

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
April 23, 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 Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Karen Diebel
Commissioner Margie Bridges

Also present:

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

MAYOR'S REPORT:

- a) Proclamation - Victim Services Coalition of Central Florida – National Crime Victim's Rights Week.

Mayor Strong proclaimed April 22-28, 2007, as "National Crime Victim's Rights Week" and reaffirmed our commitment to respect and enforce victims' rights and address their needs.

- b) Proclamation – Fire Department employee retirement – Charles "Chip" Gaines

Mayor Strong presented Battalion Chief Charles Gaines with a proclamation proclaiming April 30, 2007 as Charles "Chip" Gaines Day due to his retirement. Mr. Gaines was recognized for his 33 year commitment and dedication to the City of Winter Park.

- c) Proclamation – Police Department employee retirement – Ferdinand "Gil" De Rubio

Mayor Strong presented Ferdinand "Gil" De Rubio, Administrative Coordinator, with a proclamation proclaiming April 30, 2007 as Ferdinand "Gil" De Rubio Day due to his retirement. Mr. Rubio was recognized for his 34 years of dedicated service to the City and the community.

- d) Presentation of the American Planning Association's 2007 Innovation in Neighborhood Planning Award.

Planning Director Jeff Briggs stated that the City of Winter Park was the winner of the 2007 National Planning Excellence Award from the American Planning Association for the revitalization of Hannibal Square. He explained that the APA awards are the planning profession's highest honor. Mr. Briggs presented the plaque to Mayor Strong.

- e) Board appointments:

- Mayor Strong nominated Drew Krecicki to the Tree Preservation Board as the P&Z representative, replacing Margie Bridges. **Seconded by Commissioner Eckbert and carried unanimously with a 5-0 vote.**

- Mayor Strong nominated Michael Dick to the Holler/Progress Energy Task Force, replacing himself and stated he would like to appoint Ms. Bridges as the liaison to the Commission. Commissioner Eckbert stated he would like to know who the Mayor was thinking about ahead of time and would like to see Mr. Dick's resume and also consider Ms. Bridges as well. Commissioner Diebel agreed. Mayor Strong stated he intended to submit resumes for the board appointments but it did not occur to him to do so for this task force. He stated he will provide that information to everyone for the next meeting.

f) Non-Agenda Item – Homestead Exemption

Mayor Strong addressed the letter from Mr. Bill Donegan regarding the senior homestead exemption and the need to adopt an ordinance on the limited income senior exemption by June 1, 2007. He addressed the need for first reading of an ordinance at the next meeting. Attorney Cheek stated he would prepare the ordinance. Finance Director Wes Hamil explained that a property owner needs to apply for that exemption with the property appraiser's office. Mayor Strong asked Mr. Hamil to provide further information at the next Commission meeting. Mr. Hamil concurred.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1962-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 512 WEST CANTON AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Cheek stated there has been an allegation made that part of a side porch encroaches on the neighboring lot. He recommended if this is adopted to condition the approval by motion on a statement that the City intends that this resolution has no impact one way or another on the property rights of the neighbors.

Motion made by Commissioner Metcalf to adopt the resolution with the condition; seconded by Commissioner Bridges. 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) Report on conclusion of Club Harem case

City Attorney Cheek spoke about being involved in litigation with the Club Harem facility over the constitutional challenge to our adult entertainment ordinance. He stated they successfully defeated that lawsuit at the Federal District Court level and they recently prevailed with the appeal filed by the club owner.

c) Commuter Rail Interlocal Agreement with Orange County

City Attorney Cheek explained he submitted the revisions of the Commuter Rail Interlocal Agreement to Orange County, however, they did not respond until 12:00 this afternoon. He asked City Engineer Don Marcotte to hand out a comparison chart of what the County agreed and disagreed to, along with redline draft copies of what the County returned to the City. He asked the Commission for guidance on how they would like to proceed.

Attorney Cheek addressed his understanding that Maitland was expected to approve their interlocal agreement tonight. Mayor Strong stated he was uncomfortable approving an agreement that he received during the meeting and he was willing to call a special meeting to allow the Commission to review this further. Mr. Marcotte explained that the City needs to make a decision by the middle of the first week of May and the County will execute their agreements with the State by the middle of the third week in May.

Jim Harrison, Orange County, stated they were meeting with FDOT on April 25 to finalize the Master Interlocal Agreement. He commented that if they reach an agreement, they would take that to his board by the third week of May so they asked the City of Winter Park to have an executed agreement no later than the first week of May.

Mayor Strong asked that a special meeting be scheduled for Monday, April 30, at 3:30 p.m. and also schedule a provisional meeting for Friday, May 4, at 3:30 p.m. in that event that things are not concluded at Monday's meeting. There was a consensus that special meetings be scheduled for those dates and Mayor Strong stated public comments would be allowed.

City Attorney Cheek provided an overview of the documents they were given and briefed them on the items that were acceptable to the County and their status. He stated there has been some progress made and the County has proposed to the City that they would only be responsible for reimbursement (with the "opt out provision") of grant monies that were used in connection with the improvements of Winter Park. Mr. Harrison concurred that was correct. He explained if there are any claims against the County that may arise from the requirement to repay a Federal or a State grant, the City would have to hold the County harmless for that. He stated it is specifically limited to whatever amount it would be as if the station had never been constructed. Mr. Harrison explained that this language was a general hold harmless provision against a third party claim.

City Engineer Don Marcotte spoke about commuter rail funding, what they are receiving from Federal funding and what is required under the agreements for capital improvements. Mr. Harrison and Mr. Marcotte answered questions posed by the Commission.

Public Works Director Troy Attaway stated that he provided the Commission with the Local Agency Program (LAP) agreement for another project so they could see the language but it was not specific to the commuter rail project. He stated they were provided a local funding agreement. Mr. Attaway explained that he spoke with an attorney with the Federal Transit Administration (FTA) regarding this reimbursement if they were to "opt out".

Commissioner Eckbert commented he would like Attorney Cheek's guidance when they reconvene to evaluate the wording of the hold harmless provision. Mr. Harrison explained that this was not intended to get (from the City) lost revenue for lower rider ship in the future.

Mayor Strong had concerns about the master agreement giving too much authority to Orange County and it placed many requirements on Winter Park as it was written. He stated if that was the result, he had a problem with it when it conflicts with the City's agreement with Orange County. He asked Mr. Harrison if there was a way to reconcile that. Mr. Harrison responded that at the City Attorney's suggestion regarding land use decisions, they tried to be very clear and it was not Orange County's intent to affect any way Winter Park does business. Mr. Harrison asked Mayor Strong to give him the list of concerns so he can address them in the Master Interlocal Agreement. Mayor Strong responded that he would like Mr. Harrison to look at Article 6.01 of the General Provision section. Mr. Harrison agreed to do so and stated that as

time goes on, other County's may be entering into similar types of agreements and they may be able to place the general type of provision in there to help clarify this.

Mayor Strong stated there would be no action taken today and no public input. He commented that this would occur on April 30 at the special Commission meeting.

d) Approval of Commuter Rail station location

Engineer Don Marcotte updated the Commission on questions asked during the commuter rail work session on April 9, 2007 and the answers they received from FDOT.

Public Works Director Troy Attaway updated the Commission on traffic concerns that have been brought up at this station location. He stated the traffic study shows there is no real traffic impact as a result of the commuter rail project. Commissioner Bridges stated the Carlisle's developers did a traffic study and it indicated that traffic levels of service on New York Avenue would drop from C to D to E. She asked how all of this transportation with the possibility of 500 people coming in and out of this area did not seem to impact the level of service for the same location. Mr. Attaway stated that he was not sure what the Carlisle assessments were and he would have to look at those reports. Commissioner Bridges asked that he look at the transportation study and bring that back to the Commission to review.

Mayor Strong stated that Mr. Infantino, 180 South Knowles Avenue, had a letter he wanted entered into public record. Mayor Strong gave it to the Deputy City Clerk for the public record.

George F. McClure, 1730 Shiloh Lane, spoke about having a traffic study because of traffic concerns. He stated that the University of Central Florida has an advanced transportation system assimilation capability and recommended this as a useful tool for commuter rail, Planning & Zoning, and future applications. He explained he already passed this information on to Don Marcotte.

Betty Wilson, 102 S. Interlachen Avenue, did not support the station being located in downtown Winter Park.

Jeri Vander Linden, 200 Carolina Avenue, stated she voted 'yes' for commuter rail in Winter Park, not Central Park and expressed concerns with additional traffic. She asked the Commissioners to investigate alternate locations other the Central Park. Ms. Vander Linden provided the Clerk with a petition for the commuter rail station to be at an alternate location.

Phil Eschbach, 210 Chelton Circle; Chairman, Parks and Recreation Board, spoke on behalf of the board and stated that they were opposed to the station being in Central Park and they wanted a traffic study to confirm what the impact of a rail stop would be.

Fae Moxley, 1755 Carollee Lane, stated there are many unanswered questions. She asked the Commission not rush into signing the agreement because the date is not set in concrete. She asked why they would vote on a site without checking all of their options.

Kathryn Grammer, 200 S. Interlachen Avenue, commented that a yes/yes vote on the Commuter Rail ballot referenda meant "we want a stop in Winter Park." She asked the Commissioners not to use these voting results to justify naming Central Park as the commuter rail station location at this time. She expressed that the voters would like a station but the site

should be determined after the proper studies have been conducted and a fair agreement has been negotiated with Orange County and FDOT.

Patricia Greenstein, 2348 Summerfield Road, said they have been told all along that this was a kiss and ride stop and handed the Commission the final draft of the environmental assessment. She asked about Winter Park agreeing to parking. Mr. Marcotte stated this was dated language and was nothing the City agreed to as far as parking and will not be in any agreement with the County.

Michael Dick, 823 Granville Drive, read Mr. Infantino's letter for the record. He was opposed to the station being located in Central Park.

Shay Silver, 735 Pansy Avenue, read a letter regarding the commuter rail stop "option language" for a stop on the west side on or about Denning at Solana/Beloit Avenues as proposed by Mayor Strong and discussed in the April 16, 2007 work session.

John Dowd, 427 N. Phelps Avenue, spoke on behalf of the merchants and property owners of the Central Business District as being in favor of the Amtrak Morse Boulevard site for the commuter rail stop. He listed the reasons why.

Vicki Krueger, 200 Carolina Avenue, opposed the station in Central Park. She believed that commuter rail would have an impact on the health and well being of its citizens due to diesel fuel from the trains, buses and cars which will deteriorate the air quality.

Jacqueline Becker, 300 Fountain Lane, asked that they look at alternative sites and believed the North Denning site made more sense.

Carolyn Cooper, 1047 McKean Circle, opposed the station being in Central Park and asked the Commission to make sure they have all the facts. She had concerns about CRA funds decreasing if the station is located in Central Park, traffic becoming grid locked, and the interlocal agreement.

Samantha Goodowens, 1722 Park Avenue, spoke in favor of the location being in Central Park.

Fannie Hillman, 1040 Mayfield Avenue, spoke in favor of the Central Park location.

A recess was taken from 5:42 p.m. – 5:53 p.m.

Kim Allen, 271 Virginia Drive. opposed the station being located in Central Park. She shared her concerns regarding the lack of a traffic study and showed pictures of traffic in different areas at different hours of the day and the impact of the traffic at these locations. She also spoke about the Aspen Vision Plans codes and policies.

Frank Baker, 650 Northwood Circle, supported the commuter rail stop in Central Park.

Linda Kulmann, 257 E. Canton Avenue, opposed the stop in Central Park.

Sandy Womble, 940 Old England, opposed the stop in Central Park. She asked that they have a traffic study completed.

Will Graves (non-resident), 3048 D George Mason Avenue, opposed the stop in Central Park.

Susan Gabel, 1539 Golfside Drive, asked the Commission not to put the stop in Central Park.

Kit Pepper, 2221 Howard Drive, stated it is up to the Commission to use their leadership to make this decision. She believed that the Central Park location was the most logical place to have the commuter rail stop.

Deidre MacNab, 1860 Summerland Avenue, President, League of Women Voters of Orange County, said it was important for residents to think of the benefits of having commuter rail. She asked the Commission to ensure that they were on track to make the decisions so they do not miss one of the most exciting opportunities that Winter Park has to preserve our quality of life.

Barbara Nesbitt, 1150 Kenwood Avenue, asked the Commission to consider having the location on Orange Avenue and not Central Park.

Lurline Fletcher, 790 Lyman Avenue, was opposed to the stop being located on Denning Avenue and did not want it on the Westside.

Joan Scott, 1109 Oaks Boulevard, supported the location being in Central Park.

A. C. Carson, 5477 Lighthouse Rd, Orlando, spoke on behalf of his parents who live in Winter Park, who supported the location being in Central Park.

Marc Hagle, 1220 Park Avenue North, stated that the decision is up to the Commission and there has been no real alternative location placed on the table to consider in a business manner.

Kathy Kiely, 1800 Oneco Avenue, opposed the station being in Central Park.

Yvonne Trailer, 150 Chelton Circle, opposed the station being in Central Park because of the negative impact on our City.

Janie Baker, 650 Northwood Circle, was opposed to having a rail stop on the West side.

Bill Traylor, 150 Chelton Circle, opposed the station being in Central Park.

Forrest Michael, 130 North Center Street, supported the location being in Central Park.

Motion made by Commissioner Metcalf for discussion to approve the station location in the Central Business District according to the wishes of 52% of the citizens; seconded by Commissioner Eckbert saying the location is in the CSX right of way.

Commissioner Metcalf commented that he was satisfied with how the task force did its job and he commended them. He stated it is now up to the Commission to make this decision and that he would vote in favor of the station being located in the Central Business District.

Commissioner Eckbert stated he was in favor of the location being in Central Park and supported the process the City has gone through over the past year and a half. He stated that the task force spent many hours on this matter and he did not take their conclusions lightly. He stated the fact that an infrastructure is already in place is not without significance, such as a canopy, platform, and ticket booth, which would add to having a functioning rail stop where it

currently is today. He spoke about this being the first phase of commuter rail and in the future it will be dramatically different and he supports the longevity of commuter rail. He spoke about people taking different sides of this issue and is still being respectful to one another even though they have reached different conclusions. He hoped as they move past this decision that we see more of this type of respect for each other in Winter Park.

Commissioner Bridges had a number of issues with the Central Park location. She stated that the traffic studies have not been addressed and the project lacks good planning. She explained that Canin and Associates came up with two other locations as being appropriate (as they presented it for future locations) but when they listened to FDOT they did not have that option. She commented that when they have the station they should use one of the optimum locations which would be the Barnum Road location at Orange Avenue. She felt economically that the CBD was the wrong place to have the station and they need to consider the financial implications of that. She commented that the downtown area was recognized as a national historic register downtown and it historically brings shoppers, visitor's residents and everyone else to our wonderful community and it needs to be protected.

Commissioner Diebel stated she believed the train should stop in Winter Park at the current Amtrak station because it was fiscally responsible to do that. She commented about the big opportunity with Central Park to double its size and that she asked Commissioner Barbara DeVane if she would take a leadership position and help us bring in the grants we need.

Mayor Strong explained that he has been distressed over the process they have gone through because they have constantly been given deadlines that have been unreasonable and the decision they make tonight cannot be changed for the next 20 or 30 years which will impact the City. He stated they are not going to have an opportunity to do a traffic study and if they did one it will not be covered by Congressman Mica's funds as they expected. However, if they choose to do a traffic study it would be done after the location has been selected. He stated if commuter rail is successful, there will be a problem with parking in Winter Park. He believed that downtown Winter Park is terrific the way it is and he does not see how it will be improved by a commuter rail station in the downtown area but he could see the City as whole being improved economically by a station being located outside of downtown Winter Park. He stated that the Commission needs to make a decision, the citizens have voted and he respects that but he will not be supporting the station location in Central Park.

Upon a roll call vote, Commissioners Eckbert, Metcalf and Diebel voted yes. Mayor Strong and Commissioner Bridges voted no. The motion carried with a 3-2 vote.

Non-Agenda item

City Attorney Cheek requested a shade meeting dealing with the Carlisle litigation. Commissioner Eckbert suggested scheduling it for Monday, April 30th the same day as the Special Meeting. There was a consensus for the shade meeting at 2:00 p.m.

A recess was taken from 7:23 p.m. – 7:33 p.m.

CONSENT AGENDA:

- a) Approve the minutes of 4/9/07.
- b) Approve the following purchase:
 - 1) PR 132586 to Inliner American, Inc. for sanitary sewer main rehab, and lining of sanitary mains at various locations, piggybacking off Pinellas County contract #056-0183-C(DM). Budget approved for FY07; \$521,820.00 (Budget: CIP-Utilities/Upgrade Sewer Main).
- c) Approve the following budget adjustments:
 - 1) Appropriate \$1,020,000 in grants awarded for various Stormwater projects.
 - 2) Appropriate \$579 in receipts for CPR training to cover costs of providing the classes.

Mayor Strong asked that items b) 1) and c) 1) be pulled for questions. **Motion made by Commissioner Eckbert to approve the Consent Agenda with the exception of items b) 1) and c) 1); seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.**

Consent Agenda Items b) 1) and c) 1):

Mayor Strong posed questions to Utilities Director David Zusi and Public Works Director Troy Attaway on these items. **Motion made by Commissioner Metcalf to approve items b) 1) and c) 1); seconded by Commissioner Eckbert and carried unanimously with a 5-0 vote.**

PUBLIC HEARINGS:

- a) Conditional Use request of Mr. Andrew Swanson to allow for the construction of three townhouse units on the vacant property on the corner of Huntington Court and Pennsylvania Avenue at 779 and 789 S. Pennsylvania Avenue, zoned C-3.

Planning Director Jeff Briggs stated this was a conditional use request and the applicant would like to build three townhouse units on the property of Huntington Court and Pennsylvania Avenue, zoned R-2. He stated there was a unanimous decision by the Planning and Zoning Commission because three units were compatible with this location and the applicant divided this project into three separate structures.

Motion made by Commissioner Bridges to approve the conditional use request; 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 CHANGING THE NAME OF GENERAL REES AVENUE OR GENERAL REES AVENUE EXTENSION TO TIMBERLANE DRIVE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. First Reading

Public Works Director Troy Attaway explained there was public hearing with the neighborhood years ago when this road was first being built and they voted to name it Timberlane Drive. He stated the City Commission accepted that recommendation at that time and this is the code that codifies that.

Motion made by Commissioner Eckbert to accept the ordinance on first reading; seconded by Commissioner Metcalf. 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) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIROMENTAL PROTECTION REGULATIONS" DIVISION 6, "TREE PROTECTION" SO AS TO ADOPT NEW TREE PROTECTION AND TREE REMOVAL REGULATIONS. Second Reading

Building Director George Wiggins summarized the basic provisions of the tree ordinance. He believed that more revisions were necessary and that the Commission should give them an opportunity to address some things that Mr. Peter Weldon pointed out. He left it up to the Commission to decide if they were going to adopt it as it currently is and ask staff to further address this, or to table it and let staff review these specific items.

Commissioner Eckbert addressed the challenge of having a large committee working on this project. He suggested that only three people work on this and suggested Beth Dillaha, Peter Weldon, and Marc Hagle and to give them a short timeframe to discuss and rewrite the entire ordinance, make a presentation to the task force, and come back to the Commission with their proposal.

Commissioner Metcalf stated he was 100% in favor of a tree ordinance that does everything it can to preserve the maximum amount of coverage. He commented that he would pass the sections of the ordinance that weighs our penalties and our fees to the highest level because he is committed to stopping the desecration of trees in our City. He stated he would like the three people suggested to get together and see if there is a simple resolution to this that the Commission can support.

Commissioner Eckbert addressed direction that Commissioner Diebel came up with last week to pass the construction portion this evening because that is the most urgent and threatening part.

Commissioner Bridges disagreed with Commissioner Eckbert's idea of having the three people rewrite the ordinance and stated she is convinced this was not the time or place for this. She addressed the tree board that has been in existence for several years and they have worked for the past 18 months on this ordinance under the guidance of the Code Enforcement Director. She suggested approving the ordinance, recognizing that there are individual elements that need to be revised, and for these three people to work together with the Tree Preservation Board. She believed that excluding the rest of the board members would send a chilling message to all the other citizen advisory boards.

Commissioner Diebel stated she spent a few hours with Ms. Dillaha last week and she has changed a little on how they should approach this. She stated that her concern was that they were inserting a new category of heritage trees in the ordinance and she believed there should be an attempt to notice people that a tree on their property is going to be categorized so it can go through due process. She stated if staff could do that in parallel, there could be a meeting with Ms. Dillaha, Mr. Weldon and Mr. Hagle which could be authorized by the board as a subcommittee since there is a board member participating and for this to happen by April 30. She stated she was comfortable with this ordinance since it has been reorganized and agreed with Commissioner Bridges to adopt it as is and at the next meeting.

Mayor Strong asked Mr. Wiggins questions regarding improvements and changes in the ordinance. Mr. Wiggins acknowledged there had been significant improvements that have been made but there were areas that needed to be addressed and checked for legal sufficiency and

enforceability to ensure the language is proper. Mr. Wiggins and Mr. Mackin answered questions posed by the Commission.

Frank Hamner, 101 N. Wymore Road, stated they need to step back and recognize that staff and citizens have mentioned there are problems with the ordinance. He addressed the improperness of having the second reading because of the changes of the ordinance from the time it was proposed and published.

Kit Pepper, 2212 Howard Drive, commented that she and Peter Weldon went through the ordinance line by line and she applauds the intent but had concerns with the ordinance as written which would possibly result in more people ignoring the law because it is cumbersome and confusing. She expressed the need to address other issues.

Eric Rosoff, 1247 Via Salerno, asked that they pause, place everything in the right context and revise the ordinance.

Marc Hagle, 1220 Park Avenue North, stated the tree ordinance that is presently being proposed is flawed. He believed that the Tree Preservation Board did a wonderful job in bringing it as far as they could under the approach that they used. He suggested adopting the ordinance and to consider modifying it for the future. He suggested if there is to be a subcommittee that all the people who spoke tonight be placed on that subcommittee along with the representative of the Tree Preservation Board to rewrite this ordinance and bring it back in a short time frame.

Mr. Mackin asked that they pass the ordinance as is. He supported Mr. Hagle's suggestion of the people who have an interest on this matter meeting with the Tree Preservation Board and to go through the process again.

Commissioner Eckbert commented he would not vote for the entire ordinance but would vote for the construction portion and would support another method instead of sending it back to committee to rewrite.

Commissioner Bridges suggested that Mr. Wiggins and Attorney Cheek review this independently and provide guidance or that Attorney Cheek meet with the subcommittee. She believed that the intent of the ordinance was clear and the question seemed to be to make sure it was articulated and legally defensible.

Commissioner Diebel suggested that they invite these individuals on Monday to discuss this in the other conference room while the Commissioners are having their special meeting in the chambers and to ask Attorney Cheek to be available for their questions in order to get this completed. She advocated Commissioner Bridges with the sponsorship of Ms. Dillaha as a co-member of the board to decide which one of the citizens she heard tonight would be designated on the subcommittee.

Commissioner Bridges suggested asking Mr. Hagle and Mr. Weldon to meet with Attorney Cheek and to see if they could clarify those languages and address those concerns instead of leaping outside of the process that has already been established.

Motion made by Commissioner Eckbert to adopt the ordinance, the construction and penalty portion as an amendment to the current ordinance; that Ms. Dillaha, Mr. Weldon, Mr. Hagle, Mr. Wiggins and Mr. Mackin meet with Attorney Cheek to discuss what

process they would recommend to make any adjustments to the ordinance to fix the issues that are out there. Once that has been completed, they return to the Commission and report what their conclusions are and what that process is and what timeframe are necessary to address the issue.

Mayor Strong suggested Commissioner Eckbert make the first part of his motion and then they can move onto the process beyond that. Commissioner Diebel asked Commissioner Eckbert if he would let her re-state the first part of his motion. **Commissioner Eckbert agreed and withdrew his motion.**

Motion made by Commissioner Diebel to approve the language in the proposed tree ordinance that is related to the protection of trees that are threatened by construction, carve out that language, approve it as an amendment to the current ordinance and thereby be able to enforce that properly and expeditiously for those trees that are threatened by construction. Commissioner Eckbert accepted her motion as a clarification as the first part of his motion; **seconded by Commissioner Eckbert.**

Commissioner Diebel asked which section referred to construction. Mr. Wiggins responded. He recommended that under 58-299 A) they change the word **submitted** to **approve** otherwise he thought it would be a meaningless provision. Mayor Strong asked Commissioner Diebel if 58-299 as modified was her motion to approve that section. She concurred.

Commissioner Diebel asked in section 58-300 and 58-301 if there is any reference to heritage trees. Mr. Wiggins explained the phrase historical was the name they give them but in those sections there was no reference. Commissioner Diebel restated her motion for clarity.

Motion made by Commissioner Diebel to approve sections 58-299, 58-300 and 58-301 as the proposed ordinance as an amendment to the current tree ordinance for expeditious enforcement. Commissioner Metcalf stated he did not hear anything in the motion pertaining to penalties. Commissioner Diebel asked where the penalties were located. Mr. Wiggins explained that there were additional penalties within the three sections that he mentioned. Commissioner Metcalf stated he would like to see tree banking in this. Commissioner Diebel suggested that they pass the motion on the table and he could make a second motion to separate the tree protection under construction versus tree banking. Commissioner Metcalf agreed.

Motion made by Commissioner Diebel to approve sections 58-299, 58-300 and 58-301; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong, and Commissioners Eckbert, Metcalf and Diebel voted yes. Commissioner Bridges voted no. The motion carried with a 4-1 vote.

Motion made by Commissioner Metcalf to include banking, this being section 58-298.2, seconded by Commissioner Eckbert.

Commissioner Bridges spoke about this being a band aid approach to the old ordinance and applying elements of another ordinance that they do not approve the language on is not the appropriate thing to do. She questioned why they did not send this all back to the Tree Preservation Board and the attorney to clean up the language again. Commissioner Diebel addressed this ordinance was being adopted in pieces.

Upon a roll call vote, Mayor Strong and Commissioners Eckbert, Metcalf and Diebel voted yes. Commissioner Bridges voted no. The motion carried with a 4-1 vote.

Motion made by Commissioner Eckbert to instruct Attorney Cheek, Mr. Wiggins and Mr. Mackin to meet with Ms. Dillaha, Mr. Hagle and Mr. Weldon; and he encouraged Mr. Hamner, Mr. Rosoff and Ms. Pepper to come and offer their insights to that conversation of what could be done to have the document go back to the Tree Preservation Board for their review and comment and have the Tree Preservation Board return to the Commission once that process is completed.

Commissioner Diebel asked before a second was made that if Commissioner Eckbert was willing to withdraw his motion and go to 58-308 which is the responsibilities of fines and have that be the first discussion point. She proposed that they advocate that first, prior to the motion on the table. **Commissioner Eckbert agreed to withdraw his motion on the table.**

Motion made by Commissioner Diebel to include Section 58-308, Responsibilities for Costs, Fines and Fees as an amendment to the current ordinance. Commissioner Metcalf asked her to state it again. **Motion made by Commissioner Diebel to accept section 58-308 of the proposed tree ordinance as an amendment to the current ordinance as our second amendment that we will have passed tonight.**

Mr. Wiggins recommended adopting this because it tightens up their ability to go after different parties related to tree removal rather than just the owner. He recommended an amendment. **Commissioner Diebel withdrew her motion and restated.**

Motion made by Commissioner Diebel to accept Section 58-308 currently crafted in the proposed tree ordinance as an amendment to the current ordinance for expeditious enforcement of code violations; with Mr. Wiggins correction in the third sentence where it states section 58-283 he recommends inserting division six which is jurisdiction of the entire tree ordinance; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Eckbert, Metcalf and Diebel voted yes. Commissioner Bridges voted no. The motion carried with a 4-1 vote.

Commissioner Eckbert asked to make his prior motion again. Mayor Strong suggested not to make a motion to compel Mr. Hagle and Mr. Weldon to appear. Commissioner Eckbert stated his motion was by way of invitation. Mayor Strong stated he would not like to have a motion and invited Mr. Hagle, Mr. Weldon, Mr. Hamner, Mr. Rosoff and Ms. Pepper and anyone else who has an interest in this to get together with staff, Mr. Wiggins, Mr. Mackin and Attorney Cheek and plan to make a recommendation to the Tree Preservation Board at their next meeting on May 10, 2007. He stated that this was a direction to staff and an invitation to interested public.

Commissioner Eckbert stated that he was concerned about the direction from a process perspective and he would rather see a small group of balanced people hammer things out. Mayor Strong stated that he did not think he could limit citizens who would like to participate in this process from participating.

Motion made by Commissioner Diebel to approve Section 58-296 which has the authority to place conditions on construction, demolition and other land develop permits. She asked Mr. Wiggins to answer any questions about how he would recommend changing that language. Mr. Wiggins stated he did not see any tremendous changes in that area and he

asked Mr. Mackin to offer any comments. Mr. Mackin stated there had to be documentation provided with the application for demolition before they actually started and tree protection barriers had to be up prior to demolition. Mr. Wiggins explained that upon the application for a demolition requirement, they will need a submission of a site plan and photographs of trees on the site. He stated that paragraph "c" was added. **Motion seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Eckbert, Metcalf and Diebel voted yes. Commissioner Bridges voted no. The motion carried with a 4-1 vote.** Mayor Strong asked that Mr. Hagle invite and meet with anyone he believes may have an interest in this ordinance, make a presentation with Attorney Cheek and Mr. Mackin, and to have some recommendations on May 10, 2007 at the Tree Board meeting.

Mr. Hamner, 101 N. Wymore Road, asked if they will start the process with a new ordinance. Mayor Strong agreed. Attorney Cheek stated the portions voted on tonight were second readings on those sections.

- d) ORDINANCE NO: 2708-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22, ARTICLES III AND IX OF THE CODE OF ORDINANCES OF WINTER PARK, FLORIDA TO COMPLETE THE CONSOLIDATION OF THE CONSTRUCTION TRADES BOARDS INTO ONE CONSTRUCTION BOARD, REMOVE EXISTING ADVISORY TRADES BOARDS FOR PLUMBING, MECHANICAL AND ELECTRICAL, AND CLARIFY CITY LICENSING REQUIREMENTS OF THE CONSTRUCTION TRADES; PROVIDING AN EFFECTIVE DATE. Second Reading

Motion made by Commissioner Eckbert to adopt the ordinance; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, and Diebel voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Metcalf was away from the dais and did not vote.

- e) ORDINANCE NO: 2709-07 AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 94, ARTICLE II "OCCUPATIONAL LICENSE TAX" OF THE CODE OF ORDINANCES OF WINTER PARK, FLORIDA TO CONFORM ITS TERMINOLOGY WITH "THE LOCAL BUSINESS TAX ACT", CHAPTER 205, FLORIDA STATUTES; AMENDING CHAPTER 94, ARTICLE II "BUSINESS TAX" OF THE CODE OF ORDINANCES OF WINTER PARK, FLORIDA SO AS TO INCREASE THE LOCAL BUSINESS TAX BY FIVE PERCENT (5%); PROVIDING FOR EFFECTIVE DATES. Second Reading

Motion made by Commissioner Bridges to adopt the ordinance; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, and Diebel voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Metcalf was away from the dais and did not vote.

Mayor Strong announced item f) and g) have been tabled.

- f) ORD-To revise and modify the minimum standards for new building sites or buildable lots, increasing the street and lake frontage requirements and prohibiting the creation of new flag lots. (1)
- g) Request of Diamond Holdings, Inc for subdivision approval to create three single family buildable lots from the two existing properties at 2001 and 2011 N. Park Avenue, zoned R-1A. Variances are needed to create these three, prospective

50 foot wide buildable lots in lieu of the minimum 75 foot lot widths required in the R-1A district.

CITY MANAGER'S REPORT:

a) Proposed community emergency alerting system.

Chief White addressed the discussion in February 2007 regarding the options for creating a Community Emergency Alerting System. He stated that staff was directed to research the possibilities for creating a multi-discipline community communications network. He provided a powerpoint presentation that covered the options and recommendations for implementation of this technology and the deployment of strategically positioned warning sirens and speakers. He asked the Commission to make a decision on moving forward on this particular network.

Mitch Auerbach, representative for Remcon Inc., presented the details and options related to the system. He spoke about enabling objectives; alerting network, the outdoor alerting system, Winter Park's siren proposal, and funding. Chief White summarized their recommendations for the Commission to direct staff to proceed with an RFQ for a multi-discipline community communication system to include both web-based technology and appropriate outdoor devices; return to the Commission with approval for purchase of system components as necessary and not to exceed the amount for the "System" at \$250,000 from City reserves.

Chief White commented they have had conversations with Vice President George Herbst of Rollins College who is interested in their own networking system, including sirens and notification speakers throughout the campus. He stated that Rollins College wants to be a part of this and that the City will be working very closely with them. Mr. White and Mr. Auerbach responded to questions posed by the Commission.

Motion made by Commissioner Diebel to authorize not to exceed \$250,000 to choose, purchase and implement this technology in our City. Commissioner Bridges stated this needs to go through an RFQ process and believed that was the motion that needed to be made. Commissioner Diebel responded that this motion was to authorize the money. **Seconded by Commissioner Bridges.** Mayor Strong asked Commissioner Diebel to clarify her motion. **She stated that her motion was to authorize not to exceed \$250, 000 to be placed in the budget of the City of Winter Park in the years of Commissioner Eckbert's choosing.** Chief White asked if the Commission would give their approval or disapproval on this technology and on the outdoor component. Commissioner Metcalf agreed. Commissioner Eckbert stated that was conceptual feedback on what they were interested in doing. Chief White responded to questions from the Commission.

Commissioner Diebel restated her motion. **Motion to authorize not to exceed \$250,000 in the City budget in the fiscal year of Commissioner Eckbert's choosing such that the Chief may complete the RFQ process, choose the correct partner for the City of Winter Park and implement this technology as expeditiously as possible for the safety of our citizens; seconded by Commissioner Metcalf.**

Mayor Strong stated it sounds like the motion says we are committing to spend \$250,000 and he was not prepared to make that commitment at the moment. He stated he was prepared to receive an RFQ that does not exceed \$250,000 to be considered. Commissioner Diebel explained her motion. Mayor Strong suggested that he was prepared to commit the \$20,000 for

the software but they could not commit to any balance because they could not commit to pay it next year.

Motion made by Commissioner Diebel to amend her motion to include commitment of \$20,000 to be spent this year pending the outcome of the RFQ process which chooses the right supplier and amend it such that the cash outweigh in 2007 is not to exceed \$20,000, understanding that there is opportunity for grant or other partnerships which may mitigate the entire \$20,000 that you have just now authorized to spend and \$3,000 for maintenance. Mayor Strong asked as part of her motion if the expenditure for the sirens is to be taken up in next year's budget and not this year. She stated that is correct and that she was giving Commissioner Eckbert the responsibility to spread it out. Commissioner Eckbert stated it does not have to be him and to let them come back with a quote. Mayor Strong stated the Commission cannot commit beyond this fiscal year. Commissioner Diebel clarified by saying that the motion on the table has been amended to include your authorization not to exceed the City spending more than \$20,000 in this fiscal budget year. **Commissioner Metcalf seconded the \$20,000.** Chief White clarified the initial year and set up costs will be \$20,000 and each year they will need to update the software, while the annual maintenance will be \$3,000. **Motion amended by Commissioner Diebel to include \$3,000 for maintenance costs.** Mayor Strong stated they had a motion to spend \$20,000 plus \$3,000 in maintenance this fiscal year. City Attorney stated that if someone seconded the motion as amended it would be ok. **Commissioner Eckbert seconded the motion as amended.** Mayor Strong suggested another motion that was simpler. **Commissioner Diebel withdrew her motion and Commissioner Eckbert agreed to her withdrawal.**

Motion made by Mayor Strong that the City Commission authorizes the expenditure of up to \$20,000 in this fiscal year for the software that they have contemplated and in addition \$3,000 of the first year's annual maintenance; seconded by Commissioner Diebel. The motion carried unanimously 5-0.

Non agenda Item

City Manager Jim Williams announced a Community Meeting entitled Prepare Families, Assist Neighbors, Create Communities and Take Action Now "PACT". He stated that it was being held at St. Margaret Mary's Church from 7:00 -9:00 p.m. on April 24, 2007, and it dealt with how to prepare and deal with emergency situations.

b) Mead Garden Master plan presentation.

Parks and Recreation Director John Holland stated that PBS&J was hired through the Request for Proposals (RFP) process to prepare a Master Plan for Mead Garden and explained their scope of work. He introduced Denise Fausnaught, PBS&J representative, who presented the Mead Garden Master Plan Report. Ms. Fausnaught spoke about the revitalization of the park, the projects background, the general scope, goals and design guidelines. She explained that the steering committee was developed and they were integral in PBS&J receiving comments from the City as well as the community. She summarized the master plan.

Motion made by Commissioner Metcalf to receive the Master Plan Report; seconded by Commissioner Diebel.

Commissioner Eckbert asked that the public have a chance to speak on the matter.

Vivienne McKinney, 520 Virginia Drive, expressed her concerns of green space decreasing. She felt that someone may come to Planning and Zoning or the Commission and may want a waiver of green space for Mead Garden and she hoped that they would deny that request. She also wanted the old amphitheater kept at its present location because it was historic and a wonderful place. She provided handouts to the Mayor and Commissioners.

Dori Madison, 2900 Cove Trail, President of Friends of Mead Garden, expressed concerns as the master plan moves forward: the size and location needs further consideration; bicycles should be restricted to roads accessible to motorized vehicles and the current perimeter path; the width of all pedestrian paths and trails should be minimized; and the butterfly garden requires more specific design etc.

Elizabeth Camm, 2675 Middlesex Road, spoke about being conservative with the development and wanting to strike a balance with what residents can live with while still enjoying the nature aspects of the park.

Mr. Holland explained that the next step was to have the Friends of Mead Garden and the Garden Club motivated into fund raising to put some of these issues into place and using this as a tool for marketing grants and projects. Mr. Holland answered questions posed by the Commission. **The motion carried unanimously 5-0.**

NEW BUSINESS:

1. City Manager Williams spoke about the Welcome Center grand opening plan and stated that Winter Park Chamber of Commerce Executive Director Sam Stark wanted to know if the Commission had any concerns. Mayor Strong asked that he remind the Commission about this at the next meeting.

2. Peter Moore, Assistant CRA Manager, explained about a production company that expressed interest in the use of the State office building to film a movie. He stated that it was a \$25 million film and they want to spend \$10 million in the local economy. He added that if things progress and they utilize the building, it will be a four month timeframe on filming with a fee for renting. **There was a consensus to authorize Mr. Williams to proceed with an agreement with the production company that he believed was appropriate.**

3. Marc Hagle, 1220 Park Avenue North, asked to be placed under the Mayor's Report on the next agenda on May 14, 2007 to speak about the governance structure of the City. Mayor Strong asked Mr. Hagle to outline what he would like to discuss under the Mayor's Report so they can put it on the agenda. Mr. Hagle stated he would discuss this privately with the Mayor.

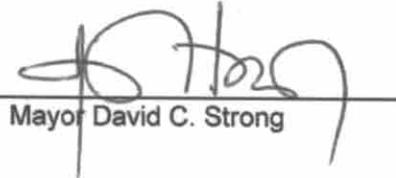
NEW BUSINESS (CITY COMMISSION):

1. Commissioner Metcalf announced that he received a phone call from Dick Harkey and Maitland passed commuter rail unanimously this evening and passed the ordinance as it was adjusted with the Interlocal Agreement.

2. Commissioner Eckbert stated he had issues about how they make decisions and operational and personal warning signals that he would like to discuss with the Commission. He stated it was too late to approach this tonight but suggested to speak about it at the next Commission meeting or if he needs to go into greater detail he would bring it up at the next work session on May 21, 2007.

3. Commissioner Metcalf commented that he would not be here from May 6-21, 2007 because he would be on vacation and will miss the next Commission meeting on May 14, 2007 and the work session on May 21, 2007.

The meeting adjourned at 10:43 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham