

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
March 26, 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 Father Richard Walsh, St. Margaret Mary Catholic Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Douglas Storer (for beginning of meeting)
Commissioner Karen Diebel
Commissioner Margie Bridges

Also present:

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

Members absent:

Commissioner Barbara DeVane

MAYOR'S REPORT:

a) Presentation to Commissioners Barbara DeVane and Doug Storer.

Mayor Strong thanked outgoing Commissioners Barbara DeVane and Doug Storer for their many years of service to the City of Winter Park. He presented a plaque and a picture frame to them and stated their efforts were greatly appreciated and wished them well with their future endeavors. Commissioner Storer thanked everyone and stated it was an honor for him to represent the citizens of Winter park.

b) 27th Tree City USA award presentation.

Ms. Dana Sussman, Florida Department of Urban Forestry, presented Lee Mackin, Forestry Division, with the 27th Annual Tree City USA Award and the 16th Annual Tree Growth Award. She summarized the standards the City must meet annually to continue to receive the Tree City USA award and to receive the Growth Award. She presented a new Tree City USA flag and a growth award pin to Mayor Strong. Mr. Mackin thanked the citizens and the Commission for their support. He addressed a \$15,000 grant that the City received as part of the urban forestry grant for hurricane recovery.

c) Proclamation – Water Conservation Month.

Mayor Strong proclaimed the month of April as “Water Conservation Month” in the City of Winter Park. He called upon each citizen and business to help protect this precious resource by practicing water-saving measures and becoming more aware of the need to save water.

OATH OF OFFICES

The oath of office was administered to newly elected Commissioners Bridges and Diebel. Commissioner Storer left the meeting at this time and the two new Commissioners took their seats.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1967-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 150 CORTLAND AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner Eckbert. 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.

- b) RESOLUTION NO. 1968-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1355 DEVON ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner Eckbert. 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.

- c) RESOLUTION NO. 1969-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 2600 EAST WINTER PARK ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner Eckbert. 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.

- d) Non-agenda item

City Attorney Cheek requested a shade meeting be scheduled for April 9, 2007. There was a consensus to have the shade meeting on that date.

CONSENT AGENDA:

- a) Approve the minutes of 3/12/07.
- b) Approve the following bids and purchases:
 - 1) Contract extension of RFP-5-2005 to OR&L Facility Management for janitorial services with a 5% price increase (Budget: Facilities Management)
 - 2) Enter into negotiations for RFP-6-2007 Group Medical Benefits with Aetna. Bid pricing as follows:

Aetna	\$4,873,408.00
Cigna	\$5,488,845.00
United	\$5,531,186.00
 - 3) PR 132148 to Brick America, Inc. for the purchase of street brick pavers; \$33,721.20 (Budget: Via Lugano Bricking Project). **PULLED FROM THE CONSENT AGENDA. SEE BELOW.**
 - 4) Award of RFP-9-2007 for Tree Trimming of Electric Utility Lines & General Maintenance, to Burford's Tree, Inc. for ongoing service (Budget: Electric and Forestry)
- c) Approve the funding for lot purchases at 881 Douglas Avenue and 870 W. New England Avenue for Habitat for Humanity. (Funds to come from the Affordable Housing Trust Fund). **PULLED FROM THE CONSENT AGENDA. SEE BELOW.**

No public comments were made.

Mayor Strong requested items b 3) and c) be pulled from the Consent Agenda for discussion.

Motion made by Commissioner Eckbert to approve the Consent Agenda with exception of items 'b) 3)' and 'c)'; seconded by Commissioner Metcalf and carried unanimously.

Consent Agenda Item b) 3):

Mayor Strong asked if the City was reimbursed for the Via Lugano Bricking Project. Director of Public Works Troy Attaway explained that the City is in the process of being fully reimbursed. He stated Dr. Betty will pay half upfront and the other half once the project is completed.

Motion made by Commissioner Metcalf to approve item 'b)3)'; seconded by Commissioner Bridges and carried unanimously.

Consent Agenda Item c):

Mayor Strong asked if the structures on these sites were already approved. Planning Director Jeff Briggs explained there was zoning approval and this is the funding for Habitat for Humanity to build.

There was a consensus to approve item 'c)'.

Non Agenda Item

Mike Harbison, 2150 Forrest Road, spoke on behalf of the citizens and volunteers on City boards that work with the Commissioners. He thanked them for their service and expressed their appreciation. He also welcomed Commissioners Diebel and Bridges by presenting them with a bouquet of flowers.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2701-07: 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 509 LIGHTNING TRAIL THEREOF, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

Motion made by Commissioner Metcalf to adopt the ordinance; seconded by Commissioner Eckbert. 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.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 6, "TREE PROTECTION" SO AS TO ADOPT NEW TREE PROTECTION AND TREE REMOVAL REGULATIONS. First Reading

Attorney Cheek read the ordinance by title.

Forestry Division Chief Lee Mackin provided a brief history on the tree ordinance and tree issues within government. He explained in 2002 the Commission requested that changes be made to the ordinance and in 2005 they requested that they readdress and simplify the code. He stated it took the Tree Preservation Board 18 months to complete and the code is easier to understand. Mr. Mackin spoke about the revised ordinance and discussed the 10 additional definitions that were added. He stated the greatest area of change was with the tree protection area, the tree protection barrier, the penalties and the responsibility of who is liable for compensating any of the infractions that derive from the code. He stated if the Commission passes this ordinance as written it will protect the existing canopy and will perpetuate the canopy in the future.

He explained there was an issue raised about camphor trees and that the Tree Preservation Board voted to keep this as a protective tree. He stated that residents are 50/50 on this issue, the State has not banned this tree, however, it is on the invasive exotic list and some retailers continue to sell camphor trees. He addressed the disadvantage with the tree being taken off the protective list because there is no compensation required for the replacement of the tree. Mr. Mackin answered questions asked by the Commission.

Commissioner Eckbert asked if the State places the tree on the prohibited list if it could be automatically reflected in the tree ordinance. Mr. Mackin agreed that this could be written into the ordinance and recommended this provision.

Commissioner Diebel asked about the appeal process when it is brought before the Tree Preservation Board. Mr. Mackin stated the process has not changed and explained the appeal process.

Stephen Pategas, 1425 Berkshire Avenue, member of the Tree Preservation Board, asked the Commission to support the tree ordinance as written with the exception of addressing the camphor tree. He handed out packets on camphor trees and spoke about the tree being on the exempt list.

Pete Weldon, 700 Via Lombardy, spoke against the tree ordinance. He believed these ordinances would change the priority of a vibrant and growing tree canopy to one that seeks controls of specific trees on private property. He felt that if this ordinance was approved it would have undesirable consequences. He gave the Commission hand outs and presented an example of how he interpreted the revised ordinance.

Mark Hagle, 1220 Park Avenue North, spoke in favor of the ordinance being passed but addressed areas within the ordinance he believed were confusing and loop holes he believed existed. He recommended adopting the ordinance but to take it back to the Tree Preservation Board and supplement that board with the appropriate legal background to properly rewrite the ordinance.

Joe Terranova, 700 Melrose Avenue, voiced concerns regarding street trees and how they are treated by contractors. He stated that this was a very complex document and it would be very difficult for many citizens to follow. He questioned what kind of requirements will be placed on staff if they were to keep track of the inventory of these trees.

Ann Higbie, 190 Ward Drive, prior member of the Tree Preservation Board, supported the ordinance. She stated the basic ordinance has not changed but it has become clearer and is easier to read. She addressed the ordinance protecting the camphor tree if it is over 9 inches in diameter.

Beth Dillaha, 1801 Forrest Road, member of the Tree Preservation Board, supported the tree ordinance. She addressed the value of trees to the environment. Ms. Dillaha addressed the importance of camphor trees and expressed concerns with them being placed on the exempt list because there would be no requirement for replacement which would be a deficit to our community.

Mr. Mackin addressed resident concerns and answered questions by the Commission. Commissioner Metcalf spoke about camphor trees being discouraged in the future whether or not they are added to the exempt list. There was further discussion regarding camphor trees. Mayor Strong stated he wanted to discourage additional camphor trees. Commissioner Metcalf wanted to prohibit the further planting of camphor trees in Winter Park.

Mayor Strong addressed the importance of inventorying historic trees and notifying the people with historic trees that there is extra protection on those lots. He stated this should become a goal of the City and he directed staff to give the Commission a program for inventorying historic trees. Mayor Strong suggested that Mr. Hagle (if he is willing) provide specific recommendations to the ordinance for the next Commission meeting on April 9. Commissioner Bridges commented that another attorney should have some input on the writing of the ordinance. Commissioner Eckbert agreed with Commissioner Bridges suggestion. Commissioner Diebel agreed that they need the right legal advice and suggested focusing on the efficiency of how to execute the policy.

Motion made by Commissioner Metcalf to accept the ordinance on first reading and amend this ordinance to state that the camphor tree will be prohibited from being newly

planted; seconded by Commissioner Eckbert. 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.

CITY MANAGER'S REPORT:

a) Discussion of Commission work sessions.

City Manager Williams stated there was interest in reinstating the Commission work sessions to discuss issues before a vote was required. Mayor Strong asked if anyone was in favor of having work sessions. Commissioner Diebel said she would like to have the work sessions at the convenience of the Commissioner and thought the day before the Commission meeting would be helpful. Commissioner Eckbert did not believe it was necessary to have a work session for every Commission meeting and suggested one work session every month. He suggested that there could be an agenda set differently from the Commission meeting and Commissioners could request any pending issue be added to that work session. Commissioner Metcalf was in favor of keeping the meetings on Monday and wanted to hold the one work session the third Monday of the month and it remain consistent with those dates. Commissioner Bridges felt it would be beneficial to have one work session a month to address issues and streamline some of the work. Commissioner Diebel stated that one work session would be fine and if it needs to be increased then it should be suggested. Mayor Strong scheduled the first work session April 16 from 3:30 p.m. – 5:00 p.m. The SLR meeting was rescheduled for 2:00 p.m. on April 16. Commissioner Eckbert stated these work sessions should be more of a Commission conversation and he was not looking for more staff work or time filled agendas, but rather an open discussion that Commissioners feel are important. Commissioner Bridges agreed. Mayor Strong suggested that the City Manager provide an agenda of what will be discussed at the second Commission meeting and that it will be up to the Commission to decide what they want to discuss and that they can bring up other issues they deem necessary. Commissioner Eckbert stated it should also be open to the public but there will be no public comments. There was a consensus that the SLR meeting be scheduled at 2:00 p.m. and the work session at 3:30 p.m. on April 16.

b) Lakefront subdivision analysis.

Planning Director Jeff Briggs stated that following the decision on the Galloway Estate, the Commission asked staff to suggest code changes to give the City more control over the subdivision of lakefront estates. He stated they looked at the lots and by changing the minimum frontage requirements from 125 feet to 150 feet, it would require all lake front estates to obtain a variance to split the property and that the Commission would have the discretion to say no. Mr. Briggs said the City may always approve variances for special cases and circumstances. He explained that time was of the essence and they advertised and sent notices to all of the lakefront property owners for the upcoming review by the Planning Commission and then the City Commission. Mr. Briggs answered questions of the Commission. Commissioner Eckbert stated in order to support this he would like to hear from the lot owners, ensure they are aware of the situation, and see if there is a consensus among the 25 lots that will be impacted. Commissioner Bridges expressed that she would like to have a definition of a lakefront estate. Commissioner Diebel commented she would also like to hear from the 25 property owners who will be affected by this.

NEW BUSINESS (PUBLIC):

No public comments were made.

NEW BUSINESS (CITY COMMISSION):

1) Commissioner Metcalf stated a letter was sent to Orange County that Winter Park agreed to participate with commuter rail. He asked what steps needed to take place to make the decision on the location of the station. Commissioner Eckbert commented that they requested that people come forward with a proposal for a location at the next Commission meeting for consideration; otherwise the current station will be the default location. He stated that staff was going to look at other City owned properties that they could recommend. Mayor Strong stated his recollection was that they directed City Engineer Don Marcotte to discuss with the County and/or FDOT about the need for a date. Commissioner Bridges stated she was under the impression that when the City signed up, it did not mean it was site specific and it gave the City \$400,000 to do the study. She addressed there may be many citizens who are expecting the opportunity to have the site studied.

Mr. Harkey, Congressman Mica's office, stated it was his understanding before the master interlocal agreement can be completed that the agreement with the County will have to be concluded. He said the date he was given was April 4, 2007. Mayor Strong stated it could not be April 4 because the next Commission meeting did not occur until April 9. Mr. Harkey said May 1, 2007 is when Orange County will be entering into the interlocal agreement with the other three counties and the City of Orlando. Commissioner Metcalf asked if the April 4 date includes the fact that Winter Park should have selected the location of its station or that Winter Park has agreed they are in it. Mr. Harkey responded that Winter Park is in it. Commissioner Metcalf stated they answered that question and sent a letter to Jim Harrison of Orange County stating the City is ready to move forward. Mayor Strong stated they would give a copy of the letter to Mr. Harkey.

Mr. Harkey stated it was not site specific but encouraged the City to give them an agreement as soon as possible to assist with the master interlocal agreement. He also asked the City to try and determine where their location could be without delaying the decision. Mayor Strong stated they will have a decision as quickly as they can and he has no doubt they will enter into the interlocal agreement by the May 1 deadline.

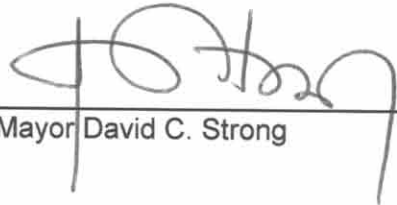
Commissioner Eckbert stated it is important to decide where the location will be early on because it may be effective in securing the Federal funding for that endeavor. Commissioner Bridges expressed concerns about rushing into this as she thought it was necessary to plan what is best for our community. She believed that since we are going to be a part of this that we need to receive the money and begin the process by moving forward. Mr. Harkey stated the City will get \$418,000 for planning and up to \$3 million with a 10% match to build it.

Commissioner Eckbert stated that if there are property owners who have a proposed site for an alternate location to come forward but, if no one comes to the meeting then they need to proceed with the present location. Mayor Strong agreed with Commissioner Eckbert.

Commissioner Metcalf stated if there is no alternate location, the Commission should be able to vote on this matter during the next meeting. Mayor Strong stated this will be on agenda for the next meeting. City Manager Williams agreed.

2) Mayor Strong spoke about appointing new board members in May. He encouraged the public and any Commissioner to ask anyone who wishes to serve on the board to obtain the form and submit it to the City Manager's Office. He stated that includes anyone whose first term is expiring. He asked City Manager Williams to speak with Acting Director of Communications Craig O'Neal about how to publicize it. Commissioner Eckbert asked Mayor Strong to let him know who he was thinking about appointing and he would like to see their resume and perhaps speak with them on the phone before voting. Mayor Strong asked that anyone who is interested submit the proper form and their resume by April 30, 2007 and the appointments will be May 14.

The meeting adjourned at 6:01 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham