

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
February 26, 2007**

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

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

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Douglas Storer

Also present:

City Attorney Trippe Cheek
City Manager James Williams
City Clerk Cynthia Bonham

Members absent:

Commissioner Barbara DeVane

MAYOR'S REPORT:

- a) Recognition of caddy bench donors for the Winter Park Country Club.

Mayor Strong recognized Dr. Robert Thornton, Victor Zollo, Bob Shinn and Mike Lowry as donors who restored the original caddy benches at the Winter Park Country Club. They were presented a plaque as a small token of thanks.

- b) Update and thank you from Susan Finnegan regarding holiday lights.

Susan Finnegan addressed the coordination efforts between herself and Rosemary Gillett over the last three years for a master plan for the lights for the holiday season on Park Avenue. She thanked everyone for their support. She explained the need to plan for labor costs to compensate the appropriate City departments and for maintenance funds. She stated the committee will continue on and will keep the same design elements that she and Ms. Gillett started. Ms. Finnegan stated that many of the retailers have asked if the tree lights can be on during the art festival. She asked the departments to discuss this to see if this can be done.

- c) Board appointments:

Community Redevelopment Advisory Board (2); (1 regular/1alternate):

Mayor Strong nominated Ernie Manning for the regular position and Phyllis Moore for the alternate position. **Seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The vote carried unanimously with a 4-0 vote.**

Economic Development Advisory Board:

Mayor Strong stated the Commission previously identified that the Director of the Chamber of Commerce should be a permanent member. He nominated Sam Stark will become the alternate member and Mr. Dingman will move into the permanent position. **Seconded by**

Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. The vote carried unanimously with a 4-0 vote.

d) Discussion regarding the commuter rail community forum on March 7.

Mayor Strong stated that Dr. Seymour agreed to moderate the forum on March 7, 2007. He stated he would like to leave it up to Dr. Seymour to have a presentation by the proponents, have a descending opinion or a minority report from the Commuter Rail Task Force and leave it open for questions. Commissioner Eckbert stated he would like to see some sort of structure to the event. He suggested the Good Government Group provide invitations as to who would be speaking. There was discussion among the Commission regarding the format of the forum.

Mayor Strong stated he did not view this as a debate for anyone to win or lose but to provide information and he was comfortable with Dr. Seymour working out the format. He suggested that a Commissioner meet with Dr. Seymour and inform him what the Commission believes the focus should be and to ensure he is comfortable with that format. Mayor Strong asked Commissioner Eckbert to take on this responsibility and convey this to Dr. Seymour. Commissioner Eckbert agreed to do so.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1963-07: 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 THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF ALBERTA DRIVE, JO-AL-CA AVENUE AND FLETCHER AVENUE AS MORE PARTICULARLY DESCRIBED/INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF ALBERTA DRIVE, JO-AL-CA AVENUE AND FLETCHER 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 Cheek read the resolution by title. Public Works Director Troy Attaway explained the intent of the resolution. No public comments were made.

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

- b) RESOLUTION NO. 1964-07: 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 THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF HOLT AVENUE, FROM PENNSYLVANIA AVENUE TO PARK AVENUE, AS MORE PARTICULARLY DESCRIBED/INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND

MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF HOLT AVENUE, FROM PENNSYLVANIA AVENUE TO PARK 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 Cheek read the resolution by title. No public comments were made.

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

- c) RESOLUTION NO. 1965-07: 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 TO FUND THE CONSTRUCTION OF CERTAIN STREETSCAPE IMPROVEMENTS, INCLUDING, WITHOUT LIMITATION, IMPROVEMENTS TO THE ROAD, LANDSCAPING, SIDEWALKS, STREET LIGHTS, TRAFFIC LIGHTS, DRAINAGE PIPES, IRRIGATION AND STORMWATER INLETS (COLLECTIVELY, THE "IMPROVEMENTS") ON A PORTION OF ORANGE AVENUE, FROM U.S. ROUTE 17/92 TO HOLT AVENUE AND THE COSTS ASSOCIATED THEREWITH AS MAY BE PROVIDED IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES, LEVIED AGAINST THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF ALL LOTS AND LANDS ADJOINING AND CONTIGUOUS OR BOUNDING AND ABUTTING UPON SUCH IMPROVEMENTS ON A PORTION OF ORANGE AVENUE, FROM U.S. ROUTE 17/92 TO HOLT AVENUE, OR SPECIALLY BENEFITED THEREBY, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 Cheek read the resolution by title. Electric Utilities Director Don McBride spoke about looking at assessments and opportunities for under grounding and that they will follow up on any. No public comments were made.

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

- d) RESOLUTION NO. 1966-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE CITY'S INTEREST IN THE LOCATION OF A COMMUTER RAIL STOP IN THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the resolution by title.

Kenneth Murrah asked that the resolution contain safeguards concerning the costs of commuter rail. He urged the Commission to consider the effects on bonding. He urged the Commission to

state like Maitland that if there is no dedicated funding in 2017, then Orange County must guarantee to pay the Operation and Maintenance (O&M) costs.

Carolyn Cooper, 1047 McKean Circle, agreed with Mr. Murrah and stated it is critical that the City tell the County that to secure our participation, they need to agree to pay 100% of the O&M costs.

No further public comments were made.

Mayor Strong commented that Orange County Commissioner Segal should be invited to the Commuter Rail Forum on March 7 and asked that he relay that to Dr. Seymour. Commissioner Eckbert agreed.

Mayor Strong asked if they should be concerned about the bond issue. Director of Finance Wes Hamil and Craig Dunlap, Financial Advisor on bond issues, explained that there are many factors that go into a bond rating and it is too premature to tell at this time. Mr. Dunlap answered questions posed by the Commission. Commissioner Metcalf expressed concerns with the resolution being too wordy and suggested deleting several of the 'Whereas' statements.

Motion made by Commissioner Metcalf to adopt the resolution with the changes made to only retain 'Whereas' statements #3, #7 and #8, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

- e) Joint Planning Agreement with the Florida Department of Transportation for funding of \$300,000 to the City for safety improvements of the New England Avenue rail highway grade crossing.

Attorney Cheek explained that FDOT is requiring the City to have an indemnity clause in the event that there is liability against FDOT arising from the project. He stated normally he advises staff not to agree to indemnity clauses but that FDOT is a State entity who stated they will not release the \$300,000 if the City does not agree to their form and how they wrote it. Attorney Cheek recommended entering the agreement.

Public Works Director Troy Attaway explained the agreement allows the City to receive \$300,000 in State funding to take one of their intersections and increase the level of safety as a part of their requirement for a quiet zone. He addressed their decision to do the New England Avenue crossing and that they will be doing quad gates where they will have four gates instead of the existing two. Mr. Attaway answered questions from the Commission. He explained he will provide the cost to the Commission regarding the islands and quad gates.

Attorney Cheek stated he had a concern regarding a provision in the agreement where FDOT is requiring that the City indemnify FDOT. He stated the City does not like to indemnify people but if the City does not, we will not receive the \$300,000. Attorney Cheek stated the City has insurance that covers the City if someone is injured during construction. He stated this was a technical point and he wanted to inform the Commission regarding this matter.

Motion made by Commissioner Eckbert to approve the agreement, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer,

Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

CONSENT AGENDA:

- a) Approve the minutes of 1/24/07 and 2/1/07(special meetings); and 2/12/07 (regular meeting).
- b) Approve the following bids and purchases:
 - 1) Extension of WP-3-2006 for Tree Debris Disposal with A Sun State Tree service (Budget: Forestry)
 - 2) PR 131494 to Duval Ford for replacement vehicle for Parks under the Florida Sheriff's contract; \$24,883.00 (Budget: Vehicle Replacement)
 - 3) PR 131495 to Duval Ford for replacement vehicle for Parks under the Florida Sheriff's contract; \$19,662.00 (Budget: Vehicle Replacement)
 - 4) PR 131496 to Cindy Chevrolet for replacement vehicle for Parks under the Florida Sheriff's contract; \$19,587.00 (Budget: Vehicle Replacement)
 - 5) RFP-5-2007, Professional Dry Cleaning Services for Public Safety Personnel, to American Cleaners of Winter Park (Budget: Police/Fire).
 - 6) PR 131554 to Classic Chevrolet for replacement vehicle for Fire Dept. under State Contract # 070-001-07-1; \$31,985.00 (Budget: Vehicle Replacement).
 - 7) Contract extension of WP-5-2005 for Installation of Street Brick Pavers with U.S. Brick and Block Systems (Budget: Public Works)

Motion made by Commissioner Metcalf to approve the Consent Agenda; seconded by Commissioner Storer and carried unanimously with a 4-0 vote.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2702-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, CORPORATE LIMITS DESCRIBED," SO AS TO DE-ANNEX PROPERTIES ON LEE ROAD, BENNETT AVENUE, LEWIS DRIVE, BENJAMIN AVENUE AND ORLANDO AVENUE, SUBJECT TO A DEANNEXATION AGREEMENT, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Cheek read the ordinance by title. He explained that they have renegotiated to some degree the de-annexation agreement among himself, Planning Director Jeff Briggs, Mr. Bellows and his counsel. He expressed that in his opinion they addressed the questions that were raised and the agreement commits Benjamin Partners to subsequently annex back into the City when the development is completed. He explained that it is likely that the City will be annexing the entire development and not just these 10 properties. He also stated that Orange County will not sign the de-annexation agreement and this will be another change.

Dana Harris, representing Benjamin Partners, Ltd., explained that the bulk of the project will be DRI and there will be some minor comprehensive plan changes. She requested that this ordinance be passed. She stated since the agreement has been revised, it protects the City with 90% being in unincorporated Orange County. She stated that 10% of the parcels, upon de-annexation, will aid in the one jurisdiction of this development.

Daniel Assael, President of the board of Park Green, stated that their residents support this entire process and they were pleased with what may occur.

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

- b) Conditional Use request of Mr. Peter Bui (Viva Nails and Spa) to approve a nail salon and spa at 316 Park Avenue North.

Planner Stacey Scowden explained the request. She stated that historically the City's goal is to maintain the primary retail orientation on the first floors of the Park Avenue corridor. She stated the effect of this requirement has been to push new barber/beauty salons off prime Park Avenue frontage because it is not retail in nature. Ms. Scowden stated unfortunately in this case the applicant already signed a lease because he was not informed that he required conditional use approval. She addressed the Planning and Zoning Commission taking this into consideration but recommended denial. She responded to questions from the Commission.

The applicant did not wish to speak. No public comments were made.

Motion made by Commissioner Metcalf to deny the request, seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 98-146 OF ARTICLE IV, CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO PROVIDE FOR RESTRICTIONS FOR PARKING VEHICLES FOR ADVERTISING OR SELLING MERCHANDISE; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. He pointed out two versions of the ordinance and recommended changes to the ordinance to allow delivery vehicles. He clarified that the violation should be considered a civil infraction and a violation of City code; not a criminal offense. No public comments were provided.

Motion made by Commissioner Eckbert to accept the red lined version of the ordinance on first reading; seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE PROPERTY AT 2605 BRADEN DRIVE AND THAT PORTION OF THE BRADEN AVENUE RIGHT-OF-WAY LYING SOUTH THEREOF, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT PORTION OF THE BRADEN AVENUE RIGHT-OF-WAY LYING SOUTH OF 2605 BRADEN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Cheek read both ordinances by title. He explained this relates to the Carolyn Franklin property and the agreement was for the City to annex that property; assuming the Commission does that, the second ordinance would vacate the unused right-of-way which is between the triangle and Ms. Franklin's property. Attorney Cheek explained that step one was to annex the triangle. Mayor Strong asked if they agreed to do that in the agreement. Attorney Cheek concurred. No public comments were provided.

Motion made by Commissioner Metcalf to accept the annexation ordinance on first reading; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

Motion made by Commissioner Eckbert to accept the vacating ordinance on first reading; seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY AND THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2002, OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$30,000,000 WATER AND SEWER REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2007, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH WATER AND SEWER SYSTEM; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Finance Director Wes Hamil explained the market is where it may be advantageous for the City to achieve a net present value savings of about \$465,000 to refund the 2002 water and sewer revenue bonds. He commented there are new projects they would like to consider added to the not to exceed amount to include the Fairbanks Avenue sewer extension, the rehabbing of 4,500 feet of sewer main along Lakemont Avenue between Anzle Avenue and Pine (about \$750,000), and expanding the reclaim water system and/or alternative water sources for irrigation purposes (about \$5 million which is a rough estimate at this time). He stated that doing something to reduce our demands on potable water will be necessary to maintain our consumptive use permit as well as work at the east wastewater treatment plant off Aloma Avenue. He stated the \$30,000,000 will provide us the flexibility to both refund the 2002 water and sewer bonds as well as accomplish the above projects and will put the City in a position to move forward with the refunding when the market is at the most advantageous time to complete the transaction.

Discussion ensued regarding the balance of the bond. Craig Dunlap, Dunlap and Associates, explained the rate for the 2002 bonds as compared to the lower new rate. Mr. Dunlap stated this will not affect the City's rating.

Utilities Director David Zusi spoke about Fairbanks Avenue and the City not previously bonding this project. He spoke about the sewer project on Lakemont Avenue and the Fairbanks project which is to cover the gap between what was originally funded for the project and some additional costs for a curb to curb paving restoration that FDOT is requiring the City to do that the City did not originally anticipate having to do. Mr. Zusi answered other questions of the

Commission concerning the bottleneck problems at 17-92/Fairbanks and the consumptive use permit.

Mayor Strong asked if these funds are intended to provide a wastewater irrigation system. Mr. Zusi stated the \$5 million is a guess and that they are working toward trying to ascertain what the exact number should be. He further explained what they have been reviewing. He stated they will not know the exact numbers until they complete the analysis of their collection system and determine how large the reclaim system will have to be to meet the projected gap. Commissioner Metcalf asked if the decision this evening should be postponed until the information is gathered. Mr. Zusi stated they hope the \$5 million is an adequate number but if it is not, they may have to come back to the Commission if the refund has not yet been issued. He stated they hope to have a good idea about the idea of the expansion of the reclaim system prior to issuing those.

Further comments were made regarding the timing of the ordinance. Mr. Dunlap stated it could be 1-2 months before they are in a position to sell the bonds. He agreed that if it is determined that they need more than \$5 million they should wait so it is done in one bond issue. He addressed the risk that the interest rates may go up, but they would like to be allowed to continue to work through the process and ratings and insurance commitments but don't finalize it until the City has a better handle on exactly what they need. He stated this will come back before the Commission in a form of a resolution. No public comments were provided.

Motion made by Commissioner Metcalf to accept the ordinance on first reading; seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 4-0 vote.

- f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-65. R-1AAA LAKEFRONT DISTRICT" AND SECTION 58-66 "R-1AA AND R-1A DISTRICTS" TO ALLOW EXCLUDING ONLY FIRST FLOOR OPEN FRONT PORCHES AND FIRST FLOOR REAR OR SIDE SCREENED OR OPEN PORCHES FROM THE GROSS FLOOR AREA OF A DWELLING, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Building Director George Wiggins explained the intent of the ordinance, showed pictures of homes with open porches, and recommended changes be made within the ordinance. Mr. Wiggins will make the changes as agreed upon before the second reading. Further comments were made by the Commissioners and questions were answered by Mr. Wiggins. No public comments were provided.

Motion made by Commissioner Storer to accept the ordinance on first reading; seconded by Commissioner Eckbert with striking the first floor provision as suggested. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 4-0 vote.

- g) AN ORDINANCE OF THE CITY OF WINTER PARK AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH GENERAL COMMERCIAL (C-3) DISTRICT OR OFFICE (O-1) ZONING ON THE PROPERTIES ON FAIRBANKS AVENUE, KENTUCKY AVENUE, CLAY STREET, CHERRY STREET, HAROLD AVENUE, JACKSON AVENUE, NICOLET AVENUE AND GRANADA DRIVE AND TO ESTABLISH SINGLE FAMILY (R-

1A) DISTRICT ZONING ON PROPERTIES ON KILSHORE LANE, PURSUANT TO THE ANNEXATIONS OF THESE PROPERTIES EFFECTIVE ON JUNE 1, 2003, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONSISTENCY WITH ORANGE COUNTY ZONING, PROVIDING AN EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" WITHIN SECTION 58-75 "GENERAL COMMERCIAL (C-3) DISTRICT" SO AS TO REVISE AND MODIFY THE LIST OF PERMITTED AND CONDITIONAL USES AND TO AMEND AND REVISE THE SITE DEVELOPMENT STANDARDS AND AMENDING WITHIN SECTION 58-86 "CONDITIONAL USES" SO AS TO REVISE THE EXPIRATION DATES FOR CONDITIONAL USES, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read both ordinances by title. Building Director George Wiggins explained the two ordinances. He showed a map outlining the Orange County boundaries. He spoke about the City having to contact Orange County whenever the residents need a permit or license. He stated this is also a pre-cursor to our future changes for Fairbanks Avenue. He continued that this would unify this area with our commercial zoning and our potential future mixed use overlay and establishes zoning with criteria that places special setbacks along Fairbanks and provides other protections in that area that does not currently exist. He stated it will prohibit establishments such as tattoo parlors and fortune telling businesses. He further elaborated on other issues included within the ordinance and replied to questions of the Commission.

Frank Hamner, on behalf of the Holler family, spoke about the amount of time for the expiration of the conditional use being too short. He asked that the ordinance reflect a total of 90 days.

There were further comments and discussion regarding this issue and preferences of the Commission. No other public comments were provided.

Motion made by Commissioner Eckbert to accept the ordinances on first reading with the P&Z recommendation with the change that Mr. Hamner requested; seconded by Commissioner Storer. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 4-0 vote.

CITY MANAGER'S REPORT:

- a) Lakefront subdivision analysis.

This item was postponed until March 12.

- b) Update on issues related to the Economic Development Advisory Board's letter regarding streetscape improvements to the Fairbanks corridor.

Economic and Cultural Development Director Chip Weston addressed staff meeting on the nine recommendations as provided by the EDAB board regarding Fairbanks Avenue.

Utilities Director David Zusi explained they had previously reviewed the project schedule at Commission meetings and that there are unknowns regarding this project still not finalized and cannot be until they get further into the project. He stated they put some timeframes on the

different tasks without putting in dates because some of the start dates are unknown. Mr. Zusi further elaborated on this issue. He concluded by stating he would rather put off the City's purchase of land for regional stormwater and/or regional parking solutions and to not include it in this particular contract.

Motion by Commissioner Eckbert to approve EDAB's recommendations pursuant to Commission knowledge and approval of any budgetary impacts as well as any impact that the recommendations might have on current contracts with our professionals that are currently executed. Seconded by Commissioner Storer and carried unanimously with a 4-0 vote.

NEW BUSINESS (PUBLIC):

No public comments were made.

NEW BUSINESS (CITY COMMISSION):

Commissioner Metcalf spoke about the need for an ordinance for Park Avenue that requires a certain amount of the revenue to be from retail.

The meeting adjourned at 5:58 p.m.

ATTEST:



City Clerk Cynthia Bonham



Mayor David C. Strong