

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
February 25, 2003**

The meeting of the Winter Park City Commission was called to order by Vice Mayor Douglas Storer at 4:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Father Dave Wilson, All Saints Episcopal Church, followed by the Pledge of Allegiance.

PRESENT: Vice Mayor Douglas Storer, Commissioners John Eckbert, Douglas Metcalf and Barbara DeVane; City Attorney C. Brent McCaghren; City Manager James Williams and City Clerk Cynthia Bonham. Mayor Roland Hotard, III was absent.

**MAYOR'S REPORT:**

- a) Vice Mayor Storer presented a plaque to Sprint thanking them for their contributions to the new Ward Park playground.
- b) The Civil Service Board vacancy was postponed.

**CITY ATTORNEY'S REPORT:**

**RESOLUTION NO. 1811-03:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 255 OSCEOLA COURT, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. There were no public comments made.

**Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Vice Mayor Storer and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

**CONSENT AGENDA:**

- a) Approve the minutes of 2/11/03.
- b) Report by Dr. Dan Buckman, Orange County Public Schools, on facilities and instructional issues within their school district. **Postponed until April 21, 2003.**
- c) Receive information regarding the implementation, cost and benefits for achieving a paperless Commission agenda package. Authorize staff to move forward with utilizing this process. Direct staff to bring back the cost savings to the City by implementing this and to make this as economical as possible.
- d) Receive staff recommendations regarding the proposed changes to the noise ordinance for the Central Business District.
- e) Warrant analysis for a stop sign at Loch Berry and Langholm. **Postponed until March 24, 2003.**
- f) Advance the funding to allow construction of the Railroad Avenue residential project to proceed using City appropriated resources prior to the closure of the loans scheduled for April 18, 2003.
- g) Approve the selection of firms for the Extension of Staff (EOS) Services - Construction Management Services (RFQ-8-2003) for major City projects as follows: The Abbott Consulting Group, Inc. and ZHA, Inc.

- h) Accept the citizen's survey by Pecora and Pecora with changes/additions to be included as provided by City Commissioners as of today's scheduled meeting. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
- i) Approve the interim in-house Parking and Information Signage Program used to help guide motorists to Park Avenue.
- j) Approve Budget Adjustments as follows:
  - 1) Transfer \$225 from Planning to Public Works to cover Planning Department share of plotter paper costs. Transfer \$3,333 from Planning and \$3,333 from Public Works to ITS Internal Service Fund to purchase a GIS server.
  - 2) Transfer \$1,645 from Water & Sewer Fund to ITS Internal Service Fund to purchase a computer and monitor for Assistant Projects Manager.
  - 3) Transfer \$2,750 from Parks and \$750 from Azalea Lane Capital Improvements Account to ITS Internal Service Fund to purchase a computer for the Tennis Center that will be compatible with new credit card system and an additional computer for the Azalea Lane addition.
  - 4) Appropriate \$96,168 in federal forfeiture revenues to purchase computer system hardware that will enhance Police computer capabilities at the new Public Safety Complex.
  - 5) Transfer \$7,420 from Economic and Cultural Development to ITS Internal Service Fund to purchase a complete graphic workstation, including computer, monitor, software and printer.
  - 6) Transfer \$2,610 from Planning to ITS Internal Service Fund to purchase a new computer and printer for Planning and Community Development Director.
  - 7) Transfer \$6,040 from Fleet Maintenance to ITS Internal Service Fund for annual support costs for CCG Systems Faster Fleet Management System.
- k) Approve, Bids, Purchases and Change Orders as follows:
  - 1) Change Order #1, WP 10-2002, Lake Island/Lake Killarney Interconnect to Cathcart Construction for sand bar removal and added set up charges, \$30,773.13 (Budget: CIP Stormwater)
  - 2) Change Order #1, to CH2M Hill for special 24" bore drilling of pipe and an expansion of the ground storage tank, \$891,377.00 (Budget: CIP Utilities)
- l) Review calendar and update with upcoming events.
- m) Receive updates concerning Progress Energy (Florida Power Corporation) and City Hall redevelopment.

Lurline Fletcher, 790 Lyman Avenue, asked about Consent Agenda items 'c', 'd' and 'f'. Vice Mayor Storer clarified each issue for Ms. Fletcher.

Stanley Wilson, 834 Antonette Avenue, opposed Consent Agenda item 'd' and any type of amplified noise in the business district.

There were no further public comments made.

Vice Mayor Storer pulled Consent Agenda Item 'h' for discussion.

Consent Agenda Item 'h': Accept the citizen's survey by Pecora and Pecora with changes/additions to be included as provided by City Commissioners as of today's scheduled meeting.

Vice Mayor Storer spoke about yesterday's work session discussion regarding changes to the survey and asked if those were provided by the Commissioners. Commissioner DeVane spoke that she provided her minor changes to the consultant this morning and characterized the proposed changes. City Manager Williams stated those changes will be included in the survey.

**Motion made by Commissioner DeVane to approve the Consent Agenda, including item 'h' with Commissioner DeVane's comments, seconded by Commissioner Eckbert and carried unanimously.**

**CITY MANAGER'S REPORT:**

a) Request from Chamber of Commerce regarding relocating the Autumn Art Festival to Park Avenue.

City Manager Williams explained that they met today with the Chamber of Commerce and the Autumn Art Festival representatives and discussed the ideas about moving the festival from Lake Island to Central Park. He spoke that the City's projected cost will be about \$31, 544 which covers the five City department's involvement and a concert in the park. He explained the locations on Morse Boulevard and New England Avenue to be used for vendors. Discussion ensued regarding the comparison of costs for the Sidewalk Art Festival versus the Autumn Art Festival. Mr. Williams addressed the added expenses because of the Central Park location.

Vice Mayor Storer addressed the City providing the Chamber the opportunity for a 50% reduction in fees. Commissioner DeVane spoke that was to help them build the show because it is an important asset to have for the City. She spoke about the Commission's agreement to do this for a three year interval and then to re-evaluate their position. She stated she realizes they want to relocate but that she hoped they would give it another year to explore what they are trying to do and where they want to be at the current location and whether or not it would work. She spoke about the need for consistency with the location of the show since it has been moved before. She asked them to spend a year to evaluate it and to speak with the artists instead of moving the show this year.

Sam Stark, Chamber of Commerce, explained that they want to move the event to help the economic development on Park Avenue. He spoke that the expenses last year were about \$8,700 at Lake Island. He stated he spoke with one person on the Winter Park Art Festival board who indicated they would like to speak to them about it but at a later time. Commissioner Eckbert asked Mr. Stark if the increased revenue opportunity helps them offset the police and fire costs. Mr. Stark replied that the \$31,544 figure is out of their range and would not be prudent for them to do at this figure. He spoke that over the long term they believe they can get to a level where they could pay the entire cost but did not believe it could happen within the next 1-2 years. Commissioner Metcalf spoke about the need to decide if the show will ever achieve the numbers it needs to be at to pay for itself. Mr. Stark commented they are trying to balance the profitability of the event versus the will and economic development of the Park Avenue merchants. Vice Mayor Storer addressed the need for a discussion with the Winter Park Art Festival board and having a signature event in Lake Island Park. He spoke that he agreed that another event on Park Avenue would be helpful but that we need to look at parity with what they are charging other events and groups.

In conclusion, Mr. Stark indicated that they can find a way to move the event, they are willing and ready; if not, they will proceed with having the event at Lake Island and readdress this at a different time. Commission comments ensued that they need to have more time to research this and to speak with the appropriate parties, and that maybe this can be re-addressed at a later date.

**PUBLIC HEARINGS:**

- a) ORDINANCE NO. 2503-02: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 94 "TAXATION" SO AS TO INCREASE THE OCCUPATIONAL LICENSE TAXES BY FIVE PERCENT (5%), PROVIDING AN EFFECTIVE DATE. Second Reading

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

**Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Vice Mayor Storer and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

Special Assessment Resolutions

Attorney McCaghren made comments applicable to the following four resolutions. He clarified that the four resolutions are only an expression of the City's intent to use the ad valorem method for collecting the special assessment if the City moves forward with the assessment program. He spoke there will be public hearings held to decide whether or not to go forward with the program later this year but that these resolutions are necessary to meet certain statutory deadlines to get this on the tax bill if it is decided later to go forward. Attorney McCaghren read the four resolutions by title.

The following public comments were made:

Wayne Johnson, 1651 Palm Avenue, spoke in opposition to the special assessment for bricking Palm Avenue because of being on a fixed income which would cause him a financial hardship.

Unknown resident, 1531 Palm Avenue, spoke in favor of the special assessment because of the traffic calming benefits with speeders on their street with the children.

Alexandria Wardsky, 1571 Palm Avenue, spoke against the special assessment.

Robert Rader, 1621 Palm Avenue, spoke in favor of the special assessment for bricking because of traffic being out of control on Palm Avenue, but was against the citizens having to pay for the improvement.

Ann Lacombr, 700 Oxford Road, spoke in favor of bricking Lakeview Avenue. She stated they are also bricking Oxford so she expressed concerns regarding the 8% interest charge. She commented against the process because of her property being assessed more than once because of how it is situated along the roadway.

Linda Walker, 794 Comstock Avenue, questioned why the citizens are being assessed since the Department of Community Affairs stated the Transportation Element is not in line with Federal or State guidelines.

Stanley Wilson, 834 Antonette Avenue, spoke about the difficulty to raise the funds for the

community lakefront lot where Antonette and Victoria meet the Lakeview Drive shore. He stated it is deeded for the use and benefit of the 50 property owners in the College Place replat. He commented they will do their best to raise the funds and spoke about the future Equalization Board that will meet to discuss various hardships to pay the assessment that could provide some relief.

There were no further public comments made. Commission ensued regarding concerns with the interest rate.

- b) RESOLUTION NO. 1812-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, BEING THOSE PROPERTIES ABUTTING VIA TUSCANY FROM VENETIAN WAY TO WHITESELL DRIVE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF VIA TUSCANY; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title.

**Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, the resolution carried unanimously with a 4-0 vote.**

- c) RESOLUTION NO. 1813-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, BEING THOSE PROPERTIES ABUTTING LAKEVIEW DRIVE FROM FRENCH AVENUE TO STIRLING AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF LAKEVIEW AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the ordinance by title.

**Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, the resolution carried unanimously with a 3-0 vote.** Commissioner DeVane abstained from voting due to her residence being on Lakeview Avenue.

- d) RESOLUTION NO. 1814-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, BEING THOSE PROPERTIES ABUTTING PALM AVENUE BETWEEN 1631 - 1373 AND 1630 - 1382 PALM AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF PALM AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the ordinance by title.

**Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, the resolution carried unanimously with a 4-0 vote.**

- e) RESOLUTION NO. 1815-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, BEING THOSE PROPERTIES ABUTTING OXFORD ROAD FROM MELROSE AVENUE TO LAKEVIEW DRIVE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF OXFORD ROAD; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner Eckbert. Upon a roll call vote, the resolution carried unanimously with a 4-0 vote.**

- f) Conditional Use request of Eric Kovar to construct a new five story building at the southwest corner of Denning Drive and Webster Avenue within the Winter Park Village to consist of 176 apartment units and a five level, 950 space parking garage.

Planner Jeffrey Briggs gave an overview of the request. He explained the location at the northeast corner of the Winter Park Village and the number of proposed apartment units and parking garage spaces. He addressed the success of the residential component of the village. He also spoke about the need for more parking spaces because of the signature restaurants and theater with stadium seating. He addressed the advantages of building the parking garage at the proposed location. He spoke that there is enough capacity on Webster and Denning to handle the additional traffic trips per day due to the additional apartments. He addressed the 3-1 denial recommendation from the Planning and Zoning Commission relating to the intensity and scale of the project with this being the largest building ever constructed in the City, the concern as to the City's vision and the precedent this would set. Mr. Briggs continued to summarize the P&Z discussion at their February 20, 2003, meeting and their decision to deny the request because they believed another solution could be made.

Planning Director Martin summarized what had transpired since going from the vision of the village to the actual building of the project and where they are today. Assistant Planning Director Alberto Vargas explained the architectural aspects of the proposed project. Discussion and questions ensued regarding setback requirements and current parking concerns at the village and what is being proposed to help solve this problem.

Attorney Hal Kantor, representing the applicant, provided an overview of the project and what project modifications have taken place since the beginning planning stages. He summarized the projected parking spaces necessary to make the project a success. He addressed the proposed height as compared to the height of other buildings in the area and the lack of residential houses nearby. He also spoke about the original vision of the village and the Charrette that did not work exactly as anticipated. Mr. Kantor addressed the Planning and Zoning Commission issues and concerns. He asked for support of the Commission to make this project a success.

Applicant Eric Kovar addressed the square footage of the apartments averaging 850-870 square feet per apartment and the proposed number of parking spaces. He also spoke about the safety concerns within the village with cars and pedestrians and the benefit of the parking garage to condense the vehicles into one area. He stated it also allows pedestrians to always be on the sidewalk except for when they cross an internal street. He spoke about the agreements made with each business at the village regarding their particular restaurant/store parking restrictions and the exclusions within their individual leases. Mr. Kovar summarized the locations within the village that were available for parking and explained why those locations would not work for this project. He stated this is the best effort they can offer to solve the parking problem and they believe it is a good design. Commission questions ensued regarding the calculation of surplus parking spaces which Mr. Kovar clarified.

Mr. Kantor concluded by stating that they are asking for approval of the project as submitted with certain conditions; that before they obtain a building permit that they provide the City with alternate parking during construction that is satisfactory to the City and that they provide a landscaping plan. The configuration of Denning Drive was addressed as pertains to this project.

The following public comments were made:

Lurline Fletcher, 790 Lyman Avenue, expressed concerns as to whether residents were notified of this project. She objected to a parking garage at that location because she felt the residential areas were too close and because of concerns with the safety of children.

Berma Posey, 1409 Shadwell Circle, Hethrow, commented about the City's attempt to divert traffic from 17-92 into the Village by entering into the Village another direction. She spoke she believed the plans would cause traffic jams. She also asked how the parking would be differentiated within the garage, i.e., residential parking versus public parking.

Linda Walker, 794 Comstock Avenue, objected to the project because of the nearby residential area. She spoke against using CRA funds for this project.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the project because of the added residential units within the commercial area. He commented about the need to underground the electric there.

There were no further comments made.

Mr. Kantor addressed concerns of the residents concerning the nearby residential area, the parking structure and CRA funding issues.

Commission questions ensued regarding the additional parking spaces, if future additional structures will be built to utilize the additional parking, whether there will be direct access into the parking garage and how the residential and public parking will be differentiated.

Commissioner DeVane expressed concerns regarding the large size and location of the project being too close to the residential area of Webster and Denning Avenues. Commissioner Metcalf spoke in favor of the project and about the success at Winter Park Village, the unique restaurants and the need for additional residential units. Vice Mayor Storer spoke about the height being a concern of his, not the mass of the project. He addressed the P&Z concerns but stated he was in favor of the project with staff's conditions. Commissioner Eckbert asked about the conditions imposed. Mr. Briggs summarized the conditions and stated that the applicant has agreed with them. Vice Mayor Storer and Commissioners Eckbert and Metcalf disclosed conversations they held with the applicant.

**Motion made by Commissioner Metcalf to approve the conditional use request, subject to the conditions as follows: the applicant submit a landscape plan for approval by the Planning and Zoning Commission; that prior to a building permit, the applicant provide arrangements for interim parking during the construction period for at least 75% of the spaces to be lost (300 spaces); that prior to a building permit, the property owner provide for approval by the City, a parking management plan (valet and public) to cover the construction period and following completion of the project; that new net surplus parking not be used for any future building additions or restaurant expansions within the Winter Park Village; that the parking garage include a computerized signage program to indicate the occupancy of the parking spaces; that the P&Z review the final construction plans and building materials; authorize along Denning and Webster Avenues 1½ spaces per loft apartment unit instead of 2 spaces; and to underground the electric power at this location. Seconded by Commissioner Eckbert. Upon a roll call vote, Vice Mayor Storer and Commissioners Metcalf and Eckbert voted yes. Commissioner DeVane voted no. The motion carried with a 3-1 vote.**

A recess was taken from 7:55 p.m. to 8:00 p.m.

- g) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO NOISE CONTROL; AMENDING DIVISION 2 - NOISE CONTROL, OF CHAPTER 62, OF THE CODE OF ORDINANCES; PROVIDING NEW DEFINITIONS AND AMENDING CERTAIN DEFINITIONS; PROVIDING GUIDELINES FOR DETERMINATION OF NOISE DISTURBANCES; AMENDING THE BOUNDARIES OF THE CENTRAL BUSINESS DISTRICT TO INCLUDE PROPERTY ZONED C-2; REGULATING THE OPERATION OF RADIOS AND OTHER MECHANICAL SOUND MAKING DEVICES FROM VEHICLES OR PERSONS ON THE PUBLIC STREETS WITHIN THE CENTRAL BUSINESS DISTRICT REGULATING THE USE OF LIFE AMPLIFIED MUSICAL ENTERTAINMENT; PROVIDING FOR A CLASS II CITATION; PROVIDING EXEMPTIONS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney McCaghren read the ordinance by title.

Planner Jeff Briggs explained this addresses any type of noise in the City in the Central Business District and property zoned C-2. He stated this ordinance is before the Commission because of

complaints with live music bands in Park Avenue restaurants. He stated the ordinance provides that any restaurant can allow live music all evening, but that at 10:00 p.m., the music must be low enough in volume that it cannot be heard on the opposite side of the street or within another building if that portion of the building is residential (apartment or hotel room). He said this problem arose because of the patio dining and the restaurants wanting the music to be heard outside. He commented about the need for the police to ensure the music level is lowered at 10:00 p.m.

Commission questions and discussion ensued regarding the acceptable noise level from 7:00 a.m.-10:00 p.m. Attorney McCaghren explained the proposed noise control provisions, the general City noise restrictions and determining and enforcing the level of noise.

The following public comments were made:

Norma Posey, 1409 Shadwell Circle, Heathrow, addressed her unfavorable experience with the loud noise while staying at the Gardens Plaza Hotel.

Judith Meyers, 235 N. Knowles Avenue, spoke against the various noise that is disturbing to her residence.

Linda Walker, 794 Comstock Avenue, spoke against the 10:00 p.m. time limit and asked that the time be earlier.

Joanne McMahon, 310 Park Avenue S. Restaurant, (residence) 835 Antonette Avenue, addressed the amplified music at their restaurant which they have tried to contain so the customers can have a nice dinner and conversation. She addressed the importance of having the music for their business and about being sympathetic to the noise. She spoke they have been playing music and closing their doors at 11:00 p.m. which she asked be considered.

Attorney Hal Kantor, representing Park Plaza Gardens Restaurant, submitted for the record letters of support from various Park Avenue restaurant owners asking that the ordinance reflect a restricted time frame of 11:00 p.m. to 9:00 a.m. Sunday through Wednesday and 12:00 p.m. to 9:00 a.m. Thursday through Sunday and holidays for music. He spoke about the importance of making Park Avenue a success.

The Village Bistro Restaurant owner asked that the music be kept on the avenue. He addressed the importance of retaining the music which is necessary for the success of his business.

Bernard Essex, 269 E. Canton Avenue, stated restaurants do not stay in business by playing loud music but by serving good food. He asked that the present state of Park Avenue be preserved.

Sam Stark, 150 New York Avenue, Chamber of Commerce, spoke about the importance of retaining music on Park Avenue.

John Manoney, 1034 S. Kentucky Avenue, spoke in favor of music in the restaurants on Park Avenue.

Commission discussion ensued regarding this issue. Commissioner DeVane asked that "live amplified" be removed from the ordinance to make it more inclusive. Commissioner Eckbert supported the ordinance as an experiment because he wanted to see if it can create an

environment where businesses respect each other. He suggested that a time frame be set to review this and if it does not work to revert back to the old way. Attorney McCaghren spoke that a time frame is not necessary because the Police will be enforcing this and the Commission can decide at any time to amend or initiate a new ordinance. He then suggested to control this by limiting the time as they seek their conditional use approval. Commissioner Eckbert agreed to utilize the conditional use process.

Planner Jeff Briggs stated they will report back to the Commission in April as to whether or not the ordinance is working. Vice Mayor Storer addressed this being a good starting point to determine if the ordinance is stringent enough and if there are repeated violations or problems that the violators lose the right of having amplified music. Commissioner Metcalf spoke about being unsure whether the Park Plaza Hotel problems are being solved. Attorney McCaghren stated this has already been addressed within the ordinance. Commissioner Metcalf commented in support of the ordinance with a 90 day report being provided as to how well the ordinance is working and also a 6 month review. He addressed the necessity to retain music. Commissioner DeVane addressed the importance of a trial period. She spoke about concerns with the proposed hours within the ordinance and suggested the ordinance be in effect for all hours.

**Motion made by Commissioner Metcalf to accept the ordinance on first reading with the inclusion of a 90 day review period to revisit the ordinance and to include excluding “live amplified music” and “amplified music” throughout the ordinance. Seconded by Commissioner DeVane. Upon a roll call vote, Vice Mayor Storer and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

Upon discussion, there was consensus that the hours will be revisited in 90 days when the ordinance is reviewed.

- h) Request of Nicholas Musashe to change the future land use of Single Family Residential to Office and to change the zoning designation of Single Family Residential (R-1A) to Office (O-2) on properties at 2624 and 2630 Lafayette Avenue.  
**Withdrawn by the applicant.**
- i) Conditional Use request of Michael Mennello to establish a new 150 seat restaurant at 501 S. Park Avenue.  
**Withdrawn by the applicant.**
- j) Conditional Use request of La Amistad Behavior Health Services at 357 N. Knowles Avenue to expand the bed capacity from 16 to 26 for patients utilizing 335 N. Knowles Avenue.  
**Withdrawn by applicant.**

**NEW BUSINESS:**

1. Linda Walker, 794 Comstock Avenue, spoke about concerns with Anna Currie leaving the City and the CRA program. She commented about the great job she did for the City and the West side.
2. Commissioner DeVane suggested that a ½ day work session with people responsible for the housing in the community regarding the need for a cohesive, comprehensive housing program be scheduled so they can offer the City recommendations. Comments were made that a ½ day may be too long and may be difficult to schedule with area builders. There was consensus to schedule a work session.

Vice Mayor Storer adjourned the meeting at 9:15 p.m.

ATTEST:

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Mayor

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City Clerk