

REGULAR MEETING OF THE CITY COMMISSION
November 14, 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 Mark Rickman, Director of Fellowship of Christian Athletes of Central Florida, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Member absent:

Commissioner Carolyn Cooper

Approval of the agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Weldon and carried unanimously with a 4-0 vote.

Mayor's Report

a. Proclamation – Small Business Saturday

Mayor Leary proclaimed Saturday, November 26, 2016 as Small Business Saturday and encouraged people to support our local small businesses. A proclamation will be provided to Vice President of the Winter Park Chamber of Commerce Debra Hendrickson. Sarah Grafton who also provided canvas bags designed by the Rifle Paper Company a member of the Park Avenue Area Merchants' Association who was chosen as the designer of the nationwide bags used for Small Business Saturday.

b. Presentation – 2016 International Association for Chiefs of Police 'Law Enforcement Challenge' 1st Place Award for Highway Safety

Police Chief Michael Deal recognized the officers who won 1st place in the IACP challenge for highway safety for agencies 51-100 police officers.

City Manager's Report

City Manager Knight addressed the transition of our Waste Pro contract with the delivery of new carts. Tim Dolan of Waste Pro provided an update as to where they are with the new carts being delivered and picking up the old carts.

City Manager Knight addressed the Cady Way pool heating project whereby the YMCA has no plan to program the pool for this winter. Upon discussion, other alternatives for funding the pool heating will be placed on the November 28 agenda.

City Attorney's Report

City Attorney Ardaman reported that bond counsel filed the response regarding the library bond validation and the petition for writ certiorari response will be filed this week. There was no estimate provided as to when they would receive a judgment.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of October 24, 2016.
- b. Approve the following purchases and contracts:
 1. PR160968 to Altec Industries, Inc. for a replacement bucket truck for the Electric Utility; \$123,322.
 2. Blanket Purchase Order to Mead Botanical Gardens for annual operational and capital support; and authorize the Mayor to execute contract; Operational, \$85,000; Capital, \$100,000.
 3. Blanket Purchase Order to Winter Park Historical Association for annual operational support; and authorize the Mayor to execute contract; \$80,000.
 4. Blanket Purchase Order to ADPI Intermedix for third-party EMS collection services; \$90,000.
 5. PR160963 to Trane Co. for a new chiller for the Public Works Compound; \$145,745.
 6. PR161015 to Hub City Ford for six 2017 Ford Police interceptors; \$157,014.
 7. PR161016 to Orlando Freightliner, Inc. for replacement dump truck for the Streets Drainage Division; \$108,562.
 8. Blanket Purchase Order to Heart Utilities of Jacksonville (IFB-8-2014) for FY17 City-wide underground projects; \$1,585,000.
 9. Blanket Purchase Order to HDD of Florida (IFB-8-2014) for FY17 City-wide underground projects; \$1,335,000.
 10. Contract with StarTraq Limited for red light traffic camera monitoring and audit services; and authorize the Mayor to execute contract; \$40,000 (Forfeiture funds).
 11. Amendment No. 2 (RFQ-25-2014) to A Budget Tree Services, Inc. for Tree Removal Services; Dead/Diseased High Risk; and authorize the Mayor to execute Amendment.
 12. Amendment No. 4 (RFQ-2-2012) to Universal Engineering Science, Continuing Services Contract for Professional, Architectural & Engineering Services; Discipline: Geotechnical Services; and authorize the Mayor to execute Amendment. **PULLED FROM CONSENT AGENDA. SEE BELOW.**
 13. Piggyback Orange County Contract #Y14-1070-LC – Furnish Asphalt Products with Hubbard Construction Co.; and authorize the Mayor to execute contract; \$100,000.

14. Piggyback Jacksonville Electric Authority Contract #157126 - Electrical Conduit & Fittings with Gresco Utility Supply, Inc.; and authorize the Mayor to execute contract.

Motion made by Commissioner Sprinkel to approve Consent Agenda items a, b-1 to 11 and 13-14; seconded by Commissioner Weldon and carried unanimously with a 4-0 vote. No public comments were made.

Consent Agenda item b-12

This item was pulled by Commissioner Seidel because of a conflict of interest. Form 8B was provided and is made part of these minutes. **Motion made by Mayor Leary to approve Consent Agenda item b-12; seconded by Commissioner Sprinkel and carried unanimously with a 3-0 vote with Commissioner Seidel abstaining from voting.**

Action Items Requiring Discussion

No items.

Public Hearings:

- a. Request of JT Palm Holdings LLC (Cask & Larder):

ORDINANCE NO. 3052-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO PARKING LOT ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3053-16: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY (R-1A) ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read both ordinances by title. This was a simultaneous public hearing.

Motion made by Commissioner Sprinkel to adopt the first ordinance; seconded by Commissioner Weldon. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

Motion made by Commissioner Sprinkel to adopt the second ordinance; seconded by Commissioner Weldon. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES, GOVERNING SOLID WASTE, BY AMENDING, DELETING, AND ADDING PROVISIONS RELATING TO AND INCLUDING, WITHOUT LIMITATION, DEFINITIONS OF TERMS TO BE CONSISTENT WITH STATE LAW; PROHIBITED ACTS; SOLID WASTE AND RECOVERED MATERIALS COLLECTION SERVICE REQUIREMENTS; CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING; EXCLUSIVE AND NONEXCLUSIVE PERMITTING PROCESS WITH REQUIREMENTS, TERMS, FEES, INSURANCE, EQUIPMENT, NOTICE AND REPORTING OF SERVICE BY PERMITEES AND REMEDIES RELATING TO VIOLATIONS; EXCLUSIVE AND NONEXCLUSIVE FRANCHISE RIGHTS AND OBLIGATIONS; REQUIRED USE OF CITY'S FRANCHISEE FOR COLLECTION AND REMOVAL OF SOLID WASTE AND RECYCLABLE MATERIALS; DUTIES OF FRANCHISEES; FREQUENCY OF COLLECTION; APPROVED CONTAINERS; PLACEMENT/PREPARATION OF CONTAINERS; BULK WASTE; COMMERCIAL AND RECYCLABLE MATERIALS COLLECTION; SPECIAL COLLECTION SERVICE; AMENDING CHAPTER 58, ARTICLE V OF THE CODE OF ORDINANCES, ENVIRONMENTAL PROTECTION REGULATIONS, TO REQUIRE ADEQUATE SPACE AND A RECEPTACLE FOR RECYCLING AS TO CERTAIN TYPES OF NEWLY DEVELOPED PROPERTY; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title. Assistant City Manager Michelle Neuner explained this is the final step in the overhaul of our solid waste program and summarized the changes made.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Weldon. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AN AMENDMENT TO THE CITY CHARTER ELIMINATING PRIMARY ELECTIONS FOR CANDIDATES FOR CITY COMMISSION AND MAYOR AND PROVIDING FOR RUN-OFF ELECTIONS; SUBMITTING PROPOSED CHARTER AMENDMENT TO A VOTE BY THE ELECTORS OF WINTER PARK VIA REFERENDUM AT THE GENERAL CITY ELECTION TO BE HELD MARCH 14, 2017; PROVIDING FOR AMENDMENT TO DEFINITIONS AND OTHER PROVISIONS OF CHAPTER 42 OF THE CITY CODE REGARDING CITY ELECTIONS IF THE CHARTER AMENDMENT IS ADOPTED; PROVIDING FOR THE REFERENDUM BALLOT QUESTION FOR THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR MODIFICATION BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATES OF THE ORDINANCE, CHARTER AMENDMENT, AND CITY CODE AMENDMENTS. First Reading

Attorney Ardaman read the ordinance by title. City Manager Knight explained this would eliminate the primary and provide for a run-off election if necessary.

Motion made by Commissioner Weldon to accept the ordinance on first reading; seconded by Commissioner Sprinkel. No public comments were made.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2015 – 2016 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title. City Manager Knight explained this is a cleanup budget adjustment from the previous fiscal year taking into account the revenues that came in above the budget that were spent on specific projects. Budget Manager Peter Moore explained that this is for statutory compliance.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Weldon. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Public comments (items not on the agenda)

Sally Flynn, 1400 Highland Avenue, spoke about her situation with garbage carts/cans and picking up her old ones. She was asked to speak with Assistant City Manager Neuner to resolve her issue.

Pat McDonald, 2348 Summerfield Road, asked about the new garbage and yard waste carts and if the city was paying for them. City Manager Knight explained the process.

Linda Eriksson, 535 N. Interlachen, spoke about the pickup of the garbage carts and recycling bins. She was asked to speak with Assistant City Manager Neuner to resolve her issue.

Bill Rosenfelt, 1400 N. New York Avenue, spoke about the City-wide notice that was sent out regarding the Battaglia project coming before the Commission in the future at 158 E. New England Avenue. He addressed the lack of parking at the Bank of America and the lack of parking spaces needed for the new project. He expressed concerns that the applicant may not have sufficient parking spaces for this project which could further impact Park Avenue. Planning Director Dori Stone explained the city-wide notice public hearing process and provided an update on this project from the P&Z meeting.

Carol Rosenfelt, 1400 N. New York Avenue, spoke in opposition to the proposed future project at 158 E. New England Avenue. She expressed concerns with the lack of parking spaces being proposed.

Allen Deaver, Taylor's Pharmacy, 306 S. Park Avenue, opposed the proposed project at 158 E. New England Avenue because of the lack of parking. He also commented

on their issue with the dumpsters not being able to be picked up at 1021 W. Fairbanks during regular times in the mornings. He will meet with Assistant City Manager Neuner to resolve this with Waste Pro.

Attorney Ardaman asked the Commission not to discuss this item with anyone and to wait for the appropriate public hearing process to take place.

Recess

A recess was taken from 4:47 to 5:02 p.m.

Public comment continuation:

Rita Dewald, 501 Darcey Drive, spoke about elementary school children not having money to pay for lunches that have delinquent lunch accounts. She stated she covered all the accounts for Winter Park High School, Glenridge Middle School, Brookshire Elementary School, Audubon Park Elementary, Aloma and Lakemont Schools. She spoke about the Orange County Angel account where they pay for lunches, field trips and other things the children need that they cannot pay for. She asked if Winter Park could set up something similar where citizens can contribute to such an account to help the children. Communications Director Clarissa Howard will meet with Ms. Dewald to see if she can provide direction.

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE COMPREHENSIVE PLAN AND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT A NEW CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, SUBSTITUTING FOR THE CURRENT 2009 COMPREHENSIVE PLAN ADOPTED ON FEBRUARY 23, 2009 TOGETHER WITH ALL SUBSEQUENT AMENDMENTS THERETO; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Attorney Ardaman read the ordinance by title. Planning Director Dori Stone clarified they are not asking for adoption of the ordinance this evening but that it will be done on December 12 after all the elements have been presented. Planning Manager Jeff Briggs stated this is the first of two discussions concerning the adoption of the new comprehensive plan. He explained the city-wide notice that was sent out and breaking the elements out into two sections to make it more manageable. He stated no action will be taken tonight because the first reading is December 12 and if it is adopted, the comprehensive plan will be transmitted to Tallahassee to the Department of Economic Opportunity who reviews it, makes comments and sends it back to the City to hold the second public hearing and adoption. It was clarified that if the Commission wants to make amendments on December 12 they can and vote to transmit the ordinance to the state as a whole including all the elements after the second set of elements are discussed. Attorney Ardaman and Planning Director Stone further elaborated on the process. It was clarified that the first transmittal is required to be in Tallahassee by February 1 which gives more than ample time for public input and Commission discussion.

Mr. Briggs explained the statutory requirements to update the comprehensive plan every seven years to reflect changes that have happened in the City as well as changes that happened in state law over that time period. He stated they provided materials for the following elements to be discussed this evening: Recreation and Open Space, Conservation, Public Facilities, Intergovernmental Coordination, and Schools. He highlighted the changes.

Each Commissioner provided their recommended changes. Upon discussion, the planning staff will incorporate into the document the amendments agreed on.

Commissioner Sprinkel expressed her preference to have a mechanism in place by which the public can come, review materials and receive answers from staff.

Upon further discussion, **motion made by Mayor Leary to move this forward with the changes discussed this evening so this can be revisited at the meeting of December 12; seconded by Commissioner Weldon.** Mayor Leary stated once that is discussed they can work on further educating the public. He addressed the many public meetings already held and that they will have more moving forward. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

Carol Rosenfelt, 1400 N. New York Avenue spoke in opposition to the timing of the comprehensive plan adoption.

Further comments were made that Commissioner Sprinkel would like the opportunity for the public to see what is to be presented on December 12 because of the new elements to be presented that evening and to allow them to comment on the entire comprehensive plan and all elements before it is transmitted to Tallahassee for the first time.

Upon further discussion, staff will hold a public session after the November 28 Commission meeting to receive public comments. She will also provide a non-action item on the next agenda to discuss the remaining four elements to review ahead of the December 12 meeting.

City Commission Reports:

- a. Commissioner Seidel – Spoke about attending the football game at Showalter Field.
- b. Commissioner Sprinkel – Spoke about the ethics training required yearly by the Commission and the opportunity coming up in Sanford.
- c. Commissioner Cooper – Absent.
- d. Commissioner Weldon – Spoke about what a great city Winter Park is.

e. Mayor Leary – Spoke about starting the road race this past Saturday for the Haiti fundraiser. Announced that Whole Foods opened and that there are a lot of great things happening in the City.

The meeting adjourned at 6:26 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <u>SEIDEL GREGORY STEPHEN</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>CITY COMMISSION</u>	
MAILING ADDRESS <u>1250 RICHMOND ROAD</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <u>WINTER PARK</u>	COUNTY <u>ORANGE</u>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <u>11/14/16</u>		NAME OF POLITICAL SUBDIVISION: <u>WINTER PARK</u>	
		MY POSITION IS: <u>Commissioner</u> <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, GREGORY S. SEIOER, hereby disclose that on NOVEMBER 14, 20 16:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

9, 6, 12.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.