

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
February 12, 2007**

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 offered by Reverend Charles Gentry, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Douglas Metcalf

Also present:

City Attorney Trippe Cheek
City Manager James Williams
City Clerk Cynthia Bonham

Members absent:

Commissioner Douglas Storer
Commissioner Barbara DeVane

MAYOR'S REPORT:

- a) Presentation by the Chamber of Commerce to Winter Park schools of the funds raised by Leadership Winter Park from the annual pancake breakfast.

Debbie Hendrickson, Winter Park Chamber of Commerce presented checks to Winter Park schools from the funds raised by Leadership Winter Park from their annual pancake breakfast. The City of Winter Park, Audubon Elementary School, Brookshire Elementary School, Aloma Elementary School, Killarney Elementary School, Dommerich Elementary School and Lakemont Elementary School all received checks.

- b) Approve the final strategic plan.

North Highland representative Bob Hiltz, presented the Final Strategic Plan as discussed at the strategic planning session on January 25. Commissioner Metcalf suggested wording changes. Mayor Strong asked Communications Acting Director Craig O'Neil to post this on the website with the changes along with the road map. There was a consensus to approve the plan.

Non-agenda item

Mayor Strong addressed the Council of Mayor's report. He stated the Council of Mayors felt it should support the increase in homestead exemption, but subject to local option. He explained that each municipality would have the local option to adopt the increase in homestead exemption; and that the homestead exemption would be phased in over the next few years.

Commissioner Metcalf asked about portability. Mayor Strong stated that Orange County and the City of Orlando felt that portability did not affect them but they did feel that the 3% cap on non-residential, non-homestead affected them greatly. He stated they were insistent that the 3% cap on non-residential property be strongly objected and that was a part of the resolution.

Commissioner Metcalf asked if Orange County Property Appraiser Bill Donegan provided data on what portability means. Mayor Strong said he did not and believed no one really knows the

meaning. Mayor Strong suggested scheduling Mr. Donegan on February 26 at 2:30 to explain portability and asked staff to contact him to see if he is available then. Commissioner Metcalf asked City Manager Jim Williams to find out from Mr. Donegan if he has data on intra-city or inter-city movement within the City and based on that data give the Commission some idea of what portability will do to Winter Park.

CITY ATTORNEY'S REPORT:

Attorney Cheek had nothing to report.

CONSENT AGENDA:

- a) Approve the minutes of 1/16/07 and 1/29/07.
- b) Approve the following purchase order and bid:
 - 1) PR 131211 to Maroone Chevrolet for a new dump truck, purchased off the Florida Sheriff's Contract; \$59,599.00 (Budget: Vehicle Replacement)
 - 2) Contract extension for RFP-2-2005, Various Print Jobs to Mercury Printers and Printing Ideas by M.E., Inc. (Budget: Communications)

Motion made by Commissioner Eckbert to approve the Consent Agenda; seconded by Commissioner Metcalf and carried unanimously with a 3-0 vote. Commissioners Storer and DeVane were absent.

PUBLIC HEARINGS:

- a) 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 ON LEE ROAD, BENNETT AVENUE, LEWIS DRIVE, BENJAMIN AVENUE AND ORLANDO AVENUE, SUBJECT TO A DEANNEXATION AGREEMENT, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

This item was postponed until February 26, 2007.

- b) ORDINANCE NO. 2700-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO ABANDONMENT OF A RIGHT-OF-WAY; ABANDONING THAT PORTION OF VIA PALERMO ROAD EXTENDING APPROXIMATELY 282 FEET SOUTH FROM THE NORTH LINE OF LOT 1A OF SICILIAN SHORES, PLAT BOOK O, PAGE 34, PUBLIC RECORDS OF ORANGE COUNTY OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; RETAINING UTILITY RIGHTS; PROVIDING AN EFFECTIVE DATE. Second Reading

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

Motion made by Commissioner Eckbert to adopt the ordinance; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Eckbert and Metcalf voted yes. The motion carried unanimously with a 3-0 vote. Commissioners DeVane and Storer were absent.

- c) ORDINANCE NO. 2699-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-82 "GENERAL PROVISIONS" TO PROVIDE: LIMITATIONS ON SIZE AND HEIGHT OF RESIDENTIAL GARAGES AND ACCESSORY BUILDINGS, LIMITATIONS ON CHIMNEYS, BAY WINDOWS AND SECOND FLOOR OPEN AREAS AND PORCHES IN RESIDENTIAL BUILDINGS, LIMITATIONS ON FENCES WITH HEIGHTS OF FOUR FEET IN RESIDENTIAL AREAS, CLARIFYING SECOND FLOOR FRONT SETBACK IN R-2 DISTRICT, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title. Commissioner Eckbert asked for clarification on the second floor open porch area. Building Director, George Wiggins gave a brief explanation on this matter. Commissioner Eckbert stated that he would like to pass this ordinance excluding the second floor porches and consider this section at the next meeting. Commissioner Metcalf agreed with Commissioner Eckbert.

Carolyn Cooper, 1047 McKean Circle, spoke about the application of the ordinance and stated she did not realize it only applied to R-1 zoning. She explained that she would like the Commission to consider expanding this to include R-3 and R-4 zoning.

Mr. Wiggins responded by saying he placed this in a section of the code where it applies across all zoning districts and was in the accessory building section. He stated that it would only apply to the extent within that district that there is exclusion for those porch areas. Mayor Strong asked Mr. Wiggins to propose another ordinance at the next Commission meeting.

Motion made by Commissioner Eckbert to adopt the ordinance with the exception of the second floor porches section which will come back at the next Commission meeting as a separate ordinance; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Eckbert and Metcalf voted yes. The motion carried unanimously with a 3-0 vote. Commissioners Storer and DeVane were absent.

- d) ORDINANCE NO. 2698-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE NO. 2696-07, PROVIDING THE BALLOT LANGUAGE FOR A REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF A COMMUTER RAIL STATION ON PROPERTY OWNED BY THE CITY IN THE CENTRAL BUSINESS DISTRICT AND PROVIDING THE BALLOT LANGUAGE FOR APPROVAL OR REJECTION OF THE USE OF CITY FUNDS WITH RESPECT TO A COMMUTER RAIL STATION; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title. No public comments were provided.

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Eckbert and Metcalf voted yes. The motion carried unanimously with a 3-0 vote. Commissioners DeVane and Storer were absent.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 98-146 OF ARTICLE IV, CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO PROVIDE FOR RESTRICTIONS FOR PARKING VEHICLES FOR ADVERTISING OR SELLING MERCHANDISE; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Commissioner Eckbert stated that the City of Orlando has similar ordinances that restrict the ability to advertise and use the commercial corridor for drive-by advertising purposes. He commented that staff had enforcement questions and they may need two weeks to review the potential impact of what it would mean for this to be passed and become an ordinance. He expressed being content with the first reading occurring at the next meeting on February 26, 2007. Attorney Cheek explained that this ordinance clarifies that it applies to parking lots and the advertising issue has been added.

No public comments were provided.

Motion made by Commissioner Eckbert to table the first reading of the ordinance until February 26; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Eckbert and Metcalf voted yes. The motion carried unanimously with a 3-0 vote. Commissioners Storer and DeVane were absent.

CITY MANAGER'S REPORT:

Non-agenda item

Fire Chief Jim White provided a power point presentation regarding severe weather warning devices including the use of sirens. He recommended the development of a Comprehensive Community Emergency Alerting System. There was a consensus for Chief White to return with his recommendations and have a complete report by April 2007.

a) Electric Utility Annual Report.

Mike Whiting, Chairman of the Utilities Advisory Board, provided introductory remarks regarding the annual report that covered the last 20 months of the City owning the electric utility. Mr. Whiting stated that the utility system was not maintained well by Progress Energy and the system is gradually becoming better but has a long way to go before they have a system that is at a substantial level within the City. Mr. Whiting responded to questions.

Commissioner Eckbert suggested that the customer service/call centers be improved by identifying where calls are coming from; having more rollover lines that can update customers on any problems they maybe experiencing in their area; and the recording could indicate the amount of time it may take before the problem can be resolved. He believed this may decrease the call volume and asked Mr. Whiting to pass this message onto ENCO.

Assistant City Manager Randy Knight provided the overall presentation concerning the City's customer mix, revenue mix, residential electric rates by city and private utilities, changes in rates month by month change, fuel cost per megawatt hour and how it changed in the last 20 months, the over/under recovery fuel cost since owning the system, Winter Park reliability report – SAIDI, Winter Park SAIDI performance FY 2006 versus 2007 target; financial results with gross revenue \$46.4 million, net operating loss approximately 1% and the first 3 months of FY 07 net operating profit \$738k.

Electric Utility Director Don McBride summarized the first year accomplishments, the current year priorities, and under grounding priorities. There was discussion on how long it will take to underground the entire City and what it will take to accomplish this faster; ENCO and their

abilities and services; and how the City will handle a hurricane if one hits Winter Park. Mayor Strong commented on having a schedule on rate increases and presenting that to the citizens as an alternative. Commissioner Metcalf stated that he would like for Mr. McBride to provide a presentation on a method that citizens can use to determine when their lines are likely to be put underground and if there are ways the citizens can increase their positions on the priority list if they are willing to pay for it. City Manager Williams explained they have a road map that identifies the comprehensive electric plan recommendation, including under grounding, and will have the completed report in July.

b) Commuter Rail Task Force report on alternate locations.

Task Force Chairman Joe Terranova presented their report from their meeting last week regarding alternative locations and to provide recommendations as to where a commuter rail station/stop should be located. He summarized the various sites they reviewed a) North Denning - Winter Park Vo-Tech; b) South Denning at Minnesota; c) Blake/Lyman, also referred to as the Jack Rogers alternative, and d) the Amtrak location. He stated that two sites were unanimously eliminated by the panel because of the negative impacts on the surrounding residential neighborhoods and what would be considered unfavorable impact on traffic. He explained that the majority concluded locating the commuter rail stop at the existing Morse Boulevard site, however, alternate a) the N. Denning site was identified as a distant second.

Mr. Terranova addressed the minority report provided by Mr. Murrah which he stated was not discussed in the task force meeting and that they voted 10-2 not to have a minority report. Mr. Terranova explained that Mr. McClure made no comments why he voted for the minority report but that Mr. Murrah defended his position and his report well. He explained that subsequent to the task force meeting Mr. McClure circulated a paper outlining a number of items supporting the minority position. Mr. Terranova personally felt that Mr. Murrah and Mr. McClure were within their rights to make any comments they wished in regards to the task force findings however, it was not an official position of the task force.

Mr. Terranova mentioned that the task force had discussed the possibility that if a station is located in the CRA, that any increment in taxes as a result of increased economic development due to the station would go to the CRA. He also spoke about the operating cost being paid by Orange County and if Orange County does not agree, he suggested they include a clause in the contact that will permit Winter Park to opt out of the agreement if there is no dedicated funding source made available by the year 2017.

Bob Klingler, task force member, provided information that came up after their meeting. He stated that Winter Park must agree with a stop now or the City will never have a stop according to FDOT.

City Engineer Don Marcotte addressed Orange County's request for the City to provide in writing whether or not the City will support a station/stop in Winter Park.

Commissioner Eckbert stated he would like to take the task force recommendation and provide that guidance to Orange County. He stated he would like to see some wording or have a resolution or letter prepared.

Jim Harrison, Orange County, stated they are looking for guidance from the City on whether or not the City is interested in pursuing a station if the referendum supports that. He addressed the necessary agreements for putting the station in place and sharing 30% of the operating cost

with Orange County. He stated the City needs to inform Orange County as to their position so the agreements can be drafted. Mayor Strong addressed the possibility of the Commission to make a presentation or to speak with Orange County specifically on this issue. Mr. Harrison expressed that Commissioner Segal is interested in revisiting this issue with Winter Park. Mr. Harrison answered questions from the Commission.

Commissioners Eckbert and Metcalf spoke about it being short sided for Orange County to only agree to pay 30% because of it being a regional issue. Mr. Harrison said he will pass their concerns onto his board.

Mr. Terranova added if the Commission decides to approve this, it is subject to the referendum and he believed that if there was to be an agreement that those terms are negotiable. He expressed that Winter Park should have input into the language and terms of that agreement. Mr. Terranova also spoke about including the 'opt out' clause in the agreement.

Mr. Harrison reiterated that he would like to have an indication of the City's position regarding sharing the 30% of operating cost.

Motion made by Commissioner Eckbert to draft a resolution that the City is interested in pursuing a commuter rail station if there is an opt out provision 10 years from now and subject to the referendum; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Eckbert and Metcalf voted yes. The motion carried unanimously with a 3-0 vote. Commissioners Storer and DeVane were absent.

Mayor Strong suggested to schedule a forum on commuter rail and asked Dr. Seymour to moderate the forum if he was willing to do so. He stated he reserved the Civic Center on March 7, 2007 and would like to have the proponents and opponents of commuter rail present.

Mr. Terranova asked if they can be dismissed as the task force. Commissioner Eckbert commented if they create a resolution and the Commission takes a position, it may be helpful to have the task force's consideration and guidance. Mr. Terranova stated that he believed the task force would agree. Commissioner Metcalf suggested that one of the task force members be on the panel for the March 7th forum. Mayor Strong concurred. There was a consensus to discharge/disband the Commuter Rail Task Force.

NEW BUSINESS (PUBLIC):

Carolyn Cooper, 1047 McKean Circle, addressed the moratorium being removed and two ordinances that were passed in the Central Business District (CBD) for the Douglas Grand. She stated the two ordinances allow 55' height in the CBD and they need to be repealed. Ms. Cooper requested putting the Comprehensive Plan Task Force back as a functioning committee to respond to the ORC Report and to put together framework for the City's land use codes needing revision to match the comprehensive plan.

Patricia Greenstein, 2348 Summerfield Road, expressed her concerns with ethics and fairness in the City and expressed her concern with the removal of the Commuter Rail Task Force Chairman and the way this was conducted. She spoke about the minority report submitted by Mr. Murrah and her belief that he was removed because of his opinion against commuter rail. She expressed her opinion regarding the balance and fairness of the selected task force members for and against commuter rail and the members against commuter rail being minimal.

Shay Silver, 735 Pansy Avenue, read a letter from Antoinette Foley, 1252 Lakeview Avenue addressing the removal of the Commuter Rail Task Force Chairman Mr. Murrah, the discussion at their meeting regarding the sale of the library being inappropriate for this committee, and the short discussion of one other site for a rail stop. She commented about these issues appearing that they were discussed before the meeting. She stated the task force needs to be disbanded immediately. She asked the Commission to enforce ethical standards in the state statute regarding Government in the Sunshine.

Sandy Womble, 940 Old England Avenue, spoke against the removal of the Commuter Rail Task Force Chairman, how it was handled; and her opinion that he was removed because his position differed from the others. She addressed conflict of interest information from the internet. She commented on the importance of not voting when there is a conflict or a potential one and that all people should be treated the same. She spoke about certain CRTF members she believed should not have been on the task force because of their current employer.

Nancy Shutts, 2010 Brandywine Drive, agreed with holding a public forum regarding commuter rail, appreciated the City pushing to get 100% O&M costs from the County, and was appalled with Mr. Murrah being removed as Chairman of the task force. She spoke about her conversation with the CRA manager regarding the CRA ending in 2027; to use monies for buses is not a concern because the wording would have to be changed so CRA money can be used for buses for commuter rail.

Lurline Fletcher, 790 Lyman Avenue, spoke about concerns with a commuter rail station on the Westside at Valencia College/Morse/Denning. She also expressed concerns with an increase in electric bills.

Marc Hagle, 1220 Park Avenue N., expressed disappointment with comments made tonight toward City board volunteers. He stressed the importance of citizens not having the right to criticize individuals for volunteering their time and efforts to help the City and that you should debate the subject not the person when you have a disagreement with a point of view. He asked the Commission not to allow these comments in future meetings. He also suggested that the Electric Board be supported by a financial analyst on the board to help them evaluate the process of how to go forward and analyze funding sources; particularly bond issues. Mr. Hagle also addressed the de-annexation of Lee Road and 17-92 and a deficiency in the development code not allowing the City at this time to develop this property.

Bill Rosenfelt, 1400 New York Avenue, stated he did not believe the City should restrict freedom of speech and that citizens have the right to criticize others. He spoke about the removal of the Commuter Rail Task Force Chairman and the task force not discussing certain other possible sites because of the need for an environmental survey. He stated that he was against the site at Central Park.

NEW BUSINESS (CITY COMMISSION):

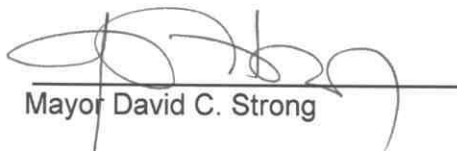
1. Commissioner Eckbert spoke about the challenges of ethical misconduct as a serious matter and to make assertions and claims based on speculation is inappropriate unless evidence exists that there is an ethical breach. He stated there has been too much speculation and insinuation in Winter Park which has been to the detriment of the community. He expressed that we need to speak respectfully to each other. Commissioner Eckbert stated he

is discouraged by the continued insistence that this is an appropriate way to advocate for policy and to cast dispersions upon those that you disagree with.

Commissioner Metcalf spoke about the task force working for 6 months and giving much of their time and effort. He stated it should have been a simple task but it was made complex by all the negativity that has occurred by citizens. He thought that it was a shame that people cannot sit and debate the positives and negatives without becoming personal.

2. Commissioner Metcalf mentioned that he spoke with Economic Development Advisory Board (EDAB) Chairman James Barnes. He asked the Commission to look at the letter provided to them regarding the EDAB recommendation on Fairbanks Avenue between 17-92 and I-4. Commissioner Eckbert asked staff to review these recommendations and to comment on the feasibility at the next Commission meeting.

The meeting adjourned at 7:22 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham