

**CITY COMMISSION MEETING  
November 24, 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 Mayor Kip Marchman, followed by the Pledge of Allegiance. PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, John Eckbert and Barbara DeVane; City Attorney Brent McCaghren; Assistant City Manager Randy Knight and City Clerk Cynthia Bonham. Commissioner Douglas Metcalf and City Manager James Williams were absent.

**MAYOR'S REPORT:**

- a) Mayor Marchman recognized Coleman Fielder, Teacher at Brookshire Elementary School with a proclamation upon retirement after 22 years at Brookshire. Mr. Fielder taught a total of 37 years in Orange County.
- b) Mayor Marchman made the following board appointments: Civil Service Board - Rick Frazee (reappointed) and Terry Hotard (appointed); Community Redevelopment Advisory Board - Beverlye Colson Neal to replace Diane Edwards; and Board of Adjustment - Eric Larson to replace Stockton Reeves. Seconded by Commissioner DeVane and carried unanimously with a 4-0 vote.

**CITY ATTORNEY'S REPORT:**

RESOLUTION NO. 1847-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1034 ALOMA AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

**Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

**PUBLIC HEARINGS:**

- a) ORDINANCE NO. 2548-03: 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. Second Reading

City Attorney McCaghren read the ordinance by title. Commissioner DeVane addressed the need for a joint planning agreement with Orlando and Maitland and to encourage Orange County to facilitate that between all cities. Attorney McCaghren spoke about the need to put the language back into the ordinance that prohibits motor boats on any lake under 60 acres. No public comments were made.

**Motion made by Commissioner DeVane to adopt the ordinance with the addition of the language to prohibit motorboats on any lake under 60 acres, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and**

**DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

b) Requests of the City of Winter Park:

ORDINANCE NO. 2549-03: 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. Second Reading

ORDINANCE NO. 2550-03: 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. Second Reading

City Attorney McCaghren read both ordinances by title. No public comments were made.

**Motion made by Commissioner Storer to adopt the comprehensive plan ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner DeVane to adopt the zoning ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

c) Request of Backworks LLC:

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 SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATIONS ON THE PROPERTY ANNEXED 1605 W. FAIRBANKS AVENUE, 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 FUTURE LAND USE PLAN MAP SO AS TO ESTABLISH OFFICE (O-1), PARKING LOT (PL) AND SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING DESIGNATIONS ON THE PROPERTY ANNEXED 1605 W. FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

City Attorney McCaghren read both ordinances by title. Planner Jeff Briggs addressed the annexation on June 1 of the Fairbanks Avenue corridor to try and improve the character and image of Fairbanks Avenue. He stated this request is to redevelop this property and explained the location and the need to establish the City's zoning on the property. He addressed their request to rezone the front 270' from partly Commercial and Residential to Office to build a single story

12,000 square foot medical building. He stated the middle 270' would obtain the City's Parking Lot (PL) zoning where the balance of the parking and stormwater retention would occur. The remaining 295' down to the lake would retain the single family R-1A zoning at this time. He stated the plans are sensitive to the surrounding neighbors with the installation of a solid wall with palm and magnolia trees to buffer the view of the building/parking lot. He stated that the Planning and Zoning Commission recommended approval with conditions.

Mayor Marchman disclosed his conversations with Commissioner Don Ammerman who represented the applicant and some of the developer's representatives. Commissioner Storer disclosed his conversations with Commissioner Ammerman about the project.

Commissioner Ammerman stated this project will be a neurosurgery medical facility. He spoke about the community meeting held where they answered questions and concerns of the neighbors. He introduced the other members of the project team. He addressed the need to establish the zoning so the project can move forward and provided drawings of the proposed building and site. He stated they have no current plans for the remaining property zoned R-1A and commented about the parking on the east side of the property. He responded to questions by the Commission.

No public comments were made.

**Motion made by Commissioner Storer to accept the comprehensive plan ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner DeVane to accept the zoning ordinance on first reading with the Planning and Zoning Commission recommendations that the approval be limited to Backworks, LLC; and conceptual approval with the conditions that the final plans for architectural, civil, landscaping, exterior lighting, dumpster screening and perimeter walls require final approval by the P&Z; that an underground sanitary sewer easement be provided if requested by the City to allow the extension of sewer to Blue Heron Drive; and that a 6' wall be erected that runs the entire length of the portion zoned PL. Seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ORDINANCE NO. 2494-03, INCREASING THE MEMBERSHIP OF THE PUBLIC ART ADVISORY BOARD FROM EIGHT (8) MEMBERS TO NINE (9) MEMBERS; PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Commissioner Storer asked why the membership was being increased and who requested it. Mayor Marchman stated he believed the board requested this. The ordinance was tabled until the December 8 meeting so the request to broaden the membership could be clarified. No public comments were made.

e) Request of David McCulley:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP FUTURE LAND USE PLAN MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY LOCATED AT 2020 MIZELL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

City Attorney McCaghren read the ordinance by title. Planner Jeff Briggs addressed the rezoning request. He stated the neighborhood is almost completely office and that the Planning and Zoning Commission gave a positive recommendation.

Aubrey Ducker, property owner, spoke in favor of the rezoning. No other public comments were made.

**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 and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

f) Request of Mazcotti's to establish a 40 seat cafe and restaurant at 305 N. Park Avenue:

Planner Jeff Briggs addressed the request to open the new cafe/restaurant and the code requirement for conditional use approval primarily based upon parking for new restaurants other than fine dining on Park Avenue. Mayor Marchman and Commissioner Eckbert disclosed conversations held with Celeste Pertz of the Briarpatch Restaurant who submitted a letter outlining her concerns and opposition with this request. No public comments were made. Upon Commissioner discussion and comments, **motion made by Commissioner DeVane to approve the conditional use request with the Planning and Zoning Commission condition that this approval be limited to use by Mazcotti's only, seconded by Commissioner Storer and carried unanimously with a 4-0 vote.**

g) Request of Dino Motors for a used car sales business at 1301 N. Orlando Avenue:

Planner Jeff Briggs explained the conditional use request for used car sales and the Planning and Zoning Commission approval.

No public comments were made.

**Motion made by Commissioner Storer to approve the conditional use request with the Planning and Zoning Commission condition that no parking of cars be allowed on the**

**grassed landscape area, seconded by Commissioner DeVane and carried unanimously.**

h) Request of Doug Trovillion:

Planner Jeffrey Briggs presented the conditional use request regarding the Langford Apartment property to construct a 30 unit condominium building on the site at 315 E. New England Avenue. The site consists of properties on Interlachen and New England Avenues zoned R-4 and property on Alexander Place and New England zoned R-1A. He stated that the zoning and comprehensive plan change requests have been withdrawn by the applicant. He stated that the P&Z approved the conditional use for the 30 unit condo building and that the back parcel also needs to be approved by the Commission.

He spoke about the applicant revising the plans after the Planning and Zoning Commission meeting due to opposition to the plans presented by the neighbors on Alexander Place. He stated the revised plans conform to the existing zoning which takes the five (5) unit building on the corner of Alexander Place and New England Avenue and changes it to two (2) single family houses to be a part of the condominium and a swimming pool used by the 32 condo owners. He explained the location of the driveway accesses for the condominium building and the homes and garage openings.

Applicant Doug Trovillion addressed the Commission in favor of the revised plans to keep the traffic off of Alexander Place and the proposed homes to be aesthetically pleasing to the residents.

Several residents of Alexander Place spoke in opposition to the location of the proposed swimming pool and thanked the applicant for preserving their street: Jan Munson (161 Alexander), Barbara Herrera (250 Alexander Place), Minter Schenck (unknown address) and Sally Miller (222 Alexander Place who also read a letter from the Chemtob's at 141 Alexander Place who could not attend).

Gerry Liff, President of Langford Corporation, spoke about how the project will be a tremendous asset to the City.

Commissioner DeVane addressed concerns with having a large building so close to residential (R-1A) property. She stated that the R-1A property needs to remain as is on the two lots and that the swimming pool is not acceptable. She asked that the P&Z review this. Commissioner Storer expressed concerns with the community pool and limiting the access to the property on New England Avenue. Mr. Briggs responded to the concerns brought forward. Commissioner DeVane stated she wanted to maintain the R-1A property facing Alexander Place and put two houses on one lot.

**Motion made by Commissioner Storer to take this back to the Planning and Zoning Commission and make known the Commission's recommendations regarding the new plans as presented this evening, seconded by Commissioner DeVane and carried unanimously.**

i) Withdrawn by the applicant.

**CITY MANAGER'S REPORT:**

a) Proposal to prepare a high level capital improvement plan for the electric distribution system

in the City.

Assistant City Manager Knight provided a proposal to prepare a reliability enhancement and undergrounding plan for the City's electric distribution system. He addressed the need to move forward with preliminary planning as to what the City needs to do once the system is taken over. He stated this will also help the bidders regarding the O&M services and what the City is asking them to do. He also commented that First Southwest Company who was hired to handle the transition services is closing its electric service division. He proposed that this plan be done directly with WHH Enterprises (Bill Herrington's company) who will work with Jerry Warren.

No public comments were provided. Discussion and questions ensued regarding this issue.

**Motion made by Commissioner DeVane to authorize staff to request a reliability enhancement and undergrounding plan from WHH Enterprises for the contract amount of \$15,325.00; seconded by Commissioner Storer, and carried unanimously with a 4-0 vote.**

**PUBLIC HEARING:**

ORDINANCE NO. 2551-03: 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. Second Reading

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

**Motion made by Commissioner Eckbert to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

**CITY MANAGER'S REPORT (CONTINUED):**

b) Single member voting districts

Dan Schuck, Planning Department, provided a powerpoint presentation regarding this issue. He summarized the census, population issues, contiguity, compactness, the Voting Rights Act to include majority minority districts, Winter Park's population breakdown, five or six single member districts, other statistics related to the number of cities having single member districts (53 out of 402) with only 6 having populations similar to Winter Park, and staff's analysis regarding each type of single member district (four, five or six). In conclusion, staff's recommendation was not to pursue this because it was not optimal for the City at this time and the change in the Charter would not accomplish the intent of the petitioners.

Stanley Wilson, Mayflower Court, asked for more information on the advantages and disadvantages of single member districts and the percentage of voters in the proposed districts.

Karen Weinberg, 250 Carolina Avenue, spoke in support of single member districts using the current number of Commissioners.

Mayor Marchman and Commissioners Eckbert, DeVane and Storer addressed the disadvantages of single member districts. Comments were made that serving the community at-large is successful and that the Commissioners are always available to hear concerns from the residents. There was a consensus not to take any action.

A recess was taken from 5:28-5:35 p.m.

c) Update regarding Little League boundaries

Parks and Recreation Director John Holland asked Martha Baker, 375 Cortland Avenue to come forward. Ms. Baker stated she received a letter this afternoon from Little League headquarters in Williamsport. She read the letter stating that the 118 Winter Park resident players be given full eligibility for the 2004 season and that they be grandfathered with the understanding that any other players whose parents are Winter Park taxpayers will be permitted to play there for all future regular seasons. Tournaments can also be considered if released by the league in whose boundaries they reside. She stated they did not believe there was an issue with other baseball organizations wanting to come in at this time. She asked that nothing be done to change the current relationship with scheduling the fields. Ms. Baker provided petitions previously signed by residents wanting to play in Winter Park. Kevin Robillard thanked several people for their role in accomplishing this difficult task along with the Mayor and Commissioners for their support.

Gary Vasquez, unknown address, spoke in favor of this solution and thanked the Commission for their availability to help with resolving this.

Deborah Gardner, 2230 Cady Way, stated they signed a petition for the support of the Winter Park Little League and was happy a solution was reached.

d) City Hall redevelopment update

Planning Director Don Martin provided an update after meeting with Commissioner Storer who was appointed to work with staff and Frank Herring to move the City Hall project forward. He stated the modifications made to the Guiding Principals at the last meeting were assimilated. He addressed additional components that were added concerning Principal #3 that the City would self-develop the new City Hall and to #8 that the City prefers to enter into a long term, unsubordinated ground lease for the "Third Use" instead of selling the land.

Mr. Martin suggested that as an alternative to the task force that the Commission establish a Request for Proposal Advisory Committee to review the RFP's and qualifications and to scan the applicants. He addressed the two step RFP process. He also suggested to enter into a formal agreement with St. Joe Commercial for services rendered through the RFP process, not to exceed \$7,500. He stated that Frank Herring has been donating his time and energy in this process with no expectation of anything in return.

A lengthy discussion ensued regarding the re-wording of certain Guiding Principals and the purpose and composition of the RFP Advisory Committee. Commissioner Eckbert preferred that the Commission serve as this committee to oversee the entire process. There was not a consensus to do this but to have a committee consisting of various members appointed by the Mayor and Commission review all qualifications submitted. The importance of the Commission making final decisions and selection was addressed. Mr. Herring addressed the major steps in the process: qualifications to be downsized to a manageable group and the proposal. Commissioner Storer commented about three steps in the process: pre-qualification, qualification, and technical. Commissioner DeVane stressed the importance of involving as much of the public as possible to gain the support needed to ensure a positive ending.

Mayor Marchman stated the Advisory Committee could compile a Request For Qualifications list to be submitted to the Commission for review and approval and did not believe the Commission should be involved every step of the process. A consensus was reached to establish the RFP Advisory Committee to work on the selection process.

Guiding Principal IV and the need to revise the wording was discussed extensively. After several suggestions for rewording Principal IV, the following consensus was reached: "Proposals should make every effort to incorporate public areas to include greenspace on Park Avenue that balances pedestrian and merchant needs." A consensus was reached to approve the Guiding Principals with the re-wording of IV and to approve the RFP process. Mr. Herring suggested to consider other parcels around the block and to include those options within the RFP.

e) Meeting with Library Board regarding relocation

Assistant City Manager Knight addressed a scheduled meeting on December 9, at 12:00 with the Library Board to discuss the possible library relocation and property that may be available for a new location. He stated that Commissioner DeVane asked that this be discussed before that meeting. Commissioner DeVane addressed the State office site as a possible site as a partnership with Valencia, Vo Tech and the Library. She asked what the Commission wanted to see happen on that property.

Commissioner Storer spoke about attending the Library Board's last meeting and the discussion that the board wanted to understand the Commission's position with the State building property. Mayor Marchman commented that he did not envision the Commission being able to make a decision regarding this property at that meeting. Commissioner DeVane believed that the City could receive this property as a gift for a joint venture between Valencia, Vo Tech and the Library/City. Mayor Marchman addressed the special legislation being presented to make this property appear as a stand alone situation where it could be acquired by Winter Park. He stated he believed the City would be in a better position under the current statutes relating to disposing of property if we partnered with Valencia and Vo Tech.

f) Proposed charter change to allow for issuance of debt without voter approval for park land acquisition

Assistant City Manager Knight addressed the proposed ordinance to enable the City to expedite the ability to acquire parkland property without the need for a referendum. Upon discussion, a

**motion was made by Commissioner DeVane to move forward with the ordinance for first reading on December 8, 2003, to be adopted on January 12, 2004, and to be placed on the March 4, 2004, general election ballot. Seconded by Commissioner Storer, and carried with a 4-0 vote.**

**CONSENT AGENDA:**

- a) Approve minutes of 11/10/03.
- b) Approve budget adjustments as follows:
  - 1) Transfer \$81,912 remaining in improvements to Glenridge Way capital project account to road materials account for use in street paving program.
  - 2) Carry forward \$31,078 in General Fund Balance from FY 2003 for ongoing Building Maintenance projects budgeted in FY 2003.
  - 3) Transfer \$80,000 in CRA funds to a Parks special project account for social programs at the Community Center.
- c) Approve bids, purchases and change orders:
  - 1) PR 106433 to American Water Services for cleaning lines, video recording lines, and furnish and install liner to pipes on Orange Avenue from Volusia County contract 02-B-203BB, \$118,432.74 (Budget: Utilities CIP)
- d) 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 Storer. Motion carried unanimously with a 4-0 vote.**

**NEW BUSINESS:**

Commissioner Storer asked that staff explore the creation of a new CRA district with Orange County for the development of the newly annexed areas west of 17-92 to be primarily focused on commercial type properties. He spoke about the Commission's goal to improve the gateways into the City. Commissioner DeVane asked that the unincorporated area behind Bubbalous on 17-92 be annexed into the City and at the same time have the County provide a mechanism to help the City pay for the cost of doing that in its current condition.

The meeting adjourned at 7:07 p.m.

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Mayor Kenneth Marchman

ATTEST:

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City Clerk Cynthia Bonham