

**CITY OF WINTER PARK**  
**REGULAR MEETING OF THE CITY COMMISSION**  
**February 13, 2006**

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

The invocation was offered by Retired Minister George Campbell, Winter Park Presbyterian Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Marchman  
Commissioner John Eckbert  
Commissioner Barbara DeVane  
Commissioner Douglas Metcalf

Also present:

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

Members absent:

Commissioner Douglas Storer

**MAYOR'S REPORT:**

Prior to the presentation of the Mayor's Report, Communications Department Director Clarissa Howard provided a media clip on the Hannibal Square Community Land Trust and the organization's efforts to provide affordable housing for the area.

a) Recognition of Fire Explorers.

Fire Chief Jim White and Mayor Marchman recognized Winter Park Fire Explorers for participating in the program and expressing an interest in the field of firefighting.

b) Presentation by the Chamber of Commerce to Winter Park schools of funds raised by Leadership Winter Park from the annual Pancake Breakfast.

Mayor Marchman, Chamber of Commerce Representative Debra Hendrickson, and Orange County School Board Members Joie Cadle and Anne Geiger presented checks to area schools of funds raised by Leadership Winter Park from their annual Pancake Breakfast.

c) February 2006 Outstanding Employee of the Month – Reba Blanton, Public Works Department.

Mayor Marchman recognized Public Works Department staff member Reba Blanton as the February 2006 Outstanding Employee of the Month.

- d) “A Tennis in the Park Community Recognition” (Parks Director John Holland presentation).

Parks and Recreation Department Director John Holland and Assistant Director Bill Schwartz presented the City the “2006 - A Tennis in the Park Community” award and certificate from the United States Tennis Association and the National Recreation and Parks Association.

- e) Appointment to the Digital City RFP Evaluation Committee – Commissioner Douglas Metcalf.

**Mayor Marchman nominated Commissioner Douglas Metcalf as the Commission representative for the Digital City RFP Evaluation Committee, seconded by Commissioner DeVane. The motion carried unanimously.**

**NEW BUSINESS – CITIZENS COMMENTS:**

- 1) Lurline Fletcher, 790 Lyman Avenue, spoke about construction debris located on Welbourne and Virginia Avenues.

**CITY ATTORNEY’S REPORT:**

- a) Proclamation – 2006 General Election.

City Attorney Cheek read the proclamation announcing the 2006 General Election.

**Motion made by Commissioner DeVane to accept the proclamation, seconded by Commissioner Metcalf. The motion carried unanimously.**

- b) RESOLUTION NO. 1941-06: A RESOLUTION OF THE CITY COMMISSION OF WINTER PARK, FLORIDA, GRANTING AUTHORIZATION TO THE MAYOR FOR THE EXECUTION OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM AGREEMENT FOR FPN 415036-1-58-01.

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

**Motion made by Commissioner Metcalf to adopt the resolution, 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.**

**CONSENT AGENDA:**

- a) Approve the minutes of 1/23/06.
- b) Approve the request by the Woman’s Club to hold two more special Persian Galleries rug sales this year and three next year at the Woman’s Club of Winter Park on Interlachen Avenue, subject to obtaining the required special event permit before each event.

- c) Approve the extension of the Winter Park Garden Club lease for an additional 25 years to expire June 30, 2031 for the use of Mead Garden.
- d) Approve the relocation of the irrigation/water lines from the center of Palm Cemetery to run east and west, adding an additional 80 or more burial spaces.
- e) Allow small wedding ceremonies in the Central Park rose garden with the following guidelines: 1) restricted to 20 people or fewer; 2) located only in or immediately adjacent to the rose garden; 3) no tents, tables or chairs will be allowed; 4) a permit will be issued from the Parks and Recreation administrative office with a fee of \$250.00; 5) no additional staffing of the park will be provided; and 6) receptions following the ceremonies are not permitted.
- f) Approve the revised Central Park Use guidelines regarding rental of the park.
- g) Approve the following purchase orders and RFP:
  - 1) Multiple blanket purchase orders to the following vendors for hydrofluorosilicic acid (fluoride). Due to the current shortage of this chemical we are requesting permission to purchase from whichever vendor has the product available at current market price.
  - 2) Emergency purchase (PR123942), after-the-fact approved by City Manager to ITT Flygt, from Pinellas County's Contract 034-57-B(DM) for pump and parts for Hibiscus Lift Station because of now being operated by one pump. The second pump is going to be upgraded to a submersible wet well station; \$43,944.00 (Budget: CIP Utilities)
  - 3) Emergency purchase (PR 123944) to Chaz Equipment (pre-approved by City Manager) to convert the dry-can style station into the submersible wet well station (see item #2) and other related work to the LS, from City of Delray Beach contract 2002-37; \$97,400.00 (Budget: CIP Utilities).
  - 4) RFP-1-2006, Public Broadband Service for Winter Park "Digital City" for a Citywide broadband wireless network per the attached draft.
- h) Approve the following budget adjustment:
  - 1) Transfer \$4,386 from the Electric Services Fund to the Water and Sewer Fund to cover one third of the cost of constructing a canopy that will be shared by both operations.

No public comments were provided.

Commissioner DeVane asked to remove item 'a' for discussion. Commissioner Metcalf asked to remove item 'c' for discussion.

**Motion made by Commissioner Metcalf to approve the Consent Agenda with the exception of items 'a and c', seconded by Commissioner Eckbert. The motion carried unanimously.**

Regarding item 'c', Commissioner DeVane asked to expand her comments on page 11 of the minutes as follows:

"Commissioner DeVane asked Mr. Bellows about the possibility of redesigning the project so the parking is not adjacent to residential. She stated her concerns about a residential building being over 400 feet in length with the only break being the entrance to the parking garage."

**Motion made by Commissioner Eckbert to approve Consent Agenda item 'a', seconded by Commissioner Metcalf. The motion carried unanimously.**

Regarding item 'c', Commissioner Metcalf inquired whether the Winter Park Garden Club will assume responsibility for the repairs and if the City is obligated to replace the building in the event of a catastrophic loss. City Attorney Cheek stated the lease requires the Winter Park Garden Club to provide sufficient replacement insurance to the City in the event of a casualty loss. Additionally, Attorney Cheek elaborated on what may constitute a breach of contract in the event that the City fails to perform certain requirements that are stipulated in the lease.

**Motion made by Commissioner Metcalf to approve Consent Agenda item 'c', seconded by Commissioner DeVane. The motion carried unanimously.**

#### **PUBLIC HEARINGS:**

- a) Request of James Hardy to build four townhouses at 2261 Nairn Drive.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 68 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE-FAMILY (R-1A) DISTRICT TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ON THE PROPERTY LOCATED AT 2261 NAIRN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

Planner Briggs presented the staff report. He explained that the applicant is seeking to rezone the property located at 2261 Nairn Drive from Single Family (R-1A) to Low Density Residential (R-2) to accommodate four townhome units on two lots. He reported that similar rezonings have been granted to adjacent properties located to the west of the property, and that the neighborhood is supportive of the evolution that is occurring because the transformations have maintained the single family character of the area.

Planner Briggs continued that neighbors are supportive of the continuing trend predicated on the type of development proposed and with the assurance that the final plans return to the Planning and Zoning Commission for final review and approval. Lastly, Mr. Briggs reported that the Planning and Zoning Commission recommended approval of the request by a 4-1 vote.

Commissioner DeVane expressed her dissatisfaction with the aesthetic nature of a retention area that measured 3-5 feet and asked if there was an alternative solution. Planner Briggs responded that unfortunately the proposed retention area is needed to meet the City's requirement. He explained why under ground retention was undesirable. He said staff can review the standards that regulate the amount of water that needs to be retained and depth levels. Commissioner DeVane expressed her concern that although retention areas can be considered as greenspace, they can not be considered as useable yard areas. Planner Briggs stated that staff will review volume requirements and return with a report. Commissioner DeVane asked that staff return with possible solutions to retention areas because of their unattractive nature and safety concerns.

Commissioner Eckbert commented on the benefits of underground exfiltration systems in certain areas of the City and the issue of reduced capacity over time. As a solution, he suggested that staff devise annual flow mechanisms and require property owners to maintain levels of exfiltration for underground systems. He agreed with Commissioner DeVane's comments that retention areas raise safety concerns and are aesthetically unappealing. Commissioner DeVane suggested a program that would award property owners that convert unappealing retention areas into more aesthetically pleasing solutions.

Consensus was to direct staff to draft an ordinance that permits underground exfiltration across the City and to create a mechanism that allows for on-going enforcement that will measure and ensure underground capacity.

Mayor Marchman asked for additional information on the neighborhood's response to the request. Planner Briggs provided a brief history of the neighborhood and how it has evolved into office or multi family development. There was discussion on the existing sewer and septic systems in the area. Commissioner Metcalf asked that staff provide a financial analysis of the cost to convert the area being discussed from septic to sewer systems.

**Motion by Commissioner Metcalf to direct staff to provide a financial analysis of the cost to convert the area from septic to sewer systems, seconded by Commissioner DeVane. The motion carried unanimously.**

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

- b) Request of Dr. Viridi to convert the existing one story home at 2430 Glenwood Drive to a 1,000 square foot medical office building:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE-FAMILY (R-1A) DISTRICT TO OFFICE (O-2)

DISTRICT ON THE PROPERTY LOCATED AT 2340 GLENWOOD DRIVE,  
MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

Planner Briggs provided the staff report. He explained the applicant is requesting to rezone the property at 2340 Glenwood Drive (on the southwest corner of Glenwood Drive and St. Andrews Boulevard), from Single Family Residential (R-1A) to Office (O-2). He elaborated on similar rezonings that have occurred in the area.

Planner Briggs continued that the applicant plans to convert the existing 1,000 square foot home and carport area into his medical office and add a small parking lot of six parking spaces to meet the medical code parking requirement of one space per 200 square feet. Lastly, Planner Briggs stated that given the overall policy direction of allowing similar rezonings as long as they meet various code requirements, the Planning and Zoning Commission recommended approval of the request with a 4-1 vote.

Michael Harrison, 360 Lake Seminary Circle, Maitland, Florida, representing the applicant, stated he was available to answer questions.

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

- c) Request of the City of Winter Park: Adjusting the side setbacks in single family zoning districts when using the alternate "bonus" floor area ratio.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SO AS TO AMEND THE SETBACKS FOR LOTS OF 60 TO 65 FEET IN WIDTH TO PROVIDE CONSISTENCY FOR FIRST AND SECOND FLOOR RESIDENTIAL SETBACKS WITH THE SINGLE FAMILY AND PURD ZONING DISTRICTS. First Reading

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

Planner Briggs explained that this ordinance corrects a "loophole" in the code that now allows larger buildings to have smaller side yard setbacks than smaller homes on lots between 60-65 feet in lot width.

**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 with a 4-0 vote.**

- d) Request of the City of Winter Park: Prohibiting on and off leash animals in specific City parks and park areas.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, PROHIBITING ON OR OFF LEASH ANIMALS IN SPECIFIC CITY PARKS AND PARK AREAS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PERMITTING OFF LEASH ANIMALS IN A SPECIFIC AREA DURING SPECIFIED HOURS; AND PROVIDING AN EFFECTIVE DATE. First Reading

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

Parks and Recreation Director John Holland explained that the proposed ordinance clarifies an existing ordinance and reflects the many changes that have occurred in the City's park system.

Commissioner DeVane inquired into which department should be contacted in the event of an enforcement issue. Mr. Holland responded that normally a Park and Recreation staff member contacts the Police Department if they are a witness to an incident. City Attorney Cheek clarified that a police officer has the authority to issue a citation.

**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 with a 4-0 vote.**

- e) Conditional Use Request of Douglas Trovillion to construct a six unit, a three story residential condominium of 16,340 square feet at 1003 and 1009 S. Pennsylvania Avenue (southwest corner of Minnesota and Pennsylvania Avenues).

Planner Briggs reported that the applicant has requested for this item to be withdrawn from consideration.

#### **CITY MANAGER'S REPORT:**

- a) Update by State Lobbyist Robert Hartnett regarding status of appropriation requests by the City.

State Lobbyist Robert Hartnett provided an update on the status of the City's appropriation requests. He explained he met with the City Manager and Senior Staff in the middle of January along with Chris Stewart administrative aid to Representative Cannon to review a list of 27 proposed city projects. Mr. Hartnett stated that Representative Cannon selected 10 projects out of the 27 of which he agreed to submit as a Community Budget Issue Request (CBIR).

Mr. Hartnett reported that following the January meeting, he met with Senator

Constantine in his office in Tallahassee. Senator Constantine agreed to submit four of the items; subject to his conferring with the Secretary of the Department of Transportation Denver Stutler. Mr. Hartnett stated he is now waiting for confirmation that these items will be in the DOT submitted budget and that he and Representative Cannon conferred and agreed to the following projects.

Mr. Hartnett provided updates on the following:

1. Item SEN # 3140, HSE # 3146 — Improvements to 17-92 and Lee Road intersection request for \$500,000.00. This would be the first installment for planning design etc. This project has previously been recommended by Metroplan Orlando in its Transportation Regional Incentive Program (TRIP) funding proposal.
2. Item SEN #3141, HSE #3172 - Train Crossing Upgrades. This project has a matching fund from the City of \$300,000.00 to improve all of the crossings for safety purposes and reduction of whistle soundings through the city. The request is for \$250,000.00.
3. Item SEN # 3143, HSE # 3180 - Lakemont Traffic Calming Device. This proposal because of the expansion of Baldwin Park and the additional population impact on Winter Park- Lakemont Drive. The request is for \$500,000.00.
4. Item SEN # 3142. HSE # 3176 - Upgraded Traffic Detection on 17-92. This is for the implementation of Digital Congestion Management Upgrade. The amount of the request is for \$200,000.00.

Mr. Hartnett continued that under the Florida Recreational Development and Parks (FRDAP) Grant Request, the City's recreation staff prepared two grant applications and submitted those to the Department of Environmental Protection (DEP). Mr. Hartnett identified the grant applications as the Howell Branch Preserve and Mead Garden Trails projects. He provided status reports and the approval procedures for the following grant applications:

1. Howell Branch Preserve Project - request is for \$200,000.00. This project scored 83 out of possible 110 points. It was ranked 85 out of 157 projects submitted in its category.
2. Mead Gardens Trails - request is for \$200,000.00. This project scored 72 out of a possible 110 points and was ranked 122 of 157 projects in its category.

Lastly, Mr. Hartnett elaborated on the efforts to move projects through the legislative process for funding. Commissioner Metcalf inquired into the preparation process for legislative funding requests utilized by lobbyists and whether the process can be improved. Mr. Hartnett responded that legislators can be incorporated into the process individually and presented a smaller number of projects for legislators to focus on. Building Official George Wiggins commented on the effectiveness of meeting with the City's legislative representative to discuss the proposed projects. He said he believed that meeting with the City's local legislator was a successful



approach that should be conducted annually. Mayor Marchman stated that the Commission and staff should focus on priorities. Commissioner DeVane commented on the strength of next year's request because many of the plans needed for funding requests will be further along and completed.

Regarding item #3, Lakemont Traffic Calming Device, Commissioner DeVane commented on the increase in density from the Baldwin Park development and the impact to Winter Park roads. She elaborated on the need to obtain funding from Orange County to assist with the impact created by the redevelopment. Mayor Marchman commented on the possibility of inviting Orange County Commissioner Segal and the Baldwin Park developers to discuss this issue.

Mayor Marchman suggested that Commissioner Metcalf make the initial contact to see what happens and if Commissioner Metcalf believed that it would be effective to bring the issue to the Commission, he was amenable to addressing this issue at a future Commission meeting. Commissioner DeVane interjected that she along with City staff has met several times with Orange County Commissioner Segal to discuss many issues that face Winter Park; including this one. She said a response is pending from Orange County. Mayor Marchman commended and recognized Bob Hartnett and everyone involved in the reacquisition of the state office building.

b) Potential amendments to the café seating ordinance.

Building Official George Wiggins presented this item. He said staff has reviewed the current situation on Park Avenue. He said staff has prepared a list of threshold questions that deal with sidewalk café areas and safety issues.

Mr. Wiggins stated some of the threshold questions that require direction from the Commission include the following:

- 1) Should we revise the Sidewalk Café Ordinance to allow seating areas out near the curb in certain locations to allow pedestrian passage between the restaurant and the seating area?
- 2) Should we adopt a provision similar to the following? "Café seating must not obstruct a clear straight line of sight for pedestrians."
- 3) Should we revise the Sidewalk Café Ordinance to require barriers around sidewalk cafes?
- 4) To enhance enforcement of the Sidewalk Café Ordinance criteria, should we adopt a provision requiring that the Restaurant management post the approved café seating diagram with the occupational license so that it will immediately available to all employees charged with managing the café seating area and to our code enforcement officers.
- 5) Additionally, for enforcement should we initiate action to revoke the sidewalk café permit after the 2<sup>nd</sup> or 3<sup>rd</sup> violation notice or citation?

Following the presentation of the questions proposed, Mayor Marchman expressed his preference of obtaining input from the Economic Development Advisory Board and the Parks and Recreation Commission on this issue. Commissioner Eckbert

expressed he was unsupportive of question #3 and the suggestion to rope off areas. He said he was supportive of a minimum width to allow access. He suggested meeting with the café owners to devise a plan, specific to each location that everyone is in agreement with. He said once an agreed upon plan is established, café owners should be held accountable and warned and fined if needed.

Commissioner DeVane suggested a loss in privileges if cafés are found in violation of the plan. She spoke about the medallions that were installed on the avenue that defined the areas that cafés could use for outdoor seating. She said she was supportive of the requirement that café owners submit a seating diagram upon submission for an occupational license. She expressed her concern with tables placed directly on the curb and safety issues involving pedestrian traffic and restaurant service on the avenue. She suggested meeting with café owners and their neighbors to address those issues and whether any improvements can be made. Commissioner DeVane was amenable to involving the Economic Development Board and suggested citizen input (merchants and restaurant owners) as well.

Commissioner Metcalf commented on the amount of time this exercise will require because of the varying layout of the buildings on the avenue. Commissioner Eckbert suggested that staff devise a plan, specific to each location, and present the plan(s) for consensus. He elaborated that this really should be a tailored, individual solution instead of a general concept one.

There was discussion on questions #2 and #3 and that they may not be appropriate for the avenue. Consensus was for staff to meet with the individual establishment owners that fall within the allowable guidelines and attempt to devise a workable plan that is later presented to the Commission for approval. Commissioner DeVane asked that staff meet with owners that occupy storefronts located adjacent to restaurants as well. Commissioner Metcalf expressed his preference of a minimum 5' width for pedestrian traffic and wheelchair access.

Margie Bridges, 767 Antoniette Avenue, suggested that the Commission consider a review of height restrictions for umbrellas that are used on the avenue.

City Manager Williams clarified staff's direction as follows: for staff to meet with café owners to review what is currently being done, devise site specific plans, meet with adjacent store front owners, and present the completed plan(s) to the Commission for an approval at a public hearing. Commissioner Metcalf inquired whether this should be a City-wide review. Building Official Wiggins elaborated that the current ordinance is applicable City-wide. Commissioner Eckbert suggested to maintain the current ordinance, but to include specific site plans for certain areas. He continued that the areas that require specific site plans should override the guiding principles of the current ordinance. Mr. Wiggins explained that the current ordinance already requires plan submittal. He continued that the new requirement suggested is for the plan to remain on site, available to managers and City staff, and the additional step of meeting with café owners for a consensus decision on the most acceptable pedestrian friendly plan for each site.

**NEW BUSINESS (CITY COMMISSION):**

1. Commissioner Metcalf elaborated on the controversy related to development in the City and the comments being expressed by the public. He commented that he believed this board has not initiated a response that conveys the message that what has been decided upon has been proactive or beneficial. He suggested that representatives from Pecora and Pecora and the Communications Department work together to address the development that did not require ordinance or variance changes. He expressed his preference of being proactive and responding offensively to the comments being expressed.

Mayor Marchman spoke of public officials being subject to criticism. He spoke of the effectiveness of the City's Town Hall meetings and the City's informative process. He said he was amenable to improving the communication process.

Commissioner DeVane suggested the need to improve communications with accessing code enforcement. Additionally, she elaborated on the public's misconception of the approval process for the Park Place project. She commented that the building is not completed and inquired whether one of the reasons for the top floor was to eliminate one of the parking lots west of the train track. She spoke of the trade offs that needed to be made and questioned whether the public prefers an asphalt parking lot on the corner of Morse and New York or a parking level behind a commercial property that is adjacent to the train track. She commented that she believed the correct choice was made because the additional level resulted in greenspace for the park.

Commissioner Eckbert commented on paying the price without yet having received the actual benefit. Consensus was for staff to return with recommendations on how to respond on this issue.

Mayor Marchman adjourned the meeting at 4:56 p.m.

---

Mayor Kenneth R. Marchman

ATTEST:

---

City Clerk Cynthia Bonham