

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
December 12, 2005**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth A Kip@ Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Pastor Tommy Vinson, First Baptist Church of Winter Park, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Marchman
Commissioner John Eckbert
Commissioner Barbara DeVane
Commissioner Douglas Metcalf

Also present:

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

Members absent:

Commissioner Douglas Storer

MAYOR'S REPORT:

a) December 2005 Outstanding Employee of the Month

Mayor Marchman recognized Deputy City Clerk Tania Haas as the December 2005 Outstanding Employee of the Month.

b) Board appointments:

- Civil Service Board (Don Palladeno to replace Terry Hotard – 1 year term remaining)

Mayor Marchman nominated Don Palladeno to the Civil Service Board, seconded by Commissioner DeVane. Mayor Marchman and Commissioner DeVane voted yes. Commissioners Metcalf and Eckbert voted no. The motion failed with a 2-2 vote.

Mayor Marchman stated an appointment to the Civil Service Board will be revisited at the next Commission meeting.

- Comprehensive Plan Task Force – Martin Prague

Commissioner Metcalf nominated Martin Prague for the Comprehensive Plan Task Force, seconded by Commissioner DeVane. The motion carried unanimously.

c) Recognizing the receipt of the first historic preservation plaques honoring properties designated to the Winter Park Register of Historic Places.

Mayor Marchman presented the first historic preservation plaques received to the property owners whose properties were designated as such. Dr. and Mrs. John Hammerli, Jack Rogers (Casa Feliz), and Parks and Recreation Director John Holland (Winter Park Golf Course and Country Club) received plaques.

NEW BUSINESS – CITIZENS COMMENTS:

a) Request to brick alley off of Swoope Avenue (Leslie Hardy)

Ms. Hardy explained her request to brick the alley off of Swoope Avenue. Mayor Marchman disclosed he participated in discussions with the parties involved with the request.

Public Works Director Troy Attaway explained the request to brick a single lane alley within a 14 foot wide City right-of-way off of Swoope Avenue near St. Margaret Mary Church. He said Ms. Hardy recently constructed a home on Swoope Avenue at the corner of the alley on a historically vacant parcel and following the construction of her house, she requested to brick the alley at her expense. Mr. Attaway stated we requested she apply for a permit and to obtain the consent of the other property owners adjacent to the alley. He reported that the property owners directly across the alley from her were not in favor of the alley being bricked. He said staff met with Mr. Dye and Mrs. Gurney to try and obtain consensus for the project, however, a consensus was not reached. He said since this project is so small (approximately 150' long by 12' wide) it does not fall under the criteria of the City's brick policy.

Commissioner Eckbert inquired about the portion of the area that the applicant was willing to brick and pay for. Discussion ensued on whether the area requesting to be bricked extends into the condominiums. Commissioner Eckbert inquired into the traffic patterns of the area.

Interlachen Condominium Association President Charles Goldberg, 625 North Interlachen Avenue, representing the interests of affected property owners, expressed support for the request to brick the alley.

Jeff Dye, 255 East Swoope, expressed his concern with the affect the asphalt removal will have on his older home and the noise impact. Mayor Marchman inquired if Mr. Dye would be amenable if the construction company is willing to hold safe and harmless his property and agree that no damage will result from the asphalt removal process.

Donna Wilson, Interlachen Condominium resident, asked for clarification on the traffic impact to the school and Swoope Avenue and whether the request is specifically to brick the alley.

Commissioner DeVane disclosed she participated in discussions with Ms. Hardy. She suggested the use of smooth bricks for the request. Commissioner Eckbert agreed with the concerns expressed by Mr. Dye.

U.S. Brick and Block representative Brian Schindler explained the possibility of vibration damage, but noted that the request will only call for a removal of 4-6 inches below the actual grade which will minimize many of the concerns raised about vibration damage. Mr. Schindler confirmed that the company is covered appropriately by insurance. Mayor Marchman suggested that Mr. Dye take pictures of his home prior to the commencement of the project.

Motion by Commissioner DeVane to move forward with the request with the contingency that staff remain involved with the removal of the asphalt, seconded by Commissioner Eckbert. The motion carried unanimously.

CITY ATTORNEY'S REPORT:

Resolutions-Setting forth the City's intent to use the uniform and ad valorem method of collection of a non-ad valorem assessment for the installation of street bricking:

- Portion of Forrest Road, from Fawsett Road south to Spring Lane.

RESOLUTION NO. 1933-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF FORREST ROAD, FROM FAWSETT ROAD SOUTH TO SPRING LANE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF FORREST ROAD, FROM FAWSETT ROAD SOUTH TO SPRING LANE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND 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 Storer. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- Melrose Avenue, from Pennsylvania Avenue to Oxford Road.

RESOLUTION NO. 1934-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF MELROSE AVENUE, FROM PENNSYLVANIA AVENUE TO OXFORD ROAD, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF MELROSE AVENUE, FROM PENNSYLVANIA AVENUE TO OXFORD ROAD; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND 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 Marchman and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- Mayfield Avenue, from Sunset Drive to Phelps Avenue.

RESOLUTION NO. 1935-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF MAYFIELD AVENUE, FROM SUNSET DRIVE TO PHELPS AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF MAYFIELD AVENUE, FROM SUNSET DRIVE TO PHELPS AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

- Taylor Avenue, from Phelps Avenue to Lakemont Avenue.

RESOLUTION NO. 1936-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF TAYLOR AVENUE, FROM PHELPS AVENUE TO LAKEMONT AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF TAYLOR AVENUE, FROM PHELPS AVENUE TO LAKEMONT AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

CONSENT AGENDA:

- a) Approve the minutes of 11/28/05.
- b) Adopt the Winter Park Fire Department 2006 Strategic Plan.
- c) Approve the completion of the transfer of the Canton Park property to the Hannibal Square Community Land Trust following the process outlined by City Attorney Rubio.
- d) Approve the following RFQ and Purchase:
 - 1) Selection Committee ranking for RFQ-1-2006, Conceptual Design for Holler and Progress Energy Properties and allow staff to go forward with negotiations according to the ranking.
 - 2) Purchase of L60E Wheeled Excavator from GSA Contract SP0500-05d-0006; (less trade-in) \$165,669.00 net (Budget: Vehicle Replacement)
- e) Authorize the addition of one full-time Customer Account Coordinator (cost to be shared between Water and Sewer and Electric Services Funds) and a part-time Staff Assistant I (General Fund) for the finance/utility billing department.

Motion made by Commissioner DeVane to approve the Consent Agenda, seconded by Commissioner Metcalf. The motion carried unanimously.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2657-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE BY THE WINTER PARK COMMUNITY REDEVELOPMENT AGENCY OF NOT EXCEEDING \$4,307,000 REDEVELOPMENT REVENUE BONDS, SERIES 2005, IN ACCORDANCE WITH THE COMMUNITY REDEVELOPMENT ACT OF 1969; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title. No staff or public comments were provided.

Commissioner DeVane inquired whether the ordinance restricts the use of the additional funds identified for the parking garage or if the City has the flexibility to use the funds for other projects. Planner Briggs explained that the use of funds has to be approved by Orange County.

Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and Metcalf voted yes. Commissioner DeVane vote no. The motion carried with a 3-1 vote.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ACQUISITION AND/OR CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN

THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$5,200,000 CAPITAL IMPROVEMENT NOTES, SERIES 2006, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH NOTES FROM CERTAIN FUNDS OF THE CITY DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION; AND PROVIDING AN EFFECTIVE DATE. First Reading

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

Finance Director Wes Hamil stated that the ordinance authorizes the City to borrow money to fund items that have already been approved as part of the budget.

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

CITY MANAGER'S REPORT:

- a) Approval and funding for a Parks Master Plan from City contingency funds.

Parks and Recreation Director John Holland presented this item. He said the information required for the Impact Fee Consultant is identical to much of the information gathered by the Master Planning process and to provide the Impact Fee Consultant with the requested information, the City needs to hire additional consultants and appraisers to perform the inventories. Mr. Holland stated that a Parks Master Plan will include this and much more information without a duplication of services. He said the existing plan is over 11 years old, many changes have taken place, and the plan needs updating to meet the requirement that is past due per the current comprehensive plan. Parks Director Holland stated that Staff requests approval and funding for a Master Park Plan in the amount of \$100,000 from City contingency funds.

Commissioner Eckbert inquired whether this will include an inventory of all City parks. Parks Director Holland responded affirmatively. Commissioner DeVane commented on the proposal process that the City underwent that was postponed due to last year's hurricane(s). Commissioner Metcalf inquired whether this process will examine the parking areas that surround the parks. Mr. Holland stated the study will provide a needs assessment for parking.

Tom McMacken, 1821 Shiloh Lane, expressed his support for an approval of the funding for a Parks Master Plan.

Commissioner Eckbert inquired into the process for soliciting public input for the various parks in the City. He asked if a citizen panel will interface with the master planning effort. Parks Director Holland explained that the consultant will provide a directive that will specify the methodology to use to obtain the information needed to complete the process. Commissioner Eckbert asked whether the consultant will provide a report to the Commission. Mr. Holland responded that the consultant will prepare a master plan document that will be submitted to the Commission for acceptance and approval.

Motion by Commissioner DeVane to approve the funding for a master park plan in the amount of \$100,000 from the City Contingency Fund, seconded by Commissioner Eckbert. The motion carried unanimously.

NEW BUSINESS (CITY COMMISSION):

Although not listed as an agenda item, Commissioner DeVane presented the following resolution for Commission discussion and consideration:

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA REQUESTING A VOLUNTARY DELAY FOR REZONING AND PLANNED DEVELOPMENT APPLICATIONS UNTIL MAY 1, 2006 FOR MAJOR COMMERCIAL, OFFICE AND/OR MULTI-FAMILY DEVELOPMENT PROJECTS WITHIN THE CENTRAL BUSINESS DISTRICT AND THE COMMUNITY REDEVELOPMENT AREA.

Attorney Cheek read the resolution by title. Commissioner DeVane proposed adoption of the resolution because it addressed the concerns expressed by the public about slowing down the redevelopment process during the review period.

Joe Terranova, 700 Melrose Avenue, expressed his opposition to the resolution because of the signal it will send to the development community.

Lurline Fletcher, 790 Lyman Avenue, expressed her support for the resolution because of the rezonings and building heights that have been approved in the Westside community.

Rick Frazee, 1921 Englewood Road, supportive of the resolution stated that it may be a little late in the process, but that it was a step in the right direction.

Margie Bridges, 767 Antoinette Avenue, supportive of the resolution, reported on the significant number of rezoning and variance requests scheduled for the Planning and Zoning Commission to review for January.

George McClure, 1730 Shiloh Lane, supportive of the resolution, stated that it was a minimalist approach and that it does send the message that public input is being addressed.

Cynthia Strollo, 777 French Avenue, supportive of the resolution, commented that the idea behind the moratorium was not to cease development completely, but to slow the process down and to pay attention to what is going on in the community.

Sam Stark, 691 East Lake Sue, speaking as a Chamber of Commerce representative, spoke about the negative impact a moratorium will have on the City.

Bill Rosenfelt, 1400 New York Avenue, supportive of the resolution, stated that citizens expect to stay home and not interfere in local government because they have elected the Commission to represent them and to be stewards for the City, but due to recent redevelopment in the City, citizens have become involved.

Carol Card, 1645 Brookshire, expressed her support of the resolution because she believed it sends a good message.

Carolyn Cooper, 1047 McKean Circle, supportive of the resolution, spoke about being in control and slowing down the redevelopment process while the study is underway.

Sally Flynn, 1400 Highland Road, expressed she was tired of what she believed were surprises that are approved and about being uninformed. She said the resolution is a nice surprise.

Stephanie Henley, as a member of the Orange Avenue Business Association, spoke in opposition to the proposed resolution.

Commissioner Eckbert opposed to the resolution, expressed that this topic was not duly noticed, that he did not believe it was appropriate to consider issues of this magnitude as non-agenda items, and the resolution contains essentially the same policy implications as a moratorium.

Commissioner Metcalf stated that the proposed resolution seems to mirror what was discussed a few weeks ago. He commented that the Commission has addressed the concerns expressed by the public by incorporating their desires into the ongoing process. He stated he will not vote in favor of a moratorium because he believed it was a bad idea.

Commissioner DeVane asked staff to provide notification of the proposed resolution and to place it on the agenda for the first meeting in January. She explained that the proposed resolution does not impose a moratorium on development. She said the intent is to show the community that we are asking for a voluntary delay for rezonings and planned development applications while the City reviews the redevelopment process. She asked to withdraw the resolution for consideration for this meeting, but to add it to the agenda for the first meeting in January.

Mayor Marchman adjourned the meeting at 4:45 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham