

REGULAR MEETING OF THE CITY COMMISSION
November 27, 2017

The meeting of the Winter Park City Commission was called to order by Vice Mayor Pete Weldon, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor Ed Garvin, Calvary Assembly of God, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary (arrived at 4:00)
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 with a 4-0 vote.

Mayor's Report

No report.

City Manager's Report

No report.

City Attorney's Report

Attorney Ardaman reported that they are waiting for comments back from the buyer of the 1111 W. Fairbanks Avenue property and should have those back soon. He also addressed sending the Commission an email regarding the Constitutional Revision Commission upcoming meeting.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of November 13, 2017 (amended before the meeting for approval).
- b. Approve the amendment to the CDBG interlocal agreement with Orange County for Urban County Programs.
- c. Approve the Construction Manager At-Risk Contract for the Library. **PULLED FROM THE AGENDA FOR DISCUSSION. SEE BELOW.**
- d. Approve the purchases over \$75,000:

1. Xylem Water Solutions, Inc. - FY18 purchases of Flygt Products for the maintenance of city lift stations; Sole source currently in place; \$75,000.
2. Orange County Utilities - Water/Sewer services of unincorporated customers; Interlocal agreement currently in place; \$170,800.
3. Landreth, Inc. - Sternberg decorative streetlights for the Denning Drive improvement project and Project G of the citywide undergrounding initiative; Sole source currently in place; approved for funding by the CRA on 6/27/2016 and 11/13/2017, respectively; not to exceed \$300,000.

Motion made by Commissioner Sprinkel to approve Consent Agenda items a, b, and d; seconded by Commissioner Weldon. No public comments were made. **The motion carried unanimously with a 4-0 vote.**

Consent Agenda Item 'c'

Commissioner Cooper addressed the Construction Manager At-Risk responsibilities listed in the agreement and that it lists two companies. She explained not being comfortable with having two companies to deal with if they are going to be accountable with liquidated damages and excess cost.

Jim Russell, Pizzuti Companies, the project's City's Owner's Representative, explained having two companies broadens the City's protection and that they see that all the time. He stated they changed the word garage to parking facility.

Motion made by Commissioner Cooper to approve the agreement under the condition that the agreement says that they are jointly and severably liable and that we change 'parking garage' to 'parking facility'; seconded by Commissioner Weldon. The motion carried with a 4-0 vote with Mayor Leary being absent.

Action Items Requiring Discussion

a. Library & Events Center Naming Policy

City Manager Knight commented that the proposed policy was worked on by members of the Library Board, Mayor Leary, and himself. He stated the parameters set the policy for them to go forward and raise funds for the add/alternates and the library fundraising. Winter Park Library Executive Director Shawn Shaffer spoke about the plaques currently in the old library building and that there are no formal agreements that requires that the old plaques be part of the new building. There was a discussion about commemorating those people who contributed to the old library as part of the new library and civic center. There was a consensus that staff bring back a formal way of recognizing these people to be part of the plan. Discussion ensued as to who should have the final authority regarding naming the overall building.

Library Board member Marina Nice explained the intent was for the City to retain all authority on the exterior and larger items but the smaller items they needed ease of fundraising so there is no confusion.

Motion made by Commissioner Cooper to approve the policy with these changes: under number 2, paragraph 2, to change "from the board retains final naming authority" to "the Board has naming authority"; and section 3, to read as follows: "Exceptions may be denied by the City Manager or recommended for approval by the City Manager for approval by the City Commission". Seconded by Commissioner Weldon.

City Manager Knight expressed concerns that some people may not donate if their name goes before the Commission for approval and find out that they have to go through a process to donate. Commissioner Sprinkel expressed her preference that the Commission has some official oversight with what plaques go on the walls.

Mayor Leary arrived at this time. Further discussion took place regarding donations and that donators do not want to be publicly scrutinized. Commissioner Sprinkel wanted final authority of the building only. Commissioner Cooper expressed her preference that the City Commission have final authority; not the City Manager, Mayor and Library Board.

Peter Gottfried, 1841 Carollee Lane, expressed concerns with large donations coming from possible names that would be on a plaque that may not be appropriate for the City.

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. 2196-17: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A PROCUREMENT POLICY; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE

Attorney Ardaman read the resolution by title. Purchasing Manager Jennifer Jones summarized the revisions and answered questions for clarification purposes.

Motion made by Commissioner Sprinkel to adopt the resolution; 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. 3091-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING A PORTION OF POWER EASEMENT LOCATED AT 540 INTERLACHEN AVENUE, ACCORDING TO THE PLAT THEREOF, AS RECORDED

IN OFFICIAL RECORDS BOOK 3187, PAGE 205, AND OFFICIAL RECORDS BOOK 8045, PAGE 4770, OF THE PUBLIC RECORDS OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED IN PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman 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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 3, FIREFIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-154, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-155, CONTRIBUTIONS; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-157, PRERETIREMENT DEATH; AMENDING SECTION 74-158, DISABILITY; AMENDING SECTION 74-159, VESTING; AMENDING SECTION 74-160, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 74-165, MAXIMUM PENSION; AMENDING SECTION 74-166, DISTRIBUTION OF BENEFITS; AMENDING SECTION 74-176, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 74-178, PRIOR FIRE SERVICE; ADDING SECTION 74-180, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title.

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

- d. Request by Donald W. McIntosh Associates:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND TERMINATING AN EASEMENT ENCUMBERING THE PROPERTY LOCATED AT 2010 MIZELL AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4948, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway explained the easement request.

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, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

e. Request of Hope and Help Center of Central Florida, Inc.:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND TERMINATING AN EASEMENT ENCUMBERING PROPERTY LOCATED AT 1935 WOODCREST DRIVE, ORIGINALLY IN FAVOR OF FLORIDA POWER CORP. DATED AUGUST 23, 1968 AS RECORDED IN OFFICIAL RECORDS BOOK 1758, PAGE 518, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THEREAFTER ASSIGNED BY FLORIDA POWER CORP. D/B/A PROGRESS ENERGY FLORIDA, INC. TO THE CITY OF WINTER PARK BY WAY OF THAT CERTAIN IRREVOCABLE ASSIGNMENT OF EASEMENT RIGHTS DATED JUNE 1, 2005 AND RECORDED IN OFFICIAL RECORDS BOOK 8045, PAGE 4770, AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway explained they do not need this easement.

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, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF A SERIES OF REFUNDING BONDS FOR THE PURPOSE OF ADVANCE REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING WATER AND SEWER REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2009 OF THE CITY; PROVIDING FOR THE PAYMENT OF SUCH REFUNDING BONDS FROM NET REVENUES OF THE WATER AND SEWER SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. City Manager Knight explained the ordinance.

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, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

- g. Request of Weingarten Nostat, Inc. for conditional use approval to redevelop the portion of the Winter Park Corners Shopping Center at 1903-1999 Aloma Avenue by reconstructing a new 30,348 square foot grocery store and 12,250 square feet of retail space

Planning Manager Jeff Briggs provided an overview of the project. Discussion ensued regarding the need to protect the neighborhood with cut through traffic. Applicant Joel Kaplan, Real Estate Investors, spoke about the entire shopping center being improved, upgrading the wall behind the center, and the need for a 5% parking variance to allow for another restaurant. Commissioner Cooper expressed the need for sidewalks on Edwin Boulevard. Public Works Director Troy Attaway stated there are no short term plans for sidewalks on Edwin Boulevard. Bob Ziegenfuss, Civil Engineer for the project, Z Development Services, addressed a stop light at the project that is not feasible because it does not meet the separation distance to Lakemont, the driveway connection discussed with FDOT and the existing entrances remaining the same, the landscape islands they are putting in, and the parking variance they are requesting.

Motion made by Commissioner Sprinkel to approve the request as presented by P&Z; seconded by Commissioner Weldon.

The following spoke in opposition to the conditional use approval:

David Williams, 209 Tyree Lane
Karen Goldberg, 619 Byron Road
Daniel Slage, 625 Byron Avenue

Commissioner Weldon stated he could not agree with the parking variance beyond what the P&Z and staff recommended and that it is the City's responsibility to install the sidewalk if appropriate to put it in. Commissioner Seidel inquired about the number of parking spaces and spoke about the need for sidewalks. Commissioner Sprinkel addressed the need to resolve the traffic in the neighborhood. Commissioner Cooper expressed concerns with adding businesses and not increasing parking spaces and asked for consideration of a walk through to add to spaces in the back of the center. She did not think it is unreasonable to ask the developer to help with the installation of sidewalks. Mayor Leary was not in agreement with the parking variance request over what was recommended by staff. There was an agreement for staff to conduct a traffic count in the neighborhood.

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 comments (items not on the agenda)

David Williams, 209 Tyree Lane, spoke about needed improvements to the Publix Shopping Center and to demolish the Bubbles car wash that is out of business and to improve the laundry mat that is now being used for storage.

Mayor Leary asked that the trees in the median be looked at by staff on Aloma Avenue near the entrance into the City.

Recess

A recess was taken from 5:25 – 5:45 p.m.

- h. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY; ADOPTING NEW DEVELOPMENT STANDARDS, DENSITIES AND INTENSITIES OF DEVELOPMENT; ADOPTING CHANGES NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE II, CONCURRENCY MANAGEMENT REGULATIONS" SO AS TO ADOPT CHANGES TO THE CONCURRENCY MANAGEMENT REGULATIONS OF THE CITY NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained the comprehensive plan was adopted in April and that these ordinances implement the new comprehensive plan and brings the Land Development Code in line with the comprehensive plan. Mayor Leary and Commissioners Seidel, Sprinkel and Weldon agreed with what was presented. Commissioner Cooper had several concerns that she will discuss with Planning Director Dori Stone before the second reading and adoption on December 11 so she reserved her vote. She will send her list to be a part of the packet.

Motion made by Commissioner Weldon to accept the first 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. Commissioner Cooper voted no. The motion carried with a 4-0 vote.**

Motion made by Commissioner Weldon to accept the second 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. Commissioner Cooper voted no. The motion carried with a 4-0 vote.**

- i. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained the need to update this code and provided a summary in the packet for consideration. Mr. Briggs answered questions for clarification purposes. Commissioner Cooper addressed the language for conditional uses regarding public notices, waterfront setbacks regarding the text for the Planning and Zoning Board only, and disagreed with the approval of rooftop decks in single family home areas and asked they not be allowed in R-1 or R-2. She addressed Orange County design guidelines and asked that the Commission be sent any information to them when these guidelines are used for something being approved in the City. Mr. Briggs clarified other issues of Commissioner Cooper regarding setbacks. Building Director George Wiggins clarified 50% replacement costs in the code.

Motion made by Commissioner Cooper to approve the ordinance as presented on first reading with the exception of rooftop decks to not be allowed in R-1 or R-2; seconded by Commissioner Sprinkel. After comments by Mr. Briggs, Commissioner Sprinkel withdrew her second.

Motion made by Commissioner Cooper to approve the ordinance with the deletion to any reference to rooftop decks. Motion failed for lack of a second.

Motion made by Mayor Leary to accept the ordinance as presented on first reading; 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.

City Commission Reports:

Commissioner Seidel – No report.

Commissioner Sprinkel – Asked for clarification of the holiday events coming up. President/CEO Betsy Eckbert, Winter Park Chamber of Commerce, summarized the events.

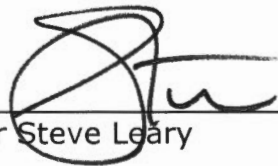
Commissioner Cooper – Expressed her concern with her vote not counting from the last meeting when she was attending the meeting by phone. She asked why her calling in and votes were treated differently from other Commissioners. She asked that the November 13 minutes be consistent with other minutes regarding Commissioners votes. There was a consensus that votes will not be counted for any Commissioner not physically present and on the phone.

Commissioner Weldon – Spoke about the City's Charter language regarding voting when physically absent from a meeting. He reported that he asked the City Manager to provide an analysis regarding reserves for the end of FY 2017; the rough estimate is about \$9.576 million and if they are exposed to \$2 million for Irma repairs that may be recovered by 2020, the reserves will be down for a while

until that is reimbursed by FEMA. It was concluded that the Fairbanks Avenue property and Lee Road property is not included in this amount.

Mayor Leary – Mayor Leary addressed the upcoming meeting of November 29 that Commissioner Seidel requested with him to discuss certain issues of interest.

The meeting adjourned at 6:28 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC