

**REGULAR MEETING OF THE CITY COMMISSION**  
**July 10, 2017**

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Rev. Leslie McCarrick, Winter Park Christian Church followed by the Pledge of Allegiance.

**Members present:**

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

**Also present:**

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

**Approval of the agenda**

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

**Mayor's Report**

Mayor Leary announced that the Winter Park 10U All Stars Babe Ruth Baseball team won the Florida State tournament to become State Champions. They will now participate in the Southeast Regional Tournament in Williamsburg, Virginia beginning July 18.

**City Manager's Report**

City Manager Knight addressed the July 4 storm and impact to the City.

a. **Presentation of the proposed 2017/2018 budget**

City Manager Knight provided an overview of the proposed 2017/2018 budget. He addressed the various funds, future revenue outlook, the proposed Homestead exemption and the impact to City funding, other notable items for consideration of funding, the taxable value and operating millage, comparison of millage rates with other cities in Orange County, the change in voted debt service, the tentative millage rate and tax revenue depending on the millage rate, the General Fund cash reserves, the major items in the Capital Improvement Plan, organizational support requests (also for CRA), CRA unallocated surplus projection, the Fiber Optics Task Force recommendations, the electric utility sustainability, the upcoming budget schedule, and work session discussion topics. Upon discussion as to the topics each Commissioner wanted to discuss in a work session, the session was scheduled for July 24 at 1:00 p.m.

**City Attorney's Report**

No report.

### **Non-Action Item**

No items.

### **Consent Agenda**

- a. Approve the minutes of June 26, 2017.
- b. Approve the execution of the Restated Interlocal Cooperation Agreement with Orange County for Community Development Programs under the Urban County Program.
- c. Approve the following purchases:
  1. Change Order for BPO159054 to Heart Utilities for electrical undergrounding and capital work; \$275,000.
  2. Change Order for BPO159055 to HDD of Florida for electrical undergrounding and capital work; \$420,000.
- d. Award RFQ-21-2017, Construction Management at Risk, New Library and Events Center to Brasfield & Gorrie | Lamm & Company Partners; and authorize staff to enter into negotiations.

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

### **Action Items Requiring Discussion**

- a. Joint Use Agreement with Orange County Public Schools for use of Brookshire Elementary School grounds and potential use of Lakemont Elementary School grounds for passive recreation

Jason Seeley of the Parks Department summarized the agreement and answered questions.

Commissioner Cooper supported the agreement and asked that the minutes reflect that the City's policy for our parks acreage level of service does not calculate any of these shared lands as part of our parkland.

**Motion made by Mayor Leary to approve the agreement; seconded by Commissioner Weldon.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Commissioner Weldon commended Mayor Leary for making this happen. He encouraged the Commission to spend funds promoting and making the citizens aware of the new assets that are available for them.

**Public Hearings:**

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 301 WEST COMSTOCK AVENUE PURSUANT TO THE PROPOSAL ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title.

**Motion made by Commissioner Weldon to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

**(Amendment #1) Motion amended by Commissioner Cooper that our agreement states that we have no ingress or egress from Lyman Avenue and that this property and its development opens onto Comstock Avenue; seconded by Commissioner Seidel.**

Upon questioning, Commissioner Cooper explained the issue of the office property that is adjacent and that she wanted to make sure that the new residents have a dedicated ingress/egress that does not involve shared ingress/egress with an office property (the chapel). This issue was further discussed.

Dan Bellows, representing Winter Park Redevelopment Agency, 411 W. New England Avenue stated this would create a hardship and the price offered for the property is a premium as the highest bid. He spoke about the David Weekly Townhomes (zoned R-2) abutting office and using his property because of their (David Weekly Townhomes) easement he allowed them to use. He addressed the plans submitted showing utilization of the driveway and wanted to acquire the property with no restrictions other than zoning and to follow the same process he has been following for years.

**(Amendment #2) Motion amended by Commissioner Seidel that they require that the applicant at such point when a cross access easement (agreement) is proposed on the property that it come to the Commission for approval; seconded by Commissioner Cooper.**

Lee Ann Inman, 327 W. Comstock Avenue asked about the process for changing the zoning once the property is owned because of concerns with the property not being developed right away and the zoning changing. She also expressed concerns with residential parking on Comstock Avenue and also commercial parking on the R-2 zoning. Staff will provide Ms. Inman with information regarding the process for changing zoning.

Sally Flynn, 1400 Highland Road, represented Janet Hommel, 258 Lyman Avenue, who could not attend the meeting expressed concerns with sale of the property, the event space adjoining the Blake Yard property and party held there, the dumpster parked the property and easement for Lyman Villas causing more traffic.



Commissioner Weldon asked about the claims made. City Manager Knight explained there was a private party held at the chapel that had an outdoor tent and music and code enforcement has spoken with the property owner to insure that would not happen again without the proper permitting.

Lurline Fletcher, 811 English Court, opposed the sale of the property.

**Upon a roll call vote on Amendment #1, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.**

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

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

**PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)**

No public comments were made.

- b. RESOLUTION NO. 2187-17: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA IN SUPPORT OF THE WINTER PARK COMMUNITY REDEVELOPMENT AGENCY RESOLUTION NO. 0016-17; RECOMMENDING APPROVAL OF HOLIDAY AL MANAGEMENT SUB LLC (HOLIDAY RETIREMENT) AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE

Attorney Ardaman read the resolution by title. CRA Manager Kyle Dudgeon stated that this has already been approved and that the CRA agreement is in place for them to come to Winter Park. He stated the resolution is consistent with that was previously approved.

**Motion made by Commissioner Sprinkel to adopt the resolution; 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. Request of BFC New England LLC: Conditional use approval to construct a three story mixed use building of 52,601 square feet with parking in a basement level at 158 East New England Avenue

Planning Manager Jeff Briggs explained the request and the two building variances that both staff and the Planning and Zoning Board recommended for approval regarding the building height and terracing of the third floor of the building. He

addressed the location of the loading zones remaining on New England Avenue. He spoke about the parking spaces on the second and third floor of office and retail space on the first floor and our current parking code (four spaces per 1,000 square feet) that requires 162 spaces for that office/retail square footage. He stated the applicant is asking for a variance to use the 3 per 1,000 square feet criteria for the office/retail space of the project which equates to 122 parking spaces which is an exception or variance of 40 spaces or 25% of the total.

He further explained the parking at the Bank of America building parking garage and that the exception or variance request is to allow the existing under-utilized parking in that garage to be used or credited toward the project. He commented that Staff and P&Z were only comfortable in allowing a maximum of 90 parking spaces (287 total spaces minus 197 fobs given out to Bank of America building employees to equal 90 spaces). He further explained the cumulative parking spaces would be the 57 on-site spaces and up to 90 off-site spaces in the Bank of America parking garage which then exceed the Code spaces needed by 25 spaces based on the 3 per 1,000 square foot calculation. Mr. Briggs further discussed the commitment made by the applicant at the March 27<sup>th</sup> meeting that all employees would be provided 'fobbed' access to the parking garages and that restaurants would only be open after 4:00 pm on weekdays when valet parking would be utilized for those businesses.

Mayor Leary and Commissioners Seidel, Cooper and Weldon disclosed conversations prior to the meeting with the developer and residents/neighbors.

Attorney Mickey Grindstaff, Shutts and Bowen law firm and representing the applicant, stated they have submitted a Developer's Agreement since the March 27 meeting when the application was that was tabled which is not finalized but contains the conditions imposed recommended and the commitments made by them at the March 27<sup>th</sup> meeting. He provided an itemized list of those provisions that came out of the March 27<sup>th</sup> Commission meeting. Daniel Butts (applicant) provided more information regarding the loading zone. Mr. Grindstaff stated they will fine tune the developer's agreement after this evening and would like to respond to comments made.

It was agreed that the City Commission would offer comments prior to the public hearing.

Commissioner Seidel expressed concerns with the parking exception requests and how to enforce any variance that might be granted. He said it would be beneficial to complete the ongoing CBD Parking Strategy study to see how any adjustments to the parking code, enforcement or management would affect this request and then see what variances are really needed at that time.

Commissioner Cooper agreed with the height variance being requested and the shared parking. She stated concern on Knowles Avenue with the lack of the step back for the third floor, and the parking space exception request (because in part of



the need to complete the study), but also using the parking in the Bank of America building because she believed the actual number of usable spaces to be lacking. She commented that a scaled back building that could be built based on how much parking could be provided.

Commissioner Weldon provided comments about the parking code being in place since 1974 and serving us well. He then acknowledged his understanding of the financial and parking risk the applicant was willing to undertake, but in light of the code found it very difficult to make any decision other than to deny the request. He noted that the plan does not provide onsite parking to meet the code required and expected demands of the proposed use, specifically related to 600 plus restaurant seats requested. He stated he hopes they can come up with a project in the future that all agree fits with everyone's needs.

Mayor Leary stated he agrees with the height, the setback, design, and shared parking. He addressed the parking needs in the CBD needing review and that he wants staff to discuss Class A buildings as part of the parking study. He stated there should be an allowance in the code to address issues like this. He wanted to make this project happen but could not agree with the parking.

The following spoke in opposition to the project:

Joe Terranova, 151 N. Virginia Avenue (liked the building but not parking)  
Michele Massoni-Dubuc, 508 Balmoral Road  
Carol Rosenfelt, 1400 N. New York Avenue  
Beth Hall, 516 Sylvan Drive  
Meredith Murphy, 1770 Windsor Drive  
Allen Deaver, Taylor's Pharmacy, 306 South Park Ave.  
Kevin Wray, Peterbrooke Chocolatier (project is good but not the parking portion)  
Bill Rosenfelt, 1642 Lookout Landing Circle

The following spoke in favor of the project:

John Drake, 174 W. Comstock Avenue  
Betsy Gardner Eckbert, Chamber of Commerce President

After closing public comments, Attorney Grindstaff asked for approval of the project. Further Commission comments were spoken before the vote concerning the project being a great one but that the parking needs to be resolved that had not been resolved from the last meeting.

Commissioner Sprinkel indicated her issue was the exceptions and variances for parking and that there had been no resolution of those issues since March 27<sup>th</sup> in that this was the same parameters as previously discussed. Other Commissioners voiced concurrence that the parking shortfall and using a different parking code requirement were the principal issues that they could not support. Given then that the application did not satisfy the standards for approval of a conditional use based on non-compliance with the parking codes.

**Motion made by Commissioner Weldon to deny the request, seconded by Commissioner Cooper. 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 – Completed the Ethics class and addressed the City's July 4 event.

b. Commissioner Sprinkel – 1. Spoke about a friend who has a street with commercial on it against her back yard and because of that they were parking a large truck with a billboard on its side in their back yard because our rules permit it. She asked that this be reviewed by code enforcement as to what can be parked in a back yard. 2. Asked the City Manager to provide more information to them regarding projects as part of the City Manager Report. 3. Wanted to look at the budget from the aspect of how much money is spent for children and families. She wanted to market what the City does is because they value children and families.

c. Commissioner Cooper – Spoke about the delay in bringing back the New England Avenue project and people felt they did not receive enough notice. She stated they do not have a time period that says if something waits a certain period of time that the City-wide notice needs to happen again. She asked for a consensus to look into this. There was no consensus to support this.

d. Commissioner Weldon – Spoke about the budget process and provided his comments as to which funding levels and priorities he did not agree with. These comments are attached to the minutes.

e. Mayor Leary – No report.

The meeting adjourned at 6:51 p.m.

  
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Mayor Steve Leary

ATTEST:

  
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City Clerk Cynthia S. Bonham, MMC



Budget views for July 10, 2017 meeting. July 10, 2017

Citizens and fellow commission members,

I offer the following comments on the City Manager's proposed 2018 budget so the public and my fellow commission members know of my initial views early in the process. I look forward to input from citizens and commission members.

I support most of the priorities and funding levels proposed with the following exceptions.

- The proposed budget spends \$1.7 million of a roughly \$2.3 million revenue increase with most of the spending increases related to employment costs and other programs that become structural increases, not one-time investments. I disagree with this approach as it grants increases above inflationary reality without adding to the services offered or reasonably required by our constituents.
- Material increases in property tax revenue continue based mostly on subjective increases in property valuations. I ask that we look closely at reducing the millage rate to return a half million dollars to our constituents.
- Public safety is our core responsibility. We must, however, be careful to balance our public safety spending against other priorities. The proposed budget includes material increases in structural costs that have no relationship to improvements in public safety delivered to our constituents. This is a road I have seen traveled before in other jurisdictions that leads to crowding out of non-public safety priorities. I cannot support the proposed blanket increase in police wages or the proposed body camera program. I ask the commission to consider imposing a formal budget requirement for 2018 and all future years that public safety spending be fixed at 50% of total General Fund spending. This constraint would result in public safety spending for 2018 that is about \$640,000 lower than this initial budget proposal, but \$600,000 higher than the 2017 budget and \$1,775,000 higher than 2015 actual spending. This approach gives the City Manager the flexibility to work with the Fire and Police Chiefs each year to set their priorities within a reasoned policy constraint that assures public safety spending will not crowd out other priorities while delivering consistent levels of public safety to our constituents.
- The "Florida Master File" is not credible and I do not support spending to add to this list. I support a program independent of the state "Master File." I support establishing our own standards, hiring a consultant, and requiring the annual permission of each property owner recommended for listing, to be included on the "Winter Park Master File." Records can be kept of homes recommended for the list, not approved by the property owner for annual follow up. Over time, this voluntary approach founded in credible independent architectural judgment, together with the financial incentives already in place, will assure the quality of our historical designations.
- I would like to see a detailed plan and budget for the contemplated 2018 fiber optic line installations and operation prior to a request for budget approval. I would like to have this internal plan as well as bid out the installation and operation of the plan to third parties.

Sincerely, Pete Weldon