

CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
January 23, 2006

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

The invocation was offered by Finance Director Wes Hamil, 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) Winter Park High School Girls Varsity Volleyball Team State Championship recognition.

Mayor Marchman presented a certificate of recognition to the Winter Park High School Girls Varsity Volleyball Team for winning the State championship.

- b) Consideration of a conceptual approval of an art exhibition in Central Park from November 1, 2006 through February 28, 2007.

Jan Clanton, Public Art Advisory Board (PAAB) member, addressed their request for approval of an art exhibition in Central Park. She spoke about the artists that will display their artwork for a 4 month period, the type of exhibition and the safety precautions to protect the artwork. She clarified that the art will not be for sale. She addressed the deed restrictions for Central Park and her meeting Mr. Harold Ward of the Genius Foundation who agreed with the request. She spoke about the concerns with the Central Park Master Plan, their desire to display the artwork in the eastern area of the park and the structures in the park ordinance that discusses permanent not temporary exhibitions.

Mr. Ken Murrah, representing the Parks and Recreation Commission, summarized the duties of the board and their January 9 meeting. He also stated that the Public Art Advisory Board was not aware at the time of the Central Park Master Plan adopted to limit contemporary art in the west side of the park. He stated they met with the PAAB in Central Park to indicate the location, to identify the dimensions of the artwork, to identify the cost to the City for the exhibit and to identify the effects on Central Park regarding the purpose and current use of Central Park by its residents. He further addressed the curator never being asked to consider using the west side of the park. He addressed each piece of artwork and their dimensions. He stated they were told that the City would be responsible for the maintenance of the pieces.

He spoke about the other events in the park that will be impacted by these pieces being displayed for the four month period. He provided the board's recommendation to honor the provisions of the Central Park Master Plan, but if the Commission agrees to allow the artwork in the east side of the park that they be located at the corner of Park and New England Avenues, one on each side of the rose garden and follow that around to four pieces of art on the west side of Central Park. He also stated they recommended shortening the length of the exhibit to 12 weeks.

Brian Wettstein, 356 Park Avenue S. spoke in favor of the exhibition in Central Park. He stated they believe it fits within the passive nature of the park and shows the culture and heritage that Winter Park is always speaking about. He provided a package of signatures from business owners supporting the exhibit. He was in total agreement with the Public Art Advisory Board's recommendations.

Barbara Sorensen, 455 Lakewood Drive, spoke in favor of the exhibition. She addressed her experience in outdoor sculpture and her sculptures on exhibition in Leu Gardens. He spoke about the success of the exhibit at that location and other cities that have successfully undertaken this type of exhibition.

Terry Olsen, Orange County Arts and Cultural Affairs, provided comments about public art in general. He addressed the benefits of such an exhibit.

George Herbst, 1742 Temple Drive, spoke in favor of enabling the exhibit in Central Park. He stated that Rollins would be happy to host an educational link to the art exhibit if they can find a way to do so.

Tom McMacken, 1821 Shiloh Lane, member of the Public Art Advisory Board, spoke in favor of the art exhibit. He spoke about the importance of the exhibition for the education, enjoyment and enrichment of all citizens.

Mayor Marchman spoke about the Parks and Recreation Commission not being opposed to the concept of the exhibit but had concerns with the positioning of the art. He spoke in favor of moving forward with this request but hoped that the curator and both boards could reach a consensus regarding the art location. He stated if this does not happen, he believed that the Commission would be the final decision maker.

Commissioner DeVane expressed her excitement with moving forward with approving the request. She addressed the importance of using the curator to decide the location of the art work. She expressed concerns with the need to consider holiday events in the park and that the two groups need to work together and decide where to place the artwork.

Commissioner Storer spoke in favor of the art being located on the east side of the park because of safety concerns with the railroad track and the importance of the art being strategically located. He spoke about the temporary nature of the exhibit not violating any codes or any intent of the Central Park Master Plan. He addressed the support of the Morse Museum and City boards.

Commissioner Metcalf spoke in favor of the proposal. He addressed the temporary nature of the exhibit and the excitement it would bring to Park Avenue. Commissioner Eckbert spoke in favor of the art that he believed to be appropriate for the park and the importance of the curator appropriately positioning the pieces of art.

Motion made by Commissioner DeVane to: 1) approve moving forward with the project; 2) that the art pieces be displayed for a four month period as requested by the Public Art Advisory Board; 3) rely on the recommendation of the curator for placement of the art pieces when they are available; 4) and that the locations be presented to Parks and Recreation Commission and the Public Art Advisory Board for their consideration and if there is not a mutually acceptable plan, that it come to the City Commission. Seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.

c) Mead Garden Master Plan Selection Committee Appointments

Mayor Marchman suggested the appointment of Commissioner DeVane as the Commission representative and Alan Parker as his appointee to this position. Seconded by Commissioner Storer and carried unanimously.

NEW BUSINESS – CITIZENS COMMENTS:

1. Lurline Fletcher, 790 Lyman Fletcher, spoke about the crossing at Morse Boulevard and Virginia Avenue being sight prohibited because of vehicles parking on the roadway. She asked that four way stop signs be installed at Morse and Virginia and at Capen and Morse Boulevard.

2. Carolyn Cooper, 1047 McKean Circle, commented against the City amending the comprehensive plan text or maps. She addressed her conversation with the Department of Community Affairs concerning this issue. She stated she was informed that the City is prohibited from amending their comprehensive plan; both text and land use map. She asked the City to not force the citizens to petition the DCA; nor bring another lawsuit against the City. Mayor Marchman asked staff and the City Attorney to review what can and cannot be done concerning amendments. He spoke about comprehensive growth plan amendments being allowed.

3. Bill Rosenfelt, 1400 New York Avenue, stated that referendums need be held on commuter rail, a new City Hall and the Enzian Theater. He spoke about not being adequately informed of these projects. He stated that the City Hall project is too large. He asked that more information be provided to the City concerning items on the agenda. Mayor Marchman reminded Mr. Rosenfelt that these projects are not moving forward right now and that plenty of information and notice will be provided when these projects are once again discussed. He assured Mr. Rosenfelt that the Commission will be working together to develop the vision for the City.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1941-06: A RESOLUTION OF THE CITY COMMISSION OF WINTER PARK, FLORIDA, GRANTING AUTHORIZATION TO THE MAYOR FOR THE EXECUTION OF THE CSX WIRELINE CROSSING AGREEMENT.

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

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

- b) RESOLUTION NO. 1942-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2658-06 OF THE CITY WHICH AUTHORIZED THE ISSUANCE OF NOT EXCEEDING \$5,200,000 CAPITAL IMPROVEMENT NOTES, SERIES 2006, OF THE CITY TO FINANCE ALL OR PART OF THE COST OF THE ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS IN THE CITY; PROVIDING FOR THE PAYMENT OF SUCH NOTES FROM LEGALLY AVAILABLE NON AD VALOREM REVENUES OF THE CITY; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

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

CONSENT AGENDA:

- a) Approve the minutes of 1/9/06.
- b) Authorize the Mayor to execute the FDOT Supplemental Local Agency Program Agreement # 415036-1-58-01 for the Pennsylvania Avenue/Lake Sue Avenue Corridor Traffic Improvements in the amount of \$496,000.
- c) Authorize the Mayor to execute the Orange County Watershed Atlas Agreement for an interactive website for watershed-based resources.
- d) Authorize the Mayor to execute the Orange County Interlocal Agreement for lake wide management of exotic vegetation in Lake Killarney.
- e) Approve the following budget adjustments:
- 1) Appropriate \$32,000 from the Fleet Maintenance Fund Balance for the installation of pollution control equipment required by EPA at the City garage facility.
 - 2) Transfer \$1,000 from Economic and Cultural Development to the Unity Heritage Festival.

- 3) Carry forward \$7,632,136 in capital project budget balances remaining from FY 2005 to FY 2006.
- f) Approve the Waste Management CPI increase of 3.4% effective with the February 2006 billings, passing the rate increase on to the single-family residential customer and to the commercial and multi-family units utilizing the cart collection system effective for the February 2006 billings in accordance with the Solid Waste Collection Agreement. **PULLED FROM THE CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
- g) Approve the following purchase order/RFP:
 - 1) PO 122198, after-the-fact to Garner Environmental Services, Inc. for cleaning 24" sanitary main on Lakemont Avenue and 12" sanitary main on Balfour Drive; \$63,000 (Budget: Utilities: CIP)
 - 2) Authorize the Mayor to execute the final contract with Winderweedle, et al, RFP-20-2005, City Attorney Services. (See attached)
- h) For Your Information – Vinofest Wine and Food Festival, Sunday, February 19, 2006, 2:00-6:00 on Park Avenue between Comstock and New England Avenue special event approval. **PULLED FROM THE CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
- i) For Your Information – Style Network's Instant Beauty Pageant Television Program, Saturday, February 11, 2006; 5:00-6:00 p.m. – Park Avenue

Commissioner DeVane pulled Consent Agenda Items 'f' and 'h' for discussion.

Motion made by Commissioner Storer to approve the Consent Agenda, with the exception of items 'f' and 'h'; seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.

Consent Agenda Item 'f'

Commissioner DeVane spoke about the contract with Waste Management for an annual CPI increase of 3.4%. Mr. Geletko, Waste Management, was present. Commissioner DeVane spoke about the collection deteriorating and receiving a lot of complaints. She asked that a penalty be imposed when they fail to perform according to what is appropriate and what we anticipate their services to be. She clarified that the complaints are post hurricane complaints.

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

Consent Agenda Item 'h'

Commissioner DeVane expressed her concerns with a vine festival on Park Avenue and because the festival is benefiting only one merchant and one wine wholesaler. She stated that the appropriate location would be the Farmers' Market and asked that the event be moved there. Commissioner Metcalf spoke about comments circulated suggesting that all the restaurants and wine entities on Park Avenue be allowed and offered the opportunity to participate. Supportive of Commissioner

DeVane's comment to move to the Farmers' Market, Commissioner Metcalf spoke against blocking off a portion of the avenue.

Motion made by Commissioner DeVane that the VinoFest be encouraged to move to the Farmers' Market or come back with an alternative plan and that this event not be approved.

Leah Shepherd, 1270 Orange Avenue, PNG Events, stated that each business on Park Avenue was approached before going to City Management for approval of the event. She stated they met every criteria presented to them in their permit approval process dating back to November 2005. She spoke about the e-mail received by the Commissioners being outdated and that all merchants/restaurant owners on Park Avenue are in agreement (including Pannullo's Restaurant). She stated that Southern Wine and Spirits was the only wine vendor that offered to donate the wines for the event which is why there is only one vendor involved. She stated this event is going to benefit the Winter Park Live Oak Fund.

Willow Shambeck, Shou'Ture, Park Avenue, spoke in favor of the event because of the people it will bring to Park Avenue. She stated she believed that all the merchants located where the street will be blocked off have agreed to this event.

Lynn Conte, 550 Via Lugano, spoke in favor of the VinoFest because of the beneficiary being the Live Oak Fund.

Stephanie Hanchey, 1270 Orange Avenue, PNG Events, stated that all merchants in the two block area are in favor of the event and that the event has already been approved by the City Manager and staff. She stated they have already moved forward with the event planning and advertising.

Beth Dillaha, 1801 Forrest Road, spoke in favor of the VinoFest. She stated it appears to be a fabulous event and will bring people to Park Avenue. She disagreed with having the event at the Farmers' Market.

Jean Cumming, Golfview Terrace, asked how the Commission cannot approve the event if the permits have already been approved.

Carolyn Cooper, 1047 McKean Circle, agreed with moving the event to the Farmers' Market because of the event being on a Sunday. She recommended disapproval.

The motion failed for a lack of a second.

Further discussion ensued regarding only one vendor being involved, if the event becomes an annual that more vendors could participate, and the consensus built among the vendors of Park Avenue.

Motion made by Commissioner Eckbert to approve the event, seconded by Commissioner Metcalf and carried with a 3-2 vote. Mayor Marchman and

Commissioner DeVane voted no. Commissioners Storer, Eckbert and Metcalf voted yes.

Motion made by Commissioner Metcalf to approve Consent Agenda Item 'h', seconded by Commissioner Storer. Motion carried with a 3-2 vote. Mayor Marchman and Commissioner DeVane voted no. Commissioners Storer, Eckbert and Metcalf voted yes.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2659-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-82 "GENERAL PROVISIONS" SO AS TO REQUIRE SPACE BE PROVIDED FOR PAD MOUNTED TRANSFORMERS.

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

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

- b) ORDINANCE NO. 2660-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-81 "OFF-STREET PARKING AND LOADING REGULATIONS" SO AS TO REQUIRE BICYCLE PARKING BE PROVIDED BY NEW DEVELOPMENTS OR SPECIFIED REDEVELOPMENTS AS PER THE REQUIRED USES OUTLINED HEREIN.

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

Motion made by Commissioner Eckbert 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 with a 5-0 vote.

- c) Request of Sydgan Corporation for the redevelopment of the properties at 410 & 550 Denning Drive, 800/828/844 W. 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 three level parking garage: 1) Conceptual approval of Master Development Plan for the Denning Drive Apartments and Conditional Use Approval and Planned Development Approval;

2) ORDINANCE NO. 2661-06: 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 RESIDENTIAL AND TO CHANGE THE EXISTING ZONING FROM SINGLE FAMILY (R-1A) AND MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO MULTI-FAMILY RESIDENTIAL (R-4) DISTRICT ON THE PROPERTIES AT 410 AND 550 DENNING DRIVE AND 800, 828 AND 844 WEST SWOOPE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Planner Jeff Briggs summarized the properties involved in the conditional use and rezoning request for the Denning Drive apartment complex. He stated that the project once again went back to the Planning and Zoning Commission (P&Z) on January 10 to deal with the four items of concern from the November 14 Commission meeting: 1) the debate over parkland to be dedicated/donated to the City. The developer agreed to a donation and is a part of the development agreement; 2) the scale and size of the parking garage was reduced from four to three levels which lowered the height to 35' or less than the existing R-3 zoning permits; 3) the unbroken façade along Denning Drive and if it is appropriate to have 50' building elements on the corner of Canton and Denning with single family across the street, along with the setbacks. No recommended changes to the elevation were made by the P&Z; and 4) the parking garage being so close to single family properties owned by other parties. The P&Z felt it was appropriate to move the garage to meet the 20' setback in the code. He stated the developer is in agreement to take 7 ½' out of the internal courtyard and move the garage closer to the units, to reduce the pool and patio area, and to push it 2 1/2' closer to Swoope to pick up the extra 10' to total 20' on the south and adjacent to the property owners not a part of this project. He stated with the three changes in modifications and the other conditions of approval of the P&Z from the first time, they are recommending that the Commission approve the request.

Commissioner DeVane asked about the width of the sidewalk along Denning Drive and asked for wider sidewalks. Mr. Briggs responded that the wider sidewalks can be accomplished but would take some of the green area between the sidewalk and the buildings.

Assistant Planning Director Vargas commented that he asked the P&Z to allow staff the flexibility to work with the applicant to address the consistency of what is happening across the street on the west side of Denning Drive so they can have a greenway next to the curb. He stated they will start with a 5' greenway to allow for a canopy of trees to be planted along both sides and address the issue of the 10' sidewalk which is already happening on the west side to be replicated also on the east side. He stated that this will be detailed before they resubmit to the P&Z with architectural details and that staff will address this with them.

Representing the applicant Mr. Bellows, Attorney Todd Norman, 37 N. Orange Avenue, Suite 200, Orlando provided a general overview of the project and what is currently at that location. He addressed the zoning of the project (mainly R-3) and that the proposed building meets the current R-3 criteria; a zoning change to R-4 is

not necessary because of setback or height issues. He stated they are asking for R-4 zoning because they want to provide more affordable housing and this would allow more units. He addressed the four issues of the City Commission that went back to the P&Z for review and how they modified their plans to address the concerns related to the project. He asked for approval of their request.

Recess

Recess taken from 5:30 – 5:35 p.m.

Carolyn Cooper, 1047 McKean Circle, asked that the request be developed as R-3 and that the comprehensive plan not be deviated from.

Lurline Fletcher, 790 Lyman Avenue, expressed her displeasure with the size of the proposed building and parking garage. She asked that their residential neighborhood not be affected by this and other future requests.

Mary Daniels, 650 Canton Avenue, expressed her opposition to parking garages in residential areas regardless of who the applicant is. She addressed concerns with the proposed zoning change and with a park located where the resident resides at Capen and Canton.

Janie Baker, 650 Northwood Circle, spoke about denied opportunities provided to the African American population decades ago. She asked when this was going to stop because of the rezoning request in the area that they reside. She asked that the residents on the west side be respected and not take everything from them.

Rick Frazee, 1921 Englewood Road, opposed the proposed project because of the lack of green space between the building and Denning Drive and the proposed zoning changes.

Susan Gabel, 1539 Golfside Drive, opposed the rezoning to R-4 because she believed it was premature. She opposed the parking garage and asked where the current residents will go. She asked that the residents not be affected by this project.

David Strong, 300 Virginia Drive, addressed the respect he has for the accommodations the developer has made since the original presentation, and his feelings that the west side residents should be treated fairly. He opposed the parking garage at that location because of its impact to the residents.

Bill Rosenfelt, 1400 New York Avenue, stated this should be tabled until the land use issue is resolved. He addressed the right for the residents to have privacy and that the west side needs to be respected.

Rudolph Scott, 750 Northwood Circle, spoke about what he believed is displacement of the west side residents because of rezoning the properties on the west side.

Michael Dick, 823 Granville Drive, commented about the e-mail he sent to the P&Z and Commission about the town meeting on November 30 and the comment he believed was made by the Mayor regarding the proposed moratorium. He apologized to the Mayor for being wrong in quoting him because it was not the Mayor who made the comment. He spoke about opposing the R-4 rezoning request because the current zoning is sufficient for the project. He explained the other reasons why he was in opposition.

Reginald Clark, 855 English Court, spoke about his research regarding the project and the number of residents on the Westside. He asked about the plans for other projects on the other side of Canton Avenue. He stated he is not totally against the proposed project but that the residents on the west side should be considered when encroaching onto their properties. Mayor Marchman spoke about the Commission not having the power to keep anyone from selling their lot.

Dan Bellows, 533 W. New England Avenue, clarified that they have maintained a 10' sidewalk on all their projects even when 5' or more has been on their private property. He stated that 7' will be on their private property with this project along Denning Drive. He stated they support the City's plan of the live oak plantings and the pedestrian feel you receive with wide sidewalks. He spoke about the rezoning of 835 W. Canton Avenue and Mr. Briggs stating that it did not matter if it was R-1A or R-2. He addressed what is stated in the developer's agreement regarding their stormwater retention and he needed to be assured he has the right to develop his stormwater as he needs to. He spoke about his respect for the west side community and that he is following the CRA plan. He also clarified that he is donating and deeding land to the City for a park. He asked for approval of the project.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the project and the P&Z changes that improve the project even more. He stated the zoning should be changed which is in keeping with the Charrette, will be a beautiful project and will give you more units than with staying with the R-3 zoning.

Commissioner DeVane inquired into the differences of lot coverage between R-3 and R-4 zoning. Planner Briggs provided the differences.

Commissioner Metcalf inquired into the number of units the developer can build under the current zoning. Mr. Briggs stated Mr. Bellows could build a 80 unit condo building upon rezoning all of the project to a R-3 intensity and if the zoning was not changed, he could only build 55 units.

Commissioner Eckbert disclosed that he met privately with Ms. Cooper to discuss this project prior to the meeting. He inquired into the challenges of the legality of the proposal and asked for Attorney Cheek's analysis of those challenges. Attorney Cheek addressed amending the Comprehensive Plan and when the number of amendments allowed refers to small scale development versus large scale amendments. He stated that the comments made by the public as to the number of

allowable comprehensive plan changes per year is not accurate. He spoke about the letter displayed by Ms. Cooper not being a ruling by the DCA, but an interpretation by an official that did not break down large and small scale amendments. He stated the City's interpretation is reasonable that if it is a small scale amendment, it is exempt from the DCA. He stated there is no case law regarding the interpretation of the statute.

Discussion ensued whether we are correct in its interpretation of amending the comprehensive plan. City Attorney was asked to opine how other municipalities are interpreting the statutes as related to small scale amendments and DCA approvals. It was clarified that the only concern was to change the zoning from R-1A to R-4. Mr. Bellows assured that his attorney has discussed that his project falls within the guidelines of a small scale amendment. He asked that this item be broken into two votes concerning the two properties so they can move forward while the City Attorney is reviewing the DCA rules and other municipalities.

Commissioner DeVane asked Mr. Bellows about the possibility of redesigning the project so the parking is not adjacent to residential. She stated her concerns about a residential building being over 400 feet in length with the only break being the entrance to the parking garage. She could not support the project because of the location of a parking garage adjacent to R-1 residential, and the building facade of 400 plus feet. Mr. Bellows responded negatively that they have exhausted their ability to redesign the project. She spoke about the pros and cons of comments made by the public at the P&Z meeting that she attended. She suggested that the next Winter Park Update newsletter include an article on the role of code enforcement and how you get them involved if people do not maintain their property. Commissioner DeVane addressed her concerns with the project plans not containing breaks in the building.

Responding to Commissioner Eckbert's request, City Attorney Cheek provided an explanation of small/large scale amendments to the comprehensive plan. Commissioner Eckbert provided comments regarding the compatibility with the design Charrette for Denning Drive, that the P&Z is substantially in support of the changes made to the project, he rejected charges of racism as made by a resident of his support of the project or by the Commission at large, he rejected accusations that the Commission or him specifically is not respecting and listening to all the citizens within the City, and that the Commission is not in a position to keep private property owners from selling their property. Commissioner Eckbert suggested to table the item until additional information is received from the City Attorney.

Commissioner Storer questioned whether or not the CRA plan was approved by the State. Staff provided a response. Commissioner Storer provided comments in support of the project. He stated this project is what has been asked for, it provides affordable housing and a diversity of housing and he is comfortable enough that safeguards have been taken regarding the zoning and comprehensive plan issue. He addressed the R-3 zoning not being practicable. He stated he is satisfied with the P&Z modifications since the November meeting.

Commissioner Metcalf spoke about his support of the project because of what the alternatives could be for this site and that the issues were addressed by the P&Z with a more positive vote. Mayor Marchman stated the project has more positives than negatives and that it needs to move forward.

Motion made by Commissioner Metcalf to approve the conceptual approval of the master development plan with all of the staff and P&Z recommendations, to include all the conditions; seconded by Commissioner Storer. Motion carried with a 4-1 vote with Commissioner DeVane voting no.

Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner Metcalf.

Comments were provided by Planner Briggs regarding the property at 835 Denning Drive and whether the zoning should be changed. He stated the zoning does not need to be changed if the development agreement includes the rear 100' for stormwater retention use.

Both the motioner and the seconder agreed to an amendment to the motion to include the rezoning of the parcel from R-3 to R-4 and the R-1A on the corner of Denning and Canton Avenues being rezoned to R-4.

Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane voted no. The motion carried with a 4-1 vote.

CITY MANAGER'S REPORT:

- a) Comprehensive Plan Survey discussion.

City Manager Williams spoke about the interest in obtaining input from the citizens regarding the comprehensive plan. Communications Director Clarissa Howard spoke about their department and the Commission looking for additional ways to obtain citizen input. She stated we are looking for additional tools to add to our comprehensive plan review timeline and to brainstorm ways as to how the community can be involved in the review of the comprehensive plan. She stated that a survey would educate and inform the residents about the comprehensive plan and would gain and garner that public input onto the plan and review of what the public would like to see done. She stated the survey would address hot topics and would be mailed out the end of March to be returned by the end of April to fit within the timeline as presented by the Planning Department. She stated that the mail survey could go to all the residents in the City or a random selection. She summarized the pros and cons of a mail survey. She stated they are still formulating questions which will be presented on February 27 to the Commission. She asked if the Commission would like City staff to move forward with this.

Commissioner Eckbert provided comments concerning his concerns with informing the public in the same instrument that we are soliciting feedback in. He stated the

scope of topics was too broad and that redevelopment needs to be focused on in this survey. He also commented that driving toward a statistically relevant feedback is important for it to be meaningful, it would be driven by a scientific process to create a demographically diverse and reflective response from the citizens.

Commissioner Metcalf stated he would like to see anything we make as scientific as possible. He stated he would like to see and help to develop the questions and did not object to receiving input from the individuals expressing interest in what is happening in the City. He stated he wants to see the results come out and represent what they believe is the feeling of the entire City.

Commissioner DeVane stated she would like an in-depth survey to focus on one topic. She expressed an interest in this becoming a tool on an annual basis to use in the budgeting process. She stated that education can be provided through other venues. She stated the survey should remain short which guarantees a higher response and would like to consider that the first survey be sent to everyone in the community by mail to obtain a better idea demographically.

Mayor Marchman stated he wanted to see the survey mailed to all citizens and focus on development/redevelopment. Commissioner Storer added that politics or the appearance of politics needs to remain out of this. He stated that we need to be sure that what is returned is usable and there will not be further questions raised by what is returned. He stated the clear and concise questions will take care of this issue. He agreed with sending the survey to all residents and to be sure that the questions are general in nature, not specific questions related to a specific project.

Bill Rosenfelt, 1400 New York Avenue, suggested specifying geographic areas for development on the survey rather than more specific questions related to building heights, etc.

Harry Barley, 1671 Oakhurst Avenue, addressed his background in this area. He commented about the complexity of the topic and no matter if a mail or phone survey is done, that the research team do a couple of focus groups to precede the survey to be sure there is a shared understanding of the questions, the vocabulary and concepts. He stated doing the focus groups first with a cross section of the population to discuss the topics to be sure the citizens understand the terms being used and the concepts being discussed, is very important to have valid results come out of the survey.

Consensus was to distribute the mail survey to everyone, authorize Ms. Howard to obtain quotes and to locate a group with a tremendous reputation in the area of obtaining valid survey results. Consensus that the survey be focused specifically on redevelopment.

2. Although not on the agenda, information related to café seating in Redwood, California was provided. This will be placed on the next agenda. Commissioner Eckbert thanked the City Manager for providing a fine document they can utilize.

3. City Manager Williams asked for direction as to how the Commission wants staff to proceed regarding the proliferation of yard signs throughout the City. City Attorney provided an interpretation of the City's sign regulations. There was a discussion regarding political signs that have been out before the allowed timeframe of 45 days prior to the election. It was clarified that the One Winter Park signs do not meet City code.

Bill Rosenfelt, 1400 New York Avenue, spoke about the One Winter Park signs not being a political sign but expressing their own view regarding development.

Margie Wagner, 181 W. Stovin, asked for clarification of the sign code. Attorney Cheek responded.

Further discussion ensued regarding real estate signs and other allowable signs requiring a permit. Commission consensus was to direct staff code enforcement to send a letter to the One Winter Park organization that the signs are in violation of city codes and that they need to be removed.

NEW BUSINESS (CITY COMMISSION):

- 1) Commissioner DeVane recommended that the City hold a work session to discuss the post office redevelopment project; where we are on it and the Commission's thoughts. She stated there would be no public comments allowed at the work session. There was a consensus to schedule the work session after the February 15 P&Z meeting and the Carlisle public presentation takes place. The City Clerk was instructed to schedule the work session before it comes to the Commission on February 27.
- 2) Commissioner DeVane asked that the Comprehensive Plan Task Force review pedestrian safety because of difficulty crossing the streets and when you should introduce four way stop signs, pedestrian safety lights and traffic lights since they are meeting this week to discuss the transportation element. The time of their meetings was discussed.

Mayor Marchman adjourned the meeting at 7:50 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham