

**REGULAR MEETING OF THE CITY COMMISSION  
JUNE 24, 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. Souraya Ghalayini, Leaders Preparatory School Teacher, provided the invocation, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Todd Weaver

Also Present:

City Manager Randy Knight  
City Attorney Kurt Ardaman  
Debbie Wilkerson (for City Clerk)

**Approval of agenda**

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

**Mayor's Report**

- a. Presentation by Florida League of Cities Legislative Advocate to Mayor Steve Leary for 2019 Home Rule Hero Award

Jeff Branch, Florida League of Cities presented Mayor Leary with the 2019 Home Rule Hero Award. He mentioned that Commissioner Cooper and Building Director George Wiggins had already received their award.

- b. Appointment of voting delegate for the Florida League of Cities Annual Business Meeting

**Motion made by Commissioner Cooper to appoint Mayor Leary; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.**

**City Manager's Report**

Presentation – Arts & Culture Alliance

Communications Director Clarissa Howard introduced Betsy Gwinn, Executive Director Bach Festival Society of Winter Park and Ena Heller, Cornell Fine Arts Museum who provided a presentation regarding the Arts & Culture Alliance.

City Manager Knight reminded the Commission that a CRA work session is scheduled for July 8 at 2:30 and that staff is finalizing the budget to be presented at that meeting. Commissioner Cooper inquired about the costs associated with the new

library regarding personnel and maintenance. City Manager Knight responded that he will provide those costs. He added that the tree information will be provided at the July 22 meeting. Commissioner Cooper spoke about the Old Library Reuse Task Force meetings and recommended others to attend and provide input as to how to make it sustainable. Commissioner Sprinkel spoke about this coming before them in the future. Mayor Leary commented that the task force is working independently of the Commission and he is interested in seeing their report.

### **City Attorney's Report**

Attorney Ardaman spoke about a lawsuit filed by the League of Cities along with Ft. Walton Beach, Port Orange and Naples against the law passed in 2017 – small cell providers. He spoke about the adoption of a strict ordinance in Winter Park regarding that to maximize the City's control in City rights-of-way. He stated if it makes sense for the Commission to be a part of the lawsuit he will bring it back for discussion.

### **Non-Action Items**

a. Discussion regarding electric vehicle charging infrastructure ordinance

Assistant Building Director Kris Stenger provided a presentation regarding the background of Electric Vehicles (EV's), the benefits, and the draft EV ordinance that he provided. He summarized the various boards and their support of the proposed ordinance. Discussion ensued regarding the ordinance and concerns associated with residential requirements in the ordinance. After questions were answered, there was a consensus to bring this back with the Commission's concerns addressed for a first reading and discussion. Mayor Leary suggested that staff meet with Commissioners individually to obtain feedback before this comes back to them.

### **Consent Agenda**

- a. Approve the minutes of June 10, 2019.
- b. Approve the following contract:
  1. SGM Engineering; Calvin, Giordano & Associates: RFQ-9-2019 – Continuing Contract for Professional MEP Engineering Services; As-needed basis.
- c. Approve the following piggyback agreements:
  1. Musco Sports Lighting: Clay County RFP #18/19-2 – Various Equipment & Amenities for Parks & Playgrounds; Not to exceed \$200,000 per year (3-year initial term).
  2. Rep Services: Clay County RFP #18/19-2 – Various Equipment & Amenities for Parks & Playgrounds; Not to exceed \$75,000 per year (3-year initial term).
  3. CDW-G: Increase allowable spend under existing piggyback of Sourcewell contract #100614-CDW for the procurement of

Technology Solutions with Related Equipment & Supplies; Not to exceed \$1,334,108.

4. Electric Supply of Tampa: Extension of Gainesville Regional Utilities contract #2015-002-A – Wire & Cable; Not to exceed \$600,000.

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

### **Action Items Requiring Discussion**

- a. Discussion on allowing alcoholic beverage licenses in hair/nail salons and spas

Planning Manager Jeff Briggs provided Section 58-84, Alcoholic Beverage Licenses for discussion and summarized the code. The Topsy Salon, 110 S. Orlando Avenue brought this forward who asked that they be allowed to have a license to serve wine and beer at their salon. Mr. Briggs summarized the difference between sale and consumption of alcohol and spoke about this being impossible to police and control. He stated the Planning and Zoning Board was not in favor of changing the code.

Topsy Salon owner spoke about their other locations that were approved for liquor licenses and asked that they be allowed to have a liquor license in Winter Park.

Attorney Ardaman commented that the state has pre-empted the licensing and the City has the right to deal with the location of businesses and the sale of alcohol as long as the City keeps it in the realm of the zoning arena. He stated the state will not approve a liquor license unless the City zoning will sign off of it.

**Motion made by Commissioner Cooper to approve staff's recommendation for denial; seconded by Commissioner Sprinkel. Upon a roll call vote, the motion carried unanimously with a 5-0 vote.**

- b. Sale of 2600 Lee Road property

City Manager Knight addressed the contract and the offer made for purchase of the former Club Harem site for \$950,000. Staff's recommendation is to move forward with the purchase.

Commissioner Cooper spoke about property values increasing and wanted to hold out for a better offer.

Discussion ensued as to what the doctors who want to purchase the property want to do with the property and the amount of time the City has owned this property.

City Manager Knight explained the appraisal was under \$800,000 when they bought it and the City has spent more for it because of cleaning up illegal activities and reducing the amount of City resources because of policing the activities.

There were no public comments made. The applicant was not present.

Mr. Briggs addressed the billboard on the site that will be going away that is an asset going away in July 2020.

City real estate broker (CBRE) Bobby Palta stated this is a fair price for the property and that they are wanting to close in 90 days or less.

**Motion made by Commissioner Sprinkel to approve the sale, seconded by Commissioner Seidel and carried with a 4-1 vote with Commissioner Cooper voting no.**

**Public Hearings:**

- a. Request of Villa Tuscany Holdings LLC for: Subdivision approval to divide the property at 1298 Howell Branch Road on Lake Temple, zoned R-3, into four lakefront lots, to be developed as single family lots

Planner Allison McGillis presented the request and staff's recommendation for approval. Ms. McGillis answered questions regarding the building elevations and the notice provided to the neighbors.

The gentleman representing the property owners, addressed the prior approval to have four single family lots and after speaking with home designers they noticed it would be beneficial to change the lot line (between 3 and 4) in order to design a home that is more conducive to the lifestyle and living in Florida. He answered questions regarding the prior approval and why their request has changed.

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

The following spoke in opposition:  
Barry Render, 2630 Via Tuscany  
Nancy Freeman, 1055 Tuscany Place

**Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried unanimously with a 5-0 vote.**

**PUBLIC COMMENTS (ITEMS NOT THE AGENDA)**

Linda Eriksson, 535 N. Interlachen Avenue, spoke against the neon signage on Park Avenue. Planning Manager Briggs stated that they do not prohibit neon signs and that they are asking the business owner to reorient the sign. There was a consensus for staff to bring back amended code to address the signs and their size.

Recess

A recess was taken from 5:10 to 5:25 p.m.

b. Request of V3 Capital Group LLC:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO AN OFFICE FUTURE LAND USE DESIGNATION ON THE PROPERTIES AT 1419 AND 1421 TROVILLION AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AMENDING THE "OFFICIAL ZONING MAP" TO CHANGE FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) TO OFFICE (O-1) DISTRICT ZONING ON THE PROPERTIES AT 1419 AND 1421 TROVILLION AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. FIRST READING

Conditional use approval to construct a new, two-story, 25,000 square foot office building on the combined properties at 1424 and 1428 Gay Road and 1419 and 1421 Trovillion Avenue

Attorney Ardaman read the ordinances by title.

Commissioner Seidel disclosed conversations with the applicant and neighbors. Commissioner Cooper disclosed conversations with the developer and residents of the Gay Road area and City staff. Commissioner Weaver disclosed conversations with neighbors and staff. Commissioner Sprinkel and Mayor Leary did not have conversations with anyone prior to this.

Planning Manager Jeff Briggs explained the prior request that was tabled and the options of what could be built if this request is not approved. He summarized the changes made to the plans to address Commission and citizen concerns as follows:

1. Elimination of the cut-thru traffic. The prior site plan allowed traffic to drive thru the parking lot creating a cut-thru route between Gay Road and Trovillion Avenue. This was a major objection from the neighbors. The new site plan closes that cut-thru and eliminates the

driveway onto Trovillion Avenue. Instead, there is a decorative six foot wall with landscaping in front along Trovillion Avenue. The project will also add a sidewalk along Trovillion Avenue and street trees.

2. Creation of a pedestrian/bike path. The new site plan shows a sidewalk easement for pedestrians and bikes to interconnect Gay and Trovillion so that neighbors can more easily access between the two streets.
3. Adding more setback on Gay Road. The building setback on Gay Road has been increased from 10 feet to 20 feet along Gay Road which provides more space for landscape plantings and separation from the sidewalk.
4. Reduction in building size. The building was reduced in size from 30,000 square feet to 25,000 square feet. This is a 17% reduction in building size and a reduction in 50 vehicle trips per day and 15 parking spaces.

Applicant Trey Vick provided a presentation supporting his request and the effort put forth to resolve concerns of the residents and Commission.

Commissioner Weaver provided a presentation showing Fawsett Road at Kings Way and flooding, stormwater projects, and flooding at the Killarney Bay Condos. Mayor Leary asked that his comments be focused on the issue before them. Mayor Leary clarified that there is no stormwater treatment on the property being discussed this evening, and that stormwater treatment will be part of the redevelopment that will be an improvement. Mr. Briggs clarified that the applicant has provided all that staff requires for preliminary and final approval.

**Motion made by Commissioner Seidel to accept the two ordinances on first reading and approve the conditional use request for discussion, seconded by Commissioner Sprinkel.**

The following spoke in favor of the request:

Ken Pozek, Keller Williams, read into the record a letter from the property owner.  
Adrienne Altomari, 1500 Gay Road (with one exception of the pedestrian/Bikepath)  
Donald Gaudette, Jr. 1060 Bonita Drive

The following spoke against the request:

Mar Jean Olson, 1415 Trovillion Avenue  
Carriellen 'Terri' Godsell, 750 Killarney Bay Court  
Rosemarie Seaman, Ultimate Fitness, 2265 Lee Road  
Odalia Sandy Canfield, 585 Lake Front Boulevard  
Doug White, 595 Lakefront Boulevard  
Nancy Ponting, 570 Killarney Bay Court

David Robold, 612 Country Club Drive asked about the light at Bennett and Executive Drive alignment that would make the residents more comfortable with the traffic issue. Planning Director Bronce Stephenson commented that a light is warranted at that intersection with Lee Road and should be there by the end of the year.

Discussion ensued regarding final plans for the intersection and when they will be ready. Commissioner Weaver wanted the City to consider doing a stormwater project on Executive, Gay and possibly Trovillion before they get into a large development that will channel water into the streets and development. Mr. Stephenson reminded the Commission that the Killarney Bay original development from 1985 put the stormwater to go through the swales and be held on the property.

Commissioner Sprinkel asked for a response for the people asking that the property be built as a park. Mayor Leary spoke about MLK Park being close by and that this would probably not be acceptable to the property owner. Mr. Vick commented about asking the Winter Park Land Trust who did not have an interest in buying the property for a park. Mr. Vick stated their site is not going to drain into the Killarney Bay Condos storm system. He also addressed other concerns of the residents including setbacks. The ex-filtration system was also addressed.

Commissioner Cooper spoke about her approval of this request because it will have less negative impact on the community and the pervious space they are presenting is more equivalent to what they would get with R-3 and any other office property.

Commissioner Weaver spoke about his concern with water quality in the lakes and did not believe the streets were ready for development. He wanted the City to take more time to work out the stormwater issues before allowing this development.

Commissioner Seidel spoke about this issue being difficult to make a decision on and wanted to see the bike path move forward. He asked if they could make an exit only on Trovillion so when they are leaving at the end of the day they are not going out to Gay Road. Commissioner Sprinkel spoke about Trovillion and that the residents at the end were adamant about not keeping that open.

Mayor Leary suggested going forward with the walkway, he did not believe the drainage concerns with Killarney Bay are related to this property and that the retention being provided by the applicant will alleviate any concerns for their project, and traffic will be concentrated at certain times of the day but none on the weekends. He believed this to be the best project instead of the density of a possible condominium project or townhomes.

Commissioner Cooper listed conditions that she wanted to make sure were part of the application. These included:

Condition #3: Include the addition of shade trees along Trovillion Avenue Frontage.  
Condition #4: Include the requirement that the applicant construct a lighted 5 foot pedestrian walkway landscaped with live oak, magnolia and sweet viburnum connecting Gay and Trovillion. The western edge to be lined with a capped masonry wall.

Add new Condition #6. That the dumpster be relocated to not align with the adjacent single family home to the southwest. Mr. Vick will assure the dumpster is not by the single family home.

Add new Condition #7 Developer to be responsible to maintain both sides of the proposed wall.

Add new Condition #8: All representations made in the Kimley Horn Letter to the City of Winter Park, dated June 07, 2019, Re: Gay Road Office Complex are agreed to be conditions of this approval.

Also include: continue to use the islands as shown in the current plan.

The applicant agreed to the above.

**Upon a roll call vote on the comprehensive plan ordinance on first reading, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weaver voted no. The motion carried with a 4-1 vote.**

**Upon a roll call vote on the zoning ordinance on first reading, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weaver voted no. The motion carried with a 4-1 vote.**

**Upon a roll call vote on the conditional use request, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weaver voted no. The motion carried with a 4-1 vote.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS NOT TO EXCEED \$15,000,000 WATER AND SEWER REFUNDING REVENUE BOND, SERIES 2020 IN ORDER TO REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING WATER AND SEWER REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2010; PROVIDING AUTHORIZATION FOR THIS ORDINANCE; PROVIDING FINDINGS; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE WATER AND SEWER SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title.

**Motion made by Commissioner Cooper to accept the 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 Weaver voted yes. The motion carried unanimously with a 5-0 vote.**

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND TERMINATING A PORTION OF THE DITCH RIGHT OF WAY DEPICTED ON THE PLAT OF TROTTER'S REPLAT, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "J", PAGE 58, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA THAT ENCUMBERS THE PROPERTY IDENTIFIED AS ORANGE PROPERTY APPRAISER PARCEL #07-22-30-



8760-00-172 PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.  
First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway addressed the drainage right-a-way doing through the property with a house built over the pipe. He spoke about Mr. Bryan purchasing the parcel and that he wants to build another house so the City wants to vacate the existing drainage right-a-way and construct and develop a new easement along the property line.

**Motion made by Commissioner Sprinkel to approve the agreement; seconded by Commissioner Cooper.** There were no public comments made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried unanimously with a 5-0 vote.**

**Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Cooper.** There were no public comments made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried unanimously with a 5-0 vote.**

**City Commission Reports:**

Commissioner Seidel – Attended the Winter Park’s Fourth Annual Juneteenth Celebration where they rededicated Richard Hall’s statue at the Heritage Center. Mentioned conversations with Sally Flynn and Charley Williams regarding where he stands regarding the library.

Commissioner Sprinkel – Attended the Chief Judge’s Retirement. She asked for a consensus to look for a city that has a road like Aloma Avenue that was successful in making it more walkable. Mentioned how hard it is to drive around town because of the yard and construction trucks and concerns with people working in the streets possibly being hurt by vehicles going by. She asked if there is anything we can do to control that.

Commissioner Cooper – Spoke about stormwater on our streets and asked where staff sees stormwater challenges and what the costs would be to remedy this. She wanted to have a plan and to budget funds. There was a consensus to look at what it takes to address the stormwater issues. Spoke about being on the Florida League of Cities Board and asked Commissioners to attend the conference in Orlando. Spoke about the Park Avenue neon sign issue that she is happy the City is addressing.

Commissioner Weaver – Spoke about attending City Board meetings and his concerns with no longer having an experienced full time lakes manager. Mayor Leary asked that he discuss this with the City Manager. Commissioner Cooper wanted to discuss succession planning sometime in the future.

Mayor Leary – Attended a Juneteenth event at the Community Center. He also attended the airport driving of the ceremonial red spike for the connection of the train from Miami to Orlando.

The meeting adjourned at 8:03 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Cynthia S. Bonham, MMC