

**CITY OF WINTER PARK
CITY COMMISSION MEETING
November 10, 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 Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

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

MAYOR'S REPORT:

- a) Mayor Marchman recognized the Winter Park High School Chorus for their accomplishments and proclaimed November 20, 2003, as Winter Park High School Chorus Day.
- b) Mayor Marchman recognized Stanley Wheeler, Public Works Department, as November 2003 Outstanding Employee of the Month.
- c) Mayor Marchman addressed the Rose Garden dedication on November 6 that was being continued this evening because of the foul weather that day. He recognized former Mayor Terry Hotard for his involvement with the rose garden. Parks Director John Holland spoke about the November 6 ceremony where Mrs. Crane was present and thanked the Mayor, Commission and City Manager for their support of the project. He also thanked the other persons and committees involved. Mr. Holland presented the plaque to be installed into the pavilion area sidewalk.
- d) Commissioner DeVane addressed the formation of the Parks Acquisition Task Force and recommended that the following persons be appointed to the task force: Bob Bendick, Karen Diebel, Phil Eschbach, Michael Green, Tom McMacken, Charles Namey, Michelle Rodriguez, Wanda Salerno, Heather Traynham, a representative from the neighborhood council (appointed by them) and a representative from the Mead Garden group (appointed by them). Seconded by Commissioner Storer and carried unanimously.

CITY ATTORNEY'S REPORT:

Planner Jeff Briggs reported that 4 out of 5 annexations were successful on November 4, 2003. He addressed the referendum that did not pass because of a 2/2 tie vote of the Kentucky/Oglesby Avenues area. He stated that another referendum for this area can take place anytime and did not have to wait two years because there was not a majority against the annexation. Consensus to provide new ordinance(s) for future May 2004 annexation referendums.

PUBLIC HEARINGS:

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BOATS AND LAKES; AMENDING SECTION 114-65 OF THE CODE OF ORDINANCES RELATING TO MOTORBOATS PROHIBITED ON CERTAIN LAKES BY ADDING LAKE BALDWIN AND CLARIFYING THE ALLOWED USES OF THE FLEET PEEPLES PARK BOAT RAMP. First Reading

City Attorney McCaghren read the ordinance by title. No staff or public comments were made. Attorney McCaghren commented that the ordinance may want to include a prohibition on other lakes under 60 acres.

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.

- b) 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. Second Reading

City Attorney McCaghren read the ordinance by title. No staff or public comments were made.

Motion made by Commissioner Metcalf to adopt the 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) Requests of the City of Winter Park:

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 SO AS TO ESTABLISH OFFICE AND COMMERCIAL FUTURE LAND USE DESIGNATIONS ON THE PROPERTIES ANNEXED ON THE LEE ROAD AND WYMORE ROAD CORRIDORS, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

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 ESTABLISH OFFICE AND COMMERCIAL ZONING DESIGNATIONS ON THE PROPERTIES ANNEXED ON THE LEE ROAD AND WYMORE ROAD CORRIDORS, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

City Attorney McCaghren read both ordinances by title and explained the ordinances establish the same zoning and future land use as Orange County but puts the City's zoning in place with the City's requirement. No public comments were made.

Motion made by Commissioner Metcalf to accept the comprehensive plan ordinance on first reading, 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.

Motion made by Commissioner DeVane to accept the zoning ordinance on first reading, 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.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SUBSECTION 58-73 COMMERCIAL SHOPPING CENTER (C-1) DISTRICT, SECTION 58-74 CENTRAL BUSINESS (C-2) DISTRICT, SECTION 58-75 GENERAL COMMERCIAL (C-3) DISTRICT AND SECTION 58-76 LIMITED COMMERCIAL (C-3A) DISTRICT TO PROHIBIT ADULT VIDEO ARCADES AND OTHER SIMILAR PLACES OF AMUSEMENT; AMENDING SECTION 58-91 DEFINITIONS TO PROVIDE A DEFINITION FOR ADULT VIDEO ARCADES. First Reading

City Attorney McCaghren read the ordinance by title with corrections made due to typographical errors. He stated that Planner Jeff Briggs asked him to report that an emergency ordinance was adopted as a moratorium at the last meeting and that this places the prohibition of these types of activities into the appropriate zoning codes. No public comments were made.

Motion made by Commissioner DeVane to accept the ordinance on first reading, 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.

CITY MANAGER'S REPORT:

- a) Code Enforcement Board Lien Foreclosure Request

Code Enforcement Officer Sylvia Wellon explained the Code Enforcement Board lien foreclosure request for 226 W. Lyman Avenue. No public comments were made.

Consensus to direct the City Attorney to proceed with the appropriate legal proceeding to foreclose the property at 226 W. Lyman Avenue.

- b) American Cancer Society's fee waiver request for use of the Civic Center

A request by the American Cancer Society was made for a full fee waiver for the use of the Civic Center for their annual Winter Park "Survivor's Dinner" on Tuesday, March 23, 2004, in conjunction with the 2004 "Relay for Life" event. City Manager Williams stated there is no budgeted money for fee waivers. Lauren Smith, Relay for Life and Bill Swartz, Parks and Recreation Department asked for a full waiver. Mayor Marchman stated he is serving as chairman this year and refrained from voting. Full rental fee would be \$1,200 and the Parks and Recreation Commission recommended a 50% fee waiver.

Commissioner Storer stated he was in support of the full waiver. Commissioners DeVane, Metcalf and Eckbert did not support a 100% waiver of fees. Comments were made regarding the support the City provides for this event. Consensus to support the 50% fee waiver as recommended by the Parks and Recreation Commission.

c) City Hall space needs study, proposed guiding principles, and recommendation to re-establish the Public Facilities and Real Estate Task Force.

Planning Director Don Martin spoke about the completion of the Task Force report recommending to proceed with the construction of a new City Hall, the public meeting held and agreement that it may be time for a new City Hall, and that they are now in the process of how to proceed. He addressed the Task Force recommendations and the need for a space needs plan for a new City Hall which is completed and a part of this evening's presentation. He also spoke about formulating guiding principles to move the effort forward to the next level.

Public Works Director Jim English summarized an independent study provided by their department as another option to renovate and/or expand the current City Hall building. He summarized the pros and cons of this versus constructing a new building. He stated that the estimated cost is close to the estimated cost provided by the Planning Director for a new facility. The number of parking spaces required was discussed.

John Cunningham, ACi Architects, provided master site plans, addressed the guiding principles list to be discussed later when Mr. Herring arrived, and also the Spatial Needs Study.

William Battaglia, 250 S. Park Avenue, addressed concerns with the lack of proposed parking with the City Hall property and the need to look at other potential locations other than its current location. He stated he wanted to ensure the new City Hall is built at the minimum cost which he believed could be achieved by accommodating the best possible re-development of this property.

Frank Herring, St. Joe Commercial, summarized the Guiding Principles for the City Hall property re-development.

Joe Terranova, 700 Melrose Avenue, agreed that City Hall should remain at its current location and to retain the property, that renovation is not an option and should maximize the retail on Park Avenue.

George Herbst, 1742 Temple Drive, stated that City Hall should remain on Park Avenue and that sufficient parking should be part of the overall plan.

Bill Battaglia, 250 S. Park Avenue, asked that other sites be considered for the redevelopment of City Hall. He stated that the City needs to maintain control over this project and commented about the parking garage and the number of parking spaces he believed would be needed. He stated he did not believe this project should go back to a Task Force and addressed the need to go through a RFP process.

Scott Stahley, Lincoln Property Company, 1126 Washington Avenue, stated the location of City Hall

needs to be further reviewed. He commented on the need to put the project out for a competitive bid and allow others the opportunity to review and provide input into this project.

Wanda Salerno, 657 Berwick Drive, stated that the task force believed the current location was the best and that other locations were researched.

Discussion ensued regarding the principles provided as follows:

Guiding Principle # I (1): City Hall should be maintained at its present general location:

Planning Director Martin stated that the Task Force recommended the location of Lyman and Park Avenues after review of other potential locations. Upon discussion and comments, **motion made by Commissioner Storer to change number one to read: "City Hall should be maintained at its present location", seconded by Mayor Marchman.**

The necessity to remain flexible was discussed. **Motion tabled by Commissioner Storer regarding principle #1 to discuss a new Item X.** There was consensus to add Item X to the Guiding Principles as follows: **"The City Commission wants to encourage creativity and flexibility in the redevelopment plans submitted to the City as best benefits the citizens of Winter Park."**

Motion made by Commissioner Storer to adopt principle #1 as reflected above, seconded by Commissioner DeVane, and carried unanimously.

Guiding Principle # II (2): Proposed New City Hall should occupy approximately 50% of the frontage available on Park Avenue

Upon discussion, **motion made by Commissioner Metcalf to change the wording to "Proposed new City Hall should occupy a prominent portion of the frontage on Park Avenue", seconded by Commissioner Eckbert and carried with a 4-1 vote with Commissioner DeVane voting no.**

Guiding Principle # III (3): Project should contain a public area. The public area should include a combination of green space and "hardscape" features

Motion made by Commissioner Metcalf to approve principle #3, seconded by Commissioner Eckbert and carried with a 4-1 vote with Commissioner DeVane voting no.

Guiding Principle # IV (4): Master Plan for City Hall property should include a parking structure that provides 250 parking spaces for City Hall and approximately 300 to 400 additional spaces for use by the general public and a potential "Third Use" (see item V)

Motion made by Commissioner Metcalf to change the number of parking spaces for City Hall to 300 spaces and to change "approximately 300 to 400 additional spaces for use by the general public" to read "as many additional spaces as possible for use by the general public." Seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

Guiding Principle # V (5): Master plan should designate and reserve area for a third use on the remaining 50% of the Park Avenue frontage that is not being consumed by the new City Hall and/or public area. Parking for this "third use" will be provided for in the new garage. The most appropriate use for this site will be determined by the City Commission at a later date

Motion made by Commissioner Metcalf to modify principle #V to read: "Third Use - Master plan should designate and reserve area for a third use on the remaining property of the Park Avenue frontage not being occupied by the new City Hall and/or public area, etc." Seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

Guiding Principle # VI (6) Project Phasing - Task Force should develop a master plan that allows for each use (City Hall, Parking Garage and "Third Use") to be constructed in phases independent of each other and in any sequence. Furthermore, the Task Force should explore the feasibility of locating the new City Hall in such a way that the existing City Hall can be utilized until the new City Hall is complete and occupied. The existing City Hall would then be demolished, thus allowing the City to move once. In the event the "move once" scenario compromises the overall master plan to an unacceptable degree, other alternatives should be developed

Motion made by Commissioner DeVane to modify principle # VI (6) to read: "Develop a master plan that allows for each use (City Hall, Parking Garage and "Third Use") to be constructed in phases independent of each other and in any sequence. Furthermore, the master plan should include the feasibility of locating the new City Hall in such a way that the existing City Hall can be utilized until the new City Hall is complete and occupied. The existing City Hall would then be demolished, thus allowing the City to move once. In the event the "move once" scenario compromises the overall master plan to an unacceptable degree, other alternatives should be developed." Seconded by Commissioner Eckbert and carried unanimously with a 5-0 vote.

There was consensus to go out into the private sector and receive proposals as to what is being envisioned rather than receiving additional input from a Task Force or staff implementation. Mayor Marchman asked that the principles decided on this evening be modified and be made a part of a total package to include how a RFP would fit into the process at the next Commission meeting. He asked if Commissioner Storer would work with staff and Mr. Herring to develop guidelines that would fit the next step of an RFP.

Guiding Principle # VII (7): Task Force should develop a plan and budget that provides for the City to continue using the existing City Hall for a period of time of five to seven additional years. This scenario should also provide for the continuing use by the City of the vacant Police and Fire facilities during the same time period

Consensus to delete.

Guiding Principle # VIII (8): Task Force should incorporate the results of the downtown parking study into the Final Report

Consensus to delete.

Guiding Principle # IX (9): Task Force should prepare a budget and plan for financing the recommended program

Consensus to delete.

Newly added Guiding Principle # X (10) - to become # VII (7) with the deletion of old #'s VII (7) - IX(9):

“The City Commission wants to encourage creativity and flexibility in the redevelopment plans submitted to the City as best benefits the citizens of Winter Park.”

There was also a consensus to accept the Spatial Needs Study from ACi/HKS.

The City Commission meeting was adjourned at 7:15 p.m. to conduct a CRA Agency meeting.

The City Commission meeting reconvened at 8:35 p.m.

CONSENT AGENDA:

- a) Approve minutes of 10/27/03.
- b) Approve the “Lilly Lifestyle” special event to benefit the Junior League of Greater Orlando for November 14, 2003, including the closure of Park Avenue from Comstock to Fairbanks Avenue from 5:00 p.m. to 12:00 p.m., and other conditions as outlined by staff.
- c) Approve budget adjustments as follows:
 - 1) Transfer \$20,975 from the Cemetery Trust Fund to the Vehicle Replacement Fund to purchase a replacement truck for the Cemetery Division.
- d) Approve bids, purchases and change orders:
 - 1) PR 106123 to Duval Ford for F550 Pickup Ford truck for Utilities, from Florida Sheriff's Contract 03-11-0825, \$36,557.00 (Budget: Vehicle Replacement)
 - 2) PR 106124 to Nortrax Co. For a new John Deere excavator for the Utilities Department from the State of Florida Contract 780-001-03-01 and from Pasco County Contract 03-056F, \$121,125.35, includes the trade-in value of the old unit (Budget: Vehicle Replacement)
 - 3) After-the-fact PO 104679 to Gibbs & Register, Inc. for site work at Lake Island softball field, \$35,260.00. After-the-fact PO 104678 to Golf Specialties for fill materials for the same project, \$35,326.55. (Budget: CIP: Lake Island and Rollins College Softball Field construction)
- e) Review calendar and update with upcoming events.

No public comments were provided.

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

NEW BUSINESS:

1. Commissioner Eckbert provided an update on the meetings that have been held with the respondents to the bulk power issue. He asked for each Commissioner to provide comments

related to whether they believed the referendum process was done primarily to improve reliability or to enable the City to go into the utility business. Assistant Randy Knight added that Progress Energy announced that they will not bid on the operations and maintenance side. Mr. Knight elaborated on the environmental clean up issue that will need to occur before the transfer of the system takes place.

2. Commissioner DeVane commented on the letter that was sent to residents that live near the Lakemont Avenue entrance to the Navy Base. Public Works Director Jim English explained that the fence was removed to perform improvements to the storm sewer system and that once the improvements are completed, barricades will be installed. Commissioner DeVane asked that staff return with comments in response to the letter and the requested road closures. City Manager Williams noted that meetings have been scheduled with the residents to explain that some of the road closures are out of the City's control.

The meeting adjourned at 8:45 p.m.

ATTEST:

Mayor Kenneth Marchman

City Clerk Cynthia Bonham