

**CITY COMMISSION MEETING MINUTES**  
**February 23, 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 Finance Director Wes Hamil, 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) Brian Dean, Fire Department, presented a citizen's award of merit to Ms. Susan Wujustyk for helping control a fire at the El Cortez Apartments and helping occupants exit the burning apartment.
- b) Ms. Leigh Matusick, Administrator for the Florida School Crossing Guard Program, presented the State of Florida's School Crossing Guard Trainer of the Year Award to Officer Jeff Marcum, Winter Park Police Department. The award was on behalf of Governor Jeb Bush.
- c) Mayor Marchman presented certificates of appreciation to the Casselberry/Winter Park Kiwanis Club, the original Central Florida Bass Fishing Club, and the Florida Fish and Wildlife Conservation Commission for their participation in the 6<sup>th</sup> annual "Test The Waters" fishing tournament.
- d) Mayor Marchman nominated Guy Colado to the Ax Gridlock Task Force of the Orange County Council of Mayors. Seconded by Commissioner DeVane and carried with a 3-2 vote with Commissioners Storer and Eckbert voting no.
- e) Mayor Marchman stated he was asked to appoint another person to the Program Development and Evaluation Committee for the CRA. He nominated William R. McCormick. Seconded by Commissioner DeVane and carried unanimously.
- f) Mayor Marchman addressed the consideration of Commission appointments to the Police and Fire Pension Fund Boards. He stated that Commissioner DeVane asked that her appointment to the Fire Pension Board be discussed. She addressed her conflict with attending the meetings and asked to be relieved from this assignment. Discussion ensued regarding whether Commissioners need to be assigned to these boards or to appoint a citizen. Assistant City Manager Knight addressed the statutory requirements of these boards.

Commissioner Storer stated he would be in favor of rotating the position because he has been on the board many years and has also had previous conflicts with meeting times. Commissioner DeVane addressed the importance of a financial background for whoever is appointed. Attorney McCaghren summarized the statutory requirements. Commissioner Storer suggested that the Mayor speak to the two boards to determine if they may have recommendations as to who could replace the Commission or if he has other individuals in

mind. He stated he did not mind serving on the board until a more clear policy is provided. Commissioner Eckbert suggested the appointment of banker Tony Gray. Mayor Marchman stated he would speak to Mr. Gray. After further discussion, there was a consensus that it was not necessary for a Commissioner to serve on these boards but that qualified civilians should be appointed.

**CITY ATTORNEY'S REPORT:**

- a) RESOLUTION NO. 1856-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 451 GARFIELD 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 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. 1855-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1645 BERKSHIRE 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 Eckbert 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.**

- c) Attorney McCaghren spoke about the upcoming March 9 election and the need for the commission to convene at this time to address housekeeping items. The Mayor recessed the Commission meeting and convened as the Canvassing Board.

**Motion made by Commissioner Storer to adopt the Orange County Canvassing Board criteria for canvassing absentee ballots, seconded by Commissioner DeVane and carried unanimously. Motion made by Commissioner DeVane to allow the Orange County Canvassing Board to open and process the Winter Park election ballots early that are not questionable and do not require review by the Winter Park Canvassing Board, seconded by Commissioner Eckbert and carried unanimously.**

Attorney McCaghren advised the Canvassing Board that they need to meet at the Supervisor of Elections office no later than 5:00 p.m. to begin canvassing questionable absentee ballots. He stated three Commissioners are needed for a quorum, that the results will be coming in late, and that the Commission will need to again convene on Wednesday, March 10 to certify the results. Commissioner DeVane asked if the absentee ballots could be canvassed on Wednesday along with the certification. The City Clerk stated that she will check to see if another option can be provided to meet only once. It was determined there would be a quorum on both nights, if necessary.

**CONSENT AGENDA:**

- a) Approve minutes of 2/9/04.
- b) Approve bid and change orders as follows:
  - 1) RFP-4-2004, Actuary to Conduct a study of the possibility of converting its Defined contribution Pension Plan (401A) to a Defined Benefit Plan for General Employees to Gabriel, Roeder, Smith & Company. The base study will cost \$24,420 for the first 10 cost computations which are estimated to be completed within 60 days. Other costs over what is included in the base cost are listed. (Budget: Employee Insurance Fund)
  - 2) Change Order to CH2M Hill for the subcontractor Diversified Drilling Corporation for the installation of two new potable drinking water wells at Aloma Water Treatment Facility, \$1,104,141.00 (Budget: Existing water and sewer bond funds).
  - 3) Change Order to Task Order 2000-01 for CH2M Hill to include quarterly revenue analysis for evaluation of rate effectiveness, engineer's report in support of the new bond issue required by the bond agency, \$80,000 (Budget: Existing water and sewer bond funds).
- c) Approve budget adjustments as follows:
  - 1) Transfer \$18,000 from the Mead Garden Floc Collection Capital Project account to a capital outlay account to purchase a Piranha mini-dredge for use in maintaining the pond in Mead Garden.
  - 2) Transfer \$4,000 of remaining funds in the completed Farmers' Market air conditioning upgrade capital project account to fund renovations to the Environmental Center at Mead Garden to bring it into compliance with ADA codes.
- d) Review calendar and update with upcoming events.
- e) FOR YOUR INFORMATION:
  - S Enzian Theater special event approval for the 2004 Florida Film Festival.
  - S St. Margaret Mary Catholic Church special event approval.

No public comments were provided.

**Motion made by Commissioner Storer to approve Consent Agenda items 'b'-'e', seconded by Commissioner Eckbert and carried unanimously with a 5-0 vote.**

Commissioner Eckbert asked that Consent Agenda 'a' (minutes) be removed for discussion. He stated he wanted to add more specific comments to his comments made within the minutes and asked that he be allowed to offer them at the next meeting.

Commissioner DeVane addressed concerns with Consent Agenda 'e' being brought forward this evening so close to the already scheduled event. It was clarified that these items are only for the Commissioner's information and have already been approved by staff.

**Motion made by Commissioner Eckbert to approve Consent Agenda item 'a', seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.**

**PUBLIC HEARINGS:**

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

ORDINANCE NO. 2569-04: 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. Second Reading

Attorney McCaghren read the ordinance by title and explained that the ordinance allows sail boats up to 24' in length. No public comments were made.

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

- b) Request of Douglas Partners LLC to develop the Sprint property located at 151 S. New York Avenue. Postponed until March 8, 2004.
- c) Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND SECTION 58-86 "CONDITIONAL USES" TO PROVIDE FOR EXPIRATIONS OF CONDITIONAL USE APPROVALS AND PROCEDURES FOR EXTENSIONS OF CONDITIONAL USE APPROVALS. First Reading

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

Planner Briggs presented the staff report. He explained that the proposed ordinance reinserts an expiration of one year for conditional use approvals into the code. Mr. Briggs explained why it was previously removed from the code. He also addressed its purpose in the event that conditions have varied and significant changes have taken place. He elaborated on how the proposed ordinance may impact phased projects. Lastly, he said if the Commission provides direction, he will work with the City Attorney to work up the text that will deal fairly with phased projects. Lastly, he confirmed that the Planning and Zoning Commission recommended approval of the ordinance. Mayor Marchman asked for public comments.

Attorney Hal Kantor, as legal counsel for the Regent Hotel, expressed the difficulty of conforming to this ordinance and the impact to his client and their project. He provided reasons why their project should be vested and not be required to return to the Commission for approval.

Commissioner Storer expressed the Commission's concern over conditional use approvals and their inactivity. He suggested a process that requires applicants to return after a year and provide an update on the project and if no progress is seen, the applicant will then be put on notice for a year. He said the approval should expire on the second year if no action is taken by the applicant.

Discussion ensued on whether a three year approval period is appropriate. Mayor Marchman stated that the Commission does not want approvals to be indefinite and that objective standards are needed in order to measure whether a project has shown progress. He suggested tabling the ordinance for staff to further review the expiration issue. Commissioner Metcalf concurred with

Commissioner Storer's suggestion and the requirement for updates after a year that an approval has been granted.

Mr. Kantor spoke about how he believes developer agreements require that the developer return after one year to the governing body and provide a status report on the project. He suggested requiring a developer's agreement with conditional uses.

**Motion made by Commissioner Eckbert to table 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.**

Commissioner Storer asked that staff notify the representatives of the inactive projects listed that have received conditional use approvals so that they can be present the next time this issue is discussed. Commissioner Metcalf concurred with Commissioner Storer's comments. Commissioner Eckbert suggested that the applicants submit letters explaining the status of their projects.

#### **CITY MANAGER'S REPORT:**

a) Cady Way Trail extension easement.

City Manager Williams explained the request from Orange County to grant the previously approved 50 foot wide temporary construction easement to a permanent recreational trail easement. He explained that the 50 foot temporary easement was supposed to revert to a 25 foot wide permanent recreational trail easement but that the 25' wide easement would not accommodate the trail and infrastructure needed for storm drainage and retention areas. He stated that Orange County has agreed to maintain the area of construction and was recommended approval by the Parks Board and City staff.

Assistant Parks Director Cory Clarke introduced the representatives from Orange County and the developer who addressed the proposed project. Jim Avitabile, Reynolds, Smith and Hills and representing Orange County as their design consultant for the Cady Way project, stated they are currently receiving final comments and approvals from FDOT and expect that the project will advance to the construction phase in the next 2-4 weeks, subject to receiving the final permits from FDOT within that time frame. He stated he has been working with staff on the design and that he will provide the Commission with information regarding the project. Questions were asked and answered by Mr. Avitabile regarding the location and length of the trail, the pedestrian overpass at S. R. 436, and other amenities being provided at the trail.

**Motion made by Commissioner Storer to approve the proposed 50-foot permanent recreational trail for the Cady Way Trail extension, seconded by Commissioner Metcalf and carried unanimously.**

b) Presentation of Comprehensive Annual Financial report for the year ending September 30, 2003.

Finance Director Wes Hamil presented the financial report for the year ending September 30, 2003. He introduced Rick Cloyd, partner with KPMG LLP, who presented the contents of the report. He

summarized the general fund balance, the final amended appropriations in the general fund and the water and sewer fund decrease.

Discussion ensued regarding the restoration of Casa Feliz and the status of the state grant. Mr. Cloyd briefly explained the Statement of Auditing Standards.

Commissioner DeVane questioned why the City carries its assets at their purchase price and not their value in the market place and whether a capital assets schedule is prepared on properties based upon market valuations. Finance Director Hamil explained that the City's assets are stated at their depreciated values. Discussion ensued regarding the possible drivers that caused the increase in the charges for services total.

c) Request to hire consultants for Florida Communities Trust Grant application.

City Manager Williams presented this item. He reported that the cost involved to hire a consultant is \$10,000 and that they will assist the City in the application process. Mr. Williams said it is recommended that the City apply for two grants. Commissioner DeVane commented on the need to approve this expeditiously because of the May 5th application deadline date.

Commissioner Storer inquired whether the grants are committed to particular projects or properties. Discussion ensued regarding the status of the Glenridge property. Commissioner Storer asked that Mr. Williams organize an informational status mailing to the residents of south Winter Park so they can provide input.

Trust for Public Lands Representative Lindsey Stevens addressed comments about the Glenridge site. She said the Commission would select the projects to be submitted in the application process. Commissioner Metcalf elaborated on a presentation that he attended that provided strategic planning methods for obtaining federal funds for major projects. Commissioner DeVane suggested that the City commit to the application process and to hire the consultant contingent upon the result of the referendum. She said if the referendum does not pass, the process will be revisited and other options will be explored. Discussion ensued whether the City should wait for the result of the referendum before committing the funds.

**Motion made by Commissioner DeVane to commit the funds to begin the process on the Florida Communities Trust Grant application and not to be contingent upon the result of the March 9, 2004, referendum. Seconded by Commissioner Storer and carried unanimously.**

d) Central Business District Parking Plan.

Planning Director Don Martin presented this item. He said this is a working draft that is being brought forward tonight for input. He said the plan has been through a design Charette process and numerous meetings with the Parking Task Force. Mr. Martin confirmed that the recommendations from the Parking Task Force have been included in the plan. He stated that the input provided tonight will be incorporated into the plan and returned at a future meeting. Lastly, Mr. Martin elaborated on the expansion of Central Park to New York Avenue which is an area of concern for the Parking Task Force.

Glating Jackson traffic consultant Troy Russ provided a powerpoint presentation on the Central Business District Parking Plan. Topics discussed included: existing parking conditions, enforcement policies, mixed-use scenario models, future development scenarios and the proposed parking master plan. Glating Jackson representative Taylor Smith presented the financing issues with the parking plan. Parking Task Force members Warren Peterson and Tom Alday discussed the areas of concern the Parking Task Force has with the plan.

Mayor Marchman asked for public comments.

Dan Bellows, 533 W. New England Avenue, provided comments in support of on-street parking on Morse Boulevard and creating a pedestrian friendly frame for the area.

Bill Battaglia, 250 Park Avenue, expressed his concern of not having a representative from his organization as a member of the Parking Task Force. Mr. Battaglia addressed what he believes were inconsistencies with parking deficiencies included in the plan and addressed problems with enforcement of parking violators.

President of the Central Park Foundation Forrest Michael asked for the opportunity to obtain a copy of the parking study, review it with the Parks Department and return with his comments relative to the Central Park Master Plan.

Joe Terranova, 700 Melrose Avenue, provided supportive comments in regards to permitting on-street parking on Morse Boulevard, advantages of the Central Park Master Plan and CRA funding for the short range costs.

Planning Director Don Martin stated that the presentation is a starting point and a working draft and is the most comprehensive parking study that has been performed on the downtown area. He said the comments expressed will be consolidated and incorporated into the plan and returned to the Commission at a later date.

Commissioner Storer expressed his support with the plan and the debate that it has created. He commented on the deficiencies in parking spaces with the current development that exists on Park Avenue and suggested the possibility of offering property owners credits. He suggested curing the existing deficit first before granting the same offer to new developers. He asked that the short term parking component be coordinated with the Park Avenue merchants and that a worker permit parking program is created. Lastly, Commissioner Storer said incentives need to be designed that

would attract shoppers to Park Avenue.

Commissioner Eckbert commented that the critical point should be a way to relocate Park Avenue employees to off-site parking lots. Commissioner Metcalf expressed comments in support of the need for additional parking enforcement for Park Avenue. Commissioner DeVane asked that staff review the concept of a parking division, enforcement of fines for repeat offenders, available partnership opportunities, parking enforcement for the Village, and residential parking problems. She asked that staff calculate the cost to brick one of the parking lots in Central Park and to implement 30-minute parking areas.

Mayor Marchman elaborated on the parking issues that need to be discussed and explored. Commissioner Eckbert spoke about dovetailing the parking study into a traffic study and that an outline of policies and the required decisions be prepared and presented to the Commission for review. Mayor Marchman suggested that staff and the traffic consultant schedule a work session to discuss this issue further and to prioritize the order of operation.

e) Work sessions to discuss major issues.

City Manager Williams presented this item. He said staff has identified the issues that need in-depth discussion. Discussion ensued regarding scheduling conflicts. Mayor Marchman suggested holding work sessions the third Monday of every month. Commissioner DeVane spoke of the importance of discussing certain issues in-depth and not being able to do so during regular meetings. Commissioner Eckbert suggested work sessions that are sponsored by each Commissioner with the topic for discussion to be selected by the sponsoring Commissioner. Commissioners Eckbert and Metcalf elaborated on their preferences that the meetings should be about making decisions instead of simply absorbing general information. Commissioner Storer spoke about the requirement to comply with the Sunshine Laws in regards to public meetings. Commissioner DeVane suggested discussing more than one topic during the work sessions. City Manager Williams confirmed that the first meeting will be scheduled for March.

Commissioner Eckbert suggested meeting with the representatives from the City of Coral Springs for the March meeting. Assistant City Manager Knight reported that the representatives from the City of Coral Springs are not available to meet in March. He said the City of Orlando has requested to meet with Coral Springs and that representatives of Coral Springs are trying to schedule both cities for the same day.

Consensus was to schedule work sessions for the third Monday of each month, at 3:30 p.m., with topics to be selected by staff or the Commission. Consensus was to discuss the electric power issue and the budget at the March work session.

Commissioner Storer inquired about the status of the mailing to the residents updating them about the Glenridge site. City Manager Williams responded that the letters should be distributed to the surrounding residents within a week. Commissioner Storer confirmed that the letter should include the existing status of the site and what the options may be.

- f) Proposals for the 10' x 150' strip of property within the Sprint property. **Postponed until March 8, 2004.**

**NEW BUSINESS:**

1. Request from Daniel Bellows to speak to the Commission regarding the Lee Road/17-92 Life Style Center.

Dan Bellows, 533 W. New England Avenue, addressed his request to authorize Planner Jeff Briggs to write a letter to the county asking for their support of the creation of a second independent CRA and City's intent to annex the area.

Mr. Bellows provided the details and the components of the proposed Life Style Center. Additionally, he provided economic data as requested by Commissioner Eckbert that included information about ad valorem revenues to the City. He stated that this particular CRA district should be of a short term nature and suggested a termination period of up to 7 years.

He stated that if a favorable response is received from the county, additional information will be provided from the consultants that Mr. Bellows has been working with. Additionally, he asked that a Commissioner be selected to act as a liaison to work with staff and himself when the time comes to talk to representatives and officials from the county.

Mayor Marchman disclosed that Mr. Bellows has met and discussed this issue with each Commissioner individually. He noted that although the letter is drafted and the county agrees with designating the area a CRA district, the concept requires additional details and planning in order for it to become a more definite project. Mr. Bellows responded affirmatively and agreed with the Mayor's comment.

Commissioner Eckbert sought clarification on the figures calculated on the proposed development costs and the proposed assessment on the building values. Mr. Bellows elaborated that the amounts were calculated conservatively and provided the rationale used. Commissioner DeVane inquired about a timeline for this project. Mr. Bellows responded that he is seeking to obtain a confirmation about the project from the county by July.

**Motion by Commissioner Storer to authorize staff to write the letter and pursue learning more how this project can come about and that he is selected as the Commission liaison for the project, seconded by Commissioner Metcalf. The motion carried unanimously.**

Commissioner DeVane expressed her concern of limiting the term of this CRA district and suggested having the county determine the term period. She elaborated on the road work that is needed for the area and expanding this area to include the Lee Road extension. Commissioner Metcalf, concurring with Commissioner DeVane, spoke of the City's attempt to create gateways into the City by possibly using county revenues. Mr. Bellows cautioned the Commission of placing too many demands on the county at this time. Discussion ensued regarding pending legislation that may place additional restrictions on CRA districts. Commissioner DeVane asked that staff contact the City's lobbyist to investigate the pending enclave legislation being considered.

Commissioner Metcalf asked that staff investigate whether the major retailers that are relocating out of the area would consider moving closer into the City in an effort to create business development.

The meeting adjourned at 7:55 p.m.

ATTEST:

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Mayor Kenneth R. Marchman

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City Clerk Cynthia Bonham