

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
October 22, 2007**

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 given by Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong

Commissioner Margie Bridges

Commissioner Karen Diebel

Commissioner John Eckbert

Commissioner Douglas Metcalf (only for City Manager item under Mayor's Report)

Also present:

City Attorney Trippe Cheek

Acting City Manager/City Manager Randy Knight

City Clerk Cynthia Bonham

Mayor's Report:

a) Best Place to Live in Central Florida Award.

Lou Stancampiano, Vice President and Advertising Director for the Orlando Sentinel, presented the Mayor with an award for the City of Winter Park being voted the "Best Place to Live in Central Florida".

b) Proclamation - National Family Week.

Mayor Strong proclaimed the week of October 27 – November 3, 2007 as National Family Week. Dr. James Pratt, Winter Park resident/business owner and representing the Church of Latter-Day Saints (a sponsor of Orange County's Week of the Family), spoke about the City being the best place to live largely because the City is concerned about ensuring that families are strong and that children are cared for and receive values. He presented the Mayor with a plaque showing their gratitude for the City's emphasis on families and as a reminder that all members of the Commission should always be concerned about the impact their decisions have on families.

c) Statement about decorum.

Mayor Strong spoke about the need for the public to always observe the proper decorum in this venue on any matter that comes before the Commission. He asked that everyone's passion be directed to the issue and not to individuals and hoped that everyone would respect each Commissioner's position and them personally.

d) Consideration of the reinstatement of Jim Williams.

Mayor Strong commented he was not accepting public comments on this item but that he is going to give each Commissioner an opportunity to re-state their position if they wish to.

Motion made by Commissioner Bridges to reinstate Mr. Williams as our City Manager, seconded by Mayor Strong.

Commissioner Bridges stated her primary interest and concern for seeking the reinstatement of Jim Williams is a fiscally responsible one; the City is faced with unintended consequences of a very serious financial situation; a crisis they created through this termination. She stated she fully understands the concerns of her fellow Commissioners who disagree with her and that she would be willing to work with them and as Commissioner Diebel outlined at the work session, there would be certain things that would be necessary for the City to move forward in a positive way. She stated that possibly by reinstatement they can create a sound financial decision and extend the opportunity to Mr. Williams to achieve the goals and objectives as outlined by Commissioner Diebel. She had concerns with taking funds from the Reserves.

Commissioner Eckbert stated he laid out his thoughts at the last meeting and did not have additional thoughts. He stated he put a lot of consideration into the emails and phone calls he received. He commented he agreed with 99% of the arguments on behalf of Mr. Williams that he is a good man and concurred with all the positive attributes that he stated before, but that has not changed his conclusion about reinstatement.

Commissioner Diebel recapped some of the comments they discussed in the work session of October 15 where she advocated strategic objectives that should eventually become a strategic plan. She reiterated: 1) the importance to come up with a pro forma of development in the City on major projects; what would be considered upcoming decisions that ties the objectives of the staff to a budget, sources and uses of revenue; 2) they should have a pro forma of annexation or de-annexation and the services that need to be supportive of that and some modification and measurable timelines that those decisions would come upon them; 3) advocated a cost allocation and capital plan for the City and how those would be funded with both the pro forma of development and services; and 4) to have a decelerating budget that year after year the budget should not necessarily grow on a percentage basis but should be forecasted out to do that. She stated she believed there is great importance to our financial situation going forward and to look for those improvements. She stated that would be the skill set in improvement she would be looking for. Commissioner Diebel spoke about the open ended escalating contract that existed.

Commissioner Metcalf commented he is not in favor of re-hiring Mr. Williams. He stated we need to move forward. He spoke about the need to focus more on a long range strategic plan.

Mayor Strong entered into the record the petitions provided by Barbara DeVane to reinstate Mr. Williams. He commented about hiring/firing employees and his conversations with staff who supported Mr. Williams and his personal and professional qualities in leading the City. He spoke about Mr. Williams' role being very specific and that the Commission over the last 13 years approved of his performance and was supportive of his work. He stated the citizens provided overwhelming support for Mr. Williams and that he sought out residents that agreed that Mr. Williams should be terminated (there were three) and why they believed he should be fired. He spoke about Commissioners Eckbert and Metcalf asking the City Manager to do long range strategic planning but that the Commission as a whole did not give him direction to do that. He concluded that he supports the reinstatement of Mr. Williams. **Upon a roll call vote, Mayor Strong and Commissioner Bridges voted yes; Commissioners Eckbert, Metcalf (via phone) and Diebel voted no. The motion failed with a 3-2 vote.**

e) City Manager hiring/search decision.

Mayor Strong spoke about the decision before them to either hire Randy Knight or to conduct a search for a new City Manager. Commissioner Bridges addressed her support to hire Mr. Knight as City Manager.

Commissioner Eckbert summarized his reasons for his first choice to have a clean slate and for a nationwide search for a new City Manager. He stated if the Commission wishes not to hire a search firm to do a nationwide search, that the City would be hard pressed to find a better person than Mr. Knight for this position. He stated in either situation, the City would be well served but that a nationwide search would be best for the City.

Commissioner Diebel stated she supported Mr. Knight's application and consideration of the position and that strong support for him at the Commission level would be appropriate in the coming year; but also agreed with Commissioner Eckbert for a nationwide search for the skill set they need. She stated if they consider a motion to extend Mr. Knight this position, she would advocate it on a contractual basis of a year with the appropriate severance built into the contract that is well defined. She also wanted to tie it into their strategic planning and to measure performance accordingly.

Commissioner Metcalf, via phone (mostly inaudible) stated it would be good to do a nationwide search, but supported Mr. Knight with a one year contract. **Motion made by Commissioner Metcalf to hire Randy Knight as City Manager; seconded by Commissioner Bridges.** Commissioner Eckbert spoke in support of the motion. Commissioner Bridges stated that she wants to work with the Commission to help them reunite and to move forward in a positive way with Mr. Knight being the City Manager. Commissioner Eckbert addressed the need to hire an Assistant City Manager. He addressed his discussions with Mr. Knight as to what he believed would be the skill set they need and that Mr. Knight's view of what that skill set should be was a good one.

Mr. Knight stated he would either agree to: 1) hiring him at will and provide for a one year severance; or 2) to hire him for a one year period with a similar severance. Commissioner Eckbert spoke about his preference for a contract; they need to discuss what their expectations will be of Mr. Knight; and that his contract should be broad, general and open ended with an 'at will' provision.

Commissioner Bridges asked if it would be appropriate to meet together with Mr. Knight and outline their thoughts and concerns regarding what they are looking for in a City Manager. She stated it would assist Mr. Knight in being a successful City Manager if he knew what they were looking for in an Assistant City Manager to help him achieve those goals.

Commissioner Eckbert suggested providing the City Attorney with a direction to proceed with contract negotiations with Mr. Knight to be City Manager, to schedule a work session to further discuss their expectations of Mr. Knight and/or an Assistant City Manager and to not finalize the contract with him prior to that meeting because they may have further direction to the City Attorney in that meeting as to specifics. He suggested starting with the ICMA contract first but if there are more specific issues they agree should be in the contract, those should be worked out in the work session. There was a consensus. Commissioner Metcalf made other comments at this time; Mr. Knight clarified that Commissioner Metcalf was restating his comment that the annual review should be in September/October versus March.

Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Action Items:

The following items were pulled from Action Items for discussion: Members of the audience pulled item b-1; Commissioner Eckbert removed item a; Mayor Strong removed items b-6, h and j; Commissioner Diebel pulled item i for discussion; Commissioner Bridges removed item e.

Motion made by Commissioner Diebel to approve the Action items with the exception of items a, b-1, b-6, e, h, i, and j; seconded by Commissioner Bridges and carried unanimously.

- a) Approve the minutes of 9/24/07 and 10/8/07. **PULLED FOR DISCUSSION. SEE BELOW.**
- b) Approve the following bids and purchases:
 - 1) Award of RFP-33-2007 External Audit Services to James Moore & Co. Year 1: \$53,850.00; Year 2: \$60,850.00; Year 3: \$63,300.00 (Budget: Finance). **PULLED FOR DISCUSSION. SEE BELOW.**
 - 2) Award of RFP-21-2007 Website Maintenance and Development to Infinity Software Development, Inc.; \$36,480.00 annually (Budget: ITS).
 - 3) PR 135180 to Wesco Turf Supply to purchase lawn equipment, piggy-backing off State Contract # 515-630-06-1; \$28,836.00 (Budget: Vehicle/Equipment Replacement Fund).
 - 4) Award of RFQ-29-2007 Surveying & Mapping Services to Southeastern Surveying & Mapping Corp. for projects 1 and 2 in a series of 7. Project 1: (Park North) \$70,715.00; Project 2: (Aloma Avenue) \$27,035.00 (Budget: Electric CIP bonds).
 - 5) Contract with Ingersoll Rand Security Technologies for new security systems at the Wymore Water Treatment Plant; \$58,673.37 (Budget: Water Treatment Contractual Services).
 - 6) Determine if the Commission would like to have oral presentations from any of the responding firms for RFQ-36-2007 Winter Park Civic Venues, or if they prefer to choose from the written proposals. **PULLED FOR DISCUSSION. SEE BELOW.**
- c) Approve the following budget adjustments:
 - 1) Appropriate \$1,050 received from Progress Energy (PE) for printing 2,000 life long learning brochures by Communications.
 - 2) Appropriate \$6,324 in accumulated building permit fees for use on the Building and Code Enforcement Department's voice response system for building permits.
- d) Approve the \$500.00 donation to Mothers Against Drunk Drivers (MADD) from funds obtained from state forfeiture funds.
- e) Preliminary approval of the Central Florida High Intensity Drug Trafficking Area (HIDTA) Task Force plan to relocate the HIDTA Intelligence Support Center from Sanford to a portion of the future expansion area of the Winter Park Police Department. **PULLED FOR DISCUSSION. SEE BELOW.**
- f) Approve closing City Hall as a holiday the entire day on Christmas Eve, December 24 only to apply to the 2007 holiday season and to cancel the December 24 scheduled Commission meeting.
- g) Approve the updated Lake Island Park rules and standards for use.

- h) Approve hiring Profile Marketing Research to conduct the 2007 resident survey. **PULLED FOR DISCUSSION. SEE BELOW.**
- i) Approve the policy for agenda items brought forward by the Commission, staff or the public. **PULLED FOR DISCUSSION. SEE BELOW.**
- j) Approve staff attendance at the Florida Communities Trust appeals meeting on November 2, 2007 at the State Capital Building to speak about the grant application submitted for funding the expansion of Central Park. Staff requests attendance of a Commission member as well. **PULLED FOR DISCUSSION. SEE BELOW.**

Action Item 'a' – Minutes:

Motion made by Commissioner Eckbert to approve the minutes with the verbatim text from the Jim Williams conversation, replacing any sort of summary of those discussions; seconded by Commissioner Bridges and carried unanimously.

Action Item 'b-1" - Award of RFP-33-2007 External Audit Services to James Moore & Co.:

The City's Charter requires the establishment of an auditor selection committee for the purpose of soliciting proposals from audit firms and making a recommendation to the City Commission to award a contract not to exceed three years. The selection committee was established by the Commission on August 13, 2007 and five proposals were received for evaluation.

The following process was followed: on September 6, 2007, RFP-33-2007 was issued; on September 13, 2007 a pre-proposal conference was held; and on September 27, 2007 a public opening of proposals was held. Seven (7) responses were received (2 were no bid responses). On October 4, 2007, the selection committee met to evaluate and rank the responses. After an open roundtable discussion of the proposals, points were assigned to each firm for the evaluation criteria established in the RFP. Total points received by each firm were as follows:

Name of Firm	Total Points Assigned	Year 1	Year 2	Year 3
James Moore & Company	448	\$53,850.00	\$60,850.00	\$63,300.00
Moore Stephens Lovelace	445	\$59,500.00	\$62,500.00	\$65,000.00
Cherry Bekeart & Holland	440	\$61,000.00	\$68,000.00	\$71,000.00
Crowe Chizek & Company	421	\$53,000.00	\$59,000.00	\$60,770.00
Larson Allen	408	\$45,000.00	\$45,000.00	\$45,000.00

Mayor Strong asked why the City chose to change its auditor that has served the City for some time. City Manager Knight explained the ranking of the firms and that James Moore & Company ranked first.

Farlen Halikman, Moore Stephens Lovelace and Managing Partner of the Winter Park office, summarized their firm and auditors that have served the City. He spoke about wanting to retain their auditing contract with the City.

Nancy Schwab, Schwab Public Relations, spoke in favor of retaining Moore Stephens Lovelace.

Dan O'Keefe, 2651 Cochise Trail, Moore Stephens Lovelace, spoke about the qualitative differences they believed set them apart from the others. He asked that they are again retained as the auditor.

Bernadette Britz-Parker, James Moore & Company, 121 Executive Circle, Daytona Beach, asked that they be selected as the auditor.

Mike Harbison, 2150 Forrest Road, spoke in favor of hiring Moore Stephens Lovelace.

Joe Terranova, 700 Melrose Avenue, agreed with staff's recommendation.

Mayor Strong asked if the Commission had to follow the recommendations of the Selection Committee. Mr. Knight stated the decision is the City Commission's. Mayor Strong asked about the points received from the two top firms. Mr. Knight explained the point rating system. There was a discussion as to the firm's rankings and points received. Commissioner Bridges asked about tabling this item until the next meeting so some issues are clarified. Mr. Knight stated this can be delayed until the next meeting. Mr. Knight was asked about his preference. He responded that it is easier to have the incumbent auditor. He spoke highly of Dan O'Keefe as the City's auditor for the past nine years. Mayor Strong stated he would like to hear comments from Commissioner Metcalf (who was not in attendance) who sat on the committee.

Motion made by Commissioner Diebel to table this item, pending additional comments from Commissioner Metcalf and from Wes Hamil to understand the merits of accepting the score; seconded by Commissioner Bridges and carried unanimously.

Action Item b-6 - Determine if the Commission would like to have oral presentations from any of the responding firms for RFQ-36-2007 Winter Park Civic Venues, or if they prefer to choose from the written proposals:

Mayor Strong stated they received the proposals but was not prepared to make a judgment this evening and is relatively interested in hearing oral presentations from the parties. Commissioner Bridges stated she preferred additional time to review the proposals, to hear presentations at a later date, and to table this until the next meeting.

The Commission agreed to only hear from the top two local and out of area firms. After further comments, there was a consensus to schedule a work session to begin at 12:00 on November 12 and to give each firm 45 minutes for their presentation.

Discussion ensued regarding the need to schedule the work session to discuss the Assistant City Manager position. Mr. Knight will provide two dates to choose from.

Action Item e - Preliminary approval of the Central Florida High Intensity Drug Trafficking Area (HIDTA) Task Force plan to relocate the HIDTA Intelligence Support Center from Sanford to a portion of the future expansion area of the Winter Park Police Department.

The Central Florida High Intensity Drug Trafficking Area (HIDTA) Task Force has entered into negotiations with the Winter Park Police Department to relocate the HIDTA Intelligence Support Center from Sanford to a portion of the future expansion area of the Winter Park Police Department. The Central Florida HIDTA proposes to pay all costs for renovating and ensuring the space meets all appropriate codes including costs for any increased data lines in support of

their center. Central Florida HIDTA proposes to pay \$50,000 a year to the City of Winter Park to rent this space which is approximately 667 square feet. HIDTA also will pay salary and benefits for the purpose of hiring an additional systems analyst which will be used for three days for the HIDTA Intelligence Center and the remaining two days for the City of Winter Park. HIDTA also proposes to pay the City of Winter Park \$15,000 as an offset to administrative expenses for administration of payroll and other associated expenses. This space would not be occupied until August or September of 2008.

Commissioner Bridges asked about any responsibilities of the City. City Manager Knight stated the City has participated for years with HIDTA and that their lease is expiring in Sanford. He addressed the City having expansion space in the Public Safety Building so we can rent them the space; they will develop the space that the City will utilize when they no longer need it.

Police Chief Ball spoke about the benefits of approving this request. Commissioner Bridges asked if the funds collected can go into the General Fund and if it is anticipated they will stay at that location. Chief Ball stated the funding is contingent upon the Federal Government continuing to fund the HIDTA program which is funded year to year. He stated the revenue will go into the General Fund but that \$15,000 administrative costs will be earmarked for the Police Department because their employees will be doing the work. He stated the only additional funding would be with the IT Department where they will increase their staff by one person but the entire salary and benefits for the additional person will be totally funded by HIDTA and if HIDTA goes away, so does the employee and administrative fees.

Motion made by Commissioner Bridges to approve Action Item e (staff recommendation was to preliminary approve the plan based on a review of final cost figures and contractual review by city attorney), seconded by Commissioner Eckbert and carried unanimously with a 4-0 vote.

Item h - Approve hiring Profile Marketing Research to conduct the 2007 resident survey:

Communications Director Clarissa Howard stated a survey has been performed yearly since 2004. Mr. Knight stated they expanded it last year to make it a statistically valid survey so the cost was driven up. She stated the survey needs to be mailed on November 26 with a response deadline of December 22. She stated if the hiring of Profile Marketing Research is approved, their representatives will be contacting each Commissioner and the Mayor to discuss what they want to address. There was discussion regarding the timing of doing the survey, if it is necessary to have one each year and what the survey achieves. Mr. Knight stated it does not need to be done every year and saw it as a tool that drives toward the strategic planning session.

Commissioner Bridges asked about the necessity for a yearly survey and what it accomplishes. Commissioner Diebel supported waiting on a survey until they agree on the top 5-6 strategic objectives and for the City Manager to produce a strategic plan based on those. She addressed projects she wanted to see go through and to measure the satisfaction of those before a survey is sent out. Mayor Strong stated he supports a survey but that they need to make a commitment to take it to heart and attempt to develop a strategy and an implementation to respond to those concerns. Commissioner Eckbert stated an annual survey should be part of the process and is a good practice.

Patty Heidrich, 1112 Schultz Avenue, stated the survey is not necessary and did not want to expend the funds.

Motion made by Commissioner Eckbert to approve staff's recommendation (to hire Profile Marketing Research to conduct the survey); seconded by Mayor Strong. The motion failed with a 2-2 vote with Mayor Strong and Commissioner Eckbert voting yes; Commissioners Bridges and Diebel voted no.

Ms. Howard reminded the Commission because it is not approved, it cannot make the deadlines which would give the Commission the device to use in the strategic planning session. Commissioner Diebel recommended that Ms. Howard present what will be in the survey which will help in their decision making. She stated when she looks at the top 10 initiatives that were measured in January 2007 that they received feedback on, she did not see that those had changed materially of things that the City should continue to take action on. Ms. Howard stated that a majority of the questions were Commission-led and further explained the process they followed to complete the 2007 survey. Mayor Strong clarified that the survey will not be done at this time.

Item i - Approve the policy for agenda items brought forward by the Commission, staff or the public.

The policy brought to the Commission for approval is as follows:

The following policy shall be followed for placing items on an agenda by the City Commission, the public or staff.

Any potential agenda item (including ordinances or resolutions) may be brought up by the Commission at any time during the regular Commission meeting to determine the interest of the other Commission members. If the majority of the Commissioners present concur, the item will be placed on a future agenda with appropriate back up documentation provided by staff. No member of the Commission shall ask a staff member or the City Attorney to prepare a resolution, ordinance or other backup for an agenda item without that member first addressing it at a public meeting under New Business (Commission) and gaining consensus to consider the issue at a future meeting.

No action shall be taken at the meeting when the new item(s) is addressed unless time constraints do not permit scheduling the item for a future meeting or if the matter is of such a nature as to not require any supporting backup for the Commission to make an informed decision. Staff should be given enough time to prepare the appropriate supporting materials for either the next meeting or a future meeting if the next meeting does not allow enough time to prepare the information. There must be a consensus of at least three Commission Members to move forward.

Any non-agenda item brought up by a member of the public will follow the same procedures as outlined above if there is interest by the Commission in pursuing the item.

No item/issue may be brought up for reconsideration by a commissioner that was on the minority side of a vote until at least six months have passed since the action was taken. However, a commission member from the majority side of a vote may request that the item be reconsidered at any time by following the procedures outlined above.

Nothing in this policy shall prohibit the Commission from directing the City Manager to carry out some administrative task even though that task was not on the agenda. (i. e. Send a letter to

our State Representative expressing the City's concerns on an issue; or set up a meeting with citizen xyz and address his concerns).
End of Policy.

Commissioner Diebel asked for further clarification. Mr. Knight stated this was discussed at the last two meetings and that staff was directed to bring back a policy concerning how items are placed on the agenda. He summarized the policy. Commissioner Diebel advocated the continuance of the use of the New Business section of the agenda either for the Commission or the public. She expressed the importance of having more structure as to the way the Commission brings forth issues. Commissioner Eckbert expressed the need for preparation of items coming before the Commission for action. Mayor Strong clarified that the intent is to hear the issue, decide whether it is worthy of further discussion, and if so, put it on the next agenda.

Motion made by Commissioner Eckbert to approve the policy, seconded by Commissioner Bridges and carried unanimously with a 4-0 vote.

Action Item j: Approve staff attendance at the Florida Communities Trust appeals meeting on November 2, 2007 at the State Capital Building to speak about the grant application submitted for funding the expansion of Central Park. Staff requests attendance of a Commission member as well.

Parks and Recreation Director John Holland explained the importance of a staff member being present at this meeting. Mayor Strong stated he can combine his business in Tallahassee with this and will pay his own costs. There was a consensus that the Mayor attend with staff.

Motion made by Commission Diebel to approve staff's recommendation, seconded by Commissioner Eckbert and carried unanimously with a 4-0 vote.

A recess was taken from 5:25 – 5:30 p.m.

Public Hearings:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING MULTI-FAMILY RESIDENTIAL (R-3) ZONING TO CENTRAL BUSINESS (C-2) DISTRICT ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Cheek read the ordinance by title. Planning Director Jeff Briggs explained that the ordinance was amended per the language as requested by the City Attorney. Attorney Cheek clarified that Section 3 only clears up the language as to what was intended at first reading. Mayor Strong reminded the Commission that this ordinance was tabled at the last meeting.

April Kirsheman, on behalf of St. Michael's Ltd., agreed with the City Attorney that the language change to Section 3 is procedural and not substantive in nature.

Lurline Fletcher, 790 Lyman Avenue, spoke against the adoption of the ordinance because of parking and traffic issues.

No other public comments were made.

Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner Diebel. Commissioner Eckbert clarified this is the issue that allowed for the convenience store previously opened on the corner to re-open which is a helpful and welcome amenity to the neighborhood. Commissioner Bridges expressed mixed feelings on the approval. Mayor Strong addressed his concern with approving this subject to approval of something that may or may not be approved and asked when we will hear from Tallahassee. Mr. Briggs responded around November 25 whether the comprehensive plan is in compliance; if it is compliant, there is an appeal period that we have to see if anything comes out of it; if not in compliance, they will provide the City with instructions as to what to do to get it there; those actions will take about two months to accomplish. Mayor Strong asked the applicant if they would prefer to table this item until a full Commission is present. Ms. Kirsheman responded that they are incurring financial damages as a result of the delay in the approval process but agreed that having a full Commission present may be beneficial if it is placed on the next agenda.

Motion made by Commissioner Eckbert to table this item until the next meeting, seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert and Diebel voted yes. The motion carried with a 4-0 vote.

Attorney Cheek stated for the record that it is the City's legal position that there are not illegal damages being incurred on this property.

- b) Conditional Use Approval - Furst Realities, Inc. to permit the redevelopment at 170 South Knowles Avenue for a residential building project consisting of four (4), three story townhouses.

Planning Director Jeff Briggs explained the location of the request and what is currently on the site. He reported that the request is to redevelop the site to build four, three story residences (townhomes) on the property, each being sold fee simple although there will be a community association. He complimented the property owner for bringing in a project in the downtown that is not asking to maximize what could be built on the site. He stated the building could be built right up to the sidewalk on Morse and Knowles but is being set back approximately 7' to create a nice front yard appearance and to be more residential in character. He stated the project could total 200% of the land area, but is totaling 177% counting the two car garages for each unit.

Mr. Briggs addressed the variance existing because the current code requires 2 ½ parking places per unit and they are providing a two car garage for each and would technically have to provide two other visitor parking places. He explained how that could be accomplished but commented that the project would not be nearly as nice. He stated there are lots of parking spaces on Knowles Avenue where visitors can park today and by swapping out the office building that does not meet the parking code, this project is helping the parking deficit by virtue of this redevelopment. He explained the only condition was to lower the corner piece a couple of feet. He addressed the positive recommendation of the Planning and Zoning Commission.

Commissioner Bridges asked if there will be parking in front of the building on Morse. Mr. Briggs responded that with the width of the travel lane on Morse Boulevard, there is room to bring the sidewalk out a few feet, still maintaining the on-street parallel parking space and the travel lane. Public Works Director Troy Attaway addressed the Landmark project where the road was extra wide and could be narrowed and still maintained the traffic which is one way in

that section with on-street parking. He stated they used Park Avenue as a guide. Commissioner Bridges expressed concerns with the possible view of vehicles being inhibited at that intersection. Mr. Attaway responded to Commissioner Bridges' concerns. Mayor Strong asked about the third floor and if it has to be set back. Mr. Briggs stated we are doing that and further explained this issue. Mr. Briggs explained the only policy adopted by the Commission that any three story building directly on Park Avenue must have the mandatory 10' setback, otherwise it is our discretion.

Commissioner Eckbert disclosed that he met ACi and citizens before the meeting to discuss the project and merits of the project. Mayor Strong stated he spoke with individuals also.

Applicant Felix Furst asked for consideration of approval.

Larry Adams, Via Lombardy, addressed the project and their decision not to max out financial densities of development. He provided an overview of the project they were proposing via a power point presentation. Upon completion, he stated they agree with the Planning and Zoning Commission.

John Cunningham, ACi, covered the architecture and setbacks of the project being proposed.

Carol Card, 1645 Berkshire and their business being located at 180 S. Knowles Avenue, spoke in favor of the building but addressed concerns with parking problems and the lack of parking during the construction period. She asked if they can have policing on Knowles during construction.

David Odahowski, 199 E. Welbourne Avenue, Edith Bush Foundation, spoke in favor of the project but addressed concerns with parking on Knowles, garbage pickup downtown, and lighting.

Patty Heidrich, 1112 Schultz Avenue, as a member of the Architectural Standards Task Force, stated from a form based code perspective, the project's plans would pass muster. She asked about the parapet and asked that the second and third floors be diminished away from the corner. Mr. Cunningham responded it is already set back substantially. She said other than the previously mentioned objection she thought the project would be an asset to Winter Park.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the project but expressed concerns with the parking and hoped the developer would work with the City to develop a staging plan during construction. He also asked that the electrical poles in front of the project be removed.

Sandy Womble, 940 Old New England Avenue, spoke in favor of the project but had concerns with parking during the construction.

Motion made by Commissioner Bridges to approve the project with the P&Z recommendations; seconded by Commissioner Eckbert.

There were questions regarding the length of the construction period (14-16 months long), the parking issues associated with the construction and the rules for construction equipment. Public Works Director Attaway and Building Director Wiggins addressed the Commission's questions and concerns. Commissioner Bridges spoke about the importance of enforcing the parking. Police Chief Ball stated there needs to be other solutions prior to the construction

because enforcement alone is not the answer to the parking problem that is created with massive construction projects. He stated they will be very responsive to any calls they receive.

Upon a roll call vote, Mayor Strong and Commissioner Bridges, Eckbert and Diebel voted yes. The motion carried unanimously with a 4-0 vote.

- c) Conditional Use Approval – Park Lane at Winter Park to permit the redevelopment at 901 and 911 N. Orlando Avenue for a commercial/office space project including a branch bank with drive-thru tellers and residential units.

Planning Director Jeff Briggs explained the request for a two-story 24,925 square foot commercial/office space building project with a bank. He spoke about the 40 extra parking spaces because of the recognition of the tenant mix of the project and if they have a restaurant versus retail stores. He explained if the market is not there for apartments or condominiums, they have extra parking that they can convert the second floor to office space. He addressed the attractive view from the front and rear of the project and the architecture articulation of the building. Mr. Briggs spoke about the significant number of trees being planted.

Applicant Ronnie Elias, Dorchester LLC/Leroyal Development, asked for approval of the project. He spoke about having enough on-site construction parking and that the applicant stated they want to add more landscaping. He asked that the landscaping be handled during the building permit stage. Mr. Briggs stated that the P&Z wants to see it and it will not hold up the project. No public comments were made.

Commissioner Bridges explained her concern with the project being approved by the P&Z as a project 75 square feet under the maximum allowed by code that would require an additional review process. She explained that this building did not comply with that and expressed concerns with consistency. Commissioner Eckbert stated they are underneath the threshold. There was further discussion regarding the threshold, whether it should be lowered and the notification that was provided. Mr. Briggs explained the various thresholds and the required notification of each. Mayor Strong stated he have to abide by the rules in place and spoke about the tremendous improvement this project has on the area.

Motion made by Commissioner Bridges to approve the conditional use request, seconded by Commissioner Eckbert and carried unanimously with a 4-0 vote.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ACQUISITION AND/OR CONSTRUCTION OF STREETSCAPE IMPROVEMENTS TO A PORTION OF ORANGE AVENUE; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$2,500,000 ORANGE AVENUE IMPROVEMENT REVENUE BONDS, SERIES 2007, OF THE CITY TO BE APPLIED TO FINANCE PART OF THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM SPECIAL ASSESSMENTS AND/OR OTHER LEGALLY AVAILABLE NON AD VALOREM FUNDS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Mr. Knight explained this is the money necessary to pay the special assessment share of the streetscape project which the City will get reimbursed for through the assessments of the property owners. He stated the City's share has already been authorized and paid out of the CRA. No public comments were made.

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

- e) RESOLUTION NO. 1982-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2718-07 OF THE CITY WHICH AUTHORIZED THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE ELECTRIC SYSTEM OF THE CITY; THE REFUNDING OF THE OUTSTANDING ELECTRIC REVENUE ANTICIPATION NOTE, SERIES 2005, OF THE CITY, AND THE CONVERSION TO FIXED RATE BONDS OF THE UNHEDGED PORTION OF THE OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005, OF THE CITY; PROVIDED FOR THE ISSUANCE OF NOT EXCEEDING \$29,000,000 ELECTRIC REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2007, OF THE CITY TO BE APPLIED TO FINANCE THE COST OF SUCH SYSTEM IMPROVEMENTS AND REFUNDING; AND PROVIDED FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH SYSTEM; BY MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH AND AUTHORIZING A NEGOTIATED SALE OF SUCH BONDS AND SUCH CONVERSION, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the ordinance by title. City Manager Knight stated this is the resolution that follows up the ordinance adopted in September for the electric undergrounding bonds. He addressed the A-1 rating the City has received concerning the electric utility because of its excellent financial condition. He asked that the resolution be adopted which will allow the City to close on the bonds in the next two weeks so the money will be available to do the undergrounding projects. No public comments were made.

Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Diebel. Mayor Strong asked when the bonds for the streetscaping and electric would be issued. Craig Dunlap, Dunlap and Associates, stated they intend to go out for competitive bids for the streetscape improvements bank loan and hope to have the bids in before adoption of the second reading of the ordinance. He addressed the electric bonds and stated if this item is approved, they expect to mail the preliminary official statement this week, price the bonds next week, and close in about two weeks after that. He assured the Commission that they will be receiving the most competitive underwriting in the market.

Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert and Diebel voted yes. The motion carried with a 4-0 vote.

City Attorney's Report:

1. Attorney Cheek addressed the Central Park Station Partners litigation, that the final payment has been made and the lawsuit has been dismissed as of today.
2. Attorney Cheek addressed the Trismen litigation and that he filed a motion on behalf of the City to dismiss the complaint today in Leon County.
3. Attorney Cheek spoke about the litigation the City won at the Federal District Court level and the Eleventh Circuit with the Club Harem owner who was challenging the City's adult entertainment ordinance. He stated the owner has petitioned the U.S. Supreme Court to take

the case. He stated we are not required to file a response to that and he is inclined not to do so but will respond if the Supreme Court informs him he needs to. Commissioner Eckbert asked about the need for a shade meeting. Attorney Cheek requested that if he determines he needs guidance he will contact the Commission independently and schedule a meeting in the interim.

Non-Action Items:

- a) Update on City cell towers and carriers.

Building Director George Wiggins spoke about the request by the Commission for an update regarding the location, coverage and usage of cell towers in Winter Park and any action the City can take to improve phone coverage. He stated the coverage issue is in the hands of private sector. He summarized the locations of towers in the City and what the City has done over the years to facilitate the process. He addressed the ordinance adopted that regulates cellular towers and about the extensive tree canopy affecting cell coverage. He stated we need to continue to work with carriers and cell tower companies to explore ways to place new towers that do not negatively impact residents and encourage the location of antennas on existing towers that are on either City property or private property. He concluded by summarizing the budget implications associated with antenna placement.

New Business (Public):

Janie Baker, 650 Northwood Circle, invited the Commission to the Brotherhood Award Dinner on November 13.

New Business (City Commission):

Commissioner Eckbert addressed his preference to revisit and pursue the issue of the annual survey. He asked the two dissenting voters to change their decision regarding its approval. He spoke about the importance of the survey, it being a useful tool for strategic planning and being time sensitive. Mayor Strong agreed as to its importance because of new issues that need citizen input. Communications Director Howard stated the results would be delivered January 28. Commissioner Eckbert asked that the results either be delivered after the election on January 29 or well before the election date. Mayor Strong agreed. Commissioner Diebel asked why this is time sensitive. Mr. Knight commented that he suggested the timing based on the strategic planning session he is trying to schedule for early February.

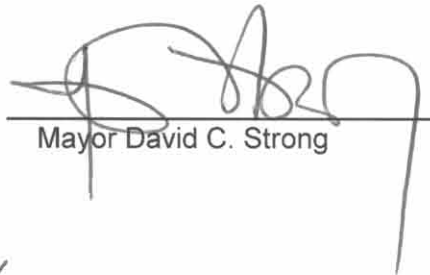
Commissioner Diebel stated she still holds that the Commission can work collaboratively over the next short period of time and confirm some strategic objectives. She stated if those need to be confirmed by the public she believed there was time to do that. She stated they had agreed they could be more effective as a board. She stated if the timing is not critical because of the way it falls, she was willing to reconsider it but wanted to see the Commission step completed first.

Mayor Strong addressed the usefulness of a survey because of the different issues before them. Commissioner Bridges spoke about possibly reconsidering her vote. Commissioner Diebel advocated putting forth the most important questions which she believed would be more effective and to do this jointly as a Commission, instead of individually, to be sure the right questions are asked. Last year's process was summarized by Mayor Strong. He agreed with the process followed and that it was not political.

Motion made by Commissioner Eckbert to move forward with the surveying process to be delivered the first meeting in February; seconded by Mayor Strong. Upon a roll call vote, the motion failed with a 2-2 vote with Commissioners Diebel and Bridges voting no; and Mayor Strong and Commissioner Eckbert voting yes.

Commissioner Diebel stated she would like to have a confirmed step where the Commission all agrees they will have a consensus on strategic objectives, then step two would be as expressed before. She supported the survey process, but at a later time.

The meeting adjourned at 7:11 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham