

**REGULAR MEETING OF THE CITY COMMISSION
JANUARY 14, 2019**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order 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
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also Present:

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

Approval of agenda

City Manager Knight announced the request of Rollins College to move their public hearing to the beginning of public hearings (item 11g moved to 11a). Commissioner Cooper asked that item 11d be removed from the agenda until after it goes through the Parks Board and the Transportation Board. Mayor Leary stated since it is on the agenda that they should discuss it and then make the decision whether to table it. There was a consensus to discuss item 11d before pulling it off the agenda.

Mayor's Report

Mayor Leary addressed one of Winter Park's police officers who is undergoing medical health challenges. He introduced Joe Nunziata, who represents the Orange County Sheriff's Foundation. Mr. Nunziata, on behalf of Sheriff Mina and the Orange County Sheriff's Foundation, presented a check for Officer John Reynolds. A \$500 check was made out directly to Officer Reynolds and will be provided to him by Chief Deal. Mayor Leary asked that the Sheriff's Foundation be thanked for their support.

a. Presentation – FDOT Leadership Award to Jill Hamilton Buss

Courtney Reynolds, Program Manager, Rethink Your Commute, recognized Jill Hamilton Buss for the FDOT Leadership Award for her work as Executive Director of Healthy Central Florida. Ms. Buss provided thanks for this award and spoke about the need for active transportation and making it safe.

City Manager's Report

City Manager Knight updated the Commission on the quiet zones and that Winter Park should be completed by the end of the summer. He announced the FDOT 17-92 Improvements Public Meeting scheduled for January 22 at the Community Center from 5:00-7:00 p.m. Commissioner Seidel asked about the text in the City Manager's

Report regarding the Fairbanks Transmission. City Manager Knight stated the FDOT has committed the funds for that project so it is fully funded and explained that the cost when they had the bid was supposed to cover both transmission and distribution but did not cover tearing out the old transmission lines (poles).

Commissioner Cooper asked when the Commission will have a work session regarding mixed use. Planning Director Stephenson stated they are working toward the summer for this. He was asked to put together a plan as to future meetings with the various entities. Commissioner Sprinkel asked that this issue be more timely. Mr. Stephenson addressed the work being done behind the scenes with staff at this time.

Commissioner Seidel spoke about the Library design item on the report and asked about the next steps. City Manager Knight stated that staff continues to work with the design team trying to bring the project into the budget that the Commission has adopted that is part of the normal process of public projects such as this. He stated after the project is finalized and is to the level it should be he will be bringing back the project as designed along with some add alt opportunities for the Commission to decide whether or not to fund, decide to fund raise or use other funds. He commented they will not know about the grant until around the beginning of April and has asked the fundraising team if they can provide by April 1 how much they can raise and have already raised.

Mayor Leary clarified regardless of reports from a few individuals, the only increased expense to taxpayers has been the lawsuit brought against the taxpayers and voters by a small group that has cost delays and legal bills. He stated the only additional monies that have to been spent to move this forward as of today have not been due to overages because they are still working through the budget. Commissioner Cooper spoke about the civic center scheduled to be torn down and wanted to have an agreement of how they are moving forward before they demolish a building and cut down trees.

Motion made by Commissioner Cooper not to move forward with the demolition of the Rachel Murrah Civic Center or the removal of the trees until we get a consensus of how we are going to move forward. Attorney Ardaman suggested asking the City Manager about any impacts this could cause with a delay. Mayor Leary ruled the motion out of order because it has not been noticed to the public and any project of this scale should be.

City Attorney's Report

No report.

Non-Action Items

No items.

Consent Agenda

- a. Approve the December 10, 2018 Commission minutes.
- b. Approve the following piggyback agreements:
 1. Airgas USA, LLC - City of Melbourne contract #03-053-0-2016 - Liquid Oxygen; \$152,000
 2. Lafleur Nurseries & Garden Center, LLC - Increase allowable spending under City of Longwood RFQ #02092017 - Landscape & Irrigation Services for Projects less than \$500,000
- c. Approve the following contract:
 1. Lafleur Nurseries & Garden Center, LLC - Amendment to renew RFQ-1-2015 - Right-of-Way Tree Planting Services; \$300,000

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

Action Items Requiring Discussion

- a. Discussion to amend Land Development Code - Temporary Signage

Planning Director Bronce Stephenson addressed the discussion with the Commission that has led staff to reevaluate the current language from the Land Development Code dealing with political signage and temporary signage. Staff has evaluated the current language and made a number of suggestions that modernize the sign code. The proposed changes are an effort to ensure the Winter Park codes are in line with State and Federal Laws.

He provided a draft ordinance outlining the proposed changes to the Land Development Code and summarized all the proposed changes. He concluded that staff recommended that if the new language is to be adopted (with or without changes from the Commission), that the changes become effective after the upcoming City Commission election so that the rules for signage do not change during an active campaign.

Discussion ensued regarding the number of days signs can remain on private property. After the Planning and Zoning Board discusses this item, it will come back to the Commission in ordinance format for adoption.

b. Request for a parking easement at 341 North Pennsylvania Avenue

Planner Allison McGillis explained the request that the owners and tenant of the building at 341 North Pennsylvania Avenue, zoned C-3, are requesting consideration of a parking easement from the City over a portion of the City-owned stormwater retention area to the rear of this property. In return, those parties will agree to take over maintenance from the City of that stormwater retention area.

The property at 341 North Pennsylvania Avenue is a two story, 6,000 square foot commercial building that held a convenience store (Frank's Market), which is now closed, on the ground floor, and the second floor is used for lodge meetings by the building's owners, the Early Rising Masonic Lodge #16. Zane Williams (Z Properties) has purchased the lease for the ground floor, and intends to remodel that space for use as an office, and also do exterior façade improvements to the entire building.

This building, built in 1947, has no off-street parking but is grandfathered in with the situation that staff and clients park on the street for the uses on the property, as do the Lodge members. The two parties propose to add five (5) parking spaces in the rear of the building if the City will grant an easement to use the eastern 30 feet of the adjacent stormwater retention area owned by the City.

This retention area collects the rainfall runoff from Israel Simpson Court's street drainage, and there is sufficient property that it can be re-shaped to provide adequate retention volume. The City contracts out maintenance of this area and our annual costs are estimated at \$700.

The stormwater retention land is now zoned residential (R-2). In order to implement an agreement, that 30 feet of leased property would need to be rezoned to our Parking Lot (PL) zoning, following notice and public hearings by P&Z and the City Commission.

Staff has been told that Zane Williams has talked to the one directly affected neighbor (Mary Daniels) who is in favor of this request, as long as there is a solid vinyl privacy fence on the common border between her property to screen the view of the cars.

Commissioner Cooper stated she wants the lease to represent a fair value (of the parking spaces) and over time after they have offset the cost of the property she would like him to be paying a lease for the parking spaces that is consistent with the other Westside businesses. The maintenance of the pond was addressed and that she wanted the applicant to bring it up to standard and to offset the cost to the extent that the City should have already been brought up to an acceptable standard. She stated she is in support of what Mr. Williams is doing on the Westside.

Commissioner Seidel spoke about the pond that should have already been maintained and the improvements being made to the property. He stated he would like to know the value of the parking spaces.

Mayor Leary looked at this as a swap of parking spaces going from the front of the building on the street to the back. Commissioner Weldon also viewed this as a swap and was a good idea.

Public Hearings:

Item 11 g was moved forward (see below).

a. Ordinances – Fire and Police Pension

ORDINANCE NO. 3134-19: 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 74-158, DISABILITY; AMENDING SECTION 74-167, MISCELLANEOUS PROVISIONS; AMENDING SECTION 74-176, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 74-179, REEMPLOYMENT AFTER RETIREMENT; AMENDING 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 Second Reading

ORDINANCE NO. 3135-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-205, CONTRIBUTIONS; AMENDING SECTION 74-208, DISABILITY; AMENDING SECTION 74-217, MISCELLANEOUS PROVISIONS; AMENDING SECTION 74-226, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 74-229, REEMPLOYMENT AFTER RETIREMENT; AMENDING SECTION 74-230, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE Second Reading

Attorney Ardaman read both ordinances by title.

Motion made by Commissioner Sprinkel to approve the Fire Pension ordinance, seconded by Commissioner Seidel. There were no public comments 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.**

Motion made by Commissioner Sprinkel to adopt the Police Pension ordinance, seconded by Commissioner Seidel. There were no public comments 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. 3136-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING THE DONATION AND CONVEYANCE TO THE CITY OF MAITLAND OF CITY OF WINTER PARK OWNED LAND DESCRIBED AS APPROXIMATELY 3.38 +/- ACRES HAVING ORANGE COUNTY TAX IDENTIFICATION NUMBER 29-21-30-0000-00-003 LOCATED NORTH OF HOWELL BRANCH ROAD WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF MAITLAND; PROVIDING FOR 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. There were no public comments 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. RESOLUTION NO. 2214-19: Approving opening a bank account with first Colony Bank, 711 North Orlando Avenue, Maitland, FL 32751

City Manager Knight explained this is approval to deposit funds into this bank for investment purposes and adds to the list they are allowed to use. He commented that this bank recently became a qualified public depository in the State of Florida.

Motion made by Commissioner Cooper to approve 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.**

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING TWO SECTIONS OF BANCHORY ROAD RIGHT OF WAY: THE SOUTH SECTION, CONTAINING 2,498 SQ. FT., DEDICATED BY BROOKSHIRE HEIGHTS 2ND ADDITION, AS RECORDED IN OFFICIAL RECORDS PLAT BOOK Y, PAGE 85 AND THE NORTH SECTION, CONTAINING 2,684 SQ. FT, DEDICATED BY BROOKSHIRE HEIGHTS 1ST ADDITION AS RECORDED IN OFFICIAL RECORDS PLAT BOOK X, PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA. (EXHIBIT A, SOUTH SECTION, AND EXHIBIT B NORTH SECTION) PARTICULARLY DESCRIBED IN EXHIBIT A and B; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway provided the reason for the request by the property owners adjacent to this right-of-way. He stated the request is to maintain an access to the Cady Way Trail over the existing sidewalk but vacate the portion of the right-of-way not used by the sidewalk. He stated the area is not used for anything else and is a park area (.18 acres) and

the vacation would remove about .1 acres from that. He stated the owner wants to make it nicer if owned by him.

Commissioner Cooper wanted to either deny it or table it to go before the Transportation Advisory Board and the Parks Board because of the commitment to improving connectivity and greenspace and they cannot determine at this time what the future may hold for the use of this property. She stated she is against the easement but if the requestor wants to enhance the property, she is not against that and they can work out an agreement with them.

Commissioner Weldon stated he is not totally against it but is not ready to act on it because it is not a staff request and it should be given more thought and carefully. He stated the right-of-way could potentially someday connect Banchory through to the Winter Park Pines area and by taking this right-of-way away it would block or make it more difficult to the rest of what could be Winter Park in the future. He stated he is prepared to either deny or table this item.

Commissioner Seidel stated this issue should be vetted by our Transportation Advisory Board to determine what is the best thing to do. He stated he would like for them to determine a recommended width at the entrance.

Commissioner Sprinkel wanted to think as a City as to what they want to do regarding vacating properties. She stated there are many outstanding questions that need more thought but did not have issues with moving forward if they find out that is the plan but did not believe there is a plan for the property.

Motion made by Mayor Leary to deny the vacation; seconded by Commissioner Cooper.

Jill Hamilton Buss, 1935 Oakhurst, Transportation Advisory Board, stated they are working on a sidewalk policy with staff and consultants regarding widths and was in agreement with what she heard this evening.

Ed Dullmeyer, 554 Fitzwalter Drive, stated the land has no purpose except for him to maintain it because of people using it to dump their yard debris, etc. He stated he asked for this because he is willing to maintain it and wants it to look nice. He asked that the Commission to view the property.

After public comments, **motion made by Commissioner Seidel to table this item; seconded by Commissioner Sprinkel.**

Upon a roll call vote to table the item, Mayor Leary and Commissioners Cooper and Weldon voted no. Commissioners Seidel and Sprinkel voted yes. The motion failed with a 3-2 vote.

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

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 3,733 SQUARE FOOT PORTION OF A DISTRIBUTION EASEMENT ENCUMBERING PROPERTY LOCATED AT 1700 MONROE AVENUE; BEING A PORTION OF THE DISTRIBUTION EASEMENT RECORDED AT OFFICIAL RECORDS BOOK 3552, PAGES 2600-2601, PUBLIC RECORDS OF ORANGE COUNTY AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Attaway explained that this is a power easement not being utilized and is not needed. City Manager Knight explained this is an easement acquired when the City purchased the utility in 2005 and that this contains no utility lines and is in the building pad that Mr. Bellows wants to build in for that project.

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

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE LEASE OF CITY-OWNED PROPERTY LOCATED AT 2525 CADY WAY PURSUANT TO THE TOWER LEASE WITH OPTION AS AMENDED BY THE FIRST AMENDMENT ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE First Reading

Budget and Performance Manager Peter Moore spoke about cell tower agreements and was asked by T-Mobile to rent a portion of the tower. The revenue the City gets from the towers was addressed. Mayor Leary stated he would rather see them go away but only if it does not affect residents or businesses. He wanted to know how many more years the lease has left with Sprint.

Motion made by Mayor Leary to table this item until he knows how many more years the lease at that location has on it with the other providers; 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.

Commissioner Sprinkel asked that Mr. Moore provide more information regarding all towers in the City.

- g. Request of Rollins College: Conditional use approval to redevelop the former Fred Stone Theater location with a new Black Box Theatre facility of 11,665 square feet on the Rollins College campus at 1000 Holt Avenue

Planning Manager Jeff Briggs addressed the request for approval of a Conditional Use to redevelop the site of the former Fred Stone Theatre with a new Black Box Theatre facility of 11,665 square feet in size. Due to the size (over 10,000 square feet) it is a conditional use. The site is the location of the former Fred Stone Theatre adjacent to Fairbanks Avenue on the southwest corner with Chase Avenue and is within and a part of the Rollins College campus.

There is no specific parking requirement for this theatre facility. The parking for this building would be included within the parking requirements of Rollins College. To the extent that the College provides parking on-campus, in the Sun Trust garage or within any future parking garage, those locations would qualify as the parking code looks at the requirements for the College "globally".

Rollins President Grant Cornwell spoke about their request and asked for approval.

Motion made by Commissioner Sprinkel to approve the request, 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.**

- h. Request of City of Winter Park:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO ESTABLISH AN OPEN SPACE AND RECREATION FUTURE LAND USE DESIGNATION WITH A CONSERVATION OVERLAY ON THE 8.85 ACRES OF ANNEXED PROPERTY WITH ORANGE COUNTY TAX ID NUMBER OF 29-21-30-0000-00-002 TO THE NORTH OF HOWELL BRANCH ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS 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 ESTABLISH PARKS AND RECREATION (PR) DISTRICT ZONING ON THE 8.85 ACRES OF ANNEXED PROPERTY WITH ORANGE COUNTY TAX ID NUMBER OF 29-21-30-0000-00-002 TO THE NORTH OF HOWELL BRANCH ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read by ordinances by title. Planning Manager Jeff Briggs stated this puts our comprehensive plan designation and zoning on the property annexed in from Maitland.

Motion made by Commissioner Cooper to accept the land use ordinance on first reading, seconded by Commissioner Sprinkel. There were no public comments 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.**

Motion made by Commissioner Cooper to accept the zoning ordinance on first reading, seconded by Commissioner Sprinkel. There were no public comments 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 – Reported that he met with staff regarding infrastructure issues in the City.

Commissioner Sprinkel – No report.

Commissioner Cooper – Mentioned upcoming events: Legislative Round Table on January 15 (League of Cities with Senator David Simmons); Round Table with Anna Escamani (sponsored by the City) on January 16; Heritage Festival on January 20-21; Mead Garden ribbon cutting and Transportation public information meeting on 17/92 on January 22; and Woodstock in Mead Gardens on January 26.

Commissioner Weldon – Spoke about connectivity and asked for a list of assets and an inventory of all right-of-ways and easements so they know where they can do things. Mayor Leary addressed the challenge of where you draw the line on this because of various sizes of right-of-ways and that they need to quantify it so staff is not spending a lot of time because of the other numerous projects going on with staff. Commissioner Sprinkel expressed the importance that if they are going to have staff do that, that they decide at the same time what they want to do with it. Mayor Leary suggested that they have staff look at what this would entail and speak with the City Manager and determine if this is feasible at this time. There was a consensus.

Mayor Leary – No report.

PUBLIC COMMENTS (ITEMS NOT THE AGENDA)

Betsy Eckbert, Chamber of Chamber CEO, informed the Commission about their January 24 event 'Cheers to You' where they will be celebrating the contribution of former Fire Chief Jim White. He will be honored with the Lydia Gardener Citizen of the Year.

Kim Allen, 1800 W. Fawsett, asked how much money has been raised so far for the library; both by the non-profit library group as well as the money raised for the add-ons.

Stefania McGrath, 655 Palmer Avenue, made suggestions how to improve pedestrian safety on Palmer Avenue and reduce traffic flow. She also asked that the Coffee Talks take place on a Saturday morning and every month.

The meeting adjourned at 5:06 p.m.



Mayor Steve Leary

ATTEST:



Cynthia S. Bonham

City Clerk Cynthia S. Bonham, MMC