

REGULAR MEETING OF THE CITY COMMISSION
May 27, 2008

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 given by Pastor Jim Book – First Christian Winter Park, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Karen Diebel

Also present:

City Manager Randy Knight
City Attorney Trippe Cheek
City Clerk Cindy Bonham
Deputy City Clerk Nancy McLean

Mayor's Report:

Mayor Strong announced that Saturday, May 31, 2008 from 10:00-12:00 will be the grand opening for the Howell Branch Preserve.

a) Outstanding 2008 Annual Board appointments:

Mayor Strong nominated Brian Wettstein for the Economic Development Advisory Board (EDAB), Susan Battaglia for the Public Art Advisory Board (PAAB) and Phil Eschbach for the Tree Preservation board (TPB).

Motion made by Commissioner Bridges to approve the board appointments; seconded by Commissioner Diebel and carried unanimously.

Action Items:

- a) Approve the minutes of 5/12/08.
- b) Approve the following purchases and bids:
 - 1) PR 137799 to Helena Chemical Company for the purchase of chemicals for lake treatment; \$50,000.00 (Budget: Lakes – operating expenses/lakes chemicals).
 - 2) Award of RFP-31-2007 Utility Automatic Meter Reading System to Triton Water Technologies, Inc.; \$8,995,200.00.
 - 3) Award of RFP-14-2008 Various Print Jobs, Some with Mailing Service to Maitropolis, LLC.
- c) Approval for the City to provide the top floor of the Canton Avenue parking garage as a venue for the First Annual Beaux Arts Ball hosted by the Winter Park Society for the Arts and to allow amplified music within the established guidelines of the City Code.
- d) Approve adding parking spaces off Carolina Avenue as a condition for immediate renovation of Lot B to meet the Central Park Master Plan design.
- e) Consideration of funding for the Florida International Piano Competition.

Motion made by Commissioner Anderson to approve Action Items a and b) 1); seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

The following items were pulled for discussion: Items b)2), b)3), c, d, and e.

Action Item b)2): Award of RFP-31-2007 Utility Automatic Meter Reading System to Triton Water Technologies, Inc.; \$8,995,200.00.

Commissioner Bridges commented that even though they accomplished a great deal in their Strategic Planning sessions she had concerns because that they have not established the priorities of the rest of their initiatives for her to determine where this fits with the other initiatives and with their financial challenges as a City. She was not comfortable with the timing of this and asked for further input from the other Commissioners and the City Manager.

City Manager Knight explained that this was a huge step toward the initiative of water conservation and is probably the most effective management tool they will have in trying to work towards water conservation in the future. He explained the cash flow analysis included in their packet that shows the cost savings contributed to this, as well as the additional revenue that will be gained from it. Commissioner Bridges asked further questions. Mr. Knight responded.

Commissioner Anderson clarified the two versions of the cash flow scenario and supported version two because it has good things it will bring with it such as the ability to set the stage for conservation type billing and is related to their strategic objectives of conservation and increasing accuracy and profitability. Mr. Knight answered further questions.

Mayor Strong commented that this does not preclude any of their other strategic objectives or preclude them from maintaining their priorities when they establish them. He stated if everything goes well they will realize a savings of \$4 million over the next 15-20 years. He expressed being supportive of this if staff was comfortable that they would achieve these kinds of results. Mr. Knight agreed.

Motion made by Commissioner Anderson to approve item b) 2); seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Action Item b) 3): Award of RFP-14-2008 Various Print Jobs, Some with Mailing Service to Maitropolis, LLC.

Director of Communications Clarissa Howard clarified the price difference between virgin paper and recycled paper. She stated that the selection committee used various items to rank the vendors and staff recommends Maitropolis, LLC. Commissioner Dillaha stated that after last week's Green Summit meeting they should be using recycled paper. Commissioner Bridges agreed and to use it with every opportunity they have. Ms. Howard explained that if this was the consensus of the Commission they would budget to use recycled paper for next year and the following years.

Motion made by Commissioner Bridges that this award be given to Maitropolis and using recycled paper; seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Action Item c: Approval for the City to provide the top floor of the Canton Avenue parking garage as a venue for the First Annual Beaux Arts Ball hosted by the Winter Park Society for the Arts

Commissioner Dillaha asked if this issue was looked at by the Parks and Recreation Department. City Manager Knight explained this is not a Parks issue and that there is no rental fee established.

She stated that if they decided this is going to be a venue it should go through the Parks and Recreation Board and they should determine what the fee structure would be for this kind of a use. She addressed wanting to follow a process before they approve something.

Patty Heidrich, 1112 Schultz Avenue, commented that she filed a special event permit application and spoke with Code Enforcement. She stated all departments have signed off on this with the exception of the Economic Development Board because they meet next week.

Parks and Recreation Director John Holland explained that in most cases there are a lot of special events that go through Code Enforcement. He stated that unless the event is in the park or one of their facilities the Parks Board would not address that and it goes directly to Code Enforcement where they have a fee for special events. Mayor Strong commented that this may be an issue for Code Enforcement, not Parks and Recreation. Commissioner Dillaha agreed and addressed the need for a fee.

Building Director George Wiggins explained that they have a fairly consistent special event permitting process. He stated that Code Enforcement has specific criteria in their code they need to meet. He commented that the fee is currently \$150.00 and they received a 360 occupant load limitation from our Fire Marshal. Mr. Wiggins stated that he has reviewed the proposal and they want to ensure there are not an excessive number of people and there are adequate restroom facilities and exits. Commissioner Bridges asked for more clarification on the event. She expressed concerns with setting a precedent and the need to establish a process.

Fire Chief Jim White gave a brief explanation of safety issues regarding the event. He stated that he and Mr. Wiggins asked for an engineering report when the structure was built as to whether it was designed for a different type of load than what it is normally used for. Police Chief Doug Ball stated the applicant requested a waiver of the current alcohol code on public right-of-ways which the City Manager has the authority to waive. He also addressed that police officers must be present during the event.

Mr. Knight explained that this is a jointly controlled garage between the Foundation and the City. Commissioner Anderson commented that he saw this more as a hospitality function rather than a code enforcement issue, in terms of process. Mr. Knight stated that if this becomes routinely used as a venue perhaps the Parks Board can best handle that because they are used to venue rentals. Commissioner Dillaha agreed. Mayor Strong stated he believed they need to see how this goes and if they have to move this type of activity to a different kind of process in the future, then they should; however they should not mandate it at this point. Commissioner Diebel agreed and was supportive of this action item.

Motion made by Commissioner Diebel to approve Action Item c; seconded by Mayor Strong. Commissioner Dillaha expressed being hesitant but would vote for this if it was a one time use and determine if it will be used in the future. Mayor Strong agreed. **Commissioner Anderson asked to amend the motion pending the life safety review of the structure to carry the live load that is anticipated. Mayor Strong stated it should be subject to approval by all departments, particularly the life safety issues. Commissioner Diebel agreed to that amendment. The motion carried unanimously with a 5-0 vote.**

Action Item d): Approve adding parking spaces off Carolina Avenue as a condition for immediate renovation of Lot B to meet the Central Park Master Plan design.

Parks and Recreation Director John Holland explained that on April 14, 2008, the Commission approved the conversion of Lot B to grass in its entirety with the provisions that the renovations would be delayed for 6 months while a public parking education campaign and a wayfinding program (signs) are developed to direct traffic to public parking areas. He commented that staff met with the Park Avenue Area Merchant Association and the Chamber of Commerce to come up with an alternative. As a compromise, a proposal was made to add 12-15 parking spaces on the south side of Carolina Avenue as it enters the exiting Post Office loop, in lieu of immediately grassing this area. He stated that this issue went before the Parks and Recreation board on May 14, 2008 and their unanimous recommendation was to proceed immediately with the installation of sod and not to include additional parking on Carolina Avenue. He also announced there was a Fashion Week event scheduled for the first week of November. This was brought forward by the Park Avenue Area Merchant Association to set up tents and have a large event on this property. Mr. Holland answered questions.

Mayor Strong spoke about the budget and suggested they postpone some of the project costs such as the electrical power service and the decorative lights. Mr. Holland agreed that they could delay this. Mayor Strong suggested to spend the minimum to make this a grassy area for the time being and when they finalize the 'Plan the Possibilities' commitment/decision they can proceed according to that plan. He also stated he supported the parking proposed by the Park Avenue Area Merchants and supported it being temporary.

Commissioner Bridges disagreed with Mayor Strong and asked why they were revisiting this issue. She expressed concerns with this again being revisited after they voted against the parking. She addressed this being the first step towards initiating the Central Park Master Plan. She did not believe it should be paved or have parking and thought they were going to have green parking and landscaping initiatives to set the standard. Commissioner Dillaha agreed.

Public Works Director Troy Attaway commented that this was different than what was presented before. He explained there is already asphalt there and is easy to add the spaces. He stated they are using the Carolina Avenue road that is there now as the ingress/egress.

Mayor Strong agreed that a large portion of this is already paved land and a great deal of property will be grassed on the schedule they discussed. He did not see the urgency for eliminating that paved area right now until they have a parking plan they are comfortable with.

Commissioner Diebel spoke against pursuing this until they have decided on the bigger initiative with the post office property. She agreed with Mayor Strong's comments that there was no urgency to remove this parking. She spoke about the vote being passed and agreed with Commissioner Bridges that maybe they should be considering this 6 months from now.

Joe Terranova, 700 Melrose Avenue, addressed the parking being temporary and critical. He also stated that the CRA Board approved \$500,000 for the renovation on the east side of Park Avenue and if they spend any of that money he wanted to be sure they do not take away from the improvements on the east side.

Julie Von Weller, President of the Park Avenue Merchant's Association, spoke about the compromise and any additional spaces being valuable. She explained it would be a unique

opportunity to increase revenue for the City to have events there as well as drive business to the economic vitality of the downtown area. She stated they were also supportive of greening the area.

Kim Allen, 271 Virginia Drive, spoke in favor of greening this now and agreed with the merchants that this would be a wonderful opportunity for an active venue. She also expressed concerns about parking being there which appears to be inconsistent with the overall Central Park Master Plan and the additional expensive.

Sandy Womble, 940 Old England Avenue, believed it is important to keep this as parking and should not use it for staging because there were other alternatives.

Tom Harris, 1552 Park Avenue S., Board of Directors for the Merchant's Association, commented that this would be a good place to host this fashion event and supported it going green.

Motion made by Commissioner Diebel to table for six months until they have this on their calendar for consideration as they did in their original vote. Motion failed for lack of a second.

Commissioners Diebel and Bridges stated they were comfortable not taking any action on this item. Commissioner Anderson agreed with remaining with the prior action.

Mr. Holland asked for clarification regarding the area of the trailers since there is a large portion of the property that will be dirt when the trailers are removed. Commissioner Dillaha commented on greening this in the summer once the trailers are removed, keep their original plan and motion to go forth with the Central Park Master Plan, and to green Lot B as soon as possible. She expressed wanting to discuss reducing some of the expense.

Motion made by Commissioner Dillaha to green Lot B once the trailers are removed and green the entire lot as originally agreed to; seconded by Commissioner Bridges. Mayor Strong asked it be amended to allow the parking spaces at this time. Commissioner Dillaha's and Bridges agreed.

Mayor Strong asked that staff return with a solid budget that maybe could be approved at the next meeting. Mr. Holland and Mr. Knight agreed. Commissioner Diebel believed that if they are going to take an action then they should know what the funding is. There was further discussion. Commissioner Anderson asked if they could attach a not to exceed number without further approval from the Commission. He commented that they should set a budget and work within that budget.

Mayor Strong suggested they approve the motion and authorize staff to proceed with the asphalt demolition and at the next meeting approve any improvements beyond that expenditure. Commissioner Dillaha restated her motion.

Motion made by Commissioner Dillaha to green Lot B once the trailers are removed and to expend no more than \$50,000 to do so with the temporary parking spots; seconded by Commissioner Anderson. Commissioner Bridges asked for clarification on what the \$50,000 would include. Mr. Holland responded. **The motion passed with a 4-1 vote. Commissioner Diebel voted no.**

Mr. Holland commented that the fashion show was approved by the Parks and Recreation Board and asked if the Commission wanted to consider this at the next meeting. There was consensus that they were satisfied with the Parks Board approval.

Action Item e: Consideration of funding for the Florida International Piano Competition.

Director of Communications Clarissa Howard explained that she spoke with the event organizer and that the event will be held at the Polasek Museum on September 19, 2008 at 7:00 p.m. with publicity support and there was a \$3,500 funding request for food and beverages. Ms. Howard answered questions.

After further discussion, a **motion was made by Commissioner Anderson to give the publicity support but not financial support; seconded by Commissioner Dillaha.** Commissioner Dillaha recommended a press release being adequate for the publicity support. Ms. Howard explained the extent of their publicity support for non-City sponsored events. Mayor Strong believed this was something the City should not support but the community should. He offered his personal support and hoped others would join him to support this project. **The motion carried unanimously 5-0.**

Break at 5:10 p.m.

Public Hearings:

- a) ORDINANCE NO. 2742-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF ALL THE OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2004, OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$47,500,000 WATER AND SEWER REFUNDING REVENUE BONDS, SERIES 2008, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; 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 Cheek read the ordinance by title. No public comments were made. After questions, a **motion was made by Commissioner Anderson to adopt the ordinance, seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE 1. TO ALLOW POT BELLED PIGS WITHIN SINGLE FAMILY ZONING DISTRICTS. First Reading

Attorney Cheek read the ordinance by title. Building Director George Wiggins explained the Commission recommended he prepare an ordinance at the last meeting that would amend the current farm animal prohibition ordinance in Chapter 18 of the Code. Mr. Wiggins explained the intent of the ordinance to allow pot bellied pigs and answered questions.

Joe Terranova, 700 Melrose Avenue, commented that the second sentence of the exception is too severe regarding the abutting neighbor making the decision whether or not you can keep your pig. He believed there should be some kind of due process.

Kathy Kiely, 1800 Oneco Avenue, spoke about the letter she wrote to the Commission regarding why she was opposed to a farm animal ordinance exception, how other cities have handled such ordinances and why the wording of this suggested ordinance was not good.

Motion made by Commissioner Bridges for denial. Commissioner Bridges explained her reservations and stated she was unhappy with the language that says one neighbor could cause the removal of another neighbors family pets. She was also opposed to us changing our ordinance prohibiting farm animals inclusive of the pot bellied pigs in the City of Winter Park. She believed this was not appropriate. Mayor Strong commented that the issue was not the type of animal but how their owners take care of them; almost any pet was okay if it's controlled properly by its owner and is not offensive to the community or neighborhoods.

Attorney Cheek briefly spoke about Chapter 18 and read provisions in the code. He addressed that the delegation of this use of power to a neighbor and the way it is structured concerned him as to whether they could uphold that. Mayor Strong agreed.

Mayor Strong seconded Commissioner Bridges motion to reject this ordinance. He wanted to look at a more comprehensive ordinance pertaining to all pets.

Commissioner Anderson commented that the burden falls on the resident that has the exotic pet to keep the local residents happy so it does not become a problem. He stated that he would not open up the entire discussion to a list of exotic animals but was satisfied leaving it with pot bellied pigs until the next exotic animal issue comes up. He addressed the need to rewrite the ordinance needed to re worked.

Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Mayor Strong reiterated that he would like to revisit our pet ordinance comprehensively and see what changes might be appropriate since lots of people have different kinds of pets. Commissioner Diebel agreed. Mr. Wiggins explained that they will defer the matter until a decision is made on allowing or not allowing pot bellied pigs. There was a consensus with delaying action until they could look at this again.

- c) A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING THE CENTRAL FLORIDA COMMUTER RAIL PROJECT.

Attorney Cheek read the resolution by title.

Public Works Director Troy Attaway stated that they need to make some decisions and figure out what direction they are headed. He commented about the legislative updates and the letters from CSX and Congressman Mica stating that the agreement is in place with CSX and the Florida Department of Transportation (FDOT) and the money is still available from the Feds up to June 30, 2009. He explained there has been a lot of issue with the liability but that can be resolved in the next legislative session and it will still fit within the timing of the project. He stated that the project schedule has been moved back about 6 months and FDOT is continuing to move forward. He commented that they are at a point where there are decisions they can make and they are not expending any kind of funding for a consultant.

Mr. Attaway gave a brief presentation on the construction costs and the available funding for the commuter rail stop combined with the Amtrak facility in Winter Park.

Mayor Strong asked if they looked at their commitment for operating costs. Engineer Don Marcotte explained the change in numbers from a total Operation and Maintenance (O&M) for Winter Park of \$838,000.00 to \$990,000.00 which the 30% would be deducted. The remaining portion would be \$693,000.00 and are estimated costs. He stated this will all be ironed out during the first seven years when they understand what the ridership is. He also stated that the only part of those O&M costs that is fixed is the rail recovery.

Mr. Attaway stated that Marianne Gurnee, Public Liaison, Department of Transportation, was here and would answer questions if necessary.

Commissioner Dillaha stated that they do not need to take any action right now because they do not have a project at the moment and this is just an update. Mr. Attaway stated that was correct but when the project starts again there is a lot of work to be done and he would like to know if they have any feedback on these proposed costs.

Mr. Marcotte explained that by June 1, 2008 he needs to tell DOT the revised estimate with these numbers so they can lock this in with what the City wants to do. He stated that he will tell them the direction they are taking, the approach they want to have and what they want to spend it on. Mr. Attaway and Mr. Marcotte answered questions.

Ms. Gurnee explained that they need to have the information by June 1 regarding the canopy design so they can pour the footers into the platform for their design build maintain contractor.

Patty Heidrich, 1112 Schultz Avenue, asked if the citizens could have input on the design of the train station.

Sally Flynn, 1400 Highland Road, was not for or against commuter rail, but was disturbed that it did not go through the Legislature.

Ms. Gurnee clarified a lot of misconceptions that arose during the recently completed Legislative session.

Tom McMacken, 1821 Shiloh Lane, expressed FDOT is moving forward and he wanted to ensure that the City stays up to speed with the design process of the project.

Kathy Kiely, 1800 Oneco Avenue, asked if this resolution was presented to other City leaders and asked who brought the resolution before the Commission for consideration. Mayor Strong commented that it was Metroplan.

Pamela Rush, 733 Granville Drive, expressed concerns about ridership and hoped the new Commissioners would be more fiscally responsible.

Joe Terranova, 700 Melrose Avenue, urged the Commission to support the resolution the way it is worded. He believed it was important to continue to support commuter rail because it gives citizens another option of how they want to travel.

Pamela Rush, 733 Granville Drive, spoke again and addressed a meeting with a representative from Congressman Mica's office where he was asked about the opt out clause. She stated it was shocking to find out they would have to pay back all of the Federal money plus interest.

Lennon Moore, 1321 Magnolia Avenue, urged the Commission to sign the resolution in support of commuter rail.

Susan Womble, 940 Old England, opposed commuter rail and spoke about Congressman Mica's Town Hall telephone call last year.

The following spoke in opposition of commuter rail resolution:

Julie Townsend, 818 Johnson Avenue, Lakeland, Florida

Attorney Todd Copeland, Windermere, Florida, provided a letter from Senator John Kerry and Senator John Kennedy that was sent from the United States Congress to CSX in Massachusetts where this was soundly defeated and it will not come back up. He also stated that there was another letter (he did not have) from Alex Sinc opposing this.

Sue Nelson, 2920 Crews Lake Drive, Lakeland, Florida

Kathy Kiely, 1800 Oneco Avenue

Barry Greenstein, 2348 Summerfield Road

Kenneth Murrah, 1601 Legion Drive

Vicki Krueger, 200 Carolina Avenue

Mayor Strong addressed that they needed to consider two actions. One was to give direction to staff and DOT regarding our design and the second was to consider the resolution.

Commissioner Anderson commented that this was going to be a major architectural element of Central Park and suggested they appoint a 3-5 person board on how it should look like. He commented that the spacing and design of the canopies is directly tied into the architectural selection of the style of building. Mayor Strong addressed the need to show the length of the canopies and where they need to go today. Mr. Attaway explained that one important design consideration is whether it is going to be a single post or dual post and have already provided DOT with a design that is a double post layout with the spacing that could work. Mayor Strong commented that they have a long way to go before they get into architectural styles and he believed they should be making a decision on the budget to let DOT go forward. Mr. Attaway answered further questions.

Commissioner Diebel spoke about the staff recommendation in their packet asking the Commission to consider the approval of the canopy design. She read that staff was recommending the Craftsman historic train station style for the construction of the canopies and the building so they could do the footer design as Mr. Attaway described.

There was discussion regarding the action needed this evening and type of canopy and station. It was clarified by Commissioner Bridges that the direction they were seeking was the two column support that enables any open design opportunities. She agreed with Commissioner Diebel that they grant the two column footings that they need to potentially move forward with the commuter rail stop. Commissioner Diebel reformatted her motion.

Motion made by Commissioner Diebel to approve the action requested that is the Commission's acceptance of the public input summary and approval of the staff design recommendations specifically to support the canopy design. Commissioner Bridges commented for clarification purposes and restated the motion after concurrence by Commissioner Diebel. **Motion made by Commissioner Bridges that they give direction to staff that they go ahead and notify the FDOT design committee that they will be utilizing the two column support system for our commuter rail stop.**

Commissioner Bridges restated her motion. **Motion made by Commissioner Bridges that they give direction to staff to adopt the two (2) column architectural supports and the additional design considerations minus the architectural design of the stop itself; seconded by Commissioner Diebel. Upon a roll call Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion unanimously passed with a 5-0 vote.**

Discussion on the Commuter Rail Resolution

Commissioner Diebel stated that we have been supportive of this project and commented on Section 2 of the resolution that is asking them to reinforce as a City that they want fair and reasonable insurance provisions as recommended by FDOT and within the provisions that is consistent with the interlocal agreement. **Motion made by Commissioner Diebel to adopt the resolution noting that. The motion failed for lack of a second.**

Mayor Strong commented that he was not supportive of the interlocal agreement and has not changed his mind but understands that the citizens want commuter rail and that commuter rail has to be a part of our future in Central Florida. He did not think the commuter rail Central Florida project is in the best interest of our citizens financially and was not prepared to support this resolution however he would support another resolution. Mayor Strong addressed that he would support commuter rail in Central Florida and a commuter rail stop in Winter Park and in Central Park with a provision that it is fiscally responsible for the City.

Commissioner Dillaha disagreed with the resolution that was not written by the City. She stated she wanted to see the Commission craft its own resolution regarding commuter rail and addressed what she wanted in the resolution. Mayor Strong suggested that Commissioners Dillaha and Anderson write this resolution. Commissioner Anderson summarized his consensus with the resolution. There was further discussion on the three sections of the resolution.

Commissioner Dillaha stated for the record that the referendum passed last year but the citizens did not vote for the stop in Central Park; it was a 3-2 Commission vote. She expressed that her concerns were financial and read a letter from Senator Paula Dockery into the record which might speak to the financial aspect and why she would like to craft some language into this resolution. Commissioner Dillaha stated that she also had an email from a citizen of Orlando writing to Senator Dockery about his stance on commuter rail and that Senator Dockery responded. The letter and email are attached at the end of the minutes.

Motion made by Commissioner Dillaha to table the resolution that has been presented to them in order for Commissioner Anderson and herself to work on language to craft our own resolution for the City of Winter Park in a publicly noticed meeting; seconded by Commissioner Bridges.

Mayor Strong suggested that each of them indicate what they would like to see incorporated into this resolution. He stated that he would like to see mention made of a cost effective fiscally responsible design, construction and implementation of commuter rail. Commissioner Bridges stated that she was against the CSX being indemnified from liability and is concerned with the City's protection. Commissioner Diebel stated she would like it to remain that our City is supportive of this in the Central Florida area and is important to reiterate that to support this project.

Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

City Attorney's Report:

1. Attorney Cheek reported that the sale of the water plant agreement was finalized and has been signed. He is working on the details of the contract and expects to close later in the summer.

2. Attorney Cheek announced for the record that the Department of Community Affairs dismissed the Administrative proceeding that was filed related to the 2007 Comprehensive Plan version. He stated that St. Michael Ltd. filed a petition to intervene and filed an objection to dismissal. He commented that at this point he did not believe that would change anything and the proceeding will stay dismissed. He commented that they will be proceeding as has been discussed in previous meetings of this Commission. Attorney Cheek added that the Civil Court litigation filed by the late Mr. Trismen (counts one and two) has been dismissed; count three is still pending.

Non-Action Items:

a) Presentation of the City Tree Inventory Program

Representative for ArborPro, John Mellon gave a presentation of the City Tree Inventory System. He spoke about their experience, management staff experience, the tree management program, GPS technology to provide the survey, data dictionary, tree inventory statistics, and the project results. Mr. Melton answered questions. Mayor Strong asked if they inventoried all trees or only right-of-way trees. He explained that they inventoried all street trees. Mr. Holland gave a brief explanation of the system.

Commissioner Dillaha spoke about the need for replanting and expressed excitement to get a plan together and start this. Mayor Strong commented that this lends itself to a lot of volunteer effort in planting. He believed that people would participate if they organized something.

New Business (Public):

Kathy Kiely, 1800 Oneco Avenue, spoke about the Winter Park Live Oak Fund and concerns about the newly planted tree trunks being wrapped temporarily in orange plastic to assist the City with routine watering. She expressed that this was unhealthy for the trees and is visually distressing. She suggested using an orange flag or a stripe of plastic to hang from the lower branches of these trees to assist with watering.

Commissioner Dillaha asked Ms. Kiely if she spoke with the Live Oak Fund representatives. She stated that she had spoken with Forestry Director Lee Mackin.

Commissioner Dillaha suggested using some other identification for their trees other than orange tape. She stated in the past they used to have signs to place in the ground with their logo.

New Business – (City Commission):

1. Commissioner Bridges asked the Commission to once again consider the respect for our residents and people who come before them not to use cell phones and blackberry's during our Commission meetings. She commented that a few months ago she asked the Commission to consider passing a resolution regarding this and asked that they reconsider one. Mayor Strong asked that this be a topic for discussion for their next meeting. Mr. Knight agreed.
2. Commissioner Dillaha asked what the next steps are for getting the Ethics Board going. City Manager Knight responded. Commissioner Bridges asked if the Ethics Board had given the Commission recommendations. Mr. Knight stated that they have provided recommendations but when they decided to form a board, not all their recommendations were adopted. This will be an item for the next agenda.
3. Mayor Strong commented that they would be having a joint meeting with the Economic Development Advisory Board on July 16, 2008.
4. Mayor Strong reiterated the Howell Branch Preserve grand opening was on Saturday, May 31, 2008 from 10:00-12:00. He also announced the Board Appreciation dinner on June 9, 2008.
5. Commissioner Anderson asked if they needed to reallocate staff time to work on the Comprehensive Plan and Land Use Code initiatives. Planning Director Jeff Briggs responded no.

The meeting adjourned at 8:22 p.m.

Mayor David C. Strong

ATTEST:

City Clerk Cynthia Bonham