

Response by Joseph Brock to Winter Park Magazine, "Dog Park Is A Bone Of Contention" article about Fleet Peeples Park by Jay Hamburg in the July 2009 issue of Winter Park Magazine. (Forwarded to Winter Park Mayor and Commissioners)

Dear Mr. Hamburg & Winter Park Magazine,

While I appreciate your sensitive account of my feelings about dogs and the park experience, you evidently stopped listening when I talked about **the facts and the law** regarding Fleet Peeples Park. Did it ever occur to you that my talking like a "bulldog attorney" (your words) about this issue might have something to do with the correctness of what I was saying? My purpose in talking to you at the park was *not* to tell you how much I love dogs. It was to explain to you the *truth* about the Parks Board's plan and the unlawfulness of its conduct; and why, on *every* level, retaining the present configuration of Fleet Peeples Park is the appropriate course of action for Winter Park. Sadly, you chose to present a lot of misinformation and to play down the truth. To the uninformed, your article is as misleading as the *big blank green area* on the Parks Board's and Mr. Holland's map of their plan, which you decided to display twice without explaining what the *big blank green area* really is.

1. You begin your article by falsely stating that I am "part of a group *pushing for more space* for dogs to roam free." This misstatement prejudices your entire presentation. As you surely know, neither I nor the Friends of Fleet Peeples Park are "pushing for more space." We are trying to retain the same off-leash space we have now, and which was approved unanimously by the Winter Park City Commission on April 14, 2008. It is the Parks Board which is pushing for *less space* than the present configuration, in violation of the City Commission's unanimous decision and directive to the Parks Board on April 14, 2008.

As I explained to you, this controversy cannot fairly be understood as simply a choice between two competing plans. The plan supported by FFPP went through a lengthy vetting and approval process, was unanimously approved by the Parks Board in December 2007, and was then unanimously approved by the City Commission on April 14, 2008. (The off-leash area under that plan is substantially *smaller* than the off-leash area used by dog owners for many years, yet we are now accused of being unwilling to compromise.) As set forth in the official minutes of the April 14, 2008 meeting, the City Commission's decision was as follows:

Motion made by Commissioner Bridges to support the approval of the adoption of the Fleet Peeples Master Plan as proposed with the addition that the Friends of Fleet Peeples Park and the Parks Board meet together and create a set of guidelines outlining the responsibilities of both parties. Commissioner Diebel accepted the amendment. Upon a roll call vote, the motion carried with a 5-0 vote.

http://www.cityofwinterpark.org/2005/govt/minutes/04_14_08rc.pdf (at page 10).

This has been the standing law of Winter Park for the past year. What could be plainer? The City Commission approved the FFPP master plan "as proposed" and directed the Parks Board to meet with FFPP to create guidelines to implement that master plan. Winter Park dog owners had a basic right to expect that the City would abide by that decision and carry it out. But the actions of the Parks Board and Mr. Holland have directly violated the City Commission's directive. They have no such legitimate authority.

I know talking to Commissioner Dillaha must be confusing. But this is Civics 101 for the City of Winter Park: The elected City Commission is the governing body of Winter Park. All legislative power in the City of Winter Park resides in the City Commission sitting as a quorum. (WP Code Part I Art II Sec 2.01, et seq.) Advisory boards like the Parks Board are subordinate to the City Commission, and provide recommendations, advice and assistance to the City

Commission. (Part II Sec. 66-28). When the City Commission decides a matter and directs a board to do something, that board obviously is not free to disregard the City Commission's decision and disobey its directive. Yet that is what the Parks Board has done. Thus, when Mayor Bradley called out the Parks Board for its improper actions, he was exactly right.

Imagine how you would feel as a Winter Park dog owner when – after winning this unanimous vote by the City Commission and thinking you could enjoy the park in peace – you learn that new members of the non-elected Parks Board, who don't like the master plan adopted by the City Commission, have refused to do their duty to implement the master plan and instead have directed the Parks Department, at taxpayer expense, to design a radically different plan which converts Winter Park's only off-leash park (among nearly 300 acres of park space) into the park primarily for people who don't want to be around dogs.

Maybe this helps explain the anger of the man who confronted poor Mr. Holland. Winter Park dog owners are rightfully dismayed and angered over what has happened. Their anger is not explained away by Mr. Holland's patronizing remark that "These dogs are their kids."

For Commissioner Dillaha to declare that she "hate[s] to see us going around and around like a hamster on a wheel" is the height of irony. Who do you think is pushing this hamster? This issue was decided a year ago in favor of dog owners and should not even be on the table. Dillaha personally voted to approve the FFPP master plan *twice*, first as a Parks Board member and then as a City Commissioner. But she seems to have an endless appetite for re-do's, and demonizes the rest of us for not wanting to go along with her.

Your article misses the boat on this and makes it sound like the position of dog owners is supported only by emotion, while people like Kim Allen, Phil Eschbach and Beth Dillaha are being reasonable. Nothing could be further from the truth. This is not simply about our love for our dogs and this park; it is about following the law under our democratic system of local government. By failing to place this issue in its proper context, you have done Mayor Bradley, Commissioner Diebel, Commissioner Anderson, dog owners like myself, and all citizens of Winter Park a disservice.

2. But the most unpardonable aspect of your article is your misleading attempt to make the Parks Board's plan look generous and reasonable. You never show or discuss the actual master plan for Fleet Peoples Park approved by the City Commission in 2008, except to vaguely call it "the 14 acre plan." But you twice print the Parks Board's and Mr. Holland's misleading map of their plan, and give no explanation of what is really represented in the map. I told you that according to Neil Frazee, the landscape architect who with his wife Jan designed the FFPP master plan (whom you never mention), the "11.5 acre" figure for the off-leash area on Mr. Holland's map is an exaggeration by about 2 acres, and most importantly: ***all but 2.3 acres is the woods.***

But all you state is the unbelievably obscure remark that "FFPP says much of those 11 acres is a densely overgrown area." First of all, it's not "densely overgrown"; it's a natural forest habitat. Second, the presence of the woods is not what "FFPP says"; it is a fact! Third, the woods is not "much of those 11 acres"; it is ***all but 2.3 acres*** of those acres. **The total off-leash open space under their scheme is a narrow 2.3 acre strip running behind the restrooms. That amount would be slashed to 1.2 acres if they decide to close their "beach gate." How generous!**

I showed you a map which marked where the present fence is and where the woods is (see below), but you didn't print that or point out how misleading their map was. **That *big blank green area on their map is all woods!*** If I didn't know the actual facts, I'd look at the *big blank green area* on their map and say "What are those dog owners complaining about?" Is that the response you were trying to elicit?



Discounting the woods, their plan is not "one of the largest public dog parks in Florida" – it is one of the smallest!

When I spoke to you about all the different breeds and types of dogs co-existing at Fleet Peeples Park, the point I was actually making was that the *size and configuration* of the park accommodates all the different types of dogs. The Parks Board's plan would ruin that. By taking away most of the open space from the off-leash area, there would no place for running dogs like greyhounds to run. Large dogs and roughhousing dogs would be forced into close quarters with small and timid dogs. The little-used narrow trails through the woods would become overburdened and could lead to aggression and environmental deterioration. Furthermore, it would end private support from dog lovers for the park, as the Parks Board's plan acknowledges. The plan treats dog owners as second-class citizens.

3. Your attempts to present Phil Eschbach's disingenuous remarks as the voice of reason are astonishing. You quote Eschbach saying "the 11 acres for the off-leash dogs is more than liberal" and calling us "rabid dog people," when Eschbach well knows the actual facts about those so-called "11 acres." You noted that Meredith Tracy's \$300,000 estimate of the value of contributions from FFPP over the years included the "park design plans" (i.e., the extensive services of two expert landscape architects) as well as other "in-kind services"; yet you still quote Eschbach's hyperbole about 10 pavilions and a gold-plated fence as though it were a reasonable and fair statement. And Eschbach's statement that he "thinks" the master plan was passed in exchange for strict enforcement of the 10-4 on-leash rule is a raw fabrication. One of the basic purposes of the master plan was to eliminate the need for restricted off-leash hours by establishing dedicated on-leash and off-leash areas in the park. If that fact is not self-evident, then read what Mr. Holland said in February 2006 when he solicited the master plan from FFPP:

"We are very proud of Fleet Peeples Park and the busy dog-friendly facility it has become. We want nothing more than to make the park as enjoyable as possible for everyone and their dogs. Dog parks have become a reality over the past few years and we realize they are now an important part of our parks system. Our goal is to improve the park... Fleet Peeples Park is over thirty years old and in need of major facility renovation. This process will provide an opportunity to add many of the needed amenities specifically for our dog owners. **The proper design would eliminate the restricted off leash hours** and possibly provide for evening hours and night use. This and more can be accomplished through proper and cooperative planning. I hope you will become a positive part of this process and assist us in making Fleet Peeples Park a national standard for dog parks." (emphasis added)

4. One thing you failed to mention in your side-piece about Fleet Peeples: he was a dog and animal lover. This is his beloved dog Prince seated with him on his Harley:



I guess that seemed like an unimportant detail.

Since the vote on this issue comes up in July, I don't know what can be done to correct the misinformation in your article, except for me to forward this letter to the Mayor and Commissioners. I am very saddened and disappointed.

Joseph Brock
Friends of Fleet Peeples Park member and prospective Board member
Winter Park resident