

**REGULAR MEETING OF THE CITY COMMISSION**  
**November 28, 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 Carolyn Cooper  
Commissioner Pete Weldon

**Also present:**

City Manager Randy Knight  
City Clerk Cynthia Bonham  
City Attorney Dan Langley

**Approval of the agenda**

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

**Mayor's Report**

a. Board appointment – Police Officers' Pension Board (Bill Deuchler to replace Sandy Modell who resigned) (this is the position voted in by the Board as the 5<sup>th</sup> member).

**Motion by Mayor Leary to approve Mr. Deuchler; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

**City Manager's Report**

City Manager Knight reminded the Commission of the upcoming holiday events.

Commissioner Cooper asked about the trees on Lee Road that were part of the multi-family project that supposed to be saved but have been removed. City Manager Knight will look into this.

Mayor Leary asked about the dead trees in the median on Aloma Avenue by Whole Foods. He asked the City Manager to look at that and speak with FDOT to see if they can be replaced.

**City Attorney's Report**

No report.

Commissioner Seidel asked about the library issue. City Manager Knight stated they filed the orders and the final briefing on Friday and is now in the judge's hands at this point.

### **Consent Agenda**

- a. Approve the minutes of November 14, 2016.
- b. Approve purchase from CDW-G for Microsoft renewal licenses; \$89,738.78.

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

### **Action Items Requiring Discussion**

- a. State Legislative priorities

City Manager Knight presented the draft of the legislative priorities for this year. He stated the Commissioners met individually with the state lobbyist. The list also consists of the priorities of the Commission. He asked if there are any changes to the list and asked for approval of this list or a revised version so they can move forward with our lobbying effort with the state.

Inquiries included Broadband and the widening of S.R. 426 (for intersection improvements) priorities listed. City Manager Knight explained anything that is done on this issue will require an agreement for the Commission's approval.

**Motion made by Commissioner Sprinkel to approve the list; seconded by Mayor Leary and carried unanimously with a 5-0 vote.** No public comments were made.

### **Public Hearings:**

- a. ORDINANCE NO. 3054-16: 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. Second Reading

Attorney Langley read the ordinance by title.

**Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Weldon.** 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. ORDINANCE NO. 3055-16: 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.  
Second Reading

Attorney Langley read the ordinance by title.

**Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Sprinkel.** 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. ORDINANCE NO. 3056-16: 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.  
Second Reading

Attorney Langley read the ordinance by title.

**Motion made by Commissioner Seidel to adopt the ordinance; seconded by Commissioner Weldon.** 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.**

- d. Request of the Westminster Winter Park Towers: Conditional use approval to build a new Lifelong Learning Center Building addition of 16,650 square feet at 1111 South Lakemont Avenue, zoned R-4, and providing for an amendment of the existing development agreement.

Planning Director Dori Stone explained the location of the request, the zoning, and that Planning and Zoning Board supported this with a 7-0 vote.

Attorney Rebecca Wilson, representing the applicant, answered questions and showed an aerial of the property, as well as the front, back and lake view perspective.

**Motion made by Commissioner Sprinkel to approve the conditional use request; seconded by Commissioner Weldon.** 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.**

- e. Request of Z Properties Group: Subdivision or lot split approval to divide the property at 200 Oakwood Way, zoned R-1AA, into two single family building lots.

Planning Director Dori Stone explained the request to split the property into two single family lots as originally platted. She addressed the anticipated use of an existing private property on Champion Circle that was vacated by the City in 1936. She stated after searching City records, the City has never done maintenance on it, the City does not have any utility easements under it, and is privately owned. She stated it is the intent of the new owner with the lot split to use that as part of the configuration for the creation of the two new homes. Discussion ensued regarding access to the property.

Attorney Langley addressed the Planning and Zoning Board meeting where the issue came up for them to look into whether the City has re-attained a dedication of the circle through the process of maintenance. He stated staff has indicated there is no evidence supporting that the City has maintained the circle, there are no utilities there, and on occasion the street may have been swept but that is not on the street sweeping list.

Attorney Langley addressed the statute regarding if a City maintains a road it did not construct for seven years that it could be presumed to be publicly dedicated but based on his information he did not believe that supports a claim for a dedication by maintenance. He stated they received correspondence from neighbors indicating they believe they have a private right of use of the circle (the original plat) even though the City may no longer have such rights and asked the City to take that into account.

He concluded that this issue cannot be resolved by the Commission because it is a private dispute. He had a concern with this information being presented to the City



at this point and not having the opportunity for the applicant or people presenting this to provide us more information so they are comfortable moving forward at this time. He recommended to postpone this hearing to allow the applicant and neighbors the time to resolve this or try to convince the Commission who is right and if they cannot come to an understanding and we cannot get clarified information on the property rights, to bring this back to the Commission and make the decision which way to go on the lot split.

Commissioner Weldon commented that the parties should try and resolve their differences apart from the City's involvement. Commissioner Sprinkel agreed that they should have the opportunity to work this out but that she also understood why they are here because people have seen it as a public road even though it is not. Commissioner Seidel spoke about possible liabilities with people using the road that is private and the need for the parties to work it out.

Commissioner Cooper spoke about the street being there a long time and people have come to her saying it has been maintained. She stated if there is a way they can allow the developer to come out fair and still allow the community to have this road and park, she agreed that needs to happen. She stated she would support the option for the City to maintain these streets and have this as a city park. She concluded she is comfortable postponing this decision.

Applicant Ira Kitograd, 731 Pansy Avenue, principal partner of IBK Construction and Z Properties, stated this is a private property issue. He spoke about the City vacating the road years ago. He stated he likes the idea of keeping a portion of Champion Circle but that consists of taking the property back from the three owners so they are giving up their property. He spoke about the property and that no variances are required and did not know if the property owner would agree to postpone this. He stated the main concern tonight is to approve the lot split.

Mayor Leary expressed concerns with possible risks to the City to not approve the lot split. It was clarified that the lot split is independent of a controversy over the circle. The Commission agreed that the private parties involved should resolve this issue of ownership themselves. Attorney Langley suggested to temporarily table this issue and if it comes back and they cannot resolve it then the Commission must take action. It was again clarified that the City has not maintained this road and has no claim or ownership to the road.

The following asked for a delay of 30 days to allow time to resolve this and to communicate with the developer:

Glenna Harmon, Oakwood Way

Archie Lowry, 211 Oakwood Way

Sally Flynn, 1400 Highland Road (Wanted to see the circle remain)

Salvatore Curto, 251 Oakwood Way (provided the letter sent by Attorney Nicholas Pope of Lowndes, Drosdick, Doster, Kantor & Reed, P.A.)

After public comments, Mr. Kitograd addressed concerns with who would maintain the property that is private that is in disrepair and possible liability with drivers on private property. He clarified that this property was never identified as a park in 1936 but is only the middle portion of the circle. He stated he is open to work with the neighbors to come up with ideas but was not convinced they will be able to resolve this.

Mayor Leary clarified with Attorney Langley that the City does not own this property. The need to thoroughly research all issues involved was discussed. Mayor Leary stated if this is tabled, while the applicant and neighbors try to work this out prior to coming back before the Commission, he would appreciate that the attorney and staff work together to formalize their opinion as to whether or not the City has a claim to this property.

**Motion made by Commissioner Sprinkel to table (continue) this item until January 9, 2017; seconded by Commissioner Cooper.**

Attorney Langley requested that the applicant provide his office with any title work they have concerning this matter so they can also evaluate the information the applicant has that they have not received.

**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.**

- f. Request of NPI WP Real Estate Holdings LLC: Subdivision approval to divide the property at 1693 Lee Road, zoned Office (O-1), into two office building lots and to establish building setbacks so that the site can be further developed with a second 9,900 square foot office building in addition to the existing 9,560 square foot medical office in order to allow fee simple ownership of the two office building pads and common ownership of parking, drives and other infrastructure.

Planning Director Dori Stone provided the staff report and answered Commission questions.

**Motion made by Commissioner Sprinkel to approve the request; seconded by Commissioner Weldon.**

Nancy Conachello, 215 N. Eola Drive, on behalf of the applicant, stated they agree with staff's recommendation for approval and was available for questions.

**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.**



g. Request of the City of Winter Park:

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 INSTITUTIONAL TO LOW DENSITY RESIDENTIAL DESIGNATION ON THE PROPERTY AT 301 WEST COMSTOCK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE PUBLIC QUASI-PUBLIC (PQP) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTY AT 301 WEST COMSTOCK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

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

Planning Director Dori Stone provided the staff report and addressed the request of the Commission to bring this back with a change to Low Density Residential and a R-2 zoning district after receiving the appraisal and recommendation of the City's commercial broker for R-2 zoning. She stated the land use change and zoning change is consistent with what resides on the property at this time. She stated this is required to go through the Notice of Disposal (NOD) process and staff is recommending that the Commission set the zoning and land use now so it is clear when going through the NOD process. Discussion ensued that when the NOD comes to the Commission that is the time for them to decide what they want to see in the NOD.

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

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

Dan Bellows, 411 W. New England Avenue, representing Winter Park Redevelopment Agency LTD, spoke in support of the Planning and Zoning Board recommendation. He stated if this was zoned R-2 and encouraged continued redevelopment of that area it would bring it consistent to what is happening on that street. Commissioner Cooper expressed her preference that this become a public park.

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

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

PUBLIC COMMENTS (Items not on the agenda):

Michael Workman, 208 Carocene Street, Cape Canaveral, commented that it is cruel to criminalize the feral cats in the City by not allowing them to be fed when there are people willing to take care of them. He addressed other ways to handle this.

Joan Cason, 1915 Woodcrest Drive, spoke about parking not being allowed at night time at Casa Feliz. Ms. Cason will discuss this with staff.

Bryan Wilson, 702 Heather Lane, Winter Springs, spoke in opposition to the ordinance passed regarding the feral cats in Mead Gardens. He stated fining the people feeding the cats is not the answer and that the TNR Program works in reducing the population and informing the public how to maintain a community cat program. He hoped that the ordinance will be reconsidered and that the Parks Department be allowed to work toward implementing the TNR Program and the feeding stations to eliminate the trash issue.

h. Request of W F G Ltd.:

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 LOW DENSITY RESIDENTIAL TO COMMERCIAL ON THE EAST HALF OF LOT 2, BLOCK H OF CAPEN'S ADDITION TO WINTER PARK SUBDIVISION ON SYMONDS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING TO COMMERCIAL (C-3) DISTRICT ZONING ON THE EAST HALF OF LOT 2, BLOCK H, OF CAPEN'S ADDITION TO WINTER PARK SUBDIVISION ON SYMONDS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Conditional use approval to construct a three story building of approximately 70,000 square feet in size to include a proposed hotel of approximately 120 rooms, a 4,000 square foot restaurant, 4,900 square feet of meeting space, a swimming pool amenity and landscaped gardens utilizing the existing 3-level parking garage and providing for certain exceptions and for the approval of a Developers Agreement, if required.

Planning Director Dori Stone provided the staff report. Attorney Rebecca Wilson, representing the applicant provided a PowerPoint presentation consisting of an aerial of the property, the site plan and landscaping, renderings of the proposed hotel, the



background of the garage approval in 1999, the existing zoning map, the comprehensive plan policy, and the proposed zoning. Attorney Wilson addressed questions and spoke about all deliveries going through the garage. She asked that all concerns be brought forward now before final approval.

Commissioner Seidel expressed concerns with ensuring as little noise as possible to not impact the neighborhood. Commissioner Cooper expressed her concern with the height of the hotel once you get to the single family area, as well as trash and parking near those areas. After discussion, it was clarified that there is no residential at the location where Commissioner Cooper was concerned.

Lurline Fletcher, 811 English Court, opposed the project because of any impact to the Westside.

**Motion made by Commissioner Sprinkel to accept the first ordinance on first reading with the P&Z recommendation, seconded by Commissioner Weldon. 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.**

**Motion made by Commissioner Sprinkel to accept the second ordinance on first reading with the P&Z recommendation, seconded by Commissioner Weldon. 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.**

**Motion made by Commissioner Weldon to approve the conditional use request, seconded by Commissioner Sprinkel. 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.**

### **Recess**

A recess was taken from 5:40 – 6:00 p.m.

### **Non-Action Items**

#### **a. Financial Report – September 2016**

Finance Director Wes Hamil summarized the September 2016 financial report. The reduction in the City's reserves was addressed because of the purchase of the bowling alley property and the funds used to improve the golf course. After discussion regarding the Progress Point property, staff will expedite this and will have the real estate broker provide their recommended zoning. The need to increase the reserves was a priority of the Commission. The increase in the red light camera violation funds was contributed to the clarification of the law that now goes to a hearing officer.

b. Comprehensive Plan Elements discussion

Planning Director Dori Stone presented the remaining four elements of Housing, Transportation, Capital Improvements, and Future Land Use. She spoke about consultants attending the December 12 meeting to speak about housing and transportation. She stated the capital improvements element is not new and is done every year and is based on what was already adopted this year which will be revised as the comprehensive plan is reviewed and priorities are set.

Each Commissioner expressed their thoughts regarding the policy changes they wanted to see. These will be incorporated into the December 12 discussion by Planning Department staff.

**City Commission Reports:**

a. Commissioner Seidel – Addressed not being able to attend the high school football game and how proud he was of the Winter Park team.

b. Commissioner Sprinkel – Commented about the Winter Park High School playing in the quarter finals and how great the field looks. She spoke about the road going into the field that contains the cycle track that is unappealing and asked if anything is planned to improve that road. City Manager Knight stated the dividers are not required. Butch Margraf will let them know what is happening with that road and track.

c. Commissioner Cooper – Spoke about it being imperative to get the bus bays off Denning Drive. She also asked about the lady who came to speak about the school children needing food. Communications Director Clarissa Howard addressed speaking with her and passed contact information onto her.

d. Commissioner Weldon – Commented about the comprehensive plan not having a lot of big changes being proposed and that the City is a lot better off in terms of how it plans and how it executes than they are given credit for. He reflected on how good things are in Winter Park.

e. Mayor Leary – Spoke about the great opening of the skating rink, the golf course looking great, good comments received about more police presence on Park Avenue, other upcoming events this week, and has received comments about how great the lights look in the City for the holidays.

The meeting adjourned at 7:03 p.m.

ATTEST:



City Clerk Cynthia S. Bonham, MMC

  
Mayor Steve Leary