

REGULAR MEETING OF THE CITY COMMISSION
July 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 Reverend Leslie McCarrick, Winter Park Christian Church, 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:

City Manager Randy Knight
City Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of the agenda

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

Citizen Budget Comments:

Joe Terranova, 151 N. Virginia Avenue, complimented City staff on the budget. He requested that funds for trees be increased as well as reviewing the right-of-way restrictions concerning planting of trees.

Mayor's Report

a. Recognition – Summer Youth Enrichment Program providers and participants

Laura Neudorffer, Redevelopment Coordinator thanked the following program providers: Peter Schreyer, Crealde School of Art; Ruth Edwards, Winter Park Public Library; Cathleen Daus, Parks & Recreation Department; Ronnie Moore, Parks & Recreation Department; Robynn Demar, Welbourne Ave Nursery & Kindergarten; Jackie Brito, Rollins College; Tres Loch, Rollins College; and Linda Puritz, Rollins College.

Ms. Neudorffer distributed the certificates of achievement and congratulated the following students in the program: Kobe Sipp, Destiny Walton, Jordan Jenkins, Madison Weil, Tenisha Venegas, Harry Barnikel, Wendy Parra, Calyx Walls, Daniel Hughley, and Desiree Haney-Brown.

b. Check presentation – David Rider, YMCA

David Rider, YMCA presented a check for \$70,000 to the City to help pay for the geothermal pool heater at Cady Way.

City Manager's Report

Commissioner Sprinkel asked about the status of the portables at the New Hope Baptist Church.

Building Director George Wiggins explained they were provided a contact who is preparing to meet with the Planning Department to bring back a presentation to the Commission as to what actions they can take to do whatever is necessary to make it presentable to the community and take whatever actions the Commission directs them to do. He explained since this was a conditional use, it needs to come back to the Commission. Commissioner Sprinkel expressed the need to expedite and resolve this. Mr. Wiggins explained the conditional use expired and that they have already met all the exterior building permit requirements. There was a general consensus that the City Manager and City Attorney pursue an investigation of alternatives available to the Commission through legal procedure to address the issue.

City Attorney's Report

City Attorney Ardaman addressed the bond validation lawsuit in that bond counsel has coordinated with the State Attorney and are attempting to set a date for the trial that we hope to know this week.

City Attorney Ardaman addressed the drone ordinance and an attorney general opinion issued last week that gives cities authority with respect to that matter and that there are numerous cities around the state that taking action on this. He stated they hope to have a more comprehensive approach to come back to the Commission.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of July 11, 2016. **Pulled for discussion. See below.**
- b. Approve the following contracts:
 1. Piggyback contract with Fastenal, TCPN Contract No. R142101 – MRO Equipment, Supplies & Related Items/Service; and authorize the Mayor to execute contract.
 2. Piggyback contract with WESCO Distribution, Inc., TCPN Contract No. R142106 – Maintenance, Repair & Operations (MRO) Supplies & Related Services; and authorize the Mayor to execute contract.
 3. Piggyback contract with HD Supply Waterworks, Water/Wastewater Material Alliance Extension Agreement No. 895; and authorize the Mayor to execute contract.

- c. Approve the policy change regarding the special event banner program to include companies over 75 years old and have demonstrated community value as a special event.

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'b' and 'c'; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote. No public comments were made.

Consent Agenda item 'a' – Minutes of July 11, 2016

After clarification that the minutes on page 8, paragraph 4 were amended per the request of Commissioners Cooper and Weldon, **motion made by Commissioner Cooper to approve Consent Agenda item 'a', seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

- a. Set tentative millage rate and budget discussion

City Manager Knight explained now is the time that the millage rate is set to send to the tax collector's office to put out the TRIM bill. He stated that is the notice that goes to taxpayers in August and advertises the public hearing for the budget. He explained the tentative millage of 4.0923 for the operating budget and a debt service millage for the public safety complex bonds of 0.1715. He asked for approval of these two rates. It was pointed out that the operating budget millage has not been raised in nine (9) years.

Motion made by Mayor Leary to approve the two rates of 4.0923 for the operating budget and 0.1715 for the debt service millage; seconded by Commissioner Sprinkel.

Motion amended by Commissioner Weldon to request that the Commission agree to send a proposed millage rate to the county appraiser reduced from 4.0923 to 4.00. Motion failed for lack of a second.

Motion amended by Commissioner Seidel that we look to increase the millage rate by .1 mils to allow ourselves flexibility in the budget conversations. Motion failed for lack of a second.

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

Public Hearings:

- a. Request of Phil Kean Designs, Inc.: Amend the conditional use approval granted on October 12, 2015 to redevelop the property at 652 West Morse Boulevard in order to develop 10 residential units in lieu of the approved 11 residential units and to modify the approved architectural elements.

Planning Manager Jeff Briggs explained this was tabled at the July 11, 2016 meeting and that this is a continuation of the conditional use request to modify the original approval. He addressed the prior discussion regarding the unit location being adjacent to the park and the new submittal where the buildings will be located one foot away from the City owned park. He stated a sale of the City park property was considered since it is so close to the buildings and that they spoke to the applicant after the last meeting who is interested in acquiring the property that will have to go through the Notice of Disposal (NOD) because it was purchased with assets of the CRA. He stated the NOD would be sent out with the commitment that it would stay zoned Parks and Recreation and sold with a deed restriction that no buildings could be put on the property so it would be valued based on open space as it is today.

He stated in the meantime the applicant will be presenting an alternative to the Commission that moves the buildings back to a 3' setback away from the City park that allows you to come out of the buildings (if the NOD process does not work out) and use the sidewalk to get around to the back of the property. He stated they can easily do this because all they have to do is shrink the driveway width, normally the minimum width is 24' and they have 30' in the back which still provides plenty of room to move the building back to a 3' setback which should remedy the situation of the buildings being too close.

He stated the plan the Commission is being asked to approve this evening is the plan with a 3' setback. He stated the Commission is not being asked to approve the development agreement that was in the packet because it included the maintenance provision and they are going to wait on the outcome of the NOD if a prospect for a sale works out. Mr. Briggs explained that any details regarding the installation of a fence around the property would be part of the NOD.

Applicant Jacob Farmer provided a copy of the new site plan showing the 3' setback and clarified the confusion over the buildings versus the front doors.

Motion made by Commissioner Weldon to approve staff's recommendation to approve the amendment to the approved conditional use which still maintains the three original conditions of approval from October 21, 2015; seconded by Commissioner Seidel. 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.**

- b. Request of Wekiva Capital Partners, LLC: Conditional use approval to build a seven unit cluster housing project of two story houses of approximately 1,500 square feet in each house at 741 and 751 Minnesota Avenue.

Planning Manager Jeff Briggs explained the unit density being below what they could build. He addressed the location, zoning, and staff's conditions whereby the Planning and Zoning Board (P&Z) made suggestions that the applicant agreed to incorporate into their plan. He stated they are still discussing the fate of three Cyprus trees with Urban Forestry and whether these can be saved so the landscape plan is not being approved at this time. He stated this has a unanimous approval from the Planning and Zoning Board. Commissioner Seidel asked if they would be allowed to put a gate on their property. The policy regarding gated communities was clarified. Mr. Briggs clarified what will happen with the dumpsters.

Motion made by Mayor Leary to approve the conditional use as presented with conditions set upon it by staff and P&Z, seconded by Commissioner Weldon.

Motion amended by Commissioner Seidel to propose that we specifically exclude the property from having a gate at any time in the future (to separate their property from the street, to essentially function as a gated community); seconded by Commissioner Cooper. It was clarified that this is not allowed by code. Mr. Briggs stated this would be allowed if it were a condominium but they should ask the applicant if they have any plans for that.

Applicant Chris Hughes, Wekiva Capital Partners, LLC explained they do have a gate/decorative fence they are showing but it does not cross the access point; it's only showing in front of the houses. He stated as proposed now there is no gate through the traffic flow and agreed with the amendment.

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

Upon a roll call vote on the main motion to approve, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

- c. Request of Oppidan Holdings LLC: Conditional use approval to build a one story, Orchard Supply Hardware Retail Store of approximately 32,355 square feet in size on 2.4 acres adjacent to Orlando Avenue between Miller and Indiana Avenues, addressed as 1111 S. Orlando Avenue and 1240 Miller Avenue.

City Planner Allison McGillis presented the request on behalf of Planning Manager Jeff Briggs who stated he is a tenant of the property seller so he has asked Allison to do the presentation.

Attorney Rebecca Wilson, representing the applicant, provided the background of Orchard Supply, the location, zoning, existing site, surrounding uses, site plan, parking study, residential buffer, enhanced buffer, the architecture looking north and south and the concessions they made. Ms. Wilson addressed a condition of approval that was not included in the packet that they have agreed to that they would like added to the conditions of final conditional use approval: to restrict their delivery hours from 9:00 a.m.-5:00 p.m. She asked for approval subject to the staff conditions with this one additional condition added. The large number of parking spaces was addressed that they did not anticipate ever having any shortage of parking even with seasonal parking times (they would have to get permit approval if that ever did occur in the future).

Motion made by Commissioner Sprinkel to approve the conditional use request with the added condition that the delivery hours be restricted from 9:00-5:00; seconded by Commissioner Weldon.

The following spoke in favor of approval:

Robert McAdam, 611 Genius Drive

John Greason, 1102 Schultz Avenue and representing their board

Commissioner Seidel stated he spoke with the applicant and the engineer and that he wanted to discuss the art deco building on the corner. He believed it would have been great for the applicant to incorporate this building facade into what they are doing. He also addressed low impact development drainage design and that it would have been nice if the infiltration had been spread out throughout the site so that we would do a better job of recharging the aquifers. He stated what they have done is good but preferred that it be looked at early in the process. He asked staff how we could do this as opposed to when it comes to the Commission. After discussion, staff will review future projects and anything related to water discharge. Mr. Briggs addressed code violation enforcement and infractions. Commissioner Weldon praised the developer for their communications with the residents which made everyone happy and made the job easy for the Commission.

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

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, GRANTING THE PETITION OF THE RAVAUDAGE COMMUNITY DEVELOPMENT DISTRICT AND DISSOLVING THE RAVAUDAGE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.046(9), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained the request that was a funding mechanism for infrastructure. He clarified that all the infrastructure requirements still remains as conditions of the Planned Development that was granted by Orange County and must be met. Attorney Jan Carpenter representing the CDD, explained the CDD was to provide funding through

bond or tax increment financing and when those methods did not work the developer did not have a use/need for it so the CDD never took on any obligations to build any of the developer's obligations.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading, seconded by Commissioner Seidel.

Daniel Assael, 1144 Park Green Place, addressed the importance of Ravaudage using the property well and to have an enormous value for the City which he did not believe was happening. He urged the Commission to help make something happen with that property and for the Commission to have some vision.

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.

City Commission Reports:

a. Commissioner Seidel

1. Asked if there is a plan for YMCA Cady Way locker room improvements and to include it in the budget. This will be added to the City Manager's Report.
2. He asked about Mead Gardens plan for funding that he wanted to discuss.
3. He asked about any plans with moving forward with the library once we determine the schedule so the residents are informed. City Manager Knight stated once we know the schedule of the lawsuit, decisions will be made whether to push back the closing of the Civic Center into 2017.

b. Commissioner Sprinkel

Commissioner Sprinkel reported that she represented Winter Park at the Men's kappa alpha psi fraternity meeting for the Winter Park and Orlando service group national convention that does service projects in community.

c. Commissioner Cooper

Commissioner Cooper requested that the comprehensive plan review meetings be included on the normal listing of board meetings. There was a consensus. She also asked that the agenda packets for the boards include the markups for the comprehensive plan changes so residents understand what is being proposed by staff ahead of time and posted on the website. After discussion, staff will include those on the website.

d. Commissioner Weldon

1. Commissioner Weldon stated he would like to encourage more public participation in the comprehensive plan update process and to have staff send to all

City boards at the direction of the Commission the chart of the anticipated pro forma CRA unallocated surplus for the next and last 10 years of its existence to see if there are thoughts from board members to share with the Commission. There was a consensus to do this.

2. He also addressed not being sure if it requires any action on the part of the City Attorney because it was clarified that the City sought the permission of Orange County (as was required under the CRA plan and law to borrow the money) to build the Community Center. He stated the idea was to consider whether or not it is possible to potentially bond out some of the CRA increment over the next and last 10 years of its useful life to perhaps fund part of the library/events center/garage project. Attorney Ardaman stated the monies previously approved for the expansion of the Community Center was actually included in the plan. In respect to the library/events center that likely would require an amendment to the plan approved by the County Commission. There was a consensus that the City Attorney will confirm this.

e. Mayor Leary - No report.

Public Comments (items not on the agenda):

Stuart Bogue, 2270 Howard Drive, complimented City staff for the Pulse event held on July 12. He spoke in opposition to the type of buildings being built at Morse and 17/92 and with the light fixtures and sculptures because he did not believe they keep with the character of Winter Park.

Bea Epley, 151 N. Orlando Avenue, disagreed with the aesthetics of the buildings at Morse and 17/92. She asked that something be done with the lamp posts as they do not agree with the architecture of the buildings and is against Winter Park's character.

Daniel Assael, 1144 Park Green Place, believed that 17/92 should be addressed as Orlando Avenue and should be thought of as a beautiful boulevard.

The meeting adjourned at 5:10 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC