

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
February 28, 2005**

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 Parks and Recreation Director John Holland, followed by the Pledge of Allegiance.

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

MAYOR'S REPORT:

- a) Mayor Marchman reported that Communications Director Clarissa Howard delivered her baby over the weekend. He congratulated the Howards for the new addition to their family.
- b) Mayor Marchman presented certificates of appreciation to the organizers of the Battle of the Bands event.
- c) Mayor Marchman spoke about starting a process through the Parks and Recreation Department of establishing donor guidelines. Upon a suggestion by Commissioner DeVane, consensus was that the policy on the naming of public buildings be returned to the Parks and Recreation Board for further consideration.

CITY ATTORNEY'S REPORT:

- a) **RESOLUTION NO. 1894-05: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, REQUIRING THAT PLANS SUBMITTED TO THE CITY COMMISSION FOR APPROVALS REQUIRED BY THE LAND DEVELOPMENT CODE BE IN SUBSTANTIAL CONFORMANCE TO THE PLANS ORIGINALLY PRESENTED TO THE PLANNING AND ZONING COMMISSION AND WHEN SUBSTANTIALLY DIFFERENT SUCH PLANS SHALL BE REFERRED BACK TO THE PLANNING COMMISSION FOR SUBSEQUENT REVIEW AND RECOMMENDATION PRIOR TO ACTION BY THE CITY COMMISSION.**

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

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

Consensus was to codify the adopted resolution.

- b) **RESOLUTION NO. 1897-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 2414 EAST WINTER PARK ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.**

City Attorney McCaghren reported that the applicant requested to table this resolution until the March 14, 2005, City Commission meeting.

Motion made by Commissioner Storer to table the resolution, seconded by Commissioner Eckbert, and carried unanimously.

CONSENT AGENDA:

- a) Approve minutes of 2/14/05.
- b) Approve bids and purchases as follows:
- 1) PR 115693 to Federal Signal Corporation for light bars for public safety vehicles; \$116,727.00 (Budget: Forfeiture)
 - 2) Extension of RFP-5-2004, Pest Control & Rodent Control Services with PreventTech from Massey Services for various City buildings. Original pricing and terms and conditions remain the same.
 - 3) Extension of Bid WP-1-2004, Interior Plant Maintenance with Interscape Systems, Inc. for the Civic Center and Farmers' Market. All original pricing, terms and conditions remain the same.
 - 4) WP-1-2005, Purchase of Sewer Line Television Inspection System to Aries Industries, Inc. for utilities; \$32,924.00 (Budget: Utilities).
 - 5) PR 115784 to IBM Corporation for annual disaster recovery contract renewal; \$27,143.00 (Budget: ITS).
 - 6) PR 115739 to Insight Public Sector for 20 Panasonic toughbook laptops for Police Department from State Contract # 250-000-03-1; \$81,640.00 (Budget: PD Forfeiture Funds).
- c) Approve Option #1 of the Market Soundings proposal to conduct the resident survey with results returned within 4 weeks after the May deadline.
- d) Approve the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Sovereignty Submerged Lands Lease for leasing: boat dock and facilities at east end of Morse Boulevard at Lake Osceola (SE 1/4 of SE 1/4).

No public comments were provided. Commissioner Eckbert asked to discuss item 'b(6)'.

Motion made by Commissioner Storer to approve the Consent Agenda with the exception of item 'b(6)', seconded by Commissioner DeVane. The motion carried unanimously.

Consent Agenda item 'b(6)':

Commissioner Eckbert inquired into the cost for the laptops listed under item 'b(6)'. Police Chief Doug Ball explained the laptops are developed specifically for law enforcement use.

Motion made by Commissioner Eckbert to approve item 'b(6)' from the Consent Agenda, seconded by Commissioner Metcalf. The motion carried unanimously.

PUBLIC HEARINGS:

a) Request of Central Park Station Partners LLC:

- S Planned Development approval to permit the construction of a four story, mixed use redevelopment of the U.S. Post Office property at 300 N. New York Avenue.

Planner Jeff Briggs provided a brief update on the proposed project that pertains to the post office redevelopment. He said variances are handled through the planned development approval process instead of changing codes; the variance involves the setback of the building on New York Avenue which creates additional floor area ratio. He continued that any time there is a variance that commits additional height or floor area ratio, the request would require four Commission votes for approval which was the problem at the last Commission meeting. The Mayor and Commission disclosed they had participated in discussions with the developer related to this project.

Allan Keen, 1312 Bridgeport Drive, stated that the development team was in attendance to answer questions.

Pam Peters, 467 Lakewood Drive, expressed her concern with the future of the City and the proposed development plan and legal ramifications of granting certain variances.

Forest Michael, 130 N. Center Street, spoke in support of the project and how it relates to the Central Park Master Plan.

Jack Rogers, 1002 Temple Grove, spoke about the ambiance and the quality of life in Winter Park and expressed his concern with the proposed project.

Sandy (unknown last name), 940 Old England Avenue, agreed with the previous speakers.

Joe Terranova, 700 Melrose Avenue, spoke in support of the proposed project and the need to be vigilante to protect the village image of Winter Park.

Commissioner DeVane asked about the cost involved with the interim post office facilities, the need for a mast head traffic arm at the intersection of New York and Canton Avenues, and the height of the tower proposed to be located on the corner of New York and Canton Avenues. Responding to Commissioner DeVane's comments, Mr. Keen said the costs involved with the interim post office facility will be borne by the developer and that the developer will work with the City's Engineering Department about the mast head traffic arm.

Commissioner Metcalf asked if there is a cost savings with extending the two-story underground garage to Morse Boulevard in one phase. Development Team member Paul Byran responded that the timeframe for planning, financing and executing the parking garage between Morse Boulevard and the post office project will fall behind in terms of scheduling because they would not be ready

to execute at the same time. He spoke about completing the garage in the second phase. Mr. Keen said the development team will work closely with staff throughout the entire project.

Commissioner Metcalf elaborated on the need to discuss Central Park and parking issues before the consideration of future projects. Mr. Keen responded that organizing meetings with the various boards and community is part of the process. Commissioner Eckbert expressed his concerns with the impact of the proposed variance and maintaining the character and scale of Winter Park.

Motion by Commissioner Eckbert to approve the request and permit the construction of a four story, mixed use redevelopment of the U.S. Post Office property at 300 N. New York Avenue with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner Metcalf. The motion carried 4-0. Commissioner Storer did not vote due to a conflict of interest.

b) Request of the Sydgan Corporation:

- S Planned Development approval within the Central Business (C-2) District zoning to permit the construction of a three story mixed use building at 450 West New England Avenue.
- S Planned Development approval within the Central Business (C-2) District zoning to permit the construction of a four story mixed use building and seven level parking garage on the property at 362 S. Pennsylvania Avenue bounded by Pennsylvania Avenue, Lyman Avenue and Hannibal Square, East.

Planner Briggs provided the staff report. He explained that the City approved the projects on both properties in July, but due to underestimated budget figures received by the developer, the project was modified. They removed the underground basement parking from the 450 West New England Avenue building and made it a four story building; and turned the 362 Pennsylvania Avenue project into a seven story building. He said the modifications received a negative recommendation from the Planning and Zoning Commission (P&Z) because of the concerns with the additional height and the attempt to maintain the Park Avenue scale and the height on New England Avenue.

He continued that the applicant has again modified the plan to include a three story building for the 450 West New England building with the parking to be included in the Dexter's expansion building. He explained how the height for the 362 South Pennsylvania Avenue project was reduced down to 46'; four more feet than is permitted and matched by the Dexter's building. He confirmed that the P&Z granted the variances that dealt with the minimal height increase and the loss of the 6 parking spaces. Mr. Briggs stated that the P&Z considered the offer from the developer to restrict 12 spaces in the current Dexter's lot as private parking. He said the developer was amenable to the creation of a parking management plan to be controlled by the City. Mr. Briggs explained the possibility of the underground parking obtaining the financing needed and the P&Z's requirements that involve the deficit of public parking spaces in the Hannibal Square area.

Lastly, Mr. Briggs stated all conditions will be incorporated into a development agreement contract if the projects are conceptually approved at this hearing. He said the development agreement will return for approval when the final elevations and building plans are submitted by the developer. CRA

Manager Alberto Vargas provided a powerpoint presentation illustrating the architectural features of the proposed projects.

Dan Bellows, 533 West New England Avenue, spoke of the approvals received to date.
Mary Daniels, 650 Canton Avenue, spoke of the importance to maintain the residential nature of the westside community.

Lurline Fletcher, 790 Lyman Avenue, expressed her concern with the height of the proposed project.

Pam Peters, 467 Lakewood Drive, spoke about the importance to maintain and create green spaces in the City.

Barry Carson, 720 North Pennsylvania Avenue, spoke about the need to slow down development in the westside community.

Jack Rogers, 1002 Temple Grove, spoke of the importance of recognizing that the proposed project's location is within a residential area.

Susan Gable, urged the Commission to listen to the residents of the westside community.

Joe Terranova, 700 Melrose Avenue, spoke in support of the proposed project.

Dexter Richardson, 558 West New England Avenue, spoke of the need to create commercial corridors that are viable to the City.

Commissioner DeVane unsupportive of the proposed height, spoke about looking for other parking solutions. She recommended a balloon trial for residents to visualize the height of the proposed building. Commissioner Eckbert inquired into the P&Z minutes and the approvals given. Commissioner Storer said the project is an appropriate architectural structure that blends into the community.

Commissioner Metcalf inquired into the composition of trees and roof design of the project. CRA Planner Vargas explained the architectural details of the roof structure and the concessions the developer agreed to that involves restricting employees from parking in the piazza area and mandates they park in the parking garage. Mayor Marchman agreed with Commissioner Storer's comments and added that the project has worked its way through the process and has been reviewed extensively. City Attorney clarified that the final plans will only return to the Planning and Zoning Commission for approval.

Motion by Commissioner DeVane to conduct a balloon test to visualize the proposed height of the project and to financially remunerate the developer in order to diminish the height of the project. Motion failed for lack of a second.

Motion by Commissioner Metcalf to approve the planned development requests from Sydgan Corporation with the conditions imposed by the Planning and Zoning Commission and to amend the roof to the restated 55' height. Motion failed for lack of a second.

Motion by Commissioner Storer to approve the planned development requests from Sydgan Corporation with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner Metcalf. The motion passed 4-1. Commissioner DeVane voted no.

- c) Conditional use request of Mr. Rich Bercini to build 13, two-story townhouses under the Cluster Housing provisions of the R-2 zoning at 1326-1379 Orchid Avenue.

Planner Jeff Briggs summarized the request to develop 11 town homes and one single family home. He stated the properties located to the south on Garden Drive are zoned single family and everything to the north is zoned R-2. Mr. Briggs elaborated on the 2003 changes that were made to the floor area ratio that limited the ratio to 45% when abutting single family properties instead of 55%. He said the rules have worked in this concept because the proposal consisting of a total gross square footage, is a 50% floor area ratio. Mr. Briggs presented a visual illustrating the existing structures located on the property and the site plan layout.

Mr. Briggs stated the Planning and Zoning Commission (P&Z) was interested in the architectural diversity of the units, that it provides adequate room for storm water retention, and that it is favored by the surrounding neighborhood. Lastly, Mr. Briggs reported that the project was unanimously approved by the P&Z with the following conditions: final and landscape plans will return to the P&Z for review and approval along with a permanent solution of what will be the perimeter buffer to the single family homes located to the south on Garden Drive.

Commissioner DeVane inquired into the type of street lighting that currently exists in the residential area. Mr. Briggs stated the lighting issue can be reviewed at the P&Z level.

The applicant's architect displayed a schematic of the proposed townhouse project. He asked for approval to eliminate the inclusion of the masonry or stucco wall at the rear of the property and to allow a buffer comprised of additional landscaping and the existing tree line. Discussion ensued regarding whether the landscape plans were discussed at the P&Z level.

Drew Forness, owner of the properties located on the corner of Garden/Orchid Drive and Denning/Harmon, spoke in favor of project.

Rich Bercini, 124 Seville Chase Drive, Winter Springs, representing the applicant, spoke in favor of the project and submitted a petition in opposition to a wall on Mead and Orchid Avenues. He asked not to be required to include additional lighting.

Elliott Whitton, 2718 Aloma Avenue, inquired into the plans for the existing duplexes on the property. Mr. Bercini explained the existing structure will have to be demolished at some point.

Commissioner DeVane expressed the need of a wall as a buffer. Mayor Marchman commented that the applicant is required to return to the P&Z for final site plan approval and at that point they can submit landscaping plans in lieu of a wall plan. Commissioner Metcalf concurred with the Mayor's comments and added his preference that the applicant submit landscape plans that satisfy the requirements of the P&Z.

Motion made by Commissioner DeVane to accept the recommendations from the Planning and Zoning Commission and to proceed with the project, seconded by Commissioner Storer. The motion carried unanimously.

City Attorney McCaghren clarified that an approval with the conditions imposed by the P&Z requires the applicant to construct the masonry/stucco wall. He suggested modifying the motion to allow the P&Z to substitute landscaping for the wall.

Motion to reconsider the previous motion by Commissioner Eckbert, seconded by Commissioner Metcalf. Motion carried 4-1. Commissioner DeVane voted no.

Motion made by Commissioner Storer to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, but allow the Planning and Zoning Commission the latitude to substitute the masonry/stucco wall with sufficient fencing or landscape buffers, seconded by Commissioner Metcalf. The motion carried unanimously.

- d) Subdivision request of Mr. and Mrs. Scarpa to split the property at 2501 Winter Park Road, zoned R-1AA into three separate single family lots.

Planner Stacey Scowden reported that the existing house located on the property will be removed. Ms. Scowden presented visuals that indicated how the property is to be subdivided, the zoning designations of surrounding properties, and the zoning tests that were applied to the parcel. She said the request does not meet the subdivision code requirement as presented, but explained how the lot configuration could be met without the requirement of a variance. She said staff recommended approval of the request with the requirement that the plans include rear entry garages. Commissioner DeVane inquired if the request contains adequate visitor parking. There was discussion as to the accuracy of the plans submitted for review and the number of additional curb cuts on Winter Park Road.

Applicant Ron Scarpa, 508 West Coleman Drive, Winter Haven, addressed the issues of the front circular drives and the additional curb cuts on Winter Park Road. He said the primary objective for this meeting was to receive an approval for the lot split.

Commissioner DeVane asked if the driveways can be relocated off of Winter Park Road. Commissioner Storer expressed his concern with additional curb cuts on Winter Park Road.

Motion by Commissioner Storer to approve the subdivision request with a rear entry design, seconded by Commissioner DeVane. The motion carried unanimously.

- e) ORDINANCE NO. 2621-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 42, ELECTIONS, OF THE CODE OF ORDINANCES, BY ADDING A NEW SECTION 42-5, EARLY VOTING OPT OUT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. Second Reading

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

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

- f) **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO REQUIRE PARKING, SITE ACCESS AND STORAGE MANAGEMENT OF CONSTRUCTION SITES; PROVIDING AN EFFECTIVE DATE. First Reading**

Building Official George Wiggins presented this item. He spoke of the numerous construction projects planned for the City and the current construction management plan that staff requires from contractors. He said the proposed ordinance gives staff the authority to require a construction management plan with details related to the proposed project.

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

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

CITY MANAGER'S REPORT:

- a) Welbourne Avenue Nursery fee waiver request.

City Manager James Williams presented this item. He said staff recommended a full waiver which has been granted in the past.

Welbourne Avenue Nursery Board Member Mary Daniels provided justification for the request.

Commissioner DeVane explained this request is under consideration by the Commission because of the policy from the Parks and Recreation Commission to grant 50% fee waivers for events held on weekdays. She said the organization is an important asset for the community and recommended granting the full fee waiver.

Motion made by Commissioner DeVane to grant the full fee waiver, seconded by Commissioner Storer. The motion carried unanimously.

- b) Canvassing Board for 2005 General Election. Appoint a member to replace Commissioner John Eckbert.

City Manager Williams explained three members must be present for a quorum of the Canvassing Board for the 2005 General Election. Commissioner Metcalf stated he would be out of town and would only be able to participate via telephone conference as a Canvassing Board member. City

Attorney McCaghren said it would be difficult to judge the validity of the ballots via telephone conferencing. He suggested appointing an alternate member to replace Commissioner Eckbert since he is up for re-election and has opposition.

Commissioner DeVane suggested Stanley Wilson to serve as the Alternate Canvassing Board Member. Discussion ensued regarding whether Mr. Wilson could participate. Commissioner Storer suggested to appoint Joe Terranova as the Alternate Canvassing Board Member. Commissioner Eckbert expressed his concern that the selected member be unbiased regarding the outcome of the election. Mayor Marchman expressed the need to appoint someone without imposing conditions on who is selected. City Attorney McCaghren explained the quorum requirements for the Canvassing Board. City Clerk Cynthia Bonham reported that the meeting has been scheduled for 5:00 p.m. Consensus was to appoint Debi Rodi (of Nicole Miller) as the alternate Canvassing Board member.

c) Seminole Drive bricking installation.

Public Works Director Troy Attaway explained the petition and approval received to brick Seminole Drive from Palmer to Georgia Avenues. He reported that once the assessment has been added to the tax roll, the project should begin by 2006. Commissioner Metcalf asked if staff has the ability to brick an additional street if requested. Mr. Attaway responded affirmatively.

Motion by Commissioner Metcalf to approve the Seminole Drive bricking installation, seconded by Commissioner DeVane. The motion carried unanimously.

d) Update on comprehensive plan adoption process.

Planner Stacey Scowden provided a powerpoint presentation on the Comprehensive Plan adoption process and the eight elements under review. Commissioner Storer asked whether an Education Element has been included in the plan. Ms. Scowden confirmed she will present the option of an Education Element to the Comprehensive Plan Task Force. Mayor Marchman appointed Alan Parker to replace Craig McIntyre who resigned. Consensus was to appoint Alan Parker to the Comprehensive Plan Task Force.

e) State Lobbyist proposals.

City Manager Williams stated staff has received a proposed contract in the amount of \$17,500 for general lobbying services from Robert Hartnett. He said staff recommends to hire the lobbyist for five months to work through the legislative session. Mr. Williams continued that staff has negotiated a contract in the amount of \$10,000, with William Peebles to assist the City in dealing with electric issues that may come before the legislature.

Mr. Williams also reported that David Rancourt from the firm Southern Strategy Group has been recommended to lobby the legislature for state buildings on behalf of the City. Commissioner Metcalf inquired into the efforts of the current City lobbyist in regards to the state office building versus the proposed efforts offered by the Southern Strategy Group. Discussion ensued regarding the condition of the state office building and its appraised value. Responding to Commission questions, Assistant City Manager Knight addressed the services offered by Mr. Peebles.

Commissioner Metcalf expressed his concern with funding lobbying activities from January to May. He elaborated on the need to have a lobbyist in Tallahassee for the entire year and being proactive with lobbying efforts. Mayor Marchman, concurring with Commissioner Metcalf, added his preference that staff create a procedure that reviews other communities and their lobbying efforts. Mayor Marchman suggested appointing a task force to review this. City Manager Williams explained that the proposed expenditures will be funded out of the City's contingency fund. Commissioner DeVane suggested inquiring from other agencies how to utilize lobbyists effectively. Consensus that staff return with recommendations or a study for effectively utilizing lobbyists.

Bob Hartnett, 401 Lakewood Drive, explained how other agencies effectively utilize lobbyists. Additionally, he provided an update on the status of the state office building.

Commissioner Metcalf elaborated on the need to coordinate lobbying efforts and activities. Mr. Hartnett suggested appointing a primary lobbyist to coordinate efforts. Mayor Marchman suggested that staff review lobbying registration procedures.

Motion by Commissioner Metcalf to approve the City Manager recommendations with individual registrations as prime lobbyists and if unable, staff to return with the registration order, seconded by Commissioner DeVane. The motion carried unanimously.

f) 310 Park Avenue request to expand the number of outside tables during the March 2005 Sidewalk Art Festival.

Joanne McMahon, 310 Park Avenue S. Restaurant, explained the request to expand the number of outside tables on the street during the Winter Park Sidewalk Art Festival. Mayor Marchman elaborated on the need to create a set of guidelines. Commissioner DeVane spoke about working with the Police Department to enforce the open container ordinance. Commissioner Storer commented on the need to coordinate the request with the Sidewalk Art Festival Committee.

Michael Schwartz, owner of Pannulo's Restaurant, spoke in support of the request.

Consensus was to approve the request with the condition of providing notification to the Sidewalk Art Festival Committee. City Attorney McCaghren explained that the sidewalk café dining ordinance restricts consumption on public right-of-ways unless it is with the expressed permission of the City Commission. He recommended the Commission craft the approval in a way that does not conflict with the current code.

NEW BUSINESS:

1. **Motion by Commissioner Eckbert to reinstate the \$25,000 funding to the United Arts if the sales tax sharing came in at over budget, seconded by Commissioner Storer. The motion carried unanimously.**

Consensus that staff revisit the funding if the sales tax sharing came in under budget.

Mayor Marchman adjourned the meeting at 7:20 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk