

REGULAR MEETING OF THE CITY COMMISSION
May 11, 2015

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Dr. Harold Custer, St. Andrews United Methodist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

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

Mayor's Report

a. Recognition – Winter Park High School State and National Championships

Tim Smith, Winter Park High School Principal and Michael Brown, Director of Athletics spoke about the support the City provides to the High School and the accomplishments of their athletes. The teams congratulated and recognized were: the Girls' Cross Country Team, the Competition Cheerleading Team, the Special Olympics Unified Basketball Team, the Girls' Crew Team, the Boys' Crew Team, Girls' 4x800 Meter Relay Team, Doubles Tennis State Champions Ninan Kumar and Will Smyrk, and Rafaella Gibbons the Cross Country 4A Individual State Champion and 3200 Meter Run State Champion.

b. Honoring the life of Ella Mae Talbert in "The Sage Project"

Vice Mayor Sprinkel and Peter Schreyer, Executive Director of Crealde School of Art both honored the life of Ella Mae Talbert. Vice Mayor Sprinkel spoke about her relationship with Dr. Talbert from Lakemont Elementary School who introduced his family members that were present. Mr. Schreyer spoke about the Hannibal Square Heritage Center in Winter Park. He presented a picture of Ella Mae Talbert that included the history of her life that will be part of the Heritage Center collection.

c. Proclamation – Women's Lung Health Week

Janelle Middentz, Area Director for the American Lung Association, spoke about lung cancer in woman. Mayor Leary proclaimed May 10-16, 2015 as "Women's Lung Health Week".

d. Proclamation – Building Safety Week

Mayor Leary proclaimed May 2015 as Building Safety Month. Building Director George Wiggins provided a PowerPoint presentation about his department personnel, the many inspections they do, the safety issues they deal with, and other Building Department services they provide as well as enhancements they made to their department.

e. Proclamation – Emergency Medical Services Week

Mayor Leary proclaimed May 17-23, 2015 as Emergency Medical Services Week. Fire Chief Jim White spoke about the many services they provide such as CPR classes, the elaborate 911 system, the PD vehicles containing AED's in their vehicles, and the success rate of survivability that comes from their trained EMT's.

f. 2015 Advisory Board appointments

Nominations for the 2015 Advisory Board appointments were brought forward as follows:

Board of Adjustments: Brian Mills (reappointed-from alternate to replace Phil Kean on regular position 2015-2018); Laura Turner (alternate)

Code Enforcement Board: Keith Manzi and Daniel McIntosh (reappointed 2015-2018); Kyle Sanders (2015-2018 to replace John Hunt); Clay Roesch (alternate)

CRA Advisory Board: Lance Decuir (reappointed 2015-2018); Jeffrey Stephens (reappointed-from alternate to replace Alan Thompson on regular position 2015-2018); Alex Tragner (alternate)

Economic Development Advisory Board: Patrick Chapin, Stephen Flanagan, Kelly Olinger (all reappointed 2015-2018) and Maura Weiner (reappointed alternate)

Historic Preservation Board (see discussion below): Laura Armstrong (was nominated as alternate but moved into Barbara DeVane position 2015-2018)

Housing Authority Board: Dorothy Felton, Kenneth Goodwin, Judith Kovisars, Shanna Windle (all reappointed 2015-2018)

Keep Winter Park Beautiful and Sustainable Board: All new appointments: Erin Fleck (2015-2017 (2 years) replaces Steve DiClemente); Sally Miller (2015-2018 replaces Carol Kostick); Ben Ellis (2015-2018 replaces John Tapp); Lambrine Macejewski (2015-2018 replaces Joseph Robillard); Baxter Murrell (2015-2017 (2 years) replaces Patricia Schoknecht); Bill Heagy (alternate)

Lakes and Waterways Board: Amy Byrd (reappointed – alternate to regular position to replace Marty Sullivan 2015-2018); Steve DiClemente (from KWPB&S – Alternate)

Parks and Recreation Board: Gary Diehl (reappointed – from alternate to regular position to replace Blair Culpepper 2015-2018); Mark Calvert (alternate)

Pedestrian and Bicycle Board: Terry Bangs (reappointed – from alternate to regular position to replace Jean Siegfried 2015-2018); Karen McGuire (2015-2018 to replace Susan Pins); Duane Skage (alternate)

Public Art Advisory Board: Katy Bakker, Susan Battaglia, Sarah Davey (reappointed 2015-2018); Jessica de Arcos (2015-2018 to replace Betty Hartnett); Caryn Israel (2015-2018 to replace Dana Thomas); Lauren Branzei (alternate)

Tree Preservation Board: I. Paul Mandelkern (reappointed-from alternate to regular position to replace Myriam Garzon-Greenberg 2015-2018); Catherine Knudsen (alternate)

Utilities Advisory Board: Barbara DeVane (2015-2018 to replace Linda Lindsey); Lawrie Platt Hall (2015-2018 to replace John Reker); Rick Baldocchi (2015-2018 to replace David Smith); Tara Tedrow (alternate)

Fire Pension Board: Mike Hlavic (2015-2017 to replace Tony Grey)

Police Pension Board: Kevin Roesner (WPPD appointment) and Sandy Modell (Pension Board appointment); Bill Manuel (reappointed 2015-2017)

Motion made by Mayor Leary to nominate all the board appointments as presented; seconded by Commissioner Sprinkel.

Motion amended by Commissioner McMacken to exclude the nominees presented for the Historic Preservation Board; seconded by Commissioner Cooper.

Discussion ensued regarding the number of members on each board and whether the number of members should be lowered. Mayor Leary addressed the Pedestrian and Bicycle Board vacancies and corrected that there was only one regular position and one alternate to be filled so he removed Jim McFarland from the list presented.

Jack Lane, 1200 Lakeview Drive, addressed the appointment process.

Upon a roll call on the amendment to remove the Historic Preservation Board from the main motion, Commissioners Seidel, Cooper and McMacken

voted yes. Mayor Leary and Commissioner Sprinkel voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on the main motion (excluding the Historic Preservation Board nominees), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Commissioner McMacken spoke about the Historic Preservation Board working on an ordinance to present to the Commission at a future date. He expressed his preference to extend the current board members for a defined period to allow the board to complete their work on the ordinance or have the five current remaining members complete the task. Discussion ensued regarding the need to amend the board ordinance if this moves forward, the Mayor's Charter provision regarding board appointments that supersedes the current ordinances, the nominees for this board by the Mayor this evening, the current board still having five members whose terms are not expiring to complete the ordinance, if having new voices could bring new ideas pertaining to the ordinance, and the need for the Board to expedite and complete the ordinance.

Motion made by Mayor Leary to appoint Bill Segal; seconded by Commissioner Sprinkel.

Motion made by Mayor Leary to appoint Phil Kean; seconded by Commissioner Sprinkel.

Motion made by Mayor Leary to appoint Laura Armstrong as the alternate; seconded by Commissioner Sprinkel.

The following public comments were made:

Patrick Chapin, Chamber of Commerce, asked what happens if the Mayor makes nominations and he does not get the support from the majority of the Commission.

Pete Weldon, 700 Via Lombardy, stated he would like more input concerning the historic ordinance and asked for support of the Mayor's nominations for this board.

Jack Lane, 1200 Lakeview Drive, asked to postpone the appointments.

Betsy Owens, Casa Feliz, asked to not prolong the process with adding new members.

Sally Flynn, 1400 Highland Road, asked to not add new members at this time.

Karen James, 1551 Dale Avenue, asked to not appoint new members and to wait for the ordinance.

Upon a roll call to nominate Bill Segal, Commissioners Seidel, Cooper and McMacken voted no. Mayor Leary and Commissioner Sprinkel voted yes. The motion failed with a 3-2 vote.

Upon a roll call to appoint Phil Kean, Commissioners Seidel, Cooper and McMacken voted no. Mayor Leary and Commissioner Sprinkel voted yes. The motion failed with a 3-2 vote.

Upon a roll call to appoint Laura Armstrong, Commissioners Cooper and McMacken voted no. Mayor Leary and Commissioners Seidel and Sprinkel and voted yes. The motion carried with a 3-2 vote. It was clarified that Laura Armstrong who was nominated as the alternate will move into the regular position of Barbara DeVane since they did not fill the other two positions.

Public Comments (Items not on the agenda):

1. Jeffrey Jontz, provided an update regarding the Library Task Force.
2. Bee Epley, 151 N. Orlando Avenue, #156, spoke against the \$100,000 contribution to the Dr. Phillips Performing Arts Center.
3. Bud Oliver, YMCA, stated he was leaving and thanked the Commission for their support throughout the years.
4. Gene Randall, 1285 Richmond Road, spoke against the number of Chamber of Commerce members serving on the Visioning Committee.
5. Gary Sacheck, 1034 Aloma Avenue, spoke about possible future locations for the library.
6. Leonard Feinberg, 250 Cortland Avenue, presented an idea concerning moving the location of the library and city hall.
7. Patrick Chapin, Chamber of Commerce, stated he has an open door policy and would appreciate anyone that is anti-Chamber to come to him with any concerns to avoid providing inaccurate information. He corrected information provided earlier by a citizen. He took offense to comments made regarding Chamber of Commerce members who he said are wonderful people.

Recess

A recess was taken from 5:43 – 6:03 p.m.

City Manager's Report

City Manager Knight reminded the Commission that the May 25, 2015 meeting has been cancelled due to the holiday.

Commissioner McMacken requested that a list be provided with the species of trees that were planted. City Manager Knight acknowledged the request.

Commissioner Cooper requested that a place be created on the website for a library list of documents such as design standards, the CRA plan and amendments, and other reports for easy access.

City Attorney's Report

Attorney Brown addressed the motion filed by their office in Federal Court involving the current version of the law on red light camera enforcement. He stated they filed a motion to dismiss and the other party voluntarily dismissed. they will monitor to see if they re-file anything and as of this time Winter Park is dismissed out of the case.

Non-Action Item

a. Financial Report – March 2015

Finance Director Wes Hamil provided the March 2015 financial report. Questions were answered by Mr. Hamil and City Manager Knight.

Motion made by Mayor Leary to accept the financial report; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of April 27, 2015.
- b. Approve the following purchases and contracts:
 1. PR 157606 to CDW-G for the purchase of Electronic Citation Reporting; \$161,450.08.
 2. Change Order Request (modify existing Blanket Purchase Order) to Heart Utilities of Jacksonville to include purchase of wire material for Electric Undergrounding Project; \$200,000.
 3. Contract renewal with Bellomo-Herbert & Company, Amendment 3 for RFQ-2-2012 Continuing Contracts for Professional, Architectural, & Engineering Services (Parks & Recreation) and authorize the Mayor to execute Amendment 3.
 4. Contract renewal with Le-Huu Partners, Amendment 3 for RFQ-2-2012 Continuing Contracts for Professional, Architectural, & Engineering Services (Parks & Recreation) and authorize the Mayor to execute Amendment 3.

5. Contract renewal with Environmental Research & Design, Inc., Amendment 3 for RFQ-2-2012 Continuing Contracts for Professional, Architectural, & Engineering Services (Lake Management) and authorize the Mayor to execute Amendment 3.

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

Action Items Requiring Discussion

- a. Request for an extension of the Vehicle Sales Agreements at 1891, 2250 and 2286 W. Fairbanks Avenue

Planning Manager Jeff Briggs explained the requests made by the property owners of 1891 W. Fairbanks (Frank Ray) and 2250/2286 W. Fairbanks (Jim Veigle) to extend the period of vehicle sales permitted on these properties. Questions of the Commission were answered by Mr. Briggs.

Motion made by Commissioner Sprinkel to approve the extension of the Vehicle Sales Agreements to expire September 28, 2017 (during the term of the electric undergrounding project in recognition of impact of that construction on the West Fairbanks Avenue corridor); seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Public Hearings:

- a. Request of Fifth Third Bank:

ORDINANCE NO. 2997-15: 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 SINGLE FAMILY RESIDENTIAL TO PARKING LOT DESIGNATION ON THE PROPERTY AT 453 NORTH LAKEMONT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2998-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 453 NORTH LAKEMONT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Conditional use approval to develop the properties at 1851/1861/1871 Aloma Avenue and 443/453 North Lakemont Avenue for a one story 3,500

square foot branch bank with drive-thru tellers and 5,715 square feet of professional office

Attorney Brown read both ordinances by title. There was a simultaneous public hearing. Since the conditional use was a quasi-judicial hearing, Commissioners and Mayor Leary disclosed their ex-parte communications with staff, residents, property owners, and/or the applicant/attorney since the last meeting.

Planning Manager Jeff Briggs summarized the changes made since the last meeting. This included the updated plans to conform to all the conditions that were recommended originally by the P&Z Board and the ones brought forward by the neighbors that were also incorporated into the P&Z recommendations. This included the 8' brick wall on the north property line buffering the neighbors, the oak trees instead of cedars, the parking lot lighting and the revisions to the elevation on the western side of the building that has been changed. Mr. Briggs addressed the ATM lighting that under the tellers and that applicant understands they have to comply with state law.

Mr. Briggs stated that the easement to interconnect this property with the office property to the west has not been agreed to. He stated that is the discretion of the Commission if they determine there is a public interest in requiring it and decide to require that as a condition of approval and if so it would be a dedication to the City; not to any adjacent property owners for governance over that easement. He stated the applicant is not agreeing to the easement which is the only remaining issue that needs to be discussed.

There was discussion pertaining to the easement and the traffic flow and impact through the neighborhoods. Mayor Leary asked if any study/information was provided to support that the easement will alleviate traffic through the neighborhood on Edwin which should be considered if it will ease the traffic through the neighborhood. Mr. Briggs stated at the traffic study from the applicant only addresses their off-site impacts.

Attorney Arthur Baker on behalf of Fifth Third Bank spoke about the site plan revisions, the incorporation of additional live oaks, elevations, and façade enhancements. He commented about the easement request and has determined that the easement does not alleviate the issues of the intersection of N. Lakemont and Aloma and will not address traffic concerns on Edwin Boulevard. He spoke about the uncertainty of what happens to their west as there is no site plan and there is an uncertain use of the property at this time. He stated they are not saying they will never agree to a cross access easement, but they are saying not now until a future use is known.

Mr. Baker volunteered an additional condition of approval as follows: "Upon Matsby Properties LLC (its successors and assigns) submitting a final site plan to the City of Winter Park for the property with tax identification number 05-22-30-

1140-00-160 (the "Matsby Property") and subject to commercially reasonable discretion of Fifth Third Bank, Fifth Third Bank (its successors and assigns) shall enter into an agreement with Matsby Properties LLC providing for cross access between the Matsby Property and the property owned by Fifth Third Bank that is the subject of this approval. This condition shall automatically terminate two years from the date of approval." Attorney Brown stated this is a very reasonable proposal but asked the Commission to consider if two years is sufficient time for it to terminate. He also wanted to insure that this condition included a process to reach an agreement rather than just be able to say no based on their commercial discretion.

Motion made by Commissioner McMacken to approve the application for conditional use as was presented this evening with the modifications included in the plan, and also with the additional condition of approval that was submitted by the applicant, and for the City Attorney to insure a means for resolution of the easement negotiations if the parties cannot agree as to what is reasonable under the circumstances; seconded by Commissioner Sprinkel.

Motion made by Commissioner McMacken to adopt the comprehensive plan ordinance; seconded by Commissioner Sprinkel.

Motion made by Commissioner McMacken to adopt the zoning ordinance; seconded by Commissioner Sprinkel.

Commissioner Cooper expressed concerns with the proposed additional condition of approval stating a particular property owner but that it should reflect the address of the property. Commissioner Sprinkel stated she is not interested in having an easement but that it should be worked out by the residents there. Commissioner Seidel stated the condition addresses his concerns.

Kathy Helsby, 2100 Aloma Avenue (Matsby Properties LLC), disagreed that the applicant has done everything they can to work this out with them. She asked them to consider putting the easement in the front, set it as temporary parking spaces now, then when their site plan comes up for approval the easement could be rescinded at that time if it is deemed to not be good for the bank. She submitted a copy of emails between her and the bank as well as pictures.

Fifth Third Bank's traffic engineer addressed questions posed by Mayor Leary related to what turns can be made into or out of the property legally because of the median.

Upon questioning by Commissioner Seidel, Attorney Brown explained the proposed condition submitted by the applicant. Mayor Leary commented that he does not want to mediate this between two property owners; we have heard it provides no benefit to the City regarding traffic flow in the neighboring streets or on the main

street.

Commissioner Cooper commented she believed there is a public benefit to the City because she believes in alleys and cross connections of any type of commercial or retail property that keeps people from having to move into the Aloma traffic by turning right from Lakemont. She spoke about being uncomfortable with being put in the position of trying to play traffic engineers.

Motion made by Commissioner Cooper to table this application until our traffic expert and our attorney bring us back language that would be appropriate to do what is in the best interest of traffic on Aloma and a public purpose here. Motion failed for lack of a second.

Attorney Baker concluded by saying he has had extensive discussions with the broker for the Helsby's property and they are more than willing to continue this conversation. Mrs. Helsby commented about the lack of time they had to address this with the applicant.

Upon a roll call vote on the conditional use motion above, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper, McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the comprehensive plan ordinance, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

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

- b. RESOLUTION NO. 2153-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING CERTAIN DEADLINES IN ORDINANCE NO. 2965-14; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

Attorney Brown read the resolution by title. Public Works Director Troy Attaway explained that a request was received to extend the reversionary deadline for the Loren Avenue right-of-way vacation (originally adopted June 23, 2014) due to extenuating circumstances related to private legal actions between the adjoining properties. The development has been on hold while waiting for a resolution of the legal matters. As originally adopted, the Loren Avenue right-of-way would revert back to the City of as of June 1, 2015 with the necessary permits and approvals being submitted and granted. The developer Mr. Bellows cannot move forward until these legal matters are resolved.

Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner McMacken. Dan Bellows, W. New England Avenue and

representing Benjamin Partners, explained what has been already completed and the legal issues he is having with the 50' x 73' piece of property. He stated this project has been approved by the City and cannot move forward because of this. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. RESOLUTION NO. 2154-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING THE TERM OF EXISTENCE FOR THE GOLF COURSE STRATEGIC PLAN TASK FORCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

City Commission Reports:

- a. Commissioner Seidel

Commissioner Seidel reported that he attended the emergency training with the Fire Department; and provided an update on the America In Bloom judging dinner he attended.

- b. Commissioner Sprinkel

Commissioner Sprinkel reminded the Commission about the City hosting the next Tri-County luncheon; she reported about individuals who are over 100 years old in our community; reported that Sir Paul McCartney was in town; and that Ann Saurman's house has been placed on the National Historic Registry which is next door to her.

- c. Commissioner Cooper

Commissioner Cooper announced the good discussions they have had on historic preservation and that both forums were well attended; announced that on May 13 at 9:00 all the comments will be provided to the Historic Preservation Board; the Casa Feliz colloquium is May 16; Dr. Leslie Poole is talking about women in the environment on May 20 as part of the historic museum speaker series; requested that she be provided an update regarding West Fairbanks as to what has been recommended as far as design standards, etc. and which items are useful; and that Representative Mike Miller provide an update when he returns.

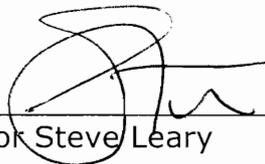
- d. Commissioner McMacken

Commissioner McMacken attended the honor that the Library bestows upon the valedictorians from Winter Park High School that are an incredible group of kids; attended Library Task Force and Historic Preservation meetings which were great opportunities for community input. He commented that he was very impressed and gave him great encouragement for the visioning process because it was demonstrated that we can have a diverse group of individuals in the community to get together in a public forum and talk about issues in a reasonable manner.

e. Mayor Leary

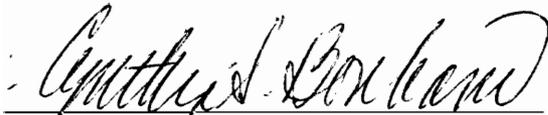
Mayor Leary reported that he attended the MetroPlan Municipal Advisory Committee meeting and the Orange County Fallen Officer's Memorial service.

The meeting adjourned at 7:35 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC