

CITY COMMISSION MEETING MINUTES
April 26, 2004

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 Mayor Kenneth Marchman, followed by the Pledge of Allegiance.

PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, John Eckbert, Douglas Metcalf (arrived at 3:37 p.m.) and Barbara DeVane; City Manager James Williams; City Attorney Brent McCaghren and Deputy City Clerk Tania Haas.

MAYOR'S REPORT:

- a) Orange County Charter Review Commission proposal regarding impact fees.

Commissioner DeVane addressed this issue. She expressed her concern with the proposal and asked that the City of Winter Park join forces with other cities in Orange County that are opposed to this proposal. Mayor Marchman noted that the Orange County Council of Mayors also opposes the proposed charter amendment. He said the City of Apopka is compiling a position paper to present to the review group and that the City of Winter Park should cooperate with that municipality. He said the proposal could preempt some of the city's rights.

- b) Resolution of Thanks to the City from City of Maitland Councilman Thomas B. Holley for providing fueling capabilities for Maitland's Vehicle Fleet.

Thomas B. Holley read the resolution in its entirety. He spoke about the good relationship both cities have had with each other.

- c) Resolution-Retirement of Sgt. William "Mac" McClintock, Police Department

Mayor Marchman read the resolution in its entirety.

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

- d) City Manager Williams upcoming evaluation.

Mayor Marchman reminded the Commission of the process currently underway of evaluating the City Manager's performance. He asked that each Commissioner meet with the City Manager to discuss any concerns they may have and to be prepared to discuss this issue at the first meeting in May.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1865-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE ECONOMIC DEVELOPMENT ADVISORY BOARD; AMENDING RESOLUTION NO. 1766-01 TO PROVIDE FOR TERMS OF MEMBERS AND TERM LIMITS; PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title. Mayor Marchman asked for public comments; none

were provided.

Mr. McCaghren explained that the proposed resolution establishes that members will not serve more than three consecutive, full three year terms. Additionally, he said it provides for staggering of the initial terms. Commissioner DeVane recommended changing the length of terms to two consecutive, three year terms to be consistent with other City boards and if the appointment is to fulfill an unexpired term, that it would be added to the time served. Mayor Marchman explained that he would support the terms for this board to vary from other boards because it is related to economic development. Commissioner Storer expressed his concern for the citizen selection process and maintaining momentum on current initiatives. Discussion ensued regarding the current policy that regulates term limits and enforcing attendance requirements.

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

CONSENT AGENDA:

- a) Approve minutes of 3/15/04 and 4/12/04.
- b) Approve bids and purchases as follows:
 - 1) After-the-fact P.O. #107898 to Sunshine Building and Development to make repairs to Howard Johnson Lift Station, \$56,371.00 (Budget: PW/Utilities-Capital Projects)
 - 2) Purchases to two major suppliers of utility parts, fittings and pipe: National Waterworks, \$65,193.10 and Ferguson Underground, \$65,915.40 (Budget: Utilities - various accounts)
 - 3) Award of RFP-7-2004 to Greenberg Traurig, P.A., Disclosure Counsel Services. The base fee is \$25,000 + \$0.50 per \$1,000 from \$10,000-\$40,000 and \$0.40 per \$1,000 over \$40,000. (Budget: Bond proceeds)
 - 4) Purchases of New Holland Tractor, Tresca Equipment, \$17,003.68 with less trade-in of \$4,400. John Deere Progator 2020 with HD200 sprayer, Coastal Equipment Systems, \$18,317.00 with less trade-in of \$2,200. Turf Truckster with removable sprayer, Tresca Equipment, \$21,500.00 (Budget: Parks/Recreation)
- c) Approve budget adjustments as follows:
 - 1) Transfer \$17,685 from the Golf Course Fund to the Vehicle Replacement Fund to replace a tractor with a front end loader and a spray rig.
- d) Review calendar and update with upcoming events.
- e) Approve the Neighborhood Council matching grant recommendations as presented for Chateaux du Lac, Lakemont Heights, Maitland Shores, Mead Garden Neighborhood Association, Orwin Manor, Tuscany Place and Villages of Winterset.
- f) Approve the resident survey questions as presented to assist in the budgeting process.
- g) **FOR YOUR INFORMATION:** Financial Report including thru February 2004.

Mayor Marchman asked for public comments.

Jeff York, Neighborhood Council, regarding item 'e', extended his thanks and appreciation in

advance of a possible affirmative approval of the neighborhood grant request.

Commissioner DeVane asked to remove item 'f' for discussion.

Motion made by Commissioner DeVane to approve the Consent Agenda with the exception of item 'f', seconded by Commissioner Storer and carried unanimously.

Consent Agenda Item 'f'

Commissioner DeVane inquired if the purpose of the proposed citizen survey is to measure the level of satisfaction with services or a source of information for the actual budgeting process. She questioned its effectiveness in assisting with the budget process and asked that staff refine the questions prior to city-wide distribution. Communications Director Clarissa Howard addressed Commissioner DeVane's concern by responding that the survey is scheduled for distribution by May 3rd and explained how it can be effective in gathering useful information for various City departments to use during the budget process. Commissioner DeVane suggested removing the questions regarding roundabouts. She spoke of not limiting inquiries to Park Avenue and surveying the activities sponsored by the Parks and Recreation Department. Additionally, Commissioner DeVane suggested the use of open-ended questions that ask residents to list three things they like and dislike the most about living in Winter Park and three things that the City could improve upon to make it more enjoyable to live here. Commissioner DeVane stated she would work with Ms. Howard to eliminate and add the questions identified. The Commission was in agreement with the suggested changes to the survey. Mayor Marchman commended staff for the successful events that have recently taken place in the City.

Motion made by Commissioner Storer to approve item 'f' from the Consent Agenda with the changes suggested by Commissioner DeVane, seconded by Commissioner Metcalf and carried unanimously.

PRESENTATIONS AND DISCUSSION ON ELECTRIC ISSUE

a) Presentation of updated pro forma.

Assistant City Manager Knight presented this item. He clarified that his cover memo which was part of the agenda package should have included all four scenarios and that First Southwest representative Jerry Warren will provide a powerpoint presentation that summarizes all four scenarios, the full blown updated proforma and all the related details.

Mr. Warren elaborated on and explained the four possible scenario cases, why the numbers have changed, key assumptions, actual and retail rates, wholesale power and stranded costs, cash flow analysis, reserves and working capital, sales growth rates, and disconnect and reconnect rates of users located in the peripheral of the City.

Discussion ensued regarding the amount of capital that could be used within the first 12-18 months of the City owning the system and the price for wholesale power beyond 2010.

b) Decision to move forward with purchase.

Mr. Knight spoke about the options that are still available to the City and recommended the City move forward and advise Progress Energy (PE) that the City is officially purchasing the system, adopt one of the proforma cases (a combination of II and III) as the method of moving forward, and consider hedge opportunities that deal with rising interest rates.

Mayor Marchman asked for public comments; none were provided.

Commissioner DeVane disclosed meetings she attended with representatives from PE regarding this issue where she asked PE to submit an offer in writing and to supply her copies of the agreements that have been made with other municipalities.

Mayor Marchman and Commissioners Metcalf and Storer disclosed that they had discussed this issue as well with representatives from PE. Commissioner Eckbert disclosed that he has met with staff, Mr. Warren and OUC representatives but has not met with representatives from PE. Commissioner Storer expressed his concerns with the risks involved. Mayor Marchman spoke that the figures that were supplied to the voters at the time of the referendum were based upon the information that was available at that time.

Motion made by Commissioner Metcalf to adopt staff's recommendation for the City to move forward and advise Progress Energy that the City is officially purchasing the system, adopt one of the proforma cases (a combination of II and III) as the method of moving forward, and consider hedge opportunities that deal with rising interest rates. Seconded by Commissioner DeVane and carried with a 4-1 vote. Mayor Marchman and Commissioners, Metcalf, Eckbert and DeVane voted yes. Commissioner Storer voted no.

c) Presentation from Progress Energy Ventures.

Progress Energy Wholesale Marketing and Account Management Manager Michael Carl presented a powerpoint presentation on this item. Mr. Carl elaborated on Progress Energy's corporate overview, the Florida wholesale business, PE's supply portfolio, generation mix by fuel type, and why PE should be selected. Discussion ensued regarding the number of power plants in Florida that are owned by PE.

DISCUSSION OF DEBT MANAGEMENT POLICY

Finance Director Wes Hamil presented this item. He said the proposed policy was drafted by Dunlap and Associates. He continued that staff's review of the policy addressed the areas that are important in strengthening the City's credit position. Mr. Hamil explained the changes to the current policy which is related to the General Fund reserve and setting a more realistic and attainable goal of 30% which the City has achieved in the past.

Mr. Hamil added the criteria of when the City needs to obtain voter approval for debt (page 3 Item 2) when it wants to seek voter approval for park property. He said the exemption applies to Item 3 as well. Additionally, he wanted to add the requirement that the City obtain credit ratings from the City's swap-counter parties on a quarterly basis for regular monitoring of the strength of the counter parties to any swap agreements which is an important party managing risk.

Commissioner Metcalf asked if there is a cost involved to obtain the City's credit rating on a quarterly basis. Mr. Hamil said there is no cost involved with that request. Commissioner DeVane expressed her preference of a goal of 35% for the General Fund Reserve. Discussion ensued regarding municipalities with AAA ratings that have a policy on General Fund Reserves.

Craig Dunlap, Dunlap and Associates, identified the municipalities that have AAA financial ratings. He discussed the appropriate percentage to set as a goal for the General Fund Reserve. Mr. Dunlap noted that his firm will continue to work on a AAA rating for the City. Commissioner Eckbert asked if this policy is consistent with the opportunities that are under consideration with the swap agreements to be discussed under the Public Hearing portion of the meeting. Mr. Hamil responded affirmatively.

Mayor Marchman asked for public comments; none were provided.

Discussion ensued on how this policy may be impacted by City-owned and operated utilities. Mr. Hamil and Mr. McCaghren explained that the City presently owns and operates a water and sewer utility system within the City. Mr. Hamil said city-owned and operated utilities will be covered under this policy. There was discussion on whether the goal for the General Fund Reserve should be increased from 30% to 35% and how this may be perceived.

Motion made by Commissioner Metcalf to adopt the Debt Management Policy as presented by staff with the two modifications requested regarding the exception to voter referendum requirement for non-tax revenue bonds involving the purchase, lease and/or acquisition of park real property and/or park projects by the City or agencies thereof and the requirement that City staff obtain credit rating updates each quarter from the counterparties to any interest rate swap agreements. Seconded by Commissioner DeVane and carried unanimously.

PUBLIC HEARINGS:

a) Water and Sewer Revenue Bonds and Electric Revenue Bonds:

Providing for issuance of not exceeding \$45,000,000 Water and Sewer Revenue Bonds.

ORDINANCE NO. 2580-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$45,000,000 WATER AND SEWER REVENUE BONDS, SERIES 2004, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF, INCLUDING THE EXECUTION AND DELIVERY OF RELATED INTEREST RATE SWAPS; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH WATER AND SEWER SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

Assistant City Manager Knight presented this item. Craig Dunlap, Dunlap and Associates, explained

that the market and interest rates have increased since the last public hearing. He provided a before and after summary of the market activity of the last two weeks. In relation to the water and sewer issue, Mr. Dunlap noted that the City is in the position to execute the fixing of an interest rate swap as early as Wednesday, April 28th. On the electric issue, Mr. Dunlap said once an amortization schedule is obtained along with the City's preference on the number of bonds to issue, the execution of the interest rate swap may occur by next week. He briefly elaborated on the credentials and the experience that J.P. Morgan Chase and Morgan Stanley (entities assisting the City with the interest rate swap) have in the banking industry and in this field.

Representatives from J.P. Morgan Chase Financial and Morgan Stanley Scott Birch and associate Kinsey Shaw spoke of the volatile market that exists and the complex transaction contemplated by the City. Mr. Birch discussed historic lows for long term municipal interest rates, outlook on interest rates, interest rate swaps and entities that use them, interest rate swap markets, and the risks inherent with an interest rate swap transaction.

In an effort to clarify whether the issuance of the bonds deal with floating rate debt or fixed rates, Mr. McCaghren noted that the City is contemplating issuing variable rate bonds and then enter into a swap agreement that will set the City's rate to a fixed rate. Mr. Dunlap elaborated on Mr. McCaghren's explanation. Discussion continued regarding variable rate and fixed rate debt and the BMA (Bond Market Association).

Mr. Dunlap discussed the fees associated with this type of transaction and the process that he goes through to provide the City comfort that they are getting a market rate of interest. He confirmed that negotiations have reduced the counterparty's fees to 10.75 basis points over mid market and the financial advisors have agreed to a reduced fee of 3.75 basis points on whatever notional amount is issued. Mr. Dunlap provided an explanation of mid market rates and how they are determined and calculated. He stated that the fixed swap rate to the City would be 4.145%.

City Attorney McCaghren wanted the Commission to appreciate the risks involved with this transaction and the steps that can be taken to minimize the risks. For clarification purposes, Mr. Dunlap explained that the interest rate swap agreement that the City is contemplating entering into with the counter parties, are BMA based swaps, not percent of LIBOR swaps.

Mayor Marchman called for a recess from 5:20-5:30 p.m.

Mayor Marchman asked for public comments; none were provided.

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

Resolution-Amending and restating Resolution No. 1338 to permit the issuance of variable rate bonds and swap agreements secured by the net revenues of the water and sewer system.

1338, AS AMENDED, OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ENTITLED "A RESOLUTION AUTHORIZING THE ACQUISITION OF A PRIVATELY-OWNED WATER AND SEWER SYSTEM BY THE CITY OF WINTER PARK, FLORIDA AND THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS THERETO; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$16,300,000 WATER AND SEWER REVENUE BONDS, SERIES 1981, TO FINANCE THE COST OF SUCH PROJECT; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; AND MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH."

Attorney McCaghren 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 Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Resolution-Authorizing the execution and delivery of interest rate swaps related to electric revenue bonds.

RESOLUTION NO. 1867-04: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF INTEREST RATE SWAPS RELATED TO NOT EXCEEDING \$49,800,000 ELECTRIC REVENUE BONDS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

b) Request of Nicholas Musashe for the property at 2630 Lafayette Avenue:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY TO OFFICE ON THE PROPERTY LOCATED AT 2630 LAFAYETTE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read the ordinance by title.

City Planner Briggs explained that the request was originally to rezone two lots; the corner and interior lots. He said the Planning and Zoning Commission held two meetings with considerable neighborhood opposition on the rezoning of the interior lot. He said the applicant withdrew the request of rezoning the interior lot and is requesting an approval on the corner lot. He noted that the corner lot was recommended for approval by the P&Z with the following conditions: 1) that the final

plans (architectural, landscaping, etc.) return to the Planning and Zoning Commission to review and address any neighborhood concerns; 2) construction of a solid masonry wall shielding the residential properties to the south; 3) the new development be residential in character; 4) no access to Lafayette Avenue; and 5) that there be a cross egress and ingress agreement made with the existing office located at the corner. He said many of the conditions resulted because no plans were submitted involving the corner parcel for the Planning and Zoning Commission to review.

Mr. Briggs presented a visual, recently developed by the applicant, which showed a prospective development located on Howell Branch and Lafayette Avenue and how a 1,600 square foot office building could fit on the property, independent of the other parcel, provide parking, and maintain a significant 35-foot setback to Lafayette Avenue. He explained how this is a good plan for the parcel because it provides a significant buffer on the Lafayette corner. Mr. Briggs said the applicant may accept the condition that the development be in substantial conformance with this plan. He restated that the request has received a positive recommendation from the Planning and Zoning Commission and that it makes sense to rezone the corner parcel. Mayor Marchman inquired whether staff would be satisfied with substantial conformance of what has been presented by the applicant. Mr. Briggs responded affirmatively and explained that the applicant is willing to give up approximately 750 square feet of office space and three parking spaces which creates an acceptable buffer for the surrounding area. Discussion ensued regarding conforming driveways for Lafayette Avenue, the proposed landscaping buffer, the size of the proposed building, required setbacks, and sensitivity to surrounding varied zoning designations.

Counsel for applicant Steve Bechtel explained the applicant's request and addressed the conditions imposed by the Planning and Zoning Commission. He spoke about the differences between the original proposals submitted to the Planning and Zoning Commission and the one presented at this meeting. He noted that the applicant is not asking for any variances and intends to comply with setback requirements. Mr. Musashe (applicant) spoke about the rezoning request. Additionally, he addressed the concerns from the surrounding residents that were raised at the Planning and Zoning Commission meeting. Mayor Marchman asked Mr. Bethel if the Commission approved the property being developed substantially in accordance with the conceptual site plan, if it would include the provisions related to landscaping. Mr. Bethel responded affirmatively.

Mayor Marchman asked for public comments.

Anna Scheiner, 2613 Lafayette Avenue, opposed to the request, asked that a designation between the two properties other than a hedge is included in the plan and that the address is changed to Howell Branch Road.

Linda Walker, 794 Comstock Avenue, spoke in opposition of rezoning residential properties to commercial.

All commissioners disclosed conversations with the applicant concerning this issue.

Commissioner DeVane expressed her concerns with this request. Mayor Marchman spoke that the

plan presented at this meeting is more appropriate for the site than what was presented to the Planning and Zoning Commission. Commissioner Metcalf expressed his concerns with the driveway and its proximity to Lafayette Avenue. There was discussion about the applicant's intent on the second lot. Mr. Musashe explained that he will maintain the property as a rental property to serve as a buffer between his property and the surrounding neighbors. Commissioner DeVane expressed her preference that this plan return to the Planning and Zoning Commission for approval.

Motion made by Commissioner Eckbert to accept the ordinance on first reading with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf voted yes. Commissioner DeVane voted no. The motion carried unanimously with a 4-1 vote.

Mr. McCaghren clarified that the motion includes that there be no access to Lafayette Avenue, that the project is to be built in substantial accordance with the site plan as submitted, and the inclusion of the wall that meets the O-2 requirements (not necessarily constructed of brick or stucco).

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 ZONING DESIGNATION OF SINGLE-FAMILY RESIDENTIAL (R-1A) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY LOCATED AT 2630 LAFAYETTE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.
First Reading

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

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

- c) Conditional Use Request of New City Developers LLC to build seven, two-story townhouses at 1815 Hammerlin Avenue.

Planner Briggs presented the staff report. He said this is a request that falls under the cluster housing provision of the City's R-2 zoning. Mr. Briggs explained that the same property was presented to the Commission and approved in 2003, shortly after being annexed into the City, to rezone from single family to low density residential. He elaborated on the plan that was presented in 2003, and the important elements approved at the time; the front facing garages included on all six proposed units. He continued that the project failed to move forward in 2003 because of funding and that the property has been sold to the applicant who is requesting what is permitted under the property's current R-2 zoning.

Planner Briggs stated that the current plan layout divides the project into a duplex-townhouse on either side, north and south, and a triplex townhouse in the middle for the seven units. He said one

major change with this plan from the original plan is the rear entry garages for all of the units which provides a significantly more pleasing street view for this project. He said the rear portion of the plan allows for overflow visitor parking. He noted the outstanding issue resulting from the P&Z meeting of the approved tree removal permit that includes the exception of a 24" laurel oak located between the driveway and the building. He explained the different scenarios that were proposed to deal with the tree. Planner Briggs stated that the P&Z recommended approval of the original plan but adding the loss of the 24" laurel oak into the compensation bank that requires either the replanting of new trees on-site or a fee in lieu to the City to replant new trees elsewhere in the City. He said that the P&Z felt that one additional unit was worth obtaining a more aesthetic and better built project. Discussion ensued regarding the rear entry garages.

Ed Rice (applicant) provided the differences between the plan submitted in the past and this plan. Additionally, Mr. Rice provided elevations and color renderings of the proposed project. Commissioner DeVane inquired from Mr. Rice if he was in agreement with the compensation fund for the laurel oak tree. Mr. Rice responded affirmatively.

Mayor Marchman asked for public comments.

Linda Walker, 794 Comstock Avenue, spoke in support of the project.

Motion made by Commissioner Metcalf to approve the conditional use request with the condition imposed by the P&Z of the tree compensation package, seconded by Commissioner Storer. The motion carried unanimously with a 5-0 vote.

d) Conditional Use Request of Carrs Barbers Club to establish a barber salon/retail store at 346 S. Park Avenue.

Planner Briggs provided the staff report. He said the applicant wants to operate a barber salon and retail store in the front half of the space located in the central business district of the City. He said the City's code has certain requirements because of the predominate retail orientation of Park Avenue. He explained that in the past salons located on Park Avenue have been required to have the front 50% of the store as retail and the styling chairs set to the back of the space. Mr. Briggs elaborated on how the applicant is willing to comply with the 50/50 requirement because of the type of venture proposed. Additionally, he said this approval is specifically limited to this applicant in the event that the applicant wishes to relocate the business in the future.

Edward Magnay (applicant) spoke about the request and the type of venture proposed for the space. Mayor Marchman inquired whether with Mr. Magnay agreed that the conditional use approval would be granted specifically to the Carrs Barbers Club Company. Mr. Magnay responded affirmatively.

Mayor Marchman asked for public comments; none were provided.

Motion made by Commissioner DeVane to approve the conditional use request with the

condition imposed by the P&Z of the 50/50 space requirement, seconded by Commissioner Storer. The motion carried unanimously with a 5-0 vote.

CITY MANAGER'S REPORT:

a) Central Park Native Garden Phase 2 planting project approval.

Central Park Foundation President Forest Michael provided a power point presentation on this item. He elaborated on the partners participating in the project, the Master Plan approval process and Phases I and II of the project. Mr. Michael noted they are requesting approval to proceed with Phase II of the Native Garden with the Parks Department and the City as the lead, and to support the application to the Genius Foundation for matching funds from the Welsh Charitable Foundation.

Commissioner DeVane expressed her concern with raising the demands of City staff in order to maintain the proposed garden. Mr. Michael spoke of possibly setting up a funding mechanism that would encourage financial participation. Parks and Recreation Director John Holland addressed the maintenance issue and noted that the project is not entirely maintenance intensive. Attorney McCaghren noted that letter from the Welsh Charitable Trust states that the offer will remain open for 30 days. Mr. Michael stated that he has spoken to Mr. Hunter and was advised that the offer will continue beyond the 30 days.

Motion by Commissioner Storer to proceed with Phase II of the Native Garden and to support the application to the Elizabeth Morse Genius Foundation, seconded by Commissioner Metcalf, and carried unanimously.

b) Discussion of the City's volunteer citizen's boards.

City Manager Williams presented this item. Discussion ensued about reducing the number of boards and whether or not to require that the remaining boards absorb the duties and responsibilities of the terminated boards.

Commissioner DeVane expressed her concern of disbanding the Environmental Review Board. She said the community should be advised that the City is considering sunsetting the ERB and see if there are responses received to re-establish it. Discussion ensued on the status of the Keep Winter Park Beautiful Committee and the importance to maintain and encourage community involvement. Commissioner Storer spoke of moving forward with formalizing a scope or to sunset the Project & Proposal Evaluation Team related to redevelopment of City Hall. Mayor Marchman suggested that Planning Director Don Martin return to the next meeting with suggested time frames for the Commission to review.

Consensus was to proceed with disbanding the Nuisance Abatement Board (transfer duties to the Code Enforcement Board), the Personnel Review Board (transfer duties to the Civil Service Board) and the Stormwater Board of Appeals (transfer duties to the Lakes and Waterways Board), and to review in greater detail the status of the Environmental Review Board.

c) Request for an ordinance to revise City code which prohibits seaplanes on City lakes.

City Manager Williams stated a resident requested that a change be made to the City's ordinance that bans seaplanes to land on the City's chain of lakes. City Engineer Troy Attaway stated that the intent is to bring this issue to the Commission prior to preparing an actual ordinance. He spoke on the draft ordinance that was voted on by the Lakes and Waterways Advisory Board. Commissioners DeVane and Metcalf expressed their concern with this request. Commissioner DeVane suggested notifying all the citizens that reside on Winter Park lakes that this issue is being considered.

Mayor Marchman asked for public comments.

Jim Thomas, 716 Balmoral, identified himself as the citizen that asked to consider this issue. He elaborated on the intensive training and the higher FAA standards that seaplane pilots are required to complete and comply with. He distributed copies of videos to the Commission that provide information on the low rate of incidents and accidents that involve seaplanes with other water crafts.

Discussion ensued regarding whether an established protocol exists between seaplanes and boats that co-exist. Commissioners confirmed that they will review the video in an effort to make an informed decision. The Commission agreed to revisit this issue and possibly make a decision at the second meeting in May. Commissioner DeVane asked staff to survey and inform lakefront residents that this issue will be discussed at the May 24th meeting so that input can be provided. Consensus was that the May 24th meeting would be to decide whether or not to move forward with this issue and to advise the lake front residents of the hearing.

Mike Whiting, 405 Lakewood Drive, as Chairman of the Lakes and Waterways Board, explained that the Board has reviewed this issue thoroughly. He said the safety hazard is less than what is perceived. He encouraged the Commission to review this issue with an open mind.

Commissioner Metcalf, based upon earlier discussions related to City Boards, inquired from Mr. Whiting whether or not the Lakes and Waterways Board could handle additional tasks without becoming overburdened. Mr. Whiting stated the board is able to handle water related aspects of environmental issues and would not be problematic for the board.

d) Request to brick Holt Avenue.

City Manager Williams addressed the plan was to continue bricking southward on Pennsylvania Avenue. He reported that the request tonight is to consider bricking a section of Holt Avenue. He said staff has reviewed the possibility of rather than continuing southward, to continue northward instead. Public Works Director Jim English spoke about the Pennsylvania/Lake Sue Avenue bricking project and the request to brick Holt Avenue. Discussion ensued on how this change will impact the plans for the south part of Winter Park Road. Mr. English explained that the sidewalk modifications will still be completed. Commissioner Metcalf spoke of the opportunity that exists to reset the bricks on the east end of Lake Sue. Mr. English explained how the transition area will be

reworked.

Mayor Marchman asked for public comments.

Judy Kurtz, 800 McIntyre Avenue, as President of the College Quarter Neighborhood Association, provided comments in support of bricking Holt Avenue.

City Manager Williams noted that staff recommends the same rough brick cut used on Pennsylvania Avenue.

Nancy Shaw, 479 Holt Avenue, provided supportive comments and justification to brick Holt Avenue in order to lower traffic speeds.

Rollins College Vice President George Herbst stated Rollins College supports the bricking of Holt Avenue. He encouraged the Commission to consider completing Holt Avenue from New York to Park Avenues.

Roger Rebman, 776 South Pennsylvania Avenue, spoke in support of the bricking proposal as a means for traffic calming.

Commissioner Metcalf inquired whether discussions have taken place with the residents of the College Quarter area regarding cost sharing. City Engineer Troy Attaway indicated that cost sharing discussions have not taken place at this point. Commissioner Storer expressed his support of bricking Holt Avenue as a traffic calming measure but noted the priority of improving the entire Winter Park Lake Sue/Pennsylvania Avenues corridor to help deal with the traffic that will be created from Baldwin Park. Commissioner DeVane spoke of the need to approve the request and to brick Holt Avenue. There was debate whether Holt Avenue should be a bricking priority over Winter Park Road.

Commissioner Eckbert spoke about systematically looking at all the roads within the City that need traffic calming measures. He inquired which of the two roads would accomplish more of the initial funding objective. Mr. Attaway addressed Commissioner Eckbert's comments by elaborating on the original funding language of the federal funds obtained. Mr. English commented on the reduction of traffic counts reported on Pennsylvania Avenue and the benefits of traffic calming. Commissioner Eckbert inquired whether this is the highest and best use of the federal funds obtained. Mr. English elaborated on how the areas considered have to be directly impacted by the Baldwin Park development.

Motion by Commissioner DeVane to swap out one portion of Winter Park Road and complete Holt Avenue this summer and to commit to completing Winter Park Road within the next 3-4 years, seconded by Mayor Marchman. Motion failed 3-2. Mayor Marchman and Commissioner DeVane voted yes. Commissioners Metcalf, Storer and Eckbert voted no.

Commissioner DeVane suggested and the consensus decision was to send a note to the affected residents on the Winter Park Road section in order to receive citizen input and possibly revisit this issue. City Manager Williams inquired whether the Commission preferred a survey to be performed. Additionally, he asked if the consensus was to use the rough brick because of its proven effectiveness. Consensus was to survey the residents and to notify them that staff will continue the project with the existing brick.

Discussion item not on agenda

Although not listed on the agenda, City Manager Williams presented and discussed a recent newspaper article regarding quiet railroad crossings. Mr. English elaborated on the difficulty of dealing with a railroad bureaucracy. He spoke about the company (TranSystems Corporation) and how they can assist the City by providing engineering services for the implementation of quiet railroad zones within the City. The consensus decision was to execute the agreement with the company's compensation (\$15,000) to be provided from the City's contingency fund.

NEW BUSINESS:

1. Linda Walker, 794 Comstock Avenue spoke of holding CRA Agency meetings before regular Commission meetings and expressed her concern with the construction site located on the corner of Virginia and Welbourne Avenues.
2. Lurline Fletcher, 790 Lyman Avenue, expressed her concern with the road debris resulting from the Virginia and Welbourne Avenues construction site. Additionally, she spoke of the condition of certain streets located in the West side community and a City tree located on Comstock that may need to be trimmed.

Mayor Marchman adjourned the meeting at 8:05 p.m.

Mayor Kenneth R. Marchman

ATTEST:

Deputy City Clerk Tania Haas