

AMENDED

**CITY OF WINTER PARK
CITY COMMISSION MEETING
January 26, 2004**

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.

AGENDA

INVOCATION: Pastor Jim Book, First Christian Church

PLEDGE OF ALLEGIANCE

1. MAYOR'S REPORT:

- a) Resolution-Recognizing Officer Joseph Thomas for 29 years of service.

2. CITY ATTORNEY'S REPORT:

3. CONSENT AGENDA:

- a) Approve minutes of 1/12/04.
- b) Approve bid as follows:
 - 1) Extension of Bid WP-1-2003, Armored Car Service with Loomis, Fargo & Company to include the 3% increase contractor requested, \$430.54 per month (Budget: Finance Department)
- c) Budget Adjustments as follows:
 - 1) Transfer \$18,000 in funding for the Community Center to the Vehicle Replacement Fund for the purchase of a used bus for Community Center programs.
 - 2) Appropriate \$10,000 in Fund Balance for Code Enforcement Training to use in FY 2004 for training of the inspectors.

- 3) Transfer \$6,277 in funding from three neighborhood improvement projects that have been completed to use for the College Quarter Neighborhood Design Guidelines.
- 4) Appropriate \$6,000 received from the State for the College Quarter Neighborhood Design Guidelines.
- d) Review calendar and update with upcoming events.
- e) Authorize the Mayor to execute the lease agreement with Orange County for the Head Start Program held at the Community Center to expire September 2005.

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

- a) Requests of the City of Winter Park:
 - ORD-Calling for a referendum on May 4, 2004, to annex properties on Kentucky Avenue, Formosa Avenue and Oglesby Avenue. (2)
 - ORD-Calling for a referendum on May 4, 2004, to annex properties on the south side of Lee Road, including Turner Road, Blossom Lane and Lake Drive. (2)
 - ORD-Calling for a referendum on May 4, 2004, to annex properties on the north side of Fairbanks Avenue and east and west sides of Wymore Road, including Ololu Drive, Beverly Avenue, Franklin Avenue, N. Wymore Road, Lotafun Avenue, Euston Avenue, Salisbury Boulevard, Pelham Road, Roxbury Road, Riddle Drive, Chain Street, Allen Street, Wellington Boulevard, Orange Terrace Drive, Blue Heron Drive, Audrey Avenue, Westminster Court, Kindel Avenue, Cambridge Boulevard, Killarney Drive, Staunton Avenue, Biscayne Drive, Karolina Avenue, Ohio Street, Formosa Avenue, Clay Street and Starling Road. (2)
- b) ORD-Establishing a Park and Recreation Impact Fee for new residential development. (2)
- c) ORD-Increasing the membership of the Public Art Advisory Board from eight (8) members to nine (9) members. (2)
- d) ORD-Authorizing the conveyance of a parcel of land within Block 34, Town of Winter Park. (2)
- e) ORD-Amending Section 4 of the Winter Park Police Officers' Pension Plan. (2)
- f) ORD-Exchanging two parcels on Howell Branch Road adjacent to the VCA Animal Hospital in exchange for property adjacent to the Public Works Facilities on Howell Branch Road. (1)
- g) CU-Request of the CED Companies to change the exterior architectural elevations of the Sky Loft condominiums to be built atop the former Dillard's building at the Winter Park Village. **APPROVED BY THE P&Z WITH A 3-2 VOTE.**
- h) Request of The Bindery LLC: **DENIED BY THE P&Z WITH A 4-1 VOTE.**
 - ORD-To change THE designation of Single Family Residential to Parking Lot at 1210 Dallas Avenue. (1)

- i) Request for Ram Development: **DENIED BY THE P&Z WITH A 4-1 VOTE.**
 - CU-To construct a new five story, 412,300 sq. ft. building at the southwest corner of Denning Drive and Webster Avenue within the Winter Park Village to consist of 103 condominium units; 8,325 sq. ft. of retail space and a four level, 642 space parking garage and to construct a new four story, 409,000 sq. ft. building at the northwest corner of Denning Drive and Canton Avenue to consist of 88 condominium units and a four level, 594 space parking garage.
- j) ORD-Adding future land use and zoning designations on the properties previously annexed within the five neighborhoods. (1) **UNANIMOUSLY APPROVED BY THE P&Z WITH A 5-0 VOTE.**

5. CITY MANAGER'S REPORT (PUBLIC COMMENTS WILL BE RECEIVED AFTER EACH ITEM):

- a) Valet Parking on New England Avenue for Park Plaza Gardens.
- b) "Native Garden" volunteer project in Central Park.
- c) Center for Independent Living's request for fee waiver of Lake Island Park.
- d) Welbourne Avenue Nursery request for fee waiver for use of the Civic Center.
- e) Issuance of bonds for second phase of Water Improvement Program and other utility projects. Water and sewer rate modifications.
- f) Waste Management contract renewal.
- g) Request from Orange County East Rotary to waive fees for the upcoming Metro Cup Race regatta to be held on March 6, 2004 on Lake Maitland.
- h) Charter resolution promotion for funding of park property acquisition and projects.
- i) Funding for State Lobbyist Bob Hartnett.
- j) Request of representatives of the Regent Hotel to amend their Developer's Agreement.

6. NEW BUSINESS:

7. COMMUNITY REDEVELOPMENT AGENCY MEETING - 6:15 P.M.

"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 26, 2004

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. The invocation was offered by Cultural and Economic Development Director Chip Weston, followed by the Pledge of Allegiance.

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

MAYOR'S REPORT:

- a) Resolution-Recognizing Officer Joseph Thomas for 29 years of service.

Mayor Marchman read the resolution in its entirety. Officer Thomas spoke about his tenure with the City and how much he enjoyed those years.

CITY ATTORNEY'S REPORT:

No report.

CONSENT AGENDA:

- a) Approve minutes of 1/12/04.
- b) Approve bid as follows:
 - 1) Extension of Bid WP-1-2003, Armored Car Service with Loomis, Fargo & Company to include the 3% increase contractor requested, \$430.54 per month (Budget: Finance Department)
- c) Approve budget adjustments as follows:
 - 1) Transfer \$18,000 in funding for the Community Center to the Vehicle Replacement Fund for the purchase of a used bus for Community Center programs.
 - 2) Appropriate \$10,000 in Fund Balance for Code Enforcement Training to use in FY 2004 for training of the inspectors.
 - 3) Transfer \$6,277 in funding from three neighborhood improvement projects that have been completed to use for the College Quarter Neighborhood Design Guidelines.
 - 4) Appropriate \$6,000 received from the State for the College Quarter Neighborhood Design Guidelines.
- d) Review calendar and update with upcoming events.
- e) Authorize the Mayor to execute the lease agreement with Orange County for the Head Start Program held at the Community Center to expire September 2005.

No public comments were provided. There was discussion that the agreement can be modified at a future date to allow for the increase in the number of children at the facility.

Motion made by Commissioner Eckbert to approve the Consent Agenda, seconded by Commissioner Metcalf. Motion carried unanimously with a 4-0 vote.

PUBLIC HEARINGS:

a) **Requests of the City of Winter Park:**

Attorney McCaghren read all three ordinances by title. No public comments were made.

ORDINANCE NO. 2556-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX PROPERTIES ON KENTUCKY AVENUE, FORMOSA AVENUE AND OGLESBY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN ANNEXATION REFERENDUM TO BE HELD ON MAY 4, 2004 WITH AN EFFECTIVE DATE OF JUNE 28, 2004. Second Reading

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

ORDINANCE NO. 2557-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX THE PROPERTIES ON THE SOUTH SIDE OF LEE ROAD TO INCLUDE PROPERTIES ON TURNER ROAD, BLOSSOM LANE AND LAKE DRIVE, PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN ANNEXATION REFERENDUM TO BE HELD ON MAY 4, 2004 WITH AN EFFECTIVE DATE OF JUNE 28, 2004. Second Reading

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

ORDINANCE NO. 2558-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX PROPERTIES ON THE NORTH SIDE OF FAIRBANKS AVENUE AND EAST AND WEST SIDES OF WYMORE ROAD INCLUDING PROPERTIES ON OLOLU DRIVE, BEVERLY AVENUE, FRANKLIN AVENUE, N. WYMORE ROAD, LOTAFUN AVENUE, EUSTON AVENUE, SALISBURY BOULEVARD, PELHAM ROAD, ROXBURY ROAD, RIDDLE DRIVE, CHAIN STREET, ALLEN STREET, WELLINGTON BOULEVARD, ORANGE TERRACE DRIVE, BLUE HERON DRIVE, AUDREY AVENUE, WESTMINSTER COURT, KINDEL AVENUE, CAMBRIDGE BOULEVARD, KILLARNEY DRIVE, STAUNTON AVENUE, BISCAYNE DRIVE, KAROLINA AVENUE, OHIO STREET, FORMOSA AVENUE, CLAY STREET, STARLING ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN ANNEXATION REFERENDUM TO BE HELD ON MAY 4, 2004 WITH AN EFFECTIVE DATE OF JUNE 28, 2004. Second Reading

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

b) Establishing a Park and Recreation Impact Fee for new residential development.

ORDINANCE NO. 2559-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 66 "PARKS AND RECREATION" SO AS TO ADOPT A NEW ARTICLE III, "PARK AND RECREATION IMPACT FEES" SO AS TO ESTABLISH A PARK AND RECREATION IMPACT FEE FOR NEW RESIDENTIAL DEVELOPMENT, PROVIDING FOR EXEMPTIONS AND ESTABLISH A PARK AND RECREATION TRUST FUND, PROVIDING AN EFFECTIVE DATE. Second Reading

City Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained the \$2,000 impact fee that will be imposed on all net new housing units being constructed in the City. He stated the funds will be used to expand park and recreation opportunities and assets in the City. He spoke about the other City impact fees and what those fees are used for.

Dan Bellows, 533 W. New England Avenue, stated he is not against the fee but hoped that developers will not be penalized within the CRA area. He suggested that the Parks Trust Fund receive the funds, take that money from the first or second year from the CRA increment that comes in, pay the Trust, and put the money back into the CRA to use as normally budgeted.

Hal Kantor, opposed the method being used to raise funds for park land and asked that further data analysis be considered.

Tom McMackin, 1331 Pelham Road, spoke in favor of the impact fee and addressed the rationalization of the fee.

Michelle Rodriguez, 1667 N. Park Avenue, spoke in favor of the impact fee for more park land.

Joe Terranova, 700 Melrose Avenue, asked that the ordinance be tabled to be sure this is a proper method to fund park land.

Cynthia Watson, 961 Kentucky Avenue, in favor of the ordinance, believed it was reasonable and affordable.

Mike Green, 2204 Fosgate Drive, spoke in favor of the fee because of the need for more park space.

No further public comments were made.

After Commissioner questions and comments, **a motion was made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Metcalf, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote.**

- c) Increasing the membership of the Public Art Advisory Board from eight (8) members to nine (9) members.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ORDINANCE NO. 2494-03, INCREASING THE MEMBERSHIP OF THE PUBLIC ART ADVISORY BOARD FROM EIGHT (8) MEMBERS TO NINE (9) MEMBERS; PROVIDING AN EFFECTIVE DATE. Second Reading

City Attorney McCaghren read the ordinance by title. Mayor Marchman asked that this be continued until a full Commission is present.

Motion to postpone the ordinance to the February 9, 2004, meeting, seconded by Mayor Marchman and carried unanimously.

- d) Authorizing the conveyance of a parcel of land within Block 34, Town of Winter Park.

ORDINANCE NO. 2560-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF A CERTAIN PARCEL OF LAND WITHIN BLOCK 34, TOWN OF WINTER PARK, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

- e) Winter Park Police Officers' Pension Plan.

ORDINANCE NO. 2561-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2478-02, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

- f) Exchanging two parcels on Howell Branch Road adjacent to the VCA Animal Hospital in exchange for property adjacent to the Public Works Facilities on Howell Branch Road.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE EXCHANGE OF REAL PROPERTY; AUTHORIZING THE EXCHANGE OF REAL PARCELS OF PROPERTY OWNED BY THE CITY ON HOWELL BRANCH ROAD ADJACENT TO THE EXISTING VCA ANIMAL HOSPITAL PROPERTY IN EXCHANGE FOR A PARCEL OF PROPERTY ADJACENT TO THE CITY'S EXISTING PUBLIC WORKS

FACILITIES ON HOWELL BRANCH ROAD, ALL MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney McCaghren read the ordinance by title. No public comments were made. Public Works Director Jim English explained the request to exchange the properties. He stated the City owns property on Howell Branch Road that goes back to the master lift station and that sewer lines exist with easements. He stated there is no benefit of the City owning that property but there is a benefit of owning the other property they are exchanging instead of retaining an access easement. He stated the additional land will allow the expansion of parking and other buildings on the site. He stated the City is gaining more property than the City giving up.

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

- g) Conditional Use request of the CED Companies to change the exterior architectural elevations of the Sky Loft condominiums to be built atop the former Dillard's building at the Winter Park Village.

Planner Jeffrey Briggs summarized the previous Commission approval in January 2003 for the Sky Loft Condominiums to be built on a third floor on top of the old Dillard's building. He showed the elevation of how the third floor was going to look at that time. He commented that they are proceeding with the project, have brought preliminary plans for approval and the building elevation for the new third floor has changed. He showed a rendering of how the floor has changed into a more modernistic type of architecture. He stated because of the significant change, the Commission needs to approve the change. Assistant Planning Director Alberto Vargas explained the contextual and architectural issues associated with this request. Mr. Briggs addressed the 3-2 vote of the Planning and Zoning Commission.

Applicant Alan Ginsburg, CED Companies, addressed the architecture currently within the Village and the architecture being proposed for the new floor. He showed a drawing of the addition being proposed with the inclusion of the proposed landscaping.

Motion made by Commissioner DeVane to approve the conditional use request, seconded by Commissioner Metcalf and carried unanimously.

- h) Request of The Bindery LLC to changing existing designation of Single Family Residential to Parking Lot at 1210 Dallas Avenue.

WITHDRAWN BY THE APPLICANT.

- i) Request of Ram Development for conditional use approval:

Conditional use request to construct a new five story, 412,300 sq. ft. building at the southwest corner of Denning Drive and Webster Avenue within the Winter Park Village to consist of 103

condominium units; 8,325 sq. ft. of retail space and a four level, 642 space parking garage and to construct a new four story, 409,000 sq. ft. building at the northwest corner of Denning Drive and Canton Avenue to consist of 88 condominium units and a four level, 594 space parking garage.

This item was continued until the February 9, 2004, meeting. Residents present at the meeting were asked to leave their name and address for the record and define whether they agree or oppose the project.

- j) Adding future land use and zoning designations on the properties previously annexed within the five neighborhoods.

Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained these lots were previously annexed and that the ordinances establish City zoning the same as the current Orange County zoning.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES ON THE NORTH SIDE OF ALOMA AVENUE AND EAST OF NORTH LAKEMONT AVENUE TO INCLUDE THOSE PROPERTIES ON ALICE AVENUE, PALMER AVENUE, PINEVIEW CIRCLE, OAKHURST AVENUE, YORKSHIRE DRIVE, BROOKVIEW DRIVE, HALIFAX AVENUE, EASTHAM ROAD, NORTH LAKEMONT AVENUE, SUFFIELD DRIVE, BONGART ROAD, BALFOUR COURT AND ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES AT THE SOUTH SIDE OF HOWELL BRANCH ROAD AND WEST OF THE SEMINOLE COUNTY LINE TO INCLUDE THOSE PROPERTIES ON CARRIGAN AVENUE, AZALEA AVENUE, MAGNOLIA AVENUE AND MADELINE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES AT THE SOUTH SIDE OF LEE ROAD AND WEST OF EXECUTIVE DRIVE TO INCLUDE THOSE PROPERTIES ON EXECUTIVE DRIVE, LAKE FRONT BOULEVARD, COUNTRY CLUB DRIVE, LEE ROAD AND ELLEN DRIVE MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES AT THE NORTH SIDE OF LEE ROAD AROUND LAKE BELL TO INCLUDE THOSE PROPERTIES ON BERING AVENUE, DALMEN AVENUE, DURHAM AVENUE, ELAND AVENUE, GALEN AVENUE, ALBERT LEE PARKWAY, ALDRICH AVENUE, BEARD AVENUE, COLFAX AVENUE, KINDEL AVENUE, TURNER ROAD, LAKE BELL DRIVE, DUPONT AVENUE, ATOMIC COURT, EARLY AVENUE, FREMONT AVENUE, GLORIOSA AVENUE AND HANOVER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES ON THE SOUTH SIDE OF LEE ROAD TO THE NORTH OF LAKE KILLARNEY, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

A recess was taken from 5:30-5:35 p.m.

CITY MANAGER'S REPORT:

a) Valet Parking on New England Avenue for Plaza Gardens.

City Manager Williams addressed the previous proposal for the Park Plaza Gardens restaurant to provide capital improvements in conjunction with their business and valet parking. He reported on the 90 day trial period that has passed and the applicant's request to approve this on a more permanent basis. Economic and Cultural Development Director Chip Weston indicated that the trial period for the valet parking has been successful and that the owner is asking for the valet program to be expanded indefinitely. He commented in return the owner will expend large funds to construct a new entranceway across the street from the rose garden which will significantly enhance the area.

Attorney McCaghren reminded the Commission that they are committing to the use of parking spaces on a public lot and that this would not be a permanent extension that commits those spaces indefinitely. The property owner indicated that they would like the valet parking approved indefinitely but that they are not asking the City to commit the parking spaces being proposed for use at this time. He stated if the parking spaces are no longer available for use that they would be

responsible to obtain other parking spaces. Upon discussion, **a motion was made by Commissioner Eckbert to indefinitely extend the valet parking with the addition of the City's ability to provide a 90 day termination notice and that the City will construct the W. Park Avenue/Municipal Lot A curb cut to be reimbursed by Park Plaza Gardens to the City, seconded by Commissioner Metcalf and carried unanimously.**

b) "Native Garden" volunteer project in Central Park.

Forrest Michael, Michael Design and Associates, and Dr. Bruce Stephenson with Rollins College provided a presentation regarding their request to provide a native garden along West Park Avenue in Central Park from an Environment and Community Grant they were awarded. Mr. Michael provided a drawing of their proposal and the plant list being proposed.

Parks and Recreation Director John Holland indicated the area is rarely used and that the garden would require little maintenance. Commissioner DeVane asked if the other businesses at that location have expressed an interest because their offices face the proposed site. Mr. Michael stated they have not spoken with the entire block. There was a consensus to revisit this issue at the next meeting to allow time to obtain comments from the businesses to be sure of no opposition. Commissioner Metcalf asked that this plan not be changed without knowledge of the Commission. No public comments were provided.

c) Center for Independent Living's request for fee waiver of Lake Island Park.

City Manager Williams reported that a request was made for a fee waiver of \$500 to use the Lake Island Park and that staff has recommended denial of the request.

Ginger Malcolm, Center for Independent Living, asked for this waiver to hold their first annual Southern Garden Stroll fund raiser. She addressed their funding shortfalls this year and a 22% increase in services provided.

Mayor Marchman addressed the tough budget year. He stated that no fee waivers have totally been approved and that many have not been approved at all. He spoke about the number of organizations that are equally qualified for this type of request that cannot be accommodated. Other comments were provided by the various Commissioners reiterating the Mayor's comments. Discussion ensued regarding the location and amount of space being requested, the area not being used weekly, and the costs associated with staffing the event.

Motion made by Commissioner Eckbert to approve a 50% fee waiver because the space is not typically fully utilized and there would be no loss of funds for the City, seconded by Commissioner Metcalf and carried unanimously.

d) Welbourne Avenue Nursery request for fee waiver for use of the Civic Center.

Ms. Mary Daniels, Welbourne Avenue Nursery requested a fee waiver of 100% for use of the Civic Center for their "Road to Readiness" fund raising event. She spoke about the lack of funds in their budget this year.

Comments included the loss of revenues in this year's City budget and the monies already budgeted for the nursery.

Motion made by Commissioner Eckbert to approve a 50% fee waiver, seconded by Commissioner Metcalf and carried unanimously.

e) Issuance of bonds for second phase of Water Improvement Program and other utility projects. Water and sewer rate modifications.

Utilities Manager Dave Zusi provided an update regarding the status of the Water System Improvements Program. He commented that the net water/sewer fund revenues are lower than the planned levels. He summarized the Water System Improvements Program with the various Phases and the benefits of Ozone Treatment and a Restructured Program. He also addressed the proposed bond financing assumptions, projected water and sewer rate impacts, and the impact on typical monthly user bill.

Stanley Wilson, 1630 Mayflower Court, spoke in favor of the increase and how to sell it to the residents.

Upon discussion, **motion made by Commissioner Metcalf to approve staff's recommendation as follows: to issue water and sewer revenue bonds in the amount of \$37.1 million for implementation of the second phase of the accelerated Water Improvement Program, payment of the remainder of our portion of necessary improvements to the Iron Bridge Water Reclamation Facility, construction of the Fairbanks Avenue gravity sewer, and funding a portion of our routine capital improvement program for the next two years that cannot be funded due to revenue shortfalls. Approve the modified rate increases for 2005 and 2006 to cover current and projected revenue shortfalls. Seconded by Commissioner DeVane and carried unanimously with a 4-0 vote.**

f) Waste Management contract renewal.

City Manager Williams stated they met with Waste Management who agreed on certain items to enhance the current contract so it can be extended another 5 years. He stated they will assume the responsibility for delivery and replacement of garbage (otto) carts, make arrangements for disposal of materials collected at the City's hazardous waste facility (they will absorb the cost up to \$25,000 toward removal of the waste), and add a Saturday pickup day for weeks where a second regularly scheduled pickup day is a holiday. He stated in return, they asked the yard waste pickup day be moved to Wednesday for the entire City. He stated they will also help to educate the public.

George Geletko, Waste Management, spoke about the proposed additions to the City contract for garbage pickup. He stated they will work with the City on the Christmas/New Year's yearly schedule.

Keith Gardner, 2230 Cady Way, asked if this includes maintenance of the otto carts. Mr. Williams stated they are totally responsible to purchase, provide, distribute and maintain them.

Upon discussion, **motion made by Commissioner Metcalf to renew the solid waste franchise agreement with Waste Management through April 30, 2009, with the incorporation of the additional services to be provided by Waste Management as outlined in the letter to commence May 1, 2004 (WM will phase into the Winter Park Otto Cart program and will deliver, repair and/or replace all new or damaged carts at their expense with no further deposits being required; WM will fund the Household Hazardous Waste Program up to \$25,000 for each contract year; and adjust the collection schedule for holidays falling on Monday and Thursday so there is garbage pickup that week). Seconded by Commissioner DeVane and carried unanimously.**

- g) Request from Orange County East Rotary to waive fees for the upcoming Metro Cup Race regatta to be held on March 6, 2004 on Lake Maitland.

City Manager Williams addressed the request from Joe Regner and the Rotary to waive fees for the Metro Cup Race. He stated these rates have been waived in the past but that staff is not recommending a waiver this year because of the lack of funding in the budget. He stated it is a direct cost to the Police Department of \$1,026 and the \$350.00 for the Fire Department support. No public comments were made.

Motion made by Commissioner Eckbert to support staff's recommendation not to waive the fees, seconded by Commissioner DeVane, and carried unanimously.

- h) Charter resolution promotion for funding of park property acquisition and projects.

City Manager Williams provided a list of suggested ways to communicate with residents regarding the upcoming referendum so a clear understanding of the ballot language is provided. Commissioner DeVane addressed it not being appropriate to spend City dollars for a Chamber of Commerce newsletter insert, a direct letter mailout or yard signs. The importance of educating the citizens was discussed. Commissioner Metcalf spoke about the need to inform the residents of the Commission's position and support on issues, to communicate the Commission's support for this particular issue and to take a proactive approach to selling this to the citizens.

No public comments were made. The need for yard signs was addressed as well as the Communications Manager being involved in promoting the issue. There were comments that the Commission hoped someone would provide items 5-7 on the list. Commissioner DeVane stated she will speak about this at the next task force meeting.

There was a consensus to approve items 1-4 and if no resident or business provides the funding for signs; that the Commission agrees to provide that funding.

i) Funding for State Lobbyist Bob Hartnett.

City Manager Williams stated that Finance Director Wes Hamil reviewed the revenues and that there is a lack of funds budgeted for items other than normal City business. There was agreement that the only funding available is from the Contingency Fund.

City Lobbyist Bob Hartnett, 401 Lakewood Drive, updated the Commission on the status of the State office building issue before the legislature. He also provided information on other issues he is involved with on behalf of the City. He asked that the City fund his services for 4 months (\$14,000).

Commissioner Metcalf expressed the importance of obtaining the State office building. He asked that Mr. Hartnett also provide support during this legislative session on the other pressing issues the City as part of the funds he is being provided. Mr. Hartnett agreed. No public comments were made. City Manager Williams stated he will be providing a lobbyist list of updated projects to go before the legislature and will provide the list to Mr. Hartnett to determine available state funding.

Motion made by Commissioner Metcalf to fund Mr. Hartnett's request for lobbying services through April 2004 in the amount of \$3,500 per month to be paid from the Contingency Fund, seconded by Commissioner Eckbert and carried unanimously.

j) Request of representatives of the Regent Hotel to amend their Developer's Agreement.

Attorney Hal Kantor, representing the applicant, addressed the approval of the project in 2001 and provided an update of the project. He stated they are requesting a policy change in that the project was approved with 158 hotel rooms and now has 111 hotel rooms; 47 are already approved for condo ownership. He stated that they are not proposing that the hotel become a condominium building but that the rooms be owned individually so that they can reduce their debt service on the hotel and provide them more flexibility.

Mark Ellert, Langford Development, LLC, spoke about the closing to take place on Tuesday. He stated they are proposing that the entire property (158 units) be permitted as "for sale" units. He stated this will create predictable repayment sources on the debt that is required to secure the financing and end up with a minimal amount of operating leverage financing on the property. He stated by reducing the debt, it creates pricing power that gives them a lot of flexibility in establishing competitive room rates and offering a better value. He stated that Regent Hotels is still managing the property under the terms of the management agreement.

No public comments were made.

Mayor Marchman disclosed the discussions he had with the parties involved. He expressed the Commission's preference that the project contain both hotel and residential units. Mayor Marchman inquired whether controls can be placed that would prevent the project from changing from a hotel to a high intensity condominium development. Mr. Ellert explained how the developer must ensure that the property has the operating opportunities to produce revenues. He elaborated

on how the developer has encumbered their interests in the common areas with a long term agreement that runs to the benefit of Regent Hotels and the commitment to the City in the original development agreement of a luxury operator subject to the City's approval.

Commissioner Metcalf expressed his concern that this project remain a hotel/condo mix and how it will attract more visitors to the City. He disclosed that he has met with all the parties involved with the project and that after a thorough review of the details is satisfied with what is proposed.

Commissioner DeVane spoke that she was unsupportive of the developer's agreement. She noted that the agreement must contain additional details to ensure that this project remain a hotel. She inquired as to how this project was marketed. She said the agreement should include language that would guarantee uniformity in the services and room packages offered. She said the agreement should include language that requires standardized decor to be used in the west wing. Hal Kantor responded to Commissioner DeVane's comments by noting that the original agreement includes language that states the developer represents the hotel property will be an ultra luxury hotel.

Mr. Ellert noted that the residential units will not be fractional ownership or timeshare units. He elaborated on how the purchaser will own 100% of the unit until they elect to sell it. Mayor Marchman spoke that he would conceptually endorse what is presented, but that the agreement must ensure that a hotel will remain on the property and that the approval is for a hotel instead of a high density condominium.

Mr. Ellert explained how this project differs from a typical condominium project. Additionally, he elaborated on Regent's role and commitment. Mayor Marchman inquired into the possibility of requiring a deed restriction covenant that would ensure that the common elements are not sold to the condominium owners in an effort to prevent separate ownerships. Mr. Kantor confirmed that a deed restriction as requested by the Mayor can be included in the agreement. Attorney McCaghren said the developer and their counsel should include an additional covenant in regards to the common elements and that they be used for the operation of the luxury hotel. He explained how the language may provide additional controls.

Commissioner Eckbert sought clarification as to the type of amenity package that is being marketed. Mr. Ellert said there are no definitive commitments that outline the specifics of a program. He explained the references that are made to the adjoining five-star hotel and the development agreement.

Commissioner DeVane asked whether there is a threshold number of units that need to be sold in order to begin construction on the hotel. Mr. Ellert responded that a number has not been determined at this point. Commissioner Metcalf provided comments on the room layouts and how they provide more for short term stays rather than long term. Mr. Ellert elaborated on the merits that this project will bring to the community. Mr. Kantor asked for the approval to allow for two condominium hotels with the two limitations as provided below in the motion. Commissioner DeVane asked that the developer provide a monthly update on the progress of the project.

Motion made by Commissioner Eckbert to approve the request with Mr. Kantor's two caveats: allow for two condominium hotels with the following two limitations: a provision that deals with the usability of the specified common areas (restaurants, spas, hotel, lobby, parking garage and possibly others), which would not be sold or part of the common elements of the condominium association, and that a decor common to a luxury hotel is shared, subject to a definitive agreement, seconded by Commissioner Metcalf and carried unanimously.

NEW BUSINESS:


1. Commissioner Eckbert reminded everyone of the meeting with the City of Coral Springs.
2. Commissioner DeVane suggested a meeting to discuss the future plans for Fairbanks Avenue and Lee Road. Additionally, she suggested a meeting with the CRA Agency to discuss the plans for Denning Avenue.
3. Mayor Marchman asked for the status of a possible workshop dealing with Progress Energy. Assistant City Manager Knight confirmed that a meeting has been scheduled with the Utilities Advisory Board that will deal with many of the outstanding policy issues. There was discussion about a possible joint meeting with the Utilities Advisory Board. Mr. Knight said he will attempt to schedule the joint meeting and return with a date. Commissioner Eckbert provided additional updates on the utility issue. Commissioner DeVane suggested that a calendar of meetings be provided to each Commissioner and asked that information on major projects or issues be provided on a more advanced basis.
4. Police Chief Ball provided an update on a prior investigation on the death of Jennifer Kairis that was conducted by his department beginning March 31, 1998.

The meeting adjourned at 7:30 p.m.

ATTEST:



City Clerk Cynthia Bonham



Mayor Kenneth R. Marchman