

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
July 9, 2007**

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 given by Reverend Gary Rideout, First United Methodist Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Margie Bridges
Commissioner Karen Diebel

Also present:

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

Member absent:

Commissioner Douglas Metcalf

Mayor's Report:

- a) July 2007 Employee of the Quarter – Mark Brown, Electric Utility Department.

Mayor Strong recognized Mark Brown as the Employee of the Quarter.

- b) Voting Delegate – Florida League of Cities Conference August 16-18, 2007.

Mayor Strong nominated Commissioner Metcalf as the City's voting delegate for the upcoming FLC conference. Seconded by Commissioner Eckbert and carried unanimously.

- c) Presentation of the Sustainable Florida Promising Practice Award – Water and Wastewater Department.

Tim Center, on behalf of the Council for Sustainable Florida, presented the City with a plaque for its efforts in constructing a new water treatment plant while providing improved affordable housing for City residents.

Citizen's Budget Comments:

No citizen budget comments were provided.

Action Items:

- a) Approve the minutes of 6/25/07.
b) Approve the following bids and purchases:
1) Contract amendment to RFP-5-2005 to add quarterly floor care at the four water plants; \$635.04 per quarter (Budget: Water Treatment).
2) Award of IFB-11-2007, Mead Gardens Stormwater Retrofit to Rayken, Inc.; \$415,289.25 (Budget: Stormwater).
3) Award of IFB-14-2007, Banchory Road Exfiltration System to Barracuda Building Corporation; \$304,298.50. (Budget: Stormwater).

- 4) PR 133695 to Helena Chemical Co. for water treatment chemicals; \$33,812.50 (Budget: Stormwater).
- c) Approve the utility easement subordination agreement with Home Depot and Orange County for road maintenance of Diplomat Circle.
- d) Presentation - Temporary landscape plan – former Langford hotel site, 300 E. New England Avenue. **PULLED FOR DISCUSSION. SEE BELOW.**
- e) Holt Avenue Special Assessment. **PULLED FOR DISCUSSION. SEE BELOW.**
- f) Conceptual approval to the request by Rollins College and the Morse Foundation for use of the Osceola Lodge and Bigelow House properties as the Winter Park Institute. **PULLED FOR DISCUSSION. SEE BELOW.**

The following action items were approved without discussion or comment from the public or City Commission. **Motion made by Commissioner Bridges to approve Action Items a, b and c; seconded by Commissioner Diebel and carried unanimously.**

The following action items were pulled from the Action Item list for discussion and voted on separately: d, e and f.

Action Item #d: Presentation - Temporary landscape plan – former Langford hotel site, 300 E. New England Avenue

Jan Nichols, 1505 Bonnie Burn Circle, addressed being a financial feasibility consultant to hotel developers and investors. She introduced Mr. Anderson, 50% owner of the Langford Hotel site, and provided a brief background regarding Mr. Anderson's credentials. She stated that Mr. Anderson remains committed to bringing a world class hotel to Winter Park. She spoke about the temporary landscape plan for the old Langford Hotel site while the site remains unoccupied. She stated she hopes that this pilot project will lead to changes in City ordinances regarding xeriscaping of vacant sites in Winter Park.

John Anderson, 300 S. Interlachen Avenue, addressed the delays with developing the property. He showed the proposed site plan of the temporary xeriscape landscaping plan. He explained the concept of taking the perimeter of the property which has been planted previously with plants and to supplement some of the plants that have either died or have not developed with larger crepe myrtle to run along New England and Interlachen Avenues. He further elaborated on the colorful plants to be planted. Mr. Anderson spoke about the future development of the property and that it would be 12-24 months before any request for a permit could take place to develop the site.

Commissioner Bridges asked about the applicability of wildflower plantings on the site because of the time it takes to establish. She also asked why there are no canopy trees being planted in certain locations on the site now so the trees can become established and why they were not going to seed this. Mr. Anderson responded that they considered this but that the operators all have different ideas for the space and they need to agree with the landscaping plan. He addressed the question regarding seeding. Mr. Anderson reassured the Commission that the project will look pleasing. There was a consensus to revisit this in a few months if the project does not look presentable.

Building Director George Wiggins spoke about concerns with how the site could look after time because of the type of landscaping being presented so they placed conditions upon the approval. He recommended approving the plan for implementation within 60 days and re-inspecting the site through the Parks Department to determine if it is accomplishing its purpose

of providing a good landscape plan for the vacant parcel. He recommended to keep the stormwater retention area mowed and that all the other items be implemented in a timely manner, especially planting the crepe myrtle and jasmine around the fence and stormwater retention area and that the area be inspected month to month with the assistance of the Parks Department. He stated they will bring this issue back to the Commission to revisit if necessary. No public comments were provided.

Motion made by Commissioner Bridges to approve the landscaping plan with the conditions as listed by Mr. Wiggins, seconded by Commissioner Eckbert and carried unanimously.

Action Item #e: Holt Avenue Special Assessment

Because the required vote was received after the deadline to be placed on the November 2007 tax bill, this item was placed on the agenda for discussion. Public Works Director Troy Attaway addressed the vote of the property owners missing the deadline which caused them to miss the Orange County deadline to place the special assessment on the 2007 tax bill. He spoke of the need to send this project through the budget process because of the funds the City has to front and because of the City's share of the project. He stated it is included in the proposed budget being presented this evening. He stated if the Commission wants to fund this in the upcoming budget, the City could do their own special assessment to get the project rolling sooner, otherwise if it is going to be placed as a special assessment it needs to be on the November 2008 tax bill which delays construction until 2009. He spoke about not wanting to spend the funds to pave the road because of the possibility of bricking it.

George Herbst, Rollins College, stated that Rollins is not against this and that they voted yes for the bricking with a condition because of a concern so City staff counted them as a no vote. He spoke about their share of the cost for this project being about \$100,000-\$110,000, almost half of the cost. He stated they discussed with staff that they would provide their share up front if their concern was met. He addressed the French Avenue residents possibly in the future wanting to brick which they would also pay half of that cost. He stated they see this project as addressing the aesthetics on Holt and French, safety, and cut through traffic; all that they support.

Mr. Herbst addressed the need to improve the parking on the western edge of the campus. He spoke about the cut through road with speeding students approaching the heavy residential academic area of the campus. He stated the road and the park used to belong to Rollins who gave it to the City in the 1980's with the reverter that it be continued to be used as a park. He suggested approving moving forward with Holt with the condition that City staff works with the College Quarter Association and Rollins to address how to correct the parking problem and the cut through road.

Mr. Herbst stated their landscape architects are working on a plan which should be ready in a couple of days and will involve closing the road, putting in a parking lot that is accessed by an auxiliary road to only be used for the parking, and to allow them to landscape the western edge of the campus. He stated this will cost them additionally but their position is if they are going to re-divert the capital dollars, they need to support Holt and French and get them to agree that they need to address the other issues at their cost. He suggested to revert this back to the college and that they will leave as much of the park area as open green space as they can. Mr. Herbst then spoke about possibly trading the piece of lakefront park property at the end of the road, with a reverter that the City uses it as parkland, for the small triangle piece of land. He

stated they would like to sit with staff and the College Quarter to work out a plan to take care of the bricking and to improve the aesthetics and safety of Holt Avenue and perhaps French Avenue but also the western parking edge of the campus. Mayor Strong clarified that the park and the road will be reverted to the college, subject to an agreeable plan.

Commissioner Bridges commented that this entire concept has been brought up before and was defeated. Mr. Herbst addressed their view of having a holistic plan to address the parking on the western edge of the campus. He stated with closing and realigning the road, they can preserve the number of parking spaces and improve the safety because of the cut through traffic. There were comments made regarding the number of parking spaces there and Rollins not wanting to lose spaces. Commissioner Bridges stated it is premature to discuss loss or gain or status quo of parking until all the plans have been reviewed. She stated she believed there are superior solutions to what they have right now and it may be appropriate for all the entities to discuss this and that bricking Holt is a separate entity issue. Commissioner Eckbert addressed the safety issues of Hanna Way and that this road situation should be improved. Mr. Herbst addressed the plan that will be submitted that will be tweaked as necessary, and stated they are ready to move ahead now.

City Manager Williams stated they would review the plan when it is ready and have City staff meet with a College Quarter representative, work through it and see if they can agree and bring it back to the Commission.

Norma English, 411 Holt Avenue, spoke in favor of bricking Holt Avenue without conditional approvals.

Gina Marklin, 1005 Lakeview, College Quarter Neighborhood President, spoke in favor of bricking Holt Avenue in an expeditious way.

Motion made by Commissioner Bridges to approve bricking Holt Avenue (from Pennsylvania to Park Avenue), seconded by Commissioner Eckbert and carried unanimously.

There was a consensus to direct staff to meet with Rollins and the College Quarter neighborhood and/or other interested parties and to bring back a plan that could improve that intersection and to coordinate through the City Manager's office. Commissioner Diebel suggested hearing about the plan prior to the construction taking place at the intersection if it is timely so not to duplicate resource or cost. Mr. Attaway clarified the process and that it would be mid year of 2008 before construction would begin.

Action Item #f: Conceptual approval to the request by Rollins College and the Morse Foundation for use of the Osceola Lodge and Bigelow House properties as the Winter Park Institute.

Planning Director Briggs spoke about the opportunity for a partnership between the Morse Foundation and Rollins College to use the Osceola Lodge and Bigelow House properties as the center for visiting scholars. He stated the properties are currently zoned residential and that this is not a residential use. He stated that staff could have denied the request but it seemed to be a good opportunity and they believed they needed to find a vehicle to approve this, short of rezoning. He stated Attorney Cheek and himself decided that a temporary use permit for a three year period was acceptable and that they are asking for conceptual approval this evening because they need to provide notice to the neighbors and have a public hearing. The proper procedure to follow for this request was clarified. Commissioner Bridges inquired why this was

not handled as a conditional use permit and why a special temporary use agreement is necessary. Mr. Briggs stated that a conditional use permit would also work as well but would have to put another conditional use into the code for this type of request. He stated this is for three years and they are not sure whether this will be successful so they decided to handle it this way.

George Herbst, Rollins College, explained their request to use the property for study space at the Osceola Lodge and to possibly use the Bigelow House as a residence from time to time. He addressed the ample parking at the site and that they are meeting with the neighborhood at the property to discuss this. He stated he would have President Duncan attend the public hearing before the Commission if necessary. Mayor Strong expressed his preference that the request is sent through the Planning and Zoning (P&Z) process. Mr. Herbst commented about his understanding that this needs public input but that they wanted to receive conceptual approval and to move forward. Attorney Cheek spoke about the request and disclosed that his firm does work for both the Foundation and Rollins and that they have tried to be creative to make this work. After discussion regarding the direction that was chosen to further this request, Commissioner Bridges agreed to that direction. Mr. Briggs stated this will be scheduled at the P&Z meeting in August and will come to the Commission at the end of August.

Linda Scofield, 420 Interlachen Avenue, opposed the request because of the residential zoning and her belief that offices are not proper at that location.

Motion made by Commissioner Eckbert for conceptual approval for consideration and to approach the neighbors and go through the City process. Commissioner Bridges asked to amend Commissioner Eckbert's motion to include that this be required to go through the P&Z as part of the process. Commissioner Eckbert (as the motioner) agreed. Motion seconded by Commissioner Bridges.

Upon questioning for clarification by Commissioner Diebel, Mr. Briggs addressed the process to be followed. Attorney Cheek clarified that the Commission is not approving this at this time; only conceptually so they can move forward with the process. Commissioner Diebel addressed the staff recommendation for conceptual approval to develop the "Interim Use Agreement" and to send notices to neighbors for a public hearing on August 13 for final approval.

The motion carried unanimously.

Public Hearings:

- a) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ELECTION DATE FOR THE 2008 CITY GENERAL ELECTION TO JANUARY 29, 2008; CHANGING THE PRIMARY ELECTION DATE FOR THE 2008 CITY ELECTION; DESIGNATING THE DATES FOR QUALIFYING FOR THE 2008 CITY GENERAL ELECTION; AUTHORIZING THE CANVASSING OF BALLOTS FOR THE 2008 CITY GENERAL ELECTION; PROVIDING FOR NOTICE TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Commissioner Bridges expressed her preference not to change the date because she believed it was not in the public's best interest. No public comments were made.

Motion made by Commissioner Eckbert to accept the ordinance on first reading; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Eckbert and Diebel voted yes; Commissioner Bridges voted no. The motion carried with a 3-1 vote.

A recess was taken from 5:23 – 5:30 p.m.

City Attorney's Report:

No report.

Non-Action Items:

- a) Presentation by Planning Director Briggs regarding the status of mixed use.

Planning Director Jeff Briggs explained the comprehensive plan as related to mixed use and why the City should have a mixed use zoning district within the code. He spoke about how to revolutionize development in Winter Park. He provided a building yield comparison and addressed the two steps involved to create a new mixed use district; creating the comprehensive plan land use category and adopting a zoning district (MX). He spoke about options under review concerning lot coverage and FAR, places/cases where all may be appropriate concerning lot coverage at various areas of the City, and various lot coverage percentages concerning the Holler site. Mr. Briggs explained the mixed use review process.

Mr. Briggs concluded that the Planning and Zoning Commission (P&Z) had their work session and no formal decision has been made until their formal meeting but that they will recommend a 55% coverage on the West Fairbanks area (17-92 to I-4) where it is 5-5 ½ stories and 5-8 stories out by Formosa, however, as you come closer to town which includes the 17-92 corridor and Orange/Fairbanks, they are recommending a 47% coverage and the resultant Floor Area Ratio that results from that. It was clarified that there can be no mixed uses until the code is amended which Mr. Briggs estimated would happen around September. He stated the recommendation of the P&Z will be approved at their July 17 meeting. He spoke about the DCA not liking the format that the City provided to them upon transmittal which is causing them to establish new verbiage and policies.

- b) 2008 budget presentation and discussion.

Finance Director Wes Hamil stated this is the first review of the budget and that they have provided a balanced budget. He explained the current millage rate and that the tentative millage cap will be set at the next meeting. He explained the contingency fund and the funds available and the factors that assisted in balancing the budget (adding/increasing fees, fewer vehicle purchases, etc.). He addressed the key items included in the balanced budget, the significant items removed from the budget, the proposed frozen positions and the impact on service, the summary of budget requests from the departments and outside organization requests. Mr. Hamil answered questions asked by the Commission.

- c) Public Facilities Study RFQ (Plan The Possibilities).

Planning Director Jeff Briggs explained they are asking for authorization to solicit for planning and architectural firms to undertake the design, site planning and financial cost projections for various scenarios involved in the 25 year vision for public facilities. The "Plan for Possibilities"

project involves the interrelated aspects of the development scenarios for the post office property, a replacement post office (together or distribution separated), a new City Hall, the Enzian, Central Park expansion, new parking facilities, the State Office building property, etc.

Mr. Briggs suggested using John Lewis (facilitator from the CRA strategic plan sessions) to help at the work sessions to brainstorm the possibilities and to come up with alternatives. He spoke about the need for the public to provide alternatives and that all alternatives from all parties will be reviewed which determines the cost and whether they will work or not. He stated they want to do an RFQ to hire an architect who will take the scenarios and draw them up so you can see if they will work. He stated they can provide the scope to the next meeting and will select an architect.

He spoke about knowing in September if we receive the park grant and if we receive the grant, the Commission needs to decide whether to accept it in its entirety or partially. He suggested hiring someone immediately to begin drawing up perspective buildings that can fit on the north half of the post office property ("arrowhead") and to decide whether to accept the grant or do something with that property. Mayor Strong spoke about the cost appearing to be very high and that he believed we can get good information from residents that are qualified in this area at little or no cost and that he wanted to explore that. Commissioner Bridges spoke about the July 30 work session and that each Commissioner is bringing their ideas to the table as to how they envision things. There was discussion that after the work session they will have a better idea as to the number of scenarios and the cost before moving forward with an RFQ.

d) Temporary post office location discussion.

This item was related to the use of temporary postal facilities placed as part of the Carlisle development. Public Works Director Troy Attaway explained they contacted the Lessor and discussed with them the possibility of getting out of the lease and subleasing and buying out the buildings. He stated they are not giving the City a break because the buildings were specifically set up for that specific use and have met the postal requirements and that the City is obligated through the settlement agreement to pay the lease through September 2008; \$20,000 or so a month; then we are required to pay a dismantlement fee of about \$55,000 and trucking of about \$12,000. He further explained the options with the Lessor and to buy out the buildings. He provided all the other information to date regarding the current post office property lease and options for getting out of the lease.

Mayor Strong spoke about the cost for the buyout which he believed was reasonable and asked that this be given more thought. Economic Development Director Chip Weston spoke about possible tenants for the distribution post office building located at the former water plant site on Swoope and New York Avenues.

New Business (Public):

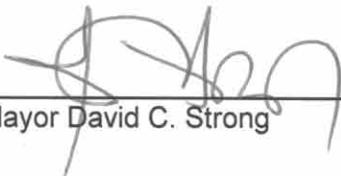
James Ruth, 939 Mead Avenue, spoke about green space requirements and green roofs on buildings. He spoke about the City calling the State of Florida Vocation Rehabilitation to hire

veterans who are architects going through rehabilitation. He explained his credentials to volunteer to do the City's site plans.

New Business (City Commission):

No new business.

The meeting adjourned at 7:07 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham