

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
February 11, 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 Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Mayor's Report:

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

Katie Miller, co-chair annual Leadership Winter Park pancake breakfast, presented Orange County schools and the City with checks from funds raised from the annual pancake breakfast.

- b) Board Appointments: Hannibal Square Community Land Trust – Joe Terranova/Margie Bridges

Motion made by Commissioner Metcalf to appoint Mr. Terranova; seconded by Commissioner Eckbert and carried unanimously.

Mayor Strong stated that because there was no motion for Commissioner Bridges they would defer that until another day.

Non Agenda Item:

Mayor Strong explained that he finalized Wednesday March 12 as Bob Feller Day (baseball Hall of Fame) and he would be here that day. He proposed that City staff be authorized to collect and disburse funds appropriately for the cost of lunch, a caterer and renting the Civic Center. There was a consensus to move forward with planning the event.

Action Items:

- a) Approve the minutes of 1/28/08.
b) Approve Emergency Relief Program Supplemental Amendment Number 1 with the Federal Highway Administration (FHWA).

Motion made by Commissioner Metcalf to approve Action items a and b; seconded Commissioner Bridges and carried unanimously.

Public Hearings:

- a) 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. Planning Director Jeff Briggs displayed the map showing the Home Acres Benjamin Partners properties. He spoke about the agreements and the enforceable annexation agreement for the project. Attorney Cheek explained that at the last City Commission meeting he and Mr. Briggs were directed to speak with the property owner to discuss a right of first refusal concept. He expressed that they have made efforts to do that and the outcome is a draft he created. He stated at this point he has not received any information that the property owner agrees with it.

April Kirsheman, on behalf of Benjamin Partners, Ltd., stated the agreement is a de-annexation/re-annexation and the current agreement includes five (5) and the prior agreement included 13 parcels. She stated that the agreements are identical with one exception and that was to alter the effective date language to comply with what the City and Orange County wanted. She explained that they corrected the language and the City and Orange County feel as though they are adequately protected. She hoped the City would approve the 2nd reading of the ordinance and expressed that the de-annexation has to happen first before they can go to Orange County. She stated that she objects to the agreement.

Patty Heidrich, 1112 Schultz Avenue, asked why Orange County would let Winter Park re-annex this property. Commissioner Metcalf and Attorney Cheek responded to her question.

Mr. Briggs announced that he spoke with Ms. Kirsheman and they were willing to go ahead with this de-annexation based on the first agreement with the exact same text used the first time and if that was the context, there was no reason not to move forward on the second reading.

Kim Allen, 271 Virginia Drive, asked if the County would get the impact fees. Mr. Knight explained how this would work. She had concerns that they might create a situation where if they are uncomfortable with what they have done this may become a liability for the City. She also spoke about the impact on the 17/92 corridor and the concurrency regarding traffic, and wanted to ensure they were looking at the overall plan and not project by project.

Commissioner Metcalf commented that City Manager Knight and the other entities should do everything they can to get the correct infrastructure and they have an opportunity to place electricity in a new area. He hoped that for the economic and the long term financial planning benefit of the City that they will do all they can to get this. He believed it was going to be a great addition to the area and a necessary financial opportunity for the City.

Motion made by Commissioner Metcalf to adopt the ordinance; seconded by Commissioner Eckbert. Attorney Cheek announced that in section 2 of the ordinance there was a typo where a phrase is repeated and asked that the motion include removing that typo. **Commissioner Metcalf agreed; Commissioner Eckbert seconded. 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) ORDINANCE NO 2731-08: 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. Second Reading

Attorney Cheek read the ordinance by title.

Michael Dick, 823 Granville Drive, spoke in favor of the ordinance and asked for clarification of two issues. He stated that in Section 1C Applicability, P&Z voted to substitute the word "and" instead of "or" so that would require both the traffic impact study and the City Engineer to determine the insufficiency of capacity. He wanted to ensure that the text reflected the changes. The second issue referred to the same paragraph where the proportionate fair-share program does not apply to DRI's. He explained that P&Z had approved the Park Lane project which was at the corner of the southwest corner of Denning and 17/92. He stated that 17/92 and Lee Road is going to be a challenged intersection and was not sure if the Bellows property was DRI. He commented on any exemption of a DRI, if this is a DRI and how that impacts this particular ordinance.

Carolyn Cooper, 1047 McKean Circle, spoke about differences in our ordinance versus the Department of Community Affairs model ordinance. Mr. Briggs explained that the differences are pertinent to Winter Park. He addressed the importance of moving forward with the ordinance in order to get the comprehensive plan approved by the state.

Mr. Briggs explained that they need to change "or" to "and" in the ordinance before signing. Mr. Briggs answered questions. Commissioner Bridges suggested tabling this item for another meeting for the opportunity to discuss her questions with Mr. Briggs because she would like some more finite answers on these things.

Motion made by Commissioner Metcalf to adopt the ordinance; seconded by Commissioner Eckbert. Upon a roll call vote, Commissioners Eckbert, Metcalf and Diebel voted yes. Mayor Strong and Commissioners Bridges voted no. The motion carried with a 3-2 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO TAXICABS; AMENDING SECTION 110-107 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO ALLOW AN INCREASE IN TAXICAB RATES; PROVIDING AN EFFECTIVE DATE. First Reading

Building Director Wiggins addressed this ordinance and the rates not increasing in three years. He explained the rate increases.

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

City Attorney's Report:

There were no items.

Non-Action Items:

a) Canin/Placemakers Overview of Form-Based Code Project

George Wiggins explained the schedule of Charrettes and other meetings that will take place regarding the form-based code project. He explained that Hazel Borys from Placemakers could not attend today due to a conflict with her schedule. Mr. Wiggins handed the Commissioners an email from Ms. Borys where she gave an overview of the process in which they are involved.

Cheryl Bowers, representative from Canin, stated the information regarding meetings will be on the website and explained other meetings as part of the process. There was a discussion regarding the lack of a survey being mailed out and the other ways the City will communicate to the public. Commissioner Diebel supported them moving forward with the schedule and providing more specificity in the survey. She believed with more specific questions they will receive better feedback and it will encourage open dialogue. Mayor Strong asked Ms. Bowers to provide a copy of the Taos form-based code and a copy, if there were any in Florida. Ms. Bowers agreed to do so.

New Business (Public):

Planning Director Briggs asked for direction regarding the sale of the University water plant property to Full Sail. He explained what has transpired so far. He addressed the Commission's direction to speak with Full Sail since they talked about a deed restriction and they created a proposal that if they changed their mind in the first 5 years they would split the revenue (75% to the City and 25% to Full Sail) and if they made a decision later to have a billboard after 5 years, they would split the revenue (50/50). He stated that Full Sail made it clear they have no intentions of putting up a billboard and they would agree with a restriction that would prohibit it for 5 years but after 5 years would like to decide about possibly placing a billboard and getting the revenue stream. Mr. Briggs expressed to them that he did not believe 5 years was a sufficient future and it would have to be a longer term prohibition. He stated that staff's viewpoint was that the negotiation period should be at least 20 years or perhaps longer. He explained that negotiations have fallen apart between Full Sail and the City; Full Sail is unwilling to do more than the 5 years. He asked what the Commission views as a proper length of term for the deed restriction being in place on that property. He stated that the deed restriction states there will be no billboard but if you want to put one up they need to come to the City and they will determine what the split of the revenue should be.

Mayor Strong stated that he was willing to sell it for the \$1 million and if there was money to be made in a billboard they should share in it, however, his preference is not to have a billboard. He commented that he would be willing to proceed under those circumstances and they can always come back at any time to remove this deed restriction for a certain dollar amount and a future Commission can make that decision at that time. Commissioner Eckbert commented that this is not Winter Park or adjacent to Winter Park.

Commissioner Diebel addressed the corridor on University being a natural entrance into Winter Park and wanted to preserve the aesthetics of that and future Commissions who might want to annex commercial as they come along. Commissioner Metcalf expressed that someday he hoped they would own that property so they could continue to provide the sewer and water and they would only provide police and fire protection to it but, in effect gain the revenue like Maitland has gained revenue from the Maitland Center and other places. Commissioner Diebel advocated selling it because it was a natural part of their campus and they have offered the City a fair price.

Mayor Strong recommended encouraging the proposal for \$1 million with the 5 year restriction. Commissioner Metcalf agreed. There was consensus from the Commission. Mr. Briggs stated that he felt confident that Full Sail would be in acceptance with those terms.

New Business (City Commission):

Commissioner Diebel revisited Mayor Strong's board appointment for the Land Trust and asked for further information as to whose recommendation it was to appoint Commissioner Bridges. Mayor Strong stated that he was not sure if it was CRA Manager Sherry Gutch or the board who recommended that a Winter Park Commissioner sit on that board. He stated they have given that board a \$1 million grant. He stated that Commissioner Bridges shared an interest in serving on the board and that was why she was nominated.

Commissioner Diebel suggested that a CRA Advisory Board member be on that board since they are the ones who are technically recommending the grants of the money. Mayor Strong commented that he would like to hear from Ms. Gutch and have her educate the Commission at the next meeting. Commissioner Diebel stated she supported anyone's involvement on the Commission but since the CRA is granting the money, they should have accountability for what is being done with the funds. Commissioner Metcalf agreed and stated it was important that they not give more money until they know that the money is managed correctly and what it is planned for.

Mayor Strong asked City Manager Knight to contact Ms. Gutch about the matter either prior to or for the next meeting. Mr. Knight agreed to do so. Commissioner Metcalf commented it was not to say that he would not vote to affirm Commissioner Bridges but suggested Stanley Roberts as a good representative. His concern was that a Commission member might have an appearance of a conflict. He explained that because Mr. Roberts represents the County perhaps he would be the person to look at. Mayor Strong addressed their legal opinion on this and it was alright. Attorney Cheek commented that even though it was legal the point was valid and it was something to think about.

Mayor Strong stated they should hear from Ms. Gutch and asked Mr. Knight to ask her who recommended having a Commission on the board. Commissioner Diebel also asked that Ms.

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Gutch comment on if there is a natural intersection between the Winter Park Housing Authority and the Trust's efforts. She stated that there is some cross over's because they are granting money to that organization and are considering granting money to this organization. She asked if they were comparatively doing the same work or similar work, if it is the most effective work and if that would cross over as board members and advisory. She explained she would like more education on that as they are disbursing support for workforce and affordable housing.

The meeting adjourned at 5:00 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham