

**CITY OF WINTER PARK
CITY COMMISSION MEETING
October 27, 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 Finance Director Wes Hamil, followed by the Pledge of Allegiance.

PRESENT: Mayor Kenneth Kip Marchman, Commissioners Douglas Storer, Douglas Metcalf, John Eckbert and Barbara DeVane; Assistant City Attorney Lionel Rubio; City Manager James Williams and City Clerk Cynthia Bonham.

MAYOR'S REPORT:

- a) Mayor Marchman addressed the Little League district boundary line issue with Winter Park children not being allowed to play in the Winter Park Little League. He stated he spoke with the regional representative about the situation and that he indicated to their representative that Winter Park will be giving priority for the utilization of City fields to groups that include all the citizens of Winter Park. He stated he was informed that the Little League is hesitant to redraw the boundary lines without the district having territory taken from them being involved in the process. He stated he informed them that he is willing to meet with the North Orlando Kiwanis and Maitland Little Leagues to resolve this issue. He stated that the regional representative informed him that they are continuing to work and schedule future meetings on this issue. Mayor Marchman also informed them that they hope to resolve this before the spring season begins. Commissioner DeVane asked that Parks Director Holland attend the meetings.

CITY ATTORNEY'S REPORT:

No report was given.

PUBLIC HEARINGS:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE BY THE WINTER PARK COMMUNITY REDEVELOPMENT AGENCY OF NOT EXCEEDING \$6,500,000 REDEVELOPMENT REVENUE BONDS, SERIES 2003, IN ACCORDANCE WITH THE COMMUNITY REDEVELOPMENT ACT OF 1969; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Rubio 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 and DeVane voted yes. Commissioners Eckbert and Metcalf voted no. The motion carried with a 3-2 vote.

- b) 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 330 S. WYMORE ROAD, 2531 AUDREY

AVENUE, 2616 AMSDEN ROAD, 750 JACKSON AVENUE AND 661, 665 and 667 HAROLD AVENUE. Second Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE" SO AS TO ESTABLISH ZONING AND FUTURE LAND USE DESIGNATIONS ON THE ANNEXED PROPERTIES AT 330 S. WYMORE ROAD, 2531 AUDREY AVENUE, 2616 AMSDEN ROAD, 750 JACKSON AVENUE AND 661, 665 and 667 HAROLD AVENUE. Second Reading

Attorney Rubio read both ordinances by title. No public comments were provided.

Motion made by Commissioner Metcalf to adopt the annexation 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.

Motion made by Commissioner Storer to adopt the zoning ordinance, seconded by Commissioner Eckbert. 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) Subdivision request of Christopher Heinrich to divide the property at 510, 520 and 540 N. Pennsylvania Avenue into three individual lots to hold two existing individual single family houses and existing duplex.

Planner Jeff Briggs explained the location of the subdivision request and that the property contains a duplex and two single family homes. He stated the applicant wants to divide those structures into three lots so they can sell them individually. He stated that the applicant is willing to improve the properties in exchange for a variance because of the property size. He stated the applicant has provided a letter indicating the improvements they will provide on the property. He stated that the Planning and Zoning Commission agreed to the approval.

The applicant was not present to comment. Lurline Fletcher, 790 Lyman Avenue, spoke about the request, other lots on the west side that are split and the nice job of improving the homes at this location. No other public comments were made.

Motion made by Commissioner Metcalf to approve the subdivision request with the conditions, seconded by Commissioner Storer, and carried unanimously with a 5-0 vote.

- d) Conditional Use request of Yvette Pinzon to establish a day care and preschool on the property at 2225 Glenwood Drive.

Planner Jeff Briggs addressed the conditional use request and explained that the property backs up to commercial properties on Aloma Avenue. He stated that some of the properties across the street have already been re-zoned. He addressed the positive recommendation by the Planning and Zoning Commission and the two conditions that need to be returned to the P&Z for approval. He stated there is ample property to handle this building and the growth of the students. No public comments were made.

Applicant Yvette Pinzon, 1741 Mizell Avenue, explained their proposal, including the number of parking spaces, number of staff, the morning and afternoon sessions, traffic flow, and the number of estimated students. No public comments were made.

Motion made by Commissioner DeVane to conceptually approve the conditional use request with the Planning and Zoning Commission conditions, seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.

- e) Request of Keith Groninger for final site and building plan approval for the new home at 341 E. Kings Way.

Planner Jeff Briggs addressed the previously approved split of lots 13 and 14 at 341 E. Kings Way so a new home could be built on each lot. He spoke about the condition placed on this property that the home come back for review and approval before it was built. He also explained the Planning and Zoning Commission condition that the house plan be “flipped” so the pool and other activity is on the internal side which Mr. Groninger reluctantly agreed to. He also stated that the neighbor (the Vance’s) was happy with the condition. The applicant was not present. No public comments were made.

Motion made by Commissioner Metcalf to approve the final site and building plan for the home at 341 E. Kings Way, seconded by Commissioner Eckbert, and carried unanimously with a 5-0 vote.

- f) Conditional use request of Dino Motors for a used car sales business at 1301 N. Orlando Avenue.

Tabled by the Planning and Zoning Commission.

- g) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING REGULATIONS” SECTION 58-74 “CENTRAL BUSINESS (C-2) DISTRICT” TO PROVIDE THAT DRIVE-IN BUSINESSES MAY BE PERMITTED AS CONDITIONAL USES ON MORSE BOULEVARD. First Reading

This hearing was held after 5:00 p.m. Assistant City Attorney Rubio read the ordinance by title. Planner Jeff Briggs spoke about the Planning and Zoning Commission recommendation to change the code. Lurline Fletcher, 790 Lyman Avenue, spoke in opposition to drive-thru’s on Morse Boulevard because of traffic and safety concerns. No further public comments were made.

Motion made by Commissioner Eckbert to accept the 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) Beloit Avenue property purchase.

Planner Jeff Briggs summarized what they had explored regarding alternatives as prospective ways to finance specific or future park purchases. He stated that using general fund reserves or CRA money was not recommended because of how it would affect the City's bond and credit rating. He addressed the possibility of a parks and recreation impact fee or a parks and recreation assessment fee. He summarized how these could be implemented. Mr. Briggs stated that he did not review other ways to generate funds for park land but could review raising building impact fees. Commissioner DeVane suggested to ask the Parks and Recreation Commission if they would either appoint someone or investigate themselves what other communities are doing around the country and to bring back recommendations for discussion. She suggested to review the City's building impact fees since they are low as compared to other local municipalities.

Michelle Rodriguez, 1667 N. Park Avenue, summarized various financing options. She asked that the Commission allow this item to be readdressed when Ms. Stevens from the Trust for Public Land (TPL) arrives.

Nancy Renfro, 665 Randy Lane, commented in favor of acquiring the old Glenridge Middle School property.

Dr. Bette Tallen, 1170 Kenwood Avenue, spoke in favor of acquiring the Beloit property. She stated that she cannot afford an assessment to help pay for the property. She asked that the City partner with TPL.

Amado Bobadilla, 2010 Fosgate Drive, spoke in favor of acquiring the old Glenridge Middle School property for green space.

This item was put on hold at this point until the arrival of Ms. Stevens of the Trust for Public Land (TPL). Ms. Stevens arrived at 4:45 p.m. whereby the item was continued. Lindsey Stevens, TPL, updated the Commission as to what took place after the last meeting. She stated that TPL had several meetings with City staff to determine if the City can participate in the commercial paper loan program. It was determined that the City could not participate because of its current Charter. She spoke about a lease/purchase program between the City and TPL as a possibility. She stated the interest rate would be 4-6% and that a 25-30% initial down payment of the entire purchase price would be required. She stated the Charter would allow the City to enter into this type of agreement. This issue was thoroughly discussed by the Commission and comments were provided.

Ms. Stevens stated she spoke with Mr. Hamilton about extending the option to allow time to implement long term financing solutions but that he was unwilling to entertain any extension and also indicated it would be a substantial amount of money. She stated she can continue this conversation with him but it did not appear that there would be any possibility to extend the option to purchase the property for a long period of time. Comments continued by the Commission at this time. Ms. Stevens asked if there is any City money available at all that could be used as the down payment if the Beloit Avenue property was purchased. Mayor Marchman stated he did not believe the money needed for a down payment was available at this time. Commissioner DeVane

commented that she would like to explore what type of assistance the State of Florida can provide for both the short and long range. The Commission committed to continue to work on this issue but agreed they did not have an answer this evening about the Beloit property.

Mayor Marchman suggested to form a Parks Acquisition Task Force to work with staff to aggressively look into the possibilities of financial assistance for the acquisition of property for parks. He volunteered Commissioner DeVane to bring back recommendations regarding the membership of this task force and how it would be utilized and interface with the various Federal, State and local organizations that provide financial assistance. Ms. Stevens offered TPL's conservation finance group to assist the task force in putting together a plan to be presented to the City on potential funding alternatives, etc.

Mike Green, 2204 Fosgate Drive, spoke in favor of acquiring the old Glenridge Middle School property as green space.

Heather Traynhan, 2203 Fosgate Drive, spoke in favor of purchasing the old Glenridge Middle School property for a park.

Shay Silver, 735 Pansy Avenue, spoke in favor of purchasing the Beloit property. She stated that she knew where the City could borrow \$500,000 from the budget.

Commissioner DeVane will provide names for the task force at the next meeting.

b) Central Park Foundation update.

This item was postponed by request of Mr. Forest Michael. Commissioner Storer asked that research on the Foundation be provided, i.e., number of members, how they are organized, how they are funded and who has donated to it.

c) Update on the electric power issue.

Assistant City Manager Knight updated the Commission by stating they held their pre-bid conference with possible power suppliers. He stated that seven companies were in attendance but that they expect there to be eight bidders. He stated they are in the process of scheduling individual meetings with each of the companies to see what piece of the business they are interested in which will aid the City in writing the bid document. He addressed the letter sent to the citizens updating them on this issue and that several citizens have contacted the City disagreeing with the continuing negotiations with Progress Energy, but that the negotiations are still continuing.

d) Item not on the agenda - meeting with FDOT

City Manager Williams reported on the meeting with the Florida Department of Transportation (FDOT) and Mr. Michael Snyder. He provided a copy of the letter to be sent confirming what was discussed at that meeting. Mr. Williams also addressed the City's interest in taking over the maintenance of Orange Avenue from Fairbanks to the Winter Park/Orlando city limits. He stated that the City will revisit this with Mr. Snyder if the opportunity to take over Orange Avenue arises and if FDOT provides the City additional monies for maintenance. He commented that Mr. Snyder was supportive of this.

Planning Director Don Martin summarized what was discussed in the meeting concerning the intersection improvements to Orange/Orlando Avenues (re-stripping of intersection), Fairbanks/Orange/Pennsylvania Avenues (acquisition of Cumberland Farms property and realignment of Pennsylvania Avenue into Orange Avenue to create a typical four-way intersection at Orange and Fairbanks Avenue). No public comments were provided.

CONSENT AGENDA:

- a) Approve minutes of 10/13/03.
- b) Approve budget adjustments:
 - 1) Transfer \$2,955 from the Landscaping Divisions's FY 2003 budget to the Vehicle Replacement Fund to purchase a mower costing \$24,000. The balance necessary to purchase the mower will come from the sale of an older mower to Lakemont Elementary as well as the rental payments that had been made on that mower to the Vehicle Replacement Fund.
- c) Approve bids, purchases and change orders:
 - 1) Change Order #3, Bid WP-3-2003, Pennsylvania/Lake Sue Bricking Project to Gibbs & Register, Inc. for subgrade, curbing, backfill/grading, concrete/asphalt removal, \$76,772.60 (Budget: CIP).
- d) Review calendar and update with upcoming events.
- e) Approve the cancellation of the December 22, 2003, Commission meeting due to the holiday.
- f) Approve the amendment to the lease agreement with the Winter Park Public Library to increase the annual rent to \$500,000 per year and increase the organizational support by an equal amount.

No public comments were provided. Commissioner DeVane asked for clarification regarding the section of the minutes concerning Mr. Kimmig. Mayor Marchman clarified that he meant to hold any fines for either party until the board revisits this issue.

Motion made by Commissioner DeVane to approve the Consent Agenda, seconded by Commissioner Eckbert. Motion carried unanimously with a 5-0 vote.

NEW BUSINESS:

1. Pat Summerall Productions Champions of Small City Management Award.

City Manager Williams stated that after further review, staff made the decision not to further pursue or recommend this award because they did not believe the City would greatly benefit from the \$24,000 fee the City would be required to pay. Economic and Cultural Director Chip Weston explained what the City would receive for the \$24,000 fee.

2. Commissioner DeVane asked who controls General Rees and is responsible for maintaining the roadway, sidewalk and the property to the west of the sidewalk. She stated that the City should discuss with Orlando about vacating some of that right-of-way so residents can move their fences back.

Mayor Marchman adjourned the meeting at 5:30 p.m. to convene as the Community Redevelopment Agency (CRA) at 6:15 p.m. Upon adjournment of the CRA meeting, the Commission reconvened as the City Commission to approve the following:

Approve Hannibal Square Parking/Piazza agreement between the City of Winter Park, Mr. Daniel B. Bellows and Hannibal Square, Ltd.

No public comments were provided.

Motion made by Commissioner Storer to approve the Hannibal Square Parking/Piazza agreement between the City of Winter Park, Mr. Daniel B. Bellows and Hannibal Square, Ltd., seconded by Commissioner Metcalf, and carried unanimously.

The City Commission meeting adjourned at 6:30 p.m.

Mayor Kenneth Marchman

ATTEST:

City Clerk Cynthia Bonham