

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
September 10, 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 given by Reverend Karen Egerton, All Saints Episcopal Church, followed by the Pledge of Allegiance.

Members present:

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

Also present:

City Attorney Trippe Cheek
City Manager James Williams
City Clerk Cynthia Bonham

Mayor's Report:

1. Marc Hagle, 1220 Park Avenue N., and as a member of the board reviewing the tree preservation ordinance, presented information regarding the proposed changes to the ordinance that will be coming before the Commission at a later date.

2. Commissioner Bridges spoke about the 34th anniversary date of City Manager Jim Williams with the City, 13 years as City Manager, being inadvertently overlooked. She mentioned the many things that he has accomplished under his guidance, the City survey showing 75% of citizens either being satisfied or extremely satisfied with City services, the cost savings over the years as led by Mr. Williams, the numerous awards received by the City, and his good leadership and high morale of employees. Ex-Mayor Kip Marchman spoke in appreciation of Mr. Williams and all his accomplishments along with his high moral character and excellent work ethic. He summarized the projects he and Mr. Williams were involved in together. He spoke about the excellent group of staff under his leadership and stated we have the right management team to lead the City through the upcoming years.

Commissioner John Eckbert addressed his conversation that took place on Friday with Mr. Williams where he shared with him his conclusion that despite his close personal appreciation of him, it is time for new City management. He stated he believes that Mr. Williams' skill set is not a good match for what the City will be facing. He stated he believed the City Manager should be pro-actively engaged in anticipating challenges, marshalling the professional expertise of the professional staff, establishing foundational facts for policy formation and identifying and evaluating alternatives and bringing that skill set to bear upon the Commission with the decisions they have made. He addressed the comprehensive plan being late for submission and believed it was his responsibility to address that. He addressed Ms. Carolyn Cooper's FAR calculations and the difference between the presentations that were made and some of the relevant facts associated with the presentation regarding on-site parking requirements. Commissioner Eckbert stated at the May 28 meeting the City Manager was directed to provide his feedback and guidance for all important issues coming before the Commission. He stated that has not happened.

He stated that once he reached the conclusion that a different style of leadership would be helpful for the City going forward, he moved this issue to top of his agenda. He spoke about the

second amendment to Mr. Williams' employment agreement from May 2002 and the verbiage concerning payment to Mr. Williams if he is terminated. He spoke about the need to understand this issue before making any decisions regarding his employment. He asked that employment counsel Mr. Fawcett review the second amendment to Mr. Williams employment agreement and advise the Commission as to his interpretation of the calculation of the severance package and to provide what is normal and customary to a severance package for a City Manager and what any appropriate amendment to that would be.

Commissioner Bridges clarified she was only acknowledging an anniversary date that the Commission did not acknowledge. She stated she did hear what she considered to be a rumor concerning Commissioner Eckbert's personal agenda regarding Mr. Williams. She stated she does not agree with Commissioner Eckbert and reminded the Commission about this discussion in May where they as a Commission reviewed Mr. Williams' employment contract and gave him a raise. She stated this should be the end of the discussion but apparently is not over with Commissioner Eckbert which makes it personal, rather than political which she believed has been determined. Commissioner Eckbert stated the Commission at any time can determine whether or not he remains City Manager.

Commissioner Eckbert reminded Commissioner Bridges about her frustration during the comprehensive plan adoption process. Commissioner Bridges stated her frustration was not aimed at Mr. Williams but rather the Commission's participation over the last seven years. Commissioner Eckbert agreed. Commissioner Bridges reminded him that both he and Commissioner Metcalf was there during that time and one of the reasons she ran for the Commission seat was to try and provide part of that solution. She agreed that things need to get done but that it is the Commission's responsibility to do that because they are the policy setters and Mr. Williams will follow their direction. She asked Commissioner Eckbert if he took up his concern during the entire process and ever explained his frustrations to Mr. Williams over the comprehensive plan process. Commissioner Eckbert stated he did not at any point during the comprehensive plan process express his frustrations with Mr. Williams specifically regarding how it has been handled.

Commissioner Bridges reminded the Commission that Mr. Williams and Mr. Briggs has been working at the direction of the Commissioners and doing what they were asked to do by the Commission. She stated she did not understand how Ms. Cooper's presentation of facts bore any significance with Mr. Williams and asked for better clarification. Commissioner Eckbert stated he believed there was a factual piece of information that was relevant to Ms. Cooper's analysis of FAR that when the buildings were built, there was not an on-site parking requirement for those buildings. Commissioner Bridges stated Mr. Briggs had addressed that. He stated the process would have been better served to have a professional staff on behalf of the City establish that fact as a relevant fact to FAR calculations rather than have a private citizen do that effort. Commissioner Bridges stated Ms. Cooper used information that was available from the public records and Mr. Briggs has repeatedly pointed out the factual aspects of parking and FAR and did not see a connection with this and Mr. Williams. Commissioner Eckbert then provided information that he believed was not carried out by the City Manager. Mr. Williams explained that the direction of the Commission had been carried out a while ago with the reformatting of the agenda as requested.

Commissioner Metcalf spoke about the Commission having the discussion regarding Mr. Williams' employment when he was not present. He stated this issue needs to be dealt with.

Mayor Strong suggested that this be put on the agenda, allow public input and make a decision. Commissioner Eckbert wanted to ask Mr. Fawcett to review the amendment and provide his opinion as to what the contract means and to clarify the severance calculation. Human Relations Director Anna Currie will contact Mr. Fawcett and report back to the Commission.

Mayor Strong stated this issue should not be brought up for a decision without receiving public input first. Commissioner Eckbert disagreed with Mayor Strong and stated that Mr. Williams' reports to the Commission and it is their responsibility and their process; he is happy to receive public comment on this issue, but it is their decision to make. Mayor Strong stated that this should be on an agenda and Mr. Williams should have the opportunity to address any concerns. Mayor Strong reminded the Commission about the 75% approval rate from the survey. Commissioners Eckbert and Metcalf responded they did not believe that reflected any one individual. Mayor Strong commented that 75% of the people are satisfied or very satisfied with the services of Winter Park and that is a direct reflection of Mr. Williams who is the leader of delivering those services, not the Commission.

The second amendment to the contract was further discussed. Commissioner Eckbert stated Mr. Fawcett has never seen this amendment prior to today and that he can have the amendment reviewed before the next meeting. Commissioner Metcalf stated he would like to make a decision after it is interpreted and discussed so it is handled as quickly as possible and the business of the City can continue. Mayor Strong stated this issue should only be revisited annually and if there is anything egregious that Mr. Williams has done since the previous decision, he is willing to discuss his continued employment but he does not see anything that rises to that level at this point. Commissioner Metcalf concluded that they will receive a report from Mr. Fawcett, hear from the citizens, and have the information necessary for them to discuss and make a decision in two weeks. Commissioner Bridges stated this is inappropriate and not in the best interest of the citizens. She expressed concerns with employees wondering from week to week whether they are still going to be employed and how that will affect morale.

Action Items:

- a) Approve the minutes of 8/27/07.
- b) Approve the following budget adjustment:
 - 1) Appropriate \$7,750 in lot clearing revenues billed in excess of the annual budget for the cost of clearing lots in violation of city codes.
- c) Approve the following RFQ, RFP and Change Order:
 - 1) Award of RFQ-23-2007 Commuter Rail Stop Design Study (Phase 1) to TranSystems; \$124,985.00. **PULLED FROM ACTION ITEMS FOR DISCUSSION. SEE BELOW.**
 - 2) Contract amendment for RFP-5-2005 for janitorial services with O, R&L to include the daily cleaning of first floor restroom at the Azalea Lane Tennis building; \$5,172.00 annually.
 - 3) Deductive Change Order #2 to CH2MHill Constructors, Inc. for Aloma/Magnolia WTP Construction; (\$450,000.00).
- d) Approve the addendum to the Orange County Public School Lease Agreement for Showalter Field.
- e) Conceptual approval for the ARTYgators community art project and exhibit. **PULLED FROM ACTION ITEMS FOR DISCUSSION. SEE BELOW.**
- f) Installation of landscaped islands on S. Lakemont Avenue. **PULLED FROM ACTION ITEMS FOR DISCUSSION. SEE BELOW.**

Motion made by Commissioner Eckbert to approve the Action Items (a, b, c-2 and c-3, and d) with the exception of Items c-1, e and f; seconded by Commissioner Bridges and carried unanimously.

Action item c-1 - Award of RFQ-23-2007 Commuter Rail Stop Design Study (Phase 1) to TranSystems; \$124,985.00: Mayor Strong asked about the execution of this agreement. Planning Director Briggs stated it is subject to confirmation from FDOT that this qualifies toward the City's match. He stated they will move forward after the Commission's approval and they know what to present to FDOT. He verified that the agreement will not be executed until we have written verification that this is a qualifying expense.

Motion made by Commissioner Metcalf to approve Action item c-1, seconded by Commissioner Bridges and carried unanimously with a 5-0 vote.

Action item e - Conceptual approval for the ARTYgators community art project and exhibit: Commissioner Bridges asked for clarification regarding the City's participation in this project from a financial aspect. Mindy Matthews, ARTYgators, stated they are not asking for funding from the City but will need some staff assistance. She stated they would like to utilize merchants on Park Avenue and Hannibal Square, City Hall, the Farmers' Market and the Welcome Center and will not place any exhibits in Central Park or any other park in Winter Park. She stated they are going to utilize Winter Park artists. She further elaborated on their project and their participation in other cities.

Motion made by Commissioner Metcalf to approve Action item e, seconded by Commissioner Eckbert and carried unanimously with a 5-0 vote.

Action item f - Installation of landscaped islands on S. Lakemont Avenue: Tom Cullens, 1274 Serena Drive, speaking on behalf of Winter Park Towers, spoke against adding islands to the roadway and did not believe it would help traffic flow in that area. Public Works Director Troy Attaway addressed moving the pedestrian crossing to improve the safety measure in the middle of the roadway and increasing pedestrian safety crossing the road. He stated they have not presented this to Winter Park Towers because it is very preliminary at this time.

Paul Hutsko, 1111 S. Lakemont Avenue, addressed the danger in crossing the roadway in front of the Towers and asked for a flashing signal to help him cross the roadway because of his visual impairment.

Commissioner Diebel asked about the status of a traffic light coming out of the Towers. Mr. Attaway stated that has been discussed numerous times and given the traffic coming in and out of the Towers, a traffic signal is not warranted using standard traffic warrants. He stated the other issue is if a light is installed at either exit, it blinds up the streets on the east side of the road and residents feel installing a light will increase cut through traffic through their neighborhood. Mr. Attaway stated this could be an intermediate step toward a future signal if there is ever a consensus for that and would drastically increase pedestrian safety if you install the southernmost island which incorporates a pedestrian crossing.

After further comments, there was a consensus to go to the residents, neighbors and the Towers with larger drawings proposing the suggested locations for islands. Commissioner

Bridges stated she hoped the crossing area would be a significant safe place for pedestrians to stop and cross.

Motion made by Mayor Strong to table this item until the Public Works Department meets with the residents and neighbors, seconded with Commissioner Metcalf and carried unanimously with a 5-0 vote.

Public Hearings:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE IV, "SIGN REGULATIONS" SO AS TO ALLOW ONE ADDITIONAL POLITICAL OR CAMPAIGN SIGN TO BE PLACED ON EACH STREET FRONTAGE OF A PROPERTY. First Reading

Attorney Cheek read the ordinance by title. No public comments were made. Building Director George Wiggins stated the ordinance before them was prepared as directed to allow one additional political sign during certain elections. He addressed a request from Ms. Kit Pepper requesting an increase in the size of signs from 2 square feet to 3 square feet. He asked if the Commission wanted to consider amending the ordinance to include the additional size. Further discussion ensued regarding when the additional sign would be allowed and what the sign size should be. Attorney Cheek reminded the Commission that changing the ordinance at the next reading to include verbiage concerning sizes of signs would cause the ordinance to go back to first reading. There was discussion to revisit sign sizes for a future ordinance and for staff to provide a recommendation as to how to handle other signs besides campaign and political ones.

Motion made by Commissioner Metcalf to accept the ordinance as presented 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.

A recess was taken from 5:09 – 5:18 p.m.

City Attorney's Report:

Attorney Cheek commented about the Supreme Court decision in Escambia County relating to tax increment financing and being subject to referendum. He stated if the ruling stands, it will impact the way we finance CRA projects. He stated the City's bond counsel will give us a further report from their point of view on this issue in the future. The validation of bonds was discussed and how the decision may affect this. He stated the bond counsel will clarify this and if our bonds will be affected.

Non-Action Items:

a) Land Development Code implementation.

Planning Director Briggs explained the significant amount of implementation work to be done now that the comprehensive plan is adopted. He explained what needs to be done to accomplish this in a timely manner and the process they will follow. He explained that Canin and Associates and Planning Innovations will help with this so it can come before the Commission in November barring no holdups from the Planning and Zoning Commission, the Economic Development Advisory Board or the Holler/Progress Energy Task Force. Mayor Strong expressed his preference of delaying this if necessary to ensure it is done properly.

Patty Heidrich, 1112 Schultz Avenue, stated that the Architectural Standards Task Force has requested to be included in the work sessions with the other boards and other meetings pertaining to commercial and non-residential development projects in the interim between now and when the guidelines are in place. She stated the request includes the planning consultant to be hired for the design guidelines. Mr. Briggs was in agreement.

New Business (Public):

1. Linda Kulmann, 257 E. Canton Avenue, spoke about missing street signs on Holt Avenue going through and by the Holler properties.
2. Kim Allen, 271 Virginia Drive, spoke about the successful HOPE event that took place on the weekend and the positive response of the public.

New Business (City Commission):

1. Commissioner Metcalf spoke about presidential sizes of signs being against City code.
2. Commissioner Metcalf spoke about businesses trying to open on New England Avenue that are having problems finishing their construction because of Mr. Bellows owing the City fees not related to them finishing their construction. Building Director George Wiggins stated this is the 450 W. New England Avenue building. Utilities Director David Zusi spoke about the multiple fees Mr. Bellows owes the City that they have not paid. Mr. Zusi stated they can delay the payment of fees or the receipt of deeds and liens until the final Certificate of Occupancy. Commissioner Metcalf clarified that both Mr. Bellows and the business owners can continue working but no one can open until the fees are paid by everyone. Mr. Zusi agreed.
3. Commissioner Metcalf asked what is going on at Holt Avenue and Rollins. Commissioner Bridges addressed that they are working on a new set of plans and will be bringing forth another set of drawings that does not require the closing of Hanna Way but addresses their parking issues.
4. Commissioner Diebel asked about the Architectural Standards Task Force and the schedule to complete this within a year. She spoke about her discussion with Mr. Wiggins to put together a schedule that works backwards so within 12 months the Commission would have something to vote on. Commissioner Eckbert suggested planning a nine month plan knowing that things

happen that can push that date out. Commissioner Diebel agreed and asked that this be a priority to the task force and the P&Z because the Commission is dependent on their feedback.

5. Commissioner Diebel asked that the City Manager's issue on the next agenda be placed in the appropriate area on the agenda other than a public hearing at first because of the sensitivity of the issue. She stated she is not objecting to public input but did not think we should start there as a measure of how to formulate their decision making on the discussion that will take place. She suggested not receiving public input at first until they figure out how it will be discussed versus inviting the public in and having a sensitive discussion that could be highly emotional. She agreed with formalizing it on the agenda and after they have formalized the discussion, then allow public input but did not think starting that way would be productive.

Commissioner Bridges stressed the importance of putting a framework around the public conversation. Commissioner Eckbert commented that he has received input from the public regarding his opinion to relieve the City Manager of his duties; Mayor Strong commented that has not taken place in this Chamber. Further discussion ensued whether a public hearing is required for this particular issue. Attorney Cheek stated the Charter does not address a particular procedure to follow. There was further discussion regarding whether or not each Commissioner believed there should be public input before a decision is made. There was a consensus to put this under the Attorney's Report and if the report is provided early from Mr. Fawcett, to distribute that information.

6. Commissioner Diebel asked about a work session for Monday, September 17. There was a consensus to discuss post office alternatives and schedule it from 3:30 – 5:00 p.m.

Millage and Budget Public Hearings:

Mayor Strong opened the public hearing and read into the record the following: "The millage rate needed for fiscal year 2008 to generate the same property tax revenue for the City as in 2007, based on the Property Appraiser's certification, is 4.3901 mills. The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 3.9950 mills. This proposed millage of 3.9950 mills would represent a decrease in property taxes not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency of 9.00%. In addition, a .2186 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2001 approved by the citizens of Winter Park at the May 16, 2000 bond referendum, and a .09370 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 1996 approved by the citizens of Winter Park at the June 4, 1996 bond referendum."

Attorney Cheek read both ordinances by title. Both were acted upon simultaneously. Finance Director Wes Hamil presented the two ordinances for the first hearing. He stated the millage ordinance complies with the State's property tax reform legislation (9% reduction in the rolled back millage rate). He explained the proposed 12% increase in the stormwater fee to help balance the budget, the list of the budget requests prioritized by the City Manager, and items recommended for funding at the 9% reduction in the millage rate (bricking of Holt Avenue, Architectural Review Board visioning study, Public Facilities visioning study, lightning detection system for Lake Island and the golf course, replacing 12 computer servers, lobbyists, and \$160,000 for outside organizations). He addressed items cut from the budget that were departmental requests. He also spoke about items requested for funding from other funds other than the general operating budget.

Nancy Shutts, 2010 Brandywine Drive, spoke in support of the improvements to the park at Azalea Lane and all other parks in the City.

Patty Heidrich, 1112 Schultz Avenue, suggested a way to build a playground at minimal or no cost to the City.

Mark Van Valkenburgh, 319 Raintree Court, asked to add \$19,450 to the library budget because of another cut in their budget by the state.

Robert Kingsland, 555 Sylvan Drive, asked for more funding for lake improvements at Lake Osceola where he resides as well as all City lakes and to keep the lakes cleaner from debris. Public Works Director Troy Attaway explained the problems they have experienced in the lakes and their work to keep the lakes clear. Mr. Kingsland addressed equipment that can help with the lakes that he believed the City should purchase.

No further public comments were made.

Mayor Strong asked for clarification of several increases and line items within the various departments; department heads responded. Mayor Strong addressed outside organizations and his preference not to include them in the City's budget. He spoke in favor of including funding for Azalea Lane improvements and \$19,400 for the library. He asked about general liability insurance increases. Commissioner Bridges spoke in support of funding the Welbourne Day Nursery and the Historical Association.

After discussion regarding funding for the lobbyists and outside organizations, there was a consensus to fund the Azalea Lane improvements, \$50,500 for the state lobbyist, \$30,000 for the Federal lobbyist, lower the funding for outside organizations to \$75,000 which will include the library funding, and to increase the stormwater fees.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 3.9950 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .2186 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2001, AND A .0937 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004. First Reading

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

The Mayor stated the following: "The City Commission has adopted an operating millage which represents a 9.00% decrease in property taxes."

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; APPROPRIATING FUNDS FOR THE GENERAL FUND, CONTRIBUTION FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING FUND,

REDEVELOPMENT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, GOLF COURSE FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AS OF SEPTEMBER 30, 2007; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED WITHIN DEPARTMENTS SO LONG AS THE TOTAL DEPARTMENTAL APPROPRIATION SHALL NOT BE INCREASED THEREBY. First Reading

Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner Bridges. 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.

The meeting adjourned at 7:43 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham