate income, the funds should come out of the incomes generated by the facility. Mayor Strong resumed his position of Mayor.

Jan Nichols, 1505 Bonnie Burn Circle, commented about the windfall increases in property values which means millage rates are going down. She asked to consider the total income and not just keep the millage rate the same because it could decrease.

Susan Gable, 1539 Golfside Drive, asked about future budget work sessions and hearings.

James Ruth, 939 Mead Avenue, requested consideration in the budget for right-of-way improvements, including sidewalks and signs meeting safety standards. City Manager Williams addressed how the City internally takes care of the sidewalks. Public Works Director Attaway stated they survey the sidewalks every year or so and are mainly looking for cracks and unevenness and try to address areas they find that need improvement. He stated they survey an area and then repair everything within that area. Mr. Williams spoke about the ongoing problem with tree roots that damage the sidewalks.

Rick Frazee, 1921 Englewood Road, thanked the Commission for the wonderful community we live in and did not want to see services cut from the budget, particularly police and fire. He also asked about the City's matching funds that goes into the CRA and what that money would do for the City's budget to increase services for police and fire.

Commissioner Eckbert addressed handicapped ramps in the City that appear to end in the street and the need to start a community initiative to educate the public as to how their property near the sidewalks impacts pedestrian access across the right-of-way. Commissioner DeVane stated these are discussions and concerns with the Bicycle and Pedestrian Advisory Board. Mr. Wiggins commented about

adjacent property owners having the responsibility to be sure the sidewalks are clear. Commissioner Storer suggested revisiting the sidewalk ordinance and to begin a public education campaign. Communications Director Howard was asked to come back with suggestions how to begin a sidewalk campaign to help resolve the problems with sidewalks/right-of-ways.

Motion made by Commissioner Metcalf to set the tentative millage rate at 5.09 mills, seconded by Commissioner DeVane.

Commissioner Eckbert stated he intended to oppose the millage rate on the principle of the budgeting process. He did not believe we had done the budgeting process that he wanted to see executed of building things up through the boards and from driving through a zero based budgeting process as well as soliciting citizens to determine funding priorities for the City. He stated until that process is completed of linking the budget to the strategic planning of the City and the visioning of the Commission, he will be opposed to the budgeting process.

Mayor Strong stated that he partially disagreed with how the budgeting process has gotten to this point, but that they do have to set a millage cap today. Commissioner Eckbert stated if it creates a crisis for them to get it right that is one way to start addressing issues; drive to the resolution. Mayor Strong stated there are four more meetings to accomplish this. Commissioner Eckbert stated he will not support a City budget until the process is in place that he can support.

Motion carried with a 4-1 vote with Commissioner Eckbert voting no.

c) Pandemic working group update.

Under the leadership and initiative of City Manager, Jim Williams, and as reports continue to be broadcasted on the world news about the Avian Influenza (Bird Flu), the City has taken proactive measures in preparing for this potential health pandemic in the event it impacts Winter Park. The City has formed a Pandemic Working Group that is addressing how the City will handle planning, operations, and communications during a potential health pandemic.

A powerpoint presentation was provided by Fire Chief Jim White and Communications Director Clarissa Howard to update the Commission on the current status of the Pandemic Working Group and progress made thus far. They spoke about how staffing will be handled, the information that will be provided to the public to prepare them, and the two meetings scheduled to inform the citizens. Commissioner Metcalf spoke about the control the City will not have because of the federal government taking over. He spoke about the need for people to "self help" themselves because of the lack of certain things being provided to them. The City Manager spoke about the need for preparedness and to teach the citizens to be self reliant. Fire Chief White spoke about a tiered level of reaction per level so citizens understand what they can expect from the City. He stated that the citizens will be educated at the public meetings and other informational ways. He stated it will be clarified to the citizens not to expect certain services from the City.

NEW BUSINESS (PUBLIC COMMENTS)

1. Kent Tse, 1600 Spruce Avenue, provided pictures showing the view from his house from the construction of a garage/warehouse that was built next to his house at 1601 Pine Avenue and the five bays storing five hydraulic lifts to store ten vehicles. He expressed displeasure with the building because of the height and its very large size (1,940 square feet – approximately 17 feet high). He spoke about concerns with the traffic and noise of sports cars; the possibility of the owner renting out spaces within the building; noise from the hydraulic lifts; will give the neighborhood an industrial character and feel; and open bays that are exhaust vents, not windows whereby fumes will be coming onto his property.

Mayor Strong spoke about being aware of this situation and that Mr. Wiggins is looking into this and that he was sure there will be corrections made to the building very shortly. Building Director Wiggins explained he met with Mr. Tse today and agreed with him and has already issued a stop work order on the project. He spoke about the violations and the building is not being built per the approved plans. He stating they are going to meet with the owners and that this will be rectified.

Kathy Keily, 1800 Oneco, addressed this issue and explained how this became an off-site facility.

2. Beth Dillaha, 1801 Forrest Road, speaking as a member of the Tree Preservation Board, provided portions of the current tree ordinance and showed problems the City is faced with protecting trees. She displayed photos of various trees that were not being protected due to construction. She spoke about the ordinance being revised and the importance of educating people that the ordinance must be complied with. She asked that the City enforce the ordinance and to have the Mayor and Commission stand behind that.

3. Margie Wagner, 181 Stovin Avenue, spoke about concerns with commuter rail and the Enzian Theater. She expressed her concern with the Commuter Rail Task Force voting to make recommendations to the Commission and was not comfortable with the process. She spoke about holding a referendum because she believed the citizens would like to have a say in what happens. Commissioner Eckbert summarized the ways that a referendum can be held. Commissioner Metcalf stated commuter rail is coming but the City only needs to decide if there will be a stop in Winter Park and the type of station. He stated the task force is working on all of these issues. Mayor Strong stated there will be a lot of communication with the public about the progress of both issues.

4. Marc Hagle, 1220 Park Avenue North, provided a proposed amendment that he wanted to be considered regarding lot splits within the City. He proposed that if the City is going to evaluate a lot split anywhere that is require a super majority vote of the Commission. He asked that this be part of a future agenda. He also spoke about the Orwin Villas project that was pulled from the agenda and that it needs to be looked at in the context of the neighborhood and surrounding structures (scale and image). He asked that they be required to provide the 3D

photographic study on the building so the project can be more properly evaluated. He also spoke about the importance of preserving trees throughout the City.

5. Guy Colado, 327 Beloit Avenue, asked that the City Manager help him organize and have Planning and Zoning host a work session where certain issues can be discussed and interpretation done. He spoke about the information that needs to be provided when projects come before the Commission such as the amount of open space, the impervious coverage, the lot coverage, the floor area ratio, and setbacks.

6. Will Graves, "Friends of Winter Park", commented on the need to have a different approach to penalize people that violate the rules.

NEW BUSINESS (CITY COMMISSION):

1. Commissioner DeVane commented about the lack of dimensions provided for the buildings of a project before them for approval and lack of an elevation for another project before the Commission this evening. She spoke about being unhappy with what is included in their agenda packages. She stated the presentation packages on buildings need to be improved.

2. Commissioner DeVane asked what our accounts receivable is on the Tree Fund for permitting because of a lot of trees being cut down and the violators being penalized. She asked why permits are being issued for applicants that have an outstanding hefty account and commented that they should not be allowed to receive other permits until their accounts are satisfied.

3. Commissioner DeVane suggested that an ordinance be written to extend the area of the moratorium to be City-wide. There was discussion that any Commissioner can request that any ordinance be drafted.

4. Commissioner Metcalf spoke about the recent changes to the rules for curbside dining on Park Avenue and that he understood the State may be getting involved with their rules that may supersede our rules. The State wants fences around the areas. He addressed concerns with the appearance this will bring to Park Avenue. He stated he is going to speak with Representative Cannon to see if there is a way around this for cities that have aggressive enforcement and action for alcohol outside their facilities. Commissioner DeVane asked when they will be provided the actual agreement made with each establishment. City Manager Williams stated he just received them this afternoon and they will be provided to them this week.

The meeting adjourned at 8:01 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham