

REGULAR MEETING OF THE CITY COMMISSION
June 9, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:39 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Police Chief Brett Railey, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Vice Mayor Steven Leary
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner McMacken and approved by acclamation with a 5-0 vote.

Mayor's Report

a. Board appointment – Winter Park Police Pension Board

Mayor Bradley nominated Bill Manuel to serve on the Winter Park Police Pension Board (replaces Robert Harvey with the term 2014-2015); seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

b. Proclamation – Mary Lee DePugh Day

Mayor Bradley proclaimed June 9 as Mary Lee DePugh Day. He urged all citizens to honor Ms. Kraft and Ms. Depugh for their dedication and legacy in ministering the elderly in our community.

c. Presentation - The Gardens at DePugh Nursing Center – 2nd Quarter 2014 Business Recognition Award Recipients

Dori Stone, Director of Planning & Community Development, presented The Gardens at DePugh with the second quarter business recognition award. President Jane Hames and staff members of The Gardens at DePugh Nursing Center accepted the award and thanked the City for their support.

City Manager's Report

City Manager Knight announced that the City received the project design cost proposal for undergrounding the Fairbanks Avenue power transmission lines and the fee is within the allocated budget. Within the next few months the agreement

will be presented to the Commission for approval and by early next year work will commence.

City Manager Knight announced that Governor Rick Scott allocated the following funds in the approved budget: \$400,000 for Mead Garden's Water Quality Project and several million dollars for quiet zones for the entire state. He explained that it is a matching grant for quiet zones and that staff has our application ready to submit once the grant program becomes available.

City Attorney's Report:

Attorney Brown provided a memo from his office pertaining to which ordinances need to be read after 5:00 p.m.

Non-Action Item: No items.

Consent Agenda

- a. Approve the minutes of May 12, 2014.
- b. Approve the following contracts/purchase orders and formal solicitation:
 1. Piggybacking Lake County Contract No. 12-0806O to Ten-8 Fire Equipment, Inc. for fire equipment and supplies; and authorize the Mayor to execute the Piggyback Contract and subsequent Blanket Purchase Order.
 2. Piggybacking South Florida Water Management District Contract #6000000579 with Winfield Solutions, LLC for various herbicides and related adjuvants; and authorize the Mayor to execute the Piggyback Contract and subsequent Blanket Purchase Order.
 3. Piggybacking Lake County Contract No. 12-0806H with Fischer Scientific Company, Inc. for fire equipment and supplies; and authorize the Mayor to execute the Piggyback Contract and subsequent Blanket Purchase Order.
 4. Piggybacking Florida Municipal Power Agency (FMPA) Contract to Brady Infrared Inspections, Inc. for thermal/infrared imaging services; and authorize the Mayor to execute the Piggyback Contract and subsequent Blanket Purchase Order.
 5. Piggybacking Maricopa County Contract No. 11019 with The Home Depot for MRO Commodities and related services; and authorize the Mayor to execute the Piggyback Contract and subsequent Blanket Purchase Order.
 6. Renewal with Designers' Press, Inc. for printing and mailing services (RFP-12-2012); and authorize the Mayor to execute Amendment 4 and a subsequent Blanket Purchase Order.
 7. Renewal with International Press, Inc. (RFP-12-2012) for printing and mailing services; and authorize the Mayor to execute Amendment 4 and a subsequent Blanket Purchase Order.
8. Award to Bailey's Coffee Service, Inc. (IFB-2-2014) for coffee and water services; and authorize the Mayor to execute contract.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Cooper. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion: No items.

PUBLIC HEARINGS:

a. Request of UP Fieldgate US Investments – Winter Park LLC:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE TO COMMERCIAL ON THE PROPERTY AT 967 CHEROKEE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-3) DISTRICT ZONING ON THE PROPERTY AT 967 CHEROKEE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE PORTIONS OF GALLOWAY DRIVE AND FRIENDS AVENUE WITHIN THE PROPOSED WHOLE FOODS DEVELOPMENT PROJECT, MORE PARTICULARLY DESCRIBED HEREIN First Reading

Attorney Brown read all three ordinances by title.

Planning Manager Jeff Briggs explained that these requests relate to the conditional use request for the Whole Foods project which will be forthcoming on June 23. This consists of the redevelopment of the properties at 1000 N. Orlando Avenue and 1160 Galloway Drive (former Corporate Square offices); 1050 N. Orlando Avenue (former Winter Park Dodge) and 967 Cherokee Avenue (overflow Holler Hyundai parking lot).

The following information was provided in the staff report. All of the property for the Whole Foods project is designated and zoned Commercial (C-3) except for the 967 Cherokee Avenue property which is designated and zoned Multi-Family (R-3). More than 20+ years ago, that property was granted a conditional use to be used as Holler Dodge overflow car inventory parking and then it transitioned upon sale of the Dodge dealership to be used for Holler Hyundai overflow car inventory. As such, it has been utilized in a quasi-commercial nature and thus the rezoning from R-3 to Commercial (C-3) does not displace any residential usage.

The Whole Foods project also combines and assembles these properties and requires the vacating and abandonment of the portions of public right-of-ways of

Galloway Drive and Friends Avenue that are within and interior to this assemblage. The city staff has no objection to the vacating of the portions of these roads within the project but indicated that the second reading would be after the utility easement matters are resolved.

Commissioner questions were provided whereby Mr. Briggs responded.

Motion made by Commissioner Leary to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Sprinkel.

Motion made by Commissioner Leary to accept the zoning ordinance on first reading; seconded by Commissioner McMacken.

Motion made by Commissioner Leary to accept the vacating and abandoning ordinance on first reading and to include language that the City Attorney will review for time certainty; seconded by Commissioner Sprinkel.

Mary Daniels, 650 Canton Avenue, urged the Commission to specifically identify the 967 Cherokee Avenue property in their vote so that the wrong house is not demolished. Attorney Brown explained that the legal description supersedes the street address and that the correct legal definition is listed in the ordinance.

Applicant JJ Johnson, UP Fieldgate US Investments, answered questions and explained that they will be making a formal project presentation at the second reading.

Upon a roll call vote (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote (zoning), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote (vacating and abandoning), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

b. Request of 1776 Real Estate Advisors LLC:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE ON THE PROPERTY AT THE NORTHEAST CORNER OF MICHIGAN AND SCHULTZ AVENUES AND CHANGING THE WEST 10 FEET OF 1245 MICHIGAN AVENUE

FROM COMMERCIAL TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) ZONING TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT THE NORTHWEST CORNER OF MICHIGAN AND SCHULTZ AVENUES AND CHANGING THE WEST 10 FEET OF 1245 MICHIGAN AVENUE FROM COMMERCIAL (C-3) TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs explained that applicant 1776 Real Estate Advisors LLC has a contract to purchase the vacant 0.94 acres on the northeast corner of Schultz and Michigan Avenues which is contingent upon the rezoning. The entire vacant property is 310' along Michigan Avenue and 131.5' along Schultz Avenue; the eastern 100' is zoned R-3 and the western 200' is zoned R-2. The applicant is requesting to change the R-2 zoning designation to R-3 for a townhouse project. There is 10' of commercial property on the furthest eastern end that is changing from Commercial (C-3) to Multi-Family (R-3).

Mr. Briggs explained the difference between R-2 and R-3 zoning, the compatibility with the surrounding neighborhood, staff's analysis of the applicant's request, the number of proposed townhouses, and the square footage and amenities.

Mr. Briggs advised that the applicant and staff have agreed upon voluntary limitations to be imposed on the R-3 zoning as to scale and character. The applicant has agreed to accept the limitations of 12 units; two stories and 36,000 square feet. These terms have been formalized in a development agreement which has been approved by the City Attorney and referenced within the text of the zoning ordinance. A unanimous approval was granted by the P&Z Board subject to the development agreement incorporating the terms and conditions.

Motion made by Commissioner Sprinkel to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Cooper.

Motion made by Commissioner McMacken to accept the zoning ordinance on first reading; seconded by Commissioner Sprinkel.

Mary Daniels, 650 Canton Avenue, asked if the development agreement runs concurrent with the developer or land. Attorney Brown explained that it runs with the land.

Upon a roll call vote (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote (zoning), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

c. Request of Garmet Ltd and TGG Ltd:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES AT 298 AND 313 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3), COMMERCIAL (C-3A) AND (C-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTIES AT 298 AND 313 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs explained that these are requests by Garmet Ltd. (property owner); 298 W. New England and TGG Ltd. (property owner), and the property owner of 313 W. New England Avenue to change the Comprehensive Plan and Zoning to Central Business District (C-2).

Mr. Briggs provided the history regarding the establishment of the Community Redevelopment Area in 1994, the changing of the Comprehensive Plan in 1995, the changes that occurred with the adoption of the 2009 current Comprehensive Plan and the how it relates to the Future Land Use for Commercial to Central Business District property designations to date.

Motion made by Commissioner Cooper to deny the comprehensive plan ordinance on first reading. Motion failed for lack of a second.

Motion made by Commissioner Sprinkel to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Leary.

Motion made by Commissioner Leary to accept the zoning ordinance on first reading; seconded by Commissioner Sprinkel.

Mr. Briggs answered questions regarding alleyway usage and public service access.

Mary Daniels, 650 Canton Avenue, explained that the public streets are heavily congested due to delivery trucks blocking traffic on New England Avenue. As a remedy she proposed that the property owners provide rear ROW access for their business deliveries.

Upon a roll call vote (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote (zoning), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

NOTE: Agenda order was rearranged

e. RESOLUTION NO. 2142-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2953-14; AUTHORIZING THE ISSUANCE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,500,000 ELECTRIC REFUNDING REVENUE BOND, SERIES 2014 OF THE CITY FOR THE PURPOSE OF REFUNDING A PORTION OF THE CITY'S OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A AND TO PAY THE COSTS THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; PROVIDING FOR THE PAYMENT OF SUCH BOND FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY; AUTHORIZING A NEGOTIATED SALE OF SUCH BOND; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. City Manager Knight explained the request. Jay Glover, Public Financial Management, answered questions.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Public Comment (5:00 p.m.)

Jim Barnes, 7 Isle of Sicily, thanked the Commission and staff for renovating the Morse Boulevard median and complimented how it now looks.

A recess was taken from 5:00 p.m. to 5:20 p.m.

d. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT

RELATED TO THE PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATIONS; COMBINING THE PD-1 AND PD-2 FUTURE LAND USE DESIGNATIONS, DELETING THE MAPS INDICATING THE CANDIDATE AREAS FOR PLANNED DEVELOPMENT FUTURE LAND USE AND DELETING THE PARAMETERS FOR THE CREATION AND ESTABLISHMENT OF PLANNED DEVELOPMENT ZONING DISTRICTS AND OTHER POLICY TEXT RELATING TO PLANNED DEVELOPMENT FUTURE LAND USE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE. First Reading

Dori Stone, Director of Planning and Community Development, explained that this ordinance proposes to revise the Comprehensive Plan policies related to Planned Developments in the Future Land Use element of the Comprehensive Plan. The intent is to make the Planned Development land use more usable to promote economic development.

Ms. Stone advised that one of the recommendations of the WRT study of the Comprehensive Plan was to combine the two Planned Development land use designations and to remove the development standards and other limitations that restricted the use of the Planned Development Future Land Use within the City. The proposed ordinance reflected the following plan changes:

1. Combines the PD-1 and PD-2 future land use designations into one PD future land use category.
2. Eliminates the four PD candidate area maps but maintains the geographic restriction to locations adjacent to four lane roadways such as Lee Road, Fairbanks Avenue, Orange Avenue, Denning Drive and Aloma Avenue and maintains that PD future land use is not intended or permitted for use within the Central Business District or the downtown core bounded by Fairbanks, Interlachen, Webster and Pennsylvania Avenues.
3. Removes parking garage FAR from the FAR calculations in the PD Land Use only.
4. Eliminates the development standards text such as minimum and maximum parcel size, the lot coverage, setbacks, green space minimums, etc.
5. Eliminates the direction as to the establishment of PD Zoning districts as these have already been adopted.

Ms. Stone explained that there is no change currently proposed to the Land Development Code with regard to this item. This land use category does set maximum density and intensities per the land use requirements of the State statutes including dwelling unit counts and the FAR (Floor Area Ratio). The Comprehensive Plan does not require any further detail and in order to lessen the confusion about this particular land use, the City has allowed the land use to stand as a descriptive land use and will allow the Land Development Code to stand as the implementation rules and regulations for this particular land use category.

Ms. Stone noted that one of the major benefits having Planned Developments (PD's) in this community is that it creates revitalization and redevelopment

opportunities along all major four lane corridors such as 17/92 (Orlando Avenue), Fairbanks Avenue, Lee Road and Aloma Avenue.

Ms. Stone clarified that no property in the City has an entitlement of PD land use automatically; it has to be granted by the City Commission and is completely negotiated regarding the terms of the land use and the terms of the zoning district that accompany the land use.

Planning Manager Jeff Briggs explained how the Floor Area Ratio can differ if using the current land use code versus the PD designation. He presented several different site plan illustrations and created various scenarios regarding the different variations that can be achieved with useable green space, building/structure placement and surface parking lots versus parking structures. Ms. Stone and Mr. Briggs answered questions.

Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner Sprinkel.

Commissioner Cooper spoke in opposition to the proposed ordinance and explained how it would affect the overall FAR and density by presenting three drawings from an outside source planning manual to support her position.

Ms. Stone explained that if the Commission approves the ordinance on first reading, staff would then transmit the proposed ordinance to the State Department of Economic Opportunity (DEO) for review and comment. During this timeframe staff will work with the Planning & Zoning and Economic Development Advisory Boards to gain input on the draft Land Use Development Code. Upon receipt of DEO comments, the ordinance will be modified within 45 days for second reading and presented to the Commission for adoption along with the draft Land Use Development Code.

The following spoke in opposition:

John Skolfield, 1358 Ultoria Avenue
Judy Maynard, 1531 Berkshire Avenue
Frank Anderson, 2232 Fosgate Drive
Dykes Everett, 341 E. Webster Avenue
Mary Daniels, 650 Canton Avenue
Martha Hall, 331 W. Lyman Avenue
Maria O. Bryant, 450 S. Virginia Avenue
Nicole Anderson, 2232 Fosgate Drive
Richard Mead, 1644 Hibiscus Avenue
Marty Sullivan, 901 Georgia Avenue
Sally Flynn, 1400 Highland Road
John Perry, 1046 S. Kentucky Avenue
Michael Spencer, 1509 Orange Avenue

Shay Silver, 735 Pansy Avenue
Kim Allen, 1800 W. Fawsett Road
Bee Epley, 151 N. Orlando Avenue
Penny Potter, 1360 Canterbury Road
Joan Cason, 1915 Woodcrest Drive
Lurlene Fletcher, 811 English Court
Carol Lotspeich, 151 N. Orlando Avenue
Maura Smith, 901 Georgia Avenue
Shelly Silver, 735 Pansy Avenue
Betsy Owens, 656 Park Avenue North
Lee Maynard, 1531 Berkshire Avenue
Pat McDonald, 2348 Summerfield Road
Barry Greenstein, 2348 Summerfield Road
Mary Randall, 1000 S. Kentucky Avenue

The following spoke in favor:

Mark Squires, 400 Park Avenue South

Attorney Brown clarified that Commissioner Leary has no conflict of interest regarding this particular vote tonight on this agenda item.

Commissioner McMacken explained that he is not totally opposed to this ordinance; however, at this time he is not willing to vote in favor of it since there is a tremendous misunderstanding throughout the community regarding PD's and that he would prefer to have a community consensus.

Discussion ensued regarding the pros and cons with the ordinance. **Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

A recess was taken from 7:55 p.m. to 8:08 p.m.

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF LOREN AVENUE WITHIN THE RAVAUDAGE PLANNED DEVELOPMENT AND HOME ACRES SUBDIVISION AREA, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read the ordinance by title.

Assistant Public Works Director Don Marcotte explained that the applicant Benjamin Partners Ltd. and the Sydgan Corporation have requested the City to vacate a portion of Loren Avenue within the Ravaudage PD area. Staff's approval of this request is based upon the applicant's offer to convey to the City a public access perpetual easement running from the north end of the public street of Loren Avenue, west out to Bennett Avenue thereby avoiding the creation of a dead end

street. Staff has discussed this item with the owners of the Winter Park Veterinary Clinic at 1601 Lee Road and they understand this will have no impact on their existing access from Bennett Avenue. The new access road will support delivery trucks accessing the BubbaLou's Restaurant. Attorney Brown noted that the developer's agreement states that the developer will grant a public access perpetual easement and that the developer will maintain it.

City Manager Knight explained that the proposed future realignment of Bennett Avenue has nothing to do with the request that is before them. That request will have to be presented to the Commission as a separate agenda item for approval.

Applicant Dan Bellows, 411 W. New England Avenue, representing Benjamin Partners Ltd. and the Sydgan Corporation, explained the reasoning behind vacating and abandoning Loren Avenue and the perpetual easement usage. He advised that he has a pending contract to sell part of the Ravaudage property to an outside entity who is proposing to build a 274 unit apartment project and that the road abandonment is a critical component to the deal. He answered questions and addressed concerns related to the potential land lock impacts to lots 17 and 18 which are owned by Benjamin Partners Ltd.

The Commission shared concerns with the request being made by Mr. Bellows (who is representing BubbaLou's) due to pending litigation between Mr. Bellows and Sam Meiner regarding shareholder/ownership of the BubbaLou's entity. Upon request, Attorney Brown provided legal counsel and explained that the City cannot stop its normal governmental processes merely because someone claims they have rights to ownership.

Mr. Bellows provided clarification that in December 2013 Clarence Wheeler, the majority stockholder and President of BubbaLou's Inc., directed and authorized Sydgan Corporation to make the formal request and application which is before them for the comprehensive plan amendment, the rezoning and this right-of-way vacation.

Attorney Brown clarified that Mr. Bellows is the majority owner and should have the right, according to the face of the documents, and carry on that authorization that Mr. Wheeler, the prior majority owner signed off on. He does not see any reason why the City should stop moving forward with land development prerogatives of the City merely because there is an underlying dispute that the court is well aware of. If the court does not want the City to move forward, an injunction will be issued to the City.

Mr. Bellows answered questions related to exit/entry access to nearby businesses, the service road pavement width and the potential future realignment of Bennett Avenue.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Leary.

Dr. Rob Hess, Winter Park Veterinary Hospital, 1601 Lee Road, shared concerns by presenting several "what if" possibilities regarding the proposed future realignment of Bennett Avenue including cost impacts for drainage line relocation, parking lot access, etc.

Sam Meiner, BubbaLou's Winter Park, 1302 Orange Avenue, spoke in opposition by claiming that there are too many "what if's" and said this is not the right time to abandon this street. He submitted several backup documents to the Deputy City Clerk to support his position and spoke about its content in detail. He has retained a traffic engineer to support his objection and urged the Commission to deny the request.

Concerns were raised by the Commission as to the legality of abandoning a road that leads to an occupied house, regardless of whether or not it is owned by Mr. Bellows. Attorney Brown said Mr. Bellows would have to terminate the tenant lease and until then the landlord has to allow his half of the roadway as a private drive.

The Commission inquired regarding the abandonment of the right-of-way if the road or potential project does not move forward. It was recommended that the City Attorney add a reverter clause in the ordinance prior to second reading.

Traffic Engineer Mike Hale, Traffic Engineering Data Solutions, 80 Spring Vista Drive, DeBary, representing Sam Meiner and Dr. Rob Hess, spoke about the proposed future realignment of Bennett Avenue, the right-of-ways that would need to be acquired, the costs involved and the impacts to surrounding property owners. He advised that the developer's agreement does not contain language pertaining to Mr. Bellows having to maintain the roadway/easement and urged the Commission to deny the request.

Attorney Brown advised that tonight Mr. Bellows authorized the City to amend the language in the agreement to indicate that the blacktop on Loren Avenue is to remain in usable condition and that once the easement is recorded Mr. Bellows will build the road in accordance with City standards and maintain it at his expense for the public easement. Mr. Bellows also agreed to explicitly provide that until such time as he sells or otherwise disposes of the property that he will keep Loren Avenue blacktop available as a private drive to service the four BubbaLou's parcels of land.

Daniel Assael, 1144 Park Green Place, suggested that the Commission take a visual look at the Ravaudage property to familiarize themselves with the area and potential development activity.

Toni Assael, 1144 Park Green Place, spoke in favor of the request.

Lurlene Fletcher, 811 English Court, was opposed to the request.

For clarification purposes, Commissioner Leary asked if the original motion is to include the additional language that Attorney Brown referenced earlier including the reverter clause. Commissioner McMacken said yes. Commissioner Leary agreed. Mayor Bradley and Commissioner Cooper spoke in opposition.

Upon a roll call vote, Mayor Bradley and Commissioner Cooper voted no. Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried with a 3-2 vote.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary addressed his appreciation with the conversations and discussions this evening and the good things that were shared.

b. Commissioner Sprinkel

Commissioner Sprinkel expressed her frustration with inaccurate information being communicated to the public and the negative impact it has. She addressed the need to change how this information is being provided because it is further dividing the public. She spoke about the residents who spoke this evening using this information and not listening to what was presented at the meeting.

c. Commissioner Cooper

Commissioner Cooper responded to Commissioner Sprinkel's comments. She explained that she did not send out inaccurate information, she tries to be extremely transparent in all information she shares and strives to make sure all information sent out is correct. Commissioner Sprinkel elaborated on the information sent out that misrepresented the other Commissioners and having to respond to several emails that contained inaccurate information.

Commissioner Cooper offered suggestions on ways to better communicate with the public. Commissioner Sprinkel responded that there needs to be a better way of sending out information rather than from just one Commissioner. Commissioner Cooper suggested sending out surveys to residents and having more work sessions with options and details when it comes to changing long standing policies.

Commissioner Cooper stated she will continue to send out her information to the public and that the public needs to be shown the pros and cons. Mayor Bradley stressed the need for all information provided to the public by Commissioners contain this information.

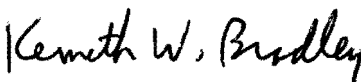
d. Commissioner McMacken

Commissioner McMacken spoke about the problem with service trucks stopping and unloading on New England Avenue and that it needs to be addressed by the Police Department.

e. Mayor Bradley

Mayor Bradley addressed the numerous angry people speaking tonight based on the information given out to the public outside of the public meeting. He addressed the need for everyone to be on the same page. He spoke about the comprehensive plan which is the City's vision and that it behooves us to work better with the residents; and is happy having staff providing as many forums as they want but that the Commission has the last word.

The meeting adjourned at 9:54 p.m.



Mayor Kenneth W. Bradley

ATTEST:


FOR City Clerk Cynthia S. Bonham, MMC