

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
August 14, 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 Eric Doran, Kress Memorial Seventh Day Adventist, 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

MAYOR'S REPORT:

a) Presentation by Photographer Steve Vaughn

Economic Development Director Chip Weston introduced Photographer Steve Vaughn who presented the City with a panoramic photo of Central Park in honor of the Centennial.

b) Presentation of framed poster by the Winter Park Sidewalk Art Festival Committee.

Economic Development Director Chip Weston addressed the volunteers on this committee. He introduced Sidewalk Art Festival Past President Bob Klettner who presented the City with the original painting from the 2006 Winter Park Sidewalk Art Festival.

c) August 2006 Outstanding Employee of the Month

Mayor Strong acknowledged Leif Bouffard, Parks and Recreation Department as the August 2006 Outstanding Employee of the Month.

d) Board appointment – Ethics Task Force.

Commissioner Eckbert stated he will submit his name when his nominee accepts the appointment. There was a consensus that Anna Currie act as the City's liaison.

e) Appointment of City Liaison - Enzian Task Force.

Upon nomination of the Assistant Economic Development Director Peter Moore as the City's liaison to the Enzian Task Force, there was a consensus to approve the appointment.

f) Metroplan update - Lee Road extension.

Mayor Strong provided an update on the most recent Metroplan meeting regarding the Lee Road extension project. He stated it is ranked #18 on the priority list and is on the trip list which he understood commits the City for ½ of the expenditures. Public Works Director Troy Attaway explained the new pot of State money (Trip money) in place to jump start languishing projects which requires a 50% match of the City. He spoke about speaking with Don Martin as to whether he wanted to try and go after these funds who suggested to go ahead and try and find the \$8 million (half of the project cost) if the project gets funded. FDOT did not choose this project for trip funding in the FY 2005/2006 or FY 2006/2007.

He stated he met with the Technical Committee who is working on a prioritized list for the FY 2007/08 and 2008/2009 years, the project was toned down to only include the engineering portion estimated at \$400,000 and was agreed that the cost to the State is \$100,000; and the cost to the City is \$300,000. After prioritizing, this project was second to the last on the list for FY 2008-/2009 so the chances of being funded are not good for that timeframe either. Mr. Attaway clarified that this project is #18 on the prioritized list for XU project funding and is behind the large I-4 projects and many others. There was a consensus that this needs to be discussed in a few months and a decision be made if the City wants this to move forward because of the funds the City has to provide and the ramifications of the intersection change.

g) Orange County Council of Mayors update.

Mayor Strong provided information regarding his meeting of the Orange County Council of Mayors. He stated they are forming a committee to question where the taxes to Orange County go. There was discussion regarding the need for Mayor Strong to become a member on this committee. Mayor Strong stated he will attend the meetings.

CITY ATTORNEY'S REPORT:

No report.

CONSENT AGENDA:

- a) Approve the minutes of 7/24/06.
- b) Approve the following bids:
 - 1) WP-24-2006, Bottled Water Service for the various departments of the City to Crystal Water Company. Tabulation attached showing the prices of three vendors (Budget: Various Departments).
 - 2) WP-25-2006, Coffee Service for the various departments to Bailey's Coffee Service. Tabulation attached showing the prices of five vendors (Budget: Various Departments).
 - 3) RFP-18-2006, Farmer's Market Fencing to PWS Metal Works, Inc.; \$9,400.00. (Budget: Keep Winter Park Beautiful).

- c) Refer the subdivision code proposal request from Marc Hagle to the Planning and Zoning Commission for their September 5, 2006, meeting and to the Commission on September 25, 2006 unless it is tabled by the P&Z.
- d) Approve the extension of the contract with PraX.es LLC until 11/15/06 (four month extension) as the consultant in the negotiation process for the Wireless Broadband RFP per the attached amount. **PULLED FROM THE CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
- e) Reappoint James Williams as the Authority Board Member and Jeff Briggs as the Alternate Member to the South Seminole & North Orange County Wastewater Transmission Authority.
- f) Approve the electrical distribution easement to allow Progress Energy to install and maintain underground electrical service to the new Aloma Water Plant.
- g) Approve the Residential Underground Service Fee for residential projects only.
- h) Approve the Payment Guaranty and the annual expenditure of funds to reimburse ENCO to cover the Operations Center lease for the property at 4515 Metric Drive, Winter Park. **PULLED FROM THE CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**

No public comments were made. Commissioner DeVane removed Consent Agenda Item 'd'. Mayor Strong removed Consent Agenda Item 'h'.

Motion made by Commissioner Metcalf to approve the Consent Agenda with exception of items 'd' and 'h', seconded by Commissioner DeVane and carried unanimously with a 5-0 vote.

Consent Agenda Item 'd':

Chip Weston explained the contract the Commission was being asked to approve. Commissioner Metcalf spoke about the providers available to provide this service, the need for the City to make the right decision, and recommended extending his contract because of the need to move on. There was further discussion regarding meter reading, budget considerations, and the negotiation process. Commissioner DeVane expressed her preference of paying an upfront fee instead of a monthly fee.

Motion made by Commissioner DeVane to establish the payment of \$15,000 for the completion of the contract, seconded by Commissioner Metcalf and carried unanimously.

Consent Agenda Item 'h':

Public Works Electric Utility employee Terry Hotard explained the current site and size and location of buildings for the electric personnel and equipment. An ENCO employee explained the critical need for more space and for the employees to be close together. Utilities Director David Zusi explained the overcrowded facility at the Public Works Compound with all the utilities equipment, including electric.

Commissioner DeVane asked about exploring a shorter contract. She addressed the need to resolve this issue, her preference of a location within the City or closer to the City, and the high rent for this location.

Jim Wilder, Realty Capital, 605 E. Robinson Street, Orlando, stated he had not discussed a shorter term lease but will ask the landlord. He spoke about the annual increases of 4% for a five year lease term plus renewal clauses to renew the lease additionally at 4%. He was concerned this may change with a shorter lease. He explained that the rent for this location is on the low side.

Discussion ensued regarding the City's right to sublease the space, the feasibility of leasing the current Progress Energy property, the need to get the utility up and running efficiently, and other sites that were canvassed as potential sites.

Mayor Strong suggested that the Commission authorize a 3 year lease on this space which will allow time to identify a permanent home if this site is not going to be the permanent home, will enable the City to function efficiently and ascertain if this is agreeable by the landlord.

Motion made by Commissioner DeVane to approve the lease for 3 years and to eliminate the landlord's requirement to pay for the paint and carpet and for Mr. Wilder to see if that is acceptable by the landlord. Seconded by Commissioner Metcalf and carried unanimously.

PUBLIC HEARINGS:

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

ORDINANCE NO. 2679-06: 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. 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 Eckbert. 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.

ORDINANCE NO. 2680-06: 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. 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 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.

b) Request of the City of Winter Park:

ORDINANCE NO. 2681-06: 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. Second Reading

Attorney Cheek read the ordinance by title. Building Director George Wiggins addressed the clarification made within the ordinance. He commented that Broadstreet Partners have applied for and obtained an occupational license since the first reading of the ordinance. He explained within a letter to them that the license does not allow them to remodel the space for the sale of condominiums or grants approval of the Carlisle project through the issuance of the occupational license. Attorney Cheek commented there were no legal grounds to deny the request for the license.

Sandy Womble, 940 Old England, asked how the Carlisle Group can be allowed on Park Avenue because they do not own the property they want to sell the condominiums on.

Motion made by Commissioner DeVane to adopt the ordinance, 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.

c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE BY THE WINTER PARK COMMUNITY REDEVELOPMENT AGENCY OF NOT EXCEEDING \$2,320,000 REDEVELOPMENT REVENUE BONDS, SERIES 2006, IN ACCORDANCE WITH THE COMMUNITY REDEVELOPMENT ACT OF 1969; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Assistant City Manager Knight explained this is to fund projects previously approved by the Commission and the companion resolution will be adopted as part of the CRA meeting. He stated we are still waiting final approval of these projects by the County and expect that approval by September 12. He stated that Bond Counsel Judson Freeman is present for any questions.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the ordinance. He stated these projects have already been approved by the CRA Advisory Board.

Rick Frazee, 1921 Englewood Road, spoke against the adoption of the ordinance that he believed violates the spirit of the charter because of the bond amount.

Sandy Womble, 940 Old England, asked what the approved projects are that this will pay for. Assistant City Manager Knight explained the list as provided within the Commission package.

Bedilia Campbell, 715 Douglas Avenue, Executive Director of Hannibal Square Community Land Trust, spoke in support of the ordinance and the bond to move forward with the needed projects.

Mary Daniels, 650 Canton Avenue; President, Hannibal Square Community Land Trust, spoke in support of the ordinance. She spoke about the affordable housing market.

Motion made by Commissioner DeVane to accept the ordinance on first reading, seconded by Commissioner Storer.

Commissioner Eckbert addressed his concern with the overall direction of the CRA, how it impacts the City budgeting process, and the need for a long range plan for the CRA. Commissioner Metcalf suggested having a meeting to discuss where the CRA is heading.

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.

- d) Request of Orwin Villas LLC: Request was withdrawn by the applicant.

PUBLIC HEARING – EQUALIZATION BOARD:

- a) Forrest Road Special Assessment:

RESOLUTION NO. 1954-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS AND MUNICIPAL SERVICES IN AND FOR THE CITY, TO-WIT: STREET BRICK ON FORREST ROAD, FROM FAWSETT ROAD SOUTH TO SPRING LANE; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS AND MUNICIPAL SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS AND MUNICIPAL SERVICES; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the resolution by title. Public Works Director Troy Attaway addressed the project being part of the street bricking policy process. He stated the residents approved the bricking and this will get the assessment on their tax bill for November 2006.

Jeannette Leinbach, 95 Spring Lane, stated she was undecided whether or not she wants to be bricked. Mr. Attaway stated that Public Works employee Keith Moore spoke with her and that her desire was for bricking in front of her house but the City will not brick it if she does not want it. He will speak with Ms. Leinbach to address any concerns. No further public comments were made.

Motion made by Commissioner Eckbert to adopt the resolution, 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.

RESOLUTION NO. 1955-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF STREET BRICK ON FORREST ROAD, FROM FAWSETT ROAD SOUTH TO SPRING LANE, GENERALLY DESCRIBED AS ADJACENT TO THOSE PROPERTIES ON THE EAST AND WEST SIDES OF 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 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.

A recess was taken from 5:10 – 5:20 p.m.

CITY MANAGER'S REPORT:

- a) Boathouse proposal from Rollins College.

Parks Director John Holland explained the request from Rollins for an expansion of their boathouse which would encroach slightly into our park of about 440 square feet. He stated they have requested an easement for constructing their boathouse. He further explained the boathouse location and the City's maintenance shed that will be repaired by Rollins as well as installing a restroom in exchange for the easement. He addressed two trees on the property that would be impacted; one insignificant tree that will be replaced by Rollins and the other large Cypress tree which Rollins agreed to protect. He stated the Parks and Recreation Commission and the Lakes and Waterways Board approved this request. He explained the location of the easement.

Rollins College representative George Herbst spoke about the easement request and their agreement if the easement is not used for this purpose in the future that they would remove the structure and return the site to its original condition. He addressed their agreement to refurbish the old pump house (inside and outside), install landscaping around it and install the restroom. He stated they agree with the conditions imposed by City staff and the Parks Board.

Carolyn Cooper, 1047 McKean Circle, asked that this be postponed because of its vicinity to her property and that she did not know this was happening. She spoke about noise issues and the need to consider further notification to affected neighbors. Building Director George Wiggins spoke about the City following the code regarding public notification. Further discussion ensued regarding the need to review the public notice regulations and improve the process.

Sandy Womble, 940 Old England, spoke about the importance of lakefront areas and suggested that Rollins give the City that property and that the City give Rollins a 100 year lease for the dock. She addressed the need to further notice the neighbors.

Motion made by Commissioner Metcalf to approve the staff recommendation to approve the request, contingent upon the City Attorney's review of the easement document and the construction plans insuring protection of the adjacent sewer lines and trees; seconded by Commissioner Storer.

Commissioner Storer addressed Rollins following the process, that his request should not be delayed and that this item was noticed by way of the other board meetings and this agenda. Commissioner Eckbert stated he did not believe Rollins was deliberately trying to gain approval without providing notification to the residents.

Commissioner DeVane addressed the need for further noticing affected property owners. She stated she did not see any problems with the neighbors because the noise is being eliminated because the boat storage area will be gone and because of the building occurring on the opposite side of the residents. She suggested speaking to the three nearby residents.

Motion amended by Commissioner DeVane that the approval be conditional, subject to meeting with the adjacent property owners and determining there are no objections to the request and if they have problems to bring this issue back before the Commission in two weeks, seconded by Commissioner Eckbert. The amended motion carried unanimously with a 4-1 vote with Commissioner Metcalf voting no.

Commissioner Metcalf expressed concerns that they are voting to make an amendment that change policies that are in existence that Rollins has fully met. He addressed the information provided to the public regarding this item and his disbelief that residents were not aware of this issue beforehand. He stated he had no problem with changing the rules for the future regarding park notification.

Motion carried unanimously with a 5-0 vote.

Mayor Strong directed staff to prepare a notification requirement for construction projects within City parks. Commissioner Eckbert addressed the need for a more comprehensive review of our current notification requirements. It was clarified that

this notification would include the two property owners contiguous across the canal and directly behind on the street.

b) Tree Protection in the City.

Assistant City Manager Randy Knight summarized the list of items that can be done at staff level to increase enforcement of regulations to protect trees. He requested that #6 be approved to fund the arborist/code enforcement staff person. Commissioner Metcalf spoke about a consideration in the new ordinance to bank trees which would require notification, banking, and keeping track of trees that would allow people to plan their lots for the future when trees start to leave and there are changes to property ownership. He stated this would encourage people to plan for the longer term.

George Herbst, 1742 Temple Drive, endorsed the idea of tree banking.

James Ruth, 939 Mead Avenue, spoke about the Florida Land Trust Program regarding conservation easements. He suggested looking into the State program to take over the responsibility of working with the City property owners to replace trees for a lifetime when the property changes to another ownership. Mayor Strong suggested the Tree Preservation Board review this to see if there are any benefits to the City.

Motion made by Commissioner DeVane to approve the increase from part time to full time arborist/code enforcement employee to report to Code Enforcement; seconded by Commissioner Storer.

Commissioner Eckbert expressed concerns with this being a reactive measure because of laws on the books that may be inadequate or not being enforced. Mayor Strong stated he believed code enforcement wanted to enforce the laws but lacked the staff to do so.

Commissioner DeVane addressed the tree ordinance that was the first one enacted and that suggestions are being made to improve this process and the existing ordinance. She addressed the importance of enacting the suggestions to the regulations this evening right away because of the ordinance being modified at a later date. She stated this is no reflection of mismanagement of the City but is how the process works and this is an improvement of the ordinance adopted.

Commissioner Metcalf agreed with her comments and addressed the need to further refine the current ordinance. Commissioner Eckbert stated these regulations being proposed this evening are all positive developments and should be implemented but if the efforts of private citizens had not been in place, he was not sure this proposal would be before them this evening. Commissioner Storer agreed that this is a natural evolution of the current ordinance and is time to take the measures being proposed. **Motion carried unanimously.**

c) Budget discussion.

Assistant City Manager Knight summarized the process the City currently follows to adopt a new budget. Finance Director Wes Hamil provided a list of requested budget items as prioritized by the City Manager. He addressed an additional \$79,000 because of realigning the Planning Department. He commented that additional information will be provided at the next meeting regarding general employee pension plan improvements and a pay and classification study. He spoke about items recommended for approval. The cost of the laptop computers for the Police Department was explained. Commissioner DeVane asked that items #20 and #21 (funding for the art and historic preservation boards) be included for \$25,000 each.

Commissioner Eckbert stated the process of department heads requesting funding is where his process breaks down and the correct process has not been gone through to make decisions on the budget. He questioned the funding requests for the art and historic preservation boards and why they are funded and not other boards. Commissioner DeVane explained her understanding.

Mayor Strong expressed his preference of eliminating certain contractual services in the budget that do not have specific needs associated with it. City Manager Williams stated the funds not used go back into the reserve fund. Mayor Strong stated he would rather have it in the reserve and if it is needed, ask for it. He addressed other areas in the budget that he believed maybe could be eliminated such as the WiFi contractual services which after discussion was eliminated. He addressed the need for further explanations for certain items in the base budget. Further discussion ensued regarding other areas in the budget that needed to be further addressed and budgeted such as the facility replacement account. All Commissioners were asked to review individual department budgets to see if there are questions. City Manager Williams stated they will provide all line item requests for each department.

Jan Nichols, 1505 Bonnie Burn Circle, spoke in favor of a tax millage decrease to a 5.06 millage rate.

The following persons, representing the St. Margaret Mary Church and Community Organization, spoke in favor of budgeting funds so more children have access to summer programs at the Community Center:

Fairolyn Livingston, 2649 Gallians Circle
Sue Hoeksema, 1177 Tom Gurney Drive
Mary Daniels, 650 Canton Avenue
Courtney Dickerson, 1308 Alfred Drive, Orlando
Lurline Fletcher, 790 Lyman Avenue. Ms. Fletcher also asked that the homes on English Court be considered for a designation of historic.

Commissioner DeVane addressed the capacity restraint at the Community Center, the number of children who receive either free or a reduced lunch that attend public schools, and the need to fund the summer program.

NEW BUSINESS (PUBLIC COMMENTS)

Sandy Womble, 960 Old England, addressed concerns regarding the mediator of the Carlisle and the amount of time it is taking for mediation. She asked about the cost to the City. Attorney Cheek spoke about the mediation process for the Carlisle and the billing. She also addressed the Rollins College boathouse issue and not knowing about the easement.

Carolyn Cooper, 1047 McKeen Circle, asked to set aside funds for a traffic study for commuter rail and be discussed by the task force.

NEW BUSINESS (CITY COMMISSION):

Commissioner Metcalf asked for a status report on the Carlisle and when there will be a conclusion. Attorney Cheek will ask Mr. Cohen about holding individual meetings with the Commissioners to provide them an update and to convey to him that the City wishes this to move more quickly. Attorney Cheek announced that a shade meeting will be held on August 28, at 2:30 p.m. so the Commission can discuss what can be under the statute. He also stated if there is another way of communicating information or a resolution is reached, this will not be necessary.

The meeting adjourned at 7:25 p.m.

ATTEST:



City Clerk Cynthia Bonham



Mayor David C. Strong