

REGULAR MEETING OF THE CITY COMMISSION
April 25, 2016

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 Pastor Jeff Arp, Calvary Assembly of God, followed by the Pledge of Allegiance.

Members present:

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

Also present:

Assistant City Manager Michelle Neuner
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Approval of the agenda

Motion made by Commissioner Sprinkel to approve the agenda with the deletion of Consent Agenda item 'c' and Public Hearing 'd'; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Mayor's Report

a. Proclamation – Support Our Scholars Graduation Month

Susan Johnson and Lauren Allen, Support Our Scholars, accepted a proclamation proclaiming May 2016 as Support our Scholars Graduation Month that honored their work for "Support Our Scholars" and to recognize their accomplishments. Ms. Johnson displayed the yard signs for sale that helps support the local young women from low income families to graduate from college and to support them throughout their four years of school.

b. Proclamation – North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day

Mayor Leary provided a proclamation to Matt Smith, Regional Safety Director, Brasfield & Gorrie in honor of North American Occupational Safety and Health Week (NOASH) of May 1-7 and Occupational Safety and Health Professionals Day of May 4. Mr. Smith thanked the Commission for the proclamation and support.

c. Proclamation – Falun Dafa Day

Mayor Leary recognized May 7 as Falun Dafa Day. Roslyne Malonson and her colleagues were present to accept the proclamation and thanked the Commission for their recognition.

d. Proclamation – Deputy Police Chief Vernon Taylor Retirement

Mayor Leary presented Deputy Police Chief Vernon Taylor with a proclamation proclaiming April 29, 2016 as “Vernon Taylor Day” in recognition of his retirement after 27 years.

e. Award presentation – Tree City USA, Tree City Growth & Tree Line USA

Dana Sussman, Florida Forest Service, presented the awards. She stated this is the 36th year the City has received the Tree City USA award, the 24th time for the Tree City Growth award, and the 2nd time that Utilities has received the Tree Line USA award. Dru Dennison, Winter Park Urban Forestry Manager, was also present to help accept the awards.

City Manager’s Report

Assistant City Manager Michelle Neuner reported on the trees removed from the golf course during renovations and a plan being developed to replace those trees; provided an update on the golf course renovations; provided an update on the railroad grade crossing and quiet zones; and addressed the board recognition survey whereby most members preferred a cocktail party/Happy Hour on a Thursday evening. She also reported we will be using Survey Monkey for the board evaluation process next year.

Commissioner Cooper asked about a list of activities and research by the City concerning the planning activities of the library/civic center; asked for an update on the visioning sessions from this past weekend; and expressed her preference to present the Denning Drive information to the public one time first before the open house.

Commissioner Sprinkel asked that a resolution come forward regarding the New Hope Baptist Church and the portables.

City Attorney’s Report

Attorney Ardaman provided information on the Orange County Public Schools agreement for Showalter Field on this evening’s agenda.

He addressed ongoing litigation between two parties BFC New England, LLC and E. Allen and Deborah Deaver regarding a private alleyway east of Park Avenue between New England Avenue and stops before E. Lyman Avenue. He stated there is a potential the City could become a party to the litigation because the City is the beneficiary under the alleyway agreement between the adjacent property owners. He stated the agreement said if the alleyway was ever extended down to E. Lyman that the property owners would be required to convey their interest in the alleyway to the City. He stated if the Commission wants to give up their potential future rights to that area that would avoid the City being a party to the litigation. Upon

discussion, a Resolution will be brought forward for the next meeting vacating/abandoning the alleyway.

Non-Action Item

a. Backyard chickens pilot program

Sustainability Manager Kris Stenger addressed the history of Commission discussions regarding allowing chickens in the City, the cities that allow chickens and the advisory board recommendation. He asked the Commission if they wished to move forward with a pilot program. Commissioner Sprinkel stressed the importance that the City needs to communicate this to everyone if it comes back. Discussion ensued regarding the City of Orlando program. Commissioner Cooper asked that the residents be surveyed as to their preference regarding chickens being allowed in the City so we understand the demand before moving forward and that the community be given the opportunity to understand the issue. Commissioner Weldon spoke that he did not believe this is a good idea for the City.

Mayor Leary commented that he wanted staff to develop a recommendation for a chicken program in Winter Park and bring it back for discussion and determine how it will impact the City. Commissioner Seidel was also supportive, though upon discussion, there was not a third vote to move forward.

Consent Agenda

- a. Approve the minutes of April 11, 2016. (Minutes were modified to add additional comments by Commissioner Cooper under her report).
- b. Approve the following contracts:
 1. Amendment 1 to Integrated Systems of Florida, Inc., IFB-19-2013, Security Access and Monitoring at Public Safety Complex; and authorize the Mayor to execute the amendment; \$75,000.
 2. Amendment 1 to Bryant, Miller, Olive, P.A., RFP-5-2011, Bond Counsel Services; and authorize the Mayor to execute the amendment.
- c. Approve the relocation reimbursement agreement with Duke Energy regarding the Fairbanks Avenue undergrounding project. Pulled from Agenda until May 9.

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner Seidel. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

a. Showalter Field use agreement

City Attorney Ardaman explained the agreement with Orange County Public Schools regarding Showalter Field and Showalter East Field 2 which is being constructed. He stated that OCPS staff is in favor of the agreement but suggested if the Commission moves forward to approve it that it be contingent upon entering into

an acceptable agreement with Rollins College because of the financing of Rollins paying the City monies each year for the use for a 10 year period with a \$500,000 upfront cost to help defray the cost for installing the new turf.

The background of this issue and the original agreement was summarized as well as the commitment of Rollins College for a usage fee of \$120,000 yearly as well as a \$500,000 loan to the City that will be used against the usage fee to help the city re-turf Showalter East and for the stadium itself. Mayor Leary spoke about the City wanting more control over the stadium and that it needs to be improved. Commissioner Sprinkel addressed the requirements that OCPS must follow for their capital outlay. Upon questioning, Attorney Ardaman clarified the terms of the agreement and recommended that this agreement be approved contingent upon reaching an acceptable agreement with Rollins College that will also come back to the Commission for approval. Concerns were expressed with signing the OCPS agreement before the Rollins agreement because of the Rollins funding.

Scott Howell, Orange County Schools, explained their upcoming meetings scheduled to approve this agreement, asked that this not be postponed too long, and that they can work around the concerns of the City with the Rollins agreement not being executed. Mayor Leary expressed concerns with the City promising a turf field and at this time we do not have Rollins participation that puts the City on the hook for a \$500,000 capital investment that we do not currently have in our plan.

Commissioner Sprinkel spoke about the OCPS agreement that specifies Rollins providing those funds. Attorney Ardaman explained the agreement does not require Rollins to participate but references Rollins because that is what the City expects to do a separate deal with. Mr. Howell stated they have understood all along that Rollins is a partner with the City on this project.

Commissioner Weldon stated that he is excited about the agreement for everyone concerned but would like to see the deal come together in full because of the concerns of the Rollins funding. Attorney Ardaman confirmed that if our deal with Rollins does not proceed, the City would not be in default of contract with OCPS if the City does not turf the field. He stated we have a right to construct the turf field but there is no obligation and can approve this without that caveat.

Motion made by Mayor Leary to approve the agreement with no caveat relevant to Rollins timing although I am hopeful given discussions that we are close on; seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weldon voted no. The motion carried with a 4-1 vote.**

Public Hearings:

- a. Request of Z Properties: Subdivision or lot split approval to divide the property at 360 Beloit Avenue, zoned R-1A, into two single family building lots

This item was tabled at the April 11, 2016 meeting. Planning Manager Jeff Briggs explained this is coming before the Commission with a Planning and Zoning Board condition that this is a plan specific approval and if this is approved this evening the applicant cannot build anything different.

Motion made by Commissioner Sprinkel to approve the request including all the conditions of P&Z, seconded by Commissioner Seidel.

Mayor Leary expressed concerns with it changing the makeup of the north side of the street facing the Beloit homes on the north side. Commissioner Cooper expressed concerns with not maintaining the integrity of the two cul-de-sacs and creating non-conforming lots. Commissioner Seidel spoke that this has been coordinated with the neighbors to address as many concerns as possible and to fit the structure in.

Commissioner Weldon proposed conditions that he wanted met in order for him to approve this request: 1) that the FAR be reduced to 38% or lower; 2) that the homes be oriented to face Beloit; 3) that the elevations and floor plans that result be required to be reviewed and approved by the P&Z Board; and 4) that the applicant distribute the revised elevations and floor plans to the owners of record on Beloit and Waterfall Lane at least 7 days prior to the P&Z Board consideration of the revised floor plans and elevations.

Applicant Zane Williams addressed the floor plans and that they believed they were charged with providing updated elevations to confirm that the doors will be in the front which they submitted on Friday. He stated since then they submitted updated floor plans on how the doors actually open into the homes that was provided in today's packet which he believed to be a misunderstanding. Mr. Williams agreed with Commissioner Weldon's conditions except for number 1. Upon discussion regarding the FAR, Mr. Williams explained that the elevation does not change and is only taking away livable square footage and won't change the massing.

Wayne Jones, 455 Beloit Avenue, agreed with the new elevation.

Carolyn Bird, 361 Beloit Avenue, opposed but if passes, to impose the conditions that the wall between the two front doors is as high as zoning requires but not above zoning; would like to see a hedge put in; and that the front entrances face Beloit and the garage entrances be on the side.

Richard Gregor, 380 Waterfall Lane, opposed because of being out of character with the neighborhood.

After discussion, Commissioner Weldon agreed with Mr. Williams that there is no visible difference between 43% and 38% and that he is now okay with the 43%.

Motion amended by Commissioner Weldon to add three conditions: that the homes are oriented to face Beloit (already contemplated by developer)

that includes the interior design; that the elevations and floor plans require approval by the Planning and Zoning Board of the final construction plans; that the applicant is to distribute the revised elevations and floor plans to the owners of record on both Beloit and Waterfall Lane at least 7 days prior to the P&Z meeting during which the revised plans will be reconsidered; seconded by Commissioner Seidel.

Motion amended by Commissioner Seidel that a screening of 8' be added near the wall. Motion failed for lack of a second.

Ira Kitograd, Mr. Williams' business partner, asked for clarification that the meeting with P&Z is only to review and approve the final plans.

Upon a roll call on the amendment (including three conditions), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The amendment carried unanimously with a 5-0 vote.

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

Public Comments (items not on the agenda)

David Utrich, 1368 Hibiscus Avenue, spoke in opposition to the proposed development at 1385 Hibiscus Avenue.

The following spoke in favor of allowing chickens in Winter Park:
Kimberly Murphy, 1835 Bryan Avenue/1770 Goodrich Avenue
Megan Mascenik, 1930 Summerfield Road
Shelby Caslow, 1420 Border Drive
Jackson Goukas, 1835 Bryan Avenue/1770 Goodrich Avenue
Sally Flynn, 1400 Highland Avenue (asked to reconsider approval)

Recess

A recess was taken from 5:30-5:45 p.m.

PUBLIC HEARINGS (Continued)

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING UTILITY EASEMENTS FOR LOTS 5, 6, 7, 10 11, 14, 15 and 16 OF BLOCK 41, TOWN OF WINTER PARK SUBDIVISION, BOUNDED BY NEW ENGLAND AVENUE, VIRGINIA AVENUE, WELBOURNE AVE AND HANNIBAL SQUARE EAST First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway explained the request.

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

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND COMMISSIONS AS ADOPTED BY ORDINANCE NO. 2843-11 AND AS FURTHER AMENDED BY ORDINANCE NO. 2880-12; AMENDING CHAPTER 22, ARTICLE II, SECTION 22-28 "AMENDMENTS TO THE FLORIDA BUILDING CODE," SUBSECTION 113 CONCERNING THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR BOARD MEMBERSHIP, RENAMING OF CERTAIN BOARDS AND THE CONSOLIDATION DUTIES OF CERTAIN BOARDS; PROVIDING FOR CITY COMMISSION APPROVAL OF THE CONTINUED EXISTENCE OF CERTAIN BOARDS TO AVOID SUNSETTING; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Assistant City Manager Neuner explained staff's recommendations for sunseting certain boards as well as changes to the number of members and renaming certain boards.

Renaming the Pedestrian and Bicycle Board to the Transportation Advisory Board was discussed. Butch Margraf, Public Works, explained how this board would be managed and the proposed membership.

Ms. Neuner addressed the administrative changes concerning new membership requirements of the Construction Board of Appeals, updating the duties of the Historic Preservation Board to be consistent with adopted ordinances, and to clarify the duties of the Lakes and Waterways Board established for appeals.

Ms. Neuner addressed the Ethics Board that has not met since 2011 and recommended to sunset the board. Commissioner Cooper expressed her preference that the Ethics Board remain because of her belief that the residents want a focus on ethics. Commissioner Sprinkel disagreed that the City needs an Ethics Board because times have changed since this was implemented, she did not believe that the residents any longer prefer to have one, and did not believe that anything healthy would come from this board. Commissioner Weldon believed that we could also form a task force where appropriate if one is needed in the future and that State laws apply to the Commission and employees. Commissioner Seidel did not see a demand for an Ethics Board because of the State Ethics laws.

After discussion that the Commission could always institute a task force if needed and that the State Ethics Commission has very strong laws in place that you must follow, there was a consensus to sunset the Ethics Board.

Ms. Neuner addressed the Independent Personnel Board which needs to be clarified that it is currently being served by the Civil Service Board. Ms. Neuner also

addressed the Code Enforcement Board being retitled to Code Compliance Board that would also sit as the Tree Preservation Board to serve the role of disputed tree permits (staff's recommendation). Commissioner Cooper asked why certain activities do not go through the Tree Preservation Board and believed this board has a purpose and needs to review the current ordinance. Ms. Neuner explained that the Commission adopted the Urban Forestry Management Plan and the Board has only heard one case in five years.

Mayor Leary agreed that the adopted ordinance needs to be reviewed but that everything needs to go to Code Compliance. Commissioner Sprinkel commented that the Board name should be something else because it has a connotation that she wants to see go away. Mayor Leary stated if the code compliance issues for breaking the tree ordinance go to the Code Compliance Board then anything forward looking can possibly be handled by the KWPB&S Board. He suggested that Code Compliance address the effectiveness of the tree ordinance.

Ms. Neuner spoke about the recommendation to reduce the number of members on the Keep Winter Park Beautiful and Sustainable Board and the Utilities Advisory Board to seven members plus an alternate.

Motion made by Mayor Leary to accept the ordinance on first reading with the entire recommendation by staff; seconded by Commissioner Weldon. No public comments were made.

Motion amended by Commissioner Seidel to amend Section 2-65(1), Membership of Transportation Advisory Board to read: "The Transportation Advisory Board shall be established pursuant to the provisions in divisions 1 and 2 of this article. Notwithstanding general requirements stated in divisions 1 and 2 of this article of the membership of the Transportation Advisory Board shall include a transportation professional with a preference with experience in developing construction plans; seconded by Commissioner Cooper.

Motion amended by Commissioner Seidel to include a professional planner with a preference with experience in projects involving transportation; seconded by Commissioner Weldon.

Motion amended by Commissioner Seidel to include a person with government policy experience. Amendment failed for lack of a second.

Motion amended by Commissioner Sprinkel to remove all language in regards to specific board functions of raising money and move this to general conditions: "Each board shall have the role and function with respect to fundraising to explore opportunities and to give advice and make recommendations to the city commission, and in all instances the city commission shall be the responsible entity to enter specific fundraising programs on behalf of the City of Winter Park." The motion was seconded by Commissioner Weldon.

Motion amended by Commissioner Cooper to have the two sunseting boards (Tree Preservation Board and Ethics Board) reviewed separately. Motion failed for lack of a second.

Upon a roll call vote on the first amendment to include a transportation professional with a preference with experience in developing construction plans, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the second amendment include a professional planner with a preference with experience in projects involving transportation, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the third amendment concerning board fundraising, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion to accept the ordinance on first reading with staff's recommendations and including the amendments, Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- d. AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT WITHIN THE HIGHWAY 17-92 AND WEST FAIRBANKS CORRIDOR STUDY AREAS "J" AND "L" SO AS TO REVISE POLICIES CONCERNING FAST FOOD AND DRIVE-THROUGH BUSINESSES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTION 58-76 COMMERCIAL (C-3) DISTRICT, THE CONDITIONAL USES FOR FAST FOOD AND DRIVE-THROUGH BUSINESSES ALONG THE WEST FAIRBANKS CORRIDOR, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, AN SEVERABILITY AND AN EFFECTIVE DATE. First Reading

This item was removed from the agenda.

City Commission Reports:

- a. Commissioner Seidel

Commissioner Seidel asked if the Commission was going to reconsider the chicken issue because of the people that did not speak during the non-action item. Mayor Leary responded we normally do not have public comment for something under non-action, he did not realize they were here for that and was glad they stayed to speak because he was supportive of taking the next step. He asked for support to put it on the next agenda. There was no consensus to add this to the next agenda.

Commissioner Seidel reported about attending the high school show "Night on Broadway" and the monies raised to help with the Tyler Rush Foundation scholarship fund (young Winter Park student tragically killed in a car accident 17 years ago) to help the kids in the choir and music at the school.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about the Taste of Winter Park, planted trees for Earth Day for three schools, and attended the Winter Park High School valedictorian event.

c. Commissioner Cooper

Commissioner Cooper asked that we make sure to advertise and have a schedule beforehand for approaching changes to the comprehensive plan. She asked that the same level of community involvement and discussion take place as with historic preservation.

d. Commissioner Weldon

Commissioner Weldon spoke about reviewing the architectural firm proposals for the library and the initial ranking meeting coming forward.

He reported that he has continued to look at the Blake Yard and that he plans to bring this back before the Commission in terms of his ideas.

Commissioner Weldon asked if the City can provide a date where a conceptual plan will be put together for the potential long term expansion considerations for MLK Park so we have something in the near term to consider when we close on the bowling alley property. There was a consensus. Assistant City Manager Neuner explained the status, there are master planning funds available, and staff is working on this.

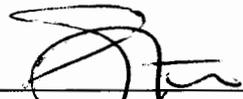
Commissioner Weldon stated he wanted to speak with Commissioner Seidel (with an invitation to other Commissioners who may want to attend) regarding moving forward with our library project (this will be scheduled).

Commissioner Weldon also stated that he spoke with the City Attorney regarding how we can designate properties that are in a historic district or on the historic register so that people coming into Winter Park know they are designated historic. He stated they agreed they could add the letter "H" onto the zoning classification which is on the property appraiser's website. He asked if the City Attorney could continue to pursue this. Attorney Ardaman spoke about indicating this on our zoning map. Commissioner Seidel suggested using an 'H' for Historic Designation and 'HD' for Historic District.

e. Mayor Leary

Mayor Leary reported on attending the State of the County, spoke at the Library Valedictorian event, has attended a lot of fundraisers recently which he said is amazing what the City can do when they come together, reported on a family that just moved into Winter Park whose son was diagnosed with leukemia where the community came out and supported the family with a silent auction and raised about \$20,000 to help with the son's treatment; and spoke at the FSU/Kislak Real Estate Market Strategies Forum. He stated it is an honor to represent the City at all the great events. He thanked staff for bringing together everyone to work on the Showalter Field agreement and that the facility will be an asset to the City and up to Winter Park standards.

The meeting adjourned at 6:55 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC