

REGULAR MEETING OF THE CITY COMMISSION
June 22, 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 Rev. John D. Williams, Sr., Ward Chapel AME, 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

Public Hearings 'c' and 'f' were pulled from the agenda. The agenda was approved by acclamation.

Mayor's Report

a. Proclamation – Parks and Recreation Month

Mayor Leary proclaimed July 2015 as Parks and Recreation Month. Parks Director John Holland spoke about the numerous events on the July calendar and the great Parks Department they have.

b. Historic Preservation Board appointments and discussion:

Mayor Leary addressed the need to appoint the two members to the Historic Preservation Board per the City Charter. He spoke about Commissioner McMacken's concern of timing and the proposed time of September to bring the ordinance before the Economic Development Advisory Board and the Planning and Zoning Board. He proposed that the ordinance come to the Commission on November 9.

Commissioner McMacken stated he was willing to support the board appointments if the Commission came up with a date certain for the ordinance to come before them. It was clarified that the ordinance will come before them on November 9 and in the interim to receive a report from the Historic Preservation Board.

Commissioner Cooper expressed her preference that the appointees qualify as part of the Certified Local Government if the ordinance should come forward with the recommendation that the City become a Certified Local Government.

Motion made by Mayor Leary to appoint Bill Segal as the full member and Phil Kean as the alternate; seconded by Commissioner Sprinkel.

Commissioner Seidel stated he would be more comfortable appointing someone that had a more historic preservation approach on applications as one position and is happy to appoint another person for the other position to bring some balance to the board. Commissioner McMacken applauded the current board member composition. Discussion ensued regarding the proposed ordinance to come to the Commission and if it has any recommendations about the composition of the board, that would be taken in consideration by the Commission in response to the ordinance.

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

City Manager's Report

City Manager Knight addressed the Fourth of July celebration, the proposed budget being presented at the next meeting, and the July 20 work session to discuss capital projects. Upon questioning, Assistant Electric Utility Director Terry Hotard spoke about the recent storms and outages.

City Attorney's Report

Attorney Brown spoke about the lawsuit filed concerning the anti-picketing ordinance.

Non-Action Item

a. Library Strategic Task Force Report

Library Strategic Task Force Chair Sam Stark provided a PowerPoint presentation consisting of their final report. Several task force members were present. He thanked the task force for their hard work as well as thanking City staff and the library staff for the support they provided. Mr. Stark summarized the process from June 2014 to the present and what they were charged with by the Commission; the current use and users of the library; clarification of space and program needs; their exploration of sites and Commission directed sites; the task force recommendation regarding the site; examination of costs and funding strategies; examination of community spaces and resources; and exploration of partnerships.

Mr. Stark concluded that the task force has recommended the construction of a new library in the northern section of the Martin Luther King, Jr. Park. Discussion took place regarding the sites that were considered and the costs. Mr. Stark answered Commission questions. Whether all information can be obtained in time to include a referendum on the March 2016 ballot was discussed. The report was received by acclamation of 5-0.

The following public comments were made:

Joe Terranova, 151 N. Virginia Avenue, agreed a new library is needed and recommended the Civic Center property because of its age and because of the existence of the Community Center that he believed could be used for some Civic Center events.

Jean Cumming, 902 Golfview Terrace, wanted the library to remain at its current location.

The following were in favor of the proposed location at the MLK Park and a new library:

Nancy Shutts, 2010 Brandywine
Dimitry Nibitin, 370 Autumn Breeze Way
Rev. John Williams, 159 S. Pennsylvania Avenue
Michele McArdle, Valencia College, 850 W. Morse Boulevard
Ann Higbie, 190 Ward Drive
Thaddeus Seymour, 1804 Summerfield Road
Gary Barker, 1029 McKean Circle
Jeffry Jontz, 1138 Park North Place

There was a consensus for staff to schedule a work session as soon as possible before the next meeting to address every aspect of the project and the next steps to move forward. Discussion took place regarding whether to extend the task force. It was determined that if the task force is further needed that the Commission will reach out to them.

b. Financial Report – April 2015

Finance Director Wes Hamil provided the report and answered questions.

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

Public comments (items not on the agenda)

Gary Brewer, 1250 S. Denning Drive, as Chairman of the Civic Service Board, asked for consideration in the upcoming budget to unfreeze the four Police Department positions.

Nancy Shutts, 2010 Brandywine, asked to remedy the situation with the rough bricks on Lake Sue/Pennsylvania in the upcoming budget because of the impact to vehicles.

David Williams, 209 Tyree Lane, provided pictures of the site and spoke about the destruction of a tree on his property due to the power lines and outage. Staff will follow up with Mr. Williams.

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of the contribution to DPAC because of the benefits it provides to the residents but had concerns with the manner it was financed.

Recess

There was a recess taken from 5:31 – 5:51 p.m.

Consent Agenda

- a. Approve the minutes of June 8, 2015.
- b. Approve the following contracts:
 1. Piggyback contract with HD Supply Waterworks, Ltd. for water/wastewater material alliance extension agreement No. 895; and authorize the Mayor to execute contract.
 2. Piggyback contract with CycleHop, LLC for Bicycle Sharing System; and authorize the Mayor to execute contract.
 3. Piggyback contract IFB15-0017 with Layne Inliner, LLC for storm line rehabilitation cleaning and video recording; and authorize the Mayor to execute contract and proposal.
 4. Amendment 3, RFQ-2-2012, Continuing Contracts for Professional, Architectural, & Engineering Services. Discipline: Green Planning to Matern Professional Engineering, Inc.; and authorize the Mayor to execute Amendment.
 5. Amendment 3, RFQ-2-2012, Continuing Contracts for Professional, Architectural, & Engineering Services. Discipline: Surveying Services to Southeastern Surveying and Mapping Corporation; and authorize the Mayor to execute Amendment.
 6. Amendment 3, RFQ-2-2012, Continuing Contracts for Professional, Architectural, & Engineering Services. Discipline: Roadway Design to Kelly, Collins & Gentry, Inc. and authorize the Mayor to execute Amendment.

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

Action Items Requiring Discussion

- a. Florida League of Cities Conference Voting Delegate

Upon discussion, **a motion was made by Mayor Leary to nominate Commissioner Cooper to represent the Commission.** No public comments were made. **The motion was seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

b. Citizens Century Collection Recognition Policy

Parks Director John Holland commented about recent Commission discussion as to how to honor and recognize citizens who turn 100 years old. He spoke about planting a tree at the honoree's request in a park and that they have specified in the policy either Central Park or Martin Luther King, Jr. Park (but are not limited to those two parks) because those parks would provide the opportunity for a grove or collection of trees in one location rather than spread throughout the City.

Upon discussion, **a motion was made by Mayor Leary to approve the policy with the stipulation that the Parks and Recreation Board has the authority to place individual trees but if determined that there to be a grove of some sort or an accumulation of trees that it be presented to the Commission prior to doing that; and to delete the Central Park and MLK Park language out of the policy; seconded by Commissioner Sprinkel.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

c. Real Estate Purchase and Sale between Orange County School Board, City of Winter Park and UP Fieldgate US Investments and Indemnity Agreement between the City and UP Fieldgate US Investments – Winter Park LLC

City Manager Knight stated this was tabled at the last meeting because of concerns over language in the contract that might put the City at risk. He reported that the City Attorney has negotiated with the School Board and the developer to get revised language that protects the City.

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

Public Hearings:

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

ORDINANCE NO. 2999-15: 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 Second Reading

ORDINANCE NO. 3000-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-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 Second Reading

Conditional use approval to amend the site plan layout for the Racquet Club to add the property at 2111 Via Tuscany, eliminate the north driveway and to make other site modifications.

This was a simultaneous public hearing. Attorney Brown read both ordinances by title. Any conversations with staff or the applicants were disclosed by each member of the Commission.

Motion made by Commissioner Sprinkel to adopt the first ordinance (comprehensive plan); 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.**

Motion made by Commissioner Seidel to adopt the second ordinance (zoning); seconded by Commissioner Cooper. 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 Sprinkel to approve the conditional use request, 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.**

- b. Request of Tower Acquisition Partners LLC: To amend the conditional use approval previously granted to the property at 170 S. Knowles Avenue/170 East Morse Boulevard in 2007 to allow for modifications to the multi-family project to now be composed of three units, three stories and 19,935 square feet of residential living area and garage

Planning Manager Jeff Briggs addressed the request to amend the conditional use for the townhouse project approved in 2007 which is now going to be three units, it has gone through Planning and Zoning, and it continues to meet all code requirements. He spoke about the parking and the requirement for terracing by imposing a further setback for the third floors; the applicant has agreed to move the third floor back another foot to break up the vertical wall on the Treat Way alley side. Lastly, he addressed streetscape improvements on the section on Knowles south of Morse to bring the Morse streetscape around the corner. The applicant wants to convert the parking to parallel parking arrangement which will cause the loss of six parking spaces but will widen the sidewalk to 12' which will allow for planting of trees. Questions were addressed by Mr. Briggs. Commissioners disclosed conversations they had with the applicant or their attorney.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed, representing the applicant explained the previous projects that the applicant has developed and the what has

taken place since 2007 regarding the project. She displayed pictures of the current site and addressed their proposal to reduce the number of units to three units, no changes are being made in parking ratios or setbacks, and no additional stories. She showed the proposed site plan and explained the improved streetscape and their request for parallel parking. She shared statistics as to what is happening with Knowles Avenue with trying to make it a pedestrian friendly street and with the traffic reduction. She spoke about Treat Way and answered questions. She asked for approval with the Planning and Zoning conditions. Comments were brought forward about the improvements the project brings and concerns that will be addressed by the applicant and staff. Ms. Wilson spoke about the need for them to close on the property quickly.

Motion made by Commissioner Sprinkel to approve the conditional use request with the Planning and Zoning Board conditions listed; 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.

- c. 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).

Postponed until July 13 by request of the applicant.

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM "SERVANT"; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Brown read the ordinance by title. It was explained that this is a housekeeping item.

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

- e. RESOLUTION NO. 2159-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE THE QUIET ZONE IMPROVEMENT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK FOR CAPITAL IMPROVEMENTS IN RESPONSE TO THE USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

Attorney Brown read the resolution by title and spoke about FDOT wanting resolutions to accompany any agreements they have with the City. City Manager Knight stated further revisions were made to the agreement after the last meeting

regarding if the project goes over budget. Public Works Director Troy Attaway explained it is up to the FDOT as to when this project begins.

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.**

- f. Request of Javier Omana and Chris Hite for the property at 426 West Lyman Avenue

This item was withdrawn by the applicant.

- g. Request of Unicorp National Developments, Inc.:

AN ORDINANCE TO AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO ADD A NEW POLICY TO THE US HIGHWAY 17-92 CORRIDOR PLANNING AREA "J" TO PROVIDE FOR ADDITIONAL FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING", SECTIONS 58-74 COMMERCIAL (C-1) DISTRICT AND 58-76 COMMERCIAL (C-3) DISTRICT, SO AS TO ALLOW FOR ADDED FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED, LIMITED TO LOCATIONS ALONG THE ORLANDO AVENUE CORRIDOR; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

This was a simultaneous public hearing. Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs stated this request is for first reading and transmittal to FDEO on comprehensive plan and zoning code amendments to put into the code provisions that would allow for additional Floor Area Ratio (FAR) for parking garages only when there is an equal provision of public and private parking. He stated the City-wide notice was mailed. He provided the status of the Lakeside Crossing project as approved. He stated the developer has made an offer to build additional parking above and beyond code of 77 spaces; half is for the benefit of the developer to allow additional restaurant seating, and the other half is for public parking. This allows them to go from 44.17% to 60.87% FAR.

He explained the two ordinances have to be passed to enable them to apply later for the expanded parking garage and because it is a comprehensive plan amendment that is changing policy text, it has to be sent to Tallahassee after this first reading for their review and comment. After this comes back from Tallahassee, they will submit the plans in August at the time of second reading for approval.

Mr. Briggs addressed the Planning and Zoning Board discussions as to how to accomplish this. He stated they did not want to do this City-wide or for this one specific property so it is being presented in the context of for the corridor.

Chuck Whittall, Unicorp National Developments, addressed their request and the traffic study coming back more favorable with generating less trips than the previous plan. Mr. Whittall answered questions of the Commission.

Upon questioning of Commissioner McMacken, Mr. Briggs will clarify language in the zoning ordinance regarding the "public parking spaces required for the commercial project, etc."

Commissioner Cooper spoke about the option of giving variances or special exceptions. She stated she agrees with the garage being built out but disagreed with increasing the FAR along 17-92 in the comprehensive plan. Attorney Brown addressed the possible options for handling this that could include a variance, development agreement, or special waiver provision based on the unique aspects of the project. He stated he would need to review the code. Mr. Briggs spoke about the criticism concerning the parking at Lakeside and that staff did not believe the proper approach would be to bring forth an application that provided a variance to parking at Lakeside.

Questions were answered by Mr. Briggs whereby discussion ensued regarding only doing this for this one particular area and not the entire corridor, the definition of public spaces, and if amending the comprehensive plan for only one parcel is the right way to handle this. Mr. Whittall spoke about this being time sensitive for them as they are close to getting their permit for the building itself and they need to construct the parking with it. They hope to have the entire project finished within 12 months.

Mayor Leary asked if this goes back through the variance process if that would be a shorter process than going through the comprehensive plan process. Mr. Briggs suggested if it is decided to tweak the ordinance to make it a smaller area, pass it on first reading and send it to Tallahassee, then when it comes back in August they can craft a different method with a variance which would give the Commission different ways to choose from.

Commissioner Cooper expressed her preference to give them a variance instead of amending the comprehensive plan for this one request.

Mr. Briggs further clarified what happens in August when this comes back before the Planning and Zoning Board for the expanded garage, landscape plan, architecture, etc. He stated at the same meeting they can make a recommendation with the variance approach. Mr. Briggs also clarified that under our conditional use provisions, the Commission has the authority to grant variances for parking; other types of variances go to the Board of Adjustments. Commissioner McMacken commented while this is in Tallahassee they could come up with a development

agreement that would allow them to do the variance so when they get to that point, they can decide which way to go.

Commissioner Sprinkel stated she was not comfortable amending the comprehensive plan to go to Tallahassee for the entire corridor. She suggested a smaller area which was acceptable to the Commission.

Motion made by Commissioner Sprinkel to accept the comprehensive plan policy ordinance on first reading but instead of the 17-92 corridor, make it only between Morse and Comstock (the area bordering Harper and 17-92); seconded by Commissioner Seidel.

There was a consensus to direct the City Manager to direct staff to analyze the variance approach, work with the City Attorney and to bring it back as viable and to take this to the P&Z Board for their review and advice with the Commission having the final variance approval for parking.

The following public comments were made:

Gary Barker, 1029 McKean Circle, opposed changing the comprehensive plan and agreed with having a variance for this particular request.

Joe Terranova, 151 Virginia Avenue, agreed with the change of not including the entire corridor. He was in favor of the increase in parking but asked to consider when making these major exceptions that something is included by the applicant for the public good. He proposed that the power lines on the west side of Harper be undergrounded at the developer's expense.

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

Motion made by Commissioner Sprinkel to accept the zoning ordinance on first reading with the same guidelines; seconded by Commissioner Seidel. 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.

City Commission Reports:

a. Commissioner Seidel

Commissioner Seidel thanked Mayor Leary for meeting with him and that it was very productive. He spoke about the traffic modeling he discussed during the campaign and the meeting with the FDOT along with staff where they discussed a lot of the concept he was trying to go with. He stated there will be follow-up conversations with the FDOT and will be meeting with Public Works to see about making this

happen. Mayor Leary asked Commissioner Seidel to make sure that everything goes through the City Manager because per the Charter they are not allowed to direct staff.

b. Commissioner Sprinkel

Commissioner Sprinkel addressed the fence at Harper and Morse that is still impeding the sight when turning right. City Manager Knight stated they made adjustments to it but will have Public Works Director Attaway review this again.

Commissioner Sprinkel asked when the topic of boards will be brought back to the Commission so they can provide more direction to the boards concerning the rules. City Manager said they can agenda that for a future agenda.

c. Commissioner Cooper

Commissioner Cooper thanked Commissioner Seidel for the traffic issues he is working on. She asked about Board recognition. City Manager stated funds will be provided in the upcoming budget.

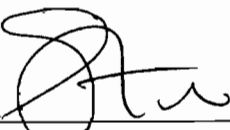
d. Commissioner McMacken

Commissioner McMacken spoke about the visioning process being underway and the importance that as many people as possible provide input. Discussion ensued regarding residents that do not have computer access and how the City will handle this.

e. Mayor Leary

Mayor Leary spoke about his thoughts about parking garages and solar on top of the structures. There was a consensus for staff to look into this and if should be a condition of approval.

The meeting adjourned at 7:32 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC