

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

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:35 p.m. in the Commission Chambers, 401 South Park Avenue, Winter Park, Florida. City Manager Randy Knight 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
Sr. Staff Assistant Kim Breland

Approval of Agenda

Mr. Knight stated that Consent Item a, Harmon v City Settlement Agreement, needs to be removed from the agenda because one of the parties has questions about the agreement.

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

Mayor's Report

Motion made by Mayor Leary to appoint Mr. Robert Dornbush to the Utilities Advisory Board; seconded by Commissioner Sprinkel and carried with a 5-0 vote.

Mayor Leary welcomed Orange County Commissioner Emily Bonilla to the meeting.

City Manager's Report

Mr. Knight distributed the timeline for Orange Avenue District Plan. Planning and Community Development Director responded to questions by members of the Commission. He stated that three Planning and Zoning Board work sessions are scheduled to address this. At the suggestion of Mayor Leary, he will notify the Commission if the third work session is canceled. He stated that there are several 3-D models, which when combined, will offer a good representation. Discussion followed on the new timeline and concerns that this project is behind schedule.

City Attorney's Report

No report.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of September 23, 2019
- b. Accept Personnel Policies
- c. Approve Collective Bargaining Agreement between City and Winter Park Professional Fire Fighters, Local 1598, IAFF, October 1, 2019 – September 30, 2022.
- d. Approve the following contract items:
 1. Paymentus Corp.: Third-Party Electronic Payment Processing; No fiscal impact shall be incurred by the city.
 2. Environmental Systems Research Institute (ESRI): Extension of the city's Utility Network & Security Management Software; \$99,000.

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

Action Items Requiring Discussion

- a. Harmon v City of Winter Park Proposed Settlement Agreement

This item was removed from the agenda.

- b. Interlocal Agreement between Orange County and City of Winter Park

Public Works Director Troy Attaway stated that this agreement transfers ownership and operation of six new drain wells and an overflow weir in Lake Killarney. This would allow the City to control the water level which is currently controlled by Orange County. Discussion followed on current conditions, ongoing maintenance and the benefits of the city controlling the wells.

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

- c. Charter Review

Mr. Knight displayed a matrix of the charter amendments recommended by the Charter Review committee which includes recommendations of the City Attorney to combine some amendments into one question on the ballot and others as a separate

question. He explained the Commission can accept or reject any or all of these and add other amendments. He advised that the ballot language, in English and Spanish, must be to the Supervisor of Elections by December 13th. The goal is to have public hearings on the ordinance in the two meetings in November. In addition, there are amendments related to the Civil Service Code; however staff is working on revisions to the Civil Service Code which will be brought to the commission separately. He explained that this matrix is a summary of the amendments and that full ballot language will be in the ordinance.

Commissioner Sprinkel commented on the city's ability to put only some of the questions on the 2020 ballot and delaying others to 2021. Mayor Leary suggested that the Commission come to an agreement on which amendments to place on the ballot and then determine whether to put all on the ballot or delay some to 2021.

Consensus was to include the recommended amendments as follows:

- General Provisions – gender neutral language
- Preamble – add diverse and inclusive
- Article I – change title from Generally to Powers and Form of Government
- Section 1.01 - add "...powers under the charter shall be construed liberally in favor of the city..."
- Section 2.06 – change time for election of Vice Mayor to first regular meeting after certification of all elections.
- Section 2.17 – change length of contract for independent audit from 3 to 5 years.
- Section 3.03 – revise to conform with state law and Orange County Supervisor of Elections
- Section 3.04 – delete as controlled by State law and Supervisor of Elections
- Section 4.01 – rename from "Generally" to "City Manager"; (d) and (e) – majority vote of entire Commission, delete some references to Civil Service.
- Section 6.04 – delete, obsolete

Motion made by Commissioner Sprinkel to table this to a work session October 28th at 2:00 p.m. and allow public comment later in this meeting; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

d. Winter Park Post Office

Mr. Knight stated that this is to discuss any actions from the work session held prior to this meeting in addition to Commissioner Cooper making a presentation to the CRA Advisory Board. Commissioner Cooper advised she is unable to attend the Board's next meeting on October 24. Mayor Leary suggested that she e-mail the presentation to staff to make the presentation.

Consensus was to place a resolution to pursue the purchase of the Post Office property on the October 28th agenda.

Public Hearings:

- a. Request of Condev to extend the Conditional Use approval granted at 694 North New York Avenue for a multi-family residential project

Planning Manager Jeff Briggs reviewed the background and reasons for the request to extend the Conditional Use for an additional two years. Approval is recommended with the condition that the construction site is cleared and landscaping planted with 30 days to improve the aesthetics. Discussion followed on expectations for maintaining vacant property.

Andy Gardner, Condev, reviewed the reasons for the delay and stated they had been allowing the church to use the vacant land for staging during their construction. He accepted the condition regarding seeding.

Mr. Briggs confirmed the conditions to remove the fence and temporary structures on the property and, in essence, install landscaping within 30 days until the project begins. Mr. Gardner said he is agreeable to removing the fence providing his insurance company will maintain liability coverage. He agreed to follow staff's recommendations regarding landscaping and maintenance. He provided additional information on the project which will be the same as on the original conditional use approval.

Motion made by Commissioner Sprinkel to approve the extension of the Conditional Use approval with the condition that the site is cleared and that the applicant work with staff to address the Commission's concerns regarding the aesthetics of the property; seconded by Commissioner Seidel. There were no public comments. Upon a roll call vote, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

- b. Request of Z Properties:

Ordinance – To authorize an amended lease of the eastern 33 feet of the city-owned storm water retention area serving Israel Simpson Court, having the Orange County Tax Parcel Identification Number 06-22-30-3724-13-001 (1)

Attorney Ardaman read the ordinance by title.

Senior Planner Allison McGillis explained that this ordinance amends the ordinance previously adopted granting the joint lease of a portion of the storm water retention

area serving Israel Simpson Court to create off-street parking for use by Z Properties and the Masonic Lodge. The Lodge no longer wants to be a party in this lease or use the five parking spaces.

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

c. Morney Partnership LTD:

Ordinance – To amend the “Comprehensive Plan” Future Land Use map to change from Medium Density Residential to a Central Business District Future Land Use designation on the property at 226 Hannibal Square East. (1)

Ordinance – To amend the Official Zoning Map to change from Medium Density Multi-Family Residential (R-3) district zoning to Commercial (C-2) district zoning on the property at 226 Hannibal Square East. (1)

A simultaneous public hearing was held on these ordinances.

Attorney Ardaman read the ordinances by title.

Senior Planner Allison McGillis reviewed the request for rezoning and land use change and history of approval of a conditional use and variance. She stated that the use will remain the same with two storage units on the first floor with parking in the rear and residential units on the second and third floors. The applicant intends to rent the storage units to restaurants for back-of-house items currently stored at the rear of their restaurants. Staff and the Planning and Zoning Board recommend approval. She responded to questions from members of the Commission.

Motion by Commissioner Weaver to deny the request; seconded by Commissioner Cooper.

Dan Bellows, representing Morney Partnership, provided his understanding of the history of zoning and use of the surrounding properties. He stated that his request is compatible with the surrounding properties and that he has secured agreement from two restaurants to lease the storage units in order improve the appearance behind the restaurants.

Motion made by Commissioner Sprinkel to approve the request; seconded by Mayor Leary.

Jan Hummel, 258 Lyman Avenue, asked for confirmation of her understanding that commercial storage is not allowed in C-2 zoning except as an accessory to retail use.

Commissioner Weaver read the C-2 zoning regulations regarding the storage units and asked whether a variance request to allow rental storage units would be more appropriate than rezoning. Planning and Community Development Director Bronze Stephenson stated that variances for use circumvents the reason for zoning and that staff supports the rezoning and rental of storage units.

Upon a roll call vote on the motion to deny the request, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote. (Comp Plan amendment)

Upon a roll call vote to approve the request, Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote. (Comp Plan amendment)

Motion made by Commissioner Sprinkel to approve the zoning amendment; seconded by Mayor Leary. Upon a roll call vote Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

d. Request of Sydgan Corporation:

Ordinance – To amend Chapter 58 “Land Development Code” Article I, “Comprehensive Plan” and the Future Land Use Map so as to change the Commercial Future Land Use designation to an Orange County Planned Development Future Land Use designation on the property located at 1501 Lee Road. (1)

Ordinance – To amend Chapter 58 “Land Development Code” Article III, “Zoning” and the official Zoning Map so as to change Commercial (C-3) district zoning to Orange County Planned Development (OC PD) district zoning on the property located at 1501 Lee Road. (1)

Resolution – For an amendment to the Ravaudage PD Development Order for entitlements for 109,771 square feet of vacated right-of-way, and to add two properties to the PD boundary, 1308 Loren Avenue and 1501 Lee Road, with associated entitlements.

A simultaneous public hearing was held on these requests.

Attorney Ardaman read the ordinances and resolution by title.

Senior Planner Allison McGillis reviewed the request for land use change and rezoning and the amendment to the Development Order would to add 1501 Lee Road and 1308 Loren Avenue to the Ravaudage PD boundary. She explained the net change to the residential and commercial entitlements. Staff and the Development Review Committee recommend approval.

Motion made by Commissioner Cooper to approve the Comprehensive Plan amendment and zoning amendment; seconded by Commissioner Sprinkel.

Motion made by Commissioner Cooper to approve the resolution to add 1308 Loren Avenue and 1501 Lee Road to the PD boundary excluding the entitlement for 109,771 square feet of vacated right-of-way; seconded by Commissioner Weaver.

Ms. McGillis responded to questions regarding right-of-way abandonment and calculation of entitlements.

There were no public comments.

Dan Bellows, representing the developer, Benjamin Partners, provided the history of this project including concessions and positive changes he has made on this project at significant cost. He reviewed the land associated with the entitlements.

Motion made by Commissioner Sprinkel to approve the resolution as presented; seconded by Mayor Leary.

Discussion followed on the entitlements, right-of-way vacations and traffic lights. Mr. Bellows stated that the warrant study will be presented to staff next week. He added that he is willing to stipulate no more big-box residential and that they must go inside the mixed use product.

Further discussion followed on the entitlements.

Upon a roll call vote on the Comprehensive Plan Amendment Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes and Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the Zoning Amendment Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes and Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the resolution as amended Commissioners Weaver and Cooper voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the resolution a presented, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes and Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Citizen Comments

Carol Rosenfelt, 1642 Lookout Landing Circle, spoke in favor of the purchase of the post office for the expansion of Central Park and in favor of having all Commissioners make appointments to city boards.

Sally Flynn, 1400 Highland Road, agreed with Ms. Rosenfelt on both issues and urged the Commission to place the board appointment matter on the ballot to allow the voters to make the decision.

LaWanda Thompson, 664 W. Lyman Avenue, commented on the charter review process and urged changes that invite inclusion of all groups. She spoke in favor of single-member districts.

Mary Randall, 1000 S. Kentucky Avenue, said that noise and traffic should be considered included in all decisions.

Kim Allen, 1800 W. Fawsett Road, spoke in favor of all members of the Commission making board appointments and urged the Commission to be inclusive and diverse in board appointments.

Pat McDonald, 2348 Summerfield Road, spoke in support of the expansion of Central Park and of having all members of the Commission make board appointments.

Barbara Chandler, 730 Minnesota Avenue, spoke in favor of single-member districts which she feels will increase minority participation.

Hannah Miller, 1520 Glencoe Road, spoke in favor of the potential expansion of Central Park. She expressed her concern about removal of vegetation along Howell Creek and dumping tree limbs, mulch and other debris into the creek which limits canoeing in the creek. She urged the city to adopt regulations to protect creeks.

Rebecca Gallardo, 1539 Glencoe Road, agreed with Ms. Miller and expressed her concern regarding variances issued to 1555 Glencoe Road which have caused her lot to flood repeatedly and suggested that the City look closer at the effect on neighboring properties and natural resources when considering variances.

Margaret Bryant Hall, 331 W. Lyman Avenue, spoke in favor of single-member districts and having all members of the Commission make board appointments. She expressed her concern for speeding on Lyman Avenue.

Michelle Heatherly, 940 W. Canton Avenue, member of the Economic Development Advisory Board, spoke on her positive experience with the board appointment process.

Mr. Knight provided details on the removal of vegetation on the properties along Howell Creek and stated although permits are not needed for removal of underbrush the city did require the owner to install a silt barrier. After discussion, consensus was to have staff look into the residents' concerns and contact the violator.

City Commission Reports:

Commissioner Seidel

- Spoke on the current board appointment process and proposed a different process where appointments to quasi-judicial boards would be made by all members of the Commission; three appointed by the Mayor and one member appointed by each Commissioner. He feels this would allow for compromise and fairness to developers, citizens and the city as a whole.
- Expressed his sympathy for the loss of Clay Miller, son of Steve Miller, owner of Miller's Hardware.

Commissioner Sprinkel

- Stated she does not view her board appointments as hers and accepts recommendations and input from others. She supports diversity and inclusion on city boards and urged everyone to come together for a solution.

Commissioner Cooper

- Spoke in favor of a different process for board appointments and in opposition to the charter amendment relating to forfeiture of office.
- Requested a report on the Rauvadage development regarding parks, traffic, and any concessions that have been made.
- Complimented everyone who helped make the Autumn Art Festival a success.
- Stated that her Coffee Talk was well-attended and urged understanding and respect for different points of views.
- Asked for periodic updates from staff on the new library. Mr. Knight stated that construction drawings will be available October 22nd with the bid process to follow.
- Said she will be touring a Waste Pro recycling center tomorrow.

- Announced that Casa Feliz is doing a presentation on Gamble Rogers and his architecture on October 15th.
- Advised that a new Edith Bush building is being proposed.
- Complimented Family Promises on their breakfast promoting families.

Commissioner Weaver

- Thanked everyone who participated in the charter review process. He commented on single-member districts supported by some to provide inclusiveness. He spoke in favor of changing the board appointment process and stressed the importance of providing diverse representation on the boards and closer scrutiny of applications to avoid conflicts of interest. Discussion followed on options for changing board appointments.
- Advised that Mayor Demings is hosting a town hall meeting on October 17th on the one-cent sales tax for transportation.
- Advised that Mead Gardens Bio-Diversity Day is October 19th.
- Advised that Welbourne Day Nursery is hosting a luncheon on October 24th.
- Announced that Lake Chelton clean-up is November 9th.
- Announced his Coffee Talk will be November 14th.

Commissioner Sprinkel advised that plans are moving forward on developing a swimming program for children.

Mayor Leary

- Complimented city staff and all who made the services of Lt. Stan Locke a memorable tribute and thanked the Police Department for its continued support to his family.
- Urged everyone to maintain an open mind and focus on the facts as the charter amendment process moves forward. He commented on his and former Mayor's approach to making board appointments. He said he accepts input and recommendations from staff and commissioners before making board appointments.

The meeting adjourned at 6:37 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC