

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
June 13, 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 Jim Book, First Christian Church, 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 Trippe Cheek  
City Manager James Williams  
City Clerk Cynthia Bonham

**MAYOR'S REPORT:**

- a) Presentation to the City of \$10,000 by Dr. Oswald Saavedra to contribute toward the Howell Branch Road park.

Dr. Oswald Saavedra presented a \$10,000 check to help fund the Howell Branch Road park. He spoke of the importance of environmental protection.

- b) Presentation of check by Mr. Kenneth Murrah for the purchase of trees.

Prior to presenting a check in the amount of \$1,025 for the purchase of trees, Kenneth Murrah commended the Commission for their mission of attempting to relocate the CSX Railroad trains from traveling through the City.

- c) June 2005 Outstanding Employee of the Month

Mayor Marchman recognized Debbie Wilkerson from the Public Works Department as the June 2005 Outstanding Employee of the month.

- d) Proclamation – Retirement

Mayor Marchman read a proclamation that recognized Master Police Officer Mke Moomaw, Community Policing Unit, for his years of service and his upcoming retirement.

- e) Board appointments

**Mayor Marchman nominated Carlton E. Colley as the alternate member to the Board of Adjustment, seconded by Commissioner DeVane. Motion carried unanimously.**

**Mayor Marchman nominated David Dodd to the Code Enforcement Board, seconded by Commissioner DeVane. Motion carried unanimously.**

Mayor Marchman suggested that New Business items from residents be addressed immediately following the Mayor's Report. Consensus was to adjust future agendas to accommodate the change. Mayor Marchman clarified that New Business items from the Commission will be addressed as in the past; at the end of the meetings.

**CITY ATTORNEY'S REPORT:**

RESOLUTION NO. 1910-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA DESIGNATING THE PROPERTY LOCATED AT 1331 ALOMA AVENUE AND KNOWN AS THE WADDELL HOUSE, WINTER PARK, FLORIDA AS A HISTORIC LANDMARK ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

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

- a) Special Assessments for street bricking:

Portion of Glencoe Drive:

RESOLUTION NO. 1900-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS AND MUNICIPAL SERVICES IN AND FOR THE CITY, TO-WIT: STREET BRICK ON A PORTION OF GLENCOE AVENUE, FROM HAMPDEN PLACE TO STIRLING AVENUE; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS AND MUNICIPAL SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS AND MUNICIPAL SERVICES; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the resolution by title. Commissioner Metcalf inquired into the exact location of the specified project. No public comments were provided.

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

RESOLUTION NO. 1901-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE INSTALLATION OF AND FUNDING OF PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES CONSISTING OF STREET BRICK ON A PORTION OF GLENCOE AVENUE; WHICH IMPROVEMENTS AND MUNICIPAL

SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING GLENCOE AVENUE FROM HAMPDEN PLACE TO STIRLING AVENUE; PROVIDING AN EFFECTIVE DATE.

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

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

Portion of Hibiscus Avenue:

RESOLUTION NO. 1902-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS AND MUNICIPAL SERVICES IN AND FOR THE CITY, TO-WIT: STREET BRICK ON A PORTION OF HIBISCUS AVENUE, FROM AND INCLUDING ADDRESS 1600 TO AND INCLUDING ADDRESS 1698, TO LAKEMONT AVENUE; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS AND MUNICIPAL SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS AND MUNICIPAL SERVICES; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

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

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

RESOLUTION NO. 1903-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE INSTALLATION OF AND FUNDING OF PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES CONSISTING OF STREET BRICK ON A PORTION OF HIBISCUS AVENUE; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING HIBISCUS AVENUE, FROM AND INCLUDING ADDRESS 1600 TO AND INCLUDING ADDRESS 1698, TO LAKEMONT AVENUE; PROVIDING AN EFFECTIVE DATE.

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

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

Portion of N. Lakemont Avenue

RESOLUTION NO.1904-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS AND MUNICIPAL SERVICES IN AND FOR THE CITY, TO-WIT: STREET BRICK ON A PORTION OF N. LAKEMONT AVENUE FROM PINE AVENUE, NORTH TO AND INCLUDING ADDRESS 1682 N. LAKEMONT AVENUE; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS AND MUNICIPAL SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS AND MUNICIPAL SERVICES; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

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

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

RESOLUTION NO.1905-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE INSTALLATION OF AND FUNDING OF PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES CONSISTING OF STREET BRICK ON A PORTION OF N. LAKEMONT AVENUE; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING N. LAKEMONT AVENUE FROM PINE AVENUE, NORTH TO AND INCLUDING ADDRESS 1682 N. LAKEMONT AVENUE; PROVIDING AN EFFECTIVE DATE.

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

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

Portion of Seminole Drive:

RESOLUTION NO.1906-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS AND MUNICIPAL SERVICES IN AND FOR THE CITY, TO-WIT: STREET BRICK ON A PORTION OF SEMINOLE DRIVE FROM GEORGIA AVENUE TO PALMER AVENUE; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS AND MUNICIPAL SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS AND MUNICIPAL SERVICES; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT

THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

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

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

RESOLUTION NO.1907-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE INSTALLATION OF AND FUNDING OF PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES CONSISTING OF STREET BRICK ON A PORTION OF SEMINOLE DRIVE; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING SEMINOLE DRIVE FROM GEORGIA AVENUE TO PALMER AVENUE; PROVIDING AN EFFECTIVE DATE.

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

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

Portion of Via Tuscany/Cypress Lane

RESOLUTION NO.1908-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS AND MUNICIPAL SERVICES IN AND FOR THE CITY, TO-WIT: STREET BRICK ON A PORTION OF VIA TUSCANY/CYPRESS LANE, FROM VIA DEL MAR TO VENETIAN WAY; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS AND MUNICIPAL SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS AND MUNICIPAL SERVICES; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

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

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

RESOLUTION NO.1909-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE INSTALLATION OF AND FUNDING OF PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES CONSISTING OF STREET

BRICK ON A PORTION OF VIA TUSCANY/CYPRESS LANE; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING VIA TUSCANY/CYPRESS LANE FROM VIA DEL MAR TO VENETIAN WAY; PROVIDING AN EFFECTIVE DATE.

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

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

c) Additional item discussed not listed on agenda:

Police Chief Doug Ball provided an update on the sexual predators and offenders issue and the regulations in place to protect communities. He explained the 1,000 foot radius restriction that applies to parks and children's play areas and that many of the City's mini parks do not fit the definition that would fall within this requirement. Chief Ball said the definition states that it has to be a recognized park containing playground equipment that attracts children. Additionally, Chief Ball explained the City's current ordinance that restricts an adult entertainment location from being within 1,500 feet of schools, playgrounds and parks. He addressed the recently adopted ordinance by various municipalities that restricts offenders from residing within 2,500 feet of schools, playgrounds and parks. He said staff is monitoring the constitutionality of the ordinances that have been adopted by other cities. Chief Ball noted that the Winter Park Police Department has one of the most proactive notification programs of any law enforcement agency in Central Florida.

City Attorney Cheek explained the Florida Statutes related to sexual offenders. He addressed the ordinances adopted by other municipalities that have expanded the areas to which the radius restriction applies. He reported that appellate opinions are unavailable because to date the latest ordinances and models have remained unchallenged. Lastly, he noted that the recent ordinances are more of a temporary ban rather than a lifetime one.

Commissioner Metcalf inquired whether the City would be liable if it implements such an ordinance that is later deemed to be unconstitutional. Attorney Cheek explained how the likelihood of liability can be removed if the City chooses to follow the models that have been provided. Commissioner DeVane inquired about privately owned parks and whether they would fall under the restriction requirement.

Joe Terranova, 700 Melrose Avenue, commended the Commission for studying this issue and urged the Commission to take a proactive position.

Mayor Marchman was amenable to moving forward with an ordinance that requires a 2,500 foot radius similar to other communities. Commissioner DeVane expressed her preference of the inclusion of mini parks as part of a solution. Commissioner Eckbert spoke of the importance of protecting families and children that reside in the City. Consensus was to direct staff to draft an ordinance that requires a 2,500 foot radius that is applicable to as many parks as possible.

**CONSENT AGENDA:**

- a) Approve the minutes of 5/23/05.
- b) Approve the Fifth Amendment to the Regent Hotel Developer's Agreement to increase the number of rooms for the project.
- c) Approve the increase to the Affordable Housing Linkage Fee from \$.30 per square foot to \$.50 per square foot.
- d) Approve the policy establishing a specific section of Palm Cemetery in which large mausoleums may be installed.
- e) Approve the following bids:
  - 1) Extension of RFP-5-2005, Janitorial Services for Multiple Buildings to include the Central Compound Water/Sewer Building; \$18,000/year (Budget: W/S Utilities)
  - 2) Bid WP-7-2005, Purchase of HDPE Pipe for Utilities, from Hughes Supply; \$69,621.20 (Budget: Utilities Water Division)
  - 3) Piggy-backing of Orange County Bid Y4-1046-J2, for roadway microsurfacing, noted on PR 118280 to E. J. Breneman; \$55,000 (Budget: Streets)
- f) Approve the following budget adjustment:
  - 1) Appropriate \$5,000 in state forfeiture funding for the City's 2005 summer recreation program.
- g) Authorize the execution of the Mutual Aid Agreement for Water/Wastewater.

**Motion by Commissioner Storer to approve the Consent Agenda with the exception of items 'b', 'c', and 'd'; seconded by Commissioner Metcalf. The motion carried unanimously.**

The following comments were provided regarding Consent Agenda item 'b'.

Hal Kantor of Lowdes, Doster, Kantor & Reed, P.A., as the attorney representing the Regent Hotel, explained that the proposed agreement allows for 230 rooms instead of 197 rooms; with the additional rooms as studio type rooms. He said the change assists with a revenue model that the developer needs to meet to compete with the rise in construction costs. There was discussion of when the ballroom was reduced in size.

**Motion made by Commissioner Eckbert to approve the Fifth Amendment to the Regent Hotel Developer's Agreement to increase the number of rooms for the project, seconded by Commissioner Metcalf. The motion carried unanimously.**

The following comments were provided regarding Consent Agenda item 'c'.

Rick McKee, 544 Mayo Avenue, as the representative of the Home Builders Association of Metro Orlando, asked that the Commission postpone the approval of the affordable housing linkage fee to allow the home building community the opportunity to review the proposal.

Joe Terranova, 700 Melrose Avenue, amenable to delaying the approval, spoke in support of the proposed increase to the affordable housing linkage fee.

Commissioner Metcalf inquired whether the City's task force established to study the proposed fee was comprised of developers or only representatives from organizations that will benefit from the proposed fee increase.

Hal Kantor, as a former member of the task force that examined the proposed increase, explained that the task force concluded the proposed increase was modest in nature. He urged the Commission to adopt the proposal when appropriate.

**Motion by Commissioner Eckbert to table Consent Agenda 'c' until the June 27, 2005, City Commission meeting; seconded by Commissioner Metcalf. The motion carried unanimously.**

Commissioner Metcalf asked that City Manager Williams provide information detailing what other communities in the region charge for this fee.

The following comments were provided regarding Consent Agenda item 'd'.

Charles Clayton, spoke in support of enlarging Palm Cemetery to accommodate large mausoleums. Mayor Marchman disclosed that he had visited the site at Palm Cemetery with Mr. Clayton.

Parks and Recreation Director John Holland briefed the Commission on the policy recommended by the Parks and Recreation Commission. He explained that although the request from Mr. Clayton conflicts with the proposed policy, staff is working with him to keep the structure in character with the structures that currently exist in the cemetery. Mr. Holland stated that after visiting and reviewing the site, the Parks and Recreation Commission recommended the proposed policy that provides a guideline for the size and orientation for these structures. Discussion ensued regarding the orientation of mausoleums and the religious preference of Mr. Clayton that his open from east to west. Commissioner Storer asked that the policy include a requirement for the type of building material used and that they should be made of marble. Commissioner Metcalf inquired into the maintenance of the structure and whether the fees collected are sufficient.

Mr. Clayton provided a visual representation of his request.

Commissioner DeVane expressed her concern with changing the standard used in the cemetery. She asked if staff could accommodate a more respectful solution. Mayor Marchman said he was amenable to the Clayton mausoleum facing to the east. Commissioner Eckbert clarified that an adoption of the proposed policy does not address Mr. Clayton's concern. He spoke of accommodating Mr. Clayton's request without negatively impacting the overall orientation of the cemetery. There was discussion regarding the orientation of the mausoleum requested by Mr. Clayton. Commissioner DeVane expressed her preference of supporting the Parks and Recreation Commission and the proposed policy. Commissioner Eckbert suggested to approve the proposed ordinance and to ask the Parks and Recreation Commission to review the Clayton request to obtain their feedback. Mayor Marchman suggested that Commissioners visit the site and review what is being proposed.



**Motion by Commissioner DeVane to approve the policy that establishes a specific section of Palm Cemetery in which large mausoleums may be installed and to continue discourse between Mr. Clayton and the Parks and Recreation Commission for an unobjectionable solution, seconded by Commissioner Eckbert. The motion carried unanimously.**

**PUBLIC HEARINGS:**

- a) **ORDINANCE NO. 2632-05:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SO AS TO PROVIDE PROCEDURES FOR THE MODIFICATION OF PLANS SUBMITTED AS PART OF REZONING, CONDITIONAL USE, OR PLANNED DEVELOPMENT APPLICATIONS AND TO PROVIDE APPLICATION SUBMITTAL REQUIREMENTS FOR PLANS TO BE REVIEWED AT WORK SESSIONS BEFORE THE PLANNING COMMISSION OR CITY COMMISSION. **Second Reading**

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

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

- b) **Request of Landmark Winter Park LLC for the redevelopment at 140 E. Morse Boulevard:**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE CONVEYANCE OF REAL PROPERTY; AUTHORIZING THE CONVEYANCE OF A PORTION OF LOT 6, BLOCK B, DR. TROVILLION'S REPLAT OF LOTS 18 AND 19, TROVILLION'S SUBDIVISION IN WINTER PARK, PLAT BOOK K, PAGE 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, IN EXCHANGE FOR REMOVAL OF ALL ABOVE-GROUND UTILITIES AND REPLACEMENT OF SAME WITH UNDERGROUND UTILITIES ON MORSE BOULEVARD, CENTER STREET AND TREAT WAY, ALL MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. **First Reading**

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

Planner Briggs provided the staff report. He said although the 14 unit condominium located on Morse Boulevard is ready for the building permit to be issued and construction to begin, a recent survey uncovered a surveyor error. The recent survey indicated that the building is 9' longer than the property. Mr. Briggs explained that the developer is asking the City to abandon 9" of the alley in exchange for a significant amount of undergrounding of utilities.

**Landmark development agreement.**

In regards to the proposed development agreement, Mr. Briggs explained that the agreement is a requirement from the lender which incorporates all of the previously agreed upon details. Commissioner DeVane expressed her preference that the commencement of the project should read within two years instead of five.

Terry Hadley, Swan & Hadley, P.A., representing the Landmark, provided a brief explanation of abandonment request.

**Motion made by Commissioner DeVane to accept the ordinance on first reading and approve the development agreement with the commencement of the project to read within two (2) years instead of five (5), seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried with a 5-0 vote.**

- c) Conditional Use Request of Helen Woodall to renovate and expand the buildings at 322/324/326/328 N. Park Avenue to include a single third floor residential unit.

Planner Briggs explained that most of the renovation will be along the back of the property on Center Street. Mr. Briggs continued that the applicant is proposing to expand from behind the free standing 1,300 square foot older building that exists and create six new parking spaces and a third floor single residential unit. Mr. Briggs confirmed that the Planning and Zoning Commission recommended approval with the condition that more definitive final plans return to them for approval.

Architect for the applicant Richard Barrette provided additional details of the project. Discussion ensued regarding the number of offices and parking spaces added. No other public comments were provided.

**Motion by Commissioner Storer to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner DeVane. The motion carried unanimously.**

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

- a) Report on Denning Drive.

Planning Director Don Martin provided an update on the public hearing held on May 18, 2005, to discuss plans regarding additional phases to the Winter Park Village and the concept of downsizing Denning Drive to a three lane segment for additional right of way for pedestrians. He said based upon the reaction received, the plan to downsize Denning Drive should be deferred to an undetermined future time. Mr. Martin recommended leaving Denning Drive as a four lane roadway with the addition of bike lanes as the City committed to in the PD&E Study with the Florida Department of Transportation and to continue working with the developers of the Winter Park Village. He explained how the developers of the additional phases of the Winter Park Village will redesign their project if Denning Drive is not narrowed.

Commissioner Storer spoke of the importance of a pedestrian friendly environment. Commissioner DeVane provided examples of improvements that can make Denning Drive more pedestrian friendly. She commented on the concern from residents over the lack of notification about projects of this magnitude. She suggested utilizing the utility billing system to notify residents of major projects. She asked that staff return with a recommendation on project size thresholds as a guide for the use of the utility billing system to notify residents of major projects.

Drew Smith, as a representative of the Casto organization, explained how not altering Denning Drive impacts the design of the plans for the additional phases to the Winter Park Village. Commissioner DeVane expressed her preference of moving forward with the plan.

Lurline Fletcher, 790 Lyman Avenue, provided comments unsupportive of narrowing Denning Drive.

Discussion ensued regarding the need to address pedestrian friendly roadways and planning setbacks for the future. Commissioner Metcalf asked that staff return with plans that address future development for Fairbanks Avenue and Denning Drive. Commissioner Storer expressed his reluctance with supporting staff's recommendation. He elaborated on the need to increase the pedestrian friendliness of Denning Drive. Commissioner Eckbert spoke of the need to improve communication and to identify critical paths of intent with the residents and the developer concerning this project. Commissioner DeVane elaborated on the need to make the City more pedestrian friendly and asked that the Pedestrian and Bicycle Advisory Board look into this issue and provide recommendations.

**Motion by Commissioner DeVane accept the recommendation from staff, seconded by Commissioner Storer. The motion carried unanimously.**

b) City Hall Redevelopment Update.

Planning Director Don Martin provided an update on the redevelopment of City Hall. He elaborated on the draft outline of a Memorandum of Understanding between the parties involved. He said the items have been identified that need to be incorporated into the Memorandum of Understanding. Mr. Martin suggested that staff continue to formulize the memorandum of understanding and return it for review at the next Commission meeting or the first meeting in July. No public comments were provided.

Commissioner DeVane asked for financial information regarding the appropriate millage used and whether CRA funds could be used for this project. Mr. Martin elaborated on the Florida Statutes that regulate CRA funding. Commissioner Eckbert explained the concept of community development district financing. Commissioner Eckbert asked Commissioner Storer to provide a brief explanation as to the City Hall Redevelopment Task Force and the decision that City Hall remain on Park Avenue. Commissioner Storer elaborated on the major concern of the economic impact to Park Avenue if City Hall was relocated. Mayor Marchman clarified that staff recommended that the Commission conceptually approve the general points of the Memorandum of Understanding so that they can continue to finalize the agreement and return it at a later time for final approval, and approve the schedule for the public process.

Commissioner Eckbert sought clarification on the timeframe for the decisions that the Commission will need to make. Commissioner DeVane asked that the timeframe for decisions be included in the memorandum and to move the dates forward a month because of the summer. Commissioner Metcalf asked that staff provide monthly status reports on this project. Discussion ensued on the public process and decision making. Mayor Marchman suggested that the Commission focus on the preliminary Memorandum of Understanding at this time.

Planning Director Martin elaborated that staff will continue to work on the Memorandum of Understanding, return it for review upon finalization, include a comprehensive schedule that ties the elements together, and recap the points that have been collectively decided upon at this meeting. Consensus was to approve staff's recommendation.

Commissioner Metcalf inquired whether there has been any communication with Mr. Trismen and Mr. Winderweedle.

c) Presentation of the Comprehensive Annual Financial Report (CAFR) for the year ending September 30, 2004.

Finance Director Wes Hamil elaborated on the changes to the status of the General Fund reserves.

Morse, Stephens & Lovelace representative Dan O'Keefe presented the highlights of the CAFR. He explained the process and the options for isolating the costs that resulted from last year's hurricanes. Mr. O'Keefe addressed the changes incorporated into the financial report.

Commissioner Metcalf inquired into the amount allocated for trees and debris removal and the amount reported to the Federal Emergency Management Agency. Mr. O'Keefe elaborated on the level of collection from FEMA. Mr. Hamil spoke about the on-going status of the work with FEMA regarding the collection process. Discussion continued on the reimbursement process.

d) Strategic plan update.

City Manager Williams presented this item. He said staff has provided a report and update on the last plan addressed. Mr. Williams elaborated that at the last meeting the Commission discussed scheduling time to identify goals; to expand on current ones or eliminate some. He said staff has secured a proposal from a company that has worked with the City in the past. Mr. Williams said he would like to work with Commissioners on scheduling approximately two days to work through, plan and identify goals. He noted that the cost for the company to facilitate the meeting is \$6,000. Amendable to the fee, Commissioner Metcalf expressed his support in scheduling and dedicating the time necessary for a strategic planning meeting. Commissioner DeVane suggested a work session to discuss what needs to be accomplished. Commissioner Eckbert elaborated on the amount of data included in the goals. He expressed his preference of an actionable plan resulting from the session. Commissioner DeVane elaborated on setting a dollar amount on the goals discussed. There was discussion on setting a budget to a strategic plan.

Commissioner Metcalf commented on the need to schedule strategic planning sessions two to three times a year. Commissioner Storer expressed his preference of a method to include the public into the process. There was discussion on how the resident survey is integral to the process. Mayor Marchman elaborated on the lack of Commission attendance at earlier planning sessions. He said Commission attendance is very important to receive as much input as possible from individuals. Commissioner Eckbert expressed his preference of obtaining information from representatives from the City of Coral Springs regarding their process of transitioning strategic planning to the budgeting process. Mayor Marchman elaborated on his prior examination of the Coral Springs model. Mayor Marchman asked that staff revisit the City

of Coral Springs process. Commissioner DeVane spoke of identifying immediate needs. Consensus was to schedule a work session, preferably an afternoon meeting on the same day as a regular Commission meeting only earlier in the day.

e) Lobbyist services.

City Manager Williams addressed the discussion from the previous meeting. Building Official George Wiggins made a presentation on staff's recommendation. He addressed how other municipalities retain their lobbyists. He stated that some cities use the RFP process but that most times they retain their lobbyists by word of mouth. He summarized the three proposals received from the lobbyists currently retained by the City and their backgrounds. Mr. Wiggins made the following recommendation: To hire Mr. Peebles for lobbying services to address the City's appropriation requests.

Commissioner Metcalf addressed the several clients retaining Mr. Peebles and his concerns with how Mr. Peebles determines who he will represent on any certain day and if the City's list of projects are given the attention they need. He stated he spoke with MetroPlan and FMEA about what Mr. Peebles had not accomplished for them. Mr. Wiggins stated he spoke with Mount Dora, MetroPlan and other cities retained by Mr. Peebles who provided positive comments regarding Mr. Peebles.

Commissioner Storer addressed the success of obtaining federal monies obtained by Mr. Bafalis. He stated maybe we should shift the lobbyist from state to federal because of their success rate. Commissioner Metcalf spoke about the City not being a part of the legislative process early enough and on the need to be sure the city's list of projects are part of the 5 year plan.

Mayor Marchman addressed the need to retain someone who will well represent the City. Commissioner DeVane stated she is concerned with protecting the investment in the electric distribution system. She spoke about the importance of having a lobbyist to protect this interest. Commissioner Eckbert addressed the need to prioritize the wish list and focus only on the projects that the Commission believes will receive funding.

Commissioner DeVane stated she did not believe there to be a great flow of money coming from Tallahassee at this time and did not believe a lobbyist there would be productive or fruitful. She addressed the current federal lobbyist that has been successful with delivering over \$1 million for transportation issues (road improvements).

City Manager Williams addressed the meetings held with Mr. Hartnett to discuss and work on the wish list where decisions were made regarding the projects that Mr. Hartnett would work on and the two years he has represented the City and worked on these projects. Mr. Wiggins addressed changing from legislative advocacy to appropriations with the lobbyists and that they asked that their proposals be submitted as such. Mr. Wiggins addressed the importance of beginning the process early. Commissioner Eckbert stated he would like to see a plan proposed to match the budgets that are out there. Mayor Marchman stated he would like to hire a lobbyist that is specific only to Winter Park.

Upon other comments, a **motion was made by Commissioner DeVane to go with staff's recommendation to hire Mr. Peebles. The motion failed for lack of a second.**

Commissioner Metcalf commented on the organizations that department heads are registered members of and that those organizations are crucial in assisting and identifying funding sources. He spoke of a lobbyist working with all the departments in an attempt to elicit the primary issues. He concurred with Mayor Marchman to hire a lobbyist that is specific only to Winter Park.

Commissioner Metcalf appreciative of Mr. Rancourt's credibility, notable Commercial client list, and expertise in the field of lobbying services, made the following motion: **Motion by Commissioner Metcalf to retain the services of Robert Harnett for a year, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman, Commissioners Eckbert and Metcalf voted yes. Commissioners Store and DeVane voted no. The motion carried with a 3-2 vote.**

Commissioner Storer expressed his preference of a fresh start and why he was supportive of Southern Management for these services.

#### **NEW BUSINESS:**

1. City Manager Williams reported that Sprint has offered to sponsor the Fourth of July celebration and has offered \$8,000 in exchange for certain marketing features; specifically Sprint banners. Consensus was to accept the sponsorship from Sprint.
2. Mayor Marchman asked that staff plan for the lobbyist services to be included in the budget process. He expressed his preference of budgeting funds out of the electric revenues for lobbying services. There was a consensus to review the budgeting for lobbying services out of electric revenues. Commissioner Eckbert elaborated on his preference of obtaining a list from Mr. Hartnett on the items that he believes are accomplishable. Mr. Hartnett elaborated on the appropriations process. City Manager Williams clarified whether the list provided was an appropriate starting point. Consensus was the list was an appropriate starting point.
3. Lurline Fletcher, 790 Lyman Avenue, inquired into the status of the historical registration of English Court and the Westside community. City Manager Williams stated he would have Lindsey Hayes from the Planning Department contact Ms. Fletcher with an update. Additionally, Ms. Fletcher expressed her concern with the street parking program on Morse Boulevard and Virginia Avenue.
4. Parks and Recreation Department John Holland provided an update on the Howard Drive property and the proposal to purchase it as a park property. Upon a recommendation by Mr. Holland, there was a consensus to reactivate the Park Acquisition Task Force. Commissioner DeVane elaborated on partnering with the Trust for Public Lands for the process of creating park acquisition policies.
5. James Pullin, 2837 Wright Avenue, spoke in opposition to the petition and the purchase of the Howard Drive property as park property. Commissioner DeVane asked that Mr. Pullin work with staff.

6. Patricia Gallman, 2841 Wright Avenue, spoke in opposition to the purchase of the Howard Drive property.
7. Kit Pepper, 2221 Howard Drive, spoke about the petition that was circulated in the neighborhood and the process of obtaining signatures. Regarding the reactivation of the Park Acquisition Task Force to review the process and recommend an equitable method for everyone involved, Commissioner DeVane stated the reactivation of the task force does not mean that the City's intent is to purchase the property, but to review the issue.
8. Commissioner DeVane commended the Winter Park High School for receiving an "A" rating. She suggested representatives from the different committees from the high school and the Winter Park Chamber of Commerce meet to create proposals for teacher appreciation as a way to acknowledge and recognize their accomplishments. Commissioner DeVane stated she would provide a more definite list of committee names at the next Commission meeting.

Mayor Marchman adjourned the meeting at 8:03 p.m.

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Mayor Kenneth R. Marchman

ATTEST:

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City Clerk Cynthia Bonham