

REGULAR MEETING OF THE CITY COMMISSION
October 9, 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 Building Director George Wiggins 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 agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 4-0 vote. Commissioner Cooper was not present for the vote.

Mayor's Report

Mayor Leary commented about the City witnessing a lot lately between natural disasters, senseless tragedies, taking of lives, and individuals who took their own lives. He thanked our City employees who showed compassion and concern in dealing with all they have dealt with recently and wanted them to know that they have their support and appreciate them being out there in front and supporting our entire city.

City Manager's Report

City Manager Knight showed a video of our debris pickup process including the chipper brought in to start grinding up the 30,000 cubic yards of tree debris collection so far. He believed there to be about another 30,000 cubic yards out on the streets. He reported they have all their vehicles working seven days a week bringing debris to the staging area located near the Public Works compound. He reported they should finish the first pass over the next two weeks and at the end of 60 days to have the second and final pass completed.

Commissioner Cooper asked about the schedule for undergrounding transmission lines on Fairbanks Avenue. City Manager Knight reported they are scheduled to begin in January 2018 but still have not seen the bid documents from FDOT. It is estimated to take about nine months to complete.

City Attorney's Report

Attorney Ardaman spoke about the Villa Tuscany public hearing on this agenda. He reported that the Ravaudage partial road reimbursement issue will hopefully be on the next agenda.

Non-Action Items

No Items.

Consent Agenda

- a. Approve the September 15, 2017 and the September 25, 2017 minutes.
SEPTEMBER 25 MINUTES PULLED FOR DISCUSSION. SEE BELOW.
- b. Approve the following purchases:
 1. Purchase Order to South Seminole & North Orange County Wastewater for Operational Maintenance Interlocal Agreement - Commission approve Purchase Order. Amount: \$1,017,000
 2. Purchase Order to City of Altamonte Springs for Wholesale Sewer Treatment - Commission approve Purchase Order. Amount: \$235,000
 3. Purchase Order to City of Orlando for Asbury Sanitary Sewer - Commission approve Purchase Order. Amount: \$575,000
 4. Purchase Order to City of Orlando for Iron Bridge Sanitary Sewer - Commission approve Purchase Order. Amount: \$2,650,000
 5. Purchase Order to Airgas, Inc. for Liquid Oxygen for the Water Treatment Facilities - Commission approve Purchase Order. Amount: \$160,000
 6. Purchase Order to Odyssey Manufacturing Co. for Sodium Hypochlorite for the Water Treatment Facilities
- c. Approve the Contract Renewal for RFP-13-2012 - Insurance Agent/Broker of Record - Renew contract for an additional one year term. Commission approve contract renewal with Brown & Brown of Florida and authorize the Mayor to execute Contract. Amount: \$100,000.

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner Seidel.

No public comments were made.

Consent Agenda Item 'a' - Minutes of September 25, 2017

Commissioner Weldon pulled the minutes to discuss changes he wanted to see regarding the millage discussion.

Motion amended by Commissioner Weldon to include his adjusted minutes from the last meeting that were taken almost verbatim, seconded by Commissioner Cooper. Mayor Leary stated we do not need to get to that level of detail in the minutes but are happy to correct typos. Commissioner Sprinkel disagreed with continuing to change minutes.

Upon a roll call vote to include Commissioner Weldon's verbatim comments, Mayor Leary and Commissioners Seidel, Sprinkel, and Cooper voted no. Commissioner Weldon voted yes. The motion failed with a 4-1 vote.

Motion amended by Commissioner Weldon to change the 16% and 17% to FY2016 and FY2017; seconded by Commissioner Cooper (and 17% to 18% should be FY2017 to FY2018). 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.

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

Action Items Requiring Discussion

a. Holiday Banner Pilot Program

Kyle Dudgeon (Planning/CRA Department) addressed the City events during the holiday and the increase in demand of resources from Winter Park and associated hard costs. He presented the holiday sponsorship banner program that is a pilot program that provides a limited window when merchants can purchase additional exposure throughout the holiday season. Mr. Dudgeon summarized the program and answered questions. Commissioner Sprinkel expressed her concern with adding more signs throughout the City. Mr. Dudgeon clarified they would be replacing banners already going up and they are suggesting to have one logo on each banner. Commissioner Cooper asked and staff confirmed that the banner program would continue to include the City's not for profit institutions.

Upon discussion, motion made by Mayor Leary to approve the pilot program; 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.

Public Hearings:

- a. RESOLUTION NO. 2194-17: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, CORRECTING A SCRIVENERS' ERROR IN ORDINANCE NO. 3086-17 CONCERNING THE DISCLOSURE OF THE ROLLBACK MILLAGE RATE AND THE PERCENTAGE DIFFERENCE BETWEEN THE ADOPTED 2017/2018 AD VALOREM TAX MILLAGE RATE AND THE ROLLBACK MILLAGE RATE.

Attorney Ardaman read the resolution by title.

Motion made by Commissioner Cooper to adopt the resolution; 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.

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AN EASEMENT LOCATED AT 841 W. CANTON AVENUE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 1859, PAGE 55, OFFICIAL RECORDS BOOK 1859, PAGE 90 AND OFFICIAL RECORDS BOOK 1859, PAGE 579, OF THE PUBLIC RECORDS OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED IN PLAT BOOK O, PAGE 140; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE. First Reading

This item was tabled until the next meeting with a 5-0 vote.

- c. Request for extension of Vehicle Sales Agreements at 1891, 2250, 2286, and 2324 West Fairbanks Avenue

Planning Manager Jeff Briggs explained the request. The property owners of 1891 West Fairbanks (Frank Ray) and 2250, 2286 and 2324 West Fairbanks (Jim Veigle) were asking for Commission approval to extend the period of vehicle sales permitted on these properties which expired on September 30, 2017. These owners would like as long a period as possible but recognize that the agreement for vehicle sales at the Orlando RV properties (860 West Fairbanks (former Holler Chevrolet)), 805 West Fairbanks (former Holler truck lot across the street) and 710 West Fairbanks (former Holler Corvette on corner of Capen Avenue) expires in December 2018. They wished to be consistent with this approval. Mr. Briggs stated staff recommended that these be phased out over the next 90 days so they can redevelop those properties but that the Commission can extend it longer.

Motion made by Commissioner Cooper to extend all vehicle sales agreements for 1891, 2250, 2286 and 2324 West Fairbanks Avenue until December 31, 2018 that is consistent with the two large parcels of property that we would like to have redeveloped (also have the property owners and their tenants sign an amendment to the agreement that clarifies their use ends on this date); seconded by Commissioner Sprinkel.

Commissioner Cooper stated the undergrounding will happen within the next year so she believed the request to wait until after the undergrounding was reasonable. She stated all property owners need to be on notice now that December 31, 2018 is the last date so there is no anticipation that they can come back asking for another extension. Planning Director Dori Stone addressed plans for W. Fairbanks Avenue that they can review with the Commission and what ULI accomplished.

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 for Conditional Use approval to construct a 29,801 square foot, two-story, memory care facility consistent with the submitted revised site plan at 1298 Howell Branch Road, zoned R-3. Request for approval of Mediated Settlement Agreement in Section 70.51, Florida Statutes proceeding between Villa Tuscany Holdings, LLC and the City regarding the same property in conjunction with the conditional use approval.

Planning Manager Jeff Briggs addressed the project background from March that was denied and the mediated settlement process that staff was involved with that resulted in revised plans being produced this evening for Commission consideration following the required advertisement and notice to surrounding property owners. He summarized what has changed on the plan from March: the building has gone from 3 stories to 2 stories in height (from 35' to 31'); the parking has been moved from a 25' setback to Lake Temple to a 50' setback; and the building has been shifted over to the east closer to the unnamed pond/sinkhole (at the bottom of the sinkhole there is aquatic plants that gave it a wetland designation). He explained there is a 50' setback in our code for buildings from the wetland area; they are asking for a variance to be 15' from the sinkhole (a 35' variance). He stated they decreased the number of beds (from a parking requirement of 29 spaces to 27 spaces (25 on the plan and prospectively a variance of two parking spaces that their attorney will address).

Attorney Rebecca Rhoden of the Lowndes Drosdick Doster Kantor and Reed Law Firm, provided a PowerPoint presentation consisting of the property location, zoning, surrounding properties, the proposal and background of the denial in March, mediation and the mediated settlement agreement being considered this evening, the changes made to the building in the mediation agreement, the changes in the parking lot location setback from the lake, reduction of beds and units, and reduction of the setback from the sinkhole. She stated the project meets all setback requirements from Lake Temple and the only relief being requested is the setback from the sinkhole located on the eastern portion of the property. She addressed the parking space requirement and the spaces they are requesting.

Ms. Rhoden provided a rendering of the building as seen from Howell Branch Road and the view the residential neighborhood located across Lake Temple will have when completed. She asked for approval of the mediated settlement agreement and to issue the request for conditional use permits. She introduced the principles of Villa Tuscany in attendance.

Upon questioning by Commissioner Seidel, Planning Manager Briggs explained what our code allows and what can practicably be built.

Motion made by Commissioner Sprinkel to deny both the conditional use approval and the mediated settlement agreement, seconded by Commissioner Cooper.

The following spoke in opposition:

Barry Render, 2630 Via Tuscany
Nancy Freeman, 1055 Tuscany Place
David Danziger, 1049 Tuscany Place
Kevin Robinson, 3024 Temple Trail

At this time, Mayor Leary asked for a show of hands for those opposing (there were several) and in favor of the request (3-4 in favor) as not everyone spoke.

Robert Hallback, 1160 Howell Branch Road
Sara Danziger, 1049 Tuscany Place
Jim Bogner, 1009 Tuscany Place
Joan Cason, Woodcrest Drive
Ali Weber, 303 Sandlewood Trail
Anna Cowin, 1020 Via Merano Court
Jim Kragh, 1024 Tuscany Place
Attorney Paul Rosenthal, representing Mr. Render
Dennis Woodson, 2923 Cove Trail
Jen Adams, 2507 Sweetwater Trail

Attorney Rhoden responded to comments made by the public.

Commissioners Weldon and Seidel disclosed their conversations prior to the meeting with staff. Commissioner Cooper disclosed her conversation with residents and staff. Mayor Leary spoke with residents. Commissioner Sprinkel had no prior conversations with residents or staff.

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:

Commissioner Seidel – Commissioner Seidel spoke about the difficulty with not being able to discuss the Villa Tuscany project with others because of mediation.

He asked about the library schedule and if the presentation has been rescheduled. City Manager Knight stated the revised budget will be addressed with Pizzuti this week with staff but do not have a rescheduled presentation from Adjaye Associates. He addressed being excited with the project moving forward.

Commissioner Sprinkel – Commissioner Sprinkel agreed with the mediation process and Sunshine Law. She addressed Mead Garden having to cancel their event on Saturday and the rescheduled date of January 13. She expressed concerns with reading the newspaper and the press regarding cable and fiber. She asked for clarification as to where we are in the process because of the paper indicating

otherwise as to where she believed the City was. Mayor Leary commented that Mr. Maxwell contacted him about writing a fiber optics article and indicated to Mr. Maxwell that they are expediting the plan of what they are currently doing with attaching all City assets which is all they have approved to date. He indicated to Mr. Maxwell that he did not know what the future holds for a City-wide cable service but could be addressed if the residents are interested. Commissioner Sprinkel agreed with the budget for fiber that connects City assets but believed a lot more discussion needs to happen to go further than that. Mayor Leary stated he is not aware of any City staff investigating moving forward with a cable service in the City.

Commissioner Sprinkel announced the Winter Park High School homecoming this week and the Autumn Art Festival next week.

PUBLIC COMMENTS (ITEMS NOT ON AGENDA)

Donna Colado, 327 Beloit Avenue, spoke in agreement with the four-way on New York Avenue and Morse Boulevard and that it needs to remain.

Continuation of Commission Reports:

Commissioner Cooper – Commissioner Cooper spoke about conversations that were anticipating more about fiber than they had made decisions on and that connecting City resources made sense. She stated they need to be open about the cost for a total plan for the City but that she is not in agreement yet.

She stated the West Fairbanks Avenue design standards needs to be discussed further because of reaching the end of the agreements with the businesses having non-conforming uses along Fairbanks.

Commissioner Cooper spoke about her preference to have had discussions at the dais and not a mediation process regarding the Villa Tuscany project and believed if they were able to get a code compliant project from the applicant that they could have moved forward. She concluded she believed the State Statutes could be improved.

Commissioner Weldon – Commissioner Weldon spoke about the frustration that citizens have at times because they do not understand the scope of what the Commission is subject to under the Sunshine Law and how they interact as Commission members. He clarified that he supports the City connecting our City facilities to fiber and that they have only agreed to that at this point and has no intent to endorse a funding source until the undergrounding project is completed.

He spoke about the treatise sent on the CRA spending and wanted direction from the Commission because he did not want to see anything being done piecemeal in terms of how CRA dollars are spent. He stated he hoped to find a consensus within

the community (residents, staff and Commission) on where they can go with these dollars in the future to make sure they are spent wisely.

Mayor Leary – Mayor Leary spoke about Mr. Maxwell's fiber article who reached out to him as to his thoughts on this. He stated that Mr. Maxwell is clear that the City is not proceeding at this time with a fiber optic network for residential cable services but is always open to investigating any type of service level improvement for the residents, businesses and all stakeholders in the City. He again thanked staff for their hard work over the last few weeks.

The meeting adjourned at 5:41 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC