

**CITY COMMISSION MEETING MINUTES**  
**March 22, 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 Father Richard Walsh, St. Margaret Mary Catholic Church followed by the Pledge of Allegiance.

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

**SWEARING IN CEREMONY**

Re-elected Commissioner Douglas Storer received the Oath of Office from Tom Alday. Commissioner Storer introduced his family and thanked City staff for a well done job. Re-elected Commissioner Barbara DeVane was not present.

**MAYOR'S REPORT:**

- a) Mayor Marchman addressed the presence of retired Winter Park Firefighter Joe Powell. Fire Chief Jim White recognized Joe Powell for 20 years of service and his many accomplishments. He also congratulated him for just becoming the Flagler County Fire Chief.
- b) Mayor Marchman addressed the nomination of appointees to the City Hall RFQ/RFP Review Board. He stated that each Commissioner will appoint one person and that two at-large citizens will also be appointed. He suggested the appointment of Rick Swisher and George Herbst to serve in the at-large positions but would consider other suggestions. He stated that names were submitted as follows: Commissioner DeVane - Drew Krecicki, Commissioner John Eckbert - David Hughes, Commissioner Doug Storer - Frank Pohl, and Commissioner Metcalf - Jeff Jontz. Mayor Marchman submitted his name of Jerry Daniels.

**Motion made by Commissioner Eckbert to appoint Drew Krecicki, David Hughes, Frank Pohl, Jeff Jontz and Jerry Daniels to the Board and to review and appoint the two at-large positions at the next meeting; seconded by Commissioner Storer and carried unanimously with a 4-0 vote.**

**CITY ATTORNEY'S REPORT:**

- a) RESOLUTION NO. 1859-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1400 PELHAM ROAD, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

**Motion made by Commissioner Metcalf to adopt the resolution, 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. Commissioner Barbara DeVane was absent.**

- b) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA,

DESIGNATING THE PROPERTY LOCATED AT 121 GARFIELD AVENUE, WINTER PARK, FLORIDA, KNOWN AS THE KUMMER-KILBOURNE HOUSE, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made. Commissioner Eckbert inquired as to the justification for this house. Planning Director Don Martin responded that he had not reviewed this to be able to respond and that Lindsay Hayes was not present to answer this question. He stated they could bring this back to the next meeting.

**Motion made by Commissioner Eckbert to table the resolution until the next meeting so additional information can be provided, 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. Commissioner Barbara DeVane was absent.**

- c) Attorney McCaghren announced that he provided a Winter Park Road Race t-shirt for each Commissioner from the annual Meridian Club Road Race held. He stated the funds raised from the event will benefit local students for college scholarships and that the Club is sponsoring a scholarship at Valencia Community College for a Winter Park student. He stated that the Club commented that the Winter Park Police and Fire Departments were the most cooperative of all cities they have worked with.

**CONSENT AGENDA:**

- a) Approve minutes of 3/8/04.  
b) Approve purchase order, RFP and change order as follows:  
1) Extension of RFP 9-2003/2004, Professional Dry Cleaning of Public Safety Uniforms; no change in price, terms and conditions, or service. (Budget: Public Safety Departments)

No public comments were provided.

**Motion made by Commissioner Storer to approve the Consent Agenda, seconded by Commissioner Eckbert and carried unanimously.**

**PUBLIC HEARINGS:**

- a) ORDINANCE NO. 2570-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO OUTSTANDING PARKING VIOLATIONS; AMENDING SECTION 98-90 OF THE CODE OF ORDINANCES TO CHANGE THE NUMBER OF OUTSTANDING PARKING VIOLATIONS FROM FIVE (5) TO THREE (3); AUTHORIZING AND DIRECTING THE TRAFFIC DIVISION TO SUPPLY THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES WITH A LISTING OF PERSONS HAVING THREE (3) OR MORE OUTSTANDING PARKING VIOLATIONS OR ONE (1) OR MORE VIOLATIONS OF ILLEGALLY PARKING IN A DISABLED PARKING SPACE; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren read the ordinance by title and explained its intent after questioning by Commissioner Eckbert. No public comments were made.

**Motion made by Commissioner Storer to adopt the ordinance, 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. Commissioner DeVane was absent.**

- b) ORDINANCE NO. 2571-04 : AN ORDINANCE OF THE CITY OF WINTER PARK, RELATING TO PARKING; PROHIBITING THE MOVEMENT OF VEHICLES TO CIRCUMVENT POSTED PARKING REGULATIONS IN THE CENTRAL BUSINESS DISTRICT; PROVIDING FOR CIVIL PENALTY; PROVIDING DEFINITION; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren read the ordinance by title and explained the ordinance after Commissioner questions. Police Chief Ball provided comments regarding how violations will be handled so first time violators who are unaware of the ordinance will not be discouraged from shopping on Park Avenue. No public comments were made.

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

- c) Request of Douglas Partners LLC to develop the Sprint property located at 151 S. New York Avenue bounded by Morse Boulevard, New York Avenue, Welbourne Avenue and Virginia Avenue.

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

ORDINANCE NO. 2572-04 : AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF OFFICE TO CENTRAL BUSINESS DISTRICT AND MULTI-FAMILY RESIDENTIAL ON THE "SPRINT" PROPERTY LOCATED AT 151 S. NEW YORK AVENUE BOUNDED BY MORSE BOULEVARD, NEW YORK, WELBOURNE AND VIRGINIA AVENUES, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

ORDINANCE NO. 2573-04: 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 OFFICE (O-1) DISTRICT TO CENTRAL BUSINESS (C-2) DISTRICT AND MULTI-FAMILY (R-4) DISTRICT ON THE PROPERTY LOCATED AT 151 S. NEW YORK AVENUE BOUNDED BY MORSE BOULEVARD, NEW YORK, WELBOURNE AND VIRGINIA AVENUES, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

**Motion made by Commissioner Storer to adopt the ordinance, 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. Commissioner DeVane was absent.**

ORDINANCE NO. 2574-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-74 CENTRAL BUSINESS (C-2) DISTRICT SO AS TO ESTABLISH A NEW CONDITIONAL USE FOR BUILDINGS UP TO FOUR STORIES AND FIFTY-FIVE FEET IN HEIGHT WITHIN THE NEW YORK AVENUE CORRIDOR; PROVIDING FOR PARAPET AND OTHER MECHANICAL SPACES; PROVIDING FOR A DESCRIPTION OF THE NEW YORK AVENUE CORRIDOR; PROVIDING STANDARDS FOR APPROVAL OF THIS CONDITIONAL USE. Second Reading

Attorney McCaghren explained the change made to the ordinance since the first reading regarding the 75%/25% setbacks.

**Motion made by Commissioner Metcalf to adopt the ordinance, 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. Commissioner DeVane was absent.**

ORDINANCE NO. 2575-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-69 MULTI-FAMILY (R-4) DISTRICT SO AS TO ESTABLISH A NEW CONDITIONAL USE FOR RESIDENTIAL MULTI-FAMILY BUILDINGS UP TO FOUR STORIES AND FIFTY-FIVE FEET IN HEIGHT WITHIN THE CENTRAL BUSINESS DISTRICT; PROVIDING FOR SETBACKS AND DEVELOPMENT STANDARDS; PROVIDING FOR PARAPET AND OTHER MECHANICAL SPACES; PROVIDING FOR A DESCRIPTION OF THE NEW YORK AVENUE CORRIDOR; PROVIDING STANDARDS FOR APPROVAL OF THIS CONDITIONAL USE. Second Reading

**Motion made by Commissioner Storer to adopt the ordinance, 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. Commissioner DeVane was absent.**

- d) ORDINANCE NO. 2576-04: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$3,900,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004, OF THE CITY OF WINTER PARK, FLORIDA, FOR THE PURPOSE OF FINANCING THE COST OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; CONTAINING OTHER PROVISIONS RELATING TO SUCH REFUNDING BONDS; AUTHORIZING A NEGOTIATED SALE OF SUCH REFUNDING BONDS, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren 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, Eckbert and**

**Metcalf voted yes. The motion carried unanimously with a 4-0 vote. Commissioner DeVane was absent.**

e) Request of Leeds Holdings Southeast Inc.:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAO SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO PARKING LOT (PL) DISTRICT ON THE PROPERTY LOCATED AT 920 MINNESOTA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

Planner Jeff Briggs explained the request to rezone the property which has the same ownership as the property of 1151 N. Orange Avenue. He stated the property is under contract and the new owners want to convert additional space for storage which requires additional parking. He stated the request is to rezone Lot 1 in the rear from R-3 to PL and that there were no objections from the surrounding neighbors. He stated that the Planning and Zoning Commission approved the request that would set the parking back 25' from Minnesota Avenue so it will be consistent with what will eventually be the front yard/front setback of the future townhouses being built to the west. He further explained the plan for the wall to buffer the vehicles, the fence to screen the property from the residences, and stormwater retention. Planning Director Martin stated this fits in with the plan for Orange Avenue.

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

f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-82 "GENERAL PROVISIONS" SO AS TO ESTABLISH NEW REGULATIONS FOR COLUMNS AND POSTS IN THE SIDE AND REAR PORTIONS OF PROPERTIES. First Reading

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

Planner Jeff Briggs explained the ordinance will allow an additional two feet of height for columns for any residential wall on the side or rear area and require the same type of finish on both sides. He addressed the Planning and Zoning Commission unanimous approval with the condition to require the same architectural finish on both sides of the wall.

**Motion made by Commissioner Storer to accept the ordinance on first reading with the Planning and Zoning Commission condition, 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. Commissioner DeVane was absent.**

- g) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO RAILROADS; PROHIBITING THE SOUNDING OF RAILROAD TRAIN HORNS AND WHISTLES WITHIN THE CITY DURING THE HOURS OF 10:00 P.M. AND 6:00 A.M. AT ALL PUBLIC RAILROAD-HIGHWAY GRADE CROSSINGS WITHIN THE CITY; PROVIDING FOR SIGNAGE AND IMPLEMENTATION OF A TRAFFIC OPERATIONS SYSTEM; PROVIDING FOR APPROVAL AND VERIFICATION BY THE DEPARTMENT OF TRANSPORTATION AND THE FEDERAL RAILROAD ADMINISTRATION; PROVIDING AN EFFECTIVE DATE. First Reading

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

Public Works Director Jim English updated the Commission regarding the Federal Government interim rule to take over control of the signals. He stated that previously they did not believe the Federal Government would allow the whistle bans at all in the final draft but if they were in place prior to the final Federal ruling to take effect in December, the City would be grandfathered in. He recommended that the City whistle ban be made effective to allow this and to continue moving forward to make sure this happens in case the new regulation goes against whistle bans. He stated if it looks like you can have them, the City may not have to provide the funding by December as previously presented. He stated the ordinance needs to be in place before the FDOT will provide a study. Attorney McCaghren stated that at this moment there does not appear to be any final obstacle to doing this but that Mr. English cannot vouch for what the other entities involved will do.

**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 Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 4-0 vote. Commissioner DeVane was absent.**

- h) Schedule of service and user fees and charges.

City Manager Williams stated that a list was provided containing the proposed increase in fees. No public comments were made.

**Motion made by Commissioner Storer to approve the fee schedule, seconded by Commissioner Metcalf and carried unanimously.**

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

- a) Property selection for Florida Community Trust Grant Application.

Assistant Parks Director Cory Clarke introduced this item. He stated he met with the City's consultant and that there are three potential properties that a grant could be submitted for which appear to score very well for possible funding. He stated the City has only contracted to submit up to two applications and that the deadline is May 5. He asked for direction as to which properties (Beloit Avenue property (Hamilton Place), the Clayton property on Howell Branch Road and Temple Trail or the Glenridge Elementary School property) he wanted the consultant to pursue. City

Manager Williams stated he spoke with Commissioner DeVane who suggested that the consultant provide the priorities on these properties and that staff has also recommended this.

Lindsey Stevens, Trust for Public Lands, updated the Commission on her contact with two of the property owners for the Beloit and Clayton properties. She announced that they have a signed contract between the Clayton family and the Trust for Public Lands so this property is secured from development for now. She stated she has been in contact with the Beloit Avenue property owner and that the property is still available. Ms. Stevens stated that all three properties score very well and likely will be funded under the grant. She suggested to see what properties are available and if there is a willing seller.

No public comments were provided.

**Motion made by Commissioner Metcalf to approve the staff recommendation to allow the consultant to evaluate each properties scoring ability and select the one or two most likely to achieve a funding score, seconded by Commissioner Eckbert and carried unanimously.**

b) CH2M Hill Change Order for Aloma Water Treatment Facility

Utilities Manager David Zusi explained the change order request as related to the installation of two new potable water production wells for the Aloma Water Treatment Facility. He stated the additional funds of \$421,095 is for the other associated services to administer the construction. He stated this is part of the already approved monies for the wells. Questions were answered by Mr. Zusi related to this request as presented by the Commission. He explained the City's existing contract with CH2M HILL and the importance to move forward with the well drilling (Diversified Drilling Corporation) to keep the project on schedule.

**Motion made by Commissioner Eckbert to approve Change Order No. 4 to CH2M HILL Constructors, Inc. for the Aloma Water Treatment Facility, seconded by Commissioner Metcalf and carried unanimously.**

**NEW BUSINESS:**

- a) Commissioner Storer thanked staff for their involvement with the wonderful showing for the City during the Winter Park Art Festival.

The meeting adjourned at 4:40 p.m.

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Mayor Kenneth R. Marchman

ATTEST:

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City Clerk Cynthia Bonham