

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
June 26, 2006**

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 Attorney George Via, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Douglas Storer
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Barbara DeVane

Also present:

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

MAYOR'S REPORT:

- a) June 2006 Outstanding Employee of the Month – Cynthia Daies, Finance Department.

Mayor Strong recognized Cynthia Daies, Finance Department, as the June 2006 Outstanding Employee of the Month.

- b) Status of Live Oak Fund project and recognition plaque to Mr. Keller of Keller Outdoors for providing trees – Mr. Marc Hagle

Mr. Marc Hagle stated that he and his wife established the Live Oak Fund to assist the City of Winter Park with replacing oak trees damaged or destroyed during the 2004 hurricane season; there have been over 400 trees planted in and around the City. Mr. Hagle stated over the next 20 years the existing tree line in Winter Park will be devastated and may disappear unless there is a strong effort to preserve them. He continued that the focus needs to be on the Live Oak Fund Program to raise money for these magnificent trees.

Mr. Hagle presented Bob Keller from Keller Landscaping a plaque for Outstanding Community Service to the City. Mr. Hagle praised Keller Landscaping for doing a fantastic job with replanting and maintaining these trees and having a 99% survival rate and for financing 250 trees and giving the Live Oak Fund the contract. Mr. Hagle stated the Live Oak Fund will fully reimburse Keller Landscaping because they were able to raise sufficient funds.

John Holland presented Mr. & Mrs. Hagle a plaque for Outstanding Community Service to the City. He stated Mr. & Mrs. Hagle have been a tremendous asset to the City of Winter Park and have done a wonderful job with replacing the trees.

c) Tree City USA Award.

Ms. Dana Susman, Florida Department of Urban Forestry, presented Lee Mackin, Forestry Department, with the 26th Annual Tree City USA Award and the 16th Annual Tree Growth Award. She summarized the standards the City must meet annually to remain a Tree City USA and to receive the Growth Award. She mentioned that Tree City USA's in the State of Florida were provided grant monies following the 2004 hurricanes to assist with urban forestry recovery; the City qualified for over \$250,000 to replace trees. Ms. Susman presented Mayor Strong with the Tree City USA flag.

Upon questioning by Commissioner Metcalf, Ms. Susman explained the State of Florida has between 75 and 80 Tree Cities; five within Orange County, all of which earned the Growth Award with the City of Winter Park and the City of Orlando having received the award for the longest period of time.

Mayor Strong announced the two public hearing items requested to be tabled.

d) Enzian Theater – Economic Development Advisory Board recommendation.

Jim Barnes, Chairman of the Economic Development Advisory Board (EDAB), read the proposal from the EDAB June 7, 2006 meeting. He commented that the EDAB recommended the City Commission agenda the proposal for a new Enzian Theater to locate on or near Park Avenue and that the Commission adopt a formal position regarding Enzian Theater in the Central Business District. He added if a task force is created it is important that they work with the Enzian Theater to find a location and to build a new theater on or near Park Avenue. He also advised that the EDAB further recommended the task force be comprised of representatives from the Central Business District, non-profit communities, City staff, etc. There was a consensus to form the task force. Mayor Strong suggested that Mr. Barnes recommend appointees for the task force. Mr. Barnes stated he first needed to consult with others.

e) Comprehensive Plan Update.

Planner Jeff Briggs provided an update on the Comprehensive Plan transmittal and adoption schedule. He stated that the Planning and Zoning Commission (P&Z) decided to postpone the transmittal of the comprehensive plan and give them an opportunity to review public comments received at the June 21, 2006 meeting which delays the schedule. Mr. Briggs explained a work session would be set for mid July and August to work on a finished document for the City Commission. He stated once the comprehensive plan is submitted to the DCA, the comments will be received from the State and the City has a minimum of 60 days to respond. He reported that it will probably be April/May 2007 when changes are formulated and the comprehensive plan will be returned and ready for adoption.

Mr. Briggs commented on discussion regarding an external review process from a consulting firm. He provided a letter referring to the planning firm Canin &

Associates. He also suggested considering other firms and stated he hoped there will be a decision in July or August to allow the consultants to provide their input as to whether they have a good product to move forward.

Motion made by Commissioner DeVane to retain Canin and Associates. She spoke about her issue with firms having conflict of interests. Commissioner DeVane asked if it would be possible to receive internal reports. Mr. Briggs stated they are not available at this time. Commissioner DeVane explained that the Commission received a report from another group that hired a planner. She would like Brian Canin to be included with these discussions as they progress.

Motion made by Mayor Strong to discuss, seconded by Commissioner Storer.

Commissioner Eckbert expressed his disappointment with the status of and their position of the P&Z not being comfortable recommending the comprehensive plan to the Commission for a vote per the schedule. He stated he would like to see a proposal from outside sources to help the City move forward in submitting the comprehensive plan to the DCA in a timely manner. He stated he would not be in favor of hiring Canin & Associates but would like to see a specific proposal regarding what they recommend for them to move forward.

Commissioner Storer commented he believed that staff had a different scope in mind in terms of compliance with the time frame and there was an unprecedented amount of public input in the comprehensive plan that should be illustrated correctly in the document. He stated this is a blue print for our future; and they need to understand what it means when we vote to extend that document without a political outcome. He stressed the need for unbiased technical input which can be accomplished with an outside consultant with no preconceived ideas; and they must factor in citizens input, outside planning consultants, P&Z recommendations and staff recommendations. Commissioner Storer expressed being in favor of outside consultants and looking at other proposals towards making a decision on both firm and scope.

Commissioner Metcalf agreed with the other Commissioners. He stated he would like to read the proposals by these firms and select the one that has the credentials to resolve the challenges they are facing. He agreed that this should not have a political outcome and we need an outside consultant to ensure the requirements are met for the state and tasks are accomplished.

Mayor Strong agreed that other proposals are necessary and that a technical advisor(s) is essential to inform them what the state requirements are. He spoke about his belief that there are highly sensitive and subjective issues in the comprehensive plan. Mayor Strong stated he is supportive of the P&Z recommendation in taking a few months to retrieve more public input and to hire an outside consultant to help in this process.

Commissioner DeVane withdrew her motion and agreed with the need to obtain more proposals from consultants. She reiterated not wanting any perceived conflict of interests with any firm they choose and that Brian Canin is a possible candidate

or other firms in Tallahassee and Jacksonville. Both Commissioner DeVane and Mayor Strong asked Mr. Briggs to provide more outside consultant proposals at the next meeting.

Commissioner Eckbert asked for clarity as to who would benefit from the consultants and who they would work for. Mayor Strong responded that the P&Z Commission, the City Commission and the citizens as a whole would benefit from the consultants, however, their report would go to the P&Z and the Commission would review and resolve any of the positions that were unclear. Commissioner Eckbert stated he believed that presently people are not satisfied with the comprehensive plan and there is too much disagreement. Mayor Strong stated it's difficult for everyone to agree on everything in the comprehensive plan but there needs to be a consensus with the majority of issues and certain things need to be voted on in order to move forward.

Mayor Strong asked Tom Alday about any issues or concerns. He explained that the P&Z needs clarity going through the document and the Commission needs to be given a road map of where and how to finish. Mr. Alday's recommendation was to have a third party work with the Commission to resolve these issues.

Mr. Gottfried, a potential consultant from Canin and Associates, submitted a proposal for consideration. He recognized his three important elements pertaining to his firm's goals. He commented that they are looking at this from an independent point of view and how the plan can be improved.

Commissioner DeVane expressed how important the document is and addressed the number of hot button issues. She explained the need to communicate with the consultants to ensure the language is correct, definitions make sense and references are legitimate; and to review sections in the comprehensive plan where there is disagreement. She continued that once these are identified, they need to ask the consultants to present consequences of what may happen and to bring this to a town meeting. Commissioner DeVane explained that the process needs to be completed and they need to move forward.

Motion made by Commissioner DeVane to postpone the transmittal of the comprehensive plan, seconded by Commissioner Metcalf, and carried unanimously with a 5-0 vote.

Motion made by Commissioner Metcalf to advertise for consultant proposals and provide the proposals at the July 10 meeting, seconded by Commissioner DeVane and carried unanimously with a 5-0 vote.

f) Library Board appointment.

Commissioner Storer asked to be replaced on the board. Mayor Strong agreed to serve as his replacement on the board. **Seconded by Commissioner DeVane and carried unanimously with a 5-0 vote.**

NEW BUSINESS – CITIZENS COMMENTS:

1. Sally Flynn, 1400 Highland Road, commented on the importance of the comprehensive plan moving in the right direction and explained their lack of trust because of conflict of interests. She provided a signed petition for removing members of the Comprehensive Plan Task Force who have or appear to have conflicts of interest.
2. Nancy Shutts, 2010 Brandywine Drive, commented on the July 5, 2006 Strategic Planning Commission Session. She expressed her wish that the Commission focus on a plan not to exceed 10 years and to address parks, City Hall, the train station, upgrading roads, etc. She asked that the Commission prioritize projects financially and to ensure there is enough capital for certain projects.
3. Carol Saviar, 924 Bungalow Avenue, Executive Director for the Coalition of Property Rights, provided a letter regarding the comprehensive plan and the proposed moratorium. She disclosed her preference of having a specific moratorium in place and addressed the role of the P&Z to look at zoning and compatibility, which is highly subjective and objective under the terms of comprehensive plan.
4. Susan Gabel, 1539 Golfside Drive, asked for extra funds in the recreation budget to allow youth programs to be more accessible to everyone. She also requested having Commission meetings at a later time to accommodate more residents. She stated that she supported the moratorium and the delay of the comprehensive plan.
5. Margie Wagner, 181 W. Stovin Avenue, expressed her desire for a moratorium. She addressed attending the commuter rail meeting and asked if the community will have an opportunity to provide input in the commuter rail process. She emphasized her support of the Enzian proposal and felt that it would be a great addition to the community and hoped that the public would also have input into its location. Commissioner Metcalf stated all the commuter rail meetings are public meetings. He announced the first commuter rail meeting on July 10, 2006 that anyone having an interest can attend.
6. Mike Harbison, 2150 Forrest Road, disagreed with the current process of the comprehensive plan and the status. He stated the July 5 Strategic Planning meeting was going on a completely different track with the comprehensive plan and hoped the strategic plan would be the document that sets the visions to drive some of the decisions for the comprehensive plan. He suggested that the Commission delay the whole process; or combine the strategic planning process with the comprehensive plan and state the key vision issues that could guide the other elements in the comprehensive plan. Mayor Strong responded with his hope that the strategic plan would reach a consensus.
7. Jeffrey Blydenburga, 204 Genius Drive, addressed his belief that Winter Park is a City with collections of villages that are not well defined and that there has been an attempt to define it in the comprehensive plan but has not been agreed

upon within the community. He suggested another forum to allow people to look at the proposed plan for each area and visualize what should be done. He recommended working with what they have, open up the process and create an atmosphere where professionals, the Commissioners and the community work together to make decisions to move forward.

8. Margaret Moran, 2500 Lee Rd, asked that the Commission study and heed the vision of our Founding Fathers as they move forward with plans for our beloved City.

9. Carleta Wilson, 2218 Fosgate Dr, President of Timberlake Neighborhood Association, representing 60 families, stated we do not need green space at North Park Avenue. She stated the green space should not be allowed and she believed if there was an error on the Surveyor's part that the burden should be on the developer.

10. Lurline Fletcher, 790 Lyman Avenue, stated she wants Winter Park to remain the "Homes of Beauty". She explained the CRA repainted Ms. Ford's house and asked that the home be revisited and to reassess the situation because of peeling paint.

11. Martha McHenry, 530 Clarendon, asked the Commission if they read the Winter Park Vision Survey. She expressed that residents no longer want high density development; but want greenspace, trees, height restrictions, and small mansions on small lots. She would like the elected officials to consider these issues in the survey as they vote and decide the City's future.

12. Beth Dillaha, 180 Forrest Rd, provided four points for future land use. She disagreed with the process being used to update the comprehensive plan. She also supported the moratorium and handed the Commission a memorandum written last year on the legality of moratoriums.

13. Jim Cook, 1444 Grove Terrace, asked for assistance with the procedure of items being pulled off the agenda, i.e., John Kolb. Mayor Strong stated they were notified right before the meeting that the developer wanted it pulled. Mr. Cook explained this is not the first time Mr. Kolb has done this and it is unfair to residents to pull the item at the last minute.

14. Patricia Greenstein, 3248 Summerfield Road, addressed her appreciation as to how much the P&Z paid attention to the resident's comments. She supported the moratorium and spoke about the past 2 months and a group of citizens working together to review the comprehensive plan and compare it to their vision of Winter Park. She read to the Commission their end result of a citizen vision statement and asked they give serious consideration to each issue. Mayor Strong asked her to submit this in writing. Ms. Greenstein also presented a signed petition and stated she continues to gather signatures.

15. Barry Greenstein, 2348 Summerfield Road, stated the Plan Development Overlay policies reflected in the draft comprehensive plan is unacceptable because

it states that the City should investigate and refine this regulation to existing codes within one year of adoption to the comprehensive plan. He expressed his preference to repeal the comprehensive plan policy stating that by January 1, 2007, the City shall review and recommend revisions to or repeal the Planned Development Overlay. He also showed pictures of development projects that were approved from the PD Overlay.

16. Carol Card, 1645 Bernshaw Avenue, expressed concerns about the Landmark ordinance signed on June 27, 2005. She was also concerned about Orwin Manor and the proposed four-story building which would be located behind row houses if constructed. She spoke about three electric poles that Mayor Strong stated he would have Mr. McBride check into.

17. Carolyn Cooper, 1047 McKean Circle, spoke about her belief that the comprehensive plan process is broken. She commented about her working on the comprehensive plan and the majority of issues that never reached the table for discussion. She supported the moratorium and spoke against the Douglas Grand project and ordinances passed.

18. Sandy Womble, 940 Old England Avenue, agreed with an outside consulting source to assist with the comprehensive plan. She hoped the Commission considers the State Ethics Law regarding conflicts of interest.

19. Marc Hagle, 1220 Park Avenue, real estate developer, stated he hoped the Commissioners stand up to the developers and makes them pay the amount that needs to be paid. He expressed that the Commissioners need to understand the demand and the economic impact that the City can realize from proper development.

20. Rudolph Scott Jr., 750 Northwood Circle, asked that the wall be rebuilt that was damaged by Hurricane Charlie and eventually demolished by the City. He stated they have gone through the proper channels with the Commission and P&Z but nothing has been accomplished to date. He believes the City needs to say it is their responsibility and they should rebuild the wall.

Commissioner Storer asked for an update. City Manager Williams said there was a plan to replace the wall at a cost of \$50,000, but to replace the wall the City needs to acquire the property or remove the trees. Commissioner Storer asked if the previous owner collected insurance money because of the damage to the wall; and if so, the owners should replace the wall. Mr. Williams said he would check on that status of who collected the insurance money.

Mr. Scott stated that many of the trees on the property were severely damaged and he believed the ones that survived will only last a few years. He explained the residents main concern was rebuilding of the wall. Commissioner DeVane asked that the wall be replaced to end the speculation of someone buying the property; and the prospect of houses being built to face Pennsylvania Avenue.

Commissioner Eckbert spoke about the proposed solution and that we did not need a new plan. He explained what the specifics were and questioned why it had not been executed. Commissioner DeVane stated the plan was for the previous property owners to rebuild the wall but they sold the property before the wall was constructed.

Attorney Frank Hamner explained the resolution enacted a major concern because it was based on the property being sold or developed, and when this occurred the wall would be rebuilt (by the property owner) rather than a joint contribution.

Mr. Storer stated that there is one compliant lot and the property owner needs to be told they are in agreement with the original platting of those lots because they agreed to rebuild the wall. Commissioner Eckbert stated if they are representing two conforming lots, that the wall is required to be rebuilt. Commissioner DeVane wanted to proceed with rebuilding the wall and to either take out the sidewalk or the two dying trees. Commissioner Eckbert asked if it is necessary to take out two trees for two inches. Mayor Strong suggested that staff have more than one specific recommendation on what they can do to legally correct this; and to gather all the facts from all staff including Lee Mackin regarding the removal of the trees. There was discussion about whether the entire wall was on public or private property.

21. Jean Cumming, 902 Golfview Terrace, did not want Winter Park to be a ghost town. She addressed many residents shopping at the Millenia Mall rather than on Park Avenue and explained that shoppers on tour buses have been very productive to the economy of the City.

22. Richard Trismen, 1551 Laurel Road, expressed his preference of deleting the PD Overlay in the comprehensive plan. Commissioner Eckbert stated his concern with citizen comments regarding illegal actions the Commission has taken or they are intentionally subverting the laws of our community. He formally requested a written opinion from the City Attorney as to whether the ordinances/PD Overlay are illegal. Mayor Strong responded by saying whatever the City Attorney says is his opinion and not necessarily what a court would say. Both Mayor Strong and Commissioner Eckbert had a discussion on this matter; Mayor Strong asked the City Attorney to follow through with Commissioner Eckbert's request.

Mayor Strong proceeded to call for a recess for the next ten minutes.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO 1951-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING RESOLUTION NO. 1805-02, PROVIDING FOR THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT ADVISORY BOARD; INCREASING THE BOARD MEMBERSHIP TO THIRTEEN (13) MEMBERS AND ONE (1) ALTERNATE MEMBER; PROVIDING AN EFFECTIVE DATE.

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

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

CONSENT AGENDA:

- a) Approve the minutes of 6/12/06.
- b) Approve the following purchase order and task orders:
 - 1) PR 127375, to Brick America, Inc. for 150 pallets brick for a CRA project on Pennsylvania Ave and New England to Morse Blvd. This is the design and type of brick the Commission approved for such projects; 47,025.00 (Budget: CRA)
 - 2) Two (2) Task Orders to CH2M Hill, total of both: \$179,395.00 for:
 1. Task Order #2006-03 - \$94,030.00 (Budget: Utilities)
 - a. Develop a system wide operations plan that will include the new water treatment plants and the proposed Wymore Plant modifications
 - b. Perform Water Age Analysis as required by USEPA Stage 2, Disinfection Byproduct Rule
 - c. Prepare initial distribution system evaluation plan also required by Stage 2, Disinfection Byproduct Rule
 - d. On Call Hydraulic Modeling Assistance
 2. Task Order #2006-04 - \$85,365.00 (Budget: Utilities)
To comprehensively with 2005 Legislative changes regarding the requirement of incorporating an alternative water supply plan including a plan for building public/private and regional water supply facilities, additional services are requested from the consultant to assist the city in obtaining these required goals. See memo attached for explanation of services to be performed.
- c) Approve the Emergency Potable Water Supply Interconnection Agreement with Orange County.
- d) Approve the Stormwater Management Cost-Sharing Agreement with the St. Johns River Water Management District.

Lurline Fletcher, 790 Lyman Avenue, raised concerns regarding bricks on Pennsylvania Avenue and New England Avenue to Morse Boulevard. She stated no one was notified or asked about the bricks being added in her community. Public Works Director Attaway said this particular item was a purchase acquisition to buy bricks for Pennsylvania and New England Avenues to Morse Boulevard; it was a street plan funded by the CRA. Ms. Fletcher stated the money from the CRA could be put to better use.

Rudolph Scott, 750 Northwood Circle asked how much money came from the government to help rebuild the Westside and how that money is spent. City Manager Jim Williams said he would obtain that information for Mr. Scott. Mayor Strong responded that the CRA Advisory Board includes four residents of the Westside, and they will make a recommendation on how the money is spent in the

future. He stated it would be in the best interest of the residents to provide their input to the CRA Advisory Board as soon as possible as to how the CRA money should be spent. Mayor Strong encouraged the citizens to have the meeting on the Westside and to pass this onto other board members.

Commissioner Metcalf stated that there are efforts to do things on the Westside to improve the area that the community feels are important. He explained the purpose of the Heritage Foundation to create an opportunity for a hub that gives the Westside residents and the community a place they feel contributes to their improvement.

Commissioner DeVane explained the reason why she supported bricking streets. Commissioner Eckbert stated the process of having community input into the CRA is a critical function for the Commissioners to make good decisions. He mentioned programs such as the Home Improvement Sector that have extensive grants in the CRA to renovate homes & landscaping to improve the lives of the residents who live there.

Motion made by Commissioner DeVane to approve the Consent Agenda, seconded by Commissioner Metcalf and carried unanimously.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2674-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 2-102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO PROVIDE FOR AN EIGHTH ALTERNATE MEMBER OF THE CODE ENFORCEMENT BOARD; PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

- b) ORDINANCE NO. 2675-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ORDINANCE NO. 2562-04, INCREASING THE MEMBERSHIP OF THE PUBLIC ART ADVISORY BOARD FROM NINE (9) MEMBERS TO ELEVEN (11) MEMBERS; PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

c) Subdivision Request of the Estate of Sarah Galloway to allow 860 Via Lugano to be divided into three lakefront lots.

Planner Jeff Briggs explained the subdivision request to divide the property at 860 Via Lugano into three single family lots. He addressed the zoning and how the project relates to the comprehensive plan standards and the necessity for the Commission to determine if the property can be divided into two lots or three. He explained the buildability problems on the lot, the neighborhood comments against the request and the denial by the Planning and Zoning Commission. Mr. Briggs spoke about the oak trees on the western portion of the lot that must be preserved. Commission questions were asked of Mr. Briggs which he responded to.

Attorney Frank Hamner, representing the Galloway Estate, spoke about the restrictions for cutting down trees on a lakefront lot. He stated they meet the comprehensive plan test on the average of lots and summarized the historical perspective for this property. He stated the question is whether the property should be divided into two or three lots. He further addressed the size of the lot and how they would be subdivided and that they are not requesting any variances. He spoke about the mandate from the Galloway Foundation that the money from the sale of this property be given to various beneficiaries in Winter Park and that the money difference in two to three lots is significant. He stated the lot sizes are in conformance with the remainder of the neighborhood.

Commissioner DeVane spoke about the comments made regarding the significant financial impact with selling three lots versus two lots, and she did not see supportive documentation because there is currently no sales contract on the property. Attorney Hamner responded that he does not have any sales contracts at this time but that experts in the field have confirmed this. Commissioner Metcalf asked about the house sizes with the two versus three lots. Mr. Hamner and Mr. Briggs responded. Trees on the property were discussed and the ramifications of a deed restriction concerning destroying trees.

The following spoke on this issue:

Neil Finkler, 790 Via Lugano, opposed the request because of the ecosystem and magnificent trees on the western portion of the property.

Michelle Rodriguez, 1667 North Park Avenue, opposed the request because of the destruction of trees.

Curtis McWilliams, 970 Via Lugano, opposed the request because of the destruction of the character of the neighborhood.

Beth Dillaha, 1801 Forrest Road, opposed the request because of the need for the neighborhood to remain as is and because of the oak trees.

Sandy Womble, 940 Old England Avenue, opposed the request and asked that a portion of the land be designated park land and to develop one home.

Leslie Morgan, 570 Via Lugano, opposed the request because of his residency of 40 years there and the need to retain the single family residence.

Mark Hagel, 1220 Park Avenue North, opposed the request because of the need to retain the history and character of Winter Park. He spoke about the need for a moratorium of lot splits until the comprehensive plan is properly addressed.

Richard Trisman, 1551 Laurel Road, spoke about the need for residents to advise the Commission on issues regardless of where they live in the City. He spoke against the request and comments made by the applicant that non-profit organizations should maximize their income.

Lynn Conte, 550 Via Lugano, spoke against the request because of the destruction of the live oak trees and that only one large mansion be allowed on the property and the other half of the property be purchased by the City for greenspace so the trees can be preserved.

David Cook, 801 Via Lugano, spoke in opposition to the request because of the tremendous asset the property is. He spoke about the P&Z vote for denial.

Carolyn Cooper, 1047 McKean Circle, spoke against the request because of the asset of this property and all lakefront estates are to the community.

Fred Lyon, 111 Via Lugano, supported the application because of the process that has been followed, the lack of a variance, and the request appears to be within the comprehensive plan if the boundaries are redrawn to 41,000 square feet. He spoke about the lack of a reason by the P&Z for their denial. He stated that three lots is more in scale with the property. He commented that we cannot manage property rights based upon matters of personal taste. Commissioner Storer inquired into the vote of the P&Z.

T. Finkler, 790 Via Lugano, opposed the subdivision request due to the wildlife, the ecosystem and trees. She asked if it is approved, to split the property into two lots.

Danny Williams, 124 E. Welborne Avenue, stated that neither Mr. Hamner nor the trustee means any ill in this. He spoke about the trustee trying to obtain the best offer and that the three lots as requested should be granted. He stated that personal agendas need to be left out of this issue.

Dr. Betty Tallen, 1170 Kenwood Avenue, spoke about the P&Z and City Commission exercising judgment. She addressed the codes being written as guidelines that should be the minimum and that the quality of life needs to be protected by the various boards and the need for additional greenspace.

Margie Bridges, 767 Antonette Avenue, stated if the Commission decides to divide the property into three lots (that she was opposed to), that the third lot be reconfigured. She spoke against the request due to the trees and she did not believe met the comprehensive plan standards. She stated as a P&Z member, if a

project meets the comprehensive plan standards, she would have to vote in favor of the request.

Motion made by Commissioner DeVane to support the P&Z vote to deny the lot split, seconded by Mayor Strong for discussion.

Commissioner DeVane addressed the request to split the property into three lots, most of the neighbors being opposed to the request, and the lack of discussion between the Trust and the neighbors regarding what would be beneficial to all parties involved. She spoke about the need for greenspace that is preserved forever and about the possibility of moving forward and discuss the purchase of a portion of the property for a passive park. She asked for support of the P&Z decision and to begin a dialogue among the parties involved to determine the best interest of everyone.

Commissioner Eckbert asked for clarification of the request that would not have gone to the P&Z if they asked for two versus three lots. Planner Briggs clarified the question. He stated that three lots was a reasonable solution, however, he understands the overwhelmingly majority of the neighbors not supporting three lots. He stated he would either take action to confirm the two lot split to the 65,000 two lots or as the P&Z to revisit this with three comprehensive plan conforming lots.

Commissioner Storer addressed not meeting the comprehensive plan test being an issue with him. He continued that the applicant has every right to go back to the P&Z and realign the lots which would give him no reason to deny the request if that happened. He stated he is not supporting the request for the three lots because of the one nonconforming lot. Attorney Hamner pointed out they went this route based on information provided by the City regarding the average lots sizes. He expressed his concern with the lack of consistency. He explained they met the rules, regulations and codes without causing any violations. He asked that the Commission support the staff recommendations and because they based the lots on the size and scope of the neighborhood.

Commissioner Metcalf stated he went to see the property and the trees are beautiful, he does not want to see large homes on these lots, and in his opinion none of this is personal and the trustees are following through with their job. He added that he would like to preserve the trees and the lakefront but that the Trust has the right to the two lots. He stated if it meets the comprehensive plan standard he will agree to divide the lots.

Mayor Strong asked Attorney Hammer if the City or public could possibly acquire the third lot of the property at a fair market value, or since it was a charitable trust sell it at a reduced price. Mr. Hammer stated the trustees would consider the offer by the City as long as it was favorable to the terms of the Trust and the City.

Commissioner DeVane withdrew her motion and asked this be tabled until the next meeting; seconded by Commissioner Storer, and carried unanimously. Commissioner Eckbert suggested a discussion on the size of the

third lot and how it will impact the rest of the property. Mayor Strong and representatives for the Trust will meet to discuss the possible sale of the property.

A five minute recess was taken at this point.

- d) Request of Keewin Real Property: Final Plat Subdivision Approval to divide the 17 acres of the former Glenridge Middle School property at 801 Glenridge Way (Knowles Place) into 41 single-family lots with 2.5 acres of open space parkland.

Planner Jeff Briggs explained the City had an opportunity to purchase this property; it went through an RFQ and a RFP process and they selected the Keewin Real Property as the developers who will develop this as an adjunct to the Windsong development. He stated the developer was chosen because their proposal offered 3.0 acres of land; part of the consideration in the selection process was they pay the City \$1,000,000 to the General Fund Reserve and based upon projected lot sales the City will receive an additional \$250,000 which will be used only for park acquisitions.

Mr. Briggs continued that Keewin Real Property met all of the conditions and promises made in the RFQ and preliminary plat approval. He explained before there was a survey, the land-planning firm used an aerial for the dimensions of the map drawing and calculated more land than what existed; instead of 3.0 acres, they only had 2.5 acres to dedicate. In order to compensate for the mistake, staff recommended that the developer look in the North Park Avenue area and see if they could locate property which they found on Park Avenue and Oak. Mr. Briggs stated the proposals went to the Parks Board who endorsed the concept of placing the parkland in the North Park Avenue neighborhood but they are short half an acre and the P&Z and citizens believed that because the developers promised three (3) acres, they should provide the three acres. He summarized the P&Z recommendation for the developer to pay \$800,000, \$300,000 towards the cost of requiring the North Park Avenue property and another \$500,000 for the other lot.

Allen Keen, 1312 Bridge Port Drive, Keewin Real Property, explained the new park plan will have a new entrance at Glenridge and an entrance at Timberlane. He stated they will dedicate that park to the City and the Windsong Park Association will maintain the park. He explained his proposal and offered \$300,000 and another \$45,000 toward the improvement of the park; leaving a \$200,000 shortfall of the purchase of the lot. He proposed giving the City \$250,000 on the back end of Windsong that is designated for park purposes. He is closing on the lot for \$502,500 and asked the \$200,000 gap in the lot price; to allow them to receive a credit against part of the \$250,000; if this were to occur \$50,000 would go to the City.

Michelle Rodriguez, 1667 North Park Avenue, represented the North Park Avenue neighborhood. She expressed the neighborhood support for a passive park at the corner of North Park Avenue and Oaks Boulevard. She provided a power point presentation regarding the details of building the park and the benefits it would create in their neighborhood.

Dr. Betty Tallen, 1170 Kenwood Avenue, spoke in favor of the park in their neighborhood and expressed why they deserve and need the park. She praised the work of Michelle Rodriguez and Shay Silver for the time and effort they placed on the park. She explained how much the neighbors supported the park there.

Joan Scott, 1109 Oaks Boulevard, resident in the neighborhood for 40 years, believed the park is something that they need and would enjoy.

Nancy Shutts, 2010 Brandywine Drive, believed there was an error on the part of the Surveyor therefore; the burden should be their responsibility. She felt they have lost site of the process and it is not the City or the resident's financial obligation to help solve this problem.

Shay Silver, 735 Pansy Avenue, stated that Michelle Rodriguez and herself have worked diligently on this park project and that they deserve a park.

Charlie Clayton, 1230 North Park Avenue, spoke about Clayton Brick being a respondent on the RFP. He stated they have an asset that they get 3.0 acres of parkland and they have it maintained and improved. He stated there needs to be a process where there is clarity and accountability because a deal is a deal.

Susan Lewis, 1820 Winchester Drive, stated she wanted Blue Ridge open and does not want to see it become a green space.

Carolyn Cooper, 1047 McKean Circle, stated there is a dollar value associated with the mistake with the property and because of that one needs to decide what the dollar value should be on the Windsong property.

Barry Whittey, 921 East Lake Sue Avenue, stated he believes that mistakes happen but there was a good litigation process for the property. He supported the developers paying for the park. He referred to the minutes from the P&Z meeting and was concerned with Blue Ridge being closed. Commissioner Storer explained this is a subject that what will be discussed by the City Commission.

Susan Gable, 1539 Golfside Dr, stated she does not support the park.

Shay Silver, 1335 Pansy Avenue, supported the park on North Park Avenue and believed her neighborhood has helped others gain parks through their tax dollars. She explained taking her children 40 minutes round trip to a fountain to play. She designed the park and believes it satisfies a need for their neighborhood.

Patricia Greenstein, 2348 Summerfield Road, stated she felt the developers are receiving a better deal than the residents and taxpayers of Winter Park and hopes all issues are factored in whether or not the City is receiving a good deal.

Martha McHenry, 530 Clarendon Ave, supported the park. She believed the developer should be held accountable for the project and that Mr. Clayton should be allowed to do a re-bid.

Sandy Womble, 940 Old England, believed the developer should be held accountable for their proposals. She also presented the Glenridge Site Redevelopment RFQ and asked about the section on disputing development and if the Commission could address what happens when there is a dispute. The City Attorney stated he would review this matter.

Tom McMacken, 1821 Shiloh Lane, supported the park. He explained there is a great deal of community pride to having a park and encouraged Michelle Rodriguez to receive donations and help create the park with her neighbors. He also asked the Commission to consider not closing Blue Ridge and also recommended the Commission set another process for the developers and surveyors so these kinds of mistakes do not occur again.

John Holland explained that the Parks Board and the Parks Acquisition Task Force were also in support of this park.

Allen Keen spoke about the entrance on Timberlane Road and making a turn lane and believed it was not fair to be punished or penalized. He asked the Commission to be fair in their decision. He stated if he went back to appraise the value of the land (not on the plan), the City would probably have less land than what he originally proposed.

Mayor Strong closed the public hearing.

Commissioner Storer said he met with Allen Keen and spoke about Blue Ridge. He sees this as a separate issue as long as the P&Z recommended there is room for a right turn lane in the eventuality that it may be closed. He recommended it be discussed another day.

Commissioner Eckbert shared the concern for Blue Ridge and that it should be addressed at a separate time with a different analysis. He expressed how difficult the public impression had been about his public service and spoke about his votes being driven for the best interest of the City. He noted there is a contract for specific performance between the City and the developer however they need to arrive at a solution for a reasonable accommodation to be made with the developer. He would rather have a bigger park at Harland Park rather than the park at Park North but he believed the people at Park North deserve the park and it should be built. He asked what the average grant is for the neighborhood community grant program. The response was \$5,000. He agreed that Mr. McMacken's comment that the neighborhood should come together and contribute dollars and time was an invaluable perspective. He believed there should be some community ownership and the developer contributes to the process.

Commissioner Metcalf disclosed conversations with Mr. Keen and supported the park and the contributions the community can obtain by accepting a park in a new location.

Commissioner DeVane disclosed meeting with Mr. Keen. She concurred with Commissioner Storer and Commissioner Eckbert regarding the Blue Ridge entry

and asked that this discussion be for a later date. She spoke about the two separate issues with the shortage of park space at the Knowles Place development and the Harland Park; and the acquisition of the park space on North Park Avenue. She commented that the Parks Acquisition Task Force has identified this area of town with having no parks which is a critical issue and they have an opportunity to address that with this piece of property. She added she believes it was an honest mistake that they need to learn from and recommended that they have certified surveys in the future. She added the appropriate solution is to move forward with the plan for Knowles Place at Windsong and to require the developer to acquire the greenspace on North Park Avenue.

Mayor Strong stated he met with Mr. Keen and Ms. Rodriguez. He stated the only problem he had with the proposal was that the City did not enforce the deal that was approved. He believed the acquisition of the park on North Park Avenue is beneficial to the City. He recommended that Mr. Keen acquire the lot for \$500,000, he still has an obligation to the City for \$250,000 and he contributes \$45,000 for the improvement of the park which will allow them to acquire the site and improve the site with deferred revenues and the developer would benefit with an additional quarter (1/4) acre of land.

Motion made by Commissioner Eckbert that 1) Mr. Keen via his developer's agreement contributes \$345,000 dollars plus an additional \$95,000 dollars; 2) \$250,000 dollars from the backside of the park allocation will be used towards the \$700,000 price tag; 3) there will be a Community Grant of \$5,000; and 4) the neighborhood will contribute \$5,000 for the park and/or for the labor.

Commissioner DeVane asked for clarification. It was clarified that Mr. Keen will front end the entire \$502,000 for the lot plus an additional \$45,000. Commissioner Eckbert stated Mr. Keen would be out of pocket a total of \$547,000.

Commissioner DeVane thought it would be easier that Mr. Keen acquire the property and contribute the \$45,000 dollars because there are opportunities with the acquisition of the property that may not cost \$500,000 and the City will commit to the build out of the park.

Seconded by Commissioner Metcalf and carried with a 4-1 vote. Mayor Strong voted no.

- e) Request of Don Casto Lifestyle Properties: Final Plat Subdivision approval for the redevelopment of the current driver's license property at 940 Canton Avenue.

Planner Jeff Briggs addressed the remaining issue of the color palate which was settled with the Planning and Zoning Commission and unanimously approved by a 5-0 vote. The applicant was present to answer questions or concerns.

Lurline Fletcher, 790 Lyman Avenue, asked that trucks are not parked on the streets when they are ready to develop and she hoped they do not cut the trees.

Motion made by Commissioner Metcalf to approve the request, seconded by Commissioner Storer, and carried with a 4-1 vote with Mayor Strong voting no. Mayor Strong stated he was opposed to condominium property being located across the street from single family residential.

- f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA CHANGING THE NAME OF THAT PORTION OF NORTH LAKEMONT AVENUE (ORGINALLY A PART OF LAKEMONT AVENUE) WHICH IS LOCATED NORTH OF PINE AVENUE, THROUGH THE NORHTERN TERMINAL POINT OF THE STREET, TO ARBOR PARK DRIVE; PROVIDING FOR CODIFICATION; PROVIDING FOR SERVERABILITY AND PROVIDING AN EFFECTIVE DATE. First Reading

Susan Gabel, 1539 Golfside Drive, expressed her opinion that there was too much time spent on the name change issue of this street.

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

Commissioner DeVane left the Commission meeting at 10:37 pm.

- g) Conditional Use Request of George Kalivretenos to allow the construction of a three story, 12,300 square foot office building at 1299/1301/1303 W. Fairbanks Avenue with remote parking at 542 Shoreview Avenue (corner of Fairbanks)

Rich Reed, Sun Holdings, stated that he provided all the relevant information for the Planning & Zoning Commission (P&Z) meeting. He stated they have met all City staff and community recommendations regarding stormwater, roof height, parking, parking lot lighting and landscaping. He spoke about staff's recommendation for additional trees on the neighboring parcels of property but that they were opposed to that condition of approval because of a possible liability with planting trees on private property. He stated the P&Z recommended approval of their project by a 4-0 vote with the single condition that they are opposing. He asked for approval without the condition.

Motion made by Commissioner Storer to approve the conditional use request with the inclusion of P& Z's recommendation, seconded by Commissioner Eckbert with an amendment that staff and the applicant try and resolve the issues regarding the additional trees. The motion carried with a 4-0 vote with Commissioner DeVane not being present to vote. Mr. Briggs stated this was a first and final hearing.

- h) Conditional Use Request of the Central Florida Breast Center to construct a two story 13,800 square foot medical office building on the combined properties at 2200, 2206, 2210, 2230 and 2240 Glenwood Drive.

Planner Jeff Briggs stated that all the requirements have been met and there was a unanimous approval of the P&Z with some conditions.

The applicant (unknown name) stated this will be a medical facility to be occupied by medical professionals and there will be ample parking.

Motion made by Commissioner Metcalf to approve the conditional use request, seconded by Commissioner Eckbert, and carried unanimously with a 4-0 vote with Commissioner DeVane not being present to vote.

i) Request of Brian Albertson:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX THE PROPERTY AT 3217 CORRINE DRIVE AND AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING," SO AS TO ESTABLISH OFFICE (O-2) ZONING OF THE ANNEXED PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Planner Jeff Briggs addressed the Planning and Zoning Commission (P&Z) recommendation for approval of the annexation and the office zoning that meets all codes and variances. Mayor Strong asked if this would be the first property owned in the City on Corrine Drive. Mr. Briggs responded affirmatively.

Applicant Brian Albertson, 235 East Kings Way, spoke about his attempts to find an office building and that he will be a wonderful neighbor. He welcomed any questions on this matter.

Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner Storer. Upon a roll call vote, Commissioners Storer, Eckbert and Metcalf voted yes. Mayor Strong voted no. Commissioner DeVane was not present to vote. The motion carried with a 3-1 vote.

j) Subdivision request of SG Development to allow the property at 1005 Garden Avenue to be redeveloped into two single family home lots.

Planner Jeff Briggs explained this request has met all the codes and that the Planning and Zoning Commission voted unanimously for approval.

Motion made by Commissioner Storer to approve the subdivision request, seconded by Commissioner Metcalf, and carried unanimously with a 4-0 vote with Commissioner DeVane not being present to vote.

k) Request of Orwin Villas LLC:

Planner Briggs addressed the request to refer this item back to the Planning and Zoning Commission based upon their recommendation for denial and subsequent change to project plans.

Motion made by Commissioner Metcalf to table this item, seconded by Commissioner DeVane and carried unanimously.

- l) Subdivision Request of John Kolb: to split the property at 1476 Grove Terrace into two single family lots of 65 and 85 feet wide. Variance requested for the interior lot which is required to have 75 feet of lot width in the R-1A zoning district.

Motion made by Commissioner Eckbert to table this item, seconded by Commissioner Metcalf and carried unanimously.

CITY MANAGER'S REPORT:

No report.

NEW BUSINESS (CITY COMMISSION):

1. Mayor Strong stated that Commissioner DeVane asked him to announce that she wanted to appoint Deb Watson, Winter Park Health Foundation, to the Brookshire Task Force. **A motion to approve the appointment was made by Commissioner Storer, seconded by Commissioner Metcalf and carried unanimously.**

2. Margie Bridges, 767 Antonette Ave, requested the motion regarding Allen Keen be officially clarified for the citizens due to confusion on the matter. Commissioner Eckbert explained the motion again.

Mayor Strong adjourned the meeting at 11:02 p.m.

Mayor David C. Strong

ATTEST:

City Clerk Cynthia Bonham