

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
March 28, 2005**

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

The invocation was offered by Pastor Herbert Green, Church of God by Faith, followed by the Pledge of Allegiance.

Members present:

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

Also present: City Attorney Brent McCaghren
City Manager James Williams
City Clerk Cynthia Bonham

MAYOR'S REPORT:

Prior to his reports, Mayor Marchman recognized staff for their efforts in making the recent City events a success.

- a) National Merit Scholarship Awards - Winter Park High School Principal William Gordon.

Mayor Marchman and Winter Park High School Principal William Gordon recognized the students who received the National Merit Scholarship Award.

- b) & c) Cheer & Dance Team Accomplishments for 2004/2005 and Winning Ways Basketball Team Accomplishments for 2004/2005.

Mayor Marchman recognized the Cheer and Dance Team and the Winning Ways Basketball Team for their accomplishments for 2004/2005.

- d) Board Appointment-Alan Parker to the CRA Advisory Board, replacing John Cascio.

Motion made by Mayor Marchman to appoint Alan Parker to the CRA Advisory Board, seconded by Commissioner Storer. The motion carried unanimously.

CITY ATTORNEY'S REPORT:

No report was provided.

CONSENT AGENDA:

- a) Approve minutes of 2/28/05 and 3/14/05.
b) Approve bids and purchases as follows:
1) PR 116245 to Environmental Products for a dual street sweeper piggy-backing Collier County contract #04-3590; \$102,750.00 (Budget: Vehicle Replacement).
2) WP-3-2005 for open/close burial spaces for Pinewood and Palm Cemeteries to Quality Vaults with prices per attached spreadsheet. (Budget: Cemeteries).
c) Approve the encroachment agreement for the Glen Haven Cemetery for 1691 Hibiscus Avenue to allow part of their private driveway within the right-of-way and allows the garage to be built within two feet of the right-of-way line.

- d) Approve the Neighborhood Council matching grant recommendations for North Lakemont Association, Mead Garden Association, Lakemont Heights Association, Henkel-Genius Audubon Lane Association, and Waterbridge Community Association. The five grant requests total \$14,850.00 and are matched with \$20,850.00 from the neighborhood associations.

No public comments were provided.

Motion made by Commissioner Metcalf to approve the Consent Agenda, seconded by Commissioner DeVane. The motion carried unanimously.

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

- a) ORDINANCE NO. 2622-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ORDINANCE NO. 2571-04, SECTION 98-81, "Schedule of Civil Penalties for Parking and Other Violations." Second Reading

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

Motion made by Commissioner Storer to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- b) ORDINANCE NO. 2623-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO REQUIRE PARKING, SITE ACCESS AND STORAGE MANAGEMENT OF CONSTRUCTION SITES; PROVIDING AN EFFECTIVE DATE. Second Reading

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

Commissioner Metcalf commented on the valet parking for the downtown area. He spoke about a possible plan that would allow contributions to be made to the City's valet parking costs when City spaces are utilized by construction projects. He asked whether this requirement should be included in the proposed ordinance. Mayor Marchman spoke of the need to continue to examine the parking issue. He suggested approval of the proposed ordinance and continue to look at ways to provide convenient parking during construction. Commissioner DeVane spoke about expanding the ordinance to include the option of valet parking where it addresses a site management plan.

City Attorney McCaghren stated that the proposed changes to the ordinance were a substantive change that would require an additional reading of the ordinance. He suggested to adopt the ordinance and to condition the displacement of public parking in a manner acceptable to the Commission.

Motion made by Commissioner DeVane to adopt the ordinance with an addition to the ordinance to be provided by the next Commission meeting, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- c) Subdivision request of Lurinda Smith to split the property at 1331 Aloma Avenue into three separate single family lots with variance approval.

Planner Briggs explained the applicant's request to divide the 330' wide property into three lots, and that the existing Victorian home will remain in the center of the property. He said the applicant is requesting to divide the parcel by cutting off 90' feet on both sides that would result in a new buildable lot. He identified the current zoning designation of R-1AA that requires 100' wide lots. Mr. Briggs stated the applicant is asking for 90' to keep more of the original home site in tact which requires a variance. He explained how the variance may be a benefit because staff can ask for a historic designation and be part of the national registry program. He explained the distinctive nature of the structure's architecture. Mr. Briggs confirmed that the Planning and Zoning Commission recommended approval of the request and there were no negative comments from the neighbors.

Commissioner DeVane inquired whether rear entry access has been explored instead of creating new curb cuts on Aloma Avenue. Planner Briggs explained the possibility of incorporating rear entry access and that permission would have to be granted by the two owners residing at the end of the cul-de-sac.

No public comments were provided.

Motion made by Commissioner Eckbert to approve the subdivision request with the condition imposed by the Planning and Zoning Commission, seconded by Commissioner Storer. The motion carried unanimously.

- d) Conditional Use and Planned Development Approval-Request of Orlando National Bank and Eucalyptus properties to construct a two story office building and branch bank at 808 and 840 Aragon Avenue and 820 and 840 S. Denning Drive.

Planner Briggs addressed the conditional use request for the property that consists of single family houses that were converted into offices several years ago. He explained that because of the conversion, the property has not had the office zoning look. He reported that the property has been marketed to sell and that the owners have received an offer from developers of the Orlando National Bank to redevelop the property.

Mr. Briggs addressed the proposed site plan that includes a two-story building, parking and drive-in tellers. He spoke about the neighborhood concerns and the recommendation to deny the request at the initial Planning and Zoning Commission (P&Z) meeting so the applicant revised the plans significantly as a result of that meeting. He explained that one of the concessions made by the applicant involves a live oak tree in the middle of the property. He said the developer has found a way to site plan around the tree and to maintain a 15' clearance on all sides that preserves the best trees on the property.

Mr. Briggs said the applicant has revised the layout of the parking plan, the landscape plan, and architectural plans. Mr. Briggs explained the variances involved dealing with parking places, floor area ratio and the building height. Mr. Briggs confirmed that the P&Z recommended approval with a 4-1 vote with considerable discussion from neighbors over the redevelopment of the property and the size and scale of what is proposed. He said the item is only on this agenda because of the drive-in tellers. Mr. Briggs explained that without the drive-in teller component, the building would not exceed 10,000 square feet and would not require conditional use approval by the P&Z and Commission, but would only require a building permit.

Commissioner DeVane inquired whether a traffic impact study was considered. Mr. Briggs explained that one was not required because of the scale of the project. No public comments were provided.

Co-applicant to the Orlando National Bank, Larry Williams presented his development team. Mayor and Commissioners disclosed they participated in discussions with the applicant.

Mr. Anderson, 1034 South Kentucky Drive, expressed his concern that the traffic issue has not been adequately addressed.

Ms. McClain, 935 North Kentucky Avenue, expressed her concern with the size of the proposed project.

Louise Anderson, 1034 South Kentucky Avenue, expressed her concern with the traffic and building height issues.

Lurline Fletcher, 790 Lyman Avenue, expressed her concern with the traffic issues.

Commissioner DeVane commented on ingress and egress points. She asked that restrictions on entry access and left turns onto Denning Drive be added in the future when traffic is increased. Co-applicant Williams was amendable to this condition.

Commissioner Metcalf commented that redevelopment in the area is inevitable and that aside from the drive-in tellers, the applicant has proposed a project that conforms to existing zoning.

Motion made by Commissioner DeVane to approve the request with the (5) conditions imposed by the Planning and Zoning Commission and the additional one requiring the restriction on entry access and left turns onto Denning Drive at some point in the future, seconded by Commissioner Metcalf. The motion carried unanimously.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING AND RESTATING THE CITY OF WINTER PARK OFFICERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2478-02, AS SUBSEQUENTLY AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Assistant City Manager Knight explained that the proposed ordinance is similar to the fire pension ordinance that was adopted months ago. He confirmed that the proposed ordinance is recommended for approval by the Police Pension Board.

Commissioner Eckbert inquired about the actuary and financial impacts. Mr. Knight responded that the impact statement will be available by the second reading of the ordinance once it is completed by the actuary. City Attorney McCaghren explained that the availability of the impact statement by the second reading of the ordinance is required by Florida Statute. No public comments were made.

Motion made by Commissioner Metcalf accept the ordinance on first reading, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- e) Subdivision request of Peter and David Martinov to split the property at 2070 Versailles Avenue. WITHDRAWN BY THE APPLICANT.

CITY MANAGER'S REPORT:

a) Budget discussion.

City Manager Williams provided a power point presentation entitled "Winter Park, An Efficient City."

Mayor Marchman said he had asked the City Manager to provide a past and present fiscal review of the City. He commented that elected officials and City employees are always seeking more efficient use of tax dollars. He explained that the last millage increase was fiscally responsible and needed for hurricane damage and rehabilitation. Commissioner Storer commented that the combination of both the level of service and fiscal responsibility by municipal government creates value for the citizens of Winter Park. Commissioner Storer commended City Manager Williams for balancing fiscal responsibility and the level of services.

Joe Terranova, 700 Melrose Avenue, complimented City Manager Williams and his staff for their efforts with keeping expenses of the City at the lowest possible level.

Commissioner DeVane concurred with Commissioner Storer and added that the City is fortunate to have such dedicated, creative and innovative employees. She explained the financial shortfall due to the hurricanes was the reason for the increase in millage.

b) Set a date for lunch meeting with the Chamber of Commerce to discuss the Welcome Center.

City Manager Williams presented this item. Following possible Commission availability dates, consensus was for the City Clerk to poll the Chamber and the Commissioners.

Requesting expediency to set a meeting date, Commissioner Metcalf stated he would be unavailable next week, but would be available the following week. Commissioner DeVane asked to set a date by the end of April.

c) City Hall redevelopment private partner recommendation.

Planning Director Don Martin explained that the City Hall Evaluation Committee, based on recommendations by the consultant, recommended 4 to 1 to rank the development teams as follows: Pizzuti as the first team, and Faison as the second team.

Mr. Martin introduced Consultant John Stainback who provided a powerpoint presentation that evaluated both of the development teams.

Commissioner Metcalf sought clarification regarding the phasing issue. Mr. Martin noted that a final design is not being selected at this point and the only decision under consideration is to select a partner to move forward with. He explained why the Pizzuti team is the best team for the City. Mr. Martin continued that staff is asking for the Commission to approve the rank as proposed and recommended by the City Hall Committee. Additionally, he asked to move forward with a work shop to establish a continuing process to finalize a design and secure the public/private finance plan. Mayor Marchman was amenable to a work shop to discuss a plan and a process and to receive citizen input.

Joe Terranova, 790 Melrose Avenue, expressed his concern with selecting the second bidder if staff is unable to arrive at a satisfactory arrangement with the first bidder. He asked the Commission to consider starting the process over if this happens.

George Herbst, 1742 Temple Drive, as a member of the selection committee, spoke of the two proposals received.

Commissioner DeVane expressed her concern with the financial assumptions made in both of the proposals.

Motion made by Commissioner Metcalf to rank the developers as recommended by staff, seconded by Commissioner Devane. The motion carried unanimously.

Oath of Office

Former Mayor Dan Hunter administered the oaths of office to re-elected Commissioners John Eckbert and Douglas Metcalf. Both Commissioners provided speeches thanking their supporters which are made part of the record. A 30 minute recess was taken for the reception after the swearing in.

d) Park Avenue parking update.

Economic Development Director Chip Weston provided a power point presentation regarding the current conditions and suggestions for the parking situation on Park Avenue. He said staff recommends implementing a comprehensive valet parking program for all of Park Avenue. Mr. Weston explained that the program would operate from approximately 8:30 am until 11:00 pm from Monday to Saturday and from noon to 10 pm on Sunday. He commented that the flexible program can move as needed depending on parking displacement and demand. He elaborated that a comprehensive valet program also supports the existing parking deficits articulated in the Glatting Jackson parking study. Mr. Weston stated Park Avenue employees, who now park on the Avenue, will be encouraged to utilize this free valet program. Lastly, Mr. Weston said staff suggests that funding for this program come from a partnership between the CRA, developers who displace parking, and merchants who benefit from this program.

Commissioner Eckbert inquired into the percentage of Park Avenue employees versus the number of customers that would use the valet parking program. Mr. Weston spoke of the Glatting Jackson study that was performed. He said the program will provide alternate parking for the employees that work on Saturdays and when parking restrictions are not enforced. Commissioner DeVane expressed her concern with co-mingling the problems of the displaced parking created by the downtown construction, and the parking that is needed to accommodate the construction workers. She asked staff to consider the parking at St. Margaret Mary Catholic Church for shoppers and offer valet service as long/short term solutions. She said the developer should pay for displaced parking. Commissioner Metcalf said valet parking seems to be the only solution. Mayor Marchman expressed that valet parking needs to be considered as part of the equation, but noted his concern with how it will be utilized. Commissioner Metcalf suggested that staff work with the Chamber of Commerce to devise a plan for the Commission to review. Consensus was to move forward with staff recommendation 'G'.

Park Avenue merchant Brian Wettstein commented on the need to address and devise a short term solution. He spoke in support of a valet parking program.

Park Avenue merchant Carolyn Luce spoke of the need to address the parking issue that exists on the north end of Park Avenue.

Chamber of Commerce Representative Bill Walker spoke of the complexity of this problem and that the Chamber intends to devise a solution to the problem.

Chamber of Commerce Representative Sam Starke stated that the recommended parking valet

program is a solution to the problem.

Mayor Marchman asked that each item recommended be discussed separately and asked for additional public comments. The list of recommendations are made part of these minutes.

Joe Terranova, 700 Melrose Avenue, expressed his support of the recommendations from the Economic Development Advisory Board.

City Attorney McCaghren spoke of the legalities involved with establishing a parking assessment. Commissioner DeVane expressed her concern with this recommendation.

Consensus was to consider the following items: A,B,C, D, G, H, and I. Additional discussion ensued regarding items E, and F. Although not accepted, it was discussed to factor in a portion of the Blake lot in any final plan proposed. Commissioner DeVane asked that staff review occupancy rates of all the privately owned public parking places within the Central Business District and to use New York Avenue and Interlachen as the boundary. Consensus was also to accept the resolution from the Economic Development Advisory Board.

- e) Update on the proposal to establish a new Community Redevelopment Area for the Home Acres neighborhood.

Planner Briggs provided an update on the status of this matter. He explained the restraint on the City's Charter that restricts the ability of the Commission to condemn property and incur debt without a voter referendum. He spoke of the reluctance from Orange County in promoting a CRA that is tied into a single developer. Mr. Briggs noted that Orange County stated the City would have to agree and move forward with the annexation process. He said staff is prepared to move forward with the annexation process once the proposed interlocal annexation agreement is approved. He said the agreement will enable the City to annex all the properties in the area. Mr. Briggs explained the provision in Florida Statute that allows the County to give the City the ability to annex the areas without a referendum. He continued that the entire area including acreage and population does not exceed the 1% thresholds on population or land area that were established by ordinance.

Mr. Briggs addressed the court cases currently being argued before the Florida and United States Supreme Courts that are challenging cities and counties abilities to condemn properties for economic development. He noted that the County expressed their concern with the proposed CRA area due to the pending litigation. He said staff is seeking approval of the annexation agreement that will enable, but not compel, the City to annex the area.

Commissioner Eckbert sought clarification on the approval being asked by staff. Responding to Commissioner Eckbert's request, Mr. Briggs explained the purpose of the agreement. Commissioner Eckbert asked whether staff was seeking approval to ask the County for permission without obligating the City to annex. Mr. Briggs responded affirmatively. Commissioners expressed their concern with condemning properties for economic development. Responding to Commissioner Eckbert's inquiry, Mr. Briggs provided examples in which condemnation procedures have been used for private development purposes in Central Florida. Commissioner Metcalf commented on the challenge of condemning properties for private development.

Dan Bellows, 533 West New England Avenue, spoke of a letter that was sent to Orange County that was generated after meeting with staff and Commissioners individually that addresses the CRA and condemnation.

Mayor Marchman and Commissioner DeVane expressed their preference of delaying this until a court decision is rendered. Commissioner Eckbert inquired into the contentious nature of this issue and asked for a clearer view before making a decision.

Bob Saltzman, 201 Alexandria Place, spoke of the discussions he participated in with the County, the City and Mr. Bellows.

City Attorney McCaghren explained the steps that need to be taken for this matter to move forward. He suggested if the majority of the Commission is unsupportive of this issue, the developer should be notified. He also provided an update on the arguments being presented at the judicial level. He said an approval of the agreement is the first step in the process. Mayor Marchman asked for a recommendation from staff. Commissioners Eckbert and Metcalf asked for staff to provide additional information regarding the definition of eminent domain and how it applies to this issue and the number of property owners that are unsupportive and supportive of annexing. Commissioner Eckbert asked for an analysis of the parcel that details the benefits/costs and crime.

Motion made by Commissioner Eckbert to table until the next meeting, seconded by Commissioner Metcalf. The motion carried unanimously.

NEW BUSINESS:

1. Dan Bellows, 533 West New England Avenue, sought clarification on the status of the Blake property and whether the City is using the property as a staging area for the electric utility.
2. Commissioner Metcalf asked that Police Chief Doug Ball provide an update about a sexual predator on the north side of town.
3. Commissioner DeVane spoke about communities adopting a level of service for traffic in their comprehensive plan. She asked that staff look into this and return with a report.
4. Commissioner Metcalf spoke about the need to look at the City's codes in an effort to address zoning inconsistencies.

Mayor Marchman adjourned the meeting at 7:56 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham