

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
March 12, 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 offered by Assistant Parks and Recreation Director Ron Moore, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Members absent:

Commissioner Barbara DeVane

MAYOR'S REPORT:

- a) City of Winter Park 27th year Tree City USA Award.

This item was pulled from the agenda.

- b) Proclamation – Bernadette Hitchins Day.

Mayor Strong presented Purchasing Manager Bernadette Hitchens with a proclamation proclaiming March 15, 2007 as “Bernadette Hitchens Day” due to her retirement. Ms. Hitchens was recognized for her 25-plus-year commitment to the City and the community as a whole.

- c) Non-agenda item

Marc Hagle, 1220 Park Avenue N., provided an update on his work to place a new band shell in Central Park. Mr. Hagle showed pictures of existing structures. He stated they can move forward with preliminary planning and receive preliminary bids if the City is interested. Mayor Strong suggested that he meet with the Parks Advisory Board and the CRA Advisory Board to receive their feedback and recommendations. Mr. Hagle agreed.

CITY ATTORNEY'S REPORT:

- a) Supplemental billboard agreement with Clear Channel Outdoor.

Planning Director Jeff Briggs explained the agreement to allow Clear Channel to replace the billboard face on I-4 and Fairbanks Avenue from a static plastic cover face to an electronic face. He explained that in return they will take down the small existing billboard on US 17-92 south of the Maitland railroad bridge. Mr. Briggs showed what the billboard would look like and explained how they work. He stated that if they have unsold time the City can place messages on there and that they will work with the City on public service announcements which is part of the agreement. The applicant did not wish to speak.

Motion made by Commissioner Metcalf to approve the supplemental billboard agreement; seconded by Commissioner Storer and carried unanimously with a 4-0 vote.

CONSENT AGENDA:

- a) Approve the minutes of 2/26/07.
- b) Approve the following bids and purchases:
 - 1) PR 131804 to Motorola for radio upgrades for Fire Dept, piggy-backing Orange County contract # Y6-1111; \$98,765.00 (Budget: Fire).
 - 2) Piggy-backing Orange County contract # Y6-1066 to Cato Environmental Services, for landscape maintenance at wastewater plants; \$34,620.00 (Budget: Water and Wastewater).
 - 3) Contract extension of WP-3-2005 to Quality Vaults, Inc. with proposed price increases (Budget: Cemeteries).
 - 4) Contract award of WP-10-2007 for the purchase of pipe and aggregate material for the New York Avenue Exfiltration Project as follows:
30" HDPE Pipe and 36" HDPE Pipe; HD Supply - \$94,378.70
Granit Aggregate; Conrad Yelvington - \$183,825.00
(Budget: New York Exfiltration Project)
 - 5) Contract award of WP-8-2007 for towing/wrecker service to Link's Automotive, Inc. (Budget: Police)
 - 6) Task Order 2007-01 to CH2M Hill for enhancements to water plant control SCADA system; \$37,833.00 (Budget: Utility Water and Sewer Bond Proceeds)
- c) Approve a 50% fee reduction for use of the Civic Center for the Winter Park High School Competition Cheerleading Boosters for this year only. Rental would be \$1,040.

Motion made by Commissioner Storer to approve the Consent Agenda; seconded by Commissioner Metcalf and carried unanimously with a 4-0 vote.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2703-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 98-146 OF ARTICLE IV, CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO PROVIDE FOR RESTRICTIONS FOR PARKING VEHICLES FOR ADVERTISING OR SELLING MERCHANDISE; PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

- b) ORDINANCE NO. 2697-07: 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 2605 BRADEN DRIVE AND THAT PORTION OF THE BRADEN AVENUE RIGHT-OF-WAY LYING SOUTH THEREOF, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 2704-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT PORTION OF THE BRADEN AVENUE RIGHT-OF-WAY LYING SOUTH OF 2605 BRADEN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Cheek read both ordinances by title. No public comments were provided.

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

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

- c) ORDINANCE NO. 2705-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-65, R-1AAA LAKEFRONT DISTRICT" AND SECTION 58-66 "R-1AA AND R-1A DISTRICTS" TO ALLOW EXCLUDING ONLY FIRST FLOOR OPEN FRONT PORCHES AND FIRST FLOOR REAR OR SIDE SCREENED OR OPEN PORCHES FROM THE GROSS FLOOR AREA OF A DWELLING, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title. No public comments were provided. Building Director George Wiggins explained that the ordinance was revised and changed to allow up to 300 square feet of area to be excluded in the rear subject to it being 90% open.

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

- d) ORDINANCE NO. 2707-07: AN ORDINANCE OF THE CITY OF WINTER PARK AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH GENERAL COMMERCIAL (C-3) DISTRICT OR OFFICE (O-1) ZONING ON THE PROPERTIES ON FAIRBANKS AVENUE, KENTUCKY AVENUE, CLAY STREET, CHERRY STREET, HAROLD AVENUE, JACKSON AVENUE, NICOLET AVENUE AND GRANADA DRIVE AND TO ESTABLISH SINGLE FAMILY (R-1A) DISTRICT ZONING ON PROPERTIES ON KILSHORE LANE, PURSUANT TO THE ANNEXATIONS OF THESE PROPERTIES EFFECTIVE ON JUNE 1, 2003, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONSISTENCY WITH ORANGE COUNTY ZONING, PROVIDING AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2706-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" WITHIN SECTION 58-75 "GENERAL COMMERCIAL (C-3) DISTRICT" SO AS TO REVISE AND MODIFY THE LIST OF PERMITTED AND CONDITIONAL USES AND TO AMEND AND REVISE THE SITE DEVELOPMENT STANDARDS AND AMENDING WITHIN SECTION 58-86 "CONDITIONAL USES" SO AS TO REVISE THE EXPIRATION

DATES FOR CONDITIONAL USES, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read both ordinances by title. No public comments were provided.

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

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

- e) 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 509 LIGHTNING TRAIL THEREOF, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

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

CITY MANAGER'S REPORT:

- a) Bright House Networks Wireless Broadband service license agreement

Economic and Cultural Development Director Chip Weston explained that they had seven responses through this RFP process and Bright House Networks came forward with a solid response and was the strongest provider. He stated they were going give the City over \$2 million worth of service and will provide the equipment. He addressed their opportunity to deploy approximately 3.5 miles or 75 access points for WiFi wireless broadband outdoor access of the internet. He stated that anyone can gain access for two hours free every day and roadrunner customers can get access to a service that is compatible with the type of service they have. Mr. Weston answered questions posed by the Commission.

Pete Weldon, 700 Via Lombardy, believed that this was a great opportunity for Winter Park to embrace wireless data technology and he thought that the Bright House agreement was a good deal as it was presented at the finalization of the RFP process. However, he stated he had concerns with the imbalance where Bright House is agreeing to offer the free two hours per day, a pricing schedule and access for roadrunner customers for one year, while the City is offering them three years of exclusivity.

Attorney Cheek commented on exclusivity. He explained that the City is giving Bright House exclusive rights to provide outdoor WiFi services. Commissioner Eckbert asked what the alternative to an exclusive deal would be. Attorney Cheek responded the alternative is whether

Bright House would agree to see anything besides an exclusive deal. Commissioner Eckbert asked about Mr. Weldon's concerns with exclusivity being given up between the RFP and today. Mr. Weldon explained he was expressing caution and concern that this technological movement is going to offer them more alternatives with more of an effective cost structure and perhaps lower profits for the telecommunications company if it is allowed to grow freely within the boundaries of what we can and cannot control. He addressed that in moving forward they should embrace that opportunity for everyone and he did not agree with the three year time frame on exclusivity. Commissioner Eckbert asked about the deployment timeframe once the agreement is signed. Mr. Weston stated it would be six months.

Commissioner Metcalf thanked Mr. Weston and the task force for their work and Bright House for their cooperation with negotiating the details. Mayor Strong stated they should review this in two years from now technologically and asked Mr. Weldon to help the City with that.

Motion made by Commissioner Storer to approve the Bright House Networks Wireless Broadband Service License Agreement; seconded by Commissioner Eckbert. The motion carried unanimously with a 4-0 vote.

b) Hannibal Square Heritage Center lease with Crealde School of Art.

CRA Manager Sherry Gutch provided a presentation regarding the Hannibal Square Heritage Center Lease. She explained the Heritage Center background; the Heritage Center mission, the Heritage Center lease overview, the Crealde lease responsibilities and the City's lease responsibilities.

Peter Schreyer, Executive Director, Crealde School of Art, thanked everyone who helped to make this a reality. He handed the Commission draft copies of a press release with an overview of an agenda for the Grand Opening Celebration on April 28, 2007.

No public comments were made.

Motion made by Commissioner Storer to approve the Hannibal Square Heritage Center Lease with Crealde Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

NEW BUSINESS (PUBLIC):

Grace Perkins, 1565 Grove Terrance, spoke about a large 400 year old oak tree located at 1476 Grove Terrance. She explained the property owner is planning to build a 7,000 square foot single family house and asked the Commission take into consideration the preservation of this tree. Ms. Perkins showed pictures of the tree and stated she has already spoken to Forestry Division Chief Lee Mackin about the situation.

Mayor Strong asked Planning Director Jeff Briggs how the existing tree ordinance would affect this site. He explained the revised tree ordinance that will be brought before the Commission will not change the tree protection rules significantly because it is more focused on protections during construction as opposed to any major changes in the process. He stated the shortfall in

the ordinance is that a property owner can pay for a tree even if they are rejected by the Parks Department, the Tree Board and the City Commission. He stated if the Commission wants the authority to say no, then they need to revisit the tree ordinance.

Mayor Strong asked what protection they have if the tree is cut down without a permit. Mr. Briggs explained they have heavy penalties and they need to go through the proper process and procedures. No further comments were made.

NEW BUSINESS (CITY COMMISSION):

1. Commissioner Eckbert commented about the new advertising ordinance in place concerning vehicles and asked code enforcement to drive on Park Avenue and see that it is being complied with. City Manager Williams stated they will do that.

2. Commissioner Metcalf stated that the sidewalks on Park Avenue are looking very messy/trashy and asked if there was something that could be done to have restaurateurs clean their sidewalks on regular basis or have someone clean the sidewalks for them. Economic and Cultural Development Director Chip Weston explained that Sylvia Wooten of code enforcement was working on this and they can do either have an extra fee on their occupational licenses which they renew every year or require them to clean their sidewalks regularly.

Commissioner Eckbert agreed that there should be periodic cleaning mandated or to have a standard they have to uphold. City Manager Williams commented about making it a condition of their sidewalk permit and if they do not clean their sidewalk, their permit will be revoked. Mr. Weston agreed.

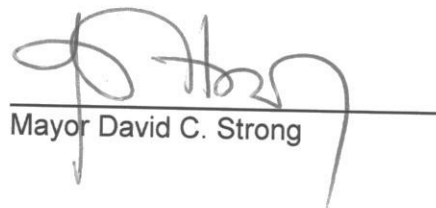
Commissioner Metcalf stated the ideal situation would be to have one person clean the sidewalks on Park Avenue around 3:00 a.m. in the morning and the businesses pay their proportionate share of that. Mr. Weston agreed. City Manager Williams explained they would return with something regarding this matter.

The meeting adjourned at 4:33 p.m.

ATTEST:



City Clerk Cynthia Bonham


Mayor David C. Strong