

CITY COMMISSION MEETING MINUTES
November 22, 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; Assistant City Manager Randy Knight; City Attorney Brent McCaghren and City Clerk Cynthia Bonham.

The invocation was offered by Father Sam Clarke, All Saints Episcopal Church, followed by the Pledge of Allegiance.

MAYOR'S REPORT:

a) Debris removal from Ward Park.

Parks and Recreation Director John Holland provided an update on the debris removal process. He reported that the grinding should be completed by the end of the year. Discussion ensued regarding the amount of time it will take to restore the ballfields back to a usable condition. Mr. Holland provided the costs associated with restoring the fields and reimbursements from FEMA.

Debra Gardner, 2230 Cady Way, expressed her concern with the debris site located at Ward Park.

Jean Meifert, 2230 Coldstream Drive, said the debris should not have been deposited near a residential area.

Keith Gardner, 2230 Cady Way, commented on the impact of the air quality in his neighborhood resulting from the grinding process.

b) Winter Park Memorial Hospital Expansion

Although not listed on the agenda, Mayor Marchman asked that Commissioner DeVane provide a report on a proposed joint study related to the expansion of the Winter Park Memorial Hospital. She reported that the hospital is proposing a major expansion to occur within the next 5 to 20 years and the City should be proactive in the planning process and consult a planning group that specializes in hospital districts. Commissioner DeVane recommended that the City move forward with partnering on a joint study related to the proposed expansion.

Commission consensus was for Commissioner DeVane to engage in discussions with a planning group in West Palm Beach, provide additional information to the Commission, and to plan a presentation for the Commission sometime in the near future.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1886-04: A RESOLUTION OF THE CITY OF WINTER PARK FLORIDA, TO THE FLORIDA DEPARTMENT OF TRANSPORTATION REQUESTING TRANSFER OF A PORTION OF SR 527/ORANGE AVENUE, BETWEEN SR 600/US 17/92 AND SR 426/FAIRBANKS AVENUE AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion made by Commissioner DeVane to adopt the resolution, 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) RESOLUTION NO. 1887-04: A RESOLUTION OF THE CITY OF WINTER PARK FLORIDA, AUTHORIZING THE CITY TO ENTER INTO AN INTERLOCAL AGREEMENT AND TO BECOME A MEMBER OF FLORIDA INTERGOVERNMENTAL FINANCE COMMISSION PURSUANT TO SUCH INTERLOCAL AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING CERTAIN OTHER MATTERS AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion made by Commissioner Storer to adopt the resolution, 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) Morse/Genius Foundation Development Agreement.

Special Counsel Scott Glass presided as the City's legal counsel for this matter. Planner Jeffrey Briggs provided a history on the redevelopment approvals granted to redevelop the former Jacobson's property. He explained that the joint venture parking garage on the City's parking lot is subject to a condition that the Development Agreement receive Commission approval.

Mayor Marchman asked whether the Development Agreement has been reviewed by the Planning and Zoning Commission (P&Z). Special Counsel Glass stated the agreement has a provision requiring that the development be in accordance with the recommendations from the P&Z. Discussion ensued regarding the location of the garage in relation to the park.

Commissioner Eckbert inquired whether the agreement includes a mechanism that allows the agreement to become null and void if development is not proceeded within a given time frame and expressed his preference of including such a mechanism. Mr. Glass explained the agreement includes a provision if the project does not move forward that requires the developer to return the property to the City restored to its original condition. It was suggested and the applicant agreed to incorporate a one year time frame into the agreement. Mr. Glass said he would incorporate a one year time frame into the agreement. Mr. Briggs reported that the sewer lateral that feeds the two properties to the south will have to be relocated. Commissioners DeVane and Eckbert and Mayor Marchman disclosed prior discussions with the applicant. No public comments were provided.

Motion made by Commissioner DeVane to approve the development agreement with the amendment to include a provision that development must begin within one year or the agreement becomes null and void, seconded by Commissioner Storer. The motion carried unanimously.

CONSENT AGENDA:

- a) Approve minutes of 11/8/04.
- b) Approve bids and purchases as follows:
 - 1) Bid WP-3-2004, Lot Cleaning for Code Enforcement and Trimming of Headstones in Palm Cemetery to both bidders equally, per memo attached. Costs on attached tabulation. (Budget: Using department)
 - 2) PR's 113756 & 113755 to Alan Jay Chevrolet from the Sheriff's Contract Specification #28 and #15. (Budget: Vehicle Replacement Fund)
 - 1. PR # 113755; ¾ ton pick up 4 x 2 For Utilities: \$24,253.00
 - 2. PR #115756; Blazer 4 x 4 For Utilities: 20,404.00
 - Total: \$44,657.00
 - 3) Bid WP-6-2004, Towing & Wrecker Services to Link's Automotive Services for pricing and services as noted on the attached tabulation sheet. (Budget: Police Department and Fleet Management)
 - 4) PR 113381 to Wesco Turf Supply under State Contract #515-630-03-1 for a Toro Reelmaster lawnmower with accessories, \$30,531.00 (Budget: Vehicle Replacement).
 - 5) PR #113653 and PR #113657 to Southern Sewer Equipment from DOT Contract # PO384 for Vac-Con sewer cleaner with accessories. (Budget: Vehicle Replacement Fund)
 - PR # 113653 \$224,871.00
 - PR # 113657 199,280.00
 - Total: \$424,151.00

No public comments were provided.

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

PUBLIC HEARINGS:

- a) Subdivision request of Mr. and Mrs. Spencer to split the property at 2414 E. Winter Park Road into two separate single family lots.

Planner Briggs explained the property is located on the corner of Parkland Drive and Winter Park Road and that the current R-1A zoning requires 75 feet for new lots but the applicant is requesting 50 feet. Mr. Briggs reported there was no neighborhood opposition or objections raised at the Planning and Zoning Commission hearing. He distributed a petition with all but one neighbor in support of the project. He said the applicant has also agreed to the condition that his existing house on the corner be designated as a historic property which was required by the Planning and Zoning

Commission. No public comments were provided.

Motion made by Commissioner Metcalf to approve the subdivision request with the condition imposed by the Planning and Zoning Commission requiring historic designation of the existing home at 2414 Winter Park Road, seconded by Commissioner DeVane. The motion carried unanimously.

- b) Request of Mr. and Mrs. Stevens for the property at 918 Beard Avenue to change the future land use designation of Single Family Residential to Office and the zoning of Single Family Residential (R-1A) to Office (O-2).

Planner Briggs reported the applicant has asked to withdraw this request given the negative recommendation received from the Planning and Zoning Commission.

- c) Conditional use request of Cornerstone Development to build four, two story townhouses at 1431 and 1441 Harmon Avenue.

Planner Briggs provided the staff report. He said the request is to split the property into two equal sized 59' wide lots to build two, two-unit townhomes under the existing R-2 zoning. He elaborated on the layout of the two proposed units. Mr. Briggs explained that under the R-2 rules set in January 2003, lots under 65' in width could only use a 50% floor area ratio, but that a standard 55% floor area ratio could be obtained with a conditional use process. He said the applicant would like to receive additional square footage on each of the lots. Planner Briggs reported that the Planning and Zoning Commission recommended approval with certain technical conditions and no objections were raised from neighbors at the hearing. Mayor Marchman asked whether the conditions were acceptable to the applicant. Planner Briggs responded affirmatively. No public comments were provided.

Motion made by Commissioner Metcalf to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner Eckbert. The motion carried unanimously.

- d) Request of Landmark LLC for property at 140 E. Morse Boulevard for Conditional Use and Planned Development approval to permit the construction of a four story, 14 unit, multi-family residential condominium building, 55' in height and with a basement parking garage and to amend zoning definitions to provide for an alternate definition of floor area ratio within the Central Business (C-2) District.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND SECTION 58-91 "DEFINITIONS." First Reading

Planner Briggs provided the staff report. He explained that there are two parts to this request; one that amends the zoning code in terms of the definition for the floor area ratio for buildings in the downtown area, and the zoning approval for the proposed Landmark Condominium building. He said the condominium will consist of four-stories and fourteen residential units with parking to be

located in an underground garage and with private garages off of Center Street.

Planning Director Don Martin provided a powerpoint presentation on the City's Comprehensive Plan and that it limits buildings in the downtown district to 200% floor area ratio. He explained how existing provisions in the current comprehensive plan may be too restrictive on future redevelopment. He said staff is supportive and the Planning and Zoning Commission endorses the project.

Allan Keen, representing Landmark LLC, introduced the members of his team including partner Paul Bryan and Architect John Cunningham. Mr. Keen provided a brief history of the project and how it has evolved. He described the project details and the modifications made so the project is compatible with the surrounding area.

Joe Terranova, 700 Melrose Avenue, spoke in support of the proposed project.

Lurline Fletcher, 790 Lyman Avenue, inquired into the location of the proposed project.

Commissioners disclosed prior discussions with the applicant regarding this project. Mayor Marchman elaborated that the project will meet the need for additional residential in the downtown commercial area.

Motion made by Commissioner Eckbert 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.

Motion made by Commissioner Metcalf to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner DeVane. The motion carried unanimously.

- e) Request of the City of Winter Park for the 125' x 300' to the north of the Progress Energy substation for construction of a Winter Park Utilities electric substation:

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 SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE PARCEL LOCATED DIRECTLY NORTH OF THE PROGRESS ENERGY SUBSTATION AT 2531 BALFOUR COURT, 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 MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO GOVERNMENTAL AND COMMUNITY SERVICES ON THE PARCEL LOCATED DIRECTLY NORTH OF THE PROGRESS ENERGY SUBSTATION AT 2531 BALFOUR COURT, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

City Attorney McCaghren read the ordinances by title. He clarified that the actual site as surveyed

and under contract with the seller is 175' by 311'.

Planner Briggs explained that the request changes the Comprehensive Plan designation and zoning to allow the City to use the parcel directly north of the existing Progress Energy substation for a Winter Park utility substation. He said the City is purchasing the property from the Interlachen Country Club and assets owned by Progress Energy within the City limits at the termination of the franchise. He said the purchase is necessary because the City is not allowed to purchase the existing substation nor is Progress Energy willing to sell it to the City. Mr. Briggs elaborated on how the proposed parcel and its location is preferable in terms of providing service to the east side of the City.

Addressing concerns of the surrounding neighborhood, Mr. Briggs explained that the affected residents have been assured in writing that all traffic to the site will be directed from Balfour Court and not from neighborhood streets, that the site will be used only for an electric substation, and that no cell tower will be constructed on the site. Planner Briggs stated that the Planning and Zoning Commission recommended approval with a provision that the construction plans and details return to the Planning and Zoning Commission for additional approval. Lastly, Mr. Briggs explained that the City will plant trees to buffer the view of the facility. Commissioner DeVane inquired whether there are plans to reduce the existing facility in size. Assistant City Manager Knight responded that the existing facility will remain the same size.

Melanie Hayes, 2716 Amber Gate Road, amenable to the assurances made by the City, suggested a retention wall in addition to landscaping to block vehicle access onto Amber Gate Road.

Motion made by Commissioner Eckbert to accept the ordinance on first reading to change the future land use designation of Single Family Residential to Governmental, Educational and Community Services, with the conditions imposed by the Planning and Zoning Commission; 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.

Motion made by Commissioner DeVane to accept the ordinance on first reading to change zoning of Single Family Residential (R-1A) to Public, Quasi-Public (PQP), 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.

- f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO REQUIRE UNDERGROUNDING ELECTRICAL SERVICES TO SIGNS AND ANCILLARY STRUCTURES; PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Building Official George Wiggins presented this item. He said this ordinance is a result from the recent hurricanes and is a minor change to the City's current ordinance that addresses undergrounding utilities and also encompasses an area not previously addressed. No public comments were provided.

Motion made by Commissioner Eckbert 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.

- g) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING AND RESTATING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2477-02, AS SUBSEQUENTLY AMENDED; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR FIRE SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Assistant City Manager Knight explained the purpose for the proposed ordinance is predominately because of statutory changes and to bring the City's plan more in line with the State's pension plan. He confirmed that the changes are recommended for approval from the Fire Pension Board of Trustees. Mr. Knight said the most substantial change amends the drop plan from a 5-year program to a 7-year program with no cost to the City.

Commissioner DeVane inquired whether the same changes are proposed for the Police Officers' Pension Plan. Mr. Knight responded that the Police Pension Board has reviewed this matter twice and asked for a survey to be conducted among police officers. He said the results of the survey indicated that officers were not in favor of the proposed changes. As a member of the Police Pension Board, Commissioner Storer elaborated on the results of the survey and that there was insufficient education among the officers as to the changes proposed. He provided an explanation why the changes are only proposed for the Firefighters' Pension Plan. Discussion ensued regarding whether the police and firefighter pension plans should parity each other. Assistant Fire Chief Brian Dean elaborated on the methodology used to obtain a consensus within the department for the proposed changes to the plan. No public comments were provided.

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) Request for funding for special events - July 4th celebration, Board Appreciation Dinner and Founders Day (formerly known as City Awareness Day).

Parks and Recreation Director John Holland explained that the three events were not included for funding during the budget process. He asked whether the Commission preferred to reinstate funding and if staff should begin planning each event. Mayor Marchman expressed his preference of obtaining contributions or sponsorships for the July 4th celebration. No public comments were provided.

Motion made by Commissioner DeVane to approve the request to fund the July 4th celebration at \$16,000; the Annual Board Appreciation Dinner at \$10,000; and Founder's Day celebration at \$10,000, seconded by Commissioner Storer. The motion carried unanimously.

- b) Electric undergrounding questionnaire.

Assistant City Manager Knight explained the purpose of the survey is to gauge whether residents prefer to expedite the undergrounding program. Communications Director Clarissa Howard detailed how the questionnaire was formulated. She said the questionnaire will be sent to all City residents and businesses. Ms. Howard reviewed the options available for selection on the questionnaire and stated that staff prefers distributing the questionnaire after the Thanksgiving weekend with a return date of December 17. She said the results will be presented to Commission when they have been received. Additionally, Ms. Howard reported that a letter will be included that explains why the City is pursuing this and why their input is needed concerning undergrounding and the accelerated program.

Assistant City Manager Knight addressed what is meant by undergrounding the bulk of the power lines. Commissioner Metcalf suggested to insert an option on whether undergrounding power lines could be performed simultaneously during street bricking projects. Commissioner Eckbert commented on whether to raise the issue of the millage because it excludes non-profit organizations from contributing to the undergrounding effort. Assistant City Manager Knight reported that another downside of using millage is that the City has annexed areas that will not be a part of the electric service district and that instituting a millage increase will tax the annexed residents for lines that will not be undergrounded. Additionally, Commissioner Eckbert commented on the rate increase that has been proposed and whether it could affect the total undergrounding effort in the long run. Commissioner Storer commented on adding an option of no undergrounding and reducing electric rates. Commissioner DeVane expressed her concern with sending the questionnaire out at this time. She elaborated on the need for discussion to occur regarding what undergrounding really means.

Consensus was to obtain input from residents at the November 30 Town Meeting, exclude any proposal of a millage increase, and include an option of no undergrounding and lowering electric rates. City Attorney McCaghren clarified that the questionnaire should only be mailed to properties within the area that the City will service.

NEW BUSINESS:

- 1) Commissioner Metcalf commented on the Hannibal Square area being proposed for the Heritage Center and suggested the addition of businesses on all three lots that will attract visitors to the Heritage Center. He elaborated on the possibility of relocating the Grant Chapel to this area. He proposed talking with Dan Bellows about redeveloping the proposed site for the Heritage Center. Supportive of redeveloping the area, Commissioner DeVane expressed her opposition with selling any of the properties along this street to Mr. Bellows. Consensus was to proceed on a conceptual basis and obtain further details. CRA Manager Alberto Vargas reported he will return to the Commission at a later meeting to present the restraints and opportunities related to this plan.
- 2) Commissioner Metcalf commented on the need to devise a street level plan to redevelop Fairbanks Avenue at the same time the infrastructure improvements are performed. He proposed that staff calculate the incremental costs to design a master plan for Fairbanks Avenue. Commissioner Eckbert suggested that staff draw a timeline and a process that would result in the City obtaining the maximum benefit of a one time redevelopment of Fairbanks Avenue. Consensus decision was that staff return with a timeline and process along with the cost to devise a plan.
- 3) Commissioner Storer inquired into the status of the Brazilian Pavilion Restaurant. Planning Director Martin provided an update on the stop work order that was issued. Commissioner Storer expressed his concern over commercial properties that are not code compliant and become a degradation to surrounding businesses and the gateways into the City. Additionally, he commented on the condition of the Strollo property. Mr. Martin confirmed he will provide updates on the properties mentioned via email. Commissioner DeVane commented on the properties that remain vacant for extended periods that reopen and expect an unlimited number of parking spaces. She asked if staff can look into whether limitations can be placed on parking spaces that have been grandfathered into commercial properties. City Attorney McCaghren suggested that staff thoroughly review parking policies.
- 4) Planning Director Martin inquired whether a work session can be scheduled to discuss the redevelopment of the Post Office and the Chamber of Commerce sites. Consensus decision was to poll the Commission as to their availability for a work session to address this issue.
- 5) Terry Hotard, 1461 Palmer Avenue, expressed his concern with the premature nature of sending out an electric undergrounding questionnaire at this time.

Mayor Marchman adjourned the meeting at 5:45 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham