

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
June 24, 2003**

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 Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, John Eckbert, Doug Metcalf (via phone conference for power issues only) and Barbara DeVane; City Attorney C. Brent McCaghren; City Manager James Williams and Deputy City Clerk Tania Haas.

The agenda was modified to address the three items related to the electric utility issue after the Mayor's Report. Commissioner Metcalf was present via telephone to vote on all three issues.

MAYOR'S REPORT:

Dr. Dan Buckman, Orange County Public Schools, spoke about the importance of historically designating the Ninth Grade Center. He addressed the need to work with the City and agree on a contract to assure the School Board as to the City's position in making the Ninth Grade Center a historical designation. Commissioner DeVane addressed the importance of designating the Center to obtain restoration dollars.

Dr. Buckman spoke about the old Glenridge Middle School site and the property adjacent and just west of the General Rees extension that was not included with the extension. He stated that they would like to review this property as part of the master plan they are working on to determine its usefulness and value to the City. Commissioner Storer stated that the City has to perform their improvements now because of the opening of the new school. He addressed concerns with what happens to this property in the interim. He stated he would like to improve the property by allowing the City to grass the area until a determination is made as to disposition of the property. He believed the nearby homeowner's association would be able to maintain the property and that the OCPS would still have ownership but would not have to maintain it. Dr. Buckman stated he wanted to discuss this with their staff and will investigate why this property was taken off the table when it was initially a part of the road extension because the conveyance of this property was always a part of the discussion. He suggested that he work with City Manager Williams to determine how this can work.

CITIZEN'S BUDGET COMMENTS:

No citizen budget comments were made.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1828-03: A RESOLUTION IN SUPPORT OF THE ORANGE COUNTY TRANSPORTATION MOBILITY 20/20 INITIATIVE.

Attorney McCaghren read the resolution by title. He explained that the County asked for a more detailed resolution to include a projects list. No public comments were made.

There were comments made regarding the letter and monies that Winter Park will receive for Glenridge. **Motion made by Commissioner DeVane to approve the resolution with the caveat**

that the letter specifically mentions that the Glenridge funding be included on top of the \$8.3 million, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried with a 4-0 vote. Commissioner DeVane asked that it be made clear that if the 20/20 does not pass, that they are still committed to funding Glenridge.

- b) RESOLUTION NO. 1829-03: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE BOND REFERENDUM FOR AUTHORIZATION OF ISSUANCE OF REVENUE BONDS OF THE CITY NOT EXCEEDING \$49,800,00.00 IN ORDER TO ACQUIRE CERTAIN DISTRIBUTION FACILITIES FROM PROGRESS ENERGY/FLORIDA POWER CORPORATION; EXPRESSING ITS SUPPORT OF AND APPROVAL FOR THE ISSUANCE OF SAID REVENUE BONDS.

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

Motion made by Commissioner DeVane to approve the resolution, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf (via telephone) and DeVane voted yes. Commissioner Storer voted no. The motion carried with a 4-1 vote. Commissioner Storer commented that he is supportive of the bond referendum but that he would not support this resolution because he did not believe it is the role of the Commission to push for one side of this issue.

CITY MANAGER'S REPORT

- a) Pecora & Pecora's Communications Report.

Ron Pecora of Pecora & Pecora, provided the City's Communications Audit report. Patrick Owings of Pecora & Pecora gave an overview and the purpose of the communications audit. John Blehrud provided by way of powerpoint, the audit research objectives and the citizen survey and findings. Mr. Pecora summarized the research conclusions and overall findings of the audit.

Nancy Shutz, 2010 Brandywine Drive, spoke about her problems when downloading the agenda information on the website and issues within the audit, including the electric issue.

- b) Presentation of Local Mitigation Strategy document by Chief Renzy Hanshaw, Orange County Emergency Management Manager.

Deputy Fire Chief Steve Painter introduced Deputy Chief Renzy Hanshaw, Orange County Fire Rescue Department (Director of Orange County Office of Emergency Management) . Mr. Painter addressed the many municipalities that have worked together on the local mitigation strategy. Chief Hanshaw presented a copy of the Local Mitigation Strategy document and explained about the program to mitigate hazards.

c) Public Works Office Relocation.

City Manager Williams addressed the opportunity for the Public Works Department to move into the old Fire Department building on Lyman Avenue. Public Works Director Jim English stated they reviewed both the police and fire departments and that the fire department was less costly and more efficient to move into.

No public comments were made.

Motion made by Commissioner Eckbert to terminate the lease at 147 E. Lyman Avenue and proceed with modifications to Fire Station 61 and the relocation of the Public Works office with the funding as recommended, seconded by Commissioner DeVane and carried unanimously with a 4-0 vote.

d) Progress Energy Settlement Offer and proposed Franchise Agreement as provided at the June 10, 2003, meeting.

Commissioner Storer spoke about this coming too late in the process and did not see the value with accepting this at this time since the voters are going to decide. Mayor Marchman commented about certain issues within the proposal and ordinance provided by Progress Energy that he did not believe to be fair or logic. He stated we need to respond to them that their proposal is unacceptable. Commissioner DeVane addressed the lack of a guarantee of reliability by Progress Energy within the proposal.

Motion made by Commissioner DeVane to reject the proposal, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf (via telephone), Eckbert and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Eckbert to inform Progress Energy that the Commission agrees this is not acceptable, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf (via telephone), Eckbert and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

e) Proposed weekly event "Sunday Painters in Central Park."

Parks Director John Holland presented this item. He stated they were approached with the idea of allowing artists in Central Park on Sunday afternoons. He introduced Carol Hughes who provided an overview of their request.

Carol Hughes, 551 Park North Court, Winter Park, addressed their proposal. She stated she received favorable responses from the Park Avenue merchants that she spoke with and overwhelming support from the Park Avenue Area Merchants Association. She commented that they have chosen 11 spaces for the artists to set up easels along the Park Avenue sidewalk in Central Park on every Sunday afternoon when no other events are scheduled. Ms. Hughes asked that the record reflect an Orlando Sentinel article by Terry Hummel that used her name and address that she did not give permission to use. She thanked various staff members for their help in pursuing this. She stated that draft contracts and documents required from the artists have been

sent to the City Attorney for review. She further elaborated on the program and the revenue it will generate. Mr. Holland commented that the painters will be located on the east sidewalk of Central Park along Park Avenue, not throughout the park. Mayor Marchman asked if there will be a limitation on the number of paintings already completed that they can bring with them to sell. Ms. Hughes stated there will be a limit set.

Commissioner DeVane suggested a 6 month trial period and that the proposed program be presented to the Charles Hosmer Morse Foundation and Elizabeth Morse Genius Foundation to see if they approve of this.

No public comments were made.

City Attorney McCaghren stated that the Central Park guidelines will have to be revisited and adjusted to accommodate this program. He spoke about the need to have tighter restrictions as to the type of artists that will be allowed. Commissioner Eckbert addressed the need to put a control mechanism into place that this does not change into something else in the future if the current key players are no longer involved in the program. Mayor Marchman stated this approval is conceptual and that the final plans will come back before the Commission for final approval. Commissioner DeVane asked that the Public Arts Board be made aware of this. Ms. Hughes stated there will be a type of selection board or standard to be used that will determine which artists will be given a permit to paint.

Motion made by Commissioner Storer to conceptually approve the “Sunday Painters in Central Park”, seconded by Commissioner Eckbert and carried unanimously with a 4-0 vote.

f) Winter Park Chamber Historic Association Welcome Center.

City Manager Williams stated this was discussed at a recent Chamber meeting and was asked to put this on the agenda for discussion. Mayor Marchman spoke about the meeting with the Chamber and the conceptual suggestions made that the Chamber wanted to bring to the Commission to see if this project should be pursued. Commissioner Storer spoke in support of the proposal in concept but wanted to better understand the financial aspects. He asked if there is freed up space at the Farmers’ Market where the Historical Society is presently occupying. He stated there needs to be discussion if this would be more revenue and if the revenue should be applied to this new building.

There was consensus that this be further pursued and to designate a person to meet with the Chamber and Historical Association to further plan and bring back a proposal. Commissioner DeVane volunteered. **Motion made by Commissioner Eckbert that Commissioner DeVane be involved with this venture as well as the participation of a staff member as designated by the City Manager, seconded by Commissioner Storer and carried unanimously.**

CONSENT AGENDA:

- a) Approve minutes of 5/20/03, 6/4/03, 6/9/03 and 6/10/03. Mayor Marchman asked that the May 20, 2003, minutes reflect the name of Michael Schwarz, not Michael Mennello of Pannullo’s Restaurant. The correction will be made.

- b) Approve bids, purchases and change orders:
- 1) PR 100418, to Musco Lighting for pole lighting fixtures and installation for soccer fields at Lake Island from the Jacksonville contract #SC0463-00, \$144,696.00 (Budget: Grant from Orange County)
 - 2) Change Order #2 to Gomez Construction for RFQ-5-2003, Construction of Rose Garden to deduct \$8,107.00 to remove infrastructure from their contract.
 - 3) Change Order to Pecora & Pecora for completion and submittal of the Electric Distribution System 2003 Communications Plan identified in its communication audit, \$45,000, plus expenses.
 - 4) Approve the award on RFP-12-2003, Janitorial Services for Multiple Buildings, to lowest bidder Varsity Contractors, Inc. providing they pass all background checks and supply the City with the required safety and health certificates as required in the RFP. If the low bidder cannot comply with the requirements, negotiate with the next low bidder, etc. until the contract is secured.
 - 5) Bids and purchases over \$25,000.
- c) Review calendar and update with upcoming events.

No public comments were made.

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

A recess was taken from 5:30-5:35 p.m.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2523-03: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING THAT PORTION OF COMSTOCK AVENUE LYING EAST OF INTERLACHEN AND NORTH OF FAIRBANKS AVENUE BUT RESERVING A UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney McCaghren read the ordinance by title. No public comments were made. **Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and DeVane voted yes. The motion carried unanimously with a 3-0 vote (Commissioners Storer and Metcalf were not present to vote).**

- b) ORDINANCE NO. 2521-03: AN ORDINANCE CALLING FOR A BOND REFERENDUM TO BE HELD ON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$ 49,800,000 ELECTRIC REVENUE BONDS OF THE CITY OF WINTER PARK, FLORIDA, TO FINANCE THE COST OF THE ACQUISITION AND/OR CONSTRUCTION OF CERTAIN ELECTRIC SYSTEM DISTRIBUTION FACILITIES AND IMPROVEMENTS IN THE CITY; AUTHORIZING THE ISSUANCE OF SUCH BONDS IF APPROVED BY REFERENDUM; AND PROVIDING AN EFFECTIVE DATE. Second Reading

City Attorney McCaghren read the ordinance by title. There were no staff or public comments made.

Motion made by Commissioner Storer to adopt the ordinance, seconded by Commissioner Metcalf (via telephone). 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.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO SEWER CONNECTION FEES; AMENDING SECTION 102-92(D) OF THE CODE OF ORDINANCES TO ALLOW DEFERMENT OF PAYMENT OF SEWER CONNECTION FEES PURSUANT TO THE CITY'S ECONOMIC DEVELOPMENT INCENTIVE POLICY; PROVIDING AN EFFECTIVE DATE.
First Reading

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

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 Eckbert and DeVane voted yes. The motion carried unanimously with a 3-0 vote. Commissioners Storer and Metcalf were not present to vote.

- d) Requests of Tim Mattingly:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE PLAN MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE-FAMILY RESIDENTIAL TO OFFICE ON THE WESTERN FIFTY FEET OF THE PROPERTY AT 1835 ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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 SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO OFFICE (O-2) DISTRICT ON THE WESTERN FIFTY FEET OF THE PROPERTY AT 1835 ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read both ordinances by title. Planner Jeff Briggs summarized the location and size of the property. He addressed the split zoning that currently exists and the history of this zoning. Mr. Briggs spoke about the neighbors in support of the request and the conceptual approval of the Planning and Zoning Commission because they wanted to see the final plans.

Robert Langford, 412 Fletcher Place, spoke in favor of the request and the lesser impact this will have on the neighborhood.

There were no other public comments made.

After the Commission questions were answered by Mr. Briggs, **motion made by Commissioner Eckbert to accept the future land use ordinance on first reading, with the Planning and Zoning Commission conceptually approving this with the final building plans to go back before the P&Z and that a development agreement be executed. Seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Metcalf was not present to vote.**

Motion made by Commissioner Storer to accept the zoning ordinance on first reading, with the Planning and Zoning Commission conceptually approving this with the final building plans to go back before the P&Z and that a development agreement be executed. Seconded

by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Metcalf was not present to vote.

e) Request of Fairbanks Park Development:

Planner Jeff Briggs explained the conditional use request to construct a three unit townhouse under the R-2 zoning provisions for Cluster Housing at 915 Aragon Avenue to consist of two lots on the corner of Aragon and Denning. He stated the property is 90' wide and 12,001 square feet, making them eligible to build a three unit triplex building. He summarized the setbacks and the architectural creativity in the design of the proposed building. Mr. Briggs addressed the letters submitted opposing the request and the 3-2 vote of the Planning and Zoning Commission to approve the conditional use request with the plans to come back to them for approval.

Steven Cole, architect for the project, stated he was available for questions and spoke of a traffic concern with the neighbors regarding the access on Denning Drive. He stated they are proposing two curb cuts and took into account the concerns with traffic. He summarized the landscape plan proposed for the site and the quality and characteristics of the building they want to construct. Mr. Cole displayed the proposed elevation of the building. Commissioner DeVane spoke about her concerns with the residents trying to exit their property. Mr. Cole stated they talked about putting a three point turn around so that vehicles will not have to back out. Commissioner DeVane stated if this can be addressed, it will help with her concern and also help the neighbors.

Mary Randall, 1001 S. Kentucky Avenue, spoke about her concerns with traffic and safety.

Keith McClain, 935 N. Kentucky Avenue, opposed the request because of the townhouse being out of scale and character with the existing homes in the area and concerns with the homes having a large occupancy turnover.

Cynthia Watson, 961 N. Kentucky Avenue, and owner of three properties adjacent to the subject property, opposed the project because of concerns with property value and density.

No further public comments were made.

Commissioner Storer spoke about concerns with the traffic and activity on Denning Avenue and made suggestions to alleviate these concerns. Commissioner DeVane spoke about the need to revise the R-2 zoning code and encouraged the applicant to discuss this with staff. She stated she will support this proposal with modifications made to the driveway on Denning Avenue so vehicles do not have to back out onto the street. Mayor Marchman expressed concerns with putting another living unit in an area that is already intense and would rather see a duplex built. Commissioner Eckbert spoke about the quality of this development and his support of the project but asked that the access to Denning Avenue be revisited. Commissioner Storer spoke that this is a good example of how cluster housing should be handled in this type of situation. He also expressed concerns with how the traffic interacts with Denning Avenue and the type of potential hazard this could be and encouraged looking at possibilities of mitigating this possible problem.

Motion made by Commissioner Storer to approve the conditional use request with the Planning and Zoning Commission recommendations, seconded by Commissioner DeVane

and carried with a 3-1 vote with Mayor Marchman voting no. Commissioner Metcalf was not present to vote.

NEW BUSINESS:

1. Mayor Marchman suggested that the City Manager prepare a letter for the Mayor's signature related to the CSX trains that go through the City in the evening blowing their horn. He stated he spoke with one of the engineers who suggested to write a letter that it would be appreciated if the engineers could minimize their horn blowing throughout the City.

2. Commissioner DeVane asked that the Finance Director work up a depreciation schedule for the new building so there is an amount included in this year's budget. The City Manager stated it was already being worked on.

Mayor Marchman adjourned the meeting at 6:37 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk