

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
June 11, 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 Fire Chief Jim White, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Karen Diebel (arrived 3:40)
Commissioner Margie Bridges
Commissioner Douglas Metcalf

Also present:

City Attorney Trippe Cheek
Assistant City Manager Randy Knight
Deputy City Clerk Nancy McLean

MAYOR'S REPORT:

a) Proclamation-Albin Polasek Day.

Mayor Strong proclaimed June 15, 2007 as "Albin Polasek Day". Blair Culpepper accepted the proclamation on behalf of the museum.

b) Presentation of Orange County Career and Technical Educator's Outstanding Business Partner Award – Steve Narvaez.

Diane Culpepper, Director of Winter Park TECH, presented City employee Steve Narvaez with the Outstanding Business Partner Award for his work with Winter Park TECH. She stated he works with students in the computer IT Department and provides seminars, field trips, offers teacher's advice, reviews curriculums, and helps teachers to work on grants. Mr. Narvaez thanked Ms. Culpepper and Winter Park Tech for the opportunity and the IT Department and Chip Weston for recognizing the possibility of a partnership with his skills and their needs.

c) Appointment of Commissioner to serve on Commuter Rail Stop Consultant Selection Committee.

Mayor Strong nominated Commissioner Metcalf. Commissioner Metcalf accepted the nomination and **carried unanimously with a 4-0 vote. Commissioner Diebel was absent.**

d) Discussion regarding the June 18 work session.

Mayor Strong stated they will discuss the Strategic Plan, the Architectural Standards Task Force recommendations, and the process as to how issues are accomplished at the June 18 work session. There was a consensus on these topics. Mayor Strong suggested they invite the Architectural Standards Task Force to attend so they could hear their input.

Non Agenda Items

1. Mayor Strong commented that Orange County has requested that they appoint a representative on the Community Action Board. He stated that this was a board charged with the advisory oversight for development, planning, implementation and evaluation of programs to

serve Orange County low income communities. He asked that the Commissioners think about this and see if they would be interested in serving on that board.

Commissioner Diebel arrived at this time (3:40 p.m.).

2. Mayor Strong announced that the Florida Legislature set the date as Tuesday, January 29, 2008 for the Presidential Primary. He stated that they can save \$22,000 if they piggy back onto that date. Assistant City Manager Randy Knight stated that Supervisor of Elections Bill Cowles would be attending the next Commission Meeting (June 25) to discuss this matter further and explain the options they have.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1977-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE KEEP WINTER PARK BEAUTIFUL BOARD; AMENDING RESOLUTION NO. 1555 TO PROVIDE FOR TERMS OF MEMBERS AND TERM LIMITS; PROVIDING AN EFFECTIVE DATE.

Motion made by Commissioner Bridges to adopt the resolution; 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.

Mayor Strong announced the nominations for the Keep Winter Park Board: Sharon Battaglia - 1 year term; Jill Gable and Rob Smith - 2 year term; and Nicki Pierson, Louis Nimkoff and John Ramer - 3 year term.

Motion made by Commissioner Bridges to approve the board members; 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.

Mr. Phil Eschbach spoke about formalizing the appointments of the board rather than being self appointed as in the past. He stated their list of appointees came after they looked at how long members had served and who was a resident or non-resident. He answered questions asked by the Commission.

- b) Carlisle settlement agreement

City Attorney Cheek gave an overview of the process of the project which started the end of 2004. He stated there have been several efforts to find a resolution but it never got to a point where the Commission was ready to approve a settlement. He addressed the lawsuit filed by the developer Central Park Station Partners after the Commission rejected final development approval and final conditional use approval in January 2007. Attorney Cheek explained that settlement discussions lasted for several months. He briefly discussed the terms of the proposed settlement and how they were reached. Attorney Cheek stated he had circulated and went over the agreement with the counsel for the developer and he believes it is accurate and is ready to be approved by the Commission if they chose to do so.

Mayor Strong commented that Mr. Walsh could not make it to the Commission meeting and he asked the Mayor to confirm with Mr. Ellsberry that this agreement reflects an acceptable settlement from the developers stand point.

Michael Ellsberry, representative for the Carlisle, stated that Central Park Station Partners believes that the City Commission should approve the settlement agreement that was reached on May 29, 2007.

Jean Cumming, 902 Golfview Terrace, stated the post office should remain where it is and they should not buy out the developer.

Susan Finnegan, 75 Palmer Avenue, asked for assurance that the post office will remain downtown and the library will not be sold.

Joe Terranova, 700 Melrose Avenue, expressed concerns that the public does not understand all the implications if the agreement is signed. He stated the agreement does not address what happens next or the implication by not building the post office or taking park money to be used as part of this settlement. He stated there was a lot to be debated and they need to understand what other properties may be tied up and how much the ultimate cost would be. He suggested delaying this until these other issues can be brought to the public.

Vickie Krueger, 200 Carolina Avenue, spoke about trees being a quantifiable monetary value to cities and their inhabitants. She presented a money tree (as an illustration) to jump start this once in a lifetime opportunity.

Susan Lawrence, 106 S. Interlachen, asked who the client was and what the downside to this agreement is. Attorney Cheek responded that the City was the client and the communication between special counsel and the Commission occurred behind closed door meetings. He explained there is a transcript of this and it will become public at a certain time after the conclusion of litigation.

Jack Rogers, 1002 Temple Grove, expressed the need to end the legal action and to move forward. He urged the Commission to approve this agreement.

Rosemary Gillett, The Cloisters, spoke in favor of the Carlisle being built.

Lurline Fletcher, 790 Lyman Avenue, was opposed to the Carlisle and building more large buildings.

Sally Flynn, 1400 Highland Road, spoke in favor of the agreement. She hoped that this agreement would put the Carlisle issue to rest so everyone could move forward.

Jason Zimmerman, 250 Carolina Avenue, disagreed with paying money to the developer's because it would stop growth in Winter Park. He did not support the settlement agreement.

Carolyn Cooper, 1047 McKean Circle, spoke in favor of the agreement and urged the Commission to bring this to closure rather than continue the litigation.

Eleanor Fisher, 1620 Mayflower Court, spoke in agreement with the settlement agreement.

Bill Traylor, 15 Chelton Circle, asked the Commission to approve the settlement. He applauded the Commission, the Mayor and the developers for reaching a settlement.

Kim Allen, 271 Virginia Drive, spoke in favor of the agreement and saw this as a wonderful opportunity. She stated it was smart growth and it was time to put aside some green space.

Jeffery Blydenburgh, 204 Genius Drive, representing the Winter Park Campfire group, offered to facilitate the public process through a series of community meetings with the City.

Pete Weldon, 700 Via Lombardy, spoke in favor of an agreement and asked where the money would come from. He requested if the Commission approves the agreement that they open this up to public discussion on what we do next.

Rick Frazee, 1921 Englewood Road, asked the Commission to sign the agreement and move forward.

Motion made by Mayor Strong to approve the agreement as submitted; seconded by Commissioner Bridges.

Commissioner Metcalf stated he was disappointed with where we are because they have limited choices and he does not like the fact that tax payer funds are proposed for this project. He spoke about the process this project went through for a number of years. He summarized the problems he saw with the proposal; \$800,000-\$900,000 has been pledged or delivered (could be \$1.3 million if the Genius Foundation donates \$500,000); there is zero dollars in the Parks Acquisition Fund; they need to deliver \$3.7 million in 90 days to end this lawsuit and it will cost \$10 million to move the post office if that happens in the next 3 years. He spoke about the changes in property taxes that will cost Winter Park \$2-\$4 million over the next two years of this process. Commissioner Metcalf stated he knows the facts but he would base his decision on the settlement that costs the tax payers the least and do what is best in the long term for our City.

Commissioner Bridges agreed with Commissioner Metcalf that the City's future is critical to the entire Commission. She stated that Winter Park is special and the City parks attract people to the community. She stated this is an opportunity to expand Central Park and that you can not go back and create green space once you have paved over it or undo our village structure if you build something that is inappropriate. She commented that she understood and encouraged the significance of adding the economic development viability that comes from commercial development but it needs to be appropriate. She believed it is time to unite as a community and to put their full effort behind raising the money they need.

Commissioner Eckbert stated he met with Mr. Walsh last week and talked extensively with their representatives as they worked thorough this issue. He stated that the private nature of these meetings has been frustrating for citizens but there will be a time when they will be able to review the transcripts. He addressed reasons why the Carlisle was good; it enhanced economic vitality; the north side of the park would be revitalized and would begin the execution of the Central Park Master Plan; there would be restaurant components that would stimulate that part of the park; it would bring large amounts of incremental tax base to the CRA and would provide an ability to accomplish other strategic goals and objectives across the CRA. He spoke about the project being ultimately criticized and that they had a Commissioner that did not vote because of a conflict of interest and that the Commission was divided on how to move forward with the Carlisle. Commissioner Eckbert explained the ways he believed would resolve the situation; litigate it; issue the permit; buy it; decrease the size; or swap it. He stated that there was reason to support the agreement and the strongest argument might be that there is no other possible resolution.

Commissioner Bridges disclosed that she received a call from one of the partners this morning and that she has had no other conversations with the developers.

Commissioner Diebel believed this was a once in a lifetime opportunity and stated she would be voting for this agreement.

Mayor Strong explained he did not believe there will be any requirement to raise ad valorem taxes to accomplish whatever their goal becomes. He believed that if they proceed under the plan to build a new post office, they will use monies received from surplus properties. He stated he also wants the post office downtown and that they have the right to build the post office at the Morse/Denning site. He explained they do not have to build it there and other options will be explored in the downtown area. Mayor Strong expressed that it was no longer his intent to sell the library and it was another issue which can be considered another time. He explained if this is approved, there are decisions that need to be made moving forward regarding the post office and the park but they have enough time to discuss this before they make any final decisions.

Mayor Strong explained that under the worst case scenario the City would pay \$1 million from its reserves, it will pay \$700,000 over and above that in cash, and that he has commitments including the Genius Foundation for additional monies. He explained if they build a post office it will cost \$5 million and if they use the Morse/Denning property they will build it on 2 acres of land that is \$5 million which adds up to \$11.7 million which is the worst case. He addressed the appraisal that identified the post office parcel between \$7 - \$10 million. He believed they are not going out of pocket \$10 million. He stated they have assets they can use to accomplish this transaction and they have plenty of time to consider it very carefully. He stated he would be in favor of this settlement and they have a lot to do once this settlement is accomplished. Mayor Strong stated he spoke to Mr. Walsh today and has met with him many times.

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

Mayor Strong assured everyone that the fundraising would continue. He explained the two options for making a pledge, that donations are tax deductible and contributions can be given which will flow through to the settlement. Mayor Strong explained there will be a formal pledge document and asked that they modify how to make contributions in the newsletter and provide information to the citizens within the next 30 days.

CONSENT AGENDA:

- a) Approve the minutes of 5/29/07.
- b) Approve the following bids and purchases:
 - 1) Award of IFB-19-2007 Purchase of HDPE Pipe, to ISCO Industries, LLC; \$147,750.00 (Budget: Water Main Upgrade).
 - 2) After-the-fact Purchase Order 131721 to Brick America, Inc. for the purchase of brick for Forrest Road enhancement project; \$39,010.80 (Budget: Forrest Road Bricking Project).
 - 3) Amendment to RFP-2-2005 for Janitorial Services, to include the monthly service for 4 water treatment facilities; \$156.25/month (Budget: Facilities Management).
 - 4) Award of RFQ-13-2007 Pedestrian Upgrades for Fairbanks Avenue to CES; \$180,000.00 (Budget: Public Works/Engineering).
 - 5) Award of IFB-18-2007 for Landscape Maintenance Services for Water Treatment Plants and Public Works Compound to Quality Lawn Services Unlimited (Budget: Public Works/Water & Wastewater).

- c) Approve the following budget adjustment:
- 1) Appropriate \$31,000 in restricted reserves for building inspector training and equipment to be utilized in the Laserfiche document imaging system.

Motion made by Commissioner Eckbert to approve the Consent Agenda, seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2713-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE RESTATED CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2624-05; AMENDING SECTION 7, PRE-RETIREMENT DEATH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

Motion made by Commissioner Eckbert to adopt the ordinance; 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) ORDINANCE NO. 2714-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE RESTATED CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2614-05; AMENDING SECTION 7, PRE-RETIREMENT DEATH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND 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 Diebel. 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) ORDINANCE NO. 2715-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, PROGRAMS, AND FACILITIES IN THE CITY OF WINTER PARK, FLORIDA; AUTHORIZING THE IMPOSITION OF A FIRE RESCUE CHARGE AGAINST PROPERTY THROUGHOUT THE CITY OF WINTER PARK, FLORIDA; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING FIRE RESCUE CHARGES; ESTABLISHING THE PROCEDURE FOR COLLECTION OF FIRE RESCUE CHARGES; PROVIDING THAT FIRE RESCUE ASSESSMENTS MAY CONSTITUTE A LIEN ON ASSESSED PROPERTY; PROVIDING THAT A PERFECTED LIEN FOR FIRE RESCUE ASSESSMENTS SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title.

Patricia Greenstein, 2348 Summerfield Road, asked about the amount of money the citizens would have to pay. Commissioner Eckbert stated it was an alternative to the ad valorem tax base that applies to everyone that receives fire services. Assistant City Manager Randy Knight stated it was zero with this ordinance and they were not establishing the fee because it was an enabling ordinance that allows them to establish a fee in the future. Chief White explained the intent of the ordinance and that it allows for municipalities to charge for the protection of property. He discussed the fee issue.

Carolyn Cooper, 1047 McKean Circle, addressed already receiving fire services within the taxes they are presently paying and the dollar value already calculated in the taxes they pay. She did not want to be double taxed and suggested looking at the definition of cost that is a non-recurring basic fire charge.

Nancy Shutts, 2010 Brandywine Drive, requested they table this until it is clearer. She stated that double taxation is not a good idea and that they need to look at the entire budget and not just the Fire Department.

Mayor Strong suggested they pass the enabling ordinance and get to the details if they need too and repeal it if they do not need to.

Motion made by Commissioner Diebel to adopt the ordinance, 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.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH OFFICE (O-2) ZONING ON THE ANNEXED PROPERTY AT 2605 BRADEN DRIVE AND THAT VACATED PORTION OF THE BRADEN AVENUE RIGHT-OF-WAY LYING SOUTH THEREOF, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Cheek read the ordinance by title. Planning Director Jeff Briggs explained the intent of the ordinance. No public comments were made.

Motion made by Commissioner Metcalf to accept the ordinance on first reading; 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.

CITY MANAGER'S REPORT:

- a) Discuss changes to the format of the agenda.

Assistant City Manager Randy Knight stated the Commission requested at the May 29 meeting that the agenda format be revised to improve the efficiency of the meetings. He explained that they attached a resolution changing the agenda format and updating and consolidating the former resolutions into one new resolution. He commented that with this new agenda there is a new title sheet format which was derived from the suggestion of Commissioner Eckbert and the other Commissioners agreed to regarding the decision making process.

Commissioner Diebel thanked Assistant City Manager for reorganizing the format. Commissioner Bridges agreed that she liked the new format and would like to see it adopted.

Motion made by Commissioner Metcalf to adopt Resolution No. 1978-07, seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

b) Discuss the practice of Winter Park electric when relocating or modifying existing facilities (response to resident concern).

Assistant City Manager Randy Knight explained that at the last Commission meeting Mr. Bellows requested relief from a charge for the undergrounding of electric utilities and the moving of electric facilities that were caused by the construction of his building.

Public Works Department Utility Liaison Terry Hotard explained the City's position and the Winter Park electric general rules and regulations governing electric service and rates for electric service. He addressed policy 3.05 regarding relocations or modifications due to development that states "the customer shall pay the City for all costs associated with any such relocation or modification." He stated that this is the same as Progress Energy and consistent with other municipality owned utilities. Mr. Hotard stated that Winter Park Electric had determined there were two other alternatives that could be considered; to remove the pole completely, providing for undergrounding and relocation of the overhead equipment with an estimated cost of \$53,000; or to leave the pole where it was currently located and relocate the transformer to the western quadrant (away from the building) of the pole. He stated they would achieve clearance of 7.5' which is the minimal horizontal distance required by the National Electrical Safety Code and that the estimated cost was \$2,500. He concluded by saying that departure from the policy would be precedent setting and problematic for those that have been required to follow it. Mr. Hotard answered questions asked by the Commission.

Commissioner Eckbert commented that the most important thing is whether it is a good policy, it is consistent with other policies and is it fair. Mr. Hotard responded that this is the policy followed by all the utility facilities that he has ever had association with and that those who create the need for relocation pays.

Commissioner Metcalf addressed the City's pole is on Mr. Bellows property and will impinge on the 7.5 feet which means even though this is not the responsibility or the problem of the owner, he has to pay and remove it. He believed the rules should be reviewed and determined if this is the kind of policy they want to charge people even though they did not cause it.

Commissioner Bridges asked Building Director George Wiggins to explain this because it was a building permit process. Mr. Wiggins explained their permitting process and that this cost was identified at the time of permit issuance. Mr. Hotard explained that the first letter went out to Mr. Bellows on November 30, 2006 and a follow up letter on April 19, 2007 regarding the responsibility of this cost.

Mayor Strong asked what the cost would be and what would have happened if Progress Energy owned this utility. Mr. Hotard believed that Progress Energy probably would have moved the transformer to the other side of the pole at the lesser cost. Mayor Strong stated he was not sure why the applicant should pay for this dead end line/pole if it was not benefiting him.

Commissioner Diebel commented that this pole was a safety issue and she would rather invest in conduit.

Commissioner Bridges asked if other applicants have had to move existing power lines at their own expense. Mr. Hotard responded that was correct. She thought this would be problematic and suggested they find a solution by moving the transformer at this time. She commented that as they go into their budget process (perhaps discuss this during work session) they look at this or other plans that this might apply to and develop a policy on what should be a priority. Commissioner Diebel stated she would support an effort to do an experiment where they underground this line and the City removes the pole.

Commissioner Eckbert believed that the line should be underground but the question was who should pay for it and how much the cost should be. He suggested that the Utilities Advisory Board give the Commission feedback and see if they believe the policy is correct as far as how the fees should be split and look into under grounding. Mr. Hotard stated they could do that. Assistant City Manager Knight spoke about under grounding and stated it was their opinion that if a developer/property owner causes something to be undergrounded, they should pay for that impact. He explained that the applicant's building going up to the right-of-way is causing the necessity for the pole to be removed. Commissioner Diebel believed they should not charge the applicant for this fee.

Dan Bellows, 533 West New England Avenue, stated he hoped the Commission would agree with Commissioner Diebel and they could move forward on this. He explained that he did not receive his written proposal from City staff until October 18, 2006 for \$53,000 and he pulled his permit way before that. He stated that this pole does not benefit him and it is a dead end pole. He reiterated that he believed the City should pay to underground this through the CRA funds. Mr. Bellows stated that his project is creating money for the CRA.

Mayor Strong asked if Commissioner Diebel was making the motion to underground at the City's expense. She stated this was correct but she wanted the assistance of another Commissioner to add to the motion because she believed they should define the length of the conduit so the project becomes specific for the Utilities Department and the Assistant City Manager to take action.

Rick Powell, ENCO, explained further alternatives to this discussion regarding dead ending the line and installing anchors/guys. Commissioner Diebel asked Mr. Powell what the cost would be to underground the entire grid. Mr. Powell stated \$53,000.

Motion made by Commissioner Diebel to underground the entire grid that was identified (per the map) down Pennsylvania, left to Lyman and right to Lyman, at the City's expense. Motion failed due to lack of a second.

Commissioner Bridges found this problematic because it opposed our policy and it is a policy that has already been applied to other applicants that have followed the policy. Commissioner Eckbert stated that perhaps there should be some consideration given throughout the CRA for efforts made by those who are building and improving within the CRA to be given some credit for the revenue produced by the CRA for their projects. He stated maybe this was a way to get through the policy issue and send this to the Utilities Advisory Board (UAB) and ask them to comment on that by providing some guidance on this issue. Commissioner Metcalf added that perhaps what they need to do is confirm if UAB agrees that \$53,000 is the correct amount and to determine if changes may or may not be warranted in instances such as this one.

Commissioner Diebel supported her motion by stating she was voting on a public safety issue and asked for a second on the motion on the table. Motion failed for lack of a second.

Motion made by Commissioner Eckbert to send this to the Utilities Advisory Board (UAB) to discuss the implications for using the CRA funds to potentially offset costs for issues such as this matter and if the UAB deems it appropriate they could consider this as the first issue for which to apply it to.

Commissioner Diebel reiterated that the City bury the entire grid and believed the motion she presented was the motion they should vote on. She asked for the Commissions consideration on this.

Commissioner Bridges asked why they do not move ahead and follow the policy and then go to the UAB, then the CRA and the Commission at the workshop and see other examples of policy change. She stated they can receive input from appropriate boards and thereby do an effective job of implementing good policy regarding the utility undergrounding. She believed they had a policy that they must adhere to and follow.

Commissioner Diebel again asked the Commission to consider the previous motion that she made. She asked Chief White if this was a fire safety hazard. He stated the Fire Department did not have a chance to review the site plan regarding this particular instance. She asked if Chief White would be willing to hear from the applicant to personally appeal the Fire Marshals decision. Chief White stated he would be willing to look at the set of approved plans that the applicant was provided. Chief White answered further questions asked by Commissioner Diebel. Mr. Bellows requested they approve the motion at the City's expense.

Commissioner Metcalf stated that he agreed with Commissioner Eckbert and he supported, endorsed and **seconded his motion**. He believed this should go to the UAB and suggested that they implement a logical policy for situations like this where the builder has nothing to do with this and he is being tasked to pay 100% of the price. He stated that maybe they need to come up with a 50 % policy for the neighborhood rather than an individual. Commissioner Eckbert stated there was a motion and a second and requested a call for the vote. Commissioner Diebel requested he restate his motion on the table.

Commissioner Eckbert reiterated that the motion on the table was to send this to the Utilities Advisory Board (UAB) for consideration as to what a fair and equitable treatment of issues like this would be and to treat this as the first such issue and be eligible for any exception to the existing policy or change to the existing policy so that they could establish a CRA and/or City-wide policy that would be the guidance for everyone else that has to deal with this issue.

Commissioner Diebel asked Commissioner Eckbert if he would consider withdrawing his motion so she could reconstitute the previous motion.

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

Mayor Strong commented that Mr. Bellows is entitled to some relief and believed he was being treated unfairly and they need to find an equitable solution. He also stated that he would like to hear from the UAB board.

Assistant City Manager Randy Knight gave a recap on what was requested by the Commission. Commissioner Bridges asked the Utility Department to identify any other places that are potential sites where this could occur again. Mr. Knight agreed to do so.

NEW BUSINESS:

1. James Ruth, 939 Mead Avenue asked Mr. Knight if there was a transitional plan for Americans with Disabilities Act (ADA) in the City. Mr. Knight responded that the City has an ADA plan and all of the buildings have been brought into compliance with the exception of one. Mr. Ruth gave the Commission a copy of a report on the transition plan to comply with ADA standards. He asked they read the report and stated he could return and answer questions at a later date. Mr. Ruth stated he believed his civil rights have been violated. Mr. Ruth answered questions asked by Commissioner Diebel.

2. Mary Anne Holt, 541 West Canton Avenue, gave the Commission information on a non binding resolution concerning animal welfare and consumer responsibility. She asked that this be considered for the agenda at an upcoming Commission meeting. Mayor Strong stated they would take this up once the Commission has read through the material.

3. Carolyn Cooper, 1040 McKean Circle, spoke about the comprehensive plan being resubmitted to Tallahassee. She requested that they hold two public hearings or work sessions on this issue. She also stated that when Mr. Bellows request is sent back to the Utilities board they need to look at the procedure and process. Ms. Cooper answered questions asked by Commissioner Diebel.

NEW BUSINESS (CITY COMMISSION):

Commissioner Bridges asked Planning Director Jeff Briggs about the status on the comprehensive plan sections that should be ready for them to preview in advance. He stated they should be ready in a day or two and they are advertising for July 10, 2007 for the P&Z public hearing on the adoption of the comprehensive plan and on July 23, 2007 for the adoption of the comprehensive plan at the Commission meeting. He explained that the content has not changed from the first transmittal, only the basic reformatting from the State.

The meeting adjourned at 7:59 p.m.

Mayor David C. Strong

ATTEST:

City Clerk Cynthia Bonham