



# City Commission Regular Meeting Minutes

December 9, 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 3:40 p.m.

## 2. Invocation and Pledge of Allegiance

Finance Director Wes Hamil provided the invocation followed by the Pledge of Allegiance.

## 3. Approval of Agenda

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

## 4. Mayor's Report

### a. Presentation - Valencia College Peace and Justice Institute

Rachel Allen, Director of Valencia College Peace and Justice Institute, thanked the Commission for their support of Peace Day in the Park on September 29<sup>th</sup> and showed a video of event. Jen Benner, teaching artist at Outreach Orlando, reviewed its goals and programs and presented artwork "Hands of Peace" to the City.

### b. Board Appointments

**Motion to reappoint Kip Marchman and Pitt Warner to the Civil Service Board made by Mayor Leary; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

## 5. City Manager's Report

Mr. Knight stated that staff has scheduled a CRA Agency meeting for January 27<sup>th</sup> at 2:00 p.m.

Mr. Knight stated that Commissioner Cooper has requested additional work sessions on the Orange Avenue Overlay District on Tuesday, Thursday, and Friday, December 10, 12 and 13 and Monday through Friday except Wednesday the week of December 16<sup>th</sup>. Commissioner Cooper stated that she would like to have a casual conversation with commissioners and to gain answers to questions.

Commissioner Weaver stated he will attend. Mayor Leary said he will meet individually with staff. Commissioner Seidel said he is available but not Fridays. Commissioner Sprinkel stated she is unable to attend and suggested that additional work sessions be scheduled after the work session on December 17<sup>th</sup> if needed as she feels this will involve significant staff time. Mayor Leary agreed. Discussion followed on the need for the additional work sessions.

**Motion to re-advertise and postpone the first public hearing on the Orange Avenue Overlay scheduled for January 13, 2020 made by Commissioner Cooper.**

Commissioner Seidel commended city staff and the committee on their work but feels more information is needed in order to understand and gain the unanimous support of the Commission. He said there are many positive aspects to the overlay that the public needs to be aware of.

Mayor Leary stated he would not recognize the motion as he feels it is inappropriate to change meeting dates at this stage in this process and because the meeting has been publicly noticed.

Commissioner Seidel advised that the FDOT website highlights railroad crossing safety and includes a photograph of the Fairbanks Avenue crossing. He pointed out that Quiet Zones will be in place in January.

Commissioner Seidel commented on the 17-92 corridor traffic modeling and asked if this is under contract. Mr. Knight stated the procurement division is working on the contract. In response to comments by Commissioner Weaver, Mr. Knight stated he will send a copy of the scope of the study to Commission.

## 6. City Attorney's Report

No report.

## 7. Non-Action Items

## 8. Citizen Comments

Taken after Item 11, Public Hearings.

## 9. Consent Agenda

- a. Approve the minutes of November 25, 2019
- b. Approve the extension of Conservation Easement for the Genius Preserve
- c. Approve the following piggyback agreements:
  1. Motorola Solutions: State of Florida contract #43190000-18-NASPO-ACS-1 - Public Safety Communication Equipment, Phase 1: Radios, Consoles, Antennas & Repeaters; not to exceed \$178,000.
  2. CDW-G: Sourcewell contract #081419-CDW - Technology Catalog Solutions; not to exceed \$500,000.
  3. Pace Concrete: Extension of City of Eustis contract #007-15 - Concrete Sidewalk, Curb & Gutter; not to exceed \$300,000.
- d. Approve the following contract items:
  1. Thales Consulting: CAFR-Online Software Subscription (6-year initial term); \$13,000 for year 1 and \$4,000 for each subsequent year.
  2. Lewis Outdoor Solutions: Amendment to renew IFB-7-2017 - Landscape Maintenance for City of Winter Park Facilities; not to exceed \$260,000.
- e. Approve the following purchase:
  1. Musco Sports Lighting: LED lighting upgrade at Ward Park baseball fields 4 & 5; \$227,500.

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

## 10. Action Items requiring Discussion

### a. Splash, Float, Swim Initiative.

Parks and Recreation Director Jason Seeley reviewed the background of this initiative to ensure elementary school children have access to swimming lessons and water safety. He reviewed sponsorships, cost, plans and goals. Staff is recommending that proceeds from the Dinner on the Avenue event be used to fund this initiative and also increasing the cost per table from \$125 to \$175 to provide for a projected net revenue of approximately \$6,000 to go toward this initiative.

**Motion to approve the initiative made by Commissioner Sprinkel; seconded by Commissioner Cooper.**

Mr. Seeley responded to questions regarding the Winter Park schools, targeted outreach to home school students, and opportunities and challenges to provide bussing.

Michael Dively spoke in support of this initiative and thanked the commission and city staff for their support.

**Motion carried unanimously with a 5-0 vote.**

### b. Agreement for the realignment of Bennett Avenue with Executive Drive at Lee Road.

Planning and Community Development Director Bronce Stephenson provided the history of this agreement regarding the realignment and although progress has been made, an additional 90 days is needed to finalize the agreement and plans.

Mayor Leary excused himself from meeting 4:30. Vice-Mayor Seidel presided over the meeting.

Public Works Director Troy Attaway stated that preliminary alignments have been developed and presented and that the developer's transportation engineer had prepared plans for the intersection without the realignment. The 90-day extension will allow for finalizing the agreement and the plans. He responded to questions regarding alignment.

**Motion to approve the extension and bring the agreement back to the Commission for approval made by Commissioner Sprinkel and seconded by Commissioner Cooper.**

Mayor Leary returned at 4:35.

Discussion followed on the need to develop a specific plan for the intersection and identify each party's responsibilities and cost of the improvements.

Dan Bellows, applicant, representing Benjamin Partners, provided the background the initial development order and subsequent amendments. He showed a diagram of the intersection and stated that he feels traffic issues are caused from traffic from outside the area not from Rauvadage and that Executive Drive and Gay Road cannot handle the traffic. He said a meeting is scheduled in January to get more information. He advised that FDOT will not give a warrant at this time. Discussion ensued on traffic modeling and generation.

There were no public comments.

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

Mayor Leary resumed presiding over the meeting.

## 11. Public Hearings

### a. 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. (2<sup>nd</sup> hearing)

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

There were no public comments made.

In response to questions by Commissioner Weaver, Dan Bellows, applicant, stated that the third floor living space is over the garage and will be connected to his house at the third floor level. Commissioner Weaver read a letter from Mr. Bellows' attorney to the Mayor and Commissioners requesting an amendment to the C-2 zoning regulations to allow short-term rental of Mr. Bellows' property which is zoned C-2. Mr. Bellows stated he did not receive a response to the letter but the letter is not related to this request. Mr. Bellows stated he received a notice of violation from Code Enforcement for allowing short-term rental of his guest house for Airbnb.

Commissioner Weaver expressed his opposition to this request as approving it would be aiding and abetting by the Commission.

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

Attorney Ardaman advised that the application is for conditional use approval and the Commission should vote for approval or denial based on the criteria in the City Code and that code violations are a matter for Code Enforcement.

Commissioner Cooper asked for the criteria to consider conditional use. She asked Mr. Bellows for the intended use. Mr. Bellows stated he intends to modify the space but it will not be rented. He explained that he does have an existing guest house which had been rented but will not rent it if it is not permitted.

Attorney Ardaman read the criteria for considering conditional use.

**Motion made by Commissioner Cooper to amend the motion for approval to prohibit the applicant from using the property for any short-term rental; seconded by Commissioner Weaver.**

Senior Planner Allison McGillis stated that this cannot be used as Airbnb.

**Upon a roll call vote on the amendment to the main motion, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted no. Motion failed with a 0-5 vote.**

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

**Upon a roll call vote on the motion to approve the conditional use request, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE 3160-19 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-84 "GENERAL PROVISIONS FOR NONRESIDENTIAL ZONING DISTRICTS" AND CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-33 "HOURS DURING WHICH SALES, CONSUMPTION AND SERVICE ARE PROHIBITED" SO AS TO ESTABLISH UNIFORM HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON NEW ENGLAND AVENUE AS CURRENTLY ARE IN PLACE CITY-WIDE. Second Reading

ORDINANCE 3161-19 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 62, "OFFENSES AND MISCELLANEOUS PROVISIONS" WITHIN DIVISION 2, "NOISE AND DISTURBANCE CONTROL", SECTION 62-98, PROVIDING FOR THE SAME NOISE CONTROLS THAT EXIST WITH THE CENTRAL BUSINESS DISTRICT TO ALSO APPLY WITH THE HANNIBAL SQUARE NEIGHBORHOOD COMMERCIAL DISTRICT AND TO CLARIFY EXISTING LANGUAGE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. Second Reading

A simultaneous public hearing was held on these ordinances.

Attorney Ardaman read the ordinances by title.

**Motion to adopt the ordinances on second reading made by Commissioner Sprinkel and seconded by Mayor Leary.**

**Motion to amend the ordinance relating to sale of alcoholic beverages to include only the storefronts on New England between Virginia and Pennsylvania made by Commissioner Weaver.**

Planning Manager Jeff Briggs explained the area approved on first reading. Commissioner Weaver clarified that his motion would delete properties fronting on Pennsylvania. He stated that any new restaurants outside the area could request approval for extended hours.

**Motion seconded by Commissioner Cooper.**

Mr. Briggs advised that a restaurant that moves into the former Dexter's location would be prohibited from having live entertainment that can be heard from across the street after 10:00 p.m. He confirmed that restaurants need a special permit from the city to serve alcohol after 11:00 p.m. which is enforced by the city.

Dan Bellows, TGG, LLC and Garment Ltd., spoke in opposition to the amendment to reduce the area approved on first reading as it does not give equal treatment to restaurants in the area.

Sally Flynn, 1400 Highland Road, spoke in favor of excluding the area on Pennsylvania.

Senior Planner Allison McGillis showed the area covered by alcohol beverage ordinance. Discussion ensued on the area included and addressing issues that may or may not arise regarding noise and protection for neighborhood.

**Upon a roll call vote on the amendment, Commissioner Cooper and Weaver 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 Ordinance 3161-19 (noise control), 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 3160-19 (alcoholic beverages), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

## **8. Citizen Comments**

There were no public comments.

## **12. City Commission Reports:**

### Commissioner Seidel

- Asked if there has been any interest in the building on the Progress Point property. Mr. Knight replied no requests have been received regarding the use of the building. Mr. Stephenson stated the Orange Avenue Overlay Steering Committee unanimously recommended the building be demolished. He suggested developing a park on portion of the property with a city-built parking garage to help current businesses. Mayor Leary suggested that this is an opportunity to develop an RFP for a redevelopment project with certain requirements including open space and public use. Commissioner Seidel spoke in favor of designating a portion for open space and selling the remaining portion.
- Asked that the city move forward with traffic modeling.
- Suggested that anyone with questions or comments on the Orange Avenue Overlay contact Bronze Stephenson to get clarification on OAO. He said he is looking forward to seeing what is necessary to get unanimous approval.

### Commissioner Sprinkel

- Announced that Orange County Public School's 150<sup>th</sup> anniversary celebration is this week
- Commented on directional signs and asked that staff determine the need for these signs as they create clutter. Mayor Leary agreed and asked staff to remove unneeded directional signs.
- Suggested that the city look at ways to make Aloma Avenue safer for pedestrians.
- Advised that breakfast with Rollins is coming up soon.

- Said she and her granddaughter enjoyed the Peace Day in the Park event.
- Expressed her distress regarding the actions on City Manager’s evaluation and encouraged staff to develop a numerical ranking evaluation and process.
- Expressed her displeasure with reversing positions/approval on matters and said she feels applicants have an expectation that the same decision will be made on second reading.

Commissioner Cooper

- Commented on the City Manager’s evaluation stating that she felt uncomfortable after the meeting.
- Advised that the conservation easement was extended to preserve property owned by Genius Foundation.
- Thanked city staff and the residents for their participation and attendance at meetings.
- Addressed the Orange Avenue Overlay District stating she is not pleased with level of density/intensity and the entitlements and feels there should be maximum density throughout the district. She expressed a need for a traffic study and spoke in favor of a city-owned parking garage and green space on the Progress Point property with a walking promenade from Progress Point.

Commissioner Weaver

- Spoke in favor of traffic modeling before moving forward with the Orange Avenue Overlay District. He agreed with Commissioner Cooper on the need for a transportation study and intersection modification.
- Supported designating a portion of the Progress Point property as parkland and selling the remaining portion.
- Commended Commissioner Sprinkel on the Splash, Float and Swim Initiative.
- Agreed with Commissioner Sprinkel regarding pedestrian safety and suggested that the city take advantage of any opportunity to improve pedestrian safety on Aloma
- Commended Planning Manager Jeff Briggs and the Historic Preservation Board on their actions to help to preserve the Waddell House on Aloma Avenue.
- Stated that Palm and Pinewood cemeteries will hold a wreath placing ceremony for Veterans on Saturday.
- Reminded everyone of the Boat Parade on Saturday.

Mayor Leary

- Thanked the Chamber of Commerce and city staff for their support and coordination of holiday events.
- Thanked city staff for their work on the Orange Avenue Overlay and stated he has received many compliments on the process and Planning and Zoning Board.
- Expressed his appreciation the efforts of Jeff Briggs and John Skofield to preserve Waddell House. Mr. Stephenson stated that they received a letter from the owner stating their intent to restore the house and that city should receive architectural drawings this week.
- Mayor Leary asked for work session to discuss on commission protocol, procedures and actions in public meetings. Approved by consensus.
- Wished everyone Merry Christmas and Happy Holidays.

The meeting adjourned at 6:05 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis, CMC