



city commission agenda

April 8, 2019
3:30 PM
Commissioner
Chamber

mayor & commissioners

seat 1
Gregory Seidel

seat 2
Sarah Sprinkel

Mayor
Steve Leary

seat 3
Carolyn Cooper

seat 4
Pete Weldon

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofwinterpark.org.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide the the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. The period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

*times are projected and
subject to change

agenda

- 1. Meeting Called to Order**
- 2. Invocation**
Father Richard Walsh, St. Margaret Mary Catholic Church
- Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Mayor's Report**
- 5. City Manager's Report**

- a. **City Manager's Report** 3 minutes

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments | 5 p.m. or soon thereafter

(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)
(Three (3) minutes are allowed for each speaker)

9. Consent Agenda

- a. **Approve the minutes of March 25, 2019.** 1 minute

- b. **Approve cancelling the May 27, 2019 Commission Meeting due to the Memorial Day holiday.** 1 minute

- c. **Approve the following contract items:** 1 minute

1. Le-Huu Partners; Associated Consulting International: Amendment to renew RFQ-3-2017 – Continuing Contract for Professional Architectural Services; As-needed basis
2. Singhofen & Associates; Geosyntec Consultants: Amendment to renew RFQ-4-2017 – Continuing Contract for Professional Stormwater Management & Design Services; As-needed basis
3. Universal Engineering Sciences; Terracon Consultants: Amendment to renew RFQ-10-2018 – Continuing Contract for Professional Geotechnical & Environmental Consulting; As-needed basis
4. Lewis Outdoor Solutions: Amendment to IFB-7-2017 – Landscape Maintenance of City Facilities – to add the Palm & Pinewood Cemeteries to the scope of services; Increase contract spending by \$55,000

10. Action Items Requiring Discussion

- a. **Charter Review Facilitation** 5 minutes

- b. **Discussion of Implementing a Transportation Impact Fee**

11. Public Hearings

12. City Commission Reports

Appeals and Assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



city commission **agenda item**

item type	Invocation	meeting date	4/8/2019
prepared by	City Clerk	approved by	
board approval		final vote	
strategic objective			

subject

Father Richard Walsh, St. Margaret Mary Catholic Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	4/8/2019
prepared by	City Clerk	approved by	
board approval		final vote	
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

4/1/2019

Type

Cover Memo



city commission **city manager's report**

item type	meeting date
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Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

4/8/19 meeting

issue	update
Quiet zones	Railroad street crossing safety improvements construction started February 11 and is expected to be complete by August 2019. Quiet Zones implementation is expected by end of 2019.
Seminole County Ditch Drainage Improvement	The hydraulic model has been updated. Staff met with Seminole County Public Works on March 8, 2019. Seminole County is reviewing the improvement alternatives and will provide the City feedback regarding participation and phasing over a 5 year capital improvement plan.
Electric undergrounding	<u>Miles of Undergrounding performed</u> Orwin Manor: 65% complete. Project G: 4.03 miles 70% complete. West of Railroad 97% The removal of the large concrete poles on Lakemont Avenue is completed. TOTAL so far for FY 2019: 2.1 miles
Fairbanks transmission	Construction on Fairbanks, west of Orlando Ave., is underway. Work is also being completed near Harper. The Jacking pit should be filled in by the 2nd week of April. This will open up the front entrance to the Walgreens.
Denning Drive	The project is substantially complete and open to traffic. Landscaping and final grading is underway and will be complete within the month of April.
Canopy Project	Fundraising for the add/alternatives is ongoing with a target of the end of April to report results. The Tourist Development Council voted to recommend providing \$6 million in TDT Grant funding for the project. The construction drawing phase will begin in early April and wrap up mid-summer.
Orange Avenue Overlay	Staff has finalized the public input meetings for Orange Avenue. The open public input meeting was held at the Winter Park Community Center on March 28. An Orange Ave property owner and business owner meeting will be held on April 4 at the Winter Park Welcome Center from 5:30 to 7:00 pm to get input from stakeholders in the area on their vision for the area. The public is welcome to attend.

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.



city commission **agenda item**

item type	Consent Agenda	meeting date	4/8/2019
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board approval	final vote		
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Approve the minutes of March 25, 2019.

motion / recommendation

background

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ATTACHMENTS:

Description	Upload Date	Type
Minutes	4/1/2019	Cover Memo

**REGULAR MEETING OF THE CITY COMMISSION
MARCH 25, 2019**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Leslie McCarrick, Winter Park Christian Church, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also Present:

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Mayor's Report

Mayor Leary spoke about attending the topping off ceremony for Steinmetz Hall that will be a gem when it is complete.

City Manager's Report

City Manager Knight reported that they received resolution of the FDEP FRDAP grant situation. He responded that there are three deed restrictions still outstanding.

Commissioner Seidel asked about the library project coming in with 80% design that will be the next step and will have a library budget. City Manager Knight stated that is correct and will get a guaranteed maximum price from the contractor at that point. He stated the Commission will have the opportunity at that time to decide what will be included in the project but may have some information sooner after finalizing some fundraising efforts so some of the major items can then be decided on.

City Attorney's Report

No report.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of March 11, 2019.
- b. Approve the use agreement for 20 parking spaces at Progress Point
- c. Approve the following contract:
 1. JMD Global Developers: Increase allowable spend under IFB-22-2017, Brick Installation Services; \$50,000.

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote. There were no public comments made.

Commissioner Sprinkel asked about the time for the demolition of the Progress Point property. City Manager Knight responded that the person who issued the bid that the Commission approved found an error in the bid. Staff is in the process of getting a revised price that will have to come back for approval.

Action Items Requiring Discussion

- a. Appoint Canvassing Board for April 9 runoff election

Upon discussion, the Canvassing Board for the runoff election will consist of Commissioners Seidel and Sprinkel, and City Clerk Bonham. **Motion made by Commissioner Cooper; seconded by Commissioner Sprinkel to approve the board members and carried with a 4-0 vote. Commissioner Weldon abstained from voting because of being a candidate.**

Michael Perelman, 1010 Greentree Drive, asked that the Charter Review Committee review the election portion because of the City having to pay for two elections (general and run-off). Staff will provide options for the Charter Review Committee to consider with ways to relieve the City of having the possibility of two back-to-back elections.

Public Hearings:

- a. Request of FB Schaub Custom Homes: Subdivision or lot split approval to divide the property at 444 Shepherd Avenue, zoned R-1A, into two single-family building lots.

Planner Allison McGinnis addressed the lot sizes that met the R-1A zoning requirements and that there were no variances requested. The recommendation of staff and P&Z is for approval with the condition that the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the

neighborhood. Ms. McGinnis answered questions presented by the Commission. Discussion ensued regarding the other lot widths on the street.

Applicant Fred Schaub, 200 St. Andrews Blvd. stated he met with the neighbors who support his request.

Motion made by Commissioner Sprinkel to approve the request with the condition that the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood, seconded by Commissioner Seidel. Carolyn Gould, 527 Balmoral Road (part owner of a home on Shepherd Avenue), opposed the request because of lot width and setbacks. **Upon a roll call vote, the motion carried unanimously with a 5-0 vote.**

- b. Request of Bill Bryan Imports, Inc: Conditional Use approval to build an automatic car wash facility at 1350 North Orlando Avenue, zoned C-3.

Planning Manager Jeff Briggs provided the staff report. The applicant is requesting to rebuild the Buffy Car Wash into an automatic car wash facility. He addressed the setback variance because of the proximity to the railroad property. The recommendation is for approval with the following conditions:

1. That the final storm water design not intrude upon the front 10 foot setback allowing sufficient land to be used for the oak tree screening.
2. That the project include a sufficient landscape buffer to the exterior facing Orlando Avenue as approved by Urban Forestry department to properly screen the car wash operations, as well as overall compliance with the landscape code and removal of invasive trees along the railroad right-of-way.
3. That the property owner agree to dedicate a pedestrian easement for no monetary compensation and shall work with the City to establish future location of necessary easement.

Mr. Briggs also addressed the possibility of a long range future bike trail that may use a bike/pedestrian bridge over the FDOT railroad trestle. The car wash property owner has agreed to work with the City if an access easement is needed in that northern undeveloped triangle of the site to connect a potential trail connection into Winter Park.

Commissioner Cooper spoke about the two curb cuts on the road with two-way traffic and opposed this because the comprehensive plan calls for lesser curb cuts. Mr. Briggs addressed the existing car wash had two curb cuts.

Motion made by Commissioner Sprinkel to approve the conditional use request to include the three conditions; seconded by Commissioner Seidel.

Civil Engineer, Larry Polinar, RCE Consultants, 617 Arvern Drive, Altamonte Springs, FL represented the applicant. He commented that they looked at the internal circulation that was coordinated with the DOT and summarized what will transpire. He answered questions from the board related to hours of operation, security and transient community concerns and stormwater retention plans for the site.

There were no public comments made.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

- c. Request of LG Winter Park Fairbanks LLC: Conditional Use approval for a new 2,430 square foot, 60 seat, Wendy's fast food restaurant with a drive-thru component, and an 8,240 square feet retail/office building at 1308/1324/1350 West Fairbanks Avenue, zoned C-3 and O-1.

Planning Manager Jeff Briggs explained the public hearing item involves a Conditional Use request to build a new 2,000 square foot, 60 seat Wendy's restaurant in conjunction with an adjoining 6,240 square foot retail building on the combined properties at 1308, 1324 and 1350 West Fairbanks Avenue. This is a Conditional Use because of the drive-thru component and per code, the Conditional Use applies to the entire project.

The combined properties measure approximately 1.52 acres in size (66,000 square feet), have 250 feet of frontage on Fairbanks Avenue and frontage along the side street of Shoreview Avenue and rear street of Gene Street. The property has split zoning; the north half fronting on Fairbanks Avenue is zoned Commercial (C-3) and the south half fronting on Gene Street is zoned Office (O-1).

He explained the applicant provided a traffic study that determined this project will not change the level of service on the streets. Mr. Briggs answered questions. Commissioner Cooper asked about a queue spillover problem from the adjoining eastbound left turn lane at Fairbanks onto the three lanes near the site and if consideration should be given to extend the eastbound left turn lane by reducing the length of the westbound left turn lane which would require approval by FDOT. Mayor Leary suggested they speak with FDOT about. Mr. Briggs stated they can explore this. Commissioner Cooper asked when developers should have some responsibility to help correct transportation circulation problems that they create.

Attorney Tara Tedrow, representing the applicant, provided a project overview, photos of the existing site conditions, the background of the project beginning in 2017, their request for approval for a drive-thru restaurant, displayed their concept plan, provided a code comparison as to what is required compared to what is being proposed, provided their landscape plan, and compared their project to McDonald's (building type, the requests made, total square feet, exit roads and acreage). Ms.

Tedrow addressed the design enhancements. She stated they are in agreement with all the upgrades given to them by staff.

James Taylor, Kimley Horn, provided their traffic review timeline beginning in September 2017 to the current time, their traffic impact analysis and conclusions, their mitigation of a safety concern at Fairbanks Avenue, their response to the petition from neighbors, clarified traffic generation, and their peer review conclusions. He addressed the CUP code requirement for traffic for drive-in businesses, and provided their criteria for approval regarding the comprehensive plan policies and the sections of City code that their project satisfies.

Mr. Taylor provided the conditions of approval suggested by staff and the Planning and Zoning Board to include:

- That the approval is granted based upon the construction and extension of the Fairbanks Avenue median divider, so as to preclude the traffic safety hazards of left turning movements.
- That the landscape plan be modified to include three oak street trees added to the Gene Street frontage.
- That Wendy's new pylon ground sign be limited to the same 30 sq. ft. size as the McDonalds. Also that the retail building monument sign be limited to the same 30 sq. ft.
- That the two building components share a commonality of architectural style, materials and coloration and that the Wendy's icon wall and the retail tower element both be finished with red glazed brick and that the base materials of the two buildings be the same.
- That the applicant conduct regular on-site and off-site litter removal operations on a schedule submitted to and approved by the City.

Commissioner Seidel asked questions of Mr. Taylor. He stated he believes the issue is with the intersection of 17-92 and Fairbanks Avenue that he wants a resolution to. He stated he would like to obtain funds to do a study to improve this intersection and to have a plan in place. Mayor Leary addressed the lack of a transportation impact fee. Attorney Tedrow stated because of the lack of an impact fee that cannot be levied on this project that they would be acceptable to contribute \$10,000 to the City to be able to do the intersection study or whatever the City would like to use the funds for.

Commissioner Sprinkel addressed the applicant's willingness to donate the 5' for future development on the back street of Gene Street. Attorney Tedrow stated that Commissioner Weldon had asked for 5' in the front and if that is something the City desires they would be willing to have the same easement on both the north and south property line.

Commissioner Weldon stated he met with the applicant at their request and thanked the applicant for their comments about the front setback as well. He met with neighbors in the Killarney area and there are some things he would like to pursue but

are not related to this development. He also commented about changing the comprehensive plan so that fast food is allowed under a conditional use approval in the area west of Shoreview and along Fairbanks with a drive-thru if it is attached to something else. Mr. Briggs clarified that this section of Fairbanks is the only area where the comprehensive plan was changed to apply the same conditional use process and to be attached to another building and be an end cap.

Commissioner Cooper asked about the design guidelines. Mr. Briggs stated they are near to having a draft with what the buildings should and could look like in the future.

Motion made by Commissioner Sprinkel to approve the conditional use with the five conditions, seconded by Commissioner Weldon.

Amendment #1 - Motion amended by Commissioner Seidel to include a 5' easement on the southern property for either sidewalk or utility use; seconded by Commissioner Weldon.

Amendment #2 - Motion amended by Commissioner Weldon to include a 5' easement on the north side of the property for either sidewalk or utility use; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper that with concurrence of our transportation engineer that they do pursue the extension of the turn lanes. Motion failed for lack of a second (because it is under the DOT). Commissioner Cooper clarified that she would like staff to apply to the DOT to get that approved. Staff will confer with the DOT.

Motion amended by Commissioner Seidel that the applicant contribute their fair share to brick Gene Street in front of the frontage on the property which would include both sides of the road which will be part of traffic calming (bring the brick up to the east side of the property and the City would fund the portion in front of the other business there). Motion failed for lack of a second.

Amendment #3 - Motion amended by Commissioner Cooper to accept the \$10,000 from the applicant for the transportation study to understand what can be done to correct the traffic flow at the 17-92/Fairbanks intersection; seconded by Commissioner Seidel.

Attorney Ardaman stated since the applicant offered this it is appropriate for the City to accept it. Attorney Tedrow clarified that the City can use the \$10,000 for whatever they want; a study, brick the street, etc.. Commissioner Seidel commented that the agreement with the DOT includes doing traffic studies and that they can ask them to extend the study to look at whatever improvements they can do at 17-92 and can partially offset that cost with some of the money from the developer here today.

Commissioner Sprinkel spoke about being uncomfortable taking money that does not have a placeholder for something finalized and set. Mayor Leary agreed he is also uncomfortable with this and if they do a study in the future at that intersection, the applicant has agreed to provide \$10,000. Commissioner Weldon commented that taking this money is setting a terrible precedent for the City but is willing to have a traffic study done if they see they need one.

The following spoke in opposition to the conditional use request because of cut through traffic and increase in traffic:

Tom Lamar, 1370 Gene Street
David Sufkin, 250 Killarney Drive (Mr. Northam read a letter from him)
Nort Northam, 120 Broadview

Commissioner Cooper expressed her preference to move forward with the study and was delighted that a developer is offering to help the City with the cost of that. She stated that traffic is the biggest issue here and this is a conditional use so she was not sure she could support it.

Commissioner Sprinkel addressed the issue of cut through traffic in a lot of areas in the City and the need to determine how to correct them. She stated this project is not a bad use and is doing for the City what they need to have done on Fairbanks but she understands the problem on Killarney and on the lake and believed they will come up with better solutions.

Commissioner Seidel addressed the need to address the traffic situation in the City and the need for traffic studies.

Mayor Leary addressed the Killarney neighborhood and that they are trying to work through the issues. He disagreed with accepting the \$10,000 without having a mechanism in place because of setting a bad precedent.

Attorney Tedrow further addressed the conditions satisfied and meeting all criteria.

Upon a roll call vote on amendment #1 (above), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on amendment #2 (above), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on amendment #3 (above), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted no. The motion failed with a 5-0 vote.

Upon a roll call vote on the main motion with the five conditions and including the two amendments, Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

PUBLIC COMMENTS (ITEMS NOT THE AGENDA)

Langdon Stanley, 524 Ololu Drive (Chairman, Lake Killarney Advisory Board), spoke about the resignation of Lakes Manager Amy Giannotti and that she was a great and dedicated employee.

Michael Perelman, 1010 Greentree Drive, spoke about the increase in traffic on Palmer Avenue and hoped for a resolution to help make it safer for the public to cross.

Cynthia Wood, Interim Library Director, expressed her excitement and support for the new library.

Gary Barker, 1029 McKean Circle, addressed the need for a larger better library and that the events center is in excess.

Stefania McGrath, 655 Palmer Avenue, addressed concerns with how the election campaign is being run and how votes are counted.

Recess

A recess was taken from 5:57 – 6:15 p.m.

d. Request of V3 Capital Group, LLC:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO AN OFFICE FUTURE LAND USE DESIGNATION ON THE PROPERTIES AT 1419 AND 1421 TROVILLION AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AMENDING THE "OFFICIAL ZONING MAP" TO CHANGE FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) TO OFFICE (O-1) DISTRICT ZONING ON THE PROPERTIES AT 1419 AND 1421 TROVILLION AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Conditional Use approval to construct a new two-story, 30,000 square foot, office building on the combined properties at 1424 and 1428 Gay Road and 1419 and 1421 Trovillion Avenue.

Attorney Ardaman read the ordinances by title. Planner Allison McGinnis addressed the location of the proposed building, the other previous requests for building at this location, the zoning, the utilization of our parking codes, cut through concerns with residents and their request to remove the entrance onto Trovillion, compared this project with what could be built on this property and that the added traffic is minimal with this request. She provided the preliminary landscape plan and the building elevation that our architect recommended enhancements to. She provided the four conditions placed on the applicant:

1. That the final architectural elevations and materials of the proposed office building be revised in consultation with the City Architect and that such architectural elevations and materials be subsequently approved by the P&Z Board and City Commission after input and dialogue with the City Architect.
2. That the project be restricted to a non-interior illuminated monument ground sign.
3. That landscaping above and beyond code requirements be implemented within the front setback and the areas between the parking spaces and Gay Road, as well as Trovillion Avenue, to screen the building and parking lot.
4. That the applicant replace the existing sidewalk along their frontage on Gay Road with a new eight (8) foot sidewalk and add a new five (5) foot sidewalk along their frontage on Trovillion Avenue.

Discussion ensued regarding the number of vehicle trips and if residential were built there the residents would get a lot more traffic and residential units than with an office building.

Applicant Trey Vick provided information as to what they were trying to accomplish and their need and desire for an office building that they will occupy. He spoke about concerns with cut through traffic where they moved the Trovillion entry toward 17-92 and applied the buffers. He addressed working with the community regarding access points. He addressed the market having a need for office space and believed their project is compatible with the neighborhood.

Jonathan Martin, Kimley Horn, addressed the zoning, the 10' setback is within code, and the importance to work with the residents. He spoke about the low usage during the weekends.

Commissioner Seidel wanted to delay this until he had time to meet with the developer. Commissioner Sprinkel expressed concerns with the size of the building and complimented the developer for working with the residents. Commissioner Cooper expressed concerns with the parking lot with a cut through there. She stated they need visibility and that a smaller building would provide that. Planning Director Stephenson commented that an office building does not require having a secondary entrance. Mayor Leary provided the applicant the opportunity to pull this from the

agenda this evening to allow time to work with the neighbors that would allow the applicant to come back at another meeting.

The Mayor opened the floor to public comments so the developer had a better understanding of the neighbor's concerns. The following spoke in opposition to the project because of cut through traffic concerns, safety, not wanting a parking lot there, did not want an office building, and property value concerns:

Carriellen Godsell, 750 Killarney Bay Court
Dr. Mar Jean Olson, 1415 Trovillion Avenue
Stephanie Barnes, 620 Killarney Bay Court
Dominick Serago, 610 Killarney Bay Court
Jessica Petravich, 630 Killarney Bay Court
Anne Marie Burns, 560 Killarney Bay Court
Rebecca Tutton, 340 Killarney Bay Court
Theresa Duke, 650 Killarney Bay Court
Mitzie Janszen, 360 Killarney Bay Court
N. Jill Taylor, 740 Killarney Bay Court
James Barnes, Jr., 7 Isle of Sicily

Mr. Martin clarified that they would defer the decision of the driveway to Trovillion to the Commission whether or not it would be included but will take it out subject to how the Commission leans. Mr. Vick agreed with bringing this project back to a future meeting. Commissioner Cooper asked that the Plymouth residents be notified about the next hearing. Mr. Vick concluded that there was a HOA that was in support of the project if Trovillion was removed and asked staff to confirm which residences that was. Planning Director Stephenson will confirm but believed it may be Killarney Bay who submitted in writing. The item was pulled by the applicant for future consideration within the next six months.

City Commission Reports:

Commissioner Seidel – Asked about the Lakes Supervisor resignation. Mayor Leary reminded the Commission that personnel decisions are with the City Manager whether it is a resignation or not and the Commission does not have say over that.

Asked if a task force could review the issue of putting a monument in MLK Park as a tribute. Mayor Leary reminded the Commission about the naming criteria the City has in place for people who lived here and they made an exception for Dr. King. Discussion ensued that conversations were held to have a history walk that included the park being named MLK Park. City Manager Knight stated this was discussed as part of the parks master plan that has been tabled for now. Commissioner Sprinkel stated trees were planted on the site as a memorial to Dr. King. Commissioner Cooper asked that the history of what transpired be brought forth so they are not

having this conversation again. After further discussion, there was a consensus that the landscape architect as part of their scope for The Canopy consider some type of tribute to history and leadership in Winter Park and that the City Manager has authority to move forward.

Commissioner Seidel addressed the Memorandum of Understanding on 17-92 that addresses what the City will pay for and what the DOT is doing and how they are working together on the project. He was anxious for the Commission to receive this and review it so they can discuss what needs to be in there. Commissioner Sprinkel expressed concerns with coming to meetings and just hearing about certain issues that the other Commissioners are aware of.

Commissioner Weldon suggested that since FDOT controls the roads that create our traffic problems to the level of about 90%, the City had no way to study something that was under DOT's control. He stated now that we have the opportunity to work with them he is in favor of having staff and the Commission work together with the Transportation Board first and lead them to build a relationship with the DOT that is not just staff based. There was a consensus to have a work session with either the Transportation Board or their Chair to be updated as to where they are with projects.

Commissioner Sprinkel – Reported that she attended the nap ford for the naming of the new post office in Pine Hills. She asked where we are with City streets and flooding issues. She spoke about cut through problems and possibly addressing calming devices. She addressed the poles at Cady Way and asked what has happened with this. She asked that this be a part of the City Manager's Report so they know the status. She spoke about a plan for the bike path and asked if the Commission approved that. City Manager Knight stated they accepted the bike path plan but did not approve it because of the complexity of completing the plan. Commissioner Sprinkel wanted an adopted plan so it is understood what will take place.

Commissioner Sprinkel spoke about the approval of the Wendy's this evening and staff not recommending approval because they did not recommend approval of the McDonald's next door. She addressed the many months the applicant has worked on the project and the staff recommendation not to approve the conditional use without a more specific reason to deny.

Commissioner Cooper – She spoke about being in favor of being more definitive about what plans staff can and cannot support. She wanted to find pockets in the City where there are particular transportation problems so they can put a dollar figure with it. She spoke about the area from Bennett to 17-92 being an issue. Discussion continued concerning transportation/traffic issues and funding. Commissioner Cooper stated she supports Commissioner Seidel's efforts to improve traffic and to budget funds for studies. Commissioner Seidel expressed his preference to have a staff person specifically work with the DOT.

Commissioner Cooper asked under what criteria they allow lot consolidations because of concerns that the character of some neighborhoods could change. She asked if this can be considered when considering the character of the neighborhood. She asked that DOT look at Bennett to Executive.

Commissioner Weldon – Spoke about traffic and the smart signaling technology that was approved that did not happen because the conclusion was that someone else controlled the light on Aloma and 436 and there was no way to fix the problem because the road was already over capacity. He suggested that DOT provide an example of a success case to include the cost, design considerations, and what the improvement was. Commissioner Seidel stated they will meet with the DOT as soon as the memorandum of understanding is reviewed and the DOT is asked to meet with us to discuss it.

Mayor Leary – Clarified that he does not see any people that serve on the advisory boards as 'my person'. He stated that he may know 20% of the applicants and the people he assigns to boards that he does know are assigned to a particular board because he believed them to be good people and that he does not check in with them. He stated they are smart people and that they need to let them do their jobs and wanted to make sure Commissioners do not give them direction.

The meeting adjourned at 8:15 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission **agenda item**

item type	Consent Agenda	meeting date	4/8/2019
prepared by	City Clerk	approved by	City Manager
board approval	final vote		
strategic objective			

subject

Approve cancelling the May 27, 2019 Commission Meeting due to the Memorial Day holiday.

motion / recommendation

Approve cancelling the May 27, 2019 Commission meeting due to the Memorial Day holiday. City Hall is closed. The Commission typically cancels meetings when the holiday falls on a meeting day.

background

There will be only one Commission meeting on May 13.

alternatives / other considerations

fiscal impact

None.



city commission agenda item

item type	Consent Agenda	meeting date	4/8/2019
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following contract items:

1. Le-Huu Partners; Associated Consulting International: Amendment to renew RFQ-3-2017 – Continuing Contract for Professional Architectural Services; As-needed basis
2. Singhofen & Associates; Geosyntec Consultants: Amendment to renew RFQ-4-2017 – Continuing Contract for Professional Stormwater Management & Design Services; As-needed basis
3. Universal Engineering Sciences; Terracon Consultants: Amendment to renew RFQ-10-2018 – Continuing Contract for Professional Geotechnical & Environmental Consulting; As-needed basis
4. Lewis Outdoor Solutions: Amendment to IFB-7-2017 – Landscape Maintenance of City Facilities – to add the Palm & Pineywood Cemeteries to the scope of services; Increase contract spending by \$55,000

motion / recommendation

Commission approve items as presented.

background

Formal solicitations were issued to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.

ATTACHMENTS:

Description	Upload Date	Type
Contracts	3/29/2019	Cover Memo



city commission agenda item

item type	Contracts	meeting date	April 8, 2019
prepared by department division	Procurement Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		final vote

Contracts

	vendor(s)	item background	fiscal impact	motion recommendation
1.	Le-Huu Partners; Associated Consulting International	Amendment to renew RFQ-3-2017 – Continuing Contract for Professional Architectural Services	Total expenditure included in approved budget. As-needed basis	Commission approve the amendments and authorize the Mayor to execute.
Staff requests to maintain two consultants under contract due to varying workloads and areas of expertise.				
2.	Singhofen & Associates; Geosyntec Consultants	Amendment to renew RFQ-4-2017 – Continuing Contract for Professional Stormwater Management & Design Services	Total expenditure included in approved budget. As-needed basis	Commission approve the amendments and authorize the Mayor to execute.
Staff requests to maintain two consultants under contract due to varying workloads and areas of expertise.				
3.	Universal Engineering Sciences; Terracon Consultants	Amendment to renew RFQ-10-2018 – Continuing Contract for Professional Geotechnical & Environmental Consulting	Total expenditure included in approved budget. As-needed basis	Commission approve the amendments and authorize the Mayor to execute.
Staff requests to maintain two consultants under contract due to varying workloads and areas of expertise.				
4.	Lewis Outdoor Solutions	Amendment to IFB-7- 2017 – Landscape Maintenance of City Facilities – to add the Palm & Pinewood Cemeteries to the scope of services	Total expenditure included in approved budget. Increase contract spending by \$55,000	Commission approve the amendment and authorize the Mayor to execute.
Total annual spending under the contract shall now be \$258,000.				



city commission **agenda item**

item type	Action Items Requiring Discussion	meeting date	4/8/2019
prepared by	Assistant City Manager	approved by	City Manager
board approval	final vote		
strategic objective			

subject

Charter Review Facilitation

motion / recommendation

Authorize the City Manager to enter into a contract with Marilyn Crotty to serve as facilitator to the Charter Review Advisory Committee.

background

On March 11, 2019 the City Commission adopted Resolution 2216-19, establishing a charter review advisory committee. Additionally, 7 members were appointed to serve on the advisory board beginning in April and concluding in September, 2019.

At the meeting the Commission asked that staff provide alternatives for facilitation services to assist the advisory board. Three quotes were received:

- UCF Institute of Government - Unable to bid at this time.
- Marilyn Crotty - \$7,500
- Levy Consulting - \$39,800 (willing to provide quote for reduced scope)
- CMA - \$250 per hour

In addition to the facilitator, it is anticipated that the City Attorney and Labor Attorney may be required to advise.

alternatives / other considerations

Staff led facilitation.

fiscal impact

See above.



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	4/8/2019
prepared by	City Manager	approved by	City Manager
board approval	no final vote		
strategic objective	Intelligent Growth and Development		

subject

Discussion of Implementing a Transportation Impact Fee

motion / recommendation

Provide direction to staff on interest in studying and possibly implementing a transportation impact fee.

background

At its March 25, 2019 meeting the City Commission expressed interest in considering a transportation impact fee. Impact fees are authorized and regulated by FS 163 which is copied below.

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:

(a) Require that the calculation of the impact fee be based on the most recent and localized data.

(b) Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees to actual costs.

(d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an

impact fee.

(4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(5) In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard.

History.—s. 9, ch. 2006-218; s. 1, ch. 2009-49; s. 5, ch. 2009-96; s. 5, ch. 2011-14; s. 1, ch. 2011-149.

Generally, in order to adopt an impact fee, a study has to be conducted that identifies future transportation improvements and equitably attributes the costs of said improvement to developers of projects that increase trips. So a single family residence replacing another single family residence would not pay the fee. A lot split creating two houses where only one existed before would pay a fee for the net new unit. Similarly for commercial developments, the number of new trips over the old use would determine the project's impact.

If the Commission wishes to pursue an impact fee, staff recommends engaging a consultant to assist the city in properly establishing a fee.

alternatives / other considerations

Do not pursue establishing an impact fee.

fiscal impact

TBD