

CITY COMMISSION MEETING MINUTES
March 8, 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, Commissioner John Eckbert (arrived at 5:00 during the Sprint project public hearing), Douglas Metcalf (via telephone conferencing) and Barbara DeVane; City Manager James Williams; City Attorney Brent McCaghren and City Clerk Cynthia Bonham.

MAYOR'S REPORT:

- a) Recognition to students from the Winter Park Community Center After-School Program.

Mayor Marchman recognized 14 elementary school age students from the Community Center After School Program for winning the Championship at the 2nd annual Black History Brain Bowl.

- b) March 2004 Outstanding Employee of the Month.

Mayor Marchman presented Dan Schuck, Planning Department with the March 2004 Outstanding Employee of the Month award and certificate.

- c) Proclamation - Declaring March 2004 as American Red Cross Month.

Mayor Marchman presented a proclamation to the American Red Cross declaring March 2004 as American Red Cross Month. Joel Haas, Chief Executive Officer, American Red Cross, accepted the proclamation and spoke about the people they help on a daily basis.

- d) Resolution No. 1857-04, Supporting the nomination of the City of Winter Park for a City Spirit Award for the Florida Cities Excellence Awards Program.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, SUPPORTING THE NOMINATION OF THE CITY OF WINTER PARK FOR A CITY SPIRIT AWARD FOR THE FLORIDA CITIES OF EXCELLENCE AWARDS PROGRAM.

Attorney McCaghren read the resolution in its entirety. No public comments were made.

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

- e) Resolution No. 1858-04, Supporting the nomination of Randy Knight for the Florida League of Cities' City Employee of the Year Award.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, SUPPORTING THE NOMINATION OF THE CITY OF RANDY B. KNIGHT, ASSISTANT CITY MANAGER, FOR THE FLORIDA LEAGUE OF CITIES' CITY EMPLOYEE OF THE YEAR AWARD.

Attorney McCaghren read the resolution in its entirety. 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, Metcalf, and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner John Eckbert was absent.

CITY ATTORNEY'S REPORT:

- a) Conceptual Charter School Agreement.

Attorney McCaghren explained that Commissioner DeVane asked that the Winter Park School Conceptual agreement be discussed under his report. Commissioner DeVane stated that the revised document that Attorney McCaghren was asked to write had additional changes made to it that the group was not comfortable with. She stated the changes are ones the Commission has already agreed to and asked for approval to move forward.

Motion made by Commissioner DeVane to move forward with the revised wording within the agreement, seconded by Commissioner Storer and carried unanimously with a 4-0 vote.

b) Attorney McCaghren reported that the City was in trial last week involving a case of an individual who climbed a City tree and was injured when using a rope to swing into the water. After four days of trial, the jury returned a verdict in favor of the City. He stated it is not final yet because of possible re-hearings or appeals.

c) Attorney McCaghren addressed the Charter referendum election and that Commissioner Eckbert will not be able to attend the Canvassing Board meeting. **Motion made by Commissioner DeVane that Assistant City Manager Knight replace Commissioner Eckbert on the Canvassing Board so a quorum is met, seconded by Commissioner Storer and carried unanimously.**

CONSENT AGENDA:

- a) Approve minutes of 2/9/04 (Joint meeting with UAB) and 2/23/04.
- b) Approve purchase orders and RFP as follows:
- 1) After the fact PO # 106968, to Sunshine Building Corporation to make repairs to Kraft Gardens, LS; \$29,825.00 (Budget: Utilities CIP)
 - 2) After the fact PO's (Budget: Utilities CIP):
107033 to Ferguson Underground, Inc. for special made pipe, \$37,374.60
107032 to National Waterworks for special Certalok pipe, \$49,196.00
 - 3) Extension of RFP 2-2002 with Florida Coca-Cola Bottling Company for drink vending machines and service throughout the City. There is no charge to the City

for this service.

- c) Approve budget adjustments as follows:
 - 1) Transfer \$14,545 from the Cemetery Trust fund to the Vehicle Replacement Fund to purchase a replacement Cushman utility truck for the Cemetery Division.
 - 2) Appropriate \$8,678 in funding received from the State of Florida for maintenance of traffic signals. The original budget anticipated receiving \$13,596 and the actual amount received was \$22,274. This budget adjustment appropriates the excess for use by Public Works in maintaining the signals.
 - 3) Transfer a \$10,000 donation received from CH2MHILL in the prior year to a separate account for the Youth Basketball Program at the Community Center.
- d) Review calendar and update with upcoming events.
- e) Approve the recommendation for the new City seal adoption process.

No public comments were provided.

Motion made by Commissioner DeVane to approve the Consent Agenda, seconded by Commissioner Storer and carried unanimously.

PUBLIC HEARINGS:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO OUTSTANDING PARKING VIOLATIONS; AMENDING SECTION 98-90 OF THE CODE OF ORDINANCES TO CHANGE THE NUMBER OF OUTSTANDING PARKING VIOLATIONS FROM FIVE (5) TO THREE (3); AUTHORIZING AND DIRECTING THE TRAFFIC DIVISION TO SUPPLY THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES WITH A LISTING OF PERSONS HAVING THREE (3) OR MORE OUTSTANDING PARKING VIOLATIONS OR ONE (1) OR MORE VIOLATIONS OF ILLEGALLY PARKING IN A DISABLED PARKING SPACE; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney McCaghren read the ordinance by title. No public comments were made. Police Chief Ball explained the new technology making it possible for the City to track vehicles that are violating parking ordinances within the City. He stated it also identifies violators having more than one outstanding parking citation which can be electronically transmitted to the Department of Motor Vehicles. He stated the ordinance will disallow the tag to be renewed on the vehicle whose owner has three or more outstanding parking citations until the citations are paid.

Commissioner DeVane asked for discussion to implement a policy to escalate the parking fee after you receive a certain number of parking violations within a certain time period because of the parking areas where people find it easier to pay the parking fine. Attorney McCaghren addressed the need to revise the City ordinance and stated he would meet with the Police Chief to discuss this. Commissioner DeVane asked that an ordinance be provided.

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

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, RELATING TO PARKING; PROHIBITING THE MOVEMENT OF VEHICLES TO CIRCUMVENT POSTED PARKING REGULATIONS IN THE CENTRAL BUSINESS DISTRICT; PROVIDING FOR CIVIL PENALTY; PROVIDING DEFINITION; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney McCaghren read the ordinance by title. He explained the intent of the ordinance. Joe Terranova, 400 Melrose Avenue, spoke in favor of the ordinance but cautioned the Commission not to discourage business in the downtown area. No further public comments were made. Discussion ensued regarding the need for the City to remain user friendly to shoppers and diners when imposing parking restrictions.

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

- c) Request of Douglas Partners LLC to develop the Sprint property located at 151 S. New York Avenue bounded by Morse Boulevard, New York Avenue, Welbourne Avenue and Virginia Avenue.

Attorney McCaghren read all four ordinances by title. Planning Director Don Martin provided an overview of the project. Planner Jeffrey Briggs explained the project specifics, P&Z's review process and the four ordinances that need to be adopted in order for this project to go to a C-2 or a R-4/C-2 combination. He elaborated on the project design issues to re-face the existing Sprint building, to provide liner residential on Welbourne/Virginia, the Morse Boulevard design guidelines and parking issues. He summarized the Planning and Zoning Commission recommendations and their vote to move the project forward but with the concerns of two members.

CRA Manager Alberto Vargas summarized the Central Business and Morse Boulevard architectural design guidelines for the project that included the proposed parking structures, use of liner buildings, facade design guidelines (setbacks), and the architectural corner treatment for properties fronting on street corners. Mr. Martin summarized the project's pros and cons as provided within the agenda packages. He also summarized the setback findings and the conclusion to recommend the amendment of the C-2 zoning district to require a 15 foot setback for at least 1/3 of the building face and permit up to a 10 foot setback for 2/3 of the building face. Mr. Martin also provided comments regarding the findings and conclusion concerning the issue of parking on the project. Mr. Martin stated that the staff recommends the comprehensive plan/rezoning text amendments as listed. Mayor Marchman and Commissioners Storer, Metcalf and DeVane disclosed meetings with the applicant regarding the project.

John Cunningham, ACi Architects and President Douglas Hoeksema of Douglas Partners provided a schematic design and summarized the design features of the project. Commissioner Eckbert

arrived at 5:00 p.m. at this point in the presentation. Mr. Hoeksema provided a letter addressed to Mr. Martin that spoke about the proposed parking for the project. He provided letters from financial institutions regarding parking requirements and developer loans. Mr. Cunningham addressed the advisory board recommendations and approvals and the proposed building setbacks. Mr. Hoeksema addressed the 10 x 150 strip of land that the City owns in the middle of the project. He explained that his firm has made an application to the CRA to convey the 10' x 150' strip of land and that it is an unbuildable lot with no ingress or egress. Commissioner DeVane asked for the developers to be sensitive in their design of the garages visible from Welbourne Avenue. She asked for the design team to elaborate on the percentage of parking spaces that will be available during the day for office employees to use. Mr. Hoeksema addressed how that will vary with the project and its demographics.

Dan Bellows, 533 West New England Avenue, supportive of the project, expressed his concern with the proposed setbacks and retention areas.

Forest Michael, 130 North Center Street, as President of the Central Park Foundation, said the Central Park expansion issue should be included in the discussions related to this project. He asked that the Commission stand firm on public parking and to define how the Central Park expansion and the parking relocation projects can occur.

Debbie Rodi, owner of Nicole Miller and President of the Park Avenue Merchants Association, spoke in support of the project and the positive opportunity it presents for the City.

Chamber of Commerce representative Debra Hendrickson expressed the Chamber members' support of the project. Ms. Hendrickson read a portion of the letter from the Chamber stating that the proposed project is critical to the economic well-being of the City.

Joe Terranova, 700 Melrose Avenue, provided supportive comments about the project and addressed the 10' x 150' strip of land and its lack of value to the City and the need to convey it to the developer.

Mike Schwartz, owner of Pannulos Restaurant, explained what the public's current perception of the businesses located on Park Avenue is and the competition that threatens its viability.

Allan Trovillion, as a member of the Economic Advisory Board, urged the Commission to approve the project.

Economic Advisory Board Chairman Jim Barnes, 333 Trismen Trail, provided supportive comments about the project and asked the Commission to approve the proposal.

Mark Findura, 2210 Glencoe Road, financial representative for the project, elaborated on the financial commitments the developer has received for this project.

Alan Parker, 151 North Virginia Avenue, as a former developer in the City, expressed his support of the project.

George Herbst, 1742 Temple Drive, spoke how this project contributes to the economic viability of the City.

Marty Cummins, owner of Chapters Book Store on Park Avenue, commented that developers should be welcomed into the City.

Lurline Fletcher, 790 Lyman Avenue, spoke how she believes this project will negatively impact the Westside community.

Commissioner DeVane spoke in support with some questions regarding the approval process and design specifics of the project that she was amenable to. Commissioner Eckbert inquired into whether the developer had an anticipated construction commencement date. Mr. Hoeksema said they hoped to begin construction within 6-8 months. Commissioner Eckbert expressed his concern of granting conditional use approvals on properties that remain vacant and undeveloped. He asked if the developer is amenable to a clause as part of the approval. Mr. Hoeksema agreed to a delay clause of a year from the approval date. Commissioner Eckbert stated he would approve the descriptions provided by Douglas Partners with the addition of a delay clause and (10) parking spaces to the City or a contribution to a parking fund of \$120,000 (\$12,000 per space).

Commissioner Metcalf concurring with Commissioners DeVane and Eckbert, stated this is an outstanding project. Commissioner Storer commended everyone involved and for creating a project that closely exemplifies the vision that has been proposed for the area. He said whatever decision is made should be equitable to all developers and that over time incentives are instituted and impact fees are fairly addressed.

Mayor Marchman expressed his original concern of the project fitting within the scale of Winter Park but after reviewing the presentation and visualizing the model, he is supportive of the project. He suggested meeting with staff to discuss design standards for certain corridors of the City. Mayor Marchman summarized the three decisions needed for approval: required setbacks, number of parking spaces and the conveyance of the 10' x 150' strip of land. To resolve those issues, the following motions were made.

Motion by Commissioner Eckbert to approve the 75/25 setback with the Planning and Zoning Commission overseeing the final elevations and the type of landscape selected for the area along the street and in front of the building, seconded by Commissioner DeVane. Motion carried unanimously.

Motion by Commissioner Eckbert to approve the 10 spaces to the City or fee in lieu of \$12,000 per space, seconded by Commissioner Metcalf. Motion carried unanimously.

Motion by Commissioner Metcalf to convey the 10' x 150' strip of land to the developer in exchange for 10 spaces at \$12,000 per space, seconded by Commissioner Storer. Motion carried unanimously.

Mr. Cunningham asked for clarification on whether the corner tower can remain on the corner of New York Avenue and Morse Boulevard. Commissioner Eckbert responded affirmatively.

Motion by Commissioner Eckbert that the corner tower remain on the corner of New York Avenue and Morse Boulevard, seconded by Commissioner Storer, and carried unanimously.

Commissioner DeVane asked that the Planning and Zoning Commission review the construction materials that are to be used in the project. It was clarified that the project would only have to return to the Planning and Zoning Commission for additional approvals.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF OFFICE TO CENTRAL BUSINESS DISTRICT AND MULTI-FAMILY RESIDENTIAL ON THE "SPRINT" PROPERTY LOCATED AT 151 S. NEW YORK AVENUE BOUNDED BY MORSE BOULEVARD, NEW YORK, WELBOURNE AND VIRGINIA AVENUES, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF OFFICE (O-1) DISTRICT TO CENTRAL BUSINESS (C-2) DISTRICT AND MULTI-FAMILY (R-4) DISTRICT ON THE PROPERTY LOCATED AT 151 S. NEW YORK AVENUE BOUNDED BY MORSE BOULEVARD, NEW YORK, WELBOURNE AND VIRGINIA AVENUES, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-74 CENTRAL BUSINESS (C-2) DISTRICT SO AS TO ESTABLISH A NEW CONDITIONAL USE FOR BUILDINGS UP TO FOUR STORIES AND FIFTY-FIVE FEET IN HEIGHT WITHIN THE NEW YORK AVENUE CORRIDOR; PROVIDING FOR PARAPET AND OTHER MECHANICAL SPACES; PROVIDING FOR A DESCRIPTION OF THE NEW YORK AVENUE CORRIDOR; PROVIDING STANDARDS FOR APPROVAL OF THIS CONDITIONAL USE. First Reading

Motion made by Commissioner Eckbert to accept the ordinance on first reading with the modification of the 75% and 25% setback and to allow the corner treatment with the towers, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-69 MULTI-FAMILY (R-4) DISTRICT SO AS TO ESTABLISH A NEW CONDITIONAL USE FOR RESIDENTIAL MULTI-FAMILY

BUILDINGS UP TO FOUR STORIES AND FIFTY-FIVE FEET IN HEIGHT WITHIN THE CENTRAL BUSINESS DISTRICT; PROVIDING FOR SETBACKS AND DEVELOPMENT STANDARDS; PROVIDING FOR PARAPET AND OTHER MECHANICAL SPACES; PROVIDING FOR A DESCRIPTION OF THE NEW YORK AVENUE CORRIDOR; PROVIDING STANDARDS FOR APPROVAL OF THIS CONDITIONAL USE.
First Reading

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

Regarding the conditional use approval for the development of the new four story, 55' tall, 375,000 square foot building to include 49,700 square feet of office space, 50 residential condominiums and a five level parking garage of 391 spaces, the following motion was made:

Motion by Commissioner Eckbert to approve the conditional use request with the following first two conditions as recommended by the planning staff: 1) that a parking management plan be approved by the City to regulate all facets of the operation of the parking garage including the ability for prospective parking fees/leases; and 2) that the final site plan, floor plans, civil engineering plans, landscape plans and architectural elevations, including building materials, be approved by the Planning Commission; and to include the following changes/addition: a termination clause of one year from the date of approval, 10 spaces at \$12,000 per space (instead of 20 spaces) for the conveyance of the 10' x 150' strip of land to the developer, seconded by Commissioner Storer. Motion carried unanimously.

CITY MANAGER'S REPORT:

- a) Proposals for the 10' x 150' strip of property within the Sprint property.

This item was discussed simultaneously with Public Hearing item 'c'.

- b) Approval of amendment to the Arbors North Restrictive Covenants.

Planner Briggs presented this item. He explained that the townhouses located on Kentucky Avenue known as the Arbors North are requiring that 'For Sale' and 'For Lease' signs only be displayed in windows and not as pole signs. He said that the City requires fee simple townhouses such as these to maintain the same architecture and stormwater components in their covenants and that any change to the restrictive covenants require Commission approval. He said staff recommends approval of this amendment.

Motion by Commissioner Storer to approve the amendment to the Arbors North Restrictive Covenants, seconded by Commissioner DeVane. Motion carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.

- c) Modifications to City Boards.

City Manager Williams stated that staff was able to review the boards and there are currently 22 boards and 6 task forces. He continued that the agenda packages include an outline of each board

along with their respective sunset dates. Mr. Williams stated staff recommends the elimination of the Personnel Review Board, Stormwater Board of Appeals, and the Environmental Review Board. He explained how the responsibilities of these boards can be combined with duties and responsibilities of other similar boards.

Discussion ensued regarding whether there could be a problem with different standards between the Public Safety Department and its employees and combining the functions of the Personnel Review Board and the Civil Service Board. Attorney McCaghren explained that different standards would apply and if board members are properly instructed, they could apply the appropriate standards. Mayor Marchman inquired if this issue had been discussed with these boards. Mr. Williams responded that this issue has not been discussed because staff was pending whether there was any interest to combine the boards. There was discussion on how often these boards meet. McCaghren explained how combining the boards will not impose undue burdens on staff or board members because of an indoctrination period.

Commissioner DeVane asked for a status of the Keep Winter Park Beautiful Board and inquired about its function. Mr. McCaghren explained how this board was established. Commissioner DeVane expressed her preference of incorporating the Keep Winter Park Beautiful Board under the City's boards so the Commission members can appoint those board members.

Economic and Cultural Development Department staff member Gordon Blich, as a former member of the Keep Winter Park Beautiful Board, explained the board's function and the composition of its members. Commissioner DeVane asked that staff return with additional information for the Commission to review. Additionally, she commented on the Economic Development Advisory Board and its lack of term limits and asked for consistency with the term limits for all City boards. She asked that staff return with a recommendation that deals with that issue. Commissioner Storer expressed his concern of not discouraging citizen participation. Discussion ensued regarding the enforcement of a board member absence and replacement policy and boards that overlap each other. Consensus was to consider this issue again in the future.

NEW BUSINESS:

1. Request from Ms. Nancy Shutts to address the Casa Feliz issue approved at the February 9, 2004, Commission meeting.

Nancy Shutts, 2010 Brandywine Drive, asked that the Commission reconsider the decision made at the February 9 meeting to fund site improvements for Casa Feliz out of the Contingency Fund. She expressed her displeasure of using City funds towards this project. No discussion was held on whether to change the decision that was made at the February 9 meeting.

2. City Manager Williams stated the Dinner on Park Avenue event is moving forward. He said if there is interest to change the event off of Park Avenue, staff can look into changing it next year to Morse Boulevard. Mr. Blich explained how at this point in the events planning process, a change of location may impact the success of the event. There was discussion on the possibility of clearing Park Avenue at a later time. Consensus was to start clearing the roadway at 2:00 p.m. on the day of the event.

3. Lurline Fletcher, 790 Lyman Avenue, commented that certain board meeting dates are not included on the monthly calendar. She spoke about the need to street sweep the roads in the Westside.

The meeting adjourned at 7:05 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham