

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
June 27, 2005**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth A 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.

Members present:

Commissioner Douglas Storer
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Barbara DeVane
Mayor Kenneth Marchman

Also present:

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

MAYOR'S REPORT:

- a) Mayor Marchman read a proclamation proclaiming July 2005 as National Recreation and Parks Month.
- b) Mayor Marchman presented Marianne Popkins and the Winter Park Historical Society with a plaque expressing the City's appreciation for their contributions at the 2005 Board Appreciation dinner.
- c) Mayor Marchman nominated Beth Dillaha as a member of the Tree Preservation Board, seconded by Commissioner Storer and carried unanimously.

NEW BUSINESS:

1. George Herbst, representing the Winter Park Chamber of Commerce, provided an update on the proposed Welcome Center. He said they have utilized ACi to update the rendering of the site plan aesthetically and architecturally. He addressed the current plans that will result in making the building more distinctive in nature. Mr. Herbst reported that the Chamber Executive Committee has approved the building. He stated once all parties are in line, ACi will incorporate the rendering into a CAD drawing and develop a list of specifications. The City will then distribute an RFP to solicit for a design build contractor to complete the drawings for construction and to secure the sub-bids. He addressed the necessary documents that will need to be executed: the development agreement, the lease agreement, and the operating agreement. He asked the Commission for a consensus to turn this project over to the architect for a CAD drawing.

Motion by Commissioner Metcalf to move forward toward a CAD drawing of the design, seconded by Commissioner DeVane. The motion carried unanimously.

2. Martin Dennis, 1861 West Fairbanks Avenue, spoke about a fence that an adjacent commercial property owner intends to install that may deny him access to nine parking spaces located on his own property. Building Official George Wiggins explained that Mr. Dennis was unaware that an action taken today may have temporarily resolved this issue.

3. Patricia Gallman provided petitions from residents opposing the City's purchase of the Howard Drive property and converting it into a mini park. She asked for additional information on the procedures used by the City to acquire property for park purposes.

4. James Pullin, 2837 Wright Avenue, opposed to the City purchasing the Howard Drive property for park purposes, inquired about the scheduled meeting dates related to this issue. Commissioner DeVane noted that a Parks Acquisition Task Force meeting has been scheduled this week to discuss policies and procedures for the acquisition of neighborhood parks. Commissioner Storer clarified that the process of decision making is in compliance and working successfully.

5. Lurline Fletcher, 790 Lyman Avenue, inquired whether the City is responsible to trim the trees that are located in the right-of-way and hanging over the rooftops of residences. Mayor Marchman advised Ms. Fletcher or the property owner to contact the City Manager's Office and to advise him of the exact address.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1911-05: A RESOLUTION BY THE CITY OF WINTER PARK, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY.

Attorney Cheek read the resolution by title. No public comments were made.

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

- b) RESOLUTION NO. 1912-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RECOMMENDING AN ANNEXATION POLICY FOR AREAS WEST OF THE CITY LIMITS ALONG FAIRBANKS AVENUE AND LEE ROAD.

Attorney Cheek read the resolution by title.

Jim Barnes, as the Chairman of the Economic Development Advisory Board, spoke in support of the proposed resolution.

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

CONSENT AGENDA:

- a) Approve the minutes of 6/13/05.
b) Approve the modification to the ENCO agreement and the acquisition of bucket trucks.
c) Accept the Winter Park Fire Rescue 2005 Strategic Planning Process Update.

- d) Approve the agreement with Orange County Schools for use of the computer room at the Community Center and space in the annex room to conduct classes in exchange for the computers and desks in the computer room and the tables and chairs in the annex with upgraded equipment to remain on site as long as the partnership is in place.
- e) Approve the following bids/purchases:
 - 1. Extension of Bid WP-4-2004 for various styles of safety gloves for departments, to Boundtree Medical, LLC. Pricing will remain the same. (Budget: using departments).
 - 2. Extension of Bid WP-5-2005, Photographic Film Developing with Harmon Photo and Photographic Supplies to J & L Photo. Pricing will remain the same. (Budget: using departments).
 - 3. Extension of Bid WP-6-2003, Pavement Marking/Street Striping with Fausnight Stripe & Line, Inc. and accept the price increase of 10% as noted on the attached price list. (Budget: Streets Division).
 - 4. Purchase of street bricks for Pennsylvania-Morse to Canton Street project, from Brick America, Inc.; \$108,927.00 (Budget: CIP).
- f) For Your Information Only – Update on major projects in the Central Business District.
- g) Approve the amendment to the sewer connection fee policy as previously adopted as part of Ordinance No. 2524-03.

Mayor Marchman asked for public comments. No comments were provided.

Motion by Commissioner Metcalf to approve the Consent Agenda, seconded by Commissioner Storer. The motion carried unanimously.

PUBLIC HEARINGS:

- a) Request of Landmark Winter Park LLC for the redevelopment at 140 E. Morse Boulevard :

ORDINANCE NO. 2633-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE CONVEYANCE OF REAL PROPERTY; AUTHORIZING THE CONVEYANCE OF A PORTION OF LOT 6, BLOCK B, DR. TROVILLION'S REPLAT OF LOTS 18 AND 19, TROVILLION'S SUBDIVISION IN WINTER PARK, PLAT BOOK K, PAGE 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, IN EXCHANGE FOR REMOVAL OF ALL ABOVE GROUND UTILITIES AND REPLACEMENT OF SAME WITH UNDERGROUND UTILITIES ON MORSE BOULEVARD, CENTER STREET AND TREAT WAY, ALL MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. Second Reading

City Attorney Cheek read the ordinance by title. No public comments were provided.

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

b) Storage building at the Winter Park Pines Golf Course

City Planner Jeff Briggs explained that the Winter Park Golf Course is zoned Parks and Recreation which requires that the Commission approve any proposed buildings or facilities. Mr. Briggs explained that the request is to expand the storage building to the south approximately 860 square feet and did not receive opposition from the surrounding property owners. He said the two property owners that will be able to view the building from their properties have submitted letters in support of the expansion.

Motion made by Commissioner Metcalf to approve the expansion of the storage building at the Winter Park Pines Golf Course, seconded by Commissioner DeVane. The motion carried unanimously.

c) Request of Michael and Sandee Nebel:

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 1345 CLAY STREET, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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 AND ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH FUTURE LAND USE AND ZONING DESIGNATIONS ON THE PROPERTY ANNEXED AT 1345 CLAY STREET, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Cheek read the ordinance by title. Planner Briggs explained the request to annex the property at 1345 Clay Street with an (O-2) office zoning instead of the existing (R-2) residential zoning. He explained that the property contains an older attractive home which the applicant will preserve and enter into the City's preservation program in lieu of the change of zoning. Mr. Briggs elaborated on the expansion of the Calvary Assembly Church property and other prospective uses of the property. He said the property owner prefers to preserve the property and the existing home and has accepted a sales contract from buyers proposing to establish a mental health counseling center on the property contingent upon the change of zoning request. Mr. Briggs continued that the site plan submitted indicates that the existing house will be maintained along with the driveway that will lead to a parking area in the back.

Mr. Briggs explained the concern from the surrounding property owners with the change of zoning request that was expressed at the Planning and Zoning Commission (P&Z) meeting. He said that the P&Z recommended approval of the request with conditions and the requirement of a development agreement with a deed restriction designed to protect the adjacent neighborhood and ensure the promises that were made to the preservation of the existing structure and parking arrangement. He explained how the deed restriction will protect the neighborhood from future ownership of the property and the impact on traffic.

Sandee Nebel, 1331 Lakeview Drive, provided additional details about the request. Mayor Marchman asked whether the applicant was amenable to the conditions imposed by the P&Z. Ms. Nebel responded affirmatively and added with the exception of the parking on Jewel Avenue.

Shawn and Calvin Hare, current owners of the property, provided a brief background about the property under consideration.

Eva Quinones, 1330 Clay Street, spoke in opposition to the annexation and rezoning request.

Charles O'Meilias, 1387 Clay Street, opposed to the annexation and the rezoning request, explained that historically Winter Park has not annexed properties on the west side of Clay Street.

Carlos Quinones, 1330 Clay Street, spoke in opposition of the annexation and rezoning request.

Commissioner DeVane asked that Planner Briggs identify the city limits and the area under consideration. She asked if other neighbors in the area have asked to be annexed into the City. Mr. Briggs explained why the area has not been pursued. Commissioner DeVane spoke of pending legislation regarding enclaves that may eventually be passed. She commented that the property under consideration is welcomed into the City.

Commissioner Storer concurred with Commissioner DeVane and added that he deferred to the opinions of the Planning and Zoning Commission on this matter. He inquired into the interest of annexing any of the surrounding areas.

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

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

d) Request of Dr. Frank Lopez:

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 MULTI-FAMILY (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY LOCATED AT 2225 GLENWOOD DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Cheek read the ordinance by title. Planner Briggs said the property contains lots 17, 18, and 19 on the north side of Glenwood Drive. Mr. Briggs explained an earlier conditional use request that was approved and that the current request is to convert the house into a medical practice. Mr. Briggs continued that the Commission approved a policy that allows all properties that abut commercial properties along Aloma Avenue to be rezoned incrementally over time. He reported that the Planning and Zoning Commission recommended approval of the request.

Commissioner Metcalf inquired whether a standard policy exists to advise applicants of the redevelopment that is occurring in the area; specifically the redevelopment of the Winter Park

Hospital. Planner Briggs responded affirmatively and explained the redevelopment of the Winter Park Hospital.

John Murphy, 2221 Hawick Lane, spoke in support of the request.

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

e) Request of Michael/Wendy Gray, Jeff Bonyngge and Jon/Theresa Swanson:

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 (R-1A) DISTRICT TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ON THE PROPERTIES LOCATED AT 230 STRATHY LANE AND 2231/2241/2251 NAIRN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Cheek read the ordinance by title. Planner Briggs stated the request is from three adjoining property owners at the northeast corner of Strathy Lane and Nairn Drive to rezone the properties from R-1-A to R-2. He reviewed the history and conditions of the surrounding neighborhood. Mr. Briggs indicated that the site plan layout contains eight units on the four lots proposed as individualized cottages and are a good transition to the single family homes to the east versus more typical townhouse projects. He reported that that the residents opposed to the request were in attendance to speak at this meeting and that the Planning and Zoning Commission recommended approval of the request, subject to the board's complete review of the final plans.

Co-applicant Jeff Bonyngge, 2231 Naim Drive, stated that the request is more adequate with the demand for residential development.

John and Theresa Swanson, owners of 2241 and 2251 Nairn Drive, stated they adjusted the plans to address the parking concerns. Ms. Swanson reported on the surrounding neighbors and submitted letters in support of the request. She added that she felt the proposed redevelopment would be a benefit to the neighborhood.

Todd Meifert, 2254 Nairn Drive, spoke in support of the proposed project.

Fred Spencer, 2301 East West Park Road, project architect, provided a streetscape of the proposed project.

John Slade, 2281 Nairn Drive, spoke in opposition to the request.

John Murphy, 2221 Hawick Lane, spoke in support of the request.

Mayor Marchman disclosed his conversation with the parties involved.

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

- f) Request of Sandra Jordon to split the property at 341 Reading Way into two separate single family lots. Variances are needed.

REQUEST BY THE APPLICANT TO TABLE THIS ITEM UNTIL THE JULY 25, 2005, CITY COMMISSION MEETING.

Recess taken from 5:30 – 5:35 p.m.

CITY MANAGER’S REPORT:

- a) Voting delegate for the annual Florida League of Cities conference.

City Manager Williams addressed the need to appoint a voting delegate for the upcoming Florida League of Cities conference. Upon discussion, **motion by Mayor Marchman to appoint Vice-Mayor DeVane as the voting delegate to represent Winter Park, seconded by Commissioner Storer and carried unanimously.**

- b) Approve the increase to the Affordable Housing Linkage Fee from \$.30 per square foot to \$.50 per square foot.

City Manager Williams commented that no other cities were found within the State that impose a linkage fee. Planner Jeff Briggs addressed the Comprehensive Plan Task Force, the CRA Advisory Board and the Housing Authority recommendation to increase the affordable housing fee. He stated that additional money is needed to purchase property if the City is going to continue its programs. He stated he sent Mr. Rick McKee of the Homebuilders Association a memorandum outlining why they should not be concerned with the increase. He stated that imposing this fee is not precedent setting because you cannot have a linkage fee if the private sector is doing any affordable housing in their community; it is the total absence of the private market doing affordable housing that enables the City to impose this fee. He stated all the money raised goes back into the home building industry to buy land or build homes. He stated the increase is only \$800.00 on a typical 4,000 square foot home. He stated he did not receive a response back from Mr. McKee so he is assuming they agree with the increase.

Upon discussion and questions raised by the City Commission, **motion made by Commissioner DeVane to approve the linkage fee increase, seconded by Commissioner Storer and carried unanimously.**

- c) State lobbyist discussion.

City Manager Williams stated they met with Mr. Hartnett and Mr. Marc Reichelderfer, Landmarc Strategies, Inc. and provided them a list of projects. Building Official George Wiggins stated they have gone forward with the Commission direction concerning lobbyist proposals and to secure appropriations for funding projects in the City. He

spoke about the 25 items turned over to Mr. Hartnett who will be trying to obtain funding. He summarized the agreement with Mr. Hartnett and the coordination between the City and Mr. Hartnett that will need to take place.

Mr. Robert Hartnett addressed the list of projects provided to them. He stated they are working on obtaining funding from the St. Johns Water Management District as well as the legislative items. He summarized the process he will go through to try and obtain funds.

Mr. Reichelderfer commented that he will be working closely with Mr. Hartnett to determine which projects to move forward with to try and obtain funding.

d) Selection Committee's ranking of RFP-12-2005, Emergency Debris Removal Services.

City Manager Williams addressed the three companies ranked for emergency debris removal services. He stated they would like to further review the companies and sign a contract with one of them. Commissioner Metcalf inquired about Grubbs and their contract. Mr. Williams stated there is not an extended contract with Grubbs and there is a need to execute a contract with a company to be prepared for any potential storms. Mr. Williams commented these companies have a very good reimbursement history with FEMA. City Consultant Cecilia Meeks addressed the various companies. There was a consensus to further review the three companies listed for consideration and to authorize the execution of a contract with the number one ranked company.

ITEM NOT ON THE AGENDA

Electric Utility Director Don McBride summarized the problems the City is experiencing with power outages. He explained the system and equipment the City obtained from Progress Energy being in poor condition and that it will take a while to work through all the bugs in the utility. He explained how they will try to resolve the power issues. Mr. McBride agreed to summarize the problems to help with communicating them to the citizens. It was agreed to inform the citizens of the electric issues via the City's web site. Commissioner Storer spoke about the importance of good customer service being provided to the residents.

NEW BUSINESS: (Moved up on the agenda)

a) Proposal for evaluating Winter Park Schools

Commissioner DeVane addressed the plan to newly rebuild Lakemont Elementary School and to remodel Brookshire Elementary in two years; and where to stage and place the students for the year that the campus is closed. She stated they would like to explore the options with the schools rather than creating a portable village at two different schools during the rebuilding/remodeling phases. She stated that staff is recommending that the City invest in a study to begin this dialogue with Orange County Public Schools (OCPS). She spoke about not knowing at this time what is going to happen with Killarney Elementary.

Motion made by Commissioner Eckbert to approve the contract with ZHA, not to exceed \$20,000, seconded by Commissioner Storer, and carried unanimously.

b) Commissioner Eckbert asked if the Live Oak plantings are being coordinated with the electric power personnel as far as under grounding plans for power lines. Mr. McBride stated he is aware of the tree plantings and their locations.

c) Commissioner Eckbert stated he has received calls from residents expressing their frustration with the current tree ordinance and fees associated with removing trees they believe are necessary to remove. He asked the Commission to consider if the current tree ordinance was really what they intended.

d) Commissioner Eckbert asked where the City was in the process of retaining an attorney to handle City issues. Mayor Marchman asked if they should combine all services together and have the firms handle both CRA and Commission matters. He stated he would like to leave that option open to whoever responds. Commissioner Metcalf agreed with separating the two services. Mayor Marchman stated he would like all the Commissioners to review the preliminary scope of services before it is sent out for an RFP. He added it is currently being refined. He also addressed the Winderweedle firm commitment to continue services to the City until a decision is made.

e) Commissioner Eckbert asked for clarification related to the use of Winter Park mailing addresses outside of the City's jurisdiction and if the City has any control or influence over the use of Winter Park as a mailing address apart from City residents. Attorney Cheek stated he will review the federal regulations and report back.

f) Commissioner Storer asked for Commission comments related to the letter they received from Dr. Sandy Shugart regarding the partnership with the Library and Valencia Community College to utilize the State office building. It was verified that the Library Board has confirmed the last Memorandum of Understanding and have been fully supportive of the proposed location. Commissioner DeVane stated she was concerned with the letter but has now heard that for Dr. Shugart to be able to receive funding would require the City to relinquish ownership of the building. Mayor Marchman expressed concerns with giving up ownership of the building. Commissioner Storer stated he would like to verify the facts, know the price of the building, and for the City to complete its work before the City's partner decides to leave. He stated the City should respond to the letter that the City is doing our due diligence and would like to better understand the partnership and will have an answer before that time frame.

Commissioner DeVane addressed reviewing the condition of the interior building to have it used as it is as a library building with interior modifications. Discussion ensued regarding the possible purchase price. Mayor Marchman asked for the Planning Department to further review the letter and suggest how to respond. Commissioner Metcalf agreed that the City needs to own the building and that he does not want future commissions having to deal with this issue. Commissioner DeVane addressed the need for community wide discussions as to possible locations for a new library. Mayor Marchman asked Mr. Hartnett to add this to the list for lobbying if it is not currently there. Mr. Hartnett elaborated on the appraisal and possibly making a counter offer. Mayor Marchman suggested exploring obtaining an appraisal of the value of the building. Mr. Hartnett suggested speaking with Mr. Allen Trovillion who was the contractor for the building to possibly help the City. Mayor Marchman stated he will contact Mr. Trovillion.

Mayor Marchman adjourned the meeting at 6:33 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham