

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
June 25, 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 given by Pastor Eric Doran, Kress Memorial Seventh Day Adventist, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong  
Commissioner John Eckbert  
Commissioner Margie Bridges  
Commissioner Douglas Metcalf

Also present:

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

Member absent:

Commissioner Karen Diebel

**Mayor's Report:**

- a) Presentation of check from Embarq for the Olde Fashioned Fourth of July celebration.

Dan Peterson of Embarq presented the City with a \$16,000 check for sponsoring the Olde Fashioned Fourth of July celebration held in Central Park.

- b) Board appointment:

Mayor Strong addressed the need to appoint a Commissioner to the Orange County Community Action Board. Commissioner Bridges volunteered to serve on the board. **Motion by Commissioner Eckbert to appoint Commissioner Bridges; seconded by Commissioner Metcalf and carried unanimously.**

- c) Florida League of Cities Conference

Mayor Strong announced the meeting of the Florida League of Cities on August 16-18 in Orlando and asked if anyone would like to attend.

- d) P&Z work session

Mayor Strong announced a Planning and Zoning work session on June 28 that he is going to attend. He stated we need to notice the meeting if other Commissioners are going to attend.

**Action Items:**

The following action items were approved without discussion or comment from the public or City Commission. **Motion made by Commissioner Eckbert to approve Action Items a, b and d; seconded by Commissioner Metcalf and carried unanimously.**

- a) Approve the minutes of 6/11/07.

- b) Approve the following purchases and change orders:
  - 1) After-the-fact Purchase Order 131970 to Florida Irrigation Supply, Inc. for irrigation parts for the New York exfiltration golf course rehabilitation project; \$26,007.39 (informational purposes only).
  - 2) After-the-fact Purchase Order 131971 to Wesco Turf Supply, Inc. for irrigation parts for the New York exfiltration golf course restoration project; \$25,772.68 (informational purposes only).
  - 3) After-the-fact Change Order #2 for the Welcome Center project; \$13,200.73 (informational purposes only).
  - 4) After-the-fact deduct Change Order #3 for the Welcome Center project; (\$10,550.00) (informational purposes only).
- d) Howell Branch Preserve site plan approval.

The following action items were pulled from the Action Item list for discussion and voted on separately:

- c) 2008 election date discussion.

Orange County Supervisor of Elections Bill Cowles addressed the Commission regarding the change in the 2008 Presidential Preference Primary (PPP) election date as passed by the Legislature. He spoke about the municipal election schedule and Municipal Election Day in the spring of each year. He stated that the Orange County cities are deciding whether to move to the January 29 election date and that Winter Park is the only municipality that has a primary election followed by a general.

Attorney Cheek addressed the Charter as related to this issue. He spoke about the Legislature passing an amendment to the election code stating that even if the City's Charter sets the general election date at another time, it can be moved to comply with the PPP date for 2008. He stated there could be a potential problem with the City's primary election being moved because the legislation only addressed the general election date and cannot give an assurance that the City can move the primary date.

There was discussion regarding the Charter and that it cannot be changed without going through the Charter change procedure and the need to change the Charter from a primary and general election to a general and a runoff election (if necessary). Attorney Cheek stated there are other issues related to the election in the Charter that need to be revised and the only way to change the Charter is to have a special election. Mr. Cowles addressed the timeline for a Charter change as a mail ballot election and stated we did not have the time to do this. He asked that an ordinance be written to propose that the City remain where they are and at the end of qualifying if you know there is only a general election and there will not be a primary election that the general election be scheduled for January 29.

Commissioner Bridges spoke in opposition to changing the date because she believed it was not in the best interest of the citizens with campaigning through the holidays and piggybacking with the County for elections. Commissioner Eckbert spoke about the voter turnout being higher with the other issues on the county-wide ballot. Mr. Cowles reminded the Commission of the issues on the ballot this year including it being an open presidential year, the super homestead amendment, and the Orange County Public Schools Chairman position so the turnout is going to be much higher. He also explained the complexity of voters having to go to different polling places for different elections which causes confusion among the voters. He addressed the number of county polling places versus polling places for City only elections. There was

discussion regarding the Charter and when the elected Commissioner would take office. Mr. Cowles stated he is not proposing that cities change their date of taking office. Attorney Cheek verified that the swearing in date will not change and will remain in March. There was discussion whether to have a Charter referendum to change election issues that are outdated at the same time as our general election. Mr. Cowles stated he would need that language no later than November 20. Mr. Cheek stated he would review this.

**Motion made by Commissioner Metcalf to move forward with an ordinance to change the date of the election, seconded by Commissioner Eckbert. Motion carried with a 3-1 vote with Commissioner Bridges voting no.**

e) Electric underground plan.

This item was discussed after the public hearings. Assistant City Manager Randy Knight provided a power point presentation regarding the City's plan to underground the electric throughout the City. He spoke about the issuance of bonds to fund Phase 1 and the streets throughout the City that would be undergrounded and where they rate on the priority list. Those streets included Webster/N. Park Avenues, Aloma Avenue, Osceola Avenue, Palmer Avenue, Glenridge Way/Lake Sue Avenue, S. Lakemont Avenue, Temple Drive, and Neighborhood Branch Lines to be determined. Mr. Knight summarized the mainline feeders. He addressed the assessment program for branch lines, the prioritization of branch line projects and service drops and panel conversion. Mr. Knight concluded with the financing issues and staff's recommendations to adopt the plan as presented and to authorize staff to begin the financing process. Mr. Knight answered questions asked by the Mayor and Commissioners.

**Motion made by Commissioner Metcalf to approve staff's recommendations, seconded by Commissioner Eckbert and carried unanimously.**

Other issue

Commissioner Eckbert asked about a median on the south end of Lakemont where the right-of-way widens near the Winter Park Towers. He stated that several of the blocks do not have curb cuts. He asked if a landscape median with trees in the middle of the road could be installed. City Manager Williams explained this was widened years ago because of the heavy volume of traffic. Public Works Director Troy Attaway stated that some of that area is used as a bi-directional turn lane for the Towers but that he will review this to see if there is a way to add some green.

f) Architectural Task Force recommendations, including the preparation of an RFQ/RFP for approval of a professional consultant.

Building Director George Wiggins addressed the work session of June 18 where this was discussed. He provided a copy of the list from the work session with recommendations listed for historic preservation, residential and non-residential/multi-family. He stated they are deferring the decision on the historic preservation to establish a historic district downtown under the National Register of Historic Places and as a locally designated district by the Historic Preservation Committee because of the need for more information regarding the survey and buildings that would be considered significant. He stated they are recommending that the Commission approve the remaining items. He addressed the budget implications. Mr. Wiggins stated that the staff recommendation is to approve the task force recommendations, including the preparation of an RFQ/RFP for a professional consultant.

Task Force member David Lamm addressed the timeline for completion which he believed could take 6 months to 1 year to complete from beginning to end. He addressed the public visioning processes that would take place for the commercial planning areas identified. Mr. Lamm addressed their expanded search for consultants that have more experience in the form based side (strategic side) as well as neo-traditional design.

Mr. Wiggins commented about the task force meeting with the Planning and Zoning Commission to further tweak the recommendations and to receive their further guidance as they go through the process. Commissioner Eckbert spoke in favor of a visioning process. Mr. Wiggins addressed the residential aspect recommendation.

Randy Roberts, residential sub-committee of the task force spoke about their intent to have the consultant and the P&Z to continually oversee residential construction and periodically review the code on an on-going basis. This would track where the City is going and the codes would be tweaked as they make recommendations, rather than a wholesale architectural review process of all residential development.

**Motion made by Commissioner Metcalf to approve staff's recommendation to approve the task force recommendations, including the preparation of an RFQ/RFP for a professional consultant. Seconded by Commissioner Eckbert and carried unanimously with a 4-0 vote.**

**Public Hearings:**

- a) Conditional Use Approval-Request to construct a new three story health center and assisted living facility building of 282,000 square feet in the northwest section of the current Mayflower property at 1620 Mayflower Court.

Planning Director Jeff Briggs explained the layout of the Mayflower property and the request to redevelop the property to construct a new 3-story 282,000 square foot health center and assisted living facility in the northwest section of the current property. He spoke about wetland issues and parking requirements.

David McGuffin, CEO, Mayflower Retirement Center, explained the make-up of their existing facilities, the facilities that are needed for their residents and the alternate site analysis. Mr. McGuffin answered questions asked by the Mayor.

Stanley Wilson, 1620 Mayflower Court and President of the residents' association, spoke in favor of the construction of the three story health center and assisted living facility building.

Joe Kolb, DHB, explained the flyover of the site and engineering aspects of the project. He summarized the meetings that have taken place to date with the City staff and SJRWMD and the P&Z. Environmental engineer Mark Osley addressed the environmental constraints of the project. Mr. Kolb stated they are proposing 409 units. He addressed the setbacks, buffering on the west side, landscaping, parking, traffic generation and elevations. Mr. McGuffin addressed the Alzheimer area. Mayor Strong asked about the traffic impacts. Mr. Kolb answered Mayor Strong's and other Commissioners questions regarding traffic and the Alzheimer area of the property. Mr. McGuffin stated they believe that the number of trips generated from this project should not significantly impact traffic and addressed access to the property.

The following spoke in favor of the conditional use approval:

Michael Harbison, 2150 Forrest Road

Joe Terranova, 700 Melrose Avenue – expressed concerns with the wetlands mitigation and asked that they be permanently protected and that the mitigation be done at the Clayton property.

Muriel Dubuc, Mayflower resident

Jack Williamson, Mayflower resident

The following submitted a letter of opposition to the conditional use approval which Attorney Cheek read into the record: S. Charles Modell, 1230 Sunset Drive (representing the Gallery Condominiums).

Barbara Smith, 2427 Gallery View Drive, did not speak for or against the project but expressed concerns with the construction phase, the dirt and noise and the two lane road that will be used during the construction. She asked what can be done to keep these concerns at a minimum.

**Motion made by Commissioner Metcalf to approve the conditional use request, and seconded by Commissioner Bridges for discussion.** Commissioner Bridges stated she supports the project but asked if there is a way to help mitigate the traffic issues during the construction phase. Mr. Kolb responded there are ways to help this and they will be developing those plans. He stated they will consider an alternate access road that may be a solution to both the construction and emergency access. Mr. McGuffin spoke about their sensitivity with the Gallery Condominium resident's concerns regarding traffic. Mayor Strong asked if there was any way we could regulate the construction traffic during the construction period that would alleviate some of the concerns. Attorney Cheek responded as well as Mr. Kolb who spoke about a satellite parking area for construction traffic which will alleviate some of the traffic back and forth. Further discussion ensued regarding the size of the building. **The motion carried unanimously.**

A recess was taken from 5:16 – 5:20 p.m.

- b) Conditional Use Approval-Request to construct 27 two-story townhouse units on the 3.4 acre property at 1800 Lee Road.

Planning Director Jeff Briggs explained the location of the request and the other issues related to the project that have been resolved regarding the gated entrance into the property, the access and tree preservation. He stated they have adequate parking, the stormwater retention meets the code and that the site plan has been perfected. He added that there is more architectural detail and the architecture of the individual buildings has been improved. He addressed the Planning and Zoning approval with conditions. Commissioner Metcalf inquired into the rules currently in place regarding gates. Mr. Briggs responded there is a prohibition in the code about private streets and further spoke regarding this issue. There was discussion as to why the applicant asked for a gate, that the code does not prohibit it and that all public safety concerns have been eliminated.

Representing the applicant, Attorney Allison Yurko and Ed Avellaneda provided a power point presentation outlining the details of the project. Ms. Yurko asked that the record reflect the following: "That they have talked a lot with the adjacent neighbor to the west and that they will cooperate in good faith with the neighbor at 1850 Lee Road on sewer related issues and that they will use best efforts to preserve the density and health of the seven trees near the western

boundary of their property". She stated they are actually located on the neighbor's property but that they wanted assurances that they would try and preserve the trees. She stated this is also important to them because that is their buffer between the commercial property to the west and their parcel. She stated that staff is going to add a phrase to recommendation #2.

Michael (unknown), Lakefront Boulevard, asked that the cypress trees be preserved along the perimeter. He spoke about the stormwater runoff swales between the trees and the water and asked how that will be created and that this be considered. He stated he is not against gating their community. It was assured by the applicant that the existing trees will remain and that the trees behind the swales are new trees that will be added.

**Motion made by Commissioner Metcalf to approve the conditional use request, subject to the following conditions as approved by the P&Z:**

1. **Applicant is to bring back for final development plan approval, the final site plan, civil plans (retention), final architectural elevations, tree preservation protection plan and landscape/hardscape plans to P&Z for review and approval; and**
2. **Applicant is to modify the stormwater retention area to increase separation from the cypress trees (indicated by numbers 41, 43 and 46 on the tree survey) to 35 feet for better protection of the tree root systems and preservation of those trees.**

**Motion was seconded by Commissioner Bridges.** Commissioner Bridges commented about the gated community and if this is precedent setting. There was further discussion regarding the allowance of gates within the City. Commissioner Metcalf commented against gates. He spoke about the future gateways of the City and the future of Lee Road to look like other areas of the City but without gates. Attorney Yurko spoke about the importance of the gate for the project. Mayor Strong and Commissioner Eckbert addressed their preference of a gate at this location. Mayor Strong commented about Lee Road having its own set of circumstances and issues that would warrant a gate that may not be warranted at most other City locations. He stated that the project is an upgrade for the community and that the gate does not detract from that upgrade significantly. Commissioner Bridges asked that the issue of gates within the City be discussed at a future work session as part of the visioning process. **The motion carried unanimously.**

- c) Conditional Use Approval-Request to allow the three properties at 634/640/642 West Comstock Avenue to be used for the construction of four individual one-story single family homes.

Planning Director Jeff Briggs explained that this is a combined request from the City and the Hannibal Square Community Land Trust. He showed the location of the three 50' lots on the south side of Comstock Avenue. He commented that instead of building three large homes, they worked to promote the goals of the affordable work force housing. He addressed the layout showing four smaller homes; 1,100-1,300 square feet in size; one single center drive, and parking behind the two front residences. He stated this is before the Commission because of the conditional use request to build four affordable houses versus the three that are permitted. He stated there are no variances, besides the conditional use, as it meets the parking requirements, external setbacks, and Floor Area Ratio (FAR).

Mary Daniels, 650 Canton Avenue, asked for approval of the request as presented.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the request because it increases affordable housing.

Lurline Fletcher, 790 Lyman Avenue, asked for approval of the request because of the increase of homes in their neighborhood.

Commissioner Bridges asked Mr. Briggs about the possibility of building the two houses in the back of the property as a two story building (duplex) which would provide more green space. Mr. Briggs responded by addressing the Land Trust concept of single family homes as opposed to a duplex.

**Motion made by Commissioner Bridges to approve the conditional use request, seconded by Commissioner Metcalf and carried unanimously.**

- d) RESOLUTION NO. 1980-07: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS TO FUND A PORTION OF THE COST OF THE 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; PROVIDING AN EFFECTIVE DATE.

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

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

- e) Resolutions granting subordination of City utility interests to the Florida Department of Transportation (FDOT).

Attorney Cheek explained that there are four FDOT resolutions associated with this; all with a different parcel number. He explained that the resolutions relate to the City's easement rights being declared subordinate to FDOT in connection with the expansion of I-4. Utilities Director David Zusi explained that these are water and wastewater utility easements and that staff is in agreement with the subordination. He stated there are landscaping funds that FDOT has to spend on the I-4 improvements and that staff is meeting with them to discuss Fairbanks Avenue and to see if some of the money can be spent on the beautification of Fairbanks Avenue near I-4. He stated the City is currently using the easements but that FDOT is going to re-locate those easements for the City at their expense. No public comments were made.

**Motion made by Commissioner Metcalf to adopt the four FDOT resolutions, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert and Metcalf voted yes. The resolution carried unanimously with a 4-0 vote.**

- f) ORDINANCE NO. 2716-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH OFFICE (O-2) ZONING ON THE ANNEXED PROPERTY AT 2605 BRADEN DRIVE AND THAT VACATED PORTION OF THE BRADEN AVENUE RIGHT-OF-WAY LYING SOUTH THEREOF, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

**Motion made by Commissioner Bridges to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert and Metcalf voted yes. The resolution carried unanimously with a 4-0 vote.**

**City Attorney's Report:**

No report.

**Non-Action Items:**

None.


**New Business (Public):**

Susan Gable, 1539 Golfside Drive, spoke about not being able to hear the meetings over the internet and asked that the Commission speak directly into the microphones or use other equipment so they can be heard. Others from the audience spoke about not being able to hear in the Chamber because of the same reason. Commissioner Bridges addressed the technical difficulties we have encountered with the equipment during the meetings.

**New Business (City Commission):**

1. Commissioner Eckbert asked that staff review the possibility of televising the meetings. Mr. Williams stated we can consider this in the upcoming budget process.
2. Mayor Strong reminded the Commission about the July 2 work session from 1:00-5:00.

The meeting adjourned at 6:45 p.m.

  
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Mayor David C. Strong

ATTEST:

  
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City Clerk Cynthia Bonham