



City Commission Regular Meeting Minutes

November 25, 2019 at 3:30 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

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

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Rene Cranis

1. Meeting called to order

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m.

2. Invocation and Pledge of Allegiance

George Wiggins, Director of Building and Permitting Services, provided the invocation, followed by the Pledge of Allegiance.

3. Approval of Agenda

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

4. Mayor's Report

5. City Manager's Report

a. Schedule Work Session on Orange Avenue Overlay

Mr. Knight stated that a work session is scheduled for December 9th at 2:00 prior to the regular meeting. He presented available dates for evening work session meeting on December 16th or 17th.

After discussion, consensus to schedule the work session for December 17th at 5:30 p.m.

New Director of Winter Park Public Library

Lawrence Lyman, Vice President of Winter Park Public Library Board of Trustees, announced the appointment of Sabrina Bernat as Executive Director of the Winter Park Library.

City Hall closed for termite treatment

Mr. Knight reminded everyone that City Hall will be closed on Wednesday, November 27th for tenting of termites, re-open on Monday, December 2nd.

Commissioner Seidel decision not to run for re-election

Commissioner Seidel announced his decision to not seek re-election for another term. In response to questions, Mr. Knight advised that the qualifying period begins at noon on December 3rd and ends at noon on December 10th and public notice has been given of the two seats to be filled.

b. City Manager's Report

Commissioner Cooper asked how the public can provide additional input on the old library reuse. Mr. Knight stated that there was an e-mail set up to receive public input. Discussion followed on the task force recommendations for future use.

6. City Attorney's Report

Attorney Ardaman advised that the final judgement has been entered for the Champions Circle matter.

Attorney Ardaman provided an update on the City of Pensacola arbor litigation. Thus far, the rulings have been favorable to the City of Pensacola.

7. Non-Action Items

8. Citizen Comments

9. Consent Agenda

- a. Approve the minutes of November 11, 2019 **(Pulled by Commissioner Weaver)**
- b. Approve termination of two water and sewer utility easements as requested by Vintage Winter Park, LLC
- c. Approve Tourist Development Tax Grant Agreement with Orange County for Canopy Project **(Pulled by Commissioner Weaver)**
- d. Approve the following contract items:
 1. Audio-Visual Innovations; Infinity Corporation of Central Florida: Increase allowable spend under RFP-18-2019 - Design, Install, Configure & Maintain Audio Visual System Services; not to exceed \$200,000 per vendor.
 2. Pike Engineering: Amendment to renew RFQ-15-2016 - Professional Distribution Engineering & Substation Consultant Services; not to exceed \$100,000.
 3. A Budget Tree Service: Allowable FY20 spend under ITN-23-2018 - Vegetation Management Services; not to exceed \$720,000.
 4. The Davey Tree Expert Co.: Amendment to renew ITN-23-2018 - Vegetation Management Services; not to exceed \$900,000.
- e. Approve the following interconnection agreement:
 1. Orlando Utilities Commission: Wholesale power distribution interconnection agreement.
- f. Approve the following project participation agreement:
 1. Florida Municipal Power Agency: Solar II Power Project

Commissioner Weaver pulled Items 9a and 9c.

Motion made by Commissioner Sprinkel to approve the Consent Agenda except Items 9a and 9c; seconded by Commissioner Seidel.

Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the minutes as follows:

- **City Attorney's Report** "...covered by the ordinance to include only New England Avenue between Virginia and Pennsylvania Avenues."
- **Non-Action Items** - "...the west wing of city hall has less architectural value compared to the main section of City Hall. He acknowledged that using the library as temporary space for City staff could allow for expanding parking and/or mixed use along Lyman Avenue."
- **Commissioner Reports** - "...bringing the Bolt to test drive."

Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the minutes as follows:

- **Action Items Requiring Discussion, Old Library Reuse Task Force Update, “...supported the continuing preservation of city hall in its current location as it is a contributing property to the Downtown National Historic District and opposed the report's suggestion that City Hall wings could be torn down.**

There were no public comments.

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

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

Commissioner Weaver commented on Item 9c and outlined some issues he sees with the contract regarding the Guaranteed Maximum Price (GMP), lack of a completion date, liquidated damages, and change orders.

Motion made by Commissioner Weaver to table this item until GMP is received and discussed in January; seconded by Cooper.

Commissioner Cooper expressed her concern with the language in Section 3 of the grant agreement that she feels will not allow the city to modify the project. Attorney Ardaman stated that this Section was amended to read “...as generally described in the City’s Orange County Tourist Development Tax Grant Application dated November 2018 to ensure the event center/auditorium component is constructed materially as described in the Grant Application.” which he feels allows the city some flexibility. He added that this, as well as the bond, ties this to the selected location.

Mr. Knight stated that staff feels it is important to know that this grant is in place and resources are known when GMP is received.

Upon a roll call vote to table, Commissioners Cooper and Weaver voted yes and Mayor Leary, Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Motion made by Commissioner Sprinkel to approve Consent Agenda Item 9c with the amendment as presented; seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary, Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

10. Action Items requiring Discussion

a. City Manager Annual Review

Mr. Knight advised that the maximum salary increase for employees approved in the budget is 3.5% but it is the Commission’s discretion to approve an increase up to that amount.

Commissioner Seidel said he feels Mr. Knight is doing a good job; however given Mr. Knight’s current salary a bonus would be more appropriate than a salary increase.

Motion made by Commissioner Seidel to give a 2% bonus in lieu of a salary increase; seconded by Mayor Leary.

Commissioner Sprinkel agreed. She suggested that a uniform evaluation system be used in the future.

Commissioner Weaver stated he compared city manager salaries which shows that Mr. Knight is near the top in pay and supported a bonus in lieu of raise.

Commissioner Cooper stated she has met with Mr. Knight and discussed his performance and read a prepared statement detailing an incident that occurred many months ago. As a result, she stated she could not support a salary increase or a bonus.

Discussion followed on the incident cited by Commissioner Cooper. In response to questions by members of the Commission, Mr. Knight provided additional information on the incident.

There were no public comments.

Upon a roll call vote, Mayor Leary, Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

11. Public Hearings

- a. ORDINANCE NO. 3157-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2018 - 2019 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title.

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

- b. ORDINANCE NO. 3158-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE PARTIAL ASSIGNMENT OF THE CITY OWNED EASEMENT LOCATED NEAR THE INTERSECTION OF FAIRBANKS AVENUE AND NEW YORK AVENUE; 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 Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

- c. ORDINANCE 3159-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 1.01, 1.03, 2.03, 2.05, 2.06, 2.08, 2.11, 2.17, 3.01, 3.03, 3.04, 4.01, 4.05, 4.07, 5.05, 5.08, 5.10 AND 6.04, THE PREAMBLE, CHANGING ARTICLE AND SECTION NAMES AND CREATING GENDER NEUTRAL LANGUAGE; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 17, 2020; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS. (Second Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Leary to adopt the ordinance; seconded by Commissioner Seidel.

Attorney Ardaman pointed that that if any amendments are made to the substantive text of the ordinance, it would constitute a first reading of this ordinance.

Commissioner Cooper commented on the time for a referendum on Question 5 and Question 11 stating she recalls the time was to be 90 days for both. Commissioner Weaver agreed.

After discussion, Attorney Ardaman clarified these questions are two separate issues. Question 5 speaks referendums for the Commission reconsider adoption of an ordinance and Question 11 speaks specifically to referendums for charter amendments.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 2, Annual Base Salary of Mayor and City Commissioners; seconded by Mayor Leary.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 7, Board Appointments and Election of Vice-Mayor; seconded by Mayor Leary.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 8, Quorum, Voting and Video-Conferencing; seconded by Mayor Leary.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 10, Nonpartisan Elections; seconded by Mayor Leary.

Attorney Ardaman clarified that amending language would constitute a first reading of the ordinance but deleting questions would not.

Mary Daniels, 650 Canton Avenue, spoke in favor of the salary increase and changing the board appointment process.

LaWanda Thompson, 664 W. Lyman Avenue, asked for clarification on the time to submit petitions for referendum. Mayor Leary stated time for filing petitions is proposed to change to 45 days.

Sally Flynn, 1400 Highland Road, expressed her support for Commission salary increases and changing the board appointment process.

Commissioner Seidel clarified that the Commission is only voting to put these questions on the ballot to be voted on by the city electors.

Upon a roll call vote on the motion to delete Question 2, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to delete Question 7, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to delete Question 8, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to delete Question 10, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote to adopt the ordinance, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. Request of the Sydgan Corp. for:

Conditional Use approval to add a third story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, zoned C-2.

Senior Planner Allison McGillis reviewed this request which meets zoning setback and floor area ratio requirements and is compatible with surrounding properties. She showed the floor plans, third-floor addition, view of property and elevations. She advised that staff and the Planning and Zoning Commission recommend approval.

Dan Bellows, applicant, was present to answer questions.

Motion made by Commissioner Sprinkel to approve the Conditional Use; seconded by Commissioner Cooper.

LaWanda Thompson, 663 W. Lyman Avenue, asked that the buildings complement the historical character of the area.

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

e. Request of Chez Vincent and Hannibal's and the City of Winter Park for:

An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" Section 58-84 to provide for the same hours of sale of alcoholic beverages that exist within the City at-large to be applied within the New England Avenue portion of the Hannibal Square Neighborhood Commercial district. (1)

An Ordinance amending Chapter 62, Division 2, Noise and Disturbance Control, providing for the same noise controls that exist within the Central Business District to be applied within the Hannibal Square Neighborhood Commercial district. (1)

A simultaneous public hearing was held on these ordinances.

Attorney Ardaman read the ordinances by title.

Planning Manager Jeff Briggs stated that these ordinances work together to achieve consistency in the application of alcoholic beverage service and noise controls and would apply the same rules in the Central Business District to New England Avenue in Hannibal Square within the HSNCD, which would allow the sale of alcoholic beverages until 2:00 a.m. Mondays through Saturdays and midnight on Sundays. However, the noise ordinance in effect prohibits live music which can be disturbing to nearby residents after 10:00 p.m. as it prohibits any music heard 50 feet from an establishment which is the case with live entertainment of full bands with amplified guitars, drums, etc. within the entire HSNCD. Mr. Briggs indicated that these noise controls were successful in the CBD in allowing later hours of alcohol sales and avoiding noise disturbances to nearby residential units and the Park Plaza Hotel. The sole reason for the earlier hours on alcohol sales was the impact of live music from Dexter's, which has now moved.

Commissioner Weaver expressed his appreciation for staff's work on these ordinances.

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

Commissioner Cooper asked that noise controls in residential areas be reviewed and brought to the Commission. Approved by consensus.

The following spoke in favor of these ordinances:

Christian Swann, 281 Salvador Square
Matthew Gurtis, 1651 Summerland Avenue
Robin Swann, Director of Government Affairs, Winter Park Chamber of Commerce
Michael Boslet, 972 Aragon Avenue
James Barnes, 7 Isle of Sicily
George Royal, 780 Virginia Drive

The following spoke against these ordinances:

LaWanda Thompson, 664 W. Lyman Avenue
Martha Bryant Hall, 331 W. Lyman Avenue
Barbara Chandler, 730 Minnesota Avenue
Wes Hodge, 2826 Fitzooth Drive

Vincent Gagliano, owner Chez Vincent, 533- 511 West New England, said that he understood the initial limitation but feels they improved the neighborhood and should be treated equally.

In response to public comments, Mr. Briggs clarified that this ordinance does not change the requirement that food from the restaurant's menu must be served during the time alcoholic beverages are served. Mayor Leary pointed out that these restaurants do not sell beer like packaged liquor stores and do not contribute to the empty containers in the area.

Commissioner Weaver stated he would like to prohibit package liquor stores and establishments that do not meet criteria from this area. He noted that that his review of police reports shows that the complaints were not related to Chez Vincent or Hannibal's, but from Pepe's but understands nearby residents concerns. Mr. Briggs stated that the Pepe's complaints stemmed from live entertainment which must now end at 10:00 p.m.

Commissioner Cooper said she respects what Chez Vincent has brought to the community but is concerned about new tenant in the former Dexter's location. She commented on police response to complaints at area restaurants. She stated that a special permit is required to stay open after midnight but questioned the feasibility of prohibiting any establishment within a certain number of feet from a residential area from having extended hours. Mr. Briggs said the effect of that prohibition would close about 60% of restaurants in the city. He provided additional information on extended hours permits which allow the sale alcoholic beverages after 11 p.m. but also allows for revocation of the permit.

Commissioner Cooper stated that there has been decrease in noise complaints thus far this year from 2018 and although this is not an easy decision, she will support these ordinances.

Commissioner Sprinkel stated that food and alcohol service requirements are audited by State. She feels that the current restrictions are unfair and will support these ordinances.

Commissioner Seidel said he has looked at the potential effects and feels there is control with extended hours permit although he feels there should be an overlay that supports both the businesses and the residents.

Upon a roll call vote on the ordinance amending the noise controls, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the ordinance amending the zoning regulations, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

12. City Commission Reports:

Commissioner Seidel

- Participated in National Adoption Day at the Orange County Courthouse.

Commissioner Sprinkel

- Attended the Teach-in at Brookshire Elementary where she received appreciation for heating Cady Way pool and the new Splash, Float and Swim Program.
- Commented on the upcoming holiday events and expressed her appreciation for businesses and staff who make these events possible.

Commissioner Cooper

- Congratulated Sabrina Bernat on her appointment as the Director of Winter Park Public Library.
- Recommended the appointment of Marty Sullivan to a city board.
- Attended the Florida League of Cities conference and will bring resolutions requesting support of items.

Commissioner Weaver

- Received several e-mails from residents regarding electric vehicles and will be meeting with a resident to respond to his concerns.
- Asked whether the Canopy project was reviewed by the Planning and Zoning Board. Mr. Knight stated that the Planning and Zoning Board approved the conditional use, which then came to the Commission for approval. The Planning and Zoning Board was advised by city staff that the building design and cost was outside their purview.

Mayor Leary

- Advised of an incident where an elderly lady had fallen and she had nobody that she could call. He stressed the importance of remembering others, especially this time of year.
- Wished everyone Happy Thanksgiving and thanked everyone for their contributions and participation,

The meeting adjourned at 6:01 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC