

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
April 11, 2005**

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

The invocation was offered by Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

Members present:

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

Also present: City Attorney Brent McCaghren
City Manager James Williams
Deputy City Clerk Tania Haas

MAYOR'S REPORT:

- a) Letter to the Fire Department regarding Insurance Rating Organization (ISO) upgrade from a class 4 to a class 2.

Fire Chief Jim White briefed the Commission on ISO ratings. He addressed the site visit to the Fire Department by the ISO and the firefighting operations. He stated the fire department went from a class 4 to a class 2; less than 1% of the communities in the country are able to provide this high quality of protection. He stated this affects property owner reductions in premium rates. He stated this rating is a reflection of the City as a whole.

- b) Mutual Aid Agreement – Florida Municipal Electric Association (FMEA) and
c) Mutual Aid Agreement – Florida Municipal Power Agency (FMPA) (via American Public Power Association)

Mayor Marchman addressed the agreement and introduced FMEA Executive Director Barry Moline. Mr. Moline addressed both agreements and the FMEA agreement that is signed by all municipal utilities in Florida that sets the general terms and conditions for providing and receiving assistance in times of need. He also addressed the agreement that allows FEMA to provide help as needed.

Motion made by Commissioner DeVane to approve both mutual aid agreements, seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

- d) Presentation by Orlando-Orange County Expressway Authority regarding current and future plans for the OOCEA and how those impact/benefit Winter Park.

Mayor Marchman provided comments regarding the history of the OOCEA. Chairman Alan Keen and Executive Director Mike Snyder of the OOCEA board provided a power point presentation

outlining the improvements to be made that will benefit Winter Park and what the system will look like in the future.

- e) Proclamation-National Public Telecommunications Week, April 10-16.

Mayor Marchman proclaimed April 10-16 as National Public Telecommunications Week.

- f) Appointment of Vice Mayor for 2005.

Motion by Mayor Marchman to appoint Commissioner DeVane as Vice Mayor, seconded by Commissioner Storer. The motion carried unanimously.

CITY ATTORNEY'S REPORT:

City Attorney provided comments about phasing out his law practice. He stated that his firm will continue to provide legal services until the City determines where to go from here. Mayor Marchman suggested an RFP process and not limiting the search for replacement to the Central Florida area. Commissioner Eckbert suggested researching other municipalities as to their process. Mayor Marchman suggested a 5-person review task force with selected department heads and the Mayor. There was consensus to extend the bid process statewide. Commissioner DeVane asked that staff return with a list of the type of legal services the City needs in addition to what has been provided, the possibility of bringing someone on staff, and to go to the Municipal League of Cities to obtain guidance.

CONSENT AGENDA:

- a) Approve minutes of 3/23/05 (Joint UAB) and regular meeting of 3/28/05.
- b) Approve bids and purchases as follows:
- 1) RFP-5-2005, Janitorial Services for Multiple Buildings to O. R. & L Facility Management per the prices and schedule attached. (Budget: Facilities Management)
 - 2) Bid WP-5-2005, Installation of Street Brick Pavers to U. S. Brick & Block Systems per attached tabulation. (Budget: Public Works)
 - 3) Staff to begin negotiations with respondents to the ITN-11-2005, Stanley Security Solutions and Security One Systems for System Maintenance and Assistance with installing underground copper wire at the Public Safety Complex.
 - 4) Staff to begin negotiations with respondents to ITN-10-2005, Two Custom-made Ambulances: a) Wheeled Coach Industries, Inc.; b) Medtec Ambulance Corporation.
 - 5) PR 116834 to Garber Chevrolet, for 2, pickup trucks for the electric meter readers, from Sheriff's Association Contract; \$27,050.00. (Budget: Electric Utility).
 - 6) Bid WP-6-2005, Stormwater Outflow Improvements to Rayken, Inc. including the paved brick driveway option; \$221,460.15 (Budget: Stormwater CIP).
 - 7) New Blanket PO to Harwood Bricks to be used as street pavers for various projects throughout the City. Quote of \$.66/paver (Budget: Various Projects). Also: PR 116732 to Brick America for bricks for bricking project on Seminole Avenue; \$.49

(Budget: CIP)

- 8) Revised agreement with R. W. Beck, Inc. for items such as attendance at meetings, development of data and information provided by Progress Energy Florida, Inc. and preparations of additional draft reports. Revised fixed fee: \$13,000, plus meeting attendance and preparation and distribution of draft reports = \$3,500.
- c) Approve the following budget adjustment:
 - 1) Appropriate \$28,000 in permitting fees for training, cell phones, furniture and temporary assistance due to heavy construction activity.
- d) Approve the contract with the Farmers' Market Manager Ms. Karen Ford for a three (3) year term.
- e) Approve the operating agreement with Florida Power Corporation in respect to the Canton and Interlachen electric substations.
- f) Approve the Network Operating Agreement with Progress Energy Corporation.

No public comments were provided.

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

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2624-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING AND RESTATING THE CITY OF WINTER PARK OFFICERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2478-02, AS SUBSEQUENTLY AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- b) 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 660 JACKSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

City Attorney McCaghren read the ordinance by title. No public comments were provided. Planner Jeff Briggs addressed the redevelopment plans for a new two story office building that they wish to annex into the City.

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO TAXICABS; AMENDING SECTION 110-107 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO ALLOW AN INCREASE IN TAXICAB RATES; PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. No public comments were provided. Bob Searcy, Executive Director Mears Transportation, asked for an increase in taxicab rates because of the increase in fuel costs and other expenses.

Motion made by Commissioner Storer to adopt the ordinance, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- d) Schedule of fees and charges to become effective April 1, 2005.

City Manager stated the fire motor accident fees are included in this schedule. Commissioner DeVane asked that the departments view their fees to be sure the services provided are covered with the funds coming in. She suggested that the Parks Department review this as part of the budget process. Mayor Marchman stated he agreed with user fees. Fire Chief White clarified the fee being charged equally among all participants in the accident and will be blanketed the same way whether or not they were residents. Commissioner DeVane provided comments about Winter Park residents already paying for the equipment and preferred that city residents receive a reduced rate. No public comments were made.

Motion made by Commissioner Metcalf to utilize one rate for residents and non-residents, seconded by Commissioner Eckbert. Motion carried unanimously.

Motion made by Commissioner Storer to approve the schedule of fees and charges, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

CITY MANAGER'S REPORT:

- a) Update on the proposal to establish a new Community Redevelopment Area (CRA) for the Home Acres neighborhood.

Planner Jeff Briggs addressed the discussion at the last meeting to establish a separate CRA for the Home Acres area, north of Lee Road and east of U.S. 17/92. He stated the memo provided attempts to answer questions of the Commission. He addressed the starting point of annexation of the property which requires an interlocal agreement with Orange County allowing the City to annex those areas since there will be gaps of registered voters that cannot be annexed without referendum unless the County gives us authority to do that. He stated he did not foresee any problems with the County. He spoke about the problems with this area that will need to be fixed such as infrastructure, drainage, dirt streets and service delivery problems. He spoke about the plans to redevelop the area and that the City may want to annex when this happens to avoid having

to fix the major problems existing there. He stated they hoped to receive a response to the letter sent to Orange County a year ago about whether or not they would give the City conceptual approval to the CRA but never received a response; only questions, comments and concerns. He addressed the process once Orange County gives approval to move forward as a CRA. He spoke about the condemnations that will need to take place if property owners do not agree to sell.

Mr. Briggs identified the positive benefits to redevelop this area: to eliminate the blight and deteriorated conditions, and the positive economic and employment opportunities it will bring to the City. He stated staff is not able to do the planning and lobbying work. He added that staff's recommendation is for the developer to come forward with their team to operate under the City's direction to lobby the County Commission to see if this is possible and if so, to provide front end monies for the City to pay for the needed planning studies to implement this. He stated later on, the financing plan can be determined until it is reimbursed from the tax increment revenue. Commissioner Eckbert asked for clarification regarding some of the properties which Mr. Briggs responded.

Dan Bellows, 533 W. New England Avenue, summarized the parcels that he has purchased and his development plans for this area. He spoke about his meetings with the County and his understanding from those meetings that if the City is still interested per the March 2004 letter, that Winter Park is still interested in annexing and wants the CRA. He stated the density will be no more than six stories and he has laid out all the plans for the commercial and residential projects. He stated he has done a lot of work in the CRA area without asking for financial help; he has not received any money from the City but intends to ask for impact fee reimbursements, specifically for his last three projects and two coming up. He asked for support of the project and to clarify the City's intentions with the County.

Commissioner DeVane addressed the letter sent to Orange County in March 2004 and her original support of the creation of the CRA to help develop that area for people to live there to improve their living conditions and to deal with crime. She stated she will never support condemnation of property for economic development for a private party. She stated this was not discussed at that time nor did the Commission unanimously vote to do that as this went forward with the discussions in Orange County. She clarified that the only discussions that took place were concerning exploring the creation of a CRA. She addressed Mr. Bellows speaking individually to the City Commission and did not know if condemnation was discussed with everyone but that she never discussed this with Mr. Bellows for economic development or personal gain.

No other public comments were made.

Commissioner Storer stated this is an area that could stand some reinvestment but that any plans moving forward would take a concerted effort between the County, Commission and developer to make this happen. He stated he is interested to see what comes next but wants to be careful not to over commit ourselves to a plan that is not detailed at this time. He stated he is not endorsing condemnation or the plan wholeheartedly at this time but wants more information and to determine how to best approach this area and see how it could be an asset to the community. He stated this board and the County needs to be in agreement and agree to the goals which need to be determined before moving forward.

Commissioner Metcalf stated this qualifies as a blighted area where there have been problems for a long time and that the surrounding areas would be safer if it were cleaned up. He addressed the prior discussions regarding cleanup of the last 4 or 5 of the 126 lots and that he was willing to participate in that effort. He stated he did not believe that when you have ½ of the 126 lots and close to 1/2 being owned privately, that this would not be achieved. He stated he cannot say that he is willing to use condemnation and for the City to take the liability to begin that process.

Commissioner DeVane spoke favorably about the current CRA area and what has been accomplished. She stated that condemnation powers were never used to obtain property and is against using this vehicle to take private property for the enrichment of another private property owner. She stated the beginning discussions included dealing with blighted conditions in a neighborhood that could use some assistance. She stated she will not support moving forward at this time with a CRA in this area.

Mayor Marchman addressed this first coming before the Commission and that he could see how this could fit within the City and to improve the area. He addressed the commercial that was coming but did not believe there were so many parcels that would need to be condemned. He spoke against taking private properties for economic development purposes and not supporting the end product for this reason. He stated he would not mind going to the next step but is afraid by doing this indicates we are moving toward condemnation.

Commissioner Eckbert commented that possibly the process has been backwards. He questioned if this is an area that the City can take advantage of and can be constructively improved by being part of the City and if the CRA is an appropriate tool having done that. He asked how the City should drive this process forward if there is a process to be driven forward. He stated it is an enclave surrounding Winter Park and we have to deal with the challenges from it so there is compelling logic to look at annexation but need to determine if a CRA is a good tool to use for this process. He stated maybe it is a good tool to use. He addressed the need for the commission to determine what is best for the property, regardless of what the developer wants to do.

Mayor Marchman spoke about concerns with annexing the property with no other plans for the property that will cause an impact to City's level of service and the strain it would put on the various departments.

Commissioner Storer commented that he is interested in annexation of this property but it cannot be done without a mechanism to improve it or to provide adequate service. He stated the CRA brings in an attractive mechanism to provide revenues for providing that quality of service. He saw condemnation as a negative, but commented that there are positive aspects that this could be a vehicle to improve the infrastructure and quality of services for that parcel. He stated, however, beyond the concepts of annexation married to a CRA, he is not ready to commit to what will happen on the property or a condemnation. He stated we were not told what the plan was and now Mr. Bellows has a lot of properties in this area. He stated he is intrigued by some of the early plans but is not ready to answer certain questions at this time. He stated if we narrow down what it is we are being asked to do and if an annexation is contingent upon the creation of a CRA, with the question

being asked, has merit. He concluded that he would not be in favor of using condemnation powers within that CRA.

Discussion ensued regarding who has jurisdiction and presently responds in this area with crime and auto accidents. Police Chief Ball and Fire Chief White clarified this issue. Commissioner Eckbert elaborated on the importance to resolve the jurisdiction with this enclave surrounding by Winter Park and Maitland's superior services. Mayor Marchman addressed changes being made at the state level concerning enclaves.

Commissioner DeVane addressed discussions in the past about annexing this area and not having it be a CRA because it may never pay for the additional costs of the City. He stated maybe staff could review the cost to bring the area up to a standard we would find acceptable so we could address the crime problems. She also addressed previous discussions about creating CRA's on Orange Avenue and on the VoTech property that also requires the cooperation of Orange County. She addressed the importance of prioritizing which areas should be CRA's.

Discussion ensued regarding the County wanting to give this property to the City because it is an enclave and if so, if they would allow the City to make this a CRA area. Mr. Briggs asked if we really want the property if there are no positives from it. He addressed the need to once again ask Orange County about this area becoming a CRA. Commissioner DeVane asked the Fire and Police Department to review their costs if this area becomes Winter Park's responsibility.

Consensus to obtain answers from the initial letter sent to Orange County and whether they will allow annexation and the consideration of the CRA with no commitment as to what comes out of it.

Consensus to draft another letter and to make calls to the various Commissioners and to add the VoTech Center and Orange Avenue for discussion regarding a CRA at the next meeting.

Mr. Dan Bellows commented about meeting with the County. He stated he was informed by them that City staff had recently met with them about the Orange Avenue CRA and that they were not supportive of it. He spoke about the millions of dollars he has already spent on this property because of the individual Commission meetings, the formal meeting with the City Commission who decided to send a letter and the support from Commissioner Ted Edwards that brought this issue where it is today. He stated he believes there is a chance to bring this to fruition as a CRA with only 51 acres.

b) Request approval for stump grinding contract.

City Manager Williams stated the City has been actively grinding stumps in the right-of-way and have an opportunity to utilize a contract to help with this effort. Parks Director John Holland addressed approval to move forward with a piggy-backing contract on what they found to be the best contract with the two entities provided. **Motion made by Commissioner Metcalf to approve the piggy-backing contract with the best contract, seconded by Commissioner DeVane and carried unanimously.**

NEW BUSINESS:

1. Susan Gable, 1539 Golfside Drive, commented about not locating the on-line minutes from the previous meeting. Mr. Williams stated they are available. She also addressed City Speak addressing a meeting that was canceled. She wanted residents be notified of meeting cancellations or changes through City Speak.

2. Commissioner Eckbert inquired about the oak trees on Temple Drive appearing to be stressed or dying and asked about their condition. City Manager Williams stated they were supposed to be taken care of by the Live Oak Group. Parks Director Holland stated they are stressed but believed they will survive. They are under a contract and is the tree company's responsibility to water them for a year and if they do not survive, they are required to replace them.

Mayor Marchman adjourned the meeting at 5:40 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham