

CITY COMMISSION MEETING MINUTES
October 25, 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 and Barbara DeVane; City Manager James Williams; City Attorney Brent McCaghren and City Clerk Cynthia Bonham.

The invocation was offered by First Christian Church Pastor Jim Book, followed by the Pledge of Allegiance.

MAYOR'S REPORT:

- a) Discuss letter received from Orange County School Board regarding Glenridge Middle School.

Mayor Marchman explained this issue was on the agenda to discuss a response to the Orange County School Board's letter responding to the City's inquiry about Glenridge Middle School. He disclosed discussions with Orange County School Board Member Joie Cadle in which she stated that there was not a rush for a response from the City. He confirmed that an agreement exists with the School Board that states if the property is determined to be surplus, the City has the right of first refusal or the first option on the property.

Commissioner DeVane disclosed discussions with Mr. Shea, Orange County School Board. She said he was unaware of the on-going discussions between the City and School Board members. She reported that two more members will be added to the School Board and recommended that when that occurs, that staff schedule a meeting with both parties and to understand the City's position on this issue. She said this issue is not strictly specific to Glenridge Middle School but also involves a possible redevelopment opportunity of the Vo Tech Center site similar to what is planned for the post office site. She commented the goal should be the creation of a policy on surplus and vacant properties. Mayor Marchman expressed his belief that it appeared by the comments in the letter that the School Board's intent is to revisit an agreement that has already been entered into and suggested scheduling a joint work session.

Commissioner Storer spoke of the progress made with the removal of the storm debris from the site. He elaborated on the atmosphere and environment in which the agreement was executed under and the difficult negotiations with the Baldwin Park development plan and the City's lack of participation in the process. He briefly explained some of the concessions that were made by the City and how the site in its current state is a non-contributor to the City's tax roll. He stated he would like to see the School Board adhere to the existing agreement and advise the City of their intent with the site.

Commissioner Metcalf disclosed discussions with School Board members regarding this issue. He elaborated on possible development opportunities that involve the Vo Tech Center and Glenridge Middle School sites. He commented on the need to know the City's options in the event that Orange County Charter Ballot Question #6, which requires county and municipal approval of zoning or comprehensive-plan amendments affecting overcrowded public schools, is adopted. He suggested that the Commission devise and agree on a plan for the Glenridge site.

Mayor Marchman suggested a meeting to discuss possible plans for the Glenridge property if the City acquires the site. He said they would discuss possible responses to the questions that are being asked by the School Board.

Commissioner Eckbert commented on how a portion of this issue involves negotiating an economic value for the site and how the Commission has the authority to zone the property that will determine and impact its value. He expressed his preference that if value is given to the property, above and beyond the current zoning, the resulting benefits should come to the City and not the School Board.

Commissioner Storer concurring with Commissioner Eckbert, commented that the City is probably obligated to pay the higher of the two uses; residential or park. He said the public must be included in the zoning designation process. Commissioner Metcalf expressed his belief that a portion of the property should be zoned residential. He elaborated on the property's appraised value and appropriate density and the need for the City to maintain control of redevelopment. He said it is in Winter Park's interest to zone and control the density in a way that provides a community that meets the needs of the City.

Commissioner DeVane expressed her concern that other school board members were unaware of the agreement, were not parties to the correspondence regarding the development of the site, and did not receive the information that was presented by the City to School Board Member Joie Cadle. She noted that the City should not forfeit the right of first refusal. Commissioner DeVane commented on the possible impact to the City if proposed Orange County Charter ballot question #6 is adopted.

City Attorney McCaghren commented if the consensus was to use the old Glenridge Middle School site as residential, that staff's position if the Charter amendment passes, is that the site would not be covered by the amendment and rezoning is not required. He explained that the parcel is presently zoned Public-Quasi-Public (PQP) and that residential is allowed as a conditional use.

Mayor Marchman suggested that staff schedule a joint work session without compromising the existing agreement. Discussion ensued whether a comprehensive plan exists between the City and the School Board. Consensus was to schedule a joint work session in writing between the City Commission and the entire School Board and to list the items for discussion; specifically Winter Park/Orange County School Board issues. He asked that staff circulate the letter to each Commissioner. Mayor Marchman asked that Commissioner DeVane work with City Manager Williams to draft a letter for the Mayor or Commission signature.

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

CITY ATTORNEY'S REPORT:

No report given.

CONSENT AGENDA:

- a) Approve minutes of 10/11/04.
- b) Approve budget adjustments as follows:
 - 1) Budget for close out of completed capital project funds (Street Bond, Park Avenue Improvements, Central Utilities Construction and Public Safety Complex Construction) and to consolidate the ITS Internal Service Fund into the General Fund (FY 2004).
 - 2) Appropriate \$6,000 of the General Fund Reserve restricted for code enforcement training for that purpose (FY 2005).
 - 3) Appropriate \$5,000 in state forfeiture funds for the Fall Family Festival (FY 2005).
 - 4) Transfer \$82,963 from Building Maintenance to the Vehicle Replacement Fund to purchase a truck to service street lights. The purchase was approved by the Commission on September 27, 2004 (FY 2004).
 - 5) Transfer \$84,651 from the Planning Department to the City Hall Redevelopment Capital Project Account to cover FY 2004 costs for this project (FY 2004).
- c) Accept the Gay Road area conceptual plan.
- d) Approve the 1% rate adjustment for Waste Management effective November 2004. Pass the rate increase onto single family residential customers and to the commercial and multi-family units utilizing the cart collection system effective November 2004.

Keith Gardner, 2230 Cady Way, spoke in opposition to item 'd'. He asked the Commission to reconsider the rate adjustment because of the irregularity with debris removal.

Lurline Fletcher, 790 Lyman Avenue, expressed her opposition to the rate increase proposed in item 'd'.

Commissioner DeVane asked to remove item 'd' for discussion purposes.

Motion made by Commissioner DeVane to approve the Consent Agenda with the exception of item 'd', seconded by Commissioner Eckbert. The motion carried unanimously.

Regarding item 'd', City Manager Williams explained this is a contractual rate adjustment and provided an update on debris removal. Commissioner DeVane asked for clarification on the 1% increase and the City's cost per month. The Commission commended Waste Management for their efforts with debris removal, but noted that the increase was a contractual rate adjustment.

Motion made by Commissioner DeVane to approve item 'd' from the Consent Agenda, seconded by Commissioner Eckbert. The motion carried unanimously.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2604-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO MUNICIPAL ANNEXATION; PROVIDING A REQUIREMENT THAT A SEPARATE REFERENDUM BE HELD IN THE CITY WHEN THE PROPOSED ANNEXATION EXCEEDS A CERTAIN SIZE; PROVIDING AN EFFECTIVE DATE. Second Reading

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

Commissioner Metcalf expressed his preference of including a calendar year instead of a rolling 12 month period clause. City Attorney McCaghren explained staff will have to review the prior 12 month period before considering the adoption of an annexation ordinance. He said there will be a defined 12 month period each time an annexation ordinance is under consideration. Commissioner DeVane stated her opposition of changing the language in the ordinance to a calendar year instead of the 12 month period as proposed. She said the purpose of the proposed ordinance is to be responsive to the citizens.

Motion made by Commissioner Metcalf to amend the ordinance to include the language of a calendar year instead of a rolling 12 month period, seconded by Commissioner Eckbert for discussion purposes. Commissioner Metcalf voted yes. Mayor Marchman and Commissioners DeVane, Storer and Eckbert voted no. The motion failed with a 4-1 vote.

Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf, and DeVane voted yes. Commissioner Storer voted no. The motion carried with a 4-1 vote.

- b) Request of Albin Polasek Museum: Amending the Development Agreement to permit the museum and sculpture grounds to be used for wedding receptions.

Planner Briggs provided the staff report. He explained the development agreement between the City and the Albin Polasek Museum that was entered into approximately four years ago. He said the agreement regulates social events and their spill over effects such as noise and overflow parking. Mr. Briggs said the agreement allows weddings, but does not permit wedding receptions or musical entertainment. He said the development agreement regulates the number of guests to such events because of parking concerns. Mr. Briggs reported that the museum is having difficulty renting the facility for strictly weddings. He explained the request is for a minor change to the agreement that would allow both weddings and receptions, but not permit amplified musical entertainment. He said the applicant was required to assemble a Neighborhood Relations Committee to inform them of the proposed change. He noted that the applicant has received a consensus from the neighborhood to approve the request. Lastly, he reported that the Planning and Zoning Commission unanimously recommended approval of the amendment. No public comments were provided.

Motion made by Commissioner Metcalf to approve the amendment to the development agreement with the Albin Polasek Museum, seconded by Commissioner Storer. The motion carried unanimously.

c) Request of the United States Postal Service for property at 300 N. New York Avenue:

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 GOVERNMENTAL AND COMMUNITY SERVICES TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY LOCATED AT 300 N. NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read the ordinance by title. Planner Briggs provided the staff report. He explained that the post office site is proposed for redevelopment and contains a component comprised of residential units. He said staff suggests and the applicant agrees that in light of the Orange County Charter Amendment, it may be prudent to proceed at this time with the rezoning of the property from Public-Quasi-Public (PQP) to Commercial (C-2) to render the result of the Charter Amendment as erroneous. He explained how the controversy regarding Glenridge was resolved by including residential into the PQP zoning district. He said PQP zoning districts permit residential uses and is comparable to the adjacent zoning, but does require a 45% floor area ratio. He said the redevelopment of the post office will exceed the 45% floor area ratio and because of that and the Charter Amendment, rezoning the property is a prudent step to take. Lastly, Mr. Briggs elaborated on boundaries and parameters established by the Planning and Zoning Commission regarding this project.

Attorney Mickey Grindstaff, Shutts and Bowen, as the applicant's representative, asked for the Commission to approve the request.

No public comments were provided. Commissioner Storer recused himself from voting due to a potential involvement with the construction of the project.

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf and DeVane voted yes. Commissioner Storer did not vote. The motion carried with a 4-0 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 PUBLIC, QUASI-PUBLIC (PQP) DISTRICT TO CENTRAL BUSINESS (C-2) DISTRICT ON THE PROPERTY LOCATED AT 300 N. NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf and DeVane voted yes. Commissioner Storer did not vote. The motion carried with a 4-0 vote.

CITY MANAGER'S REPORT:

a) Approval of a Craft Market - New England Avenue at Shady Park.

Parks and Recreation Director John Holland spoke of the success of the City's Farmers' Market and the numerous requests from crafters that have wanted to participate in the market. Community Center Director Ron Moore presented the plan and the layout for the market.

Commissioner DeVane sought clarification on vendors that request to share booths. Mr. Moore responded that the contract restricts the sharing or lending of booths. He explained the licenses that will be required for vendors. Lastly, Mr. Moore reported that the surrounding residents and businesses are supportive of the market.

Susan Gable, 1539 Gulfside Drive, asked whether the Commission has considered the other events that are regularly scheduled at Shady Park. Mr. Moore elaborated on how the City has the right to reserve the park when needed.

Motion made by Commissioner Metcalf to approve the Craft Market to be located at New England Avenue at Shady Park, seconded by Commissioner DeVane. The motion carried unanimously.

b) Update on developer selection process for City Hall property.

Planning Director Don Martin announced that staff is moving forward with the exploration of redeveloping this property. He explained that the City Hall Committee met on September 30 to review the seven responses received from the Request For Qualifications for developers of this project. He reported that the committee reduced the number to four development teams: Faison, Lincoln Properties, Pizzuti Companies, and Pappas Properties and recommended solicitation of the four teams for full proposals. Mr. Martin said staff is seeking an approval of the short list and for the Commission to provide comments on the proposal document. He reported the committee is scheduled to meet on October 28, 2004, to begin a greeting and discussion session with the four teams selected.

Commissioner DeVane sought clarification on the timeline and whether it was sufficient. She suggested that staff explore and discuss the reality of revenues, funding opportunities, and the financial obligation to the City. Additionally, she asked staff to discuss the methodology used to generate ad valorem tax proceeds. Discussion ensued regarding the fundamental source of revenue for the City being the land lease payment proposed by the developer. Commissioner DeVane suggested a meeting with the Orange County Property Appraiser to obtain an estimated value for the proposed building. Mr. Martin said that an estimated property value amount can be added to the evaluation. Commissioner Metcalf commented on the need to include surrounding property owners in the discussions.

Commissioner DeVane said the City is not committing to construct a new City Hall because the project is moving forward and that it still will need voter approval. She spoke of the importance of disseminating information that the City is exploring an option. Commissioner Metcalf spoke of inviting residents to tour City Hall in its current state.

Motion made by Commissioner Metcalf to approve the short list and move forward with the process, by Commissioner Storer. The motion carried unanimously.

Additional Item Not on Agenda

Live Oak Tree purchase:

Although not listed on the agenda, the following item was discussed. Parks and Recreation Director John Holland explained this issue involved the continuance of an approval to move forward with creating an agreement with the Winter Park Live Oak Fund. He explained the organization's concern that they reserved 100 live oak trees that requires a deposit which they are unable to provide because they are early in the fund raising process. Mr. Holland reported that the organization is asking for \$20,000 to cover the 25% deposit for the 100 oak trees. He stated that tree supplies may be limited in Florida due to recent storms and asked for approval to waive the purchasing policy for the deposit. He asked whether this is a loan to the organization that requires reimbursement. Discussion ensued regarding the due date of the balance. Commissioner DeVane commented on the importance of moving forward with this request and to authorize the Parks Director to use the funds that have been reserved to plant trees as needed in a logical and rational manner. There was discussion whether the City is fiscally responsible for the entire balance and the cost difference between Live Oak and Laurel Oak trees. Commissioner DeVane commented on the financial commitments that the organization plans to receive.

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

Motion made by Commissioner DeVane to approve the request to purchase the trees and to waive the City's purchasing policy, seconded by Commissioner Storer. The motion carried unanimously.

NEW BUSINESS:

Lurline Fletcher, 790 Lyman Avenue, commented on trees that need to be trimmed on the Westside.

Mayor Marchman adjourned the meeting at 5:05 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham