

CITY COMMISSION MEETING MINUTES
July 12, 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.

PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, John Eckbert, Douglas Metcalf (arrived at 3:38), and Barbara DeVane; City Manager James Williams; City Attorney Brent McCaghren and City Clerk Cynthia Bonham.

Mayor Marchman asked the audience to have a few moments of silence, reflection and prayer in memory of Public Works Director Jim English who passed away on July 10, 2004. The invocation was offered by Father Jon Davis, All Saints Episcopal Church, followed by the Pledge of Allegiance.

MAYOR'S REPORT:

a) Presentation of check for the purchase of trees.

Mr. Kenneth Murrah presented a \$1,000 check to the City from an endowment fund established by Kenneth and Rachel Murrah to provide funds to purchase and plant trees within the City. He added that the Forestry Department purchases a special tree each year which qualifies the City for the National Arbor Day U. S. Trees Program.

b) Presentation to the Mayor of Best of Show from the 2004 Sidewalk Art Festival.

Carol Moreland, Sidewalk Art Festival Chairman, presented a framed and signed poster from the 2004 festival. She spoke about the Best of Show that they did not transport from the library. She thanked City staff for helping make the festival a success.

c) July 2004 Outstanding Employee of the Month

Mayor Marchman presented the July 2004 Outstanding Employee of the Month award to George Bradley, Information Technology Section (ITS).

d) Recognition of Public Works Department employees by the Fire Department.

Fire Chief Jim White recognized Public Works Department employees Clarence Miller, Kevin Lane and Dwayne Harley with the Citizens Award of Merit. These employees helped to maintain a fire and remove the residents from the home that occurred on June 22, 2004, at 420 Denning Drive while waiting for the Fire Department to arrive.

e) Board Appointments - Comprehensive Plan Task Force

The following board appointments were made: Commissioner Eckbert appointed Mickey Grindstaff; Commissioner DeVane appointed Michelle Rodriguez; Mayor Marchman appointed Larry Adams; Commissioners Storer and Metcalf did not have appointments at this time.

f) Establishment and appointment to Auditor Selection Board

Nominations were made by Mayor Marchman to approve the appointment of Don Turner (retired Lockheed Martin executive), Rusty Baldwin (local CPA), Marni Spence (local CPA), and Jim Moyer (Chief Deputy Comptroller for Orange County) to serve on the Auditor Selection Board. After volunteering, Vice Mayor Douglas Metcalf was selected to serve as the City's elected official. Seconded by Commissioner Eckbert and carried unanimously.

CITY ATTORNEY'S REPORT:

No report.

CONSENT AGENDA:

- a) Approve minutes of 6/28/04.

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

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

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2589-04: 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" TO REPEAL THE CONDITIONAL USE REQUIREMENT FOR RETAIL STORES IN EXCESS OF 6,000 SQUARE FEET. Second Reading

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

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

- b) ORDINANCE NO. 2590-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND THE R-1AAA, R-1AA AND R-1A ZONING DISTRICTS; GENERAL PROVISIONS AND LAKEFRONT REGULATIONS TO PROVIDE CRITERIA TO ALLOW ATTACHMENT OF OPEN COVERED WALKWAYS TO AN ACCESSORY BUILDING, A HEIGHT LIMIT ON ACCESSORY BUILDINGS AND REAR SETBACK ALLOWANCE WHEN ABUTTING NON-RESIDENTIAL PROPERTY; TO ALLOW OPEN FRONT PORCHES TO ENCROACH STREET SIDE YARDS; TO REQUIRE A MINIMUM SETBACK TO GARAGES ON STREET FRONTAGES; TO ADDRESS OPEN POOL FENCING AND LOCATION OF DECKS ON WATERFRONT PROPERTIES; TO ALLOW CERTAIN OPEN CARPORTS TO BE EXCLUDED FROM THE FLOOR AREA RATIO; TO REGULATE PLACEMENT OF AIR CONDITIONING CONDENSERS; AND TO PROVIDE SETBACKS FOR ACCESSORY BUILDINGS. Second Reading.

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

Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner

Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

- c) Ordinance vacating and abandoning the utility easement at 1770 Glencoe Road between Lots 5 and 6 Forrest Hills Subdivision.

City Planner Jeff Briggs stated they were withdrawing this ordinance because of other water main work that first needs to happen before moving forward with the abandonment.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING THE PLATTED ALLEYS WITHIN THE CITY PARKING LOT BETWEEN CANTON AND GARFIELD AVENUES AND WITHIN BLOCK 20, TOWN OF WINTER PARK SUBDIVISION, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read the ordinance by title. No public comments were provided. Planner Jeffrey Briggs addressed the Jacobson's redevelopment project approved at the previous meeting and the parking lot conveyance owned by the City behind Jacobson's to the Genius Foundation. He added this is subject to the terms and conditions of the development agreement that will soon be brought before the Commission. He addressed the need to abandon the two alleys to be able to convey the property which will convert the alleys to private property owned by the City. He stated you cannot see the alleys on the ground; they cut through the parking lot. Discussion occurred regarding the value of the property being abandoned.

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, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

- e) 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 PROPERTIES AT 1453 HARMON AVENUE INCLUDING THE ADJACENT RIGHT-OF-WAY OF WISCONSIN AVENUE AND 2918 SANDWELL DRIVE, 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 PROPERTIES ANNEXED AT 1453 HARMON AVENUE AND 2918 SANDWELL DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read both ordinances by title. Planner Jeff Briggs addressed the home at 2918 Sandwell Drive wishing to annex and to join his neighbors to the west that are within the City limits. He also addressed the property at 1453 Harmon Avenue consisting of two lots zoned R-2, wanting access to City sewer which is close to the property, and the owners wanting to redevelop the property with a duplex/townhouse on each lot. He stated the plan developed is in concert with the new City R-2 regulations. He further elaborated on the design of the duplexes to be built at this

location. Mr. Briggs addressed the wall variance that is a part of the annexation which he recommended approval of.

Barbara Smith, 1441 Harmon Avenue, spoke in favor of the annexation.

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

Motion made by Commissioner DeVane to accept the future land use 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 unanimously with a 5-0 vote.

CITY MANAGER'S REPORT:

- a) South Seminole and North Orange County Wastewater Transmission Authority Capital Improvement Program.

City Manager Williams stated that the presentation was previously provided to the Commission and that we now need to notify them officially that we are going to fund the capital improvement program through our bonding as opposed to going through their bonding. Finance Director Wes Hamil addressed the requirement within the interlocal agreement with the SSNOCWTA to provide them notification that Winter Park will pay their portion of the project cost within 14 days of their bond issue. He stated our bond issue closes August 18 and asked for approval so the SSNOCWTA can consider this when determining the size of their bond issue. He stated that the City also needs to adjust the previously adopted water and sewer rates to cover this additional debt service cost. He stated that notice will be provided to the residents on their utility bill and that a public hearing will take place in September to adopt those rates.

Motion made by Commissioner Metcalf to: 1) authorize the City Manager to notify the South Seminole and North Orange County Wastewater Transmission Authority of the City's intent to pay its proportionate share of the capital improvement program costs no later than 14 calendar days prior to the date of delivery of the Authority's bonds; and 2) authorize staff to provide notification of a public hearing to be held in September regarding water and sewer rate increases of 8% on October 1, 2004, 2005 and 2006 with the notification to be on the water and sewer bills as required by Florida Statute. Seconded by Commissioner Storer and carried unanimously.

- b) Renegotiations to the billboard swap with the Clayton Family Trust.

Planner Jeff Briggs addressed the agreement made two weeks ago with the Clayton family that they would donate 6 parcels around the property being purchased through the Trust for Public Lands and in return they would be allowed to convert a sign they now have at Lee Road and I-4. The sign is currently an on-site advertising sign restricted to advertising Clayton Realty and other family

ventures and approval was given to raise the sign 15' to be above the Denning's sign. He stated since that prior agreement and before the agreement was signed, they asked to change the agreement to limit it to 4 ½ of the 6 parcels but after reading the staff report presented this evening, they provided a third agreement that commits to giving the City all 6 parcels again, however they want in return to maintain the current billboard on-site sign for Clayton Realty, etc. and next to it or on top of it to build a new revenue producing billboard. He stated this would be the largest sign collection on I-4 and the scale and mass is inappropriate for what the City hopes is a gateway into the City. He recommended that the agreement approved on June 28 remain.

Commissioner Eckbert asked if there is an appropriate size for a property only sign. Mr. Briggs stated it would be about 100 square feet and that the proposed sign they are asking for is 672 square feet. He stated it would be appropriate to approve a 100' on-site sign in addition to the other sign.

No public comments were made.

Motion made by Commissioner Eckbert that we approve staff's recommendation but with the addition of an appropriately sized square foot, on-site only sign, seconded by Commissioner Metcalf and carried unanimously.

c) Set the tentative millage cap.

Finance Director Wes Hamil summarized the need to set the tentative millage cap, the list of budget requests received from various City departments and outside organizations, comparative millage rates between municipalities, general fund expenses for salaries and benefits from various cities, results of the resident survey, the cuts the City departments made in their budget to balance the proposed budget, and other related budget numbers and requests.

Commissioner DeVane addressed the need to keep up with the necessary asphaltting and maintenance of roads, as well as the need to keep the parks well maintained. She wanted to see \$500,000 restored to the general fund to handle these two concerns. She stated this is the year the Commission needs to seriously discuss a millage increase because the City cannot continue to cut the quality of service and expect things to remain the same.

Motion made by Commissioner DeVane to set the millage cap a full mill higher for discussion, seconded by Commissioner Storer. The need to further study the budget and determine priorities was addressed. Commissioner Storer agreed that a millage rate is inevitable.

Mayor Marchman addressed the major impact of the proposed homestead exemption being on the upcoming ballot and the financial impact to the City. He also addressed the counties not passing as much funding down to the cities and the hard decisions that will have to be made to maintain the level of services within the City.

Commissioner Eckbert spoke about the feedback from the residents concerning the economic viability of Park Avenue and the high ranking of that priority. He wanted to ensure the City is operating efficiently and addressed the need to take care of the City's capital assets. He stated he agreed with the spending priorities but was concerned as to whether we were controlling costs but did not know how to measure that or determine whether we are or not.

Commissioner Metcalf addressed the need to begin educating the public as to why tax increases may be necessary. He asked that the City utilize every resource it has available to provide the facts as related to expenses and revenues. He stated he agreed with a millage increase cap for discussion purposes to provide them time to review the budget more thoroughly. He addressed the need to decrease expenses. There was further discussion regarding the current millage rate and the proposed rate of 4.654 mills.

A representative of Winter Park High School asked that the SRO officer not be cut from the high school.

Motion carried with a 4-1 vote with Commissioner Eckbert voting nay.

NEW BUSINESS:

1. Assistant City Manager Randy Knight provided an update regarding the power issue. He stated that the operation and maintenance bids were received and are in the process of being evaluated. He stated that Progress Energy has been commenting to the media that the bids received were not adequate and there will be outages and problems. He stated the bids received were very good and from very good companies. He stated the negotiation is taking place to fine tune the scope and believed we will have a good provider for the City.

2. Mr. Knight addressed property next to the substation on Aloma that they would like to acquire and begin negotiations on to locate the City's substation. He stated the City already has property at the sewer treatment plant site but the site next to the Progress Energy site would be a better location. **Motion made by Commissioner DeVane to authorize the Assistant City Manager to negotiate for this property, seconded by Commissioner Metcalf and carried unanimously.**

3. Mayor Marchman commented about the proposed Charter referendum regarding a homestead exemption increase to \$50,000. He asked if the Commission wanted to consider adopting a resolution opposing this. Commissioner Metcalf stressed the importance of communicating with the public regarding this issue using the resources within the City. There was consensus to have the City Attorney draft a resolution.

4. Commissioner DeVane stated she has been working with the City of Orlando and the Health Foundation on education issues. She stated they are forming a task force with cities and the county and asked that she be appointed if Winter Park is asked to participate. She elaborated on the increase of students coming into Winter Park schools and the need for a community-wide discussion. There was a consensus that Commissioner DeVane serve on this task force. Commissioner Storer further addressed the increased capacity of Winter Park schools and the impact of non-Winter Park children. Further comments were provided.

5. Commissioner Storer asked about his request for cost data on unfunded

mandates/services/facilities the City has to provide for outside agencies. He stated he wants to see a list because of the need to make the magnitude public and to be sure the City is paying their fair share. He stated he wanted to see the dollar impact these have on the City.

6. Commissioner Metcalf addressed Winter Park utilities and the need to begin now to set up a utility board to handle how this is structured. He suggested that the Utilities Advisory Board work with the Assistant City Manager to begin putting together what they believe is the right way to set this up, using the best information we received from the municipal utilities managers that came here, and to keep it non-political. Assistant City Manager Randy Knight stated the UAB has asked some of these managers to come to their August meeting to provide pros and cons. He will provide a report before the City Commission at the first meeting in September.

7. Commissioner Metcalf provided information regarding the ULI Advisory Services Program and the meeting with the Chamber whereby Ken Bradley of the Chamber and himself were appointed to try and determine what needed to be done regarding economic revitalization. He stated that ULI has made a proposal to come and run a 3 day seminar and provide an assessment of the current market opportunities and suggested next steps for redevelopment of the downtown. He stated the cost would be \$20,000 and would not be a City expenditure because they are raising the funding from local businesses. He urged the Commission to participate when this happened. There was a consensus to move forward.

Mayor Marchman adjourned the meeting at 5:03 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham