

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
April 9, 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 Pastor Dean Patrick Powers, Knowles Chapel Rollins College, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

**MAYOR'S REPORT:**

a) April 2007 Outstanding Employee of the Quarter

Mayor Strong recognized James Lingard, Utility Equipment Operator I, Wastewater Collection Division, as the April 2007 Outstanding Employee of the Quarter.

b) Appointment of Vice Mayor for 2007

Mayor Strong explained that Commissioner Eckbert would be next in line to serve as Vice Mayor and asked for a nomination for Vice Mayor. **Motion made by Commissioner Metcalf to appoint Commissioner Eckbert as Vice Mayor, seconded by Commissioner Bridges. The motion carried unanimously.**

c) Non Agenda Item

Mayor Strong commented on the Carlisle discussions and stated there was a shade meeting scheduled after the CRA meeting tonight. He stated that depending on the outcome of the shade meeting, there may be more to report at the next Commission meeting.

**CITY ATTORNEY'S REPORT:**

a) Commuter Rail Interlocal Agreement with Orange County.

Attorney Cheek provided the third draft of the Commuter Rail Interlocal Agreement that included the changes he recommended. He spoke about meeting with Orange County, where some points were raised and that the red line version of the document were his suggestions but it had not been submitted or approved by the County. He asked the Commission to look at page 11 regarding the "opt out language" and explained that the language was not exactly the language they were currently working on, but the concept was very similar. He explained that the County was satisfied with this in concept and reserved the right to read it, however, the City has not heard from them.

He stated that the County has slowed the pace with this matter but that it needs to be resolved by the next Commission meeting. He explained that some of the concepts that are addressed were the same as what Maitland advanced to the County. He stated the County indicated they would like a similar if not an identical agreement with Winter Park and Maitland.

Attorney Cheek stated that this agreement does not require an absolute identification of a station location by its own terms; and the issue on whether or not the City needs to identify the exact location of the station for Federal funding purposes is not specifically covered in the agreement. He stated it has been difficult for him to receive an answer on exactly what needs to be done to satisfy the Federal funding issue.

Commissioner Eckbert asked when the County expected the City to have this agreement signed. Attorney Cheek stated they want it executed by the beginning of May. City Engineer Don Marcotte agreed.

Commissioner Eckbert asked about what will determine the timing of the location of the station. Attorney Cheek stated he was uncertain about the factors involved in this and they would need to ask Mr. Marcotte. Mr. Marcotte answered questions posed by the Commission.

There was discussion as to what could potentially happen if the City opts out of the agreement. Commissioner Bridges advised holding a work session to review the City Attorney's remarks on the document provided this evening.

Orange County representative Jim Harrison, by phone, spoke about the need for the City to approve the agreement before the County approves the master agreement which will be before them by the beginning of May. He stated that Orange County did not have a preference for the station location; however, he believed it makes a difference for the Department of Transportation (DOT) and when the City makes a decision. Mayor Strong thanked Mr. Harrison and suggested they invite DOT to their work session on April 16 at 3:30 p.m. to discuss the location timetable. He asked that this be placed on the agenda. Mayor Strong stated in his opinion in the absence of a better location, the assumption is that it will be located in the downtown business district.

Commissioner Eckbert explained his objective was to finalize a decision on this, the community has had a lot of discussion and he would like the most clean opt out provision as possible on the Operating and Maintenance (O&M) costs. He commented that if there is no other site location acceptable (after the presentations), that he would like to have everything laid out in the agreement and move forward on both counts.

Mayor Strong stated the Interlocal agreement was subject to public input at the Commission meeting on April 23, 2007 and hoped they will agree that they are prepared to proceed at the work session on April 16, 2007. Mayor Strong suggested that the Commission review Attorney Cheek's document, provide their suggested changes, and email those to Attorney Cheek by Tuesday, April 10, 2007 so they are available for the work session.

Mayor Strong addressed other issues within the agreement he believed the Commission should think about other than the 'opt out' provision. He also spoke about the master agreement and certain items regarding the station that he believed that City should be able to make decisions on. He stated there was a section that the City could not charge for additional parking and he thought it was inappropriate that the City had no say on this matter. He encouraged the Commission to look at pages 55-59 and how it takes away Winter Park's decision making

authority in a variety of areas such as parking, land use, etc. Attorney Cheek stated he was concerned about what the language says in the interlocal and master agreement and he raised these same questions to Orange County that the Mayor asked. Mayor Strong suggested that even if the master local agreement is not signed when the interlocal agreement is signed, the City can say in the event of a conflict that the City's agreement with Orange County on these issues will prevail. Attorney Cheek agreed that this type of clause could be put in there but stated it would be up to Orange County to agree to that. Attorney Cheek stated that Winter Park and Maitland are the only two municipalities that have entered into interlocal agreements like this.

b) Responses from property owners on alternate commuter rail stops.

City Engineer Don Marcotte provided an updated map to the committee and summary of responses. He summarized the responses he received from various property owners regarding the alternative commuter rail locations as identified by the Commuter Rail Task Force. Mr. Marcotte answered questions posed by the Commission.

Brian Canin, 2161 Sylvan Boulevard, provided information on an alternative site in the North Denning Drive development area. He suggested two stops and a kiss and ride type of station.

Peter Gottfried, 1841 Carollee Lane, spoke to a DOT consultant about the possibilities that Mr. Canin presented and he stated the only constraints DOT had was about having enough space for straight tracks around a station. He stated this property had length to it and this may be an opportunity to do something.

c) Presentation by Carolyn Cooper on alternate commuter rail stop.

Carolyn Cooper, 1047 McKeen Circle, summarized her suggestion for Barnum Avenue as an alternate commuter rail stop.

A recess was taken from 5:29-5:45 p.m.

Ken Murrah, 1501 Legion Drive, addressed his preference that the site for commuter rail be located at Lyman and Denning.

Jeffrey Blydenburgh, 126 Park Avenue S., Winter Park Campfire, asked to consider three additional sites together. He stated Central Park, Barnum Avenue and North side should be part of the planning rather than having alternative sites. He expressed his preference of Central Park.

Frank Hamner, 742 Saint Dunstan Way, commented about the lack of information on the agenda that provides people affected by these presentations an opportunity to come to the meeting to respond.

Kim Allen, 271 Virginia Drive, had concerns about choosing the Winter Park site by default and had information on the Denning site. Mayor Strong asked Ms. Allen to present this material at the work session on April 16. Ms. Allen agreed.

Will Graves (non resident), 1048-D George Mason Drive, suggested that the Florida Hospital Orlando location would be the appropriate place to have a stop.

Marianne Arneberg, Consultant for Department of Transportation, clarified some of the

deadlines the City was asked to meet. She stated they need to move forward with the design and engineering along the 61 mile project, which includes a station/stop in Winter Park. To proceed with this and to meet their deadlines to open service in December 2009, Orange County is looking for a decision from Winter Park and their other funding partners by the first week of May. Commissioner Eckbert thanked her for the guidance and stated that they needed to organize their process in terms of having a location by the first week in May.

Commissioner Diebel asked for clarification of certain issues. Ms. Arneberg responded. Commissioner Diebel asked Mr. Harkey of Congressman Mica's Office to explain the process in which funds are released once the interlocal agreement is signed. He explained that the cost the City incurs for planning, designing and construction, will be submitted to FDOT. He stated the signature of the master agreement signifies there will be a commuter rail.

Mayor Strong encouraged everyone who has made a presentation to attend the work session on April 16. He stated that the Commission will discuss the agreement. He also addressed this being a public meeting, not a public hearing, and no decisions will be made at this meeting.

**CONSENT AGENDA:**

- a) Approve the minutes of 3/26/07.
- b) Approve the following bids and purchases:
  - 1) After the fact PO 130781 to Garber Ford, Mercury, Inc. under the Sheriff's Association contract #04-12-0823, for a replacement vehicle for Fleet Maintenance; \$19,969.00 (Budget: Vehicle Replacement).
  - 2) Award of RFP-15-2007, CRA Micro Loan Program to BankFirst. BankFirst is prepared to offer an initial investment of \$250,000.00 to the loan pool. CRA will provide \$25,000.00 for loan loss reserves and closing costs (Budget: CRA).
- c) Approve the YMCA Cady Way Pool management agreement renewal.
- d) Approve the extension of the Morse Boulevard/Pennsylvania Avenue parking garage expansion conditional use for a one year period following the adoption of the new comprehensive plan. **PULLED FROM THE CONSENT AGENDA. SEE BELOW.**

**Motion made by Commissioner Eckbert to approve the Consent Agenda with the exception of item d); seconded by Commissioner Metcalf and carried unanimously.**

**Consent Agenda Item d):** Planning Director Briggs explained this item and answered questions from Commissioner Bridges and Mayor Strong concerning the request.

Lurline Fletcher, 790 Lyman Avenue, spoke against this item and parking garages being built close to residences on the Westside.

Joe Terranova, 700 Melrose Avenue, provided background information regarding the garage approval. He spoke about the problems Mr. Bellows had with the purchase of the properties.

Attorney Dana Harris, representing Sydgan Corporation, explained that they were only asking for an extension of the permit for one year.

Janie Baker, 650 Northwood Circle, addressed her feelings as to how she believed the citizens on the Westside have been mistreated.

**Motion made by Commissioner Bridges to deny the extension, seconded by Mayor Strong for discussion.** Commissioner Bridges explained her motion for denial was because of the long timeframe for this project. She addressed the importance of being sensitive to the

residential elements of the neighborhood. She stated the existing parking garage is sufficient and not believe the neighborhood does not need to be stressed with additional heights. Commissioners Eckbert and Metcalf spoke about the comprehensive plan moratorium that affected this project and that added to the delay. Commissioner Diebel asked Mr. Briggs questions to help her better understand the request which Mr. Briggs responded to. Mayor Strong spoke about being against garages next to residential properties. **The motion failed by a 3-2 vote with the following votes: Commissioner Bridges-yes; Commissioner Eckbert-no; Commissioner Metcalf-no; Commissioner Diebel-no; Mayor Strong-yes.**

**Motion made by Commissioner Eckbert to approve the extension of the conditional use approval for one year, seconded by Commissioner Metcalf. Upon a roll call vote, Commissioners Eckbert, Metcalf and Diebel voted yes. Commissioner Bridges and Mayor Strong voted no. The motion carried with a 3-2 vote.**

**PUBLIC HEARINGS:**

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 6, "TREE PROTECTION" SO AS TO ADOPT NEW TREE PROTECTION AND TREE REMOVAL REGULATIONS. Second Reading

Attorney Cheek read the ordinance by title. Parks and Recreation Director John Holland addressed this item as well as Lee Mackin (Director of Forestry). There was discussion regarding camphor trees and how to treat them in the City. Mayor Strong suggested tabling this ordinance to clarify issues regarding camphor trees and other trees that will be allowed to be planted in the City to be included in the ordinance. This item will be discussed at the work session on April 16 and second reading will be scheduled for April 23. No public comments were provided.

**Motion made by Commissioner Eckbert to table this item; 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.**

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22, ARTICLES III AND IX OF THE CODE OF ORDINANCES OF WINTER PARK, FLORIDA TO COMPLETE THE CONSOLIDATION OF THE CONSTRUCTION TRADES BOARDS INTO ONE CONSTRUCTION BOARD, REMOVE EXISTING ADVISORY TRADES BOARDS FOR PLUMBING, MECHANICAL AND ELECTRICAL, AND CLARIFY CITY LICENSING REQUIREMENTS OF THE CONSTRUCTION TRADES; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Building Director George Wiggins explained the intent of the ordinance. No public comments were provided.

**Motion made by Commissioner Metcalf to accept the ordinance on first reading; 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.**

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 94, ARTICLE II "OCCUPATIONAL LICENSE TAX" OF THE CODE OF ORDINANCES OF WINTER PARK, FLORIDA TO CONFORM ITS TERMINOLOGY WITH "THE LOCAL BUSINESS TAX ACT", CHAPTER 205, FLORIDA STATUTES; AMENDING CHAPTER 94, ARTICLE II "BUSINESS TAX" OF THE CODE OF ORDINANCES OF WINTER PARK, FLORIDA SO AS TO INCREASE THE LOCAL BUSINESS TAX BY FIVE PERCENT (5%); PROVIDING FOR EFFECTIVE DATES. First Reading

Attorney Cheek read the ordinance by title. Building Director George Wiggins explained the ordinance. No public comments were provided.

**Motion made by Commissioner Metcalf to accept the ordinance on first reading; 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) Schedule of fees and charges to become effective April 10, 2007.

Finance Director Wes Hamil addressed the information they obtained from other cities concerning their charges and fees and summarized the changes in this schedule. No public comments were made.

**Motion made by Commissioner Metcalf to approve the schedule of fees and charges, seconded by Commissioner Eckbert and carried unanimously with a 5-0 vote.**

#### **CITY MANAGER'S REPORT:**

- a) Presentation by Dan O'Keefe, Moore Stephens Lovelace, P.A. on the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2006.

Finance Director Wes Hamil highlighted sections of the report. Mr. O'Keefe stated it is a good report and explained the process they follow to audit the City's financial statements. Commissioner Eckbert asked about FEMA reimbursements. Mr. Hamil explained there is still an ongoing issue regarding the cost to haul away and disposing of mulch. He stated it is briefly described in the CAFR and explained where to find the information within the document.

#### **NEW BUSINESS (PUBLIC):**

1. Donna Colado, 327 Beloit Avenue, asked about the timeline for responding to the objections of the comprehensive plan revisions, if the comprehensive plan task force will be reconvened to address the objections and if not, who will address them; and when public participation will occur regarding the comments from the DCA.

Mr. Briggs responded that they have been working diligently to respond to the comments received from the DCA. He explained the upcoming P&Z work session on the DCA comprehensive plan changes and Commission adoption on May 29. He stated the Comprehensive Plan Task Force has been sunset and they are no longer an appointed board of the City but they will be utilizing the P&Z and will also organize public citizen forums to educate

the public. Mayor Strong asked that a schedule be provided for the public of upcoming meetings where public comment will be accepted.

Commissioner Eckbert asked about the mixed use element. Mr. Briggs elaborated on the status of the mixed use element. Commissioner Eckbert suggested that each Commissioner meet with Mr. Briggs individually before the public hearing. Mayor Strong asked that they be provided the draft of the mixed use ordinance beforehand and the changes as they go through it so they better understand the changes. It was suggested that the comprehensive plan be discussed in the May work session. Mayor Strong concurred.

2. Frank Hamner, 742 Saint Dunston Way, addressed what he believed was a lack of backup information in this agenda package concerning commuter rail.

3. Michelle Rodriguez, 1667 N. Park Avenue, spoke about the referendum held on commuter rail and the vote to have the station within Central Park or the CBD which she believed needed to be followed due to the vote of the citizens.

4. Beth Dillaha, 1801 Forrest Road, spoke about the language with the commuter rail referendum that she believed was confusing.

5. Lurline Fletcher, 790 Lyman Avenue, asked to hold work sessions on Mondays and the regular meeting on Tuesdays. She asked that the street sweeper come more often on the Westside. She spoke about a car that was left on her street with the engine running all day long.


6. Joe Terranova, 700 Melrose Avenue, spoke about the commuter rail referendum information being clear to the residents and that their decision has been made. He addressed the importance to vote on the station at the CSX station.

7. Will Graves, (non-resident), 3048-D George Mason Drive, stated the commuter rail referendum vote was influenced by special interest groups.

**NEW BUSINESS (CITY COMMISSION):**

No new business.

The meeting adjourned at 8:00 p.m.

  
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Mayor David C. Strong

ATTEST:  
  
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City Clerk Cynthia Bonham