

**REGULAR MEETING OF THE CITY COMMISSION
JANUARY 28, 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 Finance Director Wes Hamil, 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

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

Mayor's Report

Mayor Leary nominated Lynne Bachrach as a member of the Public Art Advisory Board; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

a. **Presentation – Winter Park High School CSPAN Student Cam Documentary Winners**

Vice Mayor Weldon spoke about the CSPAN bus last November where he was interviewed by the high school students. He introduced Principal Matthew Arnold who addressed the Student Television Network International competition where our students received nine awards out of the CSPAN Student Cam Documentary entries. Teacher Ms. Gerber introduced the students and provided a video showing a portion of their documentary entries.

Mayor Leary congratulated Commissioner Cooper who was re-elected because of no opposition.

City Manager's Report

1. Commissioner Seidel asked City Manager Knight to address where they are with the current library budget and the contingency amount previously discussed, and the steps going forward. Mr. Knight spoke about the library budget still being on track and meetings tomorrow with the design team who understands the goal to get the project to the budget that was approved. He stated there will be a list of items going forward that are the add alternates that were on the list from the

beginning that are above the original \$30 million budget but there are other items the architects feel are important to the project that they are suggesting to be added back. He asked them to explain the type of items they are, why they are important, the costs of adding them back and to rank them in order of importance. Commissioner Sprinkel stated our budget has not changed from what was approved and that they need to look at what they can and cannot do.

Commissioner Cooper asked when this information will be provided to the Commission so they can determine how to move forward. Mr. Knight responded that he does not know when they will receive the final numbers where they have met the budget and will not know about some of the major funding sources until March. He did not believe the Commission will be making a final decision until late March or early April because they will know more on the revenue side. Commissioner Cooper addressed her concern with demolishing the Civic Center until they had an agreement of how they were moving forward and requested again that they do not yet demolish the building. Mr. Knight explained the work to dismantle that building that has already taken place and that the building is scheduled to be demolished this week.

Mayor Leary commented that a plan is in progress to move forward and any additional items they are discussing to be added will not be added unless they find additional monies. He added that they owe it to the constituents who voted for the library in the referendum to build the library, and addressed the time already lost and money spent defending lawsuits from those opposing the library. He stated he saw no reason to delay this any further so he ruled a motion out of order to delay demolishing the Civic Center at this time so they can move forward.

2. Commissioner Cooper asked about a letter from the Florida Department of Environmental Protection asking them to address the deed restriction on the Martin Luther King property but also on the \$1.3 million worth of grants. She stated it sounds like the FDEP is willing to work to help the City. She asked that this be added to the City Manager's Report to track what is happening to alleviate the public from their concerns if they know this is being worked on. After discussion, there was not a consensus to add this to the City Manager's Report.

Attorney Ardaman commented that Attorney Langley is working with Mr. Knight who responded there is exposure if they deem the City is not in compliance with the \$100,000 grant from 1995 that required the City to put a deed restriction on the land where their funds were used for it to remain outdoor recreation open space. The City has done that and the grant was used to dredge the lake and develop the playing field south of the lake and to put in the walking path. He stated the Civic Center and parking lot already existed on the northwest corner of the property and was not where they used the FRDAP money. He stated they have filed a deed restriction covering all the areas where the FRDAP monies were used so it remains outdoor recreation space. The state agreed they could develop the northwest corner and now are being

lobbied with a slightly different interpretation where they want the City to put the restriction on the entire block which would not allow the building to be constructed. He stated they either have to pay back the \$100,000 or acquire other the park space. Staff is working with the State but this has not been finalized. City Manager Knight concluded that he has asked the Attorney to do a title search on the other parks to make sure the restrictions have been filed.

3. Commissioner Seidel asked when the poles will come down on the Fairbanks Avenue project. Electric Director stated it will be the end of the calendar year as they all come down at once.

City Attorney's Report

No report.

Non-Action Items

No items.

Consent Agenda

- a. Approve the January 14, 2019 Commission minutes. **PULLED BY COMMISSIONER COOPER FOR DISCUSSION.**
- b. Approve the following purchase:
 1. Ring Power Corp. - VT Leeboy 6150 Paver; \$214,666
- c. Approve the following contracts:
 1. Gerhartz & Associates, LLC - Renewal of RFQ-16-2012 – Continuing Contract for GIS Services; \$175,000 **PULLED BY COMMISSIONER COOPER FOR DISCUSSION.**
 2. Lewis Outdoor Solutions - Renewal of IFB-7-2017 – Landscape Maintenance for City Facilities; \$202,99
- d. Approve the following piggyback agreements:
 1. CDW-G, LLC - Extension of Sourcewell contract #100614-CDW for the procurement of Technology Solutions with Related Equipment & Supplies; Not to exceed \$200,000
 2. Syntech Systems, Inc. - Sourcewell contract #022217-SYS for the procurement of Fuel Management Technologies; Not to exceed \$180,000
 3. Granite Inliner, LLC - Extension of City of Orlando contract #IFB15-0017 for the procurement of Storm Line Rehabilitation Cleaning & Video Recording; Not to exceed \$500,000
- e. Approve the amendment to the Showalter Stadium Field Use Agreement between the City and Orange County Public Schools. **PULLED BY COMMISSIONER COOPER FOR DISCUSSION.**

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

Consent agenda item 'a' – Minutes

Commissioner Cooper commented about asking the City Attorney about making a motion about the Rachel Murrah Civic Center that was not in the minutes. She asked that this be included: "Commissioner Cooper asked Attorney Ardaman if she could make the motion and he answered that she certainly could make the motion but suggested asking the City Manager about any impacts this could cause with the delay." After comments, there was not a consensus to change the minutes.

Commissioner Cooper asked that the Rollins College reflect information regarding the conditional use request to redevelop the former Fred Stone Theater location with a new Black Box Theater facility. After discussion, the minutes will be amended by the City Clerk and published.

Motion made by Commissioner Cooper to approve the minutes as amended; seconded by Mayor Leary and carried unanimously with a 5-0 vote.

Consent agenda item 'c' – GIS contract renewal

Commissioner Cooper spoke about discussions as how they would consider open space/greenspace and connectivity and the one discussion was the need for information to assess the feasibility. She stated she verified with our GIS contractor that we have all City right-of-ways, easements and City owned property within our GIS system.

Motion made by Commissioner Cooper that his scope that we are approving this evening include a presentation to the Commission as to what City owned and controlled property we have so we can begin to consider the feasibility of doing anything with that information. City Manager Knight responded that his contract is flexible and that a presentation would fall within the scope of the contract. **Motion was withdrawn.** This will be addressed under reports.

Consent agenda item 'e' – Showalter use agreement

Commissioner Cooper asked about the verbiage that we are going to change the percentage and allow the Orange County School Board to receive a larger percentage of the revenues for the use of the advertisement that would be offset by less labor needed on our Parks Department but does not say how much. Parks Director Jason Seeley commented that once Orange County came to the table and said they already had the mechanism in place they did not get into that but the revenue loss is about \$16,000 and staff knows they cannot provide both the creation, design as well as the sales needed for that price. Commissioner Cooper also asked if the profits will go to

the Winter Park Foundation if they go through Orange County. Mr. Seeley stated the intent is for the money to go back to Winter Park Foundation.

Motion made by Commissioner Cooper to approve Consent Agenda items 'c' and 'e'; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

No items.

Public Hearings:

- a. RESOLUTION NO. 2215-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING 400 KILSHORE LANE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES

City Architect Brooks Weiss explained the request to designate the home as a historic resource and displayed photos. Property owners Mr. and Mrs. Hansen expressed their excitement to designate their home and their involvement in historic preservation.

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. 3137-19: 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 Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance; 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.

c. Request of City of Winter Park:

ORDINANCE NO. 3138-19: 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 Second Reading

ORDINANCE NO. 3139-19: 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 Second Reading

Attorney Ardaman read by ordinances by title.

Motion made by Commissioner Cooper to adopt the land use 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.**

Motion made by Commissioner Cooper to adopt the zoning 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.**

d. Request of Rollins College for: Final Conditional Use approval to build a new 250,000 square foot dormitory with approximately 500 beds and Preliminary Conditional Use approval to build a new on-campus parking garage on the property at the southwest corner of Fairbanks Avenue and Ollie Avenue, with up to five levels and up to 850 parking spaces

Planning Manager Jeff Briggs explained that Rollins College is requesting Final Conditional Use approval to build a new 250,000 square foot dormitory with approximately 500 beds in the same general location of McKean Hall and Preliminary Conditional use approval to construct a new on-campus parking garage on the property located at the southwest corner of Fairbanks Avenue and Ollie Avenue with up to five levels and up to 850 parking spaces.

The conditional use request for the new dormitory beds is motivated by the goal of Rollins College to increase the number of full-time undergraduate students living on-campus. The added dorm rooms from this project will enable the junior class to reside on-campus providing a greater percentage of students taking part in the full on-campus experience of educational, athletic and social activities.

Shifting the junior class on-campus will increase the number of permanent cars parked all-day versus just parked during classes, etc. Also, to have parking more convenient for both students and visitors to campus activities, Rollins College has decided to build a parking garage structure on the site of the current surface on-campus parking lot at the corner of Fairbanks Avenue and Ollie Avenue. Unlike the detailed submittal for the dormitory project, this request is preliminary or conceptual.

The preliminary conditional use approval will come back through the P&Z Board and City Commission for a final approval. The City has very comprehensive Parking Garage Design standards and together with the desire of Rollins College for an attractive image, that aspect should not be of issue. However, there are grade design issues, as the site drops down toward the lake, improvements are needed to Ollie Avenue for the added traffic and the interface with the current access road into the College. Those details need further definition and thus the final design will be on a future agenda when resolved. Staff is recommending approval.

Mr. Briggs answered questions of Commissioner Cooper regarding height, protection of the cypress trees, the parking garage, and the signage at the entrance of Dinky Dock.

Rollins President Cornwell spoke about the project and their vision and plan for the college. He stated they are adding beds but have no plan in their strategic plan to become larger. He spoke about the need to have dorms for the students on campus and the parking necessary to allow this.

Attorney Rebecca Wilson, representing Rollins College, addressed the location of the new residential building, the building height and elevation, the site plan changes, how the service trucks will enter, and showed renderings of the proposed building. She stated they have two requests: preliminary approval of the CUP for the Ollie Garage and final approval of the CUP for the new dormitory with the P&Z condition that the parking garage has a Certificate of Completion before or simultaneously with the dormitory Certificate of Completion. She replied to questions of the Commission regarding protection of the trees and the certificate of occupancy for the garage. Mayor Leary asked Attorney Wilson to provide information as to how the traffic will flow within the campus after the garage is constructed so the vehicles stay within the campus and not go on Fairbanks. Commissioners provided positive comments regarding the proposed project.

Motion made by Commissioner Sprinkel to approve the two requests (preliminary CUP of Ollie Garage and Final CUP of the new dormitory with the P&Z condition); seconded by Commissioner Cooper.

Public comments were made in support of the approvals by:

Tony Gray 311 E. Morse Boulevard, Winter Park
Jeffrey Blydenburg, 204 Genius Drive, Winter Park
David Odahowski, 199 E. Welbourne Avenue, Winter Park
William Sullivan, 1362 Richmond Road, Winter Park

Mayor Leary addressed letters of support.

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 THE AGENDA)

Beth Hall, 516 Sylvan Drive, provided comments about her disagreement as to how the FRDAP grant for MLK Park has been handled.

Charley Williams, 757 Antonette, showed a picture taken of the trees that were taken down at MLK Park at the site of the new library/events center and spoke in disagreement.

Kim Allen, 1800 W. Fawsett, spoke in agreement with not demolishing the Civic Center and tearing down more trees at the site until we know what is going to happen. She addressed the items proposed for the project that are no longer in the plans. She also spoke about the grant for the park and asked that the deeds for the parks be restricted.

- e. Request of Ira Kitograd for: Conditional Use approval for a two-story, office and residential mixed-use project consisting of five office suites totaling 3,770 square feet of office space on the ground floor and five residential units on the second floor at 2600 Temple Drive, zoned office (O-2)

Planner Allison McGillis provided the staff report. She explained the concept that the applicant is proposing is called 'live-work' units. The five office suits are to be independently connected to the five residential units above them. The live-work units will then be sold as fee simple ownership so that the owner can live on the second floor and have an office on the first floor. To the extent that a "subdivision approval" is required for the type of ownership, this process provides that approval. This fee simple/replat marketing approach is what is typical on most live-work projects. The

difference between this scenario and the other mixed-use projects throughout the City where there is office/retail on the first floor and residential above, is the independent stairwell connection each office unit will have to the second floor residential unit. This will be the first true live-work project in the city.

Commissioner Cooper spoke about obtaining information from Orlando that the City may consider when regulating live-work units. She stated she would like this be considered as a pilot project so it does not become a precedence or become an entitlement. She asked that it be reviewed in whatever time is agreed on to see if it works for the City and if the City has a need for this in the community. She asked that staff put together codes/regulations to address this before making it an entitlement. Commissioner Sprinkel agreed with the request as presented and commented that the City can always improve our codes.

Motion made by Commissioner Weldon to approve the conditional use as recommended by the Planning and Zoning Board (with the conditions: That the applicant come back before the P&Z Board with a specific landscape plan, detailed elevations of the building including articulation, and an addition of a sidewalk to the site plan along the front of the building connecting to Temple Trail; that any electric transformers/backflow preventers, or trash bins are located where not visible from a public street or adjacent properties, and shall also be landscaped so as to be effectively screened from view; and to include the requirement of a homeowner's association); seconded by Commissioner Sprinkel.

Motion made by Commissioner Cooper that staff move forward to investigate and perhaps bring forward some regulation for future live/work situations. Mayor Leary stated he can support that but not part of the motion and suggested discussing it under Commission Reports.

David Danziger, 1049 Tuscany Place, spoke in opposition to the request because of the proposed offices at that location close to his residence.

Commissioner Cooper stated she is not supporting this at this time only because staff has not done any research regarding regulations that are typically in place for live/work and wanted the City to set the pace and have the regulation before doing this.

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

City Commission Reports:

Commissioner Seidel – Agreed that the Civic Center should be taken down and replaced with a newer facility and waiting to demolish it did not make sense because it would be too costly to restore. Since the City supported the Blue Bamboo during the budget hearings he went there and totally enjoyed the evening. Reported they held the 17-92 FDOT meeting and was going to follow up with the City Manager on items such as traffic signals. He addressed the Orange County Teacher of the Year was awarded to Melissa Papas of Brookshire Elementary.

Commissioner Sprinkel – Reminded everyone that the issue of the trees being taken down at the Civic Center has come before them at the meeting not long ago and that this is not new news. Reported that she attended the Side-By-Side event at the Congregational Church last Friday.

Commissioner Cooper – Asked that staff review codes from other entities to understand whether it makes sense to look at regulations specifically for live/work type projects. Staff will review this.

Asked that staff provide a GIS presentation on the data already available showing all City-owned and controlled properties in a work session. This will be put on a future agenda.

Commissioner Cooper asked if the residents can be provided some type of education on the City operations to make everyone aware. Mayor Leary asked that staff determine the best way to do this.


She asked if they can hold a work session soon regarding the library budget and moving forward. Mayor Leary stated staff is still working through this and would not be fruitful at this time. He commented about residents providing partial information to people. Commissioner Sprinkel addressed the misinformation being forwarded to individuals that is not accurate.

Commissioner Weldon – Asked that the agenda procedures regarding contracts always include a comparison with a prior contract if one exists. Everyone agreed that future agreements should have redlines and an explanation of the changes.

Commented that the Commission needs to be careful to select their conversations in the context of the legal requirements we have to uphold the law and to indulge obvious efforts by the same people over a long period of time to undermine a legally validated vote of the electors of the City puts everyone in a bad position. He asked for patience in the community and on the Commission to let the process run its course through the City Manager and staff and when they can see the results and consider the funding opportunities then he believes the Commission will do a very responsible job of that.

Mayor Leary – No report.

The meeting adjourned at 6:00 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC