

**CITY OF WINTER PARK  
CITY COMMISSION SPECIAL MEETING MINUTES  
FEBRUARY 1, 2007**

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 9:30 a.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor David Strong  
Commissioner Douglas Metcalf  
Commissioner John Eckbert

Also present:

City Manager James Williams  
City Clerk Cynthia Bonham

Members absent:

Commissioner Douglas Storer  
Commissioner Barbara DeVane

Discuss the commuter rail ballot language

Attorney Cheek explained the status of this issue that we have already adopted ballot language so no further action is required if that ballot language remains unchanged. He addressed his understanding that it was decided to meet today to review the language to verify whether there are any changes the Commission believed was appropriate. He provided options of ballot language based on comments made at the Commission meeting and that the concepts have not changed much but the way the questions read are slightly different.

Mayor Strong stated they have to adopt ballot language today to accommodate the elections office and to move forward with ballot printing. He also stated that provided we address the issues in the citizen's initiative, the language does not need to follow that exactly. Attorney Cheek stated the ordinances requiring a referendum are in place and only if the City proposes to do something that would require a citizen vote do you have to have a referendum. He also provided copies of what the ordinances adopted based on the citizen's initiative requiring referendum and addressed portions of those ordinances concerning when a referendum is required. He further spoke concerning the task force findings who did not specify a specific location for the stop/station or if the City should expend funds for commuter rail and provided his opinion as to what the task force reported and what he believed they meant. He addressed the issue whether DOT is proposing to use City property. It was clarified that the City does not control the CSX right-of-way.

City Engineer Don Marcotte presented the original proposed drawing from DOT showing the tracks and where the platform would be located, the current Amtrak station, the pedestrian crossings, and vehicular movement. He stated that the consultant engineer indicated he wanted to move the tracks closer together and put the platform on both sides of the tracks which would require moving the easternmost track towards the west so the track closest to the park would be moving away from the park approximately 11' and a platform would be installed in the location where the track was removed that would be 12'-15' wide. He stated they have to modify the platform on the Amtrak side to accommodate commuter rail. Attorney Cheek asked if there be some construction modifications/renovations of what is currently there on the west side of the tracks. Mr.

Marcotte confirmed this and that the platform currently there is pretty much in CSX right-of-way but the station is on City property. There was further discussion regarding the placement of the platform and tracks and the location of the CSX right-of-way and what can be built within the right-of-way.

Mayor Strong stated it is a fair assumption that DOT can build everything within their right-of-way. Mr. Marcotte affirmed that from all indications as the task force that they can build everything within the right-of-way. There was an agreement between the Commissioners that they do not have to address this in a referendum right now because there is no indication that they will not be within their right-of-way. Mayor Strong stated it is clear that the issue is whether or not the City has a referendum for spending money for this and did not believe the first issue is an issue and needs to be addressed in a referendum based on their assumption concerning the right-of-way and if it turns out to be false, they would have to have a referendum and will need one if they recommend a new train station which is for a future date. He stated we need to focus today concerning the expenditure of funds for the ballot. There was further discussion regarding the three questions that were already adopted at the January 29 Commission meeting and whether all the questions needs to be asked. Also discussed was how the ballot questions should read as Commissioners offered their opinions. The need to focus on the language required by the citizens initiative was addressed as well as the third question already approved regarding operation and maintenance costs.

Commuter Rail Task Force members were present to speak.

Joe Terranova, task force official spokesman, spoke about their extensive deliberations concerning this issue. He stated the staff and DOT were very helpful and answered numerous questions they had. He stated the task force had overwhelming support for a stop in Winter Park with a 12-2 vote. He stated they did not put a location in their recommendation as to where the stop should be because they were not asked to make a recommendation on that. He stated if you read the report, it is quite obvious that the preferred stop is the current location at the Amtrak station. He stated they provided a thorough analysis of possible other locations where a stop could be but most of them had problems, some technical with being able to meet the DOT requirements for the stop and in terms that land would have to be purchased and would trigger an environmental review.

He stated on the last day of their meetings, another proposal came forward by their Chairman which they looked at but could not go into depth because they did not have advanced information on it. He stated are going to review this stop and compare it with the current stop at their meeting on Tuesday at noon. He stated an engineer representative from DOT will be there to address the technical issues and staff is gathering pros and cons.

He further elaborated on issues the task force felt were important to review in terms of the viability of a stop at the railroad station. He stated they looked at the cost,; the construction cost is pretty much taken care by Congressman Mica for a grant but the City has to provide a maximum of \$300,000 (10%) which is a small amount when considering the overall benefit to the City. He stated they felt the construction cost was

not a big problem. He stated they next spent a lot of time going over the operating cost and what impact it would have on the City. He stated the DOT information was termed a worse case scenario from their perspective and they stated what it would cost in the year 2017 rather than now. He stated he believed the true costs will not be the estimated cost and the question is how to deal with the operation costs. He stated the task force felt the economic benefits far exceed cost of operating. Most of those benefits would take place in the CRA and is not authorized to pay the operating cost right now. He stated they also believed that the operating costs should be regional costs and should not be paid by the City. He stated that Orange County is the only county in four counties that decided to charge the various cities for the operating and maintenance costs. He stated that Orange County did agree to reduce Winter Park's share by 30% and he proposed to the task force which is not in the report, a suggestion that in negotiating with Orange County the City should do all they can to get Orange County to pay the operating cost as a regional cost. If they cannot get them to agree, he suggested to insert a clause in the agreement that in the event that Orange County is unable to come up with a dedicated funding source by 2017 that Winter Park would have the option to opt out of the agreement. He believed that was the fair way to handle the operating expenses.

He stated they also reviewed the impact of traffic. He stated there is an amount set aside in the monies provided by Congressman Mica up to \$418,000 that can be used for a traffic study to determine the traffic flow and how the station could be configured to handle the flow. He spoke about the current buses on New York Avenue and included in the commuter rail overall program, is money for Lynx to purchase additional buses so the headways can be increased from one hour to half hour to be consistent with the arrivals and departures of commuter rail. He also addressed another bus on Denning Drive that could be diverted to the station. He stated there is nothing in the plan to handle traffic to the east.

Mr. Terranova then addressed security. He asked Chief Ball to look at this at other stops in comparable cities which is a part of the report and was inconclusive. He stated he believed that the crime reported was related to the crime already existing around the area. He spoke about security devices that could be installed at the station. He stated their overall conclusion is that security is not a problem. He concluded that the task force strongly supports a station and that there was a great leading of the task force toward the Amtrak station location.

Robert Klingler, task force member, stated that the task force recommended a stop, not a station and if Central Park is chosen as the location the stop is within the footprint area already being used for the railway and would provide additional land that could be used as parkland. He stated if there is to be a station, this is a separate question to be determined later after knowing what it will really cost to do the stop. He stated DOT has estimated to do a brand new stop is \$2.5 million starting from scratch; of the Mica money being provided, there should be an additional \$1.5 million available that could be used to beautify the park area or the station. He stated the only question is whether there should be a stop which is what the task force recommended and as a stop and not going onto City land. He also asked that the referendum question be as a single question because he believed the two questions is inviting a yes and a no vote.

Lennon Moore, task force member, stated they looked at other locations besides Central Park but there was confusion concerning a recommendation whether or not there would be a stop in Winter Park. She stated the location of the potential stop/station was not part of their initial charge but they included an appendix in the report that outlines what they reviewed. She stated this was provided to the task force based on the cost factor alone they leaned towards the stop being at the Central Park location.

Diedre McNab, task force member, stated there was some confusion as to what the charge for the task force was in the beginning. They stated they interpreted their charge to be to look at the pros and cons for a stop in Winter Park and to make a recommendation. She stated they explored other locations but there was a reluctance on the task force to recommend a location for a stop/station because did not feel that was part of their charge. She commented they made two recommendations; whether to stop in Winter Park even though they did not recommend the location of the stop; and recommended the usage of some monies to renovate the Amtrak station in the style of a historic building that would be more in keeping with the Winter Park tradition. She stated Congressman Mica's office stated the \$3 million from their office needs to be spent on uses related to a multi-model network. She stated she also asked DOT if Winter Park selected a different location for the stop other than the current Amtrak station, if the current station could be moved so there would only be one stop. She was informed by DOT that if it is not at the Amtrak station, it would remain and there would be two stops in Winter Park.

Mayor Strong expressed his concern with not knowing the traffic impact, if any, at this time. He asked what Congressman Mica wants the City to do to get the money because if DOT fits the entire stop into the right-of-way, the City does not have to do anything. Commissioner Metcalf spoke about the requirement that this needs to be multi modal, he believed we meet the requirements of Congressman Mica, and they are looking for the Commission to make an affirmative statement that the Winter Park leadership wants a stop in Winter Park and to be part of that system. Commissioner Eckbert spoke about who is responsible for paying for a station. Commissioner Metcalf stated the \$3 million is already down to the state level waiting for Winter Park to commit to commuter rail. Other questions were asked and discussed by the City Commission.

Bill Shallcross, 1450 Bonnie Burn Circle, and a member of the petitioner's committee but speaking for himself and not the committee, asked about the funds being provided by Congressman Mica. Commissioner Metcalf responded. He asked if the CSX agreement has been signed. He spoke about the citizen's initiative and his understanding that the Commission had no choice but to place it on a ballot. Attorney Cheek responded. He voiced his preference of having a single referendum whether or not to have commuter rail stop.

Sally Flynn, 1400 Highland Road, asked for clarification on the issue and commented she did not see how both issues can be combined on one referendum.

Michael Dick, 823 Granville Drive, and member of petitioner's committee, apologized for making this issue confused. He stated their mission was to allow the citizen's to vote on commuter rail. He addressed the need for two questions on the ballot.

Carolyn Cooper, 1047 McKean Circle, addressed her concerns with the numbers she believed were soft. She spoke about the City being in a position to negotiate with Orange County. She asked that the Commission not vote to accept this cost to the City and was against accepting the operation and maintenance costs.

Diedre McNab, 1860 Summerland Avenue, spoke about her preference of a stop in Winter Park. She spoke about the referendums and the complexity of the issue. She asked to eliminate question #3.

Patricia Greenstein, 2348 Summerfield Road, asked that the O&M cost remain as a ballot question because of the lack of specific facts and cost figures.

Joe Terranova, 700 Melrose Avenue, addressed the need to look at the vision for Winter Park and not to lose this opportunity for the City. He agreed that the operation and maintenance costs need to be negotiated with Orange County and if they will not pay all, then have the option to opt out.

Robert Klingler (did not provide address) spoke about information from City staff regarding the financial issues and the question that should be asked "do you want us to expend money that will generate more money and possibly reduce your taxes or provide more services?" He stated if the stop is not approved at this time, Winter Park will never have a stop here.

Mayor Strong asked Attorney Cheek about the question in the O&M that requires the ordinance be put to a referendum on section 1A. Attorney Cheek stated in his opinion this relates to the structure and the O&M is a separate issue that is not required under this ordinance. He asked Attorney Cheek if this O&M issue needed to be put to the public, Attorney Cheek said no.

Commissioner Eckbert stated that this is very important to him and for the City Of Winter Park. He thanked the Task Force for coming to the meeting and making themselves available to the Commission. He stated that the language of #1 and #2 should not be changed, and he would like to see it stay exactly as is and item #3 be removed on the ballot for March. In regards to the O&M, his conclusion was that there should be no referendum and he explained the reasons why.

**Motion made by Commissioner Eckbert that #1 and #2 remain the same and remove #3 from the ballot in March, seconded by Commissioner Metcalf.**

Commissioner Metcalf stated he would still like to see thumbs up or down vote on the concept of commuter rail. He thought this would track more closely what the citizens responded to in the survey. He stated he did not believe they will ever pay O&M costs as a City Of Winter Park and it will become a county wide issue. He stated that he endorsed #1 and #2 and recommended they do not make this any more completed than necessary.

Mayor Strong wanted to address the O&M issue now. He stated that the survey suggests that 75% of people will support this whether the City pays the O&M costs or if

someone else pays for this. He believed that placing this for a vote strengthens their position to resolve this before the vote is taken with Orange County. Mayor Strong believed the threat of a no vote would give them leverage with Orange County. He explained that it was their responsibility to give the voters the opportunity to decide if this was money well spent. Mayor Strong stated that he was willing to live with what the motion says but did not feel that it addressed the most important issue which was if they wanted to spend the money to have a commuter rail station, yes or no.

Commissioner Metcalf stated that we have ten years to negotiate this and we could sign the clause that the task force recommended that the City could opt out in 2017. He explained that they were talking about six stations that will expand South through more of Orange County, then Poinciana, with all of the additional legs that people will decide on over the next few years. He stated that eventually they will realize the complexity of trying to pay for this on city by city basis. Commissioner Metcalf believed ultimately their method of paying for this will be some increment of the general operating funds that they presently receive or having some additional mileage that will take care of the train and links as well. He addressed that they will need to resolve this on a County and Regional wide basis. Commissioner Metcalf stated they have plenty of time to do this and their negotiating power/leverage will be stronger by becoming a part of the solution rather than a problem. He explained that the city will become a problem if it becomes a no vote and he wants to engage Metroplan and others to come up with a solution.

Attorney Cheek asked if their motion was as needed for a resolution to amend ordinance 2696-07 to include #1 and #2 and eliminate section #3, or otherwise as might be needed to appropriately carry out the purposes expressed. **Motion made by Commissioner Eckbert to include #1 and #2 and eliminate section #3, seconded by Commissioner Metcalf. Upon a roll call vote, Commissioners Eckbert and Metcalf voted yes. Mayor Strong voted no. The motion carried with a 2-1 vote. Commissioner Storer and DeVane were absent.**

Mayor Strong commented that someone made a suggestion that there should be educational forums sponsored by the City between now and Election Day to discuss, present or debate. Commissioner Eckbert agreed that this would be helpful and suggested the Good Government Group sponsor these forums. Mayor Strong concurred.

Commissioner Eckbert stated that he would be interested in the City considering taking action on task force recommendations either before or in the mist of the referendum. He also wanted to review what Orange County is asking the City to sign and have the City Attorney review that document with the Commission. Mayor Strong stated that he was not aware of any document and he believed that they have not reached that point yet. City Engineer Don Marcotte explained that in March the County's are signing agreements with the State and wants a level of comfort with Winter Park being on board by then.

Commissioner Eckbert would like to know what type of form of feed back they are conveying to Orange County and what kind of guidance they can provide them. He

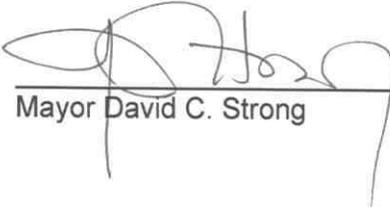
commented that he would like us to be working on whatever type form of feed back this maybe and begin soliciting it and decide what kind of edits need to be made to it.

Commissioner Metcalf commented on the Commission making a motion to the citizens to approve it (like the power company motion) and in doing so they maybe putting the pressure on the County to deal with the O&M issue. He would like the County to have more of a visionary plan for what they want to do with transportation and traffic and he thinks they will do this when they understand that this is an important issue for individual cities. Mayor Strong stated that this was a suggestion they should discuss with the Commission endorsement or proposal and he would like it to be on the next agenda.

He asked Don Marcotte between now and then to contact Orange County and ask them what they are looking for, do they have an agreement and what do they expect from the City Of Winter Park. Mayor Strong believed that if they had these answers this would help guide them between now and the next meeting. Commissioner Eckbert commented that it was a reasonable approach and when they do that, he suggested it was worth having a majority report from the task force at the time when the City Commission is considering whether to adopt the recommendation or not. Mayor Strong stated they have the majority report and the only thing they do not have is a location. Mayor Strong addressed that this should be on the next agenda as the Commissions consideration of adopting the task force recommendation and it should be phrased in those terms for the February 12, 2007 agenda.

Don Marcotte stated he would contact Orange County and find out the issues discussed and bring this up at the next task force meeting. Mr. Marcotte mentioned a T.O.D (Transit Oriented Development) workshop on February 12, 2007 @ 9:00 a.m. in Winter Park and anyone was welcome.

Mayor Strong adjourned the meeting at 11:42 a.m.

  
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Mayor David C. Strong

ATTEST:

  
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Cynthia S. Bonham, City Clerk