

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
October 10, 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 Father Richard Walsh, St. Margaret Mary, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

**MAYOR'S REPORT:**

- a) Recognition – Outstanding volunteer for the Parks Department Brian Wright.

Mayor Marchman recognized Brian Wright with a certificate of appreciation for his volunteer efforts in the Parks Department.

- b) October 2005 Outstanding Employee of the Month

Mayor Marchman recognized Wendy Stroschein of the Parks and Recreation Department as the October 2005 Outstanding Employee of the Month.

- c) Presentation regarding the planning and zoning process by Jack Rogers.

Mayor Marchman commented that Mr. Jack Rogers approached him about a recommendation he would like to make to help the Commission with the planning process. He stated that following his presentation, the current Planning and Zoning Commission Chairman and the immediate past Chairman would like to comment. He will then ask the Commission to discuss with public input the next steps being taken regarding redevelopment in Winter Park as it relates to the strategic planning process. He pointed out the item under the City Attorney's report related to post office property development agreement where citizens can comment then or under this item.

Mr. Jack Rogers, 1002 Temple Grove, addressed the large scale of the North Park Avenue redevelopment of the old Jacobson's building. He spoke about the scale of projects, the setbacks and the need to preserve the village scale and quality within the City. He summarized a plan and urban codes that need to be developed to accomplish this. He addressed the need to broaden and slow down the process for development. He spoke about the importance of projects making substantial changes after being reviewed by the Planning and Zoning Commission (P&Z) to go back to the P&Z before coming before the City Commission for final approval and that the P&Z require the applications to contain more in-depth details that realistically represents the proposed building/project in its actual context. He addressed the

proposal to utilize volunteers willing to work with staff as professional consultants consisting of architects, traffic engineers, planners and contractors that would like to work with the P&Z as needed; recognizing the authority of the P&Z. He stated this would only be for projects having a major impact to the City and that the P&Z would determine whether to contact the group of volunteers to work and review the project and make recommendations and suggestions about the context, materials and scale and how it fits into the community. He concluded that the volunteers are ready to begin in that capacity whenever the opportunity arises to help the P&Z.

Tom Alday, 651 E. Lake Sue Avenue (Chairman, Planning and Zoning Commission) and David Lamm, 1250 Alexa Drive (immediate past Chairman, P&Z), addressed their support of Mr. Rogers request and the need for this type of support and for additional guidelines to support redevelopment within the City. Mr. Lamm spoke about the P&Z working on a document to uniform the process about a year ago when the growth management plan became a point of interest. He added that they immediately began working on a vision statement/guideline as to how redevelopment occurs but that it is not completed.

He spoke about the work sessions they held to address scale, massing, character, setbacks, buffer yards, buffering residential and commercial components, etc. for various defined areas within the City having its different intrinsic nature. He stated the format is almost identical to Mr. Roger's suggestion and is to be an informal bound published book with hand renderings initially of sketches of cross sections through the thoroughfare, but with the beginning being the future land use map; then goes into the vision or desired image in building orientation, design, facade, appropriate height, etc. as contained within the draft. He addressed the Denning Charrette that occurred. He stated that money needs to be spent to complete the guidelines for the book in a rapid, timely manner and to use Mr. Roger's resources as a part of that team.

Mayor Marchman suggested holding another town meeting regarding status of Land Development Code. He stated we have been working toward finding a vision for the City and moving forward with including changes into the Land Development Code. He stated the citizens should be informed at this meeting of the status of the comprehensive growth plan, the LDC, and what has been approved related to the Community Redevelopment Area. He addressed the strategic planning process not only including redevelopment but also includes communications, traffic and other issues as appropriate.

Robin Chapman, 1510 Glencoe Road, spoke about her concerns with granting variances, heights of buildings, how residents are affected and the size of buildings being approved. She addressed the notification provided only to residents within a certain area of the redevelopment that impacts the entire City. She stated they would like to be notified of redevelopment that will affect the entire City. She spoke about the need for tools to be in place to help designate the downtown as a historic district, the need to impose serious impact fees on people requesting variances or to build huge buildings downtown, if there should be an Architectural Review Board, and to determine what other cities who have faced the same type of redevelopment are doing to hold onto the charm of their City.

John Cunningham, 1336 Sunset Drive, addressed the need for architectural guidance and stronger guidelines. He spoke about the importance of elements of style and the need for sensitive development in the City.

Carolyn Cooper, 1047 McKean Circle, spoke in opposition to higher densities and heights on buildings and the need to stop granting variances until comprehensive plans are in place.

Julie Carmody, 897 Brock Street, spoke in opposition to buildings too large in size in the City.

David Strong, 300 Virginia Drive, suggested as related to the strategic planning process, to consider and continue to receive input from consultants but that the citizens should be making the decisions for the City.

John Stevens, 640 Langholm Drive, spoke in opposition to the design guidelines being presented.

Rick Frazee, 1921 Englewood Road, spoke about the lack of contact he has with the Commission. He addressed the need to understand what is always happening with development in the City. He spoke about the group of citizens that have organized that will understand the redevelopment projects and will inform the Commission as to what they want to see happen in the City.

Forest Michael, 130 N. Center Street, suggested that a public participation plan be provided to the citizens and when they can provide comments and be a part of the process.

Mayor Marchman suggested providing the plans currently in place to the citizens. Commissioner DeVane addressed the current notification process for development projects. She spoke about the projects 10,000 square feet and above or is viewed as civic or a public project in nature being noticed to all citizens in their utility bill or other ways as appropriate. She stated this would be a tentative calendar of the approval process for the projects beginning with the P&Z hearing and/or Commission hearing. She spoke about the notification that currently takes place with the web site and library. She suggested to freeze rezoning or variances until we get further in the process that will not prohibit development but says until the projects are discussed that do not fit the existing plan, will be postponed until a community discussion takes place. She spoke about the importance of the developer providing more information early in the process showing how their project fits with the other development in the Central Business District. She addressed the Comprehensive Plan Task Force where the members were appointed by all Commissioners. She spoke about the need for the current expertise on this committee and suggested to appoint an additional person to this board.

Commissioner Storer addressed the importance of improving notification to residents and thanked everyone involved in the town meetings. He stated he is committed to improving this process. He stated the Commission needs to receive input from the citizens. He spoke about the criticism received on projects at the town meetings where multiple hearings and design Charrettes were held to discuss the projects.

Commissioner Eckbert commented about the development process being broken, the need for earlier Commissioner involvement in projects, and receipt of citizen input earlier in the process. He believed that only holding town hall meetings was an insufficient tool for obtaining citizen input and that also utilizing surveys to obtain information would be another tool.

Commissioner Metcalf agreed with all Commissioners and being lax in the strategic planning in the last 2 years and the need for more regular sessions. He expressed concerns about how the City will look in the far future and that the external borders of the City could have been better planned years ago as far as the aesthetics and diverting traffic a different way and the aesthetics. He spoke about the excellent communications that take place in the City to educate the public on the current projects. He stated pending projects have been well noticed and in the newspapers. He addressed the need to preserve the City and about the importance of updating

the comprehensive plan in a way that reflects the goal of this Commission to protect the City. He stated the City does not let things get by them by developers.

There was a consensus that the next public meeting includes the status of the comprehensive growth plan, the Land Development Code and the CRA planning so they understand what the current density requirements are, the floor area ratio, heights and setbacks and that responses will be given to citizens at this meeting. Staff was directed to begin preparing for the meeting and to provide two weeks notice to the public. Mayor Marchman suggested that the Planning and Zoning Commission be part of this meeting. Commissioner DeVane encouraged the P&Z Commission, Mr. Rogers and Mr. Cunningham be a part of the next town meeting.

Commissioner Eckbert suggested also utilizing a survey. Commissioner DeVane agreed that a survey be sent out but addressed the time it takes to write, administer and review. She suggested to move forward with the town meeting before the holidays. Commissioner Storer asked the public to be patient in this process and expressed the need to listen to the residents concerns. He addressed what the City has gone through in the last three years where the focus has focused from purchasing an electric utility, dealing with hurricanes which has stressed City government and now the attention needs to be focused on the redevelopment and economic pressures being put on Winter Park. There was a consensus to schedule the next Town Meeting.

David Lamm, P&Z Commission recommended for staff, the P&Z, Mr. Rogers and others that have volunteered their consulting time to hold a work session prior to the Town meeting to finish what staff has tried to complete. He stated they could provide additional information to the residents at this meeting and that answers could be studied and prepared before the meeting. Mayor Marchman addressed the appropriateness of Mr. Lamm's suggestion.

- d) Task Force appointments – To provide a recommendation on the potential for an Inclusionary Affordable Housing Program.

Mayor Marchman agreed with the names provided by staff: 1) Tom Alday, Planning and Zoning Commission Chairman; 2) Bill Roll, P&Z and Comprehensive Plan Task Force; 3) Larry Adams, Comprehensive Plan Task Force; 4) Joe Terranova, CRA Advisory Board; 5) David Jasmund, Economic Development Advisory Board; 6) Carl Bitler, Economic Development Advisory Board; 7) Paul Bryan, Developer of Landmark, Carlisle, etc.; and members selected from the Home Builders Association and the Orlando Realtors Association. He suggested to add a Commission member to the board. Commissioner DeVane suggested the addition of a representative from the Winter Park Housing Authority, the Winter Park Land Trust, and Habitat for Humanity.

Commissioner DeVane volunteered. **Motion made by Commissioner DeVane to approve the names listed above with the addition of a representative from the Winter Park Housing Authority, the Winter Park Land Trust and the Habitat for Humanity and Commissioner DeVane; seconded by Commissioner Storer and carried unanimously.**

- e) Reappointment to the Civic Facilities Authority – Commissioner Douglas Metcalf.

Mayor Marchman nominated Commissioner Doug Metcalf for reappointment to the Orange County Civic Facilities Authority; **Seconded by Commissioner Storer and carried with a 4-1 vote with Commissioner Metcalf voting no.**

- f) Presentation to the Mayor of the International Association of Chiefs of Police 2004 First Place Technology National Award received by the Winter Park Police Department.

Police Chief Ball presented the Mayor with the International Association of Chief's of Police 2004 First Place Technology National Award received by the Winter Park Police Department. He stated they were the only department in the United States that received this award which was given to them for their advances in using technology to increase driver and pedestrian safety throughout the City. He stated it was not only for the enforcement side but also for the public education efforts made by the department.

**NEW BUSINESS – CITIZENS COMMENTS:**

1. Susan Finnegan, 75 Palmer Avenue, stated she had a report for the Commission but when she arrived she was provided new information on the replacement bulbs for the lights currently in the trees. She stated they are canceling tonight's presentation but need time to review their options regarding the holiday lighting project.
2. Mayor Marchman addressed a draft of a presentation he provided concerning the Orange County Council of Mayors recommendations to the Orange County/City of Orlando Consolidation of Services Study Commission. He asked the Commission to try and review this before the end of the meeting to determine if the Commission would like to see any changes made to the document. He addressed his agreement with the document and that he worked with the sub-committee that wrote the document but that he needed the entire Commission's approval. He stated we will discuss this later in the meeting.
3. Dan Bellows, 533 W. New England Avenue, addressed the April 18, 2005, CRA meeting where Commissioner Eckbert made a motion to work on an agreement that involves the 3 lots on Hannibal Square West to be changed from 35' to 46' of which the discussion included selling 7' of Lot 16 that will allow the City to reallocate 11' between their two owned lots, giving all three lots 46' of frontage. He provided a contract for the sale and purchase of the 7' and asked the Commission to review the contract and get back with him. Commissioner DeVane said the City did not agree to this and that it needs to go to the CRA Advisory Board and the Land Trust who has plans for that property. She stated this was previously discussed.
4. Lurline Fletcher, 790 Lyman Avenue, commented about her increased electric utility bills and the City streets that are left a mess after construction workers leave.

## **CITY ATTORNEY'S REPORT:**

- a) RESOLUTION NO. 1928-05: A RESOLUTION OF THE CITY COMMISSION OF WINTER PARK, FLORIDA, GRANTING AUTHORIZATION TO THE MAYOR FOR THE EXECUTION OF THE FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM AGREEMENT FOR FPN 416368-1-38-01.

Attorney Cheek read the resolution by title. Troy Attaway explained the Local Agency Program is the first part of the grant received for pedestrian improvements along Fairbanks Avenue from 17-92 to Lakemont Avenue. He stated this is the \$180,000 for design that is allocated for this year and that \$1 million will be allocated in FY 2008. No public comments were made.

**Motion made 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 unanimously with a 5-0 vote.**

### Recess

Recess from 5:17 – 5:30 p.m.

- b) Development agreement for the development of the post office project with the Carlisle Group.

Commissioner DeVane inquired whether this agreement has been presented to the CRA Advisory Board since it involves CRA funds. Planning Director Don Martin provided a brief summary of the CRA support for this project. He explained that the hard costs include the site preparation, demolition of the old Chamber building, and the New York Avenue streetscape improvements. He said the CRA Advisory Board as part of their consideration for this year's capital budget, included the New York Avenue streetscape improvements as a recommendation to the CRA Agency. Mr. Martin stated the CRA Advisory Board viewed the street improvements as an appropriate capital expense at this time even though it was not tied to this project. He explained that since the capital requests were not approved, these expenses are not expected to be incurred until the next budget year. He said the expenses are not a part of the CRA budget at this time.

Commissioner DeVane recommended that this issue return to the CRA Advisory Board since most of the funding will be provided from CRA funds. She expressed her preference of obtaining the CRA Advisory Board's recommendation on this matter. Commissioner Metcalf inquired into whether the CRA Advisory Board was presented this agreement prior to the CRA Agency deferring the approval of the capital requests. Mr. Martin stated that the CRA Advisory Board recommended approval of the funding for the streetscape improvements project which is the major expenditure that requires CRA funding. Commissioner DeVane inquired into the expenditure for the exfiltration storage under the Carolina Avenue right-of-way. Mr. Martin explained the calculation of the land values as listed on the proposed CRA costs. He said the land values represent what the land values would be for the use of this City property for this purpose.

Commissioner DeVane disclosed her discussions with the developers of this project. She elaborated further on the methodology used to calculate the land values as listed on the proposed City/CRA costs sheet.

Mayor Marchman inquired whether the development agreement complies with the previous approvals and whether any substantial changes were made to the development agreement. City Attorney Cheek reported that the form of the agreement appears to be within the scope of the prior approvals. Mr. Martin explained that the changes made after the conceptual approval for the project was obtained, relate to the reduction in the number of residential units. Additionally, he said changes were made to the parking requirements to reflect the reduction in the number of residential units and that the office component along Canton Avenue was eliminated as well. He explained that the envelope of the building did not change and the proposed street view did not increase or decrease. He said these changes have reduced the external impacts from the original approval.

City Attorney Cheek explained the criteria used to consider in the code as to whether any change between the preliminary approval and the final approval are to be considered significant or substantial. He said staff has reviewed both criteria lists and determined that the changes were not substantial or significant.

Commissioner DeVane elaborated on the benefits with the reduction in the number of units. She expressed her concern with the approval that was given for the density and the size proposed based upon the fact that it addressed a shortage of housing in the downtown area. She stated that the project should be reviewed as a result of the changes proposed.

Attorney Mickey Grindstaff, Shutts and Bowen, as the applicant's representative, spoke in support of the project.

Carolyn Cooper, 1047 McKeen Circle, asked about the budget line item for undergrounding the utilities. She expressed her concern with the density of the proposed project.

Forest Michael, 130 North Center Street, elaborated on the impacts to the east and south of the site of the proposed project.

Jack Rogers, 1002 Temple Grove, provided additional details on the proposed project and expressed opposition.

Sandy Womble, 940 Old England Avenue, expressed her opposition to the size, scale and setback of the proposed project.

Beth Dillaha, 1801 Forrest Road, expressed her concern of what she believed were substantial changes and that the development agreement should return to the Planning and Zoning Commission for review. She spoke of the loss of trees on New York Avenue as a result of the setbacks proposed.

Malcolm MacDiarmid, 1723 Golfside Drive, spoke of the importance with the protection of Central Park and the changes proposed.

John Stevens, 640 Langholm Drive, as a member of the Planning and Zoning Commission and opposed to the changes, provided a history of this project.

Robin Chapman, 1510 Glencoe Road, based upon what she believed were substantial changes, asked that the changes return to the Planning and Zoning for review.

Jim Barnes, as the Chairperson of the Economic Development Advisory Board, spoke about the numerous public meetings that have been held for this project.

Vicki Krueger, 200 Carolina Avenue, spoke in opposition to the proposed project in its present form.

Larry Lochen, 719 French Avenue, spoke of the importance of the public's right to speak on any issue under consideration.

David Strong, 300 Virginia Drive, expressed his opinion that this is not an appropriate project for Winter Park. He stated that this issue needs to be revisited.

Steve Feller, 126 Park Avenue South, asked that the project be brought into compliance with applicable codes and other developments in the area.

Joe Terranova, 700 Melrose Avenue, clarified that the item under consideration for this meeting is an approval of the development agreement and not the project itself.

Woody Woodall, 411 Shepherd Avenue, spoke of the numerous public meetings that have occurred concerning this project.

Lisa Lacey, 1084 McKeen Circle, spoke of what she believed was the lack of public notification for this project.

Bill Rosenfelt, 1400 New York Avenue, spoke in opposition of the proposed project.

Danny Williams, 637 Blairshire Circle, spoke about the numerous public meetings that have been held for this project.

Lurline Fletcher, 790 Lyman Avenue, spoke of the numerous public meetings that have been held for this project and the number of times she has expressed her dissatisfaction with this kind of project and how she believes it impacts the Westside community.

Attorney Mickey Grindstaff, Shutts and Bowen, and John Cunningham addressed many of the concerns that were expressed. John Cunningham, as the architect for the project, spoke about the misinformation that was provided concerning the project.

Mayor Marchman asked whether there is any increase in the overall square footage. Mr. Cunningham elaborated on the net square footage for the proposed condominiums. Mr. Cunningham explained that the overall project is exactly the same as it was before on the exterior except that there is less parking that will result in less impact. He said there are no changes to height or setbacks.

Commissioner Eckbert asked that the City Attorney review the process from this point to the issuance of a building permit for this project. Attorney Cheek explained that at this point the project has received a preliminary development plan approval. He continued that the code contains language that a conceptual approval establishes a contractual obligation for the City to issue development orders and building permits for the development of projects that will consist of the terms and conditions of a development agreement. He said we are now in between the preliminary development plan approval and a final development approval; what has been submitted for approval for this meeting is a development agreement which the developer needs

to have to obtain final development plan approval. Mr. Cheek continued that assuming that the project obtains a final development plan approval, then the applicant/developer will move forward for a building permit. At the request of Commissioner Eckbert, Mr. Cheek elaborated on the approvals needed to meet a final development plan approval.

Commissioner Eckbert sought clarification from City Attorney Cheek on the legal steps needed to obtain a final development plan approval. Attorney Cheek recited the section of the City's code that pertains to the requirements that need to be met to obtain a final development plan approval. Commissioner Eckbert sought clarification on the remaining responsibilities related to this project. Commissioner Eckbert inquired into which governing body would provide the final approval once the project has complied with all requirements. City Attorney Cheek reported that the Planning and Zoning Commission provides the final approval on whether compliance has been met. He said the City Commission provides a decision when and if a dispute arises over compliance.

Commissioner Storer recused himself from voting due to a conflict of interest.

Commissioner DeVane elaborated on the process and whether the changes are substantive in nature. She expressed her concern with rushing the process. She spoke of moving forward with the project, but noted her concern with the size of the building that faces Central Park which she suggested revisiting. She expressed that the project should be modified to be responsive of what the community prefers. She said she would not support the proposed development agreement.

Commissioner Eckbert commented on the importance of preserving the public approval process. He elaborated on the solicitation of public input that was extended to the community. He spoke about the discussions that he participated in about this project and the development that is occurring in the downtown area. He expressed what he believed was the inappropriate utilization of real estate as a sorting facility for the Post Office. Additionally, he reported that the Planning and Zoning Commission voted unanimously in favor for this project. He said this is a project that appropriately balances the needs of the community and appropriately respects the park. He expressed his concern with delaying this project at this point in the process. He said he was supportive of the development agreement because it is consistent with the vision that has been presented before the Planning and Zoning Commission and the Commission.

Commissioner Metcalf spoke about the many meetings that have taken place with the many boards within the City regarding this project and the need to move forward with it. He spoke of the quality of the projects that this developer has built and expressed his support with the project.

Mayor Marchman elaborated on the public process that the proposed project was subject to. He said he was committed that there will be additional and improvements made as to how the public is notified of future projects. He disclosed participating in discussions with the developers involved with this project. He elaborated on the requirements of contract law and the obligations involved. He said that legally the project cannot be denied at this point in the process. He said the project will return to the Planning and Zoning Commission for certain review and to determine whether there is substantial compliance with the terms of the development agreement and the terms of the conditional approval.

**Motion by Commissioner Metcalf to approve the development agreement, seconded by Commissioner Eckbert. The motion carried with a 31 vote. Commissioner DeVane voted no. Commissioner Storer recused himself from voting.**

**CONSENT AGENDA:**

- a) Approve the minutes of 9/26/05.
- b) Approve the following Request For Proposals and Request For Qualification:
  - 1) Award of RFP-18-2005, Enclosed Boathouse for Police Department, to Wise Marine Construction; \$51,506.00 (Budget: CIP Stormwater)
  - 2) Award of RFP-19-2005, Cameras and Equipment for Traffic Control Devices, to Iteris, Inc.; amounts listed on the attached memo (Budget: CIP Engineering).
  - 3) Extension of contract time for RFP-10-2005: Tree Trimming for Electric Lines, with Burford's Tree, Inc., extending termination for 90 days past the original date of September 30, 2005. A fuel adjustment provision is added as noted on attached memo from vendor.
  - 4) Award of RFQ-21-2005, for Debris Monitoring Services, to E.D.D. of Florida; prices as noted on the attached memo. These services will be utilized whenever a disaster occurs (Budget: Parks/Recreation with a possible reimbursement from FEMA).
- c) Approve the following budget adjustments:
  - 1) Appropriate \$5,000 in State Forfeiture Funds for the Fall Family Festival (FY 2006)
  - 2) Transfer \$5,051 in County Fire District Funds for renovations at Fire Station 64 (FY 2005)
  - 3) Carryover \$102,863 in remaining funding for stump grinding to FY 2006 (FY 2006) **PULLED FROM THE CONSENT AGENDA FOR DISCUSSION.**
  - 4) Transfer \$12,000 from the Cemetery Trust Fund to replace an irrigation turbine and grind the hurricane related tree stumps at Pineywood and Palm Cemeteries (FY 2006)
  - 5) Transfer \$37,600 from the Fire Department to a Building Maintenance special project account for replacement of the bay doors at Fire Station 61 (FY 2005)
  - 6) Carryover \$104,057 in funding for ongoing Building Maintenance special projects from FY 2005 to FY 2006 (FY 2006)
- d) Approve the amendment to the ENCO agreement to utilize in-house employees instead of subcontractors for performing a majority of the capital work.
- e) Approve the streetlight outage notification policy.
- f) Approve the Parks Acquisition Policy and Petition of Interest for use by neighborhoods wanting to nominate property for potential park land consideration.
- g) Approve the installation of a decorative and functional fence at the Winter Park Farmers' Market with funding to be provided by Keep Winter Park Beautiful. **PULLED FROM THE CONSENT AGENDA FOR DISCUSSION.**
- h) Approve the implementation of Code Enforcement's plan of action concerning maintenance of properties after demolition.

Keith and Deborah Gardner submitted a memo for the record (part of the minutes) regarding Consent Agenda Item b.4.

**Motion made by Commissioner Eckbert to approve the Consent Agenda with the exception of items c-3 and g); seconded by Commissioner Storer. The motion carried unanimously.**

Consent Agenda Item 'c-3' – Correction:

City Manager Williams stated there was a typographical error in the amount that should be \$122,863. **Motion made by Commissioner DeVane, seconded by Commissioner Storer and carried unanimously.**

Consent Agenda Item 'g'

Commissioner DeVane asked that this item be removed for further discussion.

Robin Chapman, Chairman of Keep Winter Park Beautiful, spoke in favor of Consent Agenda Item g) to build the fence at the Farmers' Market. She addressed the safety benefits of having a fence.

Eleanor Fisher, 1620 Mayflower Court, spoke about the proposed fence at the Farmers' Market. She commented about the Historical Preservation Commission meeting held where item g) was reviewed and plans were modified per the HPC request. She stated they voted 2-1 in favor which she believed canceled their approval of the fence. She stated a fence is not needed there.

Parks Director John Holland spoke in favor of the fence and explained the type of fence being proposed.

**Motion made by Commissioner DeVane to approve Consent Agenda Item g); seconded by Commissioner Storer and carried unanimously.**

**PUBLIC HEARINGS:**

a) Request of Dr. Carol Mikulka:

ORDINANCE NO. 2649-05: 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 (R-1A) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY LOCATED AT 214 TYREE LANE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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 unanimously with a 5-0 vote.**

- b) Request of Christopher Heidrich for 472 and 510 W. Swoope Avenue to develop 15 condominiums.

ORDINANCE NO. 2650-05: 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 AND ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATION TO MULTI-FAMILY AND TO CHANGE THE EXISTING ZONING FROM SINGLE FAMILY (R-1A) TO MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT, ON THE PROPERTIES AT 472 AND 510 WEST SWOOPE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Cheek read the ordinance by title. Lurline Fletcher, 790 Lyman Avenue spoke against rezoning the property. Susan Gabel, 1539 Golfside Drive, spoke against the rezoning ordinance. Carolyn Cooper, 1047 McKean Circle, spoke against the rezoning because of the need to keep single family residential.

**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 unanimously with a 5-0 vote.**

- c) Request of the City of Winter Park for Conditional Use and Planned Development approval request of the City of Winter Park for properties at 541 Garfield Avenue to construct a two story mixed use building on the combined properties (corner of Pennsylvania Avenue) with 3,200 square feet of office/commercial space and six residential apartments.

ORDINANCE NO. 2651-05: 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 EXISTING MULTI-FAMILY RESIDENTIAL (R-3) ZONING TO PARKING LOT (PL) ON THE PROPERTY AT 541 GARFIELD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

Lurline Fletcher, 790 Lyman Avenue, opposed the rezoning because of the Garfield Avenue proposed parking. Bedilia Campbell, 700 Douglas Avenue, spoke in favor because of the benefit to the Westside.

**Motion made by Commissioner Storer to approve the conditional use; seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.**

**Motion by Commissioner Metcalf to adopt the ordinance with the addition that the parking area reverts back to residential if the project ceases to exist, seconded by DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried unanimously with a 5-0 vote.**

- d) Request of Sydgan Corporation for the redevelopment of the properties at 410 & 550 Denning Drive, 800/828/844 Swoope Avenue, 781/783/835 W. Canton Avenue and 441/437 N. Capen Avenue for a 105 unit two/three story apartment

project with a four level parking garage: Conceptual approval of the Master Development Plan for Denning Drive Apartments and Conditional Use and Planned Development approval.

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 AND ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATION TO MULTI-FAMILY AND PARKS AND RECREATION AND TO CHANGE THE EXISTING ZONING FROM SINGLE FAMILY (R-1A) AND MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT, TO MULTI-FAMILY RESIDENTIAL (R-4) AND PARKS AND RECREATION (PR) DISTRICTS ON THE PROPERTIES AT 410 AND 550 DENNING DRIVE, 800, 828 AND 844 WEST SWOOPE AVENUE, 781, 783, 835 WEST CANTON AVENUE AND 441 AND 437 NORTH CAPEN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Planner Jeff Briggs explained the conditional use and rezoning requests for this project. He summarized the properties involved and existing and proposed zonings. He explained the site plan and elevations as provided. He also provided information regarding the plans for the building of the apartments and future use of the various properties involved in the project. He addressed the transfer of densities from one parcel to the buildable parcel. He spoke about the 10' setbacks on Swoope Avenue, on the south to the parking garage, and another area in lieu of the 20' setback according to code. He stated there are no variances for heights or lot coverages, etc. He reported about the Planning and Zoning Commission decision of a 3-2 vote for approval and the conditions imposed on the applicant.

Commissioner DeVane inquired about the façade along Denning Drive and locations along Swoope Avenue where there are breaks in the building. She asked if the same could be done along Denning Drive. Assistant Planning Director Alberto Vargas displayed pictures from the Denning Drive Charrette and explained the existing conditions of the edge for the proposed redevelopment looking at the corner of Canton and Denning Drive. He stated they detailed the Denning Drive design at the Charrette. He stated tonight's discussion entails what will happen with the eastern edge of Denning Drive and its use. He stated there is no commercial development along either edge of Denning Drive; only residential in nature. Mr. Vargas further explained the setbacks for this edge, access to the buildings, elevations, and the orientation of the entrances into the buildings.

Applicant Dan Bellows, 533 W. New England Avenue, spoke about this project being 5 years old and has made adjustments as requested from each meeting. He stated this adheres to the Denning Drive Charrette guidelines. He stated the density has been adjusted there and is a three and two story building. He stated the only remaining issue he has is regarding the park. He addressed the walkways that can be adjusted so they are lined up looking into the courtyards. Commissioner DeVane expressed her preference of adding breaks in the building to give it a different look because of the 450' long building along Denning Drive. Mr. Bellows stated he believed they could accommodate Commissioner DeVane's request on Swoope Avenue and would need to review the other areas. Mr. Bellows spoke about the park and his willingness to entertain this request but that he had concerns with providing an entire acre for a park. He stated he would entertain providing a park that would be #13 in the City and deed it to the City for a community park. Mr. Bellows stated this would provide an opportunity for future discussion.

He asked for approval of the 105 units with the plans submitted and allow him in lieu of paying into the Affordable Housing Fund and in lieu of the Park Trust Fund to provide the land that he owns to make a park. He stated he did not understand why he is required to pay into the Affordable Housing Fund when he is providing the affordable housing that the City wants built and that if he is providing park land, that he should not be required to pay into the Park Trust Fund. He assured Commissioner DeVane that the P&Z Commission will see a modified elevation on Swoope addressing her concern to see green space and into the courtyards. He stated he will ask his consultants if they can add two more visuals off the Denning Drive elevation; which he will provide if it can be done.

Commissioner DeVane asked Mr. Bellows about the three story four level parking garage and the R-1A zoned lots backing up to the parking garage. She asked what type of screen/barrier would be between that. Mr. Bellows stated it is identical to what is at Morse Boulevard and Pennsylvania Avenue. Commissioner DeVane asked if finished materials and landscaping could be added to the condition regarding the parking garage. Mr. Bellows agreed.

Susan Gable, 1539 Golfside Drive, spoke against the development and that the City needs to step back with future development.

Bill Rosenfelt, 1400 New York Avenue, asked for clarification of the request to move the project over into one corner, the density of the project and the vacant land that cannot be developed. He also spoke against Denning Drive becoming three lanes.

Margie Bridges, 767 Antonette Avenue, commended Mr. Bellows for his projects to provide affordable housing but asked that this project be sent back to the P&Z because this project was a reversal of what the P&Z minutes stated. She stated he dedicated the land to apartment space. She stated park space needs to be made available on-site whenever possible. She spoke against the density of the project.

Lurline Fletcher, 790 Lyman Avenue, spoke against this development because of the height of the buildings.

Carolyn Cooper, 1047 McKeen Circle, spoke against the development. She spoke about her desire for the density to be spread out on all the property as opposed to the corner to ensure no further development, asked that the setbacks particularly on Swoope be respected and that the requirement for the park be dedicated and deeded to the City with a restriction for further use. She expressed concerns with the families affected by the project and the traffic on Swoope.

Rick Frazee, 1921 Englewood Road, asked how we can have a dedicated green space that meanders over several lots. He asked if the park will be open and if the City will be required to maintain the property. He spoke against the small nature of the park. He stated he hoped that what has been approved in the past will no longer be approved. He addressed the group of citizens actively concerned and watching what goes on with the P&Z and Commission.

Joe Terranova, 700 Melrose Avenue, addressed the Charrette and the developer following what the residents said they wanted at that time. He spoke in favor of the project. He stated Mr. Bellows is concentrating all his development on a portion of the property that will support that density. He spoke about the quality projects being provided by Mr. Bellows. He stated the undeveloped land should remain green space.

Margie Wagner, 181 W. Stovin Avenue, spoke against the parking garage being too large and because it abuts single family residences. She asked that the project be sent back to the P&Z Commission.

Bedilia Campbell, 715 Douglas Avenue, addressed her support for providing park land. She asked the Commission to clarify what the developer intends to do. She expressed concerns with what happens to the homeowners currently there.

Commissioner Eckbert asked for clarification of the acreage for the project. Commissioner Metcalf asked for clarification as to the property owned by Mr. Bellows and the various sizes of the lots. Mr. Bellows spoke about the property that will remain grass for the residents to utilize that would never be developed. Commissioner DeVane addressed the need for park space to be dedicated to the City as agreed to by the P&Z Commission. She expressed her concerns with parking garages backing up to residential. She stated this needs to go back to the P&Z if Mr. Bellows does not agree to provide the park land. Commissioner Storer asked how to keep the buildings as apartments. Attorney Cheek responded that it would require the recorded document to restrict the use of the property.

Commissioner Storer spoke against the deal keeping changing and did not want to see any deviations from the P&Z recommendations. He stated if the developer cannot agree to that, the project needs to go back before the P&Z. Commissioner DeVane proposed a modification to Item 7. She asked that the finished materials and a landscaping buffer be added that is satisfactory to residents living behind the property.

**Motion by Commissioner Eckbert to conceptually approve the Master Development Plan for the Denning Drive Apartments and approve the conditional use and planned development based upon the Planning and Zoning Commission recommendations; and to add to Item 7 to require a landscaping buffer that is satisfactory to the residents abutting the property; seconded by Commissioner DeVane and carried unanimously.**

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

e) ORDINANCE NO. 2652-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASTERLY TWENTY FEET OF THE UTILITY EASEMENT AT 1700 MAGNOLIA AVENUE, PARTICULARLY DESCRIBED HEREIN. Second Reading

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

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

f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE AND CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS ADOPTING FIRE

SPRINKER REQUIREMENTS AS THE WINTER PARK BUILDING CODE; AND UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Building Official Wiggins addressed the intent of the ordinance. No public comments were provided.

**Motion made by Commissioner Storer 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.**

**CITY MANAGER'S REPORT:**

- a) Discussion of the Water and Sewer Impact Fee payment schedule.

Utilities Manager David Zusi supported the method of payment as it is currently being collected when the building permit is issued. He explained the pros and cons of collecting the payment before and after the permit is issued.

Dan Bellows, 533 E. New England Avenue, opposing certain fees, spoke against giving land and also having to pay into the Park Trust Fund. He stated he was not asking to postpone the fee but was asking not to have to pay it at all. Mr. Bellows explained the process he must follow regarding his loans and fees he is required to pay.

There was a Commission consensus to follow staff's recommendation.

- b) Proposed design study for the Holler and Progress Energy properties.

Planning Director Don Martin explained that the City has not received proposals from either property but he knows they are available and there is a possibility of being redeveloped fairly quickly. He stated they are proposing an inclusive community process in a dialogue as to what the appropriate re-development of those properties should be. He proposed to establish a committee to evaluate and bring in a consultant to take the City through the process. He stated it would include public process and design capabilities so alternatives can be drawn and provided to the community. He suggested that the committee be comprised of a commissioner, a planning and zoning member, an economic development advisory board member and that the other four Commissioners not on the committee would appoint a resident member to serve.

Mr. Martin stated the committee would be responsible for reviewing submittals by consulting teams, selecting/recommending a consulting team to guide the City through the process, and then act as an Advisory Board as the consultants go through the rest of the process. He stated the scope of their work would be to study the alternatives for both properties; to develop alternative scenarios of what could be developed on the property to solicit input through the public process and to provide a recommended plan for those properties that can be used as developer's submit proposals.

He recommended the appointments by the Commissioners be done at the next meeting and try to have someone on board by mid-December. He stated the public meetings would not begin until January.

Commissioner Metcalf spoke about the City's responsibility as new development is anticipated to make sure the infrastructure and other related items such as turn lanes, etc. that need to be done are completed. He stated Fairbanks at the Denning corner will need to be widened and lanes added. He asked if staff has been working on the zoning in anticipation of increased setbacks and if staff is involved in that. Mr. Martin stated they have been involved and will provide an update at the next meeting. He stated he thought it would be the intent of who is hired to review the transportation and road impacts of these projects and to factor that into the considerations for these properties. Commissioner Metcalf agreed as relates to these two properties but that decisions need to be made on all the major corridors within the City.

Commissioner Storer commented about the importance that the economic reality of what could be developed on the property is balanced with what the community envisions. He stated he hoped that the issue would be addressed by the Economic Development Advisory Board if they take that role. Commissioner DeVane suggested the addition of a Parks and Recreation Commission member or from the Parks Acquisition Task Force to serve on the committee because of the current concerns with incorporating green space in mixed use development and because of the pedestrian/bicycle path discussions on Denning/Fairbanks and adjacent to the CSX corridor. Upon comments regarding the addition of another member, Commissioners Eckbert, Storer and Metcalf did not see the necessity because they believed the green space issue can be addressed without that other member.

There was Commission consensus that the Planning and Zoning Commission select their member as well as the Economic Development Advisory Board. Commissioner DeVane expressed her interest in volunteering as the Commission appointee on the committee. Mayor Marchman advised trying to make the appointments at the next meeting. There was also a consensus to move forward with the proposed design study.

Attorney Frank Hamner, representing the Holler's, addressed the proposed design study for privately owned property and the property owner not being considered as part of the design study. He stated this is not public land and they welcome all public comment, but that he did not see the public trying to dictate what will occur to this property because it is private. He stated development plans will be submitted at the time the Holler's want to develop the property. Commissioner DeVane commented she does not envision this occurring without both property owners being invited and encouraged to participate. She stated the purpose is not to dictate to anyone as to what they will do with their property but to say we may be able to do something here that may be more than what you typically expect. Commissioner Storer explained he wanted to be sure the economic aspects of the project were represented in a balanced way; the property owner will decide what they will do or not do within the confines of the rules. Commissioner Metcalf expressed that he wanted to be sure both property owners are kept aware of what is being discussed and that they have complete flexibility with making whatever statements they desire.

Commissioner Eckbert stated it is important to have legal advice throughout the process and that there is no inappropriate action taken that would color the City's existing process. Mayor Marchman stated we cannot without a due process provision take away any vested rights; the City can study and involve as much public input as possible but not violate anyone's rights. Attorney Cheek addressed the City controlling the development of property through zoning powers and that the City has on many occasions held discussions as to what they would like to see on other properties within the City. He stated he did not hear anyone saying they were going to dictate the use of the property.

c) Request of the Eola Wine Company to lease and locate a wine bar at 136 S. Park Avenue.

Planner Jeff Briggs addressed the request for a potential wine bar to be located at 136 S. Park Avenue. He stated it is not allowed under our code because you have to be a restaurant to serve alcoholic beverages. He stated right now the business would need to have a retail store with 50% sales or a restaurant with 50% food served. He spoke about interested parties with coming into the City as clubs/bars without serving food. He stated if the City is interested in finding out how we could do this but still maintain some degree of selectivity such as fine dining versus non-fine dining for the conditional use, this could be referred to the P&Z and the EDAB to see if rules could be crafted. Mayor Marchman and Commissioner Storer disclosed their conversations with Mr. Schrope.

Scott Schrope, Eola Wine Company, owner and operator, stated they are 60% part bar, 10% food and 30% retail at their Orlando location. He believed under no circumstances will the bar component of the business be more than 50%; the retail about 40% and the food 15-20%. He stated his initial plans have always been to increase the food percentage in this store. He stated they want to open at 2:00 p.m. during the week and 12:00 noon on weekends. He stated it was indicated to him by the City that they would prefer to open at 12:00 noon and have a seven day a week lunch operation. He stated he is willing to do that. He stated he operates until 12:00 a.m. during the weekdays and 2:00 a.m. on the weekends but will be happy to comply with what the City wants. Mr. Schrope stated if the City would allow it, he would love to have a small jazz band inside on the weekends. He explained the layout of his building.

Mayor Marchman suggested that the P&Z Commission and the EDAB review this request. Commissioner Storer stated he wanted to encourage his business if he complies with the existing ordinance.

**Motion made by Commissioner Storer to approve the request and that more than 50% of the sales will be other than alcohol; seconded by Commissioner Eckbert and carried unanimously.**

Charles Williams, 1127 S. Pennsylvania Avenue, spoke in favor of the request and believed it would be a strong addition to Park Avenue.

d) Update concerning the conditions of the State Office Building.

Mayor Marchman addressed the Cabinet meeting trip to Tallahassee with Planning Director Don Martin regarding the purchase of the State Office Building at Denning and Morse Boulevards. He addressed the long process this has been through with the legislature, administrative bodies of State government and the final approval of the Cabinet. He reported that they were recognized as being present and that the Governor commented that the City of Winter Park has always been a giving community so now it is time to give them something in return. He stated the purchase price is \$540,000.

Public Works Director Troy Attaway stated that when it became apparent that the City was going to purchase the property, they wanted to get the air conditioning (AC) turned on and upon review there was a leak in the AC system. The existing AC is in poor condition and reported that there

is no functioning AC right now. He stated issues are being worked in case this becomes a temporary City Hall. He also summarized the condition of the air quality and asbestos.

Commissioner Storer inquired why this property is not being reviewed by our consultant and task force. Planning Director Don Martin did not believe this should be a part of the other two properties previously discussed. Mayor Marchman addressed the need for a study process and agreed not to make this property a part of the Holler and Progress Energy properties. Mr. Martin stated this project could be added as additional work for the consultant if deemed necessary but would need some time to review this.

### **NEW BUSINESS (CITY COMMISSION):**

1. Commissioner DeVane thanked staff for taking care of the problem with demolished properties not maintaining their property. She asked that staff come back with a grandfathered parking agenda item discussion on properties that have not been developed and are grandfathered in on parking.
2. Commissioner DeVane asked that a notification policy be adopted for projects 10,000 square feet or larger or of a public or civic nature where all residents are notified of a tentative presentation, schedule or calendar for the approval process by an insert into the utility bills. **Motion made by Commissioner DeVane to notify via utility bills notification to all residents concerning projects 10,000 or larger or of a public or civic nature; seconded by Commissioner Storer for discussion.**

Commissioner Eckbert agreed with the need for more public notification. He asked for Planning and Zoning input or staff guidance as to the correct thresholds regarding square footage. He asked that staff report back on this. David Zusi stated that adding notification through the utility bills would add a month to the process because of the cycles.

Rick Frazee, 1921 Englewood Road, stated he would also like to see something in the bills regarding changes in the streets, particularly changing number of lanes or adding bicycle paths, bricking and type of material used, etc.

3. Commissioner DeVane addressed criticisms made as to how the Commission appointed the Comprehensive Plan Task Force rewrite members. She clarified that every Commissioner made an appointment to this task force. She suggested to double the size of the group and that each Commissioner make another appointment. Commissioner Eckbert stated if we feel the task force is compromised and is not going to come back with a legitimate outcome that the entire plan should be deleted and started over from the beginning. He stated changing composition in mid-stream is a mistake and undermines the credibility of the group. Mayor Marchman commented that he was alright with adding more persons to the group and being part of the process and did not believe that would reflect upon the competency of the current group. He addressed the current composition of the task force.

Commissioner Metcalf stated that doubling the size may be too large of a group and suggested two additional people. Commissioner Storer did not agree with the criticism received and expressed that the comments were unfair because the group is donating their time and expertise and that you cannot put someone on this task force that is not educated in this area or does not care about the process. He stated they are all professionals who understand this process and there are conflict of interest laws and regulations in place to protect the public. Commissioner DeVane made another suggestion to add a Board of Adjustment member, a member of the

Economic Development Advisory Board and the Parks and Recreation Commission. There was a consensus to approve Commissioner DeVane's board member suggestion.

4. Commissioner DeVane stated she does not agree with a moratorium but until the City gets further along with the comprehensive plan, no more rezonings or variances on projects not currently in the pipeline need to be discussed. She asked that staff provide a recommendation as to what can legally be done and not shut down business.

5. Mayor Marchman addressed the draft he provided of the presentation being made to the Orange County City of Orlando Consolidation of Services Study Commission with the Orange County Council of Mayors. He stated he worked with the sub-committee on the presentation they believed needed to be made before this group. He addressed the mandate to consolidate the services provided. He spoke about the municipalities concerns with this causing a deterioration in services. He addressed the importance of an equitable review on the money that the municipalities pay into this and what the City receives for those funds. He asked the Commissioners to review the document and inform him of any changes they feel are necessary. Fire Chief James White expressed concerns with #3 of the document.

4. Commissioner DeVane expressed a concern with how taxes are assessed. She stated if you do not have a Certificate of Occupancy by January 1, you are not taxed on the project for an entire year. She stated if you sell the property in the middle of the year, their taxes are based on the previous homesteaded amount instead of the new price tag of the home that sold. She spoke about beginning dialogue in Orange County that collecting ad valorem taxes be revisited and assessing them every month as projects come on line as a new project or when a sale of a residential/commercial business takes place. Attorney Cheek stated this is statutory. Commissioner DeVane stated maybe we should lobby at the state level.

5. Commissioner Eckbert requested an update on the Regent Hotel.

Mayor Marchman adjourned the meeting at 10:20 p.m.

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Mayor Kenneth R. Marchman

ATTEST:

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City Clerk Cynthia Bonham

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>STORER, DOUGLAS, RAY</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY _____ COUNTY _____	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <b>10/10/05</b>	NAME OF POLITICAL SUBDIVISION <b>Winter Park</b>
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Doug Storer, hereby disclose that on 10/10, 2005:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Provided consulting services to the ownership group for the Carlisle (Winter Park Post office Project)

10/10/05  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**Cindy Bonham**

**From:** Keithgard1@aol.com  
**Sent:** Monday, October 10, 2005 7:03 AM  
**To:** James Williams  
**Cc:** seaman@ci.winter-park.fl.us; Cindy Bonham; Tania Haas  
**Subject:** Citty Commision Meeting, 10 October 2005, Item 4.b.4

*Put into  
minutes*

Jim,

Deborah and I noticed Item 4.b.4 on the Consent Agenda for tonight's meeting, October 10, 2005. "4. Award of RFQ-21-2005, for Debris Monitoring Services, to E.D.D. of Florida; prices as noted on the attached memo. These services will be utilized whenever a disaster occurs (Budget: Parks/Recreation with a possible reimbursement from FEMA)."

I request that the following comment be entered into the minutes of tonight's meeting regarding Consent Item 4.b.4 since Deborah and I are unable to attend:

"Mayor Marchman, Commissioner DeVane, Commissioner Eckbert, Commissioner Metcalf and Commissioner Storer:

Item 4.b.4 on your consent agenda is for "Debris Monitoring Services." During the 27 June meeting you ranked proposals fro Debris removal.

Following Hurricanes Charlie, Frances and Jean we discovered that this City was willing to put our neighborhood at risk. We feel the residents of this City should be able to see this city's plan for natural disasters and have equal assurance that our safety and welfare are being protected to the maximum extent possible.

When I queried Mr. Williams regarding plans for debris removal following the 27 June meeting he responded:

"The determination of what happens with storm damage in the future will depend on various factors. For example the size of the storm and the damage to trees. A small storm may be able to be handled by use of our Howell Branch site or by direct hauling to the landfill. The larger the storm and the damage to trees will require more land and probably require us to dump and process the trees. We plan on working with the company hired to have further discussions on debris management to include use of our existing dump and other areas. I assure you the thought of using our soccer fields to dump storm debris is not appealing to us and if other options are available to us we will seriously consider them."

Deborah and I believe that the time to know the options is before the storm and not after it. We request that you take action to disclose this City's plan for handling debris and recovering from future storms. The Citizens of this City are entitled to know.

Thank you,  
Keith Gardner  
2230 Cady Way  
Winter Park, FL"

10/10/2005