

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
January 14, 2008**

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Pastor K. T. Turner – Bethel Baptist Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong  
Commissioner Margie Bridges  
Commissioner John Eckbert  
Commissioner Douglas Metcalf  
Commissioner Karen Diebel

Also present:

City Attorney Trippe Cheek  
City Manager Randy Knight  
City Clerk Cynthia Bonham

**Mayor's Report:**

a) Employee of the Quarter – Keith Dingle

Mayor Strong recognized Keith Dingle, Public Works Department, as the 2007 fourth quarter Employee of the Quarter.

b) Arbor Day Proclamation

Mayor Strong read a proclamation proclaiming Arbor Day in Winter Park on January 18, 2008.

**Action Items:**

- a) Approve the minutes of 12/10/07.
- b) Approve the following bids and purchases:
  - 1) Award of IFB-5-2008 CDS Installation at East Lake Sue Avenue and Bryan Avenue to Gregori Construction; \$286,515.00 (Budget: Stormwater Capital Improvement/St. John's River Water Management District Grant).
  - 2) Award of IFB-1-2008 Underground Electrical Construction Services to Heart Utilities of Jacksonville, Inc. (Budget: Electric Refunding and Improvement Revenue Bonds, Series 2007).
  - 3) Award of RFQ-27-2007 Planning/Architectural Services to Canin Associates; \$297,500.00 (Budget: Architectural Review Board Study).
  - 4) Change Order to IFB-11-2007 Mead Gardens Stormwater Retrofit to Rayken, Inc.; \$50,868.65 (Budget: Stormwater CIP).
- c) Approve budget adjustment rolling over \$10,328,348 in capital project budget balances from FY 2007 to FY 2008. This adjustment includes the reallocation of \$140,430 for several IT projects to a computer disaster recovery system. **PULLED FOR DISCUSSION. SEE BELOW.**
- d) Approve the new wording to Section 11.02, Personnel Policy Manual, regarding the post action procedure for disciplinary hearings.
- e) Approve the Champs Bowl "Parade of Bands" as a reoccurring annual event. **PULLED FOR DISCUSSION. SEE BELOW.**

- f) Commuter rail stop – 30% design submittal from FDOT. **PULLED FOR DISCUSSION. SEE BELOW.**

The following items were pulled from Action Items for discussion: c, e and f.

**Motion made by Commissioner Eckbert to approve Action items a, b, and d; seconded by Commissioner Metcalf and carried unanimously.**

Action Item 'c': Approve budget adjustment rolling over \$10,328,348 in capital project budget balances from FY 2007 to FY 2008. This adjustment includes the reallocation of \$140,430 for several IT projects to a computer disaster recovery system.

Commissioner Bridges asked for an explanation regarding this budget adjustment. City Manager Knight explained the adjustment.

**Motion by Commissioner Bridges to approve Action Item 'c', seconded by Commissioner Metcalf and carried unanimously.**

Action Item 'e': Approve the Champs Bowl "Parade of Bands" as a reoccurring annual event.

Commissioner Bridges addressed the success of the event. She expressed concerns with the event becoming commercialized because of having sponsors and wanted the event to be more in control of the City. She also asked about the impact it had on the merchants on Park Avenue. Commissioner Metcalf commented about a sponsor being beneficial because it would provide marketing funds, the opportunity to do more for the bands and improve the program which will bring a larger crowd. He stated he is not in favor of changing the name of the Bowl because of the sponsor but that they would need to be honored in other ways. Commissioners Eckbert and Diebel agreed this should be approved as an annual event. Mayor Strong spoke about his preference to not commit the City to a forever recurring event but to pursue this for the foreseeable future. He wanted to revisit this in 3-5 years to be sure the event is still a good one as in this past event. Commissioner Bridges asked if the Commission would agree to have this as a recurring event and then determine if they want sponsors at a later time.

Patty Heidrich, 1112 Schultz Avenue, spoke favorably regarding this event that she attended.

**Motion by Commissioner Bridges to approve item e, seconded by Commissioner Eckbert and carried unanimously.**

Action Item 'f': Commuter rail stop – 30% design submittal from FDOT.

Commissioner Bridges addressed her preference to discuss the changes in the financials and to review it publicly. City Manager Knight handed out a revised cost estimate for the Winter Park station and explained its contents. He stated the estimate in the Commission package did not include the enhancements that the City is looking at and the new estimate is about \$2.2 million at the 20% contingency. He stated that FDOT Project Manager for the commuter rail study, Tawney Olore has asked that the Commission look at the range because she is stating the estimated cost is between \$2.3 - \$2.5 million. He stated the DOT will continue to work with the City through the design phases to try and fine tune and cut the costs and to make more money

available for the enhancements that Winter Park is looking at. He asked for approval of this at the 30% design phase per the agreement with Orange County. He explained the \$2.5 million is at 30% contingency. He asked that approval be given this evening to move forward with the commuter rail stop in Winter Park as the Orange County Interlocal Agreement requires the City to make that decision at the 30% design phase. Commissioner Metcalf spoke about the station we could have which is very costly at this time and the need to try and save money where possible.

Ms. Olore explained that they have told the City that anything out of the CSX right-of-way may be handled with City crews at the design and construction; and anything within the CSX right-of-way will be constructed by DOT contractors. She stated they are fully coordinating with the City regarding any attributes on top of the platforms throughout the design phases and construction. There were further questions regarding this issue which Ms. Olore responded to.

**Motion by Commissioner Metcalf to approve Action Item 'f' as adjusted, seconded by Commissioner Eckbert and carried unanimously.**

**Public Hearings:**

a) Request of Rollins College:

ORDINANCE NO. 2729-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" AND SECTION 58-68 "MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT" SO AS TO ADD A NEW CONDITIONAL USE FOR NON-PROFIT EDUCATIONAL FACILITIES, PROVIDING STANDARDS FOR CONSIDERATION OF SUCH CONDITIONAL USES, PROVIDING FOR APPLICABILITY, PROVIDING AN EFFECTIVE DATE.  
Second Reading

Planning Director Briggs addressed the conditional use approval from December 10. He clarified the three years begins in September 2008 when the program starts. Attorney Cheek read the ordinance by title. No public comments were made.

**Motion made by Commissioner Eckbert to adopt the ordinance; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel 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 I, "COMPREHENSIVE PLAN" SO AS TO ADOPT AND ADD TO THE COMPREHENSIVE PLAN, PUBLIC FACILITIES ELEMENT NEW GOALS, OBJECTIVES AND POLICIES DOCUMENT RELATED TO THE "WATER SUPPLY PLAN", ADDITIONALLY AMENDING THE CONSERVATION, AND INTERGOVERNMENTAL COORDINATION ELEMENTS PROVIDING AN EFFECTIVE DATE. (Comp 3:07) First Reading

Attorney Cheek read the ordinance by title. Planner Stacey Scowden explained the necessity of the ordinance which will be a supplement to the comprehensive plan. No public comments were made.

Mayor Strong asked Utilities Director Zusi about having to reapply for the well consumption use permit. Mr. Zusi explained that the permit goes into the 2020's. He elaborated on what takes place with the St. John's Water Management District in 2013 and the water supply being adequate through 2013. He spoke about bringing a program to the Commission in the near future that involves a comprehensive review of the City's water use, conserving, etc. Mayor Strong asked if it was a fair statement that there is not a lot of excess water that the City can draw from its current wells. Mr. Zusi responded that to be fair but qualified the statement made. Other comments were made and questions were asked which were clarified by Mr. Zusi.

**Motion made by Commissioner Eckbert to accept the ordinance on first reading; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- c) 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 DE-ANNEX PROPERTIES AT 983 AND 1001 NORTH ORLANDO AVENUE AND AT 911, 915 AND 919 BENJAMIN AVENUE, SUBJECT TO A DE-ANNEXATION AGREEMENT, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Cheek read the ordinance by title. Attorney Cheek stated the County Attorney asked him to delay this. Planning Director Briggs explained there is a request to table this from Orange County because of the concern of the effective date because when you have a de-annexation, there is no zoning in place until Orange County adopts their zoning. He stated the City consented to work with them on the language.

Dan Bellows, 533 New England Avenue, disagreed with tabling the request. He addressed the 13 properties they have already de-annexed and this is the 14<sup>th</sup> and last property that they need to de-annex. He asked the Commission to vote on the ordinance tonight contingent upon the County's recommendation that the effective date is the date that the County would place a land designation on it in the future. He stated the City Attorney would have the modified language at the second reading.

April Kirsheman, on behalf of Benjamin Partners, Ltd., stated the first 13 parcels were approved in November 2006 by the Planning and Zoning Commission with the same agreement and understanding with Orange County. She stated she has been speaking to them all along as well as the City; those parcels were approved by the Commission in February 2007. She stated this agreement includes the next properties. She stated the effective date should not hold this up because it is a procedural matter and that the ordinance states it is effective upon the adoption and subsequent agreement so there are additional steps requiring it to become effective. She stated those steps are when they get together and determine the acceptable language.

Commissioner Metcalf asked if there is an agreement that when the property was de-annexed that it could be developed as one large parcel and would be annexed back into Winter Park later on. Ms. Kirsheman responded that the agreement before them is the de-annexation and annexation of the property. She further explained the content of the agreement.

Mayor Strong asked if Orange County would be ready to accept the de-annexation. Attorney Cheek stated the County wants to be prepared to accept the parcel but could not predict how long it will take them to be in that position. Planning Director Briggs stated they can always hold up the second reading until the language is obtained from the County.

**Motion made by Commissioner Metcalf to accept the ordinance on first reading to be tabled at seconded reading if Orange County is not ready; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- d) Conditional Use – Request of Abdo’s Auto Spa, Inc. to operate a car repair business at 1787 West Fairbanks Avenue.

Planner Stacey Scowden explained the conditional use request to allow for a business that repairs and/or services motor vehicles or trucks at 1787 W. Fairbanks Avenue. She reported the property is zoned C-3 and this use has to be approved via a conditional use to be in effect. She further explained the hours of operation and parking problems at the site. She stated that staff recommends approval with the following conditions: that there is no storage of any vehicles located off the premises and that all vehicles brought in for repair remain inside the building.

The applicant did not speak but was present. There were no public comments made. Mayor Strong expressed concerns with Code Enforcement being able to revoke the occupational license. Attorney Cheek stated the Commission can place any conditions for approval because it is a conditional use and is comfortable with the condition placed. He stated that if complaints are received that this would go before the Code Enforcement Board before the license is revoked.

**Motion made by Commissioner Eckbert to approve the conditional use request with Attorney Cheek’s clarification that if complaints are received regarding the parking of vehicles that this would go before the Code Enforcement Board for a hearing before the license is revoked, seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- e) RESOLUTION NO. 1984-08: A RESOLUTION OF THE CITY OF WINTER PARK TO PURSUE MEASURES TO BECOME A “GREEN LOCAL GOVERNMENT” THROUGH IMPROVED ENVIRONMENTAL PERFORMANCE, USING CRITERIA AND STANDARDS DEVELOPED BY THE FLORIDA GREEN BUILDING COALITION, AND ENCOURAGING THE LEGISLATURE AND GOVERNOR TO SUPPORT THE GREEN LOCAL GOVERNMENT PROGRAM

Attorney Cheek read the resolution by title. City Manager Knight explained that the presentation was given at the last meeting. No public comments were made. Mayor Strong asked about expending City funds. Public Works Director Attaway spoke about the point system related to this and various levels of certification. He stated there is a chance we may receive points for things we are already doing and then we can discuss with the various departments any associated costs and if it makes sense for the City to do this. He stated those are individual decisions that staff can bring to the Commission for discussion and/or approval.

**Motion made by Commissioner Bridges to adopt the resolution; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

**City Attorney's Report:**

1. Attorney Cheek reported that they concluded the resolution of the Grubbs Emergency Services matter and was able to negotiate a significant principal reduction (about \$300,000) in the balance. Mayor Strong asked if an application for reimbursement from FEMA has been made. Finance Director Hamil stated they need to go through the close out process first with FEMA before they can do anything further and are working to expedite that. Mr. Hamil stated it will be months before this happens and believed the reimbursement will allow the City to break even with the Hurricane Recovery Fund; he believed we may receive \$1.1 million from FEMA which would go into this fund. He will get an update as to when the close out will occur.

2. Attorney Cheek reported that they also prevailed at the United States Supreme Court on the case brought against the City by the owner of Club Harem on Lee Road who challenged the constitutionality of the City's adult entertainment ordinance.

**Non-Action Items:**

a) United Arts of Central Florida presentation.

Margot Knight, President and CEO of United Arts of Central Florida, provided a power point presentation regarding the economic impact of non-profit arts and culture organizations and their audiences in Winter Park. Ms. Knight elaborated on the United Arts' services and the benefit to Winter Park and the per capita government support to the United Arts General fund by Winter Park, Orange County, Seminole County and Orlando. She stated that she would be returning at the January 28 meeting to ask that Winter Park continue to be a funding partner. City Manager Knight stated that Winter Park contributed \$1 per capita to United Arts in the previous year.

b) Striping Bike Lanes on Orlando Avenue (US 17-92)

Public Works Director Troy Attaway provided a resolution adopted by the Bicycle and Pedestrian Advisory Board that encouraged FDOT to allow bicycle lanes to be striped on 17-92. He provided the history of this issue as it pertains to FDOT and their plans for their road project on 17-92. He stated this presents an opportunity to look at different things that could be accomplished along this corridor. He stated the outside lane along 17-92 is wider. He stated the City along with Metro Plan asked the FDOT whether they could install bicycle lanes; they responded back with several options which he summarized. He concluded that as stated in the FDOT response letter that there is a capacity reduction by striping the bike lanes so staff was not recommending this action. He stated he is not against the bicycle lanes but is against the loss of capacity on 17-92. He asked the Commission to make a decision whether or not they want to hear this and whether it is appropriate. Commissioner Metcalf stressed the importance of planning for the future along that roadway and spoke about the Glatting Jackson plan. Commissioner Eckbert spoke about 17-92 being an inhospitable environment for bicycles and did not want to encourage it without the proper infrastructure to make it happen. There were further comments made regarding this issue.

Jamie Krezeminski, 942 Camellia Avenue, Bicycle and Pedestrian Board Chairman, stated the project is not funded for 17-92 and could be 10 years or more into the future. He spoke about resurfacing Denning Drive and not putting in bicycle lanes which will now cost more money to do. He stated that this is an opportunity to provide bike lanes in the near term before getting to the ultimate project on 17-92. He stated he believed that some areas can be done without affecting capacity and did not believe that it would cause an inhospitable environment as he frequently travels that road by bicycle. He commented that the purpose of the resolution is to get the Commission's support to speak more with FDOT about this to see how the bike lanes could be implemented. Mr. Attaway explained why bicycle lanes were not put on Denning Drive.

Commissioner Bridges asked if a connectivity bicycle plan exists. Mr. Attaway stated a draft plan exists which is an update from the one from 1995 which will be coming to the Commission in the near future. She spoke in favor of bicycle lanes but that lanes on 17-92 appear to be somewhat inhospitable, and that they need to look at a plan and begin implementing it where possible. Mr. Krezeminski stated that Orlando is also in favor of bicycle lanes on 17-92. He spoke about the urban trail and the connection Winter Park could make with that trail. There were further comments made by the Commissioners.

City Manager Knight inquired if the Commission wanted the resolution to be on the next agenda for consideration. Mayor Strong stated he was not sure whether or not he would support it. Commissioner Eckbert stated he wanted to see more alternatives and the pros and cons for each and that it needs to be in a more complete context. Mr. Attaway stated the resolution is specific to 17-92 because of a timing issue and working with them on the plan. He stated if the resolution is adopted, it is saying that the City is agreeing to the loss of capacity if that happens. Mr. Krezeminski stated they can most of the project without any capacity degradation and the only section that would have an issue is from Webster Avenue to Lee Road. He stated there are no capacity constraints south of Fairbanks so the lanes could be striped from Fairbanks going to the south and reconnecting with the City of Orlando portion. He stated if they go north to Webster they can work within the DOT standards to not have any capacity degradation like dropping any current lanes.

There was discussion about the Lee Road extension and Denning and Orange Avenues to get through that section back to 17-92 and the short section south of Orange Avenue that is in the City which needs to have bike lanes to continue south into the City of Orlando to connect to Orlando's trail. Commissioner Metcalf and Mayor strong stated they could support that. Mr. Krezeminski reminded them this would be 10 years in the future.

Mayor Strong stated he was uncertain as to the consensus, he shared Commissioner Eckbert's concern with the safety of riders on 17-92 but did not see a reason not to connect it to the urban trail where it does not affect vehicle capacity. He stated he would be willing to consider that at the next meeting. Commissioner Metcalf stated he wanted to provide a way that gets us from

the Orlando trail to Orange Avenue, and down Orange Avenue to Denning because he saw Denning as the best way of doing this. Mr. Attaway addressed the four lanes remaining on the Orange Avenue enhancement project and that there will not be bicycle lanes on the road without losing parking. Commissioner Metcalf addressed land nearby that could be used for a 4' bicycle lane.

**New Business (Public):**

April Kirsheman, representing Hannibal's, 533 W. New England Avenue, asked about the proper procedure for adopting an ordinance for the extension of hours for alcohol sales on New Year's Eve in the Hannibal Square area. She stated they are going before the CRA on January 24. After discussion, there was a consensus to take this matter before the Planning and Zoning Commission (P&Z) first before coming before the Commission.

**New Business (City Commission):**

1. Commissioner Metcalf reported about the meeting with the JW Marriott and The Residences. He reported it was a good meeting and agreements were made that resolve the outstanding issues.
2. Commissioner Metcalf asked about the red light camera legislation and the need for the Police Chief to obtain whatever is needed from the Commission to support that effort. There was discussion regarding the need for the revenue to come to Winter Park and for the legislators to be aware that is the City's preference.
3. Commissioner Metcalf asked if there is anything pending from the Public Art Board for any upcoming projects. Economic Development Director Chip Weston stated they are currently working on a project and he will provide that information to the Commission.
4. Randy introduced the new Assistant City Manager Michelle del Valle.

The meeting adjourned at 5:40 p.m.

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Mayor David C. Strong

ATTEST:

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City Clerk Cynthia Bonham