



**CITY OF WINTER PARK
CITY COMMISSION MEETING
AGENDA
January 24, 2005
COMMISSION CHAMBER
3:30 p.m.**

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall on the Friday before the meeting. Agendas and all backup material supporting each agenda item is available in the City Clerk's office or on the City's website at www.cityofwinterpark.org so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

The purpose of the public comment portions of the meeting is to receive citizen input before decisions are made. Persons desiring to address the Commission are asked to fill out a yellow "Request to Speak" form which is attached to the agenda. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address and direct all remarks to the Commission as a body, and not to individual members of the Commission, staff or audience. Comments shall be limited to three (3) minutes for public comment or consent agenda items, and five (5) minutes for public hearings unless extended by the Commission. Large groups are asked to name a spokesperson. This period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting.

Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your City government.

INVOCATION: Deputy Police Chief Bill McEachnie

PLEDGE OF ALLEGIANCE

1. MAYOR'S REPORT:

- a) January 2005 Employee of the Month - Jimm Walsh, Fire Department

2. CITY ATTORNEY'S REPORT:

- a) Resolution-Designating 1000 Kentucky Avenue South as a historic property.
- b) Discuss the Welcome Center Term Sheet.

3. CONSENT AGENDA:

- a) Approve minutes of 1/10/05.
- b) Approve bids and purchases as follows:
 - 1) Equipment for Police Department's emergency preparedness from the forfeiture funds:
 - Super duty Ford pickup truck, Don Reid Ford (PR 114981); \$26,730.00
 - Enclosed trailer for emergency equipment, NRC Sales (PR 115069); \$5,195.00

- 2) Task Order 2004-02, Project 321306 to CH2M Hill Constructors, Inc. for Aloma Water Treatment Plant (WTP) Installation and Magnolia WTP Improvements, automated controls and instrumentation; \$445,400.00 (Budget: Utilities CIP)
- 3) PR 114959 (after-the-fact) to CH2M Hill constructors, Inc. (Task Order 2004-02) for Section IV "Payment Provisions" not included in the approval from the Commission on August 27, 2004. Amount will be reimbursed to the City; \$454,254.00 (Budget: Utilities CIP)
- 4) Purchase of a demo unit of an Elgin Pelican P Street Sweeper as per attached quote from Environmental Products of Florida, net amount \$101,570.00 (Budget: Streets Division). NOTE: demo discount taken off the amount bid to Collier County on Bid 04-3590.
- 5) Extension of WP-1-2003, Armored Car Services with Loomis, Fargo and Company. All original pricing will remain the same (Budget: Finance).
- 6) Task Order 2004-02, Project 321306, to CH2M Hill, motor controls and switchboards for Aloma WTP Installation and Magnolia WTP improvements; \$417,125.00 (Budget: Utilities CIP).
- 7) Task Order 2004-02, Project 321306, to CH2M Hill, vertical turbine pumps for Aloma WTP Installation and Magnolia WTP improvements; \$424,520.44 (Budget: Utilities CIP).
- 8) Waiving bidding procedures for an emergency purchase of sod and seeding for areas affected by the storage of wood chips from the hurricane debris. This is needed to restore areas at Lake Island for a cost of approximately \$34,000 and Showalter Field sites approximately \$13,000. This is expected to bring sites near to their original grades and condition. Projected costs will be approximately \$47,000.00+ (total) pending on actual installation of sod and grassing. (Budget: Parks with partial reimbursement from FEMA).
- 9) PR 115020, Concrete Conservation Inc., relining of sanitary manholes at various locations, from JEA contract #41324, \$35,824.50. (Budget: Utilities CIP).
- 10) Purchase of generator set for Aloma WTP Improvements from Task Order 2004-02/Project #321306, CH2M Hill. Purchase will be made directly from Cummins Southeastern Power, Inc., \$403,397.53. (Budget: Utilities CIP).
- 11) Purchase of a Motorola communication system for the Police Department which will consist of a microwave radio system, digital radios, and an astro digital channel upgrade. \$717,038.00 (Budget: PD \$900,000.00)

4. PUBLIC HEARINGS TO BE HELD AT 3:30 P.M. OR AS SOON THEREAFTER:

- a) ORD-Establishing a formula for the transfer of funds from the Electric Utility to the General Fund. (2)
- b) ORD-Establishing a formula for the transfer of funds from the Water and Sewer Utility to the General Fund. (2)
- c) ORD-Extending the current lease of the Historical Association for 200 W. New England Avenue. (1)
- d) ORD-Revising permit fees by incorporating fees for land development code plan review, inspection and administration within the existing schedule of fees. (1)
- e) CU-Request of New Fellowship Church of God to construct a new one story, 1,300 square foot fellowship hall addition to the existing church at 640 W. Canton Avenue. **UNANIMOUSLY APPROVED BY P&Z WITH CONDITIONS.**

- f) Request of Central Park Station Partners LLC: **UNANIMOUSLY APPROVED BY THE P&Z WITH CONDITIONS.**
 - CU and Planned Development Approval to permit the construction of a four story, mixed use redevelopment of the U.S. Post Office property at 300 N. New York Avenue. Request includes approval of temporary post office facilities on city property south of the current post office site on New York Avenue and Morse Boulevard at the former city water plant site on New York Avenue.
 - ORD-Amending zoning definitions to provide for an alternate definition of floor area ratio within the New York Avenue corridor of the Central Business (C-2) District. (1)
 - g) Request of Sydgan Corporation: **DENIED BY THE P&Z BY A 4-1 VOTE.**
 - Planned Development Approval to permit construction of a four story mixed use building and 7 level parking garage on the south end of Block 54, Town of Winter Park Subdivision bounded by Pennsylvania Avenue, Lyman Avenue and Hannibal Square, East.
 - h) Request of Sydgan Corporation: **DENIED BY THE P&Z BY A 4-1 VOTE.**
 - Planned Development Approval to permit the construction of a four story mixed use building at 450 W. New England Avenue.
 - i) ORD-Amending Chapter 58, Article III, "Zoning" to provide setback regulations for certain recreational structures. **UNANIMOUSLY APPROVED BY THE P&Z.**
5. **CITY MANAGER'S REPORT (PUBLIC COMMENTS WILL BE RECEIVED AFTER EACH ITEM IS PRESENTED):**
6. **NEW BUSINESS:**

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105).

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407 599-3277) at least 48 hours in advance of the meeting."

CITY COMMISSION MEETING MINUTES
January 24, 2005

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth "Kip" Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

PRESENT: Mayor Kenneth "Kip" Marchman; Commissioners Douglas Storer, Douglas Metcalf and John Eckbert; City Manager James Williams; City Attorney James E. Cheek and City Clerk Cynthia Bonham. Commissioner Barbara DeVane was absent.

The invocation was offered by Deputy Police Chief Bill McEachnie, followed by the Pledge of Allegiance.

MAYOR'S REPORT:

- a) January 2005 Outstanding Employee of the Month - Jimm Walsh, Fire Department

Mayor Marchman recognized Jimm Walsh, Fire Department, as the January 2005 Outstanding Employee of the Month.

Mayor Marchman requested a moment of silence in memory of Beth Provancha from the Civil Service Board who passed away.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1893-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1000 KENTUCKY AVENUE SOUTH, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and Eckbert voted yes. The motion carried unanimously with a 4-0 vote.

- b) Discuss the Welcome Center Term Sheet.

Mayor Marchman informed the Commission that the City Attorney was working with representatives from the Winter Park Chamber of Commerce on revisions to the term sheet. Mayor Marchman explained the concerns he had with the term lease agreement and expressed his preference of including the obligation that the Chamber maintain the Welcome Center.

Chamber of Commerce representative George Herbst, 1742 Temple Drive, asked that the Commission approve the revised term sheet. He said an approval will allow the lease to move forward.

Chamber of Commerce representative Bill Diamond, 2080 Fawsett Road, spoke about the general understanding that the Chamber will staff and operate the Welcome Center as long as the Chamber occupies the building.

Commissioner Storer expressed his support on whatever resolution the Mayor suggested. Commissioner Eckbert concurred with Commissioner Storer. Commissioner Metcalf agreed with the comments expressed, but noted his concern with the Chamber managing the visitor side. No public comments were provided.

Motion by Commissioner Eckbert to move forward with the term agreement as modified, seconded by Commissioner Metcalf. The motion carried unanimously with a 4-0 vote.

CONSENT AGENDA:

- a) Approve minutes of 1/10/05.
- b) Approve bids and purchases as follows:
 - 1) Equipment for Police Department's emergency preparedness from the forfeiture funds:
 - Super duty Ford pickup truck, Don Reid Ford (PR 114981); \$26,730.00
 - Enclosed trailer for emergency equipment, NRC Sales (PR 115069); \$5,195.00
 - 2) Task Order 2004-02, Project 321306 to CH2M Hill Constructors, Inc. for Aloma Water Treatment Plant (WTP) Installation and Magnolia WTP Improvements, automated controls and instrumentation; \$445,400.00 (Budget: Utilities CIP) **PULLED FROM CONSENT AGENDA. SEE BELOW.**
 - 3) PR 114959 (after-the-fact) to CH2M Hill constructors, Inc. (Task Order 2004-02) for Section IV "Payment Provisions" not included in the approval from the Commission on August 27, 2004. Amount will be reimbursed to the City; \$454,254.00 (Budget: Utilities CIP)
 - 4) Purchase of a demo unit of an Elgin Pelican P Street Sweeper as per attached quote from Environmental Products of Florida, net amount \$101,570.00 (Budget: Streets Division). NOTE: demo discount taken off the amount bid to Collier County on Bid 04-3590.
 - 5) Extension of WP-1-2003, Armored Car Services with Loomis, Fargo and Company. All original pricing will remain the same (Budget: Finance).
 - 6) Task Order 2004-02, Project 321306, to CH2M Hill, motor controls and switchboards for Aloma WTP Installation and Magnolia WTP improvements; \$417,125.00 (Budget: Utilities CIP). **PULLED FROM CONSENT AGENDA. SEE BELOW.**
 - 7) Task Order 2004-02, Project 321306, to CH2M Hill, vertical turbine pumps for Aloma WTP Installation and Magnolia WTP improvements; \$424,520.44 (Budget: Utilities CIP). **PULLED FROM CONSENT AGENDA. SEE BELOW.**
 - 8) Waiving bidding procedures for an emergency purchase of sod and seeding for areas affected by the storage of wood chips from the hurricane debris. This is needed to restore areas at Lake Island for a cost of approximately \$34,000 and Showalter Field sites approximately \$13,000. This is expected to bring sites near to their original grades and condition. Projected costs will be approximately \$47,000.00+ (total) pending on actual installation of sod and grassing. (Budget: Parks with partial reimbursement from FEMA).

- 9) PR 115020, Concrete Conservation Inc., relining of sanitary manholes at various locations, from JEA contract #41324, \$35,824.50. (Budget: Utilities CIP).
- 10) Purchase of generator set for Aloma WTP Improvements from Task Order 2004-02/Project #321306, CH2M Hill. Purchase will be made directly from Cummins Southeastern Power, Inc., \$403,397.53. (Budget: Utilities CIP)
- 11) Purchase of a Motorola communication system for the Police Department which will consist of a microwave radio system, digital radios, and an astro digital channel upgrade. \$717,038.00 (Budget: PD \$900,000.00)

No public comments were provided. City Manager Williams requested to discuss item 'b'.

Motion by Commissioner Eckbert to approve the Consent Agenda with the exception of item 'b', seconded by Commissioner Metcalf. The motion carried unanimously with a 4-0 vote.

Consent Agenda Item 'b'

Utility Director David Zusi clarified that the vendor for item 2 should be Byrd Automation, item 6 Graybar Electric, and item 7 Tom Evans. Commissioner Metcalf inquired whether any of the purchases are to be used to improve Fairbanks Avenue. Mr. Zusi explained the projects that are scheduled to be presented at a later meeting to deal with Fairbanks Avenue.

Motion by Commissioner Eckbert to approve Consent Agenda item 'b' with changes as noted, seconded by Commissioner Metcalf. The motion carried unanimously with a 4-0 vote.

PUBLIC HEARINGS:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING A FORMULA FOR THE TRANSFER OF FUNDS FROM THE ELECTRIC UTILITY TO THE GENERAL FUND; PROVIDING FOR CODIFICATIONS; PROVIDING FOR AN EFFECTIVE DATE. First reading after revision.

City Attorney Cheek read the ordinance by title.

Assistant City Manager Knight explained the amendment that he believed was made to the ordinance at first reading. He said he presented the amendment to the Utilities Advisory Board which resulted in additional changes. Mr. Knight stated that is why the two versions of the ordinance are under consideration.

Mr. Knight continued that version one included that the first 3 years of operation have 100% of the net cash flow reinvested back into the system. Additionally, he said there is a staged reduction in the amount that is reinvested and an increase in the amount that is available for other uses that starts in year 4. He continued that he believed the Commission also preferred a repayment schedule of the funds that were advanced by the General Fund. He explained how the repayment schedule somewhat conflicts with the 100% reinvestment.

Mr. Knight explained version two of the ordinance. He said the second version included that the first three years of operation have 100% of the net cash flow reinvested back into the system with a 75%, 25% split; with the 25% as the reimbursement to the General Fund after year 3 and until such time of repayment which would be revisited by the Commission.

Commissioner Eckbert sought clarification on the second version of the ordinance and the repayment schedule to the general fund. Mr. Knight stated the repayment would begin in year four with the 25% of the net positive cash flow shifting back into the General Fund towards the amount that was advanced. Discussion ensued regarding which version was more appropriate.

Commissioner Metcalf explained that he preferred version one, but only to the extent that it left sufficient funds in the utility so that it remained fiscally solid. He said he could support a conservative approach with the three years at 100% then 10%, 20%, then 25% from that point on. Discussion ensued regarding whether a repayment schedule should be included.

No public comments were provided.

Mayor Marchman inquired whether the changes were of a substantial nature to consider this a first reading. City Attorney Cheek responded that this should be considered a first reading of the ordinance.

Motion by Commissioner Metcalf to accept the second version of the ordinance and to insert section 2 of the first version which reads as follows: For the initial three year period of operations, the City will reinvest 100% of excess net cash (if any) earned from electric utility operations back into the electric system for the purpose of improving system reliability and accelerating the undergrounding of the electric distribution system. For fiscal year 2009 the City will reinvest 90%, for fiscal year 2010 the City will reinvest 80% and for fiscal year 2011 the City will reinvest 75% of excess net cash (if any) earned from electric utility operations back into the electric distribution system.

For the purposes of this ordinance, "excess net cash" means lawfully available funds remaining after payment of all operation and maintenance expenses of the system (wholesale power supply, A&G expenditures, and T&D O&M expenditures), system debt service, budgeted capital expenditures, the Base Transfer defined above, required deposits, if any, into the emergency reserve fund, and required deposits, if any, into the debt service reserve fund. This reinvestment of funds will be known at the "System Reinvestment Transfer" as it will be segregated into a separate fund or account until such time it expended for the purposes described above. Beginning in fiscal year 2009, the excess net cash not reinvested in the electric distribution system may be transferred to the City for use as directed by the City Commission, and that 15%, 20%, 25% will be the repayment of the general fund advance and it will be revisited at some point in the future, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and Eckbert voted yes. The motion carried unanimously with a 4-0 vote.

Commissioner Eckbert inquired whether the revised language was consistent with the Utility Advisory Board's preference. Mr. Knight responded affirmatively.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING A FORMULA FOR THE TRANSFER OF FUNDS FROM THE WATER AND SEWER UTILITY TO THE GENERAL FUND; PROVIDING FOR CODIFICATIONS; PROVIDING FOR AN EFFECTIVE DATE. Second Reading

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

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and Eckbert voted yes. The motion carried unanimously with a 4-0 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE LEASING OF 200 WEST NEW ENGLAND AVENUE TO THE WINTER PARK HISTORICAL ASSOCIATION, INC.; EXTENDING THE CURRENT LEASE FOR AN ADDITIONAL THREE YEAR TERM; PROVIDING AN EFFECTIVE DATE. First reading

City Attorney Cheek read the ordinance by title.

Winter Park Historical Association Executive Director Marianne Popkins spoke in favor of extending of their lease at the Farmers' Market. No other public comments were provided.

Commissioner Metcalf elaborated that funding was provided to the Historical Association in order for the organization to involve itself in revenue generating opportunities and to relieve the City from being the primary subsidy source. He said he would not suggest extending the lease unless the organization assists in some fashion with the Welcome Center or with other projects in the City. He said he would not support the extension until it is determined where the organization is headed in terms of funding, and how it will become self-sufficient.

Mayor Marchman responded that the Historical Association is a key part of the City and its municipal services. He commented that everyone involved would like the organization to be in the position to raise funds from other sources and require less through the budget process. He said it remains to be an organization that is essential to Winter Park and that he supports the extension.

Motion made by Commissioner Storer to accept the ordinance on first reading which would grant the extension of the lease agreement to the Historical Association, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer and Eckbert voted yes. Commissioner Metcalf voted no. The motion carried with a 3-1 vote.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO REVISE PERMIT FEES BY INCORPORATING FEES FOR LAND DEVELOPMENT CODE PLAN REVIEW, INSPECTION AND ADMINISTRATION WITHIN THE EXISTING SCHEDULE OF FEES; PROVIDING AN EFFECTIVE DATE. First reading

City Attorney Cheek read the ordinance by title.

Building Official George Wiggins stated the proposed ordinance is an adjustment to the administrative provision of the building code chapter that gives clarification to the City's permit fees.

Mayor Marchman asked for public comments. No comments were provided.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 4-0 vote.

- e) Conditional Use Request of New Fellowship Church of God to construct a new one story, 1,300 square foot fellowship hall addition to the existing church at 600 W. Canton Avenue.

Planner Jeff Briggs identified the location of the church and the vacant lot adjacent to their property that the church currently utilizes for parking. He said the church purchased the lot last year and is asking to add a 1,300 square foot addition in the back of the property. Mr. Briggs explained there is a residence located next to the adjacent lot of which the property owner has approved the proposed plans. He said the Planning and Zoning Commission (P&Z) is supportive with the plans in terms of accommodating the church's desire for growth. He said included in the conditions from the P&Z is the requirement that all planning details be addressed by the church for the project to move to the second phase of the Planning and Zoning approval; specifically the parking area along Pennsylvania Avenue. Lastly, he noted the project received approval from the P&Z with conditions.

Commissioner Metcalf inquired into how this plan fits with what has been planned for the Pennsylvania Avenue/Garfield Avenue area. CRA Manager Alberto Vargas explained how this project is architecturally consistent with what is planned for the area.

No public comments were provided.

Motion made by Commissioner Metcalf to approve the conditional use request with the following conditions imposed by the Planning and Zoning Commission: subsequent approval of the landscape plans to return to the Planning and Zoning Commission for final approval, and a design direction that discourages parking on the Pennsylvania front lawn, seconded by Commissioner Eckbert. The motion carried unanimously with a 4-0 vote.

- f) Request of Central Park Station Partners LLC for Conditional Use and Planned Development Approval to permit the construction of a four story, mixed use redevelopment of the U.S. Post Office property at 300 N. New York Avenue. Request includes approval of temporary post office facilities on city property south of the current post office site on New York Avenue and Morse Boulevard at the former city water plant site on New York Avenue.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND SECTION 58-91 "DEFINITIONS" TO REVISE THE DEFINITION OF FLOOR AREA RATIO WITHIN SPECIFIC BOUNDARIES IN THE CENTRAL BUSINESS (C-2) DISTRICT. First reading

City Attorney Cheek read the ordinance by title.

Planner Briggs provided the staff report regarding the redevelopment of the current Post Office site which involves a conditional use approval for the scale of the building, a planned development approval because of variances needed, and an ordinance to modify the floor area ratio. Mr. Briggs explained the limitations of the floor area ratio in the Comprehensive Plan and how it was never changed from 200% to at least a 300% limit. He continued that until the Comprehensive Plan is revised, staff has to adjust the code in the interim in order to make certain projects workable. He said the request is for a 4-story redevelopment of the existing Post Office property which the applicant will present detailed plans. Planner Briggs confirmed that the project will include a new Post Office located on the first floor along with retail/office space, and residential on floors 2, 3 and 4, with parking located on the two basement levels below. He confirmed that the Planning and Zoning Commission (P&Z) recommended approval with the suggestion that the applicant prepare a development agreement that incorporates many of the technical details and representations discussed.

Mr. Briggs continued that part of the approval includes granting the zoning approval needed for the interim Post Office facility. He explained that while the project is under construction, the applicant will need to use the existing parking lot located on the north corner of Morse Blvd. and New York Avenue for a new retail Post Office location. He continued that the applicant intends to construct attached modular buildings which will utilize approximately 60% of the property for this purpose. He said the Post Office wholesale operation is intended to occur at the former water plant site across New York Avenue; with the same interim arrangement of modular buildings on the site. Mr. Briggs noted that this site requires a site plan approval as part of the zoning process because the property is zoned PQP. Planner Briggs stated that an all inclusive approval is what is intended for this meeting.

Mr. Briggs explained the issues expressed by surrounding residents that involved stormwater and traffic impacts. Regarding the issue of traffic impact, Mr. Briggs noted that the applicant conducted a traffic impact study of which the P&Z has asked to be updated to address signalization issues. Planner Briggs summarized changes to the cross section of New York Avenue of which the P&Z has requested to review the changes at a later date for approval. After addressing the concern over the setback issue on New York Avenue, Planner Briggs confirmed that the P&Z unanimously recommended approval for this project.

Allan Keen, 1312 Bridgeport Drive, introduced the project's development team, partners, and its consultants. Mr. Keen summarized the history of the project and the discussions that began in 2001. Lastly, he confirmed that the P&Z and City staff were in full support of the project and asked that the Commission support the project as well.

John Cunningham, ACi Architects, summarized the preliminary master site plan. Mr. Cunningham's presentation included information regarding the project's current site, plans, building floor layouts, proposed architectural aspects, elevations, setbacks, green space and landscaping, and the residential garden.

Mayor Marchman, appreciative of the quality of the project, expressed his concern with the long term maintenance and repair of the project.

Mr. Keen elaborated on the complexity of the project and that many of the issues raised have been addressed. Additionally, Mr. Keen commented on the amount of impact fees and revenues that will be generated from the project for the CRA area.

Mayor Marchman commented on the importance of the retail space that fronts Carolina Avenue and/or Central Park to include restaurant space because of the interchange that exists between both areas.

Ken Kraft, 231 Chelton Circle, as an adjacent property owner to the project, stated he was satisfied with the discussion regarding the stormwater issue. Additionally, he inquired into the number of available paved parking spaces that will be available upon completion of the building. Mr. Keen responded that the intent is for the parking on both the west and east sides of New York Avenue to remain the same or to increase.

Mayor Marchman and all the Commissioners present disclosed to having participated in separate discussions with the applicant and representatives of the project.

Joe Terranova, 700 Melrose Avenue, spoke in favor of approving the project. He addressed the height of the building on New York Avenue which he believed was not a problem, the issue of the project's mass, and the additional residential units that will be available for the downtown area as elements that need to be emphasized.

Park Avenue Area Association Board Member Danny Williams, 637 Blairshire Circle, presented a petition in favor of approving the project.

Commissioner Storer recused himself from voting due to a conflict with this matter.

Commissioner Eckbert supportive of the project expressed his disappointment with the inability to relocate the Post Office's sorting facility to another location. Commissioner Metcalf concurred with Commissioner Eckbert's comments. Mayor Marchman elaborated on how this project is the product of a collaborative and cooperative effort between the City and the developer.

Regarding the conditional use request, the following motion was made:

Motion made by Commissioner Metcalf to approve the conditional use request for the Post Office facility with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner Eckbert. The motion carried unanimously with a 3-0 vote. Commissioner Storer did not vote.

Regarding the ordinance amending the zoning definitions to provide for the floor area ratio within the New York Avenue and Central Business District, the following motion was made:

Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and Metcalf voted yes. The motion carried unanimously with a 3-0 vote. Commissioner Storer did not vote.

Recess

A recess was taken from 5:02 p.m. - 5:10 p.m.

- g) Request of Sydgan Corporation for a Planned Development Approval to permit construction of a four story mixed use building and 7 level parking garage on the south end of Block 54, Town of Winter Park Subdivision bounded by Pennsylvania Avenue, Lyman Avenue and Hannibal Square, East.

Planner Briggs provided the staff report. He stated that Sydgan Corporation is the applicant for public hearings 'g' and 'h'. Mr. Briggs reported that both projects were presented and approved by the Commission in July 2004 but have returned due to revisions resulting from bids coming in higher than expected. He continued that the request for 450 West New England Avenue approved in July included a three-story building proposed to be retail or office on the ground floor, apartments on the second and third floors and 35 underground parking spaces. He explained the applicant needed the underground parking element to meet the zoning parking requirement.

Mr. Briggs stated that the applicant also needed to meet the zoning parking requirement with the companion project located south of the Dexter's building on the south portion of the block bounded by Pennsylvania and Lyman Avenues, and Hannibal Square east, identified by the address of 362 South Pennsylvania Avenue. He reminded the Commission that the approval granted in July included a four level liner building along Pennsylvania Avenue, with retail space on the ground floor, three levels of apartments located above, and a five level parking garage located on the east side of the property on the Lyman Avenue and Hannibal Square east side. He said the five level parking garage was to provide parking for the 362 South Pennsylvania Avenue project and the 450 West New England Avenue because the latter project needed additional parking other than the 35 proposed underground spaces.

He said the applicant returned and asked the Planning and Zoning Commission (P&Z) to delete the underground parking from the 450 West New England Avenue project, and to assist with cash flow, to add a fourth level of apartments to the 450 West New England Avenue project. He explained the concerns from the P&Z over the request to add a fourth level to the New England Avenue project and the vision that the same height in scale, two and three-story buildings be proposed for New England Avenue as it exists on Park Avenue. He confirmed that the P&Z recommended denial of the request for the now four story 450 West New England Avenue project because of the request to add the fourth level.

Planner Briggs stated that the applicant has responded by modifying the request by not seeking approval for the fourth floor and submitting floor plan changes. He said the request continues to be office/retail space on the first floor, 50% office space on the second floor with the back 50% being small storage units, and the third floor being entirely residential. He explained the underground parking component has been deleted and those spaces are proposed to be moved across the Hannibal Square street in the parking garage which would increase the levels proposed from 5 to 7. He confirmed that the P&Z also had concerns over this revision because of the resultant height restriction in the context of the Hannibal Square area. Planner Briggs stated that was the reason for the recommendation for denial for both projects from the P&Z.

CRA Manager Alberto Vargas presented redevelopment opportunities for the 450 West New England project that were discussed with the applicant that would increase the parking opportunity for the structure and area. He said staff recommended approval of the redevelopment opportunity for this project because it increases the parking for the area and meets all building and architectural requirements.

Mayor Marchman and all Commissioners disclosed their participation in separate discussions with the applicant of the project.

Sydgan Corporation representative and applicant Dan Bellows, 533 West New England Avenue, addressed the concerns expressed at the Planning and Zoning Commission. Mr. Bellows explained the recent architectural and building changes proposed for both projects.

Commissioner Storer inquired whether the applicant needed a super majority vote of the Commission to obtain an approval. He asked Mr. Bellows to reiterate the concessions that were made to comply with the Planning and Zoning Commission and to explain how the project differs from what was previously approved. Discussion ensued that the previous issue was that the liner building set the height limit, that the parking deck was at a lower height, and that a taller parking deck becomes 3' higher than the liner building. Mr. Bellows confirmed that was correct, but stated they are now identical heights. He provided elevations to illustrate the changes. For purposes of clarification, Mayor Marchman asked Mr. Bellows to restate the address of the building he referred to as the "Dexter's" building and the address of the project proposed. Mr. Bellows responded that the address for the project is 362 South Pennsylvania Avenue and the address of the Dexter's building is 558 West New England.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the proposed project. He elaborated on the importance of accommodating a large capacity garage in the proposed location.

Mary Daniels, 650 Canton Avenue, spoke in support of the Planning and Zoning Commission's decision to maintain and impose the height restriction. She expressed her concern of constructing an intrusive structure in the area discussed.

Lurline Fletcher, 790 Lyman Avenue, expressed her concern with the parking garage proposed.

Susan Gable, 1539 Golfside Drive, asked that the Commission deny the project because of the precedent it creates.

Margie Bridges, 767 Antonette Avenue, asked that the Commission uphold the decision made by the Planning and Zoning Commission because of the importance of setting a height level when a project abuts a residential area.

Rudolph Scott, 750 Northwood Circle, addressed the need of a stopping point to additional height in this area.

Mayor Marchman sought clarification on whether most of the discussion at the P&Z level was related to the 450 West New England Avenue property, and if the 362 Pennsylvania Avenue property was considered after the fact.

Planner Briggs responded that most of the discussion focused around the 450 West New England Avenue property and once that project was denied, the subsequent vote was provided for consistency as to permitted heights.

Commissioner Storer expressed his concern that it seemed that most of the issues raised at the Planning and Zoning level had been addressed, but was unclear as to why a Planning and Zoning board member was still uncomfortable with this project. He asked whether any consideration was given to a step-back on the fourth level of parking which still might meet the needs of the project. Mr. Bellows spoke about the importance that he complete the garage and that he was willing to make adjustments. Discussion ensued about the exact height needed to make the garage a possibility.

Mayor Marchman expressed that the revised plan should have been presented to the Planning and Zoning Commission before presenting a new plan to the City Commission that the Planning Commission was unaware of. Commissioner Metcalf elaborated on how he believed the project could be accomplished. Mr. Bellows asked that the Commission approve the project with the architectural details as outlined by Commissioner Storer so that the project can be revised and resubmitted to the Planning and Zoning Commission for approval.

Motion by Commissioner Storer that the project return to the Planning and Zoning Commission with the following comments: that the rear elevation on the Sportsman's Bar side remain at the approved height, the Lyman Avenue elevation is above 45', 11 3/4" to be treated in a lighter architectural treatment, seconded by Commissioner Metcalf. The motion carried with a 3-1 vote with Mayor Marchman voting no. He explained that he wants the project to return to the P&Z but without the conditions as stated by the motioner

- .i) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND THE "GENERAL PROVISIONS" TO PROVIDE SETBACK REGULATIONS FOR CERTAIN RECREATION STRUCTURES. First reading

City Attorney Cheek read the ordinance by title. Planner Briggs explained that the code relating to accessory structures allows recreational structures to be constructed 5' feet from the rear line. He stated that staff has realized that the code does not work because it needs greater setbacks and that the proposed ordinance increases the rear setback to at least 15'.

Mayor Marchman asked for public comments. No comments were provided.

Motion by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 4-0 vote.

CITY MANAGER'S REPORT:

- a) City Manager Williams stated he had a item regarding a broadcast that was withdrawn.

- b) City Clerk Cindy Bonham reported that the opposition to Seat 2, Marnie Berger withdrew her candidacy, therefore Seat 2 is unopposed for re-election.

NEW BUSINESS:

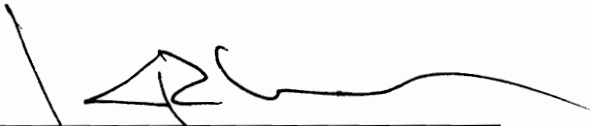
- 1) Mayor Marchman asked to be updated at an upcoming Commission meeting on the decisions made regarding the Christmas decorations. City Manager Williams stated that staff is in the process of meeting with the organizers to discuss the recent lighting decorations. He suggested that a task force review the lighting and decorations.
- 2) Lurline Fletcher, 790 Lyman Avenue, reported a recent incident that involved a pit bull that threatened residents attempting to leave their residence.
- 3) Commissioner Storer advised staff of his knowledge of interested parties seeking to redevelop the Fairbanks Avenue corridor and asked that the City expedite its plans in order to show the City's commitment with this venture.

Concurring with Commissioner Storer's comments, Commissioner Metcalf added that the Planning and Zoning Commission needs to expedite its decisions regarding the structure and layout for the corridor. He asked that the City Manager organize and unite members of the Planning and Zoning Commission, Economic Development Advisory Board, Parks and Recreation Commission, and other boards that may provide input as to what they envision as the outside limits for the corridor. He suggested using the ULI to assist with the planning process. City Manager Williams reported that staff has participated with discussions with consultants and intends to present a first phase study at the next Commission meeting.

- 4) Commissioner Eckbert asked if there was a way to recognize the residents that bore most of the brunt of the past hurricanes and their aftermath. Mayor Marchman suggested to invite those residents as V.I.P. guests to the Board Appreciation Dinner. Commissioner Eckbert suggested the concession of one year on taxes for these residents. Mayor Marchman expressed his concern over the methodology and distinguishing which resident would be provided the tax concession. He asked for staff to provide suggestions. City Manager Williams elaborated that staff continues to expedite the recovery process. He said the decision made this evening dealing with restoring the ball fields is another step towards recovery.
- 5) City Manager Williams reported about the patron seating along the sidewalk on Park Avenue. He said staff has looked into the issue and found that generally the merchants were in compliance. He said the merchant is permitted to expand if they are granted permission from the adjoining restaurant. Mr. Williams confirmed that there were cases that some were not given permission nor were in compliance, but that most were.

Commissioner Eckbert asked if it can be required that the Park Avenue merchants clean the sidewalks located directly in front of their establishment. City Manager Williams that staff will look into that.

Mayor Marchman adjourned the Commission meeting at 6:27 p.m.



Mayor Kenneth R. Marchman

ATTEST:



City Clerk Cynthia Bonham

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Storer, Douglas	NAME OF BOARD, COUNCIL, <u>COMMISSION</u> , AUTHORITY, OR COMMITTEE
MAILING ADDRESS 850 East Lake Sue Avenue	THE BOARD, COUNCIL, <u>COMMISSION</u> , AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Winter Park County Orange	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED January 24, 2005	NAME OF POLITICAL SUBDIVISION City of Winter Park
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Douglas Storer, hereby disclose that on 1/24, 20 05:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Central Park Station Partners;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

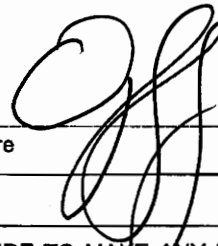
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

THE HASKELL COMPANY WHO IS MY EMPLOYER IS IN THE DISCUSSION STAGES OF WORKING FOR CENTRAL PARK STATION PARTNERS

Date Filed

1/26/05

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.