

**CITY OF WINTER PARK
CITY COMMISSION MEETING
July 14, 2003**

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 Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

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

MAYOR'S REPORT:

- a) Show members from the Concours d'Elegance car show presented framed posters to the Mayor and Commissioners and thanked them for their support.
- b) Chuck Kelly, Regional Law Enforcement Coordinator, Buckle-Up Florida presented the Mayor and Police Chief Ball with a trophy, three laser units and two radar units for placing 1st in the Department of Transportation State Law Enforcement Traffic Safety Challenge.
- c) Mayor Marchman recognized Kay Merrell, Recreation Facility Support Specialist, as the July 2003 Outstanding Employee of the Month.
- d) The following were nominated by Mayor Marchman to fill board positions:
Economic Development Advisory Board: J. Blair Culpepper and Stephen W. Snively

Central Business District Parking Task Force: Tuni Blackwelder, merchant; Brian Wettstein, merchant; Dick Straus, owner; Warren Peterson, owner; Mark A. Koschny, citizen; and Debra Hendrickson, Chamber of Commerce

Public Art Advisory Board: Alfreda M. Shockley

Nominations were seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

CITIZEN'S BUDGET COMMENTS:

No citizen budget comments were made.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2524-03 : AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO SEWER CONNECTION FEES; AMENDING SECTION 102-92(D) OF THE CODE OF ORDINANCES TO ALLOW DEFERMENT OF PAYMENT OF SEWER CONNECTION FEES PURSUANT TO THE CITY'S ECONOMIC DEVELOPMENT INCENTIVE POLICY; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren read the ordinance by title. No staff or public comments were made. **Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner Storer to adopt the sewer policy as attached to the ordinance, seconded by Commissioner Eckbert and carried unanimously with a 5-0 vote.

b) Requests of Dr. Tim Mattingly:

ORDINANCE NO. 2525-03: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE PLAN MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE-FAMILY RESIDENTIAL TO OFFICE ON THE WESTERN FIFTY FEET OF THE PROPERTY AT 1835 ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.
Second Reading

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

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

ORDINANCE NO. 2526-03: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO OFFICE (O-2) DISTRICT ON THE WESTERN FIFTY FEET OF THE PROPERTY AT 1835 ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.
Second Reading

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

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

CITY ATTORNEY'S REPORT:

a) RESOLUTION NO. 1830-03: 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 LAKEVIEW DRIVE, BEING THOSE PROPERTIES ABUTTING LAKEVIEW DRIVE FROM ANTONETTE AVENUE 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.

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

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane abstained from voting because of residing on Lakeview Drive. The motion carried with a 4-0 vote.

RESOLUTION NO. 1831-03: 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 LAKEVIEW DRIVE; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING LAKEVIEW DRIVE FROM ANTONETTE AVENUE TO STIRLING AVENUE; PROVIDING AN EFFECTIVE DATE.

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

Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane abstained from voting because of residing on Lakeview Drive. The motion carried with a 4-0 vote.

- b) RESOLUTION NO. 1832-03: 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 OXFORD ROAD, BEING THOSE PROPERTIES ABUTTING OXFORD ROAD FROM MELROSE AVENUE TO LAKEVIEW DRIVE; 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.

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

Motion made by Commissioner Metcalf 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. 1833-03: 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 OXFORD ROAD; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL

PROPERTIES ABUTTING OXFORD ROAD FROM MELROSE AVENUE TO LAKEVIEW DRIVE;
PROVIDING AN EFFECTIVE DATE.

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

Motion made 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 unanimously with a 5-0 vote.

- c) RESOLUTION NO. 1834-03: 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 PALM AVENUE, BEING THOSE PROPERTIES ABUTTING PALM AVENUE BETWEEN 1631 - 1373 AND 1630 AND 1382 PALM 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.

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

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. Mayor Marchman abstained from voting because of residing on Palm Avenue. The motion carried with a 4-0 vote.

RESOLUTION NO. 1835-03: 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 PALM AVENUE; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING PALM AVENUE BETWEEN 1631 - 1373 AND 1630 AND 1382 PALM AVENUE; PROVIDING AN EFFECTIVE DATE.

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

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. Mayor Marchman abstained from voting because of residing on Palm Avenue. The motion carried with a 4-0 vote.

- d) RESOLUTION NO. 1836-03: 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, BEING THOSE PROPERTIES ABUTTING VIA TUSCANY FROM VIA LOMBARDY TO 1105 VIA DEL MAR AND

2299 VIA TUSCANY; 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.

City Attorney McCaghren read the resolution by title. The following public comment was made. Mike Sheahan, 2280 Via Tuscany, spoke in opposition to the special assessment petition process and claimed that his name was on a petition in favor of the assessment that he did not sign. City Engineer Troy Attaway explained the process that took place and the votes in favor of the assessment. No other public comments were made. Upon Commission discussion about the need to repeat the process, **motion made by Commissioner Eckbert to table this item pending the repetition of the petition and voting process, seconded by Commissioner Metcalf.**

Commissioner Storer expressed concerns with whether or not the City has enough funding to cover several projects. Commissioner DeVane suggested to approve the resolutions this evening so the process can continue but to contact residents in the impacted area about the concerns with the initial survey and ask them to come to the August 25 hearing. Mayor Marchman asked if this could be resolved by that hearing. Mr. Attaway confirmed it could. **Motion withdrew his second. Motion failed for lack of a second.**

Motion made by Commissioner DeVane to adopt the resolution and notify the people in the community that there has been a concern expressed by the residents in the area and that we would like to hear from them and receive a confirmation of a 2/3 vote that the letters received back were valid. Seconded by Commissioner Storer. It was clarified that the City would confirm the 2/3 majority vote and if the 2/3 vote is not there, that the resolution will not be adopted on August 25. Comments were made about the importance of the timing to adopt these resolutions. **Upon a roll call vote, the motion carried with a 3-2 vote with Commissioners Eckbert and Metcalf voting no.**

RESOLUTION NO. 1837-03: 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; WHICH IMPROVEMENTS AND MUNICIPAL SERVICES WILL BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES ABUTTING VIA TUSCANY FROM VIA LOMBARDY TO 1105 VIA DEL MAR AND 2299 VIA TUSCANY; PROVIDING AN EFFECTIVE DATE.

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

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, the motion carried with a 3-2 vote with Commissioners Eckbert and Metcalf voting no.

CITY MANAGER'S REPORT:

a) U.S. 17-92 PD & E study update and proposed schedule.

Troy Russ of Glatting Jackson, provided a power point presentation regarding the redevelopment strategy for U.S. 17-92 and the Lee Road extension proposal. He addressed the FDOT public meeting in May and the issue of extending Lee Road from 17-92 to Denning Drive emerging as an issue for certain residents, particularly the Sunnyside neighborhood. Mr. Russ continued to summarize the public meetings held regarding plans for U.S. 17-92 and the proposed Lee Road extension and the proposed schedule.

No public comments were made.

Commissioner DeVane suggested to begin small neighborhood meetings (3-5 as determined) to receive their input. The Commission agreed to the schedule as presented. There was consensus to schedule a public hearing regarding the City's proposed position on the U.S. 17-92 plan including the Lee Road extension prior to the final FDOT hearing so that an informed recommendation can be forwarded to the FDOT.

Motion made by Commissioner DeVane to schedule a public hearing regarding the City's proposed position on the U.S. 17-92 plan including the Lee Road extension, seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

b) Requests from the Park Avenue Area Association to implement parking restrictions and signage, funding for their directory/passport project, and for the City to sponsor the "Peacock's In The Park" annual event.

Debi Rodi, President of the Park Avenue Area Association, addressed their parking requests to amend the parking restriction on the Jacobson's lot to be free of charge all day, to change parking restrictions and signage along Park Avenue to three (3) hours; and to create signage to indicate the Park Avenue shopping district in the previously proposed locations of Park Avenue and Fairbanks, Park Avenue and 17-92, Fairbanks and 17-92, and Morse and 17-92. Ms. Rodi spoke about their request for an annual event, "Peacock's In The Park" with the City being the sponsor.

There was discussion concerning the problems with Park Avenue employees parking on the avenue and the hope that they will utilize the free parking at Jacobson's. Commissioner DeVane asked that the Parking Task Force first address amending the parking restrictions and signage. Mayor Marchman spoke in support of the signage and asked about the cost involved to change the parking signs. Discussion ensued regarding the free parking at Jacobson's that could be utilized by the Park Avenue employees and that this would only be temporary until the property requires the parking lot for another business.

No public comments were made.

Motion made by Commissioner Storer to approve the parking and signage recommendations, seconded by Commissioner Metcalf. Commissioner DeVane asked to amend the motion to discuss this again in six (6) months. **Motioner and seconder agreed to amend the motion to discuss this in six (6) months. Motion carried unanimously with a 5-0 vote.**

“Peacock’s In The Park”, as a potential annual event, was then discussed. Mayor Marchman asked how much funding they were requesting for the City to be a sponsor. Ms. Rodi estimated \$20,000 for marketing, advertising and to make the mold for 12 peacocks. There was consensus to add this as a budget request for next year’s budget.

Regarding their passport/directory request to encourage shoppers and diners to come to the avenue, Ms. Rodi submitted a letter showing merchant participation. She requested \$5,000 to help with the cost at this time but asked that the City send out the directory as direct mail to help defray their cost. Ms. Rodi clarified that they will also be asking the City to fund the cost for printing. She asked that the funding be provided in this year’s budget so they can begin the printing but that the direct mailing by the City could be in October as part of next year’s budget. Ms. Rodi stated she was estimating the \$5,000 based on the figures she received so far but was still waiting on other quotes. Mayor Marchman suggested that Ms. Rodi obtain the additional figures and if the \$5,000 estimation is substantially less for her to come back to the Commission because they can not approve \$5,000 at this time.

c) School Crossing Guard Program.

City Manager Williams spoke about the recommendation to take over the School Crossing Guard Program due to the increase in cost by the Orange County Sheriff’s Department. He recommended that the program begin next year which will save the City approximately \$15,000 per year, not including future increases by the Sheriff’s Department. Police Chief Ball stated they need to provide a 60 day written notice to the Sheriff’s Office to stop the program with them and that the current crossing guards have expressed an interest in becoming Winter Park employees.

No public comments were made.

Motion made by Commissioner Metcalf that the City provide its own school crossing guards, seconded by Commissioner Storer, and carried unanimously with a 5-0 vote.

d) Request of the Bridgebuilders to change the City Charter to single member districts (4) with the Mayor elected at-large.

Karen Weinberg, 250 Carolina Avenue, spoke about wanting to amend the Charter to reflect four single member districts. She asked that the Commission agree to put this on a ballot for a vote. Ms. Weinberg read a statement from the Bridgebuilder’s asking the Commission’s support in allowing the citizen’s to decide.

Commission discussion ensued regarding the large amount of work and time required to study and accomplish this.

Jesse Fitzgerald, 691 Symonds Avenue, Co-Chairman of Bridgebuilders, spoke in favor of single member districts because he believed there would be a more fair representation.

Mary Daniels, 650 Canton Avenue, spoke in favor of the Charter amendment and asked that the voters be given the opportunity to decide.

No other public comments were made.

Commissioner Storer spoke about being in favor of anything that better represents the citizens, but wanted to be sure that this issue was clearly understood by the citizens. He commented that he believed that segmenting the Westside and making it a single member district and then balance the rest of the City would not pass legal muster. He also spoke about a concern with how many people would participate in the election process in the future because of the many times the City has lacked people willing to serve. He stated the logistical questions need to be answered first (where the lines would be drawn and what the populations would be) so there is a basis of reality. He wanted to check into the legality of what it would take to do this.

Commissioner Eckbert stated that this issue would best be dealt with as part of a thorough Charter review and was not in favor of reviewing the Charter in pieces. He stated he is not in favor of making a decision this evening because of the much needed review that first needs to take place.

Commissioner Metcalf spoke in favor of at-large Commissioners because they have an interest in every part of the City and are not vulcanized in any way. He stated that he believed you end up with better rulings for the areas within the City. He agreed with Commissioner Eckbert that this be considered with a comprehensive Charter review.

Commissioner DeVane stated she met with representatives Karen Weinberg, Mary Daniels, Jesse Fitzgerald and Frank Baker. She stated she was not sure this would be the successful route to accomplish gaining more specific representation from the Westside community. She concurred with the need to define the potential districts so that people will vote knowing what the specific districts would be. She spoke about the importance of waiting until the annexations are completed so the lines do not have to be redrawn if the annexations are successful. She agreed that the Charter in its entirety should be dealt with and not as single issues within the Charter. She stated that she will not support a specific request to vote on this without the other.

Mayor Marchman spoke about meeting with Karen Weinberg, Jesse Fitzgerald, Rev. Cobb and Frank Baker and Mary Daniels where they discussed the procedures you would go through to let the voters decide. He stated it could have some positive and also negative features and that Winter Park is a small community geographically. He stated that they need to thoroughly review this if they move forward. He stated he is not in a position to make a decision this evening because there needs to be a lot more discussion of this issue first.

There was consensus for the City Attorney to provide the requirements at the next meeting and for staff to review this to determine the status of the state.

Motion made by Commissioner DeVane to direct staff, including the City Attorney, to come back at the next meeting with more information and their thoughts and recommendations, seconded by Commissioner Storer, and carried unanimously with a 5-0 vote.

- e) Ordinance to amend Chapter 90, Code of Ordinances, to add new article, "Right-of-Way Utilization."

City Manager Williams addressed the proposed ordinance to add a process for a right-of-way utilization permit for structures placed in the right-of-way. Attorney McCaghren commented that the Commission had asked him to address this, especially mailboxes. He summarized the pros and cons of the ordinance to provide for closer regulation of improvements, etc. placed in the right-of-way. He stated that the ordinance was tailored after the City of Jacksonville ordinance.

Rod Sward, 292 Sylvan Boulevard, spoke in favor of the proposed ordinance because he opposed curbside mailboxes.

Debbie Scholz, 632 Worthington Drive, spoke in favor of the ordinance because she believed it would to provide accountability that could threaten the safety, value or aesthetics of Winter Park.

George Jahn, 160 Overlook Road, spoke in favor of the ordinance because of problems he has with hedges in the right-of-way obstructing traffic.

Motion made by Commissioner Metcalf to move forward with presenting and advertising the ordinance for consideration, seconded by Commissioner Eckbert and carried unanimously.

Recess

A recess was taken from 6:00-6:08 p.m.

f) Code interpretation regarding commercial kitchens within institutional buildings.

City Planner Briggs explained the request received from “No Stress Meals” to use the commercial kitchen at the Mayflower Retirement complex during after-hours to prepare meals to be sold off-site. He stated they have previously declined requests by businesses to utilize church kitchens because of the disruption to the neighborhoods, but that staff agreed that an exception should be granted in this case due to the institutional setting and location of this property.

No public comments were made.

Motion made by Commissioner Metcalf to approve staff’s request, seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

g) Pecora & Pecora update on upcoming electric public forums.

Patrick Owing and Ron Pecora, Pecora & Pecora, summarized the upcoming community forums to educate the public on the benefits and risks of community-owned power. He provided information on the upcoming forums to include a program agenda as well as dates, times and locations. He stated there will be a moderator, a panel discussion with allocated time for each panelist to offer a presentation, and a question and answer period.

There was Commission consensus to approve the format and schedule of the upcoming forums.

h) Extension of General Rees

City Manager Williams spoke about the request to put this on the agenda by concerned citizens regarding the extension of General Rees, across the School Board property to Arjay.

Commissioner Storer stated that he has received positive comments and enough concerns from the Timberlane Shores neighborhood that he asked the City Manager to stop the work until the details on the entry road into Timberlane Shores can be addressed. He stated this is part of the corridor improvements and the settlement with Baldwin Park and Orlando and also includes the lighted intersection. He suggested to hear from the residents present this evening and to contact the residents in the neighborhood tomorrow to set up two neighborhood meetings in the next two

weeks. He wanted this to be put on the next Commission meeting agenda. Commissioner Storer provided copies of e-mails he received. He asked that the neighbors be better informed and to stop the work until we have a consensus.

Phil Reece, 561 Virginia Drive, spoke in support of the proposed neighborhood meetings.

Herb Weiss, 521 Virginia Drive, spoke in opposition to the current plans for the extension of General Rees and the lack of a public hearing or input from the residents.

James Feers, 770 Arjay Way, spoke of concerns with closing Blueridge which will negatively impact the entrance into and out of their subdivision.

No further public comments were made.

Motion made by Commissioner Storer that staff begin immediately to contact the Timberlane Shores residents to establish two neighborhood meeting dates so that engineering concerns, safety concerns and resident concerns can be heard and to put this on the next Commission agenda for a public hearing to try and reach a decision point.

Commissioner Storer clarified that this can be continued if we still have not made a decision. He did not agree with stopping the installation of the traffic light because he would not compromise the safety of the children going to the new Glenridge Middle School.

Commissioner DeVane addressed the agreement with Orange County Public Schools to complete the road before school begins. She asked how this will impact that and stated that the City needs to meet with the School Board. She also commented this is the first time she has seen this map with Blueridge closed and that this was never discussed by the Commission.

Attorney McCaghren reminded the Commission about the agreement that the City is to design, permit and complete the northerly extension of General Rees to Arjay prior to the opening of the Glenridge Middle School. He addressed language within the agreement that requires coordination with Orlando and the School Board to deal with vehicular pedestrian traffic. He spoke that the School Board and Orlando may feel the City is in default if the road is not completed. Commissioner Storer agreed that a discussion with the School Board is necessary but did not believe they would have an issue with this if the City commits to complete the sidewalks along Glenridge Way, the pedestrian crosswalks, the light and anything else that involves pedestrian movements before school begins.

Motion seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.

PUBLIC HEARING:

a) Request of Taurus Management Services:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-71 "OFFICE (O-1) DISTRICT" TO PROVIDE FOR FITNESS FACILITIES OR HEALTH CLUBS AS A CONDITIONAL USE AND TO AMEND SUBSECTION 58-91 "DEFINITIONS" TO PROVIDE A DEFINITION FOR FITNESS FACILITIES OR HEALTH CLUBS. First Reading

Attorney McCaghren read the ordinance by title.

This request also included a conditional use to allow for a fitness facility or health club to be located within the basement floor space of the existing office building at 1560 Orange Avenue, zoned O-1.

Planner Jeff Briggs addressed the location, size, and layout of the old Florida Gas building in question and the current layout of the building after it became private ownership. Mr. Briggs spoke about the empty parking lot because of extra spaces and the basement of the building that the owner wishes to provide a fitness facility/health club. He addressed the need to change the code because of the zoning and the need for a conditional use so these can be judged on a case by case basis based on parking adequacy because of the demand of fitness facilities. He stated that the applicant provided a parking study so the City could determine if there was enough parking and also a business plan so the City understands their expectation with the number of people working out and the number needed to make it profitable.

He stated the Planning and Zoning Commission had general concurrence that there was parking available to allow this, but had a concern that if the parking was incorrect and there were too many members that the adjacent residential streets would be impacted so they limited the membership to 1,100. He stated since that time, the Orwin Manor neighborhood has become more involved. They provided a list with 13 conditions, some being a duplicate of the P&Z recommendations. He suggested to delay the conditional use vote until the next meeting to provide time to review the Orwin Manor conditions. He added that an affirmative vote on the zoning ordinance will show the applicant the intent of the Commission to allow a fitness facility in the basement, subject to conditions.

Applicant Albert Livingston, Taurus Management Services, addressed the history and layout of the building, the parking study, the amount of current parking spaces, and the peak hours of the health facility.

Damien Madsen, 1025 Wilkinson St., Orlando, spoke in favor of the facility. He addressed a petition signed by 200 people that he did not submit.

No further public comments were made.

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

Motion made by Commissioner Eckbert to postpone the conditional use request until the next meeting, seconded by Commissioner Metcalf, and carried unanimously.

The Commission meeting was adjourned at this point at 6:55 to conduct the CRA meeting which ended at 9:50 p.m. The Commission meeting was reconvened at 9:50 p.m. to complete the Consent Agenda and New Business.

CONSENT AGENDA:

- a) Approve minutes of 6/24/03.
- b) Budget adjustments:
 - 1) Transfer \$5,390 from Planning to the ITS Internal Service Fund to purchase a new personal computer and laptop computer.
- c) Approve bids, purchases and change orders:
 - 1) Change Order #5 to Jack Jennings & Sons, Inc., RFQ-1-2001, Construction Manager at Risk, Public Safety Building for various increases noted on the attached information, total amount: \$6,063,585.09 (Budget: CIP Public Safety Building)
 - 2) New Task Order # 2003-01 from CH2M Hill for numerous permitting issues that are necessary for the completion and/or continuation of the Aloma, Swoope, and Magnolia Water Treatment Plant Improvements.
- d) Review calendar and update with upcoming events.
- e) Authorize the City Clerk, Deputy City Clerk and other City staff as determined by the City Clerk to open the unquestionable absentee ballots earlier on election day at the Supervisor of Election's Office as part of the canvassing standards for this election. Appoint the City Clerk to oversee the project of opening the ballots.
- f) For your information - Concours d'Elegance Special Event, October 19, 2003.
- g) For your information - Chamber of Commerce Business After Hours, July 17, 2003.

No public comments were made.

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

NEW BUSINESS:

1. Mayor Marchman asked that "No Smoking" signs be posted at the Farmers' Market outside eating area because of complaints from people at the market on Saturdays. City Manager Williams stated that signs will be posted.

Mayor Marchman adjourned the meeting at 10:00 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk