

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
April 10, 2006**

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

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

Members present:

Mayor David Strong
Commissioner Douglas Storer
Commissioner John Eckbert
Commissioner Barbara DeVane
Commissioner Douglas Metcalf

Also present:

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

MAYOR'S REPORT:

- a) Commission appointment to the Selection Committee for an agent/broker for the City's group health and other employee benefit plans.

Mayor Strong nominated Commissioner Eckbert to serve on the Selection Committee. **Seconded by Commissioner Metcalf and carried unanimously.**

- b) April 2006 Outstanding Employee of the Month

Mayor Strong recognized Melba Poole, Finance Department as the April 2006 Outstanding Employee of the Month.

- c) Board appointments - Parks and Recreation Master Plan Selection Committee.

Mayor Strong appointed Commissioner DeVane as the Commission appointee and Ann Higby as the resident appointee. **Seconded by Commissioner Eckbert and carried unanimously.**

NEW BUSINESS – CITIZENS COMMENTS:

1. Susan Gabel, 1539 Golfside Drive, asked that the time of Commission meetings be changed to the evening.
2. Antionette Foley, 1270 Lakeview Drive, addressed an article in the Sentinel regarding Mr. Hal Kantor. She spoke about his position on the Comprehensive Plan Task Force and asked that members with conflicts be removed from City boards. Mayor strong asked the City Attorney to check into conflict of interests.

CITY ATTORNEY'S REPORT:

1. Attorney Cheek announced the necessity to schedule a shade meeting (executive session) with the Commission to discuss litigation regarding the Carlisle project. Upon discussion, there was a consensus to schedule the meeting for Tuesday, April 11, at 6:00 p.m.

CONSENT AGENDA:

- a) Approve the minutes of 3/27/06.
- b) Approve the following RFP:
 - 1) Extension of Request For Proposal RFP-5-2005/6, Janitorial Services for Various City Buildings, with OR&L Custodial Services, Inc., accepting their request for a 4% increase across the board on all costs. Also to accept their proposal to add carpet cleaning twice per year to the buildings listed on the attached for an additional yearly amount of \$19,253.30. (Budget: Facilities Maintenance)
 - 2) Reject all bids received on RFP-11-2006: Decorative Fencing for Farmer's Market. The low bidder did not bid the complete job and the other two bidders were well over the budgeted amount. Funds for this are from fund raisers for Keep Winter Park Beautiful. (see memo attached)
- c) Receive the resolution from the Friends of Mead Garden to consider relocating maintenance operations not essential to Mead Garden to other locations.
- d) Approve the request from Medtec Ambulance Corporation for the City to display one of their newly designed ambulances at the Fire Department Instructors Conference in Indianapolis, Indiana during the week of April 24, 2006 in exchange for the specific items identified in the attached letter.
- e) Approve the 2006 Neighborhood Council matching grant recommendations as follows: 1) Northwood Circle entrance improvement project; 2) Orwin Manor neighborhood identity signs installation; 3) Cloisters Condominium restoration of Morse Boulevard and Interlachen Avenue landscape; 4) North Lakemont Association entrance beautification; and 5) Virginia Heights neighborhood park landscape design.
- f) Authorize the extension of the Financial Consulting Services Agreement with Dunlap & Associates through April 10, 2008.

No public comments were provided. Mayor Strong pulled Consent Agenda Item 'f' for information.

Motion made by Commissioner Storer to approve the Consent Agenda with the exception of item 'f', seconded by Commissioner Metcalf. The motion carried unanimously.

Consent Agenda Item 'f'

Mayor Strong stated he did not have a problem with the agreement but asked if this is subject to bid. Assistant City Manager Knight stated this was a bid in 2003

and provided for an opportunity to extend the agreement after its expiration. Mr. Knight stated the City has been very pleased with their services. Commissioner DeVane asked if this was originally done because of the need for assistance in the financing of the electric distribution system. Mr. Knight stated that was a primary reason they were selected because of their extensive experience with electric utilities but that they also handle all of the City's bond issues. He addressed the annual retainer paid to them because of questions being answered all year regarding financing opportunities, refinancing, etc.

Motion made by Commissioner Metcalf to approve Consent Agenda Item 'f', seconded by Commissioner Storer, and carried unanimously with a 5-0 vote.

PUBLIC HEARINGS:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-33 "HOURS OF SALE" SO AS TO AMEND THE HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PROXIMITY TO RESIDENTIAL PROPERTIES. Second Reading

Staff recommendation was to table this item pending a meeting with business owners. Planner Jeff Briggs updated the Commission on direction given at the last meeting regarding the Dexter's Restaurant ordinance to extend the operating hours. He stated this will come back before the Commission in June. He stated they need additional time to meet with the restaurant owners before bringing the above ordinance back to the Commission.

Commissioner Metcalf addressed the map provided with locations of businesses with liquor licenses that did not include other locations throughout the City. He stated they should be identified and covered when the ordinance is adopted. Mr. Briggs assured the Commission that they will be included and will receive notices of the meeting they will have with all the owners.

Motion made by Commissioner DeVane to table the ordinance until April 24, 2006; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

- b) Request of Robert Vega for Conditional Use and Planned Development Approval to allow the construction of a three story, six unit condominium building of 20,430 square feet with associated underground parking on the properties at 335 and 357 North Knowles Avenue, zoned O-2. The Planned Development approvals (variances) are for a third floor of 6,355 square feet vs. the code limitation of two stories.

This item was tabled at the last meeting. Planner Jeff Briggs explained the request for a six unit building on property zoned office located at the intersection of Knowles and Canton. He stated the O-2 zoning has a two story height limit in place so the PD variance is for the third floor, which increases the building size. He stated otherwise it meets the code in terms of setbacks, the six units permitted,

lot coverage, parking, etc. He stated the only variance is for the third floor. He explained the three meetings of the Planning and Zoning Commission (P&Z) that evolved into what is presented this evening and with a positive recommendation from the P&Z to move forward with conditions attached. He explained what transpired at the P&Z meeting and that they wanted the design with the third floor set back in terms of the wedding cake arrangement that has been required on other projects. He displayed an elevation of the building showing the setback for the third floor in terms of a terrace that is roofed and has columns. He stated the P&Z believed that obscured the fact that there was no setbacks so they placed the condition that they want the terrace completely around the building and to be an open setback.

He concluded that the issue before the Commission is the setback and whether the balcony is going to be open and covered. He stated there is a lot of interest in seeing the property redeveloped because of the current La Amistad building presently there and its effect on the surrounding neighborhood and responses periodically from the City's police and fire departments. Mr. Briggs responded to questions posed by the Commission.

Applicant Robert Vega explained the location of his project, the surrounding buildings, the setbacks of his project, the background of his project as brought to the P&Z and redesigning his project as shown this evening, architectural renderings, scale of the building, increased landscaping, and parking moved to underneath the building. He stated he has worked very diligently to keep the project within what is allowed and asked for approval of his project as presented.

Commissioner Storer asked Mr. Vega in relation to the P&Z recommendations, what he was asking the Commission to approve. He responded that he is asking for approval to keep the covered porches because of problems that will arise if they are open. Mr. Vega stated he agrees with the other P&Z conditions. He addressed Mr. Reeves who owns property behind this proposed project who had submitted a letter stating he now agrees with the project as presented. Mayor Strong clarified the following points: the height will be 35 feet, will not exceed 40% building coverage and the terraces will have a roof but no enclosure. Commissioner DeVane voiced her preference of some roof coverage but not all because she believed it detracted from the attractiveness of the building.

Mr. Vega asked that the people present and in favor of the project but were not speaking to raise their hand. Numerous persons responded affirmatively.

The following spoke in favor of the project with three stories and with the inclusion of covered porches.

1. Woody Woodall, 411 Shepherd Avenue
2. John Brandes, 2718 Scarlet Road, designer of the project
3. Jim Cooper, 1080 Keyes Avenue
4. Rae Connelly, 1438 Hyde Park Drive
5. Scott Brown, 2883 Wild Ginger Court
6. Eric Rosoff, 503 N. Interlachen Avenue

7. Sissy DeMuth, 2470 Temple Drive
8. David Francetic, 840 Mayfield Avenue
9. Kelly Price, 680 Canton Avenue

There was no opposition to the project.

Motion made by Commissioner Storer to approve the project, including the Planning and Zoning Commission conditions but with the exception of #1 and with inclusion of the covered porches (not open as recommended by the P&Z).

Commissioner DeVane asked for a further explanation regarding covered porches. She disclosed her conversations with Mr. Vega as well as Commissioners Storer, Metcalf and Eckbert and Mayor Strong. Mr. Vega stated it is covered but not enclosed and that will sign a document stating he will not enclose them. Comments were made by Commissioners regarding the superior quality of the project and the need for covered balconies.

Commissioner DeVane amended the motion to add that no screen or glass enclosures will be allowed on the balconies. Amendment seconded by Commissioner Storer (mationer) and carried unanimously. The motion carried unanimously with a 5-0 vote.

A recess was taken from 4:48 – 5:52 p.m.

CITY MANAGER'S REPORT:

- a) Proposed ordinance amending the sidewalk café regulations and update on the café seating issue.

Building Official George Wiggins summarized the ordinance currently in effect that does not allow curbside dining. He addressed other meetings held when this was discussed and issues from recent years with curbside seating. He spoke about the need for flexibility concerning curbside dining for certain restaurants.

Economic Development Director Chip Weston addressed the vibrancy on Park Avenue and the need for a solution to the curbside dining. He addressed ordinances in place at other cities. He spoke about the importance of a clear line of sight, a 5' clearance that does not get encroached on, a possible resolution to allow minimum curbside seating, and the importance of enough clearance between the curb and cars. He suggested having a plan in place for each restaurant and to allow limited curbside dining depending on the location of the restaurant.

Discussion ensued about the need to keep the walkway open, to review each restaurant on a case-by-case basis, the need to mark the sidewalks to clarify where tables can be placed, the need to maintain safety with not crossing sidewalks to serve tables, elimination of table/chair storage on the street, the need to maintain cleanliness of the sidewalks, and that the tables not encroach onto their neighbors property.

Commissioner DeVane asked who will review the allowable curbside dining. Mr. Wiggins spoke about the need for specific language based on conditions present at a particular restaurant that would necessitate that they allow some curbside dining. He stressed the importance that it is done in a safe manner so pedestrians can safely walk around.

Woody Woodall, 411 Shepherd Avenue, addressed the Briarpatch Restaurant and their curbside dining and the need to have rules for each individual restaurant.

John (unknown last name), Briarpatch Restaurant, recommended that the curbside dining remain. He said they were unaware of complaints with obstructing the sidewalk.

Susan Gable, 1539 Golfside Drive, spoke about the need to maintain the 5' for pedestrian access.

Melixa Carbonell, 200 St. Andrews Boulevard, addressed the need for sidewalks to be friendly, that restaurant owners need to monitor their seating, and the need to keep the area pleasing.

Lurline Fletcher, 790 Lyman Avenue, asked about the difference with drinking alcohol on the sidewalks and people drinking on the street. Police Chief Ball spoke about the need for alcohol licenses for public right-of-ways and the violation of the law once they are on the right-of-way without a license. Allowing alcohol at special events was discussed.

There was a consensus that staff come back with revisions to the ordinance and will meet individually with restaurant owners to complete a plan in line with what the City has addressed.

b) Controlling extra-territorial growth and impacts to Winter Park.

Planning Director Don Martin provided information regarding the impact to Winter Park with the development outside of the City. He spoke about Baldwin Park not having to go through the DRI process which caused the City to obtain monies for traffic impact via other avenues. He addressed school boundaries, the impact of roadways from the construction of schools and changing the attendance zones.

There was discussion whether the Central Florida Regional Planning Council still exists and their purpose, the need to provide traffic relief and what can be done to move traffic elsewhere.

No action was taken on this; just for information purposes only. Commissioner DeVane had asked for discussion.

NEW BUSINESS (CITY COMMISSION):

1. Commissioner Storer addressed the need to complete the landscaping and open the sidewalks at the Regent. Mr. Martin responded that code enforcement was informed that the landscaping and irrigation would be completed within a week. Mr. Wiggins confirmed this and spoke about the lack of a code to cite regarding failure to complete it in a timely manner. He stated that he could revoke

the CO for the Regent Condominiums for failure to complete the landscaping plan which would be the appropriate action to take. He stated they moved the fence and are contacting Public Works for repair of the sidewalks.

Commissioner Metcalf spoke about houses being demolished throughout the entire City and the sand/dirt that is appearing in neighborhoods. He asked about the rights that neighbors can expect of an empty lot that remains untouched after demolition and blows dirt back and forth. Mr. Wiggins explained the dust control provisions for use during the demolition process. He stated they have had to take significant steps with overgrowth and have to monitor all lots that have been demolished. He stated he is unaware of a code provision regarding the empty lot and dust/dirt blowing. He stated he would review the building and property maintenance code to see if this is covered.

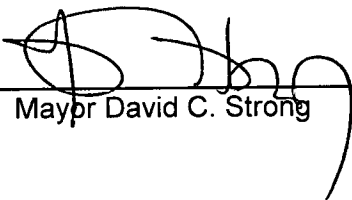
Commissioner DeVane addressed certain properties in the City where the lots have remained vacant for a long time. She asked Mr. Wiggins to come back with a recommendation as how to handle this.

Mr. Wiggins stated they have their Certificate of Occupancy for the Regent Condominiums and have failed to come forward with the hotel plans. He stated the landscape plan for the Regent Condos showed the vacant site as the hotel on the New England Avenue side which contemplated the completion of the hotel. He stated that is not completed and CO's was issued for the core Regent building and various units but did not know if each unit had received their CO.

Mayor Strong asked for a recommendation if the landscaping is not completed within a week. Mr. Wiggins stated they would be sent a notice that CO's will be revoked if they do not landscape the property in accordance with the original plan and would give them a deadline. Commissioner Storer asked if the City had the ability to landscape the property and put a lien on the property. Mr. Wiggins stated he would have to review that with the City Attorney because of entering private property. He addressed when they are allowed to do so with giving proper notice.

City Manager Williams concluded that we will strongly encourage them to complete the landscaping and will also review the code to determine possible changes to make it stronger so the City can react when developers do not comply.

Mayor Strong adjourned the meeting at 5:55 p.m.



Mayor David C. Strong

ATTEST:



Cynthia Bonham
City Clerk Cynthia Bonham