

**REGULAR MEETING OF THE CITY COMMISSION
FEBRUARY 25, 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 Reverend Alison Harrity, St. Richard's Episcopal Church, 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 changes to the agenda: Items 11-d was pulled by the applicant and staff pulled item 11-e from the agenda.

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

Mayor's Report

a. Check Presentation – Donation by Whiting Family for Phelps Park

Mayor Leary spoke about the generous check presented to the City by the Whiting Family to continue to maintain Phelps Park. The family could not attend the meeting to be recognized.

Other issues

Mayor Leary reported that the City needs to seat a Charter Review Committee and asked the Commissioners to provide a name by the next meeting for consideration. The Mayor will appoint two at-large as well.

Mayor Leary addressed the need with determining how to proceed with the existing library property and will be seating 3-5 people at the next meeting to discuss and provide recommendations to the City Commission as to what to do with that property. Mayor Leary commented that he would be happy to consider suggestions of names from the Commissioners.

City Manager's Report

Commissioner Cooper asked Mr. Knight if he met with the Westside resident; she also wanted to make sure the City is not involved in managing contractors from our grants. Mr. Knight stated the meeting is scheduled for next week and that he also met with Ms. Mary Daniels regarding the undergrounding.

Commissioner Cooper spoke about staff and our attorney working with the Department of Environmental Protection (DEP) and asked how the deed restrictions look for our City parks. City Manager Knight stated they are working through all those and have a conference call with the DEP on Thursday.

City Attorney's Report

Attorney Ardaman spoke about the Canvassing Board requirements of our Charter. After discussion, the following are qualified to serve on the board: Commissioners Seidel, Sprinkel and Cooper. **Motion made by Mayor Leary that Commissioners Seidel, Sprinkel and Cooper serve on the 2019 Canvassing Board, seconded by Commissioner Seidel and carried with a 4-0 vote with Commissioner Weldon abstaining from voting due to his conflict.**

Non-Action Items

a. West Lyman & New York Intersection

Budget Manager Peter Moore presented this agenda item that was for informational and discussion purposes only. He addressed the following: In reviewing the quiet zone gates and their installation, it was determined that approximately half the cost of the whole improvement or about \$300k is related solely to the New York/Lyman intersection. This intersection has long been a difficult one as its size and spanning of the railroad tracks, and often results in driver confusion at the 4-way stop. In reviewing this intersection staff is considering the opportunity of closing off Lyman on the east side of the tracks. In addition to saving funding on the gates installation (approximate savings of \$75k), this potential project would also provide a number of other beneficial enhancements:

- Creates nine additional parking spaces by redesigning the lot behind city hall.
- Offers an event space alternative directly in front of the Welcome Center but close enough to downtown to be an alternative to closing Park Avenue.
- Provides convenient adjacency to the Farmers' Market allowing for potential expansion and creating a natural linkage of activity to Park Avenue.

- Removing the stop signs on New York at the intersection would improve traffic flow along New York Avenue and also potentially improve Fire response times as currently engine traffic is routed down Interlachen, which is a difficult street to use because of the schools/churches presence but has fewer stop signs than New York, currently.
- Allows for enhanced beautification and landscaped space in the downtown. At this high visibility area near the Farmers' Market and our Welcome Center, there are numerous possibilities to add enhancements to the landscape/hardscape.
- While this would remove traffic flow on Lyman across the tracks, there exists multiple alternative parallel connector roads and very few businesses that have access directly to Lyman: parking lots of City Hall, Welcome Center, and the real estate and plaza lot. All of these lots can be accessed by Park or Comstock as the City Hall lot would still allow access through to Lyman.

The contractor doing the quiet zones is planning to do this intersection last, which would put their start date in late March; however, there may be some options for delaying that further if more time is necessary to evaluate this project. Staff is also updating traffic counts on Lyman in addition to reaching out to the business community in cooperation with the Winter Park Chamber of Commerce, who supports this concept. In addition, staff will take this concept to the CRA Advisory Board and Transportation Advisory Board for further review and comment. It is staff's intention to have more complete answers to some of these questions by the first Commission meeting in March to bring this back as an action item for approval, while still taking advantage of the timing on the Quiet Zone project.

Mr. Moore answered questions. Commissioner Cooper addressed her preference not to encourage traffic onto New England Avenue with offload from Lyman Avenue because New England does not have alleys and they need to have service to create another Park Avenue. She did not want to move the traffic onto Fairbanks and spoke about what the City will be facing with the success of SunRail and the buses needed to service the trains. She stated they do not need to be diverting traffic from the Central Business District streets and if they have the ability to go east/west and north/south they better hold onto those. She was not interested in moving this forward.

Commissioner Seidel spoke about unintended consequences and the need to evaluate changes to know what these may be. Commissioner Sprinkel commented she is not prepared to discuss or do this. She stated she does not see the advantages and did not believe it was the right time to move forward. Commissioner Weldon noted he did not intend to take any action on this.

Mayor Leary spoke about potential unintended consequences of this that could either be challenging or be good. He did not support it the way it was presented this evening

but that he would be open for further review for other options for the intersection but only if the Transportation Advisory Board further discusses it.

In conclusion, there was not a consensus to move forward with further review.

Consent Agenda

- a. Approve the February 11, 2019 Commission minutes.
- b. Approve the following contracts:
 - 1. Pike Engineering: amendment to RFQ-15-2016 - Continuing Contract for Professional distribution Engineering & Substation Consultant Services; as needed basis.
 - 2. CORE Engineering & Construction, Johnson-Laux Construction, LunDev, Ovation Construction, Tyrell Enterprises, Vanson Enterprises: Amendment to RFQ-11-2018 - Repair & Construction Services; not to exceed \$200,000 per contractor.
- c. Approve the following piggyback agreements:
 - 1. Pace Concrete: City of Eustis contract #007-15 - Concrete Sidewalk, Curb & Gutter; Not to exceed \$400,000
 - 2. Flowers Chemical Laboratories: Extension of City of Ocoee contract #RFP14-002 - Laboratory Services for City Water & Wastewater Facilities; Not to exceed \$100,000
- d. Approve the following formal solicitation:
 - 1. Symbiont Service Corp.: IFB-3-2019 - Geothermal Pool Heater for Cady Way Pool; \$135,047

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

Mayor Leary recognized the large number of parents and children present in support of the approval of the Cady Way pool heater bid. Joe Auer, Blue Dolphins Swim Club thanked the Commission on behalf of everyone present. Parks Director Jason Seeley provided an update on the status of the restrooms at Cady Way. He stated there has not been a need for hot water showers at this time because of being a summer pool but once there is a need shown with the pool heater and use of the pool during the winter, they will move toward adding that additional amenity. Mayor Leary asked that the plan for the Cady Way pool be presented on a future agenda.

Action Items Requiring Discussion

No items.

Public Hearings:

- a. ORDINANCE NO. 3140-19: 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 THERETO AS EXHIBIT 'A' PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title. **Motion made by Commissioner Sprinkel to adopt the 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. Request of Rollins College: Final Conditional Use approval for the proposed parking garage to be built on the Rollins College Campus at the corner of Fairbanks Avenue and Ollie Avenue, zoned PQP.

Planning Manager Jeff Briggs provided information concerning the request. Rollins College requested Final Conditional Use approval to build a new on-campus parking garage on the property located at the southwest corner of Fairbanks Avenue and Ollie Avenue with 784 parking spaces. On January 28, 2019, the City Commission, in accordance with the P&Z Board recommendation, approved the Final Conditional Use request for the Dormitory project and the Preliminary Conditional Use for the parking garage. The previous plans for the parking garage were conceptual and included only a general footprint outline of the location with some generalized parking numbers. At this time, the more detailed parking garage plans were now ready for review.

The final design is a split plan which has the front one-third of the parking structure along Fairbanks Avenue at 3-stories/4 levels. The rear two-thirds of the structure toward the Lake Virginia/Dinky Dock park is 4-stories/5 levels. All access to the parking garage from public streets is from Ollie Avenue so there is no direct connection out to Fairbanks Avenue. Ollie Avenue is intended to be widened in that northern section to create a three land section allowing for more stacking at the traffic light for left turns and straight thru/right turn movements.

Mr. Briggs spoke about the trees that will remain and the garage aesthetics. He stated this has met all the City design requirements for parking garages. The P&Z Board made a recommendation for approval with one requirement of a Parking Management Plan that comes to them later to permit joint usage of the garage particularly during the peaks of the Dinky Dock usage.

Staff Recommendation was for final approval of the Conditional Use the Parking Garage pursuant to the design description outlined in the staff report and the plans submitted and with the approval of a Parking Garage Management plan prior to completion, as well as adding identification signage for Dinky Dock.

Mr. Briggs answered questions. Attorney Rebecca Wilson, representing the applicant, thanked Mr. Briggs and spoke about the tree approvals they have received and the tree mitigations. She addressed the parking spaces, the SunTrust garage parking spaces, the installation of sidewalks and the landscape plan.

After discussion, the following was made a caveat of approval: "Rollins owned or controlled parking spaces in the SunTrust building shall only be used for SunTrust building tenants, the Alford Inn, open public parking, existing or future City approved development on the block known as the Lawrence Center, and college purposes."

Attorney Wilson clarified that if they ever need to change the caveat that they would have to propose their plan and obtain Commission approval.

Motion made by Commissioner Weldon to approve the conditional use request as recommended by the Planning and Zoning Board; seconded by Commissioner Sprinkel.

Motion amended by Commissioner Seidel to include the language as provided above by the City Attorney; seconded by Mayor Leary. The amendment carried unanimously with a 5-0 vote.

Motion amended by Commissioner Cooper that the sidewalks and curbs along Ollie Avenue and Fairbanks Avenue be upgraded by Rollins College and that they use deciduous trees to the extent possible to encourage pedestrian comfort and circulation. Motion failed for lack of a second.

Upon a roll call vote, the main motion including the amendment carried unanimously with a 5-0 vote.

- c. Request of Rollins College: Conditional Use approval for Phase II of the Alford Inn (pursuant to the Developer's Agreement, as amended by the City of Winter Park and Rollins College, dated December 16, 2011) to build 73 additional hotel rooms, 12,000 square feet of new spa/health club space, and 2,140 square feet of additional meeting space/gallery, added to the existing Alford Inn at 300 East New England Avenue.

Planning Manager Jeff Briggs addressed the request for conditional use approval that will be built on the existing surface parking lot on site. He stated that everything they are asking for is within the entitlements granted to the college by our existing development agreement. He stated that staff recommends approval with the one condition that Rollins provide stickers and R-Cards that will allow 20 Library employees to park in either the new Ollie garage or in the SunTrust garage, until such time as the new Library is completed.

Motion made by Commissioner Sprinkel to approve the conditional use request, seconded by Commissioner Seidel.

Rollins College President Grant Cornwell spoke in support of their request.

The following spoke in favor of the request:

Jennifer Wandersleben, AdventHealth Administrator
Betsy Gardner Eckbert, CEO Chamber of Commerce
Tracy Klingler, 119 E. Morse Boulevard merchant

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 LG Winter Park Fairbanks LLC: Conditional Use approval for a new 2,000 square foot, 60 seat, Wendy's fast food restaurant with a drive-thru component, and an 8,240 square feet retail/office building at 1308/1324/1350 West Fairbanks Avenue, zoned C-3 and O-1.

This item was removed from the agenda.

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ADDING A NEW SECTION 58-368 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT HTEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE First Reading

This item was removed from the agenda.

City Commission Reports:

Commissioner Seidel – No report.

Commissioner Sprinkel – Spoke about the leaf blowers and to make sure the rules are followed. Asked about the date of the Board Appreciation event. After discussion, the event will be held on May 15.

Commissioner Cooper – Spoke about the passing of Egerton Vandenberg and his accomplishments. She asked the Commission to consider in his honor to have staff evaluate adding camphor trees back onto the protected list. He loved the camphor trees that used to be lined down the street past his home to the Comstock Harris House located at the end of Bonita. She asked that the City Manager research with our Arborist. After comments, there was not a consensus to move forward with having staff evaluate adding camphor trees back onto the protected list.

Commissioner Cooper thanked the Chamber of Commerce and the Mayor for a wonderful State of the City address on Friday.

She spoke about a resident request to start meetings later and to increase the number of Coffee Talks.

Asked about having a resident survey since it has been a long time since the last one. Commissioner Seidel suggesting talking about this during the budget time.

Commissioner Weldon – No report.

Mayor Leary – No report.

PUBLIC COMMENTS (ITEMS NOT THE AGENDA)

Michael Perelman, 1010 Greentree Drive, spoke about the need to have more diversity with who does the invocation at Commission meetings to be more inclusive of other religions or beliefs.

The meeting adjourned at 5:11 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Weldon Peter Jones</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Winter Park City Commission</i>	
MAILING ADDRESS <i>700 Via Lombardy</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Winter Park</i>	COUNTY <i>Orange</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>02/25/19</i>		NAME OF POLITICAL SUBDIVISION: <i>City of Winter Park</i>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Peter Weldon, hereby disclose that on February 23, 20 19:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Charter prohibits a candidate from serving on the required canvassing board. As I am a candidate for city commission to be voted on March 12, 2019 I cannot vote on approval of members of the required canvassing board. I therefore withheld from voting on this matter.

Date Filed

02/25/19

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.