

CITY COMMISSION MEETING MINUTES
February 9, 2004

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth "Kip" Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was offered by Pastor David Nixon, Redeemer Lutheran Church, followed by the Pledge of Allegiance.

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

MAYOR'S REPORT:

- a) Mayor Marchman read a Proclamation declaring February 14, 2004, as Albin Polasek Day. Planning Director Don Martin introduced the Polasek Museum's new Executive Director, Debbie Kimanski. She invited the Commission to their birthday party on February 15, 2004. Former Mayor Allen Trovillion spoke about Mr. Polasek being a proud U.S. citizen and the art work outside of City Hall that Mr. Polasek donated. **Motion made by Commissioner Storer to declare February 14, 2004, as Albin Polasek Day; seconded by Commissioner Metcalf and carried unanimously.**
- b) Mayor Marchman recognized William Colon, Utilities Division, as February 2004 Outstanding Employee of the Month.
- c) Mayor Marchman nominated Francine Newberg to serve on the Public Art Advisory Board. Seconded by Commissioner DeVane and carried unanimously.
- d) Mayor Marchman discussed a matter coming from the Orange County Council of Mayors regarding the City's involvement in the 'Ax Gridlock Task Force.' He explained the proposal to revisit the transportation needs in Orange County and possibly revisit the ½ cent sales tax which was initially presented as the Mobility 20/20. He stated the City has been asked to appoint a staff person and a prominent City resident to work with the task force.

He stated that City Manager Williams has agreed to serve as the staff appointed to the group and asked for suggestions for the appointment of the citizen. He stated he believed the City should participate in this effort at least through the exploratory stages. There was a consensus of the Commission to appoint Mr. Williams as the staff person to the task force and to appoint the citizen at the next meeting.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1854-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 111 E. WEBSTER AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

- b) Attorney McCaghren presented the Proclamation of Election for the upcoming referendum election and explained its content. No public comments were made. **Motion made by**

Commissioner Storer to adopt the proclamation of election, seconded by Commissioner DeVane and carried unanimously.

CONSENT AGENDA:

- a) Approve minutes of 1/26/04.
- b) Approve change order as follows:
 - 1) Change Order #6, contract with Orange County Highway Construction Division, to add pipe and work to finish water piping adjacent to Aloma Water Treatment Plant, \$376,902.70 (Budget: Utilities)
- c) Approve budget adjustments as follows:
 - 1) Appropriate portion of \$70,000 AT&T audit settlement to purchase a remittance processing system that will allow the processing of lockbox utility payments in-house. By eliminating the fees currently paid for lockbox services, this purchase will pay for itself in slightly more than two years. Also, our customers will receive envelopes directing their payments to City Hall vs. a Tampa address.
- d) Review calendar and update with upcoming events.

No public comments were provided.

Motion made by Commissioner DeVane to approve the Consent Agenda, seconded by Commissioner Metcalf. Motion carried unanimously with a 5-0 vote. Commissioner Eckbert asked that the meeting with Coral Springs be rescheduled.

PUBLIC HEARINGS:

- a) Increasing the membership of the Public Art Advisory Board from eight (8) members to nine (9) members.

ORDINANCE NO. 2562-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ORDINANCE NO. 2494-03, INCREASING THE MEMBERSHIP OF THE PUBLIC ART ADVISORY BOARD FROM EIGHT (8) MEMBERS TO NINE (9) MEMBERS; PROVIDING AN EFFECTIVE DATE. Second Reading

City Attorney McCaghren read the ordinance by title. Anne Gray, Public Art Advisory Board Chair, spoke in favor of the additional board member. No further public comments were made.

Motion made by Commissioner DeVane to adopt the ordinance, 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.

- b) Exchanging two parcels on Howell Branch Road adjacent to the VCA Animal Hospital in exchange for property adjacent to the Public Works Facilities on Howell Branch Road.

ORDINANCE NO. 2563-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE EXCHANGE OF REAL PROPERTY; AUTHORIZING THE EXCHANGE OF REAL PARCELS OF PROPERTY OWNED BY THE CITY ON HOWELL BRANCH ROAD ADJACENT TO THE EXISTING VCA ANIMAL HOSPITAL PROPERTY IN EXCHANGE FOR A PARCEL OF PROPERTY ADJACENT TO THE CITY'S EXISTING PUBLIC WORKS FACILITIES ON HOWELL BRANCH ROAD, ALL MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

- c) Request of Ram Development for conditional use approval:

This item was continued from the January 26, 2004, meeting.

Mayor Marchman stated that the Commission will need to interpret the City's Comprehensive Plan first because of the floor area ratio being proposed with commercial zoning. He stated the conditional use request also needs to be considered depending upon the way the Comprehensive Plan is interpreted as well as the financial plan which will be discussed as the Community Redevelopment Agency.

Planner Jeff Briggs presented the conditional use request from Ram Development to build the two proposed buildings at the Winter Park Village. He stated the reference will be made during the discussion to the Commission regarding the approval granted in February 2003 for the property on the Denning/Webster Avenue corner. He stated that the applicant since then has decided not to move forward with this project and have revised their request for the two buildings being presented this evening. He addressed the major change from apartments to condominiums and the increase of the square footage of the units (800 square foot apartments to 1,600-1,700 square foot condos).

Mr. Briggs stated there were also changes made to the building configurations and a new building on the Canton/Denning Avenue corner. He commented that all these changes require a new conditional use review for the two buildings. He explained the composition of the two new buildings as follows: a new five story, 412,300 sq. ft. building at the southwest corner of Denning Drive and Webster Avenue within the Winter Park Village to consist of 103 condominium units; 8,325 sq. ft. of retail space and a four level, 642 space parking garage and to construct a new four story, 409,000 sq. ft. building at the northwest corner of Denning Drive and Canton Avenue to consist of 88 condominium units and a four level, 594 space parking garage.

Planning Director Don Martin presented the general dynamics of the Winter Park Village and surrounding area. He addressed the Village liner buildings and parking structures request being made, possible competition from newly developed lifestyle centers in the area, the loss of housing stock, issues regarding the redevelopment of roadways in the area, the City's vision with respect

to redevelopment of the area, and the population trends with similar downtown areas.

Planner Jeff Briggs summarized the concerns of the Planning and Zoning Commission from their meeting to consist of being too tall, too large and too close to the roadway. He reminded the Commission that in February 2003 when the other project was approved, there were conditions of approval and if the Commission moves ahead with the project this evening, there are no conditions imposed by the P&Z for the current project being proposed because of their negative recommendation but that he will remind the Commission that some of the conditions from last year need to be repeated. He provided and summarized a list of proposed staff conditions and spoke about the proposed height and setbacks of the buildings. He stated this project is within the Commerce future land use category and the Comprehensive Plan states it is limited to a floor area ratio (FAR) of 45%. He addressed the way the Comprehensive Plan is written and the necessity to be sure the City is in compliance with the plan or change the plan to eliminate any doubt as to how the plan is to be interpreted.

Assistant Planning Director Alberto Vargas addressed the downtown quality of life, an analysis of the FAR for the project, the number of required parking spaces in relation to the buildings, the additional parking spaces that will be gained from the project and the architectural guidelines for the proposed buildings.

Representing the applicant, Attorney Hal Kantor of the Lowndes Drosdick Dostor Kantor and Reed law firm explained that Mr. Kovar has rights to develop the residential portion of the Village. He provided a powerpoint presentation pertaining to policy issues regarding the appropriate locations in Winter Park for larger buildings due to height, mass and scale; Charette issue; Park Avenue; Planning and Zoning Commission issues; the comprehensive plan issue; the proposed number of condominiums; retail square footage and the proposed number of parking spaces and parking impacts during the construction phase.

Mr. Kantor explained that they are asking to change the building from five to four stories on most of the building, they are changing from rental apartments to condominiums, and adding 8,000 square feet of retail space. He explained the building height is acceptable per the zoning code. He also explained the architectural aesthetics used to break up the height factor of the building and that the project meets the zoning code. He spoke about the Planning and Zoning Commission rejecting their project two times basing it on not wanting buildings taller than three stories which he stated is not consistent with the code.

Mr. Kantor addressed the Comprehensive Plan regarding Commerce and where the plan does not reference residential use. He argued the point that they meet the 55% lot coverage standard for the R-4 zoning district. He concluded that the project should be approved because it solves the parking problem, provides additional urban housing at the right location, it utilizes sound new urbanist principles in building and site design, reduces the building mass on the northeast parcel from what is already approved, and the failure to recognize the competitive character of today's retail opportunities will diminish sustainability of one of Winter Park's largest single taxpayers. He asked that the project be approved with the seven conditions recommended by the Planning Department with the one change that the Planning and Zoning Commission recommend to the Commission the final site plan and that the Commission approve this final plan.

Commissioner DeVane addressed the maximum impervious coverage exceeding 80% and the lack of green space and setbacks that meet multi-family zoning. Mr. Kantor responded that the 45% restriction was never intended to apply to residential. He addressed the history of the code put into place regarding the floor area ratio. Various questions were asked of Mr. Kantor by the Commission that Mr. Kovar and Mr. Kantor responded to.

A recess was taken from 5:40-5:50 p.m.

Several residents spoke against the proposed project as follows: Caroline Weinberg, 828 Golfview Terrace; Tom McMacken, 1331 Pelham Road; Cathy Karnnaratue, 750 Green Oaks Court; Nancy Shutts, 2010 Brandywine; Carol Lotspeich, 151 N. Orange Avenue; John Stevens, 640 Langholm Drive; Larry Lokken, 719 French Avenue; Jack Rogers, 1002 Temple Grove; Lurline Fletcher, 790 Lyman Avenue; Bernard Essex, 269 E. Canton Avenue; Barry Carson, 720 N. Pennsylvania Avenue; Robert McNerney, 263 E. Canton Avenue; Dick Stevens, 680 Balmoral Road; Pastor Kenneth Young, 425 W. Welbourne Avenue; Rose Jones, Chateau De Luc Condominiums; and Kenneth Murrah, 1601 Legion Drive.

The reasons given for the opposition were the number of insufficient parking spaces, the buildings being too large in size and mass, did not want to provide the developer rebates on impact fees, wanted apartments versus condominiums, increased traffic, did not want to see parking garages, the desire to maintain the safety of children and to leave the west side as residential, concerns with runoff, wanting the Commission to follow the P&Z recommendations; believes there was non-sufficient notice of the five story building being proposed, and believed there is a better way to solve parking issues without forfeiting the values of community.

The following spoke in favor of the project: Dan Bellows, 533 W. New England Avenue; Sam Stark (Chamber of Commerce), 150 New York Avenue; and Steve Griggs, 1360 Place Vendome. The reasons given in favor of the project were as follows: the project is an appropriate size, the developer is following the code, the project would be an asset to the community, the need for increased population, the need to compete with other areas, and the increased parking that is badly needed at the Village.

Forrest Michael, 130 N. Center Street, suggested what park space could benefit from the revenues raised from this project.

Mr. Kantor addressed some of the public comments made and about the need for change. He asked that they be allowed to put a four story building instead of the previously approved five story. He also addressed the need for increased revenue and parking within the City to sustain the businesses.

No further public comments were made.

Mayor Marchman explained the need to interpret the Comprehensive Plan first, then approve or disapprove the conditional use request. Mr. Briggs explained that the Commerce future land use category needs to be interpreted to decide whether it applies to Residential, Commercial and Office; or only to Commercial and Office but excludes Residential. He stated the Commission needs to make that determination.

Commissioner Eckbert asked that an analysis of the pros and cons be provided to the Commission by staff. City Manager Williams addressed the need for a solution for this project as well as other projects and that the Commission needs to debate and make decisions on those projects. Commissioner DeVane stated that we either need to require all buildings in Commerce to have a 45% FAR; or to take Commercial and allow Residential under the same banner as Office and Professional using multi-family land use standards. Discussion ensued regarding whether or not there is a staff recommendation for this project and how to interpret the Comprehensive Plan regarding the floor area ratio and whether it applies to residential.

Attorney McCaghren explained that the language concerning the FAR of 45% applying to non-residential buildings is not found in the Commerce section, but the City is being asked that the section be interpreted to include that language by implication by the Commission's actions since the initial adoption of the Comprehensive Plan. He further explained that if the Commission agrees that 45% applies to everything, the zoning could not move forward because the actions would be inconsistent with the Comprehensive Plan. If the Commission concurred with the developer's interpretation, you then decide whether or not to grant the conditional use as applied; then determine if there will be a residential component as part of the conditional use approval. He continued that it states the residential units need to be limited to the site and improvement standards established in R-4 zoning. He concluded by stating the Commission needs to decide what the Comprehensive Plan requires for a floor area ratio for property having a land use classification of Commerce.

Commissioner Eckbert again addressed his desire for a comprehensive analysis by staff with their recommendation. He stated that until he receives that analysis, he will not vote in favor of the project. Commissioner Storer stated it is the responsibility of the Commission to follow-up on various aspects of the vision. He spoke highly of staff and what has been accomplished with the Village. He spoke about the previous approval in February 2003 that he believed was the only parcel available on this site to build residential units. He stated there needs to be residences to be a true urban village. Commissioner Metcalf addressed his concerns with the density of the project and the increased traffic that this project would bring. He agreed with Commissioner Eckbert concerning the need to have a staff analysis provided. Mayor Marchman agreed that recommendations provided by staff would be helpful to the Commission. Commissioner Storer spoke about the lack of a unified voice with the staff regarding this project and their recommendations. Commissioner Metcalf expressed concerns with the Planning and Zoning Commission member stating they will not approve any building over three stories.

Commissioner DeVane stated this has been denied by the P&Z two times and that she understands the concern of not having a staff recommendation which she believed was because they were divided. She summarized the professional membership of the P&Z and commented that she did not see any reason to overturn their decision.

Motion made by Commission Eckbert to table this item until a thorough staff evaluation that considers all the issues facing Winter Park, that lays them out, demonstrates thorough consideration and presents a single recommendation from staff with regards to this project, seconded by Commissioner Metcalf. (Prior to the vote, the following discussion ensued.)

Commissioner Storer, in an effort to clearly define what is expected, inquired from staff whether a thorough evaluation and a unified recommendation can be provided. Planning Director Martin

elaborated on the information that was presented. He explained the conflicts that exist and how the static nature of the Comprehensive Plan makes it difficult to apply earlier standards to the realities that exist today. There was another lengthy discussion regarding the Comprehensive Plan and the Commission's interpretation as to whether 1) the 45% FAR applies to Commercial even with the Residential component being included, or 2) to deal with this issue as you would the Office and Professional component which uses the standards applied to R-4 zoning that includes setback standards. He asked which interpretation the Commission preferred. Attorney McCaghren further explained the issues concerning zoning, the Comprehensive Plan, the conditional use request and setbacks as related to this project.

Mayor Marchman restated Commissioner Eckbert's current motion to table the issue, seconded by Commissioner Metcalf. The motion failed with a 3-2 vote with Mayor Marchman and Commissioners DeVane and Storer voting no.

Attorney Kantor stated they can redesign and comply with the setback but can never comply with impervious surface.

Motion made by Commissioner Storer that the 45% floor area ratio does not apply to this project (residential component) and that the City does not have the appropriate category that does apply and that there is limiting factors that need to be placed on this type of development. Seconded by Commissioner Metcalf and carried with a 3-2 vote with Commissioners Storer, Eckbert and Metcalf voting yes. Mayor Marchman and Commissioner DeVane voted no.

A lengthy discussion took place regarding the Comprehensive Plan and zoning issues with this project, the history of the prior Commission changes to the zoning codes and Comprehensive Plan and how those affect this project. There was consensus that the Commerce land use text excludes the residential component from the calculation of floor area ratio. Mayor Marchman expressed the importance of a Comprehensive Plan amendment to change the Commerce component to include residential. There was a consensus to direct staff to move forward with this.

Motion made by Commissioner DeVane that it is intended that the intensity of buildings, if used residentially, may not exceed the standards for multi-family land use under Commerce; as it is explicitly stated under Office and Professional, seconded by Commissioner Storer.

After another thorough discussion regarding the interpretation of the code, Commissioner DeVane suggested that the Planning and Zoning Commission review this. Planner Briggs stated that before this goes back to the P&Z, this vote gives them the direction of what the rules have to be and what rules the Commission wants them to meet regarding building and site standards.

Motion carried unanimously with a 5-0 vote.

The conditional use approval was then addressed. The lack of a category present to address the proposed development was addressed and if the approval of the project should be discussed as a special conditional use. City Attorney McCaghren explained that with the interpretation of the Comprehensive Plan, the Commission needs to deal with the request for the project that contains

the Residential component. He stated this makes it a conditional use and as part of this conditional use, the Residential component has to meet the R-4 site and improvement standards. Mr. Kantor spoke about the height of the building and the code regarding minimum site improvements and setbacks.

Discussion ensued regarding the proposed setbacks for the project. Building Official George Wiggins interpreted the code as related to the requirements for front and side yard setbacks. Other discussion included the seven conditions of approval that were provided and what percentage of the structure is considered R-4 zoning. Attorney McCaghren suggested that the application of the standards be guided as to how they have been previously applied by the Building Official and planning staff. He stated that the City's professional staff should determine whether or not this project is in compliance rather than the Commission debating whether or not it is.

Commissioner DeVane disclosed conversations with Mr. Kovar and Mr. Kantor about the project. She commented that the Commission should not override the decisions of the Planning and Zoning Commission who has the level of expertise to interpret the codes or understand the consequences. She stated she did not see any unusual opportunities or challenges that would make her override the decision of the P&Z. She spoke about the more denser project before them with two apartment buildings and with comparable or less parking than the first approval. She addressed the success of the Winter Park Village and the insufficient parking spaces. She stated that the parking problem should first be addressed, then address the residential piece in a different venue. She stated she believed this project will cause more traffic problems. She addressed her opposition to the size and location of the project, the financials of the project, and the project causing major parking problems during construction. She spoke about the importance of apartments being part of the mix in the community and the community not wanting to see this project approved.

Commissioner Metcalf spoke about his concerns with the shrinking population in Winter Park and the need to increase the density of the core of the City, without negatively impacting the west side. He addressed his preference of residential instead of commercial at the Village. He spoke about the previously approved project that met his approval and his preference of ownership versus rental. He addressed the need to update the Comprehensive Plan in order to better deal with other projects within the City. He concluded by saying he agreed with the conditional use request. He disclosed his conversations with Mr. Kovar and Attorney Kantor.

Commissioner Storer also disclosed his conversations with Mr. Kovar and Mr. Kantor. He spoke about his appreciation for the job the P&Z does and that the City failed the P&Z by not making the policy decisions in the Comprehensive Plan. He addressed concerns with the original scale and height but saw several overriding positives to the community of providing residences downtown and implementing the last piece of the Village's vision which always envisioned residential and having a mixed-use environment. He also commented that the applicant can move forward with this prior approval if the Commission decides to reject the proposal and addressed the applicant scaling the project back. He spoke about not being in favor of economic incentives for the project.

Commissioner Eckbert announced his vote is going to be a protest vote to the process. He stated he did not believe that they have engaged in the best decision making process to evaluate what should happen regarding the project approval. He stated Mr. Kovar has improved the project but that he has concerns with the scale and that he did not know how the R-4 challenges affect the

redesign of the project. He commended Mr. Kovar's changes but that his concern with the process outweighs that. He also addressed the economic incentives. He concluded that he wanted to see the process work appropriately, see the plan as it is presented to staff, hear an analysis of the pros and cons of the project, and to receive a firm recommendation from staff.

Mayor Marchman spoke about the qualifications of the P&Z members, the success of the Winter Park Village and the contemplation of residential units there. He stated he has spoken to a lot of people about this project and that he still has concerns with the scale and mass that he believed destroys the village concept. He stated he would like the opportunity to visualize what the project will look like with the improved setbacks. He expressed concerns that some of the proposals could destroy some of the success of the project. He stated he can not support this project the way it has been presented to the Commission.

Motion made by Commissioner DeVane to deny the project, seconded by Commissioner Eckbert and carried with a 3-2 vote with Commissioners Storer and Metcalf voting yes; Mayor Marchman and Commissioners DeVane and Eckbert voting no.

- d) Adding future land use and zoning designations on the properties previously annexed within the five neighborhoods.

Attorney McCaghren read the five ordinances by title. Steve (unknown), Daytona Beach, stated he is working with owners of property on Lee Road who was recently annexed. He commented they did not know they were being annexed and expressed concerns that they had worked with Orange County to be sure they met their code with signs on their property. He addressed the dramatic affect this has with the signs they have already purchased because of the Winter Park sign ordinance. The gentleman was informed that these ordinances are not dealing with other codes such as the sign code and that they need to meet with staff to work this out.

ORDINANCE NO. 2564-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES ON THE NORTH SIDE OF ALOMA AVENUE AND EAST OF NORTH LAKEMONT AVENUE TO INCLUDE THOSE PROPERTIES ON ALICE AVENUE, PALMER AVENUE, PINEVIEW CIRCLE, OAKHURST AVENUE, YORKSHIRE DRIVE, BROOKVIEW DRIVE, HALIFAX AVENUE, EASTHAM ROAD, NORTH LAKEMONT AVENUE, SUFFIELD DRIVE, BONGART ROAD, BALFOUR COURT AND ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Motion made by Commissioner Metcalf to adopt the ordinance, 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.

ORDINANCE NO. 2565-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES AT THE SOUTH SIDE OF HOWELL BRANCH ROAD AND WEST OF THE SEMINOLE COUNTY LINE TO INCLUDE THOSE PROPERTIES ON CARRIGAN AVENUE, AZALEA AVENUE, MAGNOLIA AVENUE AND MADELINE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Motion made by Commissioner DeVane to adopt the ordinance, 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.

ORDINANCE NO. 2566-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES AT THE SOUTH SIDE OF LEE ROAD AND WEST OF EXECUTIVE DRIVE TO INCLUDE THOSE PROPERTIES ON EXECUTIVE DRIVE, LAKE FRONT BOULEVARD, COUNTRY CLUB DRIVE, LEE ROAD AND ELLEN DRIVE MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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.

ORDINANCE NO. 2567-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES AT THE NORTH SIDE OF LEE ROAD AROUND LAKE BELL TO INCLUDE THOSE PROPERTIES ON BERING AVENUE, DALMEN AVENUE, DURHAM AVENUE, ELAND AVENUE, GALEN AVENUE, ALBERT LEE PARKWAY, ALDRICH AVENUE, BEARD AVENUE, COLFAX AVENUE, KINDEL AVENUE, TURNER ROAD, LAKE BELL DRIVE, DUPONT AVENUE, ATOMIC COURT, EARLY AVENUE, FREMONT AVENUE, GLORIOSA AVENUE AND HANOVER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Motion made by Commissioner DeVane 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 unanimously with a 5-0 vote.

ORDINANCE NO. 2568-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES ON THE SOUTH SIDE OF LEE ROAD TO THE NORTH OF LAKE KILLARNEY, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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 unanimously with a 5-0 vote.

e) Allowing sail boats to be launched and operated in the City's chain of lakes.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 114, "WATERWAYS" TO ALLOW SAIL BOATS TO BE LAUNCHED AND OPERATED IN THE CITY'S CHAIN OF LAKES; PROVIDING FOR AN EFFECTIVE DATE. First Reading

Attorney McCaghren read the ordinance by title and explained its intent. No public comments were made.

Motion made by Commissioner Metcalf to accept the ordinance on first reading, 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.

CITY MANAGER'S REPORT:

a) "Native Garden" volunteer project in Central Park.

Forrest Michael, Michael Design and Associates, provided a power point presentation regarding their request to provide a native garden along West Park Avenue in Central Park. This was continued from the January 26, 2004, Commission meeting. Mr. Michael stated they spoke to as many businesses as they could.

Motion made by Commissioner Storer to approve the project with the Advisory Board and Staff recommendations as follows: 1) entry path be widened at New England Avenue to be more inviting; 2) reconsider use of Chickasaw Plum tree in middle planter; and 3) propose a "No Parking" area be designated at the entryway on New England Avenue. Seconded by Commissioner DeVane and carried unanimously.

b) Winter Park High School request for fee waiver for use of Central Park.

City Manager Williams stated that the High School asked permission to use Central Park for a "Picnic in the Park" to celebrate the school and to recognize teachers, staff and community members who have influenced students at the school and community. He stated that staff has concerns with the amount of the fee.

Linda Keen, 1312 Bridgeport Drive, representing the High School Foundation, stated that the Parks and Recreation Commission approved their use of the park but that no mention of waivers were discussed with the board. Commissioner Eckbert stated he would be happy to support a 50% waiver at Lake Island Park because the park is not fully utilized on the weekend. Commissioner Metcalf agreed with Commissioner Eckbert's comments. Commissioner DeVane spoke in favor of granting the request because of the requester being the High School. Commissioner Storer agreed with Commissioner DeVane to waive the fees. City Manager Williams explained the only direct cost to the City is the \$168.00 for staff.

Motion made by Commissioner Storer to waive the fees 100%, seconded by Commissioner DeVane, and carried with a 3-2 vote with Mayor Marchman and Commissioners Storer and DeVane voting yes; Commissioners Eckbert and Metcalf voting no.

c) Naming of Lake Island Park softball field.

City Manager Williams explained that the discussion with Rollins College resulted in the following name for the Lake Island Park softball field: "City of Winter Park, Lake Island Field, Rollins College Stadium." No public comments were made. Parks Director Holland stated the two seals of the City Parks and Recreation Department and Rollins College will be put on the inside of the field on the dugout wall.

Motion made by Commissioner Eckbert to approve the name of the field as indicated,

seconded by Commissioner Metcalf and carried unanimously.

- d) Pecora & Pecora's proposal for an extension of communication services.

City Manager Williams spoke about using this firm for various projects and found them to be a major help to the City. He stated the proposal is for Pecora to work with the City on specific projects. He explained that funds would have to come from the Contingency Fund because it was not budgeted. Communications Manager Clarissa Howard summarized the 6 month proposal and that Pecora and Pecora will help support the Department of Economic and Cultural Development, the Department of Communications, and the City Manager's Office. No public comments were made.

Motion made by Commissioner DeVane to approve the proposal to be paid as follows: Economic and Cultural Development (\$5,000) and Commission Contingency Fund (\$10,000); seconded by Commissioner Metcalf and carried unanimously.

- e) Central Business District Parking Plan.
Postponed until February 23, 2004.

- f) Projects for Federal Funding.

City Manager Williams stated that the next item contains projects for potential Federal funding in the upcoming legislative session and that the City was notified that the list needs to be in by March 1 for consideration. Commissioner DeVane asked if any modifications have been made by staff to the list. Planning Director Don Martin stated that the entire list was reviewed by staff and that some of the funding amounts were changed and that funding was added for parking structures in downtown. He stated they are now asking for funds to rebuild the Community Center, not to modify the existing structure. Commissioner Metcalf asked if funding for U.S. 17-92 can be included on the list. There was a consensus to add 17-92 to the list and add funding for improvement or reliability with electrical distribution or undergrounding. Commissioner DeVane addressed the issue of public safety and having all the City facilities interconnected by underground utility lines with some type of access to each other. There was consensus to add this under security. Commissioner DeVane addressed the funding being requested for park land redevelopment and the CSX rerouting of tracks.

- g) Casa Feliz site improvements.

City Manager Williams provided the plan for site improvements needed regarding drainage, paving of the driveway entering the circle, construction of a brick circle turnaround, connection to Knowles Avenue, and provide bricks for construction of the driveway going into the house. The estimated cost is \$27,800. He asked if the Commission wants to take this out of the Contingency Fund or delay the work and consider it as a capital project in next year's budget. Mr. Jack Rogers was available for questions.

Commissioner Storer inquired whether these funds could come out of the golf course funds. He was informed there were no funds available at this time. Commissioner Metcalf inquired whether refinancing the golf course could provide the needed funds. Assistant City Manager Knight explained that the golf course debt is not paid from the golf course fund but paid from the general fund account. Discussion ensued regarding the amount of revenues from the golf course so far this year, the proposed entrances, traffic circle and the proposed bricking and parking. Commissioner Metcalf asked what happens to the economics of the project if the Historical Association moves into

the Chamber building. Mr. Rogers responded it will not largely affect the economics. No public comments were made.

Motion made by Commissioner Metcalf for the City to work with the Friends of Casa Feliz to complete the project and approve the site plan as presented and the estimated site improvements as follows with the funding to come out of the Contingency Fund: stormwater improvements (materials only), \$5,100; road base material, \$3,000; asphalt materials, \$4,000; bricks in traffic circle (materials and installation), \$11,000; and concrete curb, \$4,700; seconded by Commissioner DeVane, and carried unanimously with a 5-0 vote.

h) Policy on City Boards.

City Manager Williams addressed this item. He stated that the City has a total of 23 permanent boards and seven task forces which involves a considerable amount of staff time and support. He stated that Commissioner DeVane suggested to come up with a policy and method for evaluating the effectiveness of the boards to consider sunset provisions and to discuss dialogue with each board. He suggested that each board Chairman make a presentation to the Commission regarding their goals and desires with the Commission and to receive feedback.

Commissioner Metcalf stated he preferred that staff come back with suggestions on which boards are functioning. Commissioner Eckbert agreed and asked that some of the boards be consolidated and for staff to provide those recommendations and to reduce the number of boards. Commissioner DeVane addressed the importance of ensuring the boards are being effective. Commissioner Storer asked that staff provide recommendations as to how to consolidate the boards and how to make them as effective as possible. There was Commission consensus that staff provide recommendations as to which boards can be consolidated and to review their effectiveness.

i) **Proposals for the 10' x 150' strip of property within the Sprint property. Postponed until February 23, 2004.**

NEW BUSINESS:

1. Commissioner DeVane spoke about the importance that staff review and provide a recommendation to the Commission regarding mixed development. She addressed the need to provide expiration dates on projects where conditional use approvals have been given.

2. Commissioner DeVane addressed the requests for fee waivers that come before the Commission. She asked for consideration in the budgeting process that each Commissioner be provided a small amount of discretionary funding that they can use for requests that are important to each individual Commissioner.

3. Commissioner DeVane spoke about Coral Springs and if there is a format or program they use for budgeting that the Commission could review even if the meeting with Coral Springs does not take place. Assistant City Manager Knight stated he has not heard back from Coral Springs as of this time to reschedule the meeting with them. Commissioner Eckbert summarized the zero based budgeting process of Coral Springs and addressed the need to provide a survey as to what the

City's citizens wish to be included in the budget to ensure their involvement in the process.

The meeting adjourned at 10:40 p.m.

ATTEST:

Mayor Kenneth R. Marchman

City Clerk Cynthia Bonham