

**REGULAR MEETING OF THE CITY COMMISSION**  
**June 8, 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 Fire Chief Jim White, followed by the Pledge of Allegiance. Mayor Leary asked for a moment of silence to honor Russell Troutman who recently passed away.

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 Cooper to approve the agenda with the following changes: to pull Consent Agenda item 'b-2' and public hearing item 'd' ; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Presentation - FMEA 2014 Community Service Award

Electric Director Jerry Warren presented Mayor Leary with the City's Florida Municipal Electric Association (FMEA) Community Service Award for 2014.

b. Presentation - Happy 10<sup>th</sup> Anniversary Electric Utility

Electric Director Jerry Warren commented that June 1 marked the 10<sup>th</sup> anniversary of the City's official ownership of its electric utility. He spoke about the accomplishments since taking over the utility. Mayor Leary presented a proclamation to celebrate this anniversary.

c. Proclamation - Code Enforcement Officer's Appreciation Week

Mayor Leary presented Fire Chief White with a proclamation celebrating Code Enforcement Officer's Appreciation Week.

d. Board appointments:

Visioning Steering Committee: Debra Ousley representing Orwin Manor area

**Motion by Commissioner Cooper to approve the appointment; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Fire Pension Board – Stuart (Trey) Merrick (elected by FD Board (2015-2017))

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

Mayor Leary commented about the need to appoint the members to the Historic Preservation Board per our City Charter. He addressed the conversation at the last meeting when board members were being appointed. He asked Commissioner Seidel if he spoke with the two individuals that he wanted to appoint. Commissioner Seidel stated he spoke with the individuals and believed the issue with historical preservation is what the real function of the board is with regards to property rights versus historic preservation. He stated he wants to continue conversations with other people so he can determine how to balance the opinions of everyone.

Commissioner Cooper spoke about the need to qualify for grant funds and wanted to see a list of the criteria for membership to become a certified local government and to fill the remainder positions with the skill sets needed to qualify. She asked the Commission to set a date as to when the ordinance will come before them. Discussion ensued regarding the meetings held by the Historic Preservation Board.

Mayor Leary spoke about the individuals he wanted to appoint to the board that are qualified and that the Commission needs to come together and appoint them per the Charter. Commissioner McMacken expressed his preference that the existing board complete this discussion and expedite bringing the ordinance before the Commission. Commissioner Sprinkel commented that the Commission has not seen anything brought forward at this time from the board. Mayor Leary spoke about not knowing where the board stands and that the ordinance needs more work. He stated he was informed that the ordinance was ready but that they had not taken into account public input at that time. He stated they need to take the ordinance before the Economic Development Advisory Board and the Planning and Zoning Board first and then after addressing their comments to bring it before the Commission.

Mayor Leary stated he is not going to bring his two appointees up this evening for a vote as it is clear he does not have the votes needed.

**City Manager's Report**

1. City Manager Knight reminded the Commission that the Library Task Force will be bringing forward their report. Commissioner Sprinkel expressed concerns with the boards and how we make sure they know their role as advisory boards. Mayor Leary addressed the need to keep them focused and to have a board review with each individual board. City Manager Knight spoke about board orientation for new

members being held this Thursday and that the boards are being informed as to how the budget process works.

Further discussion ensued regarding the budget process where boards are concerned. Commissioner Sprinkel concluded that she wanted to put something in place that enables us to have the opportunity for the boards to know a little more about what the Commission is asking them to do. Mayor Leary stated we need to be careful what boards are charged with and to make sure they understand what they are tasked to do.

2. Commissioner Cooper inquired about the right-of-ways on the rails. She spoke about the old leases with CSX for areas along the right-of-way and that people are interested in a bike path/trail along the right-of-way. She asked if we should let FDOT officially know that we would like the City to have the first option to any right-of-way leases they may be getting ready to negotiate. She asked if they would be interested in having our Pedestrian and Bicycle Board provide guidance as to whether this fits in with the current plans for trails and if it does the Commission can then decide whether we should pursue a more formal relationship with FDOT. Mayor Leary commented that we are trying to work through the process and that we should first try to see if we can acquire rights to it, work out some type of partnership and agreement, and then decide what to do with it.

Commissioner McMacken spoke about the construction fence at Harper Street and Morse Boulevard in the right-of-way that blocks everyone's view. He asked that this be moved back further to provide a line of sight. City Manager Knight stated he would have staff review it.

### **City Attorney's Report**

Attorney Brown provided the status of the Fifth Third Bank conditional use approval from the May 11 meeting and the easement negotiations. He stated he will be providing a development agreement with language that he believes will assure a reasonable means for resolution that relates to the adjoining parcel owned by the Helsby's. This will be brought to the Commission for approval.

### **Non-Action Item**

#### **a. Review of concepts for parking garage design guidelines**

Planning Manager Jeff Briggs provided a PowerPoint presentation on the design concepts proposed to be included within the Parking Garage Design Guidelines. He stated the Planning and Zoning Board agreed with the general direction and that an ordinance and public hearings will be held in the future to adopt this. Comments were made by Commissioners and questions were answered by Mr. Briggs. There was consensus for this to move forward.

### **Public comments (items not on the agenda)**

1. John Kern, Roundelay Lane, asked for information regarding Dr. Phillips Performing Arts Center (DPAC) benefits. City Manager Knight will respond.
2. Shawn Shaffer, 151 N. Orlando Avenue, thanked the Commission for the individuals appointed to this task force and spoke about the task force report that will come at the next meeting. She stated they are in discussions with the Aspen Institute about a partnership and possibly a new facility. She provided a book by the Aspen Institute for the Commission to read the conclusion and call to action.
3. Lurline Fletcher, 811 English Court, asked that the visioning sessions be scheduled to meet the working schedules of the residents. Planning Director Dori Stone outlined the schedule. She commented that they are happy to meet with residents individually or as a group to accommodate their schedules.
4. William Sullivan, 1362 Richmond Road, asked what is going to happen with the Historic Preservation Board appointees because of the Charter. Mayor Leary stated he does not have the support of the Commission at this time.

### **Recess**

A recess was taken from 5:05 to 5:23 p.m.

### **Consent Agenda**

- a. Approve the minutes of May 11, 2015. **PULLED FOR DISCUSSION. SEE BELOW.**
- b. Approve the following contracts:
  1. Piggyback Contract No. 12-0806H with Fisher Scientific Company, LLC for fire equipment and supplies; and authorize the Mayor to execute contract.
  2. Amendment No. 2, IFB-7-2014 to Bailey Scapes, LLC for grounds maintenance for cemeteries; and authorize the Mayor to execute Amendment. **PULLED FROM AGENDA. NO DISCUSSION OR APPROVAL.**
  3. Amendment No. 3, RFQ-2-2012 (Continuing contracts for Professional, Architectural & Engineering Services, Discipline: Structural Engineering) to Florida Bridge & Transportation Inc.; and authorize the Mayor to execute Amendment.
  4. Amendment No. 3, RFQ-2-2012 (Continuing Contracts for Professional, Architectural & Engineering Services, Discipline: Structural Engineering) to BASE Consultants, P.A.; and authorize the Mayor to execute Amendment.
  5. Amendment No. 3, RFQ-2-2012 (Continuing Contracts for Professional, Architectural & Engineering Services, Discipline: Environmental Services) to Universal Engineering Sciences; and authorize the Mayor to execute Amendment.

6. Amendment No. 3, ITN-6-2013 (Utility Vegetation Management) to The Davey Tree Expert Company; and authorize the Mayor to execute Amendment.
- c. Approve the FDOT Quiet Zone Project Grant Agreement subject to City Attorney review and approval of forthcoming final draft.
- d. Approve the budget amendment for Stormwater (fee in lieu of for drainage improvements-\$56,978) and Public Works (TECO for salaries part time-\$7,000).

**Motion made by Commissioner Sprinkel to approve Consent Agenda items 'b-1, 'b-3-6', 'c' and 'd', seconded by Commissioner McMacken.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'a' – minutes

Commissioner Cooper stated the minutes are correct on page 8 but wanted to make sure the development agreement with Fifth Third Bank was changed to include the live oaks. Attorney Brown will review this.

**Motion made by Commissioner Cooper to approve the minutes of May 11, seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'b-2':

This was pulled from the agenda at the beginning of the meeting. No discussion or approval.

**Action Items Requiring Discussion**

There were no action items.

**Public Hearings:**

- a. Request of Philip Kean: Subdivision or lot split approval to divide the property at 456 West Lyman Avenue into two buildable lots. Subdivision variances are requested for the 50' lot width and 3,750 square feet of lot area in lieu of the 75' of lot width and 8,500 square feet of lot area required in the R-1A zoning.

Planning Manager Jeff Briggs explained the approval being contingent with a one story project versus two stories whereby the applicant agreed. He stated the Planning and Zoning Board agreed the lot sizes are comparable to 80% of the neighborhood lots and are much more in character with the street so they recommended approval of the one story project. Mr. Briggs answered questions. Commissioners disclosed any conversations they had before the meeting with the applicant and/or staff. Commissioner Seidel expressed his preference of placing two different style homes next to each other and was pleased to see the smaller homes.

Applicant Phil Kean spoke in favor of the lot split and showed a video of the concept of what the homes will look like to make them unique and not the same. He stated the current homeowner owning the lot wants to live in one of these homes which is why these homes are being built.

Commissioner Cooper stated her concern is not about style but is about the aquifer and drainage, reducing the size of the lots will bring in other similar requests, and if we can support undergrounding utilities and canopy trees on the smaller lots. Mr. Kean stated all the concerns of Commissioner Cooper can be supported.

**Motion made by Commissioner Sprinkel to approve the request, seconded by Commissioner McMacken.**

Lurline Fletcher, 811 English Court, opposed the style of homes being built. No other public comments were made.

Commissioner Cooper clarified she is not voting against this because of the architecture but because we are cutting in half the size of the lot by subdividing it and it is only half of the minimum requirement for a R-1 lot. She expressed concerns that once this is done you have to defend yourself the next time someone wants to do this. She stated she believes in trees, pervious space and recharge of the aquifer and is appreciative of the single family home being put on these lots.

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

- b. Request of Adam Bert and Todd Albert: Subdivision or lot split approval to divide the property at 500 Fairfax Avenue into two buildable lots. Subdivision variances are requested for the 50' lot width in lieu of the 100' lot width required in the R-1AA zoning.

Planning Manager Jeff Briggs explained that this was originally platted as 50' lots and since 500 Fairfax is two lots together (100') the owners want to split them into 50' lots. He explained the history of the property, the zoning variance requested, and the Planning and Zoning approval.

**Motion made by Commissioner Sprinkel to approve the request, seconded by Commissioner Cooper.**

Commissioner Seidel addressed the trees in the back and asked what they are allowed to take down. Mr. Briggs stated the applicant will address this and that the plans will go to Planning and Zoning for review and approval and that tree preservation is one of their criteria.

Applicant/property owner Adam Bert spoke about their property and partnering with Mr. Albert so he can financially afford to build a home there on one lot. He stated they walked the neighborhood and that there was only one opposition from the next door neighbor who was concerned about her privacy whereby he addressed her concerns. He stated he had a tree survey done and displayed which trees are on the property and will retain as many healthy trees as possible. He stated they will have the arborist look at the oak trees out front to see if they are healthy.

Kathryn Campbell, 1351 Richmond Road, spoke in opposition to the request. She addressed the deeded lake access to Lake Virginia that they all share equally at College Point. She stated if this variance is approved, both homes will have deeded lake access which increases the number. She stated she has not entered into any real estate contract or given verbal agreement to sell any portion of her property and that not all property owners who have deeded lake access on the College Point lot have been notified.

Commissioner Sprinkel spoke about this property originally being two lots with that access. Attorney Brown spoke about the splitting of the lots, lake access, and the required notification of neighbors within 500' for small lot splits. Commissioner Cooper asked to include emails in the packet relative to the projects. Mr. Briggs stated they put the ones they are aware of and copied on in the packet but at times do not know what has been sent to others.

**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. Request of the Winter Park Racquet Club, Inc. for the property at 2011 Via Tuscany:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL FUTURE LAND USE TO OPEN SPACE AND RECREATION ON THE PROPERTY AT 2011 VIA TUSCANY, 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 SINGLE FAMILY RESIDENTIAL (R-1AA) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ZONING ON THE PROPERTY AT 2011 VIA TUSCANY, 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 spoke about the Racquet Club at 2111 Via Tuscany having a contract to purchase the adjacent single family home at 2011 Via Tuscany to be incorporated into the

Racquet Club as part of the club's activities which is why they are asking for a comprehensive plan change and a zoning change. He explained this squares off the property, allows the club to widen the south entrance road/driveway for two-way traffic flow, and allows the existing house to be converted for club purposes. He spoke about the improvements they have made over the last two years on the property.

Upon questioning, Mr. Briggs addressed the approval from 2-3 years ago to add another tennis court in the front and by eliminating the drive on the north side they can add the extra feet required to make it a regulation size court. He explained that the action on the conditional use has to wait for the second reading and adoption of the ordinances. Commissioners disclosed ex-parte communications they had. Commissioner Cooper spoke about any financial impact this has to the taxpayers and importance of maintaining the residential character of the neighborhood.

Charlie Madden, Civil Engineer working on the project and member of the Racquet Club, stated the plans at this point are to utilize the house as is. He stated the club met with the adjacent property owners and everyone agreed with what they are requesting.

**Motion made by Commissioner McMacken to accept the first ordinance (comprehensive plan) on first reading; seconded by Commissioner Sprinkel. 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.**

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

- d. Request of Icon Residential: Conditional use approval to redevelop the 3.45 acres collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing).

This item was tabled until June 22 per the request of the applicant.

- e. Real Estate Purchase and Sale between Orange County School Board, City of Winter Park and UP Fieldgate US Investments

Planning Director Dori Stone stated the agreement between the three parties is based on terms set out in the UP Fieldgate US Investments – Winter Park LLC Development Agreement dated March 19, 2015. As part of the Development Agreement for the Whole Foods project and the additional Building A, UP Fieldgate



agrees to construct the Lee Road extension as a necessary access point to the development along US 17-92. The development agreement requires the developer to also convey the right-of-way for the Lee Road extension to the City. To acquire the necessary rights-of-way, UP Fieldgate negotiated a purchase of property from the Orange County School Board. She summarized the other provisions within the agreement.

Ms. Stone stated FDOT is close to signing. Attorney Brown addressed his concern that the City could be in a position for liquidated damages under a strict time period that cannot be controlled and whether or not the City in its approval to enter into liquidated damages might be in excess of its authority. He stated he would like to see this deal being contingent upon FDOT giving approval and that the developer submits the building plans for the cure work they are going to do.

Upon discussion, Ms. Stone suggested to allow a continuance to go back and speak with the City Attorney and with UP Fieldgate about this to see if this can be worked out and to come to a compromise that the City Attorney is comfortable with. It was agreed to also table the next item.

**Motion made by Mayor Leary to table this item, seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

- f. Indemnity Agreement between the City and UP Fieldgate US Investments-Winter Park LLC

**Motion made by Mayor Leary to table this item, seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

- g. RESOLUTION NO. 2155-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING THE TERM OF EXISTENCE FOR THE VISIONING STEERING COMMITTEE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

Attorney Brown read the resolution by title. Planning Director Dori Stone explained the request to extend the committee until August 26, 2016.

**Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Sprinkel.** 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.**

- h. RESOLUTION NO. 2156-15: A RESOLUTION OF THE COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, FOR THE APPROVAL OF THE JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK - FM# 436862-1-58-01; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

Attorney Brown read the resolution by title. Assistant Electric Director Terry Hotard explained the resolution for decorative lighting on Fairbanks Avenue (south side) between Orlando Avenue (17-92) and Interstate 4.

**Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Sprinkel.** There were no public comments. **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.**

- i. RESOLUTION NO. 2157-15: A RESOLUTION OF THE COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, FOR THE APPROVAL OF THE JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK – FM# 436862-1-58-02; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

Attorney Brown read the resolution by title. Assistant Electric Director Terry Hotard explained the resolution for decorative lighting on Aloma Avenue between Pennsylvania Avenue and Lakemont Avenue (lights to actually be between Cortland and Shepherd Avenues).

**Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner Seidel.** There were no public comments. **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.**

- j. Fairbanks Avenue Undergrounding:

Electric Director Jerry Warren addressed the three agreements for approval. Questions were raised by the Commission whereby Mr. Warren responded. Commissioners thanked Mr. Warren for making this happen.

Agreement regarding construction of underground electric distribution lines with Duke Energy Florida

**Motion made by Mayor Leary to approve the agreement for construction of underground distribution lines with Duke Energy Florida; seconded by Commissioner Sprinkel.** 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.**

RESOLUTION NO. 2158-15: A RESOLUTION OF THE COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, FOR THE APPROVAL OF THE JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK – FM# 433788-1-56-02; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

Attorney Brown read the resolution by title.

**Motion made by Mayor Leary to adopt the resolution (approving the JPA agreement); seconded by Commissioner Seidel.** 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.**

Three party agreement with Duke Energy, Florida Department of Transportation and the City relating to the undergrounding of Duke's transmission line

**Motion made by Mayor Leary to approve the agreement with Duke Energy, FDOT and the City relating to undergrounding of Duke's transmission line; seconded by Commissioner Sprinkel.** 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 thanked Mayor Leary for a great job running the meeting.

b. Commissioner Sprinkel

Commissioner Sprinkel asked for clarification if discussion takes place before making a motion or after the motion is made. It was clarified that the Commission should discuss the item, make a motion and then allow public comment.

c. Commissioner Cooper

Commissioner Cooper commented that the Central Florida water initiative people asked if we would like to have a briefing before the close of the comment period on July 31. There was a consensus that the Sustainability Board will schedule this for their next meeting.

Commissioner Cooper announced the upcoming Florida League of Cities pension webinar.

d. Commissioner McMacken

Commissioner McMacken asked what is going on with the Blake yard and what the City is going to do with that. City Manager Knight stated the last discussion with the Commission resulted in different opinions as to what to do with the property so no direction was received by staff. He stated he can bring it back up for discussion at a later time.

City Manager Knight mentioned only receiving one bid on the Progress Point property. He asked if the Commission wants this to come before them or have the Economic Development Advisory Board or another board evaluate the bid prior to coming to the Commission. There was a consensus to send this to the EDAB for review at their next meeting. The notification for the Notice of Disposal was discussed.

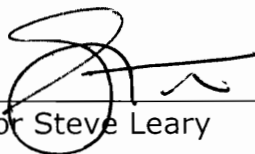
Commissioner McMacken spoke about the great meeting he had with Mayor Leary on June 1.

e. Mayor Leary

Mayor Leary reported that he is meeting with Commissioner Seidel in the morning.

Mayor Leary announced his participation in the "Coffee Talk" this Friday. He asked Vice Mayor Sprinkel to attend the State of the County Address for him because of the time conflict with "Coffee Talk".

The meeting adjourned at 7:12 p.m.

  
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Mayor Steve Leary

ATTEST:

  
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City Clerk Cynthia S. Bonham, MMC