

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
January 28, 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 Stan Reinemund – Redeemer Lutheran Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner Douglas Metcalf
Commissioner Karen Diebel (arrived at 3:45)

Also present:

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

Member absent:

Commissioner John Eckbert

Mayor's Report:

- a) Florida Municipal Electric Association (FMEA) Community Service Award presentation by Barry Moline, Executive Director FMEA.

Barry Moline, Executive Director of the Florida Municipal Electric Association presented the award. He explained that the Community Service Award recognizes FMEA members that go beyond providing the basic services and the City of Winter Park has delivered on a number of these community services.

- b) Non Agenda Item

Mayor Strong summarized the issues addressed and voted on at the Orange County Council of Mayor's meeting today. 1) A Commissioner from Orange County requested restructuring of the Orange County Expressway Authority and the Council of Mayor's made the recommendation that the OCEWA be expanded to 7 members to give greater accountability and transparency to that authority. 2) OCCM asked Orange County to make a presentation to the municipalities as to the services they provide. 3) OCCM recommended No on Amendment one. 4) Home Town Democracy will not appear on this year's ballot and there is an initiative from Secretary Pelham of the Florida Department of Community Affairs (DCA) that when changes are requested for the Comprehensive Plan in the future they must be approved by a super majority. 5) The City of Ocoee will be exploring Charter Schools for their City. Mayor Strong commented that other cities are considering ways for the School Board to better listen to the municipalities.

Commissioner Diebel arrived at 3:45 p.m.

Action Items:

- a) Approve the minutes of 1/14/08.
b) Approve the following bids and purchases:
1) PR 136178 to Playmore Recreational Products & Services for the purchase and installation of playground equipment, benches and picnic

- tables at the Howell Branch Preserve Park, piggy-backing off City of Jacksonville contract SC-0511-06; \$109,796.45 (Budget: Parks & Recreation Projects – Howell Branch Nature Preserve)
- 2) Award of IFB-3-2008 Purchase/Lease Mini Digger-Derrick to S.D.P. Manufacturing, Inc.; \$95,000.00 (Budget: FY08 Vehicle Replacement Fund)
 - 3) Award of RFQ-36-2007 Winter Park Civic Venues to ZHA, Inc.; \$249,605.00 (Budget: CRA/General Fund) **PULLED FOR DISCUSSION. SEE BELOW.**
- c) Approve the expenditure of \$1,500 to be paid to the Winter Park Public Library to organize, preserve and archive the historical paper records of the Winter Park Police Department.
 - d) Allow the City Manager to grant a film permit fee waiver for certain productions that are of obvious public relations/promotional benefit to the City.
 - e) Request for funding from United Arts. **PULLED FOR DISCUSSION. SEE BELOW.**
 - f) Sale of the University Boulevard water plant site to Full Sail. **PULLED FOR DISCUSSION. SEE BELOW.**
 - g) Approve the park design and allocation of funds (\$45,000) to begin the park construction at the corner of Oak Boulevard and North Park Avenue. **PULLED FOR DISCUSSION. SEE BELOW.**

The following items were pulled from Action Items for discussion: b-3, e, f and g.

Motion made by Commissioner Metcalf to approve Action items a, b-1, b-2, c, and d; seconded by Commissioner Diebel and carried unanimously. Commissioner Eckbert was absent.

Action Item 'b-3': Award of RFQ-36-2007 Winter Park Civic Venues to ZHA, Inc.; \$249,605.00 (Budget: CRA/General Fund)

Patty Heidrich, 1112 Schultz Avenue, commented that the Architectural Standards Task Force is presently working with the planning consultant on the formed based code project. She asked that ZHA's studies, work sessions or surveys be postponed until theirs are completed.

ZHA representative Myra Monreal explained the two part process. She explained that the first is visioning which involves stakeholder meetings and meetings with the Commissioners. The public forum will not occur until there is consensus from the stakeholders and the leadership. She commented that phase I would occur in February or March and Phase II would begin thereafter. City Manager Randy Knight explained that visioning would be towards the end of February and he would like to schedule the Strategic Planning session around that time. He addressed issues hanging in the balance from this process, including how they proceed with the post office and the need to resolve these issues expeditiously. He also addressed meetings that will need to be scheduled and coordinated so there are no conflicts.

Commissioner Metcalf commented that he would like Mr. Knight to resolve issues like this and it is important to begin the strategic planning and move forward. Commissioner Bridges agreed with Commissioner Metcalf. She stated they should have someone coordinate the meetings so there is no overlap and get the appropriate results in conjunction with their Strategic Plan.

Architectural Task Force Chairman David Lamm spoke about the form based code project and creating unity among prior or ongoing planning processes so as to achieve a unified result from this effort. He stated that presently they have two visioning processes that are under the same concept which is master planning. He explained that they are collecting the studies from 8-10 years on all of the task force's studies and work that consultants have done for reference. He addressed this master planning thought process where they tried to have everyone focus on moving in the same direction so the venues fall into the master planning in the commercial corridor. He commented that with the Strategic Plan they are planning policy and planning the possibilities and the concept is that they need to have structure where planning ends up with a common gathering. Mr. Lamm hoped this would be a holistic master plan that engages everyone to have a unified approach; then they can create a coherent implementation plan. He addressed the possibility for confusion by having competing visioning processes. He announced a key issue survey to be sent out soon to 1,200 citizens randomly; February 20 there is a key advisory staff task force meeting; March 6 a one day mini Charrette and April 11-15 a five day Charrette.

Mayor Strong commented that he viewed these two efforts separately; the Architectural Task Force assignment is to show what things are to look like in Winter Park and the ZHA assignment is where things should go and that they are two distinct projects that could be done at the same time without impacting the other. He supported both parties proceeding while coordinating under Mr. Knight's direction to accomplish what he perceived as two separate and distinct recommendations and tasks. He also commented that post office alternatives have a limited time frame and they need to address this issue relatively soon and come to a conclusion on this probably within the next year. He did not want to see the Plan the Possibilities delayed beyond that time. Commissioner Bridges agreed with Mayor Strong regarding the Plan the Possibilities and the urgency to determine a post office.

Motion made by Commissioner Bridges to approve item b-3; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Metcalf and Diebel voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was absent.

Action Item 'e': Request for funding from United Arts.

City Manager Knight explained that during the FY 08 budget process, the City Commission did not allocate any funding for the United Arts. Mr. Knight stated that Winter Park contributed \$1 per capita to United Arts in the previous year and any funding would come from the contingency balance.

Margot Knight, President and CEO of United Arts of Central Florida stated they would be pleased with \$1 per capita as in years past.

Debbie Kaminski, Executive Director of the Albin Polasek Museum, asked for funding for United Arts.

Peter Schreyer, Crealde School of Art, supported funding for United Arts.

Russell Allen, 1120 Schultz Avenue, supported funding for United Arts.

Marc Hagle, 1220 N. Park Avenue, asked that United Arts be included in the annual budget.

Commissioner Metcalf spoke about being in favor of this program and that he would support the \$1.50 per capita but because they already allocated the money this year he suggested \$1.00 now and .50 cents from the residual if there is sales tax money at the end of the year. He believed United Arts deserves the funding and our City organizations benefit from this.

Mayor Strong thought the City receives great benefit from United Arts however but was hesitant to commit funds from our taxes, particularly in this tight budget year. He believed that he personally owed it to United Arts to make a significant contribution and issued a challenge to the City that he will donate up to \$15,000 to match any funds raised in the next 30 days from the City of Winter Park. He commented that he would not vote for the City to use tax monies for that purpose.

Motion made by Commissioner Metcalf to approve \$1.00 per resident and as a part of this approve \$1.50; \$1.00 to come from the currently available funds and .50 cents to come in the form they have previously used which was the increase in sales taxes they have had in any given year. If there are such, an additional .50 cents would come at the end of the year when they are closing out the budget; seconded by Commissioner Bridges. Upon a roll call vote, Commissioners Bridges, Metcalf and Diebel voted yes. Mayor Strong voted no. The motion carried with a 3-1 vote. Commissioner Eckbert was absent.

Action Item 'f': Sale of the University Boulevard water plant site to Full Sail.

City Manager Knight explained that the proposal was to sell the former University water plant property to Full Sail for \$1,000,000 and would be coupled with the granting of an easement to a billboard company that would allow them to have a billboard on that property in exchange for taking one down on Fairbanks or \$200,000. He stated Full Sail was not willing to pay the \$1,000,000 if that easement is granted on the property they would be acquiring. Planning Director Jeff Briggs explained that they did not want to negotiate in public and they would like to discuss things further with Full Sail. He stated that from the staff perspective if there is a billboard component it would be helpful to know whether the Commission is more interested in the Fairbanks beautification or the dollars. Mr. Briggs answered questions.

Jeff Rogers, Full Sail, 913 Versaille Circle, Maitland, commented that they agreed with most of staff's recommendation but that the billboard would create clutter rather than beautify the space; they would not have control over the content on the billboards if they owned the property; and it would interfere with their signage plan they are putting in place. He stated they control the property at the corner of University and 436 and Butler East on University. He addressed the \$1,000,000 offer they stated in August of 2007 being without the billboard.

Mr. Briggs stated that if they want to move forward knowing there is \$200,000 on the table and a future board may decide that the aesthetics are not as important 1-2 years from now then the offer to proceed should carry some form of deed restriction. He explained if the revenue becomes available later on (because Full Sail changed their mind) there should be an agreeable split of those proceeds.

Commissioner Metcalf expressed the benefit by getting rid of the billboard first and maximizing the value of any property that the City can sell. Commissioner Diebel supported the sale of the

property and finding another solution for the Fairbanks billboard. She also supported Mr. Briggs suggestion regarding a deed restriction on the property so they could not have a future billboard. Commissioner Bridges agreed with Commissioner Diebel.

Mayor Strong asked that Mr. Briggs and/or Mr. Knight get with Full Sail to explore the alternatives of a sale at \$1,000,000 with either a deed restriction prohibiting a billboard or revenue sharing if Full Sail decides to place a billboard on that site. Another alternative is that we get more money and they could have unrestricted use of the University site. He proposed tabling this until the next meeting and suggested staff return with a recommendation they feel good about.

Mr. Rogers stated the two alternatives were reasonable and he would like to meet to discuss them further.

Motion made by Commissioner Diebel to table this for two weeks based on the discussion; seconded by Commissioner Metcalf. The motion carried with a 4-0 vote. Commissioner Eckbert was absent.

Action Item 'g': Approve the park design and allocation of funds (\$45,000) to begin the park construction at the corner of Oak Boulevard and North Park Avenue.

Mayor Strong and Commissioner Metcalf were comfortable with the Parks Board recommendation to proceed with the park and if there were no changes in what Parks approved, to move forward.

Shay Silver, 735 Pansy Avenue, stated there were no changes but the schematics will need to be reworked. Michelle Rodriguez was also present.

Director of Parks and Recreation Holland further explained the allocation of the funds.

Mayor Strong reiterated that he was comfortable proceeding with the entire park using funds borrowed from another fund knowing that they will ultimately recover that from Knowles Place.

Motion made by Mayor Strong to proceed with total build out of the park in a logical and efficient manner, with the funds not available to be loaned from an appropriate fund (as determined by the Director of Finance Wes Hamil) to be repaid upon receipt of the balance of funds from the Knowles Place sales; seconded by Commissioner Bridges. Motion carried unanimously.

Mayor Strong asked Mr. Holland to proceed as expeditiously as possible under the direction of Mr. Knight. Mr. Holland agreed to do so.

Public Hearings:

- a) ORDINANCE NO 2731-08.: 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. Second Reading

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

Motion made by Commissioner Metcalf to adopt the ordinance; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Metcalf and Diebel voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was absent.

- b) ORDINANCE NO 2730-08.: 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. Second Reading

Attorney Cheek read the ordinance by title. He explained that it was passed on first reading and the County Attorney asked him to delay this so they could work on effective date language. Attorney Cheek stated that everyone was satisfied with the modified language.

Planning Director Briggs explained their interpretation that they have a de-annexation agreement that defines the property and the project which is the development within the boundaries of Bennett Avenue, Monroe, 17/92 and Lee Road, an entire quadrant. He stated the previous developed de-annexation agreement and this agreement agrees to the subsequent annexation of both the property and the project by the City and they interpret that this agreement gives them the consent to move forward.

April Kirsheman, on behalf of Benjamin Partners, Ltd., stated that Benjamin Partners owns the 13 parcels in the first agreement and the 5 parcels in this agreement. She addressed the boundaries outlined in the agreement but could not say if every parcel within those boundaries are owned by Benjamin Partners as an entity. She believed that this speaks to the properties that are listed within the agreement. She stated they have begun a 24 month process where they will work with Orange County to get everything in place and this includes an analysis of the transportation, school, water, electric issues and other infrastructure items. She explained that they have been dealing with various cities and they have asked City Manager Knight to give them a group to work with on the project who would be their contact on these issues. She believed that at the end of that process there will be some natural boundary that will separate Winter Park from Maitland but did not know what that boundary would be. Ms. Kirsheman stated they have done everything possible to have everyone in the same discussions and will continue to do that as they work through this with the County. She addressed their plan that Orange County does the zoning and land use designations and hopefully Maitland will also let them be governed by Orange County.

Attorney Cheek asked if there was property that is not currently owned by Benjamin Partners and if one of those properties is acquired (by Benjamin Partners) after the execution of this agreement if that property is subject to this agreement. Ms. Kirsheman stated it is not subject to this agreement but they would ask for a subsequent agreement. He also asked if that property was acquired in the name of another entity or individual if that property (within the project boundaries) is subject to this agreement. She stated not this agreement but it would be subject to a future agreement. He asked if the developer was bound by this agreement to bring properties back into the City of Winter Park. She stated yes, they were bound to bring back everything outlined into the City of Winter Park. He asked what about property that is not currently within the City but within the project boundaries as used in the agreement. She stated no.

Mayor Strong asked Attorney Cheek if there was a way to bind the developer to annexing if they acquire those properties. Attorney Cheek thought it would be possible but his concern was that the developer's position is that this agreement does not do that. He stated that the Commission should not assume that the developer is committed to doing that except the property that has already been in the City.

Commissioner Metcalf commented that the understanding they had when they annexed the first 13 was when they re-annexed they would be re-annexing the complete property, surrounded by Bennett Avenue, Monroe, 17/92 and Lee Road and if 30% was currently County and 70% was the City or vice versa then notwithstanding that 100% would come back into the City of Winter Park when it was built out into the development they were planning. He stated if that was not the developer's understanding then he would deny this agreement.

Commissioner Metcalf asked if it was their commitment to annex all of the property (the 18 after this) plus the 30 or so that he already owns in that quadrant. Ms. Kirsheman responded that this agreement does not say that and she does not think it can. Mayor Strong asked if she would like to discuss this with her client and see if it would be agreeable to her client before the Commission takes action on this. Ms. Kirsheman agreed to do so.

Mayor Strong suggested they table this item and see if they could put language in an agreement that satisfy's Commissioner Metcalf's and Attorney Cheek's concern.

Dan Bellows, 533 N. England Avenue, commented that at no time was there any discussion or intent to deal with anything other than the legal description of the properties of the exhibits of the two de-annexation/re-annexation agreements. He explained there are 30 plus acres of unincorporated Orange County that has never been in the City or Maitland and they are not making any promises to bring it for the first time into the City of Winter Park. He explained that he had three public hearings on this property and multiple meetings with the County, Eatonville and Maitland and it amazed him that they were having this discussion. He stated that he plans on doing a master plan and bringing those properties back into the City that they currently have today at a much higher tax base and will be more aesthetically pleasing than what is there today. He stated he has been working with various departments as it relates to utilities both sanitary, water and electric and there are benefits to this entire project being served by the City. He commented that they have already been taking the steps necessary to assist the City of Winter Park's Electric Department. He asked that they approve the document and let the process continue to move forward. He stated that through the DRI process, Winter Park will

have plenty of opportunity to weigh in but he could not commit to bringing 30 plus acres of land and giving it to the City verses Maitland/Eatonville or leaving it in the County. He stated he needs to move through with the process of de-annexing the property so everything is within one governmental jurisdiction.

Commissioner Metcalf again reiterated his understanding that the properties would be re-annexed back into Winter Park and he supported this 2-3 years ago. He expressed concerns that this was what they were getting however, now he was hearing something else.

Mr. Bellows commented that they should not be getting into the details with the Comprehensive Plan but rather the zoning map. He did not think the de-annexation agreement is where they should be getting into the detail of ultimately who brings in all of the land. He explained that when they talk about who pays for what and what the master plan ultimately is, that they should set up the boundaries and the perimeters of the incorporated City limits. He believed that the City is protected and stated that Mr. Briggs has said to him that just because they are going through the County process of entitlement it does not mean that Winter Park is not going to have something to say about it. He stated with the DRI process he must have multiple public meetings with every political jurisdiction surrounding it and then everything happens from those inputs.

Mr. Bellows asked the Commission not to table the de-annexation of where they are and stated they have spent a lot of time with the County's Attorney, the City's Attorney and staff and the language is appropriate. He stated he would be working with this Commission throughout this entire process and he could not imagine the land not being in Winter Park but he needs to know what Progress Energy and Winter Park Electric is serving and who will pay for the infrastructure. He stated that Maitland's Real-Estate Research Consultants are his consultants and they have been involved in this from the beginning and they were laying out how they were paying all of this right now. He stated that he imagined this will be a Winter Park property but it was not tonight that they should decide that. He stated that he needs to move forward with the process and asked the Commission to approve this. He asked Mr. Briggs or Attorney Cheek to give the City reassurance that they would have another opportunity to say they want this land that has never been in the City to come our way. He stated that this would be more than allowing a little bit of de-annexation and for it to come back, the City is going to have to get involved and financially become a partner.

Mr. Bellows addressed that the infrastructure is \$30,000,000 and he is hoping that money will come from the County, Maitland and Winter Park and there will be many meetings over the next 24 months. Commissioner Metcalf commented that he has been extremely happy with the development that Mr. Bellows has done within the City. He stated it was his understanding for the last five years that Winter Park would eventually own the dirt that was encompassed by those four roads of Bennett Avenue, Monroe, 17/92 and Lee Road and now he's hearing that is not true. Mr. Bellows stated he believed it will only come into those jurisdictions that participate in the infrastructure and he will not know that until they get to the end of the deal.

Commissioner Bridges had concerns with the 17/92 and Lee Road perimeter of this property and what those boundaries look like because the perimeter is important as to how it directly impacts the rest of Winter Park. Her other concern was that there were other municipalities that have seen this master plan and part of their issue was the lack of communication. She agreed with Commissioner Metcalf that it was her understanding that this was being de-annexed at his

request, then built out at the County's regulation, then re-annexed into Winter Park. Mr. Bellows said that was not the case, it was entitled under the County and Mr. Briggs and he had always discussed that as soon as he or the City wanted, but no later than the last certificate of occupancy, it would come back into Winter Park. He commented that he had a conversation with Building Director George Wiggins and apparently the impact fees are cheaper in Winter Park than the County. He stated that he went before this Commission in a public meeting with this proposed master plan three times, there is no master plan that is set in stone and nobody has seen anything more than this Commission has anywhere else in the community.

He stated that he could not answer his questions about what things costs and who is going to pay for it until he is dealing with one jurisdiction and he could not do that unless the Commission approves the agreement tonight. Commissioner Metcalf commented that he was not sure that in the interest of total disclosure they understood because what he is saying tonight is different than what they thought they were agreeing to. Mr. Bellows asked the Commission to agree that they would cover whatever the cost of the infrastructure is. He reminded the Commission as to the benefits of whatever revenue is generated and the benefits from the tax increase and if they could agree to that, he could agree to move on. City Manager Knight explained that he met with Mr. Bellows last week and staff is beginning to look at the infrastructure cost however, they are still far away from determining what those costs will be.

Attorney Cheek commented that the City should address the language in the agreement now that they know what Mr. Bellow's thinks and it could be a right of first refusal concept but it is something that needs to be figured out.

Mayor Strong stated that in his experience he has never heard any City say they were going to pay for the infrastructure. Mr. Bellows stated that he would not put a shovel in the ground if he does not hear Maitland, Winter Park or Orange County saying they will pay for the infrastructure.

Marc Hagle, 1220 N. Park Avenue, suggested that if they consider right of first refusal then they could also consider right of last look. He also spoke about the need for a good agreement to clarify the issues and making sure there are no misunderstandings.

Mayor Strong commented that he had the same understanding as Commissioner Metcalf that this project would be annexed into Winter Park whether formally in the City or in the County and he thought they should find a way to let Mr. Bellows move forward and proceed with a plan. He believed Mr. Hagle had a good suggestion to have a right of first refusal and have a right to match the last offer. He stated that they want to have exactly what Mr. Bellows wants which is the opportunity and the absolute right to annex everything that is in the County and was in the City, into Winter Park within that quadrant. He asked Attorney Cheek if there was language they could incorporate that commits Mr. Bellows to that and gives the City the right to demand that. Attorney Cheek agreed it was possible. Mayor Strong suggested that the lawyers get together to find language they could agree upon, there is no ambiguity and try to address this in clear and concise language and do it in a timely manner. Attorney Cheek stated now that they know what Mr. Bellow's plan is they can address that aspect in an agreement.

Motion made by Commissioner Metcalf to table for two weeks; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges,

Metcalf and Diebel voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was absent.

Attorney Cheek commented that he was given instruction to either modify the agreement or come up with a new agreement that addresses the right of first refusal concept. Commissioner Metcalf stated that they should be able to come up with a good agreement that they know will stand the test of time and provide an opportunity for future Commissions to make a decision about the annexation of that property back in our City.

There was a recess taken from 6:10 – 6:15 p.m.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY ADOPTING A NEW SUBSECTION 58-36.1 "PROPORTIONATE FAIR-SHARE OPTION TO MITIGATE DEFICIT TRANSPORTATION FACILITIES" IN CHAPTER 58, CONCURRENCY MANAGEMENT REGULATIONS, COMPLYING WITH CURRENT FLORIDA STATUTES INCLUDING, BUT NOT LIMITED TO, SECTION 163.3180 (16), BY ESTABLISHING PURPOSE AND INTENT, FINDINGS, APPLICABILITY, GENERAL REQUIREMENTS, APPLICATION PROCESS, DETERMINING PROPORTIONATE FAIR-SHARE OBLIGATION, IMPACT FEE FOR PROPORTIONATE FAIR-SHARE MITIGATION, PROPORTIONATE FAIR-SHARE AGREEMENTS, AND APPROPRIATION OF FAIR-SHARE REVENUES; AND PROVIDING FOR CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Planning Director Briggs explained the intent of the ordinance. No public comments were made.

Motion made by Commissioner Metcalf to accept the ordinance on first reading; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Metcalf and Diebel voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was absent.

- d) RESOLUTION NO. 1986-08: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA PROVIDING FOR THE ESTABLISHMENT OF AN ETHICS BOARD TO PROVIDE RECOMMENDATIONS PERTAINING TO ETHICAL CONDUCT IN MUNICIPAL MATTERS.

Attorney Cheek read the resolution by title. Mayor Strong stated they need to change the dates in the resolution (expiration of members). No public comments were made. Commissioner Diebel expressed concerns with the Mayor appointing all the members and asked if there was another way this could be handled. There was further discussion on the matter.

Motion made by Commissioner Bridges to adopt the resolution with changes in the dates as reflected by Mayor Strong; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Bridges and Metcalf voted yes. The motion carried with a 3-1 vote. Commissioner Diebel voted no and Commissioner Eckbert was absent.

- e) RESOLUTION NO. 1985-08: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA REGARDING THE RESURFACING OF US 17/92 FROM SR50 TO LEE ROAD; SUPPORTING THE INCLUSION OF BICYCLE LANES.

Attorney Cheek read the resolution by title. Public Works Director Attaway spoke about the agreement with FDOT that bike lanes can be marked except in areas that would cause a reduction in vehicular capacity. He explained the locations of where the bike lanes would be striped. Mr. Attaway recommended adoption of the resolution provided there is no loss in vehicular capacity. Mr. Attaway answered questions posed by the Commission.

Mr. Attaway suggested three lanes on Denning Drive with one thru lane in each direction and turn lanes at every intersection. He stated by doing that there would be nice on-street bike lanes and there will also be parking on some portions of that. He expressed that he was willing to try this and they could have schemes and sketches available. Mayor Strong stated that it was worthy of consideration and Commissioner Bridges agreed. She commented that if they were going to create alternative transportation methods they need to be as safe as possible and she thought Denning would be safer for a bicyclist than 17/92.

Art Creighton, 2761 Will O The Green, explained that a few years ago there was study being done on 17/92 and he was on the Advisory Committee. He stated that in the process the question came up about bicycle lanes being on 17/92 but the citizens who were working with this committee were unanimous in their recommendation that this not be done.

Jamie Krzeminski, 942 Camellia Avenue, spoke in favor of the bicycle lanes.

Marty Sullivan, 901 Georgia Avenue, spoke in favor of the resolution and bicycles lanes on 17/92.

Motion made by Commissioner Diebel to adopt the resolution; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Metcalf and Diebel voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was absent.

Non Agenda Item

Mayor Strong asked Attorney Cheek if it would be possible to schedule a shade meeting regarding the two lawsuits with the existing Commissioners and the new Commissioners. Attorney Cheek stated he had no problem doing that but it could only be with existing Commissioners.

City Attorney's Report:

1. The Commission will meet as a Canvassing Board on February 11 at 2:30 p.m. There was a consensus among the Commissioners for the date and time.

Non-Action Items:

1. David Lamm from the Architectural Task Force already discussed his item earlier and did not discuss anything further.

New Business (Public):

1. Marc Hagle, 1220 N. Park Avenue, asked about undergrounding cable, telephone and what would happen with the street lights. He commented that these items need to be reviewed. He also stated there may or may not be a valid legal agreement by Brighthouse and the same situation may exist with the phone company and they need to look into what their legal status is with the cable and phone companies.

Attorney Cheek addressed the City's legal position and City Manager Knight gave an update regarding the undergrounding.

New Business (City Commission):

1. Commissioner Diebel asked about the joint work session with the Planning and Zoning Commission (P&Z) tomorrow. Mayor Strong commented that this meeting was for an update on where staff and P&Z stand; identify the differences between their perspectives and to see if they can provide a schedule going forward as to when they can expect to resolve this issue.

Commissioner Bridges asked that Mr. Briggs email the powerpoint document which would be presented at tomorrow's meeting. Mr. Briggs agreed to do so.

2. Mayor Strong asked the City Manager about Strategic Planning and Planning the Possibilities scheduling. Mr. Knight explained that he was meeting with John Lewis who he hoped to have as the facilitator for the Strategic Planning Session. He stated he would work with staff on the other meetings to ensure there were no conflicts.

3. Mayor Strong stated he would attend the Comprehensive Plan public proceeding on February 21. Attorney Cheek explained that it was a public proceeding and people could listen but they could not participate.

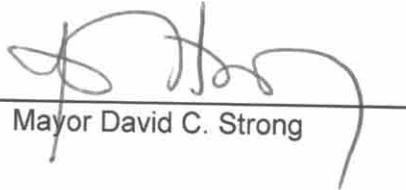
4. Commissioner Bridges asked if the Commission would be supportive of working with the appropriate board to give them direction on aggressive citizen participation and conservation actions. Utilities Director Dave Zusi addressed being involved in doing a lot of these things and they were going to place a three-part informational flyer in the utility bills regarding water conservation, irrigation conservation and in-home types of water conservation. He stated that they were working with the Building Department related to their new landscape irrigation codes and they were looking at the educational components, incentive programs and the meter reading which will allow them to gather more information to target the highest users and notify them of the situation in the hopes they begin water conservation. He addressed that they are working hard on a proactive approach and they will be bringing the Commission a new program that includes several new policies related to irrigation.

Commissioner Bridges expressed that she would also like to see us implementing more native landscaping when replanting needs to be done. Mr. Zusi explained that they were looking to do that on new projects by trying to use plant species that are more ground tolerant and also alternative irrigation.

Public Works Director Troy Attaway added that the City website will soon have a green page that will have public information on what citizens or businesses can do to conserve all of

resources including water. City Manager Knight also commented on looking into taking out irrigation meters to discourage excess use of irrigation.

The meeting adjourned at 7:03 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham