



City Commission Regular Meeting Minutes

February 24, 2020 at 3:30 p.m.

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

Present

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

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

Absent

Commissioner Greg Seidel

1. Meeting called to order

Mayor Leary called the meeting of the Winter Park City Commission to order at 3:32 p.m.

2. Invocation and Pledge of Allegiance

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

3. Approval of Agenda

Mayor Leary advised that Public Hearing Item (d) has been pulled from the agenda.

Motion made by Commissioner Cooper to approve the agenda; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

4. Mayor's Report

5. City Manager's Report

6. City Attorney's Report

Attorney Ardaman provided an update on the pending litigation by City of Pensacola relating to arbor regulations.

7. Non-Action Items

b. Preview: Re-design of the city's official website, cityofwinterpark.org

Director of Communications Clarissa Howard provided the history of the city's website, updates, branding and city seal and provided statistics on users, access and popular content. She stated the primary reason for updating the website at this time is to comply with ADA regulations and reviewed the changes with an intended release date of Spring 2020.

Commissioner Cooper commended staff on their work to make the website ADA compliant.

- a. Discussion of growing interest of Micromobility users and companies wanting to expand into Winter Park.

Director of Planning and Community Development Bronce Stephenson gave a presentation on Micromobility which includes scooters and bikes. The City has received requests to allow scooters and mobile bar in the Central Business District (CBD) which are not allowed by city code. Staff has denied the request to allow scooters on sidewalks within the CBD applying the same regulations that prohibit bicycles on the sidewalks in the CBD. He explained that state regulations are becoming less restrictive in allowing bicycles on public sidewalks.

Attorney Ardaman stated they have been working with staff to draft an ordinance to address Micromobility. He stated the current code does not address Micromobility devices such as motorized scooters. He suggested that comments be provided to Bronce to draft an ordinance.

Commissioner Cooper provided information on Micromobility efforts and regulations and said she feels that there is not a location within the CBD that would allow for safe operation. She spoke in favor of a ban until regulations are in place.

Commissioner Weaver stated he has tried scooters and electric bikes and said he feels they are unsafe for a number of reasons including decreased line of sight and usage of cell phones during operation.

Commissioner Sprinkel expressed her concern for safety city-wide particularly when these devices are used by children in neighborhoods and near schools and parks.

Attorney Ardaman responded to questions stating that unless the use is regulated, the city has no authority except pursuant to state law. He recommended that regulations be adopted sooner than later. Statute differentiates between motorized and human-powered vehicles and between personal and commercial use/rental. He provided information on cities that have banned these types of vehicles and stated the Statute does not allow scooters on sidewalks unless the city allows them on sidewalks. The city only has the authority to prohibit them on heavily traveled streets not just on any street. He suggested that a moratorium may not be needed if the regulations cannot be adopted within the time period of a moratorium.

After additional discussion, consensus was to draft an ordinance with regulations without a moratorium.

8. Citizen Comments

Heard after 5:00 p.m.

9. Consent Agenda

- a. Approve the minutes of February 10, 2020
- b. Approve the following piggyback agreements:
 1. CFE Corp.: Extension of Seminole County contract #CC-0559-15/RTB - Minor Construction Projects Less Than \$2,000,000; Not to exceed \$750,000.
 2. Electric Supply of Tampa: Extension of Gainesville Regional Utilities contract #2015-002-A - Wire & Cable; not to exceed \$675,000.

3. Flowers Chemical Laboratories: City of Naples contract #RFP 18-026 - Lab Testing Services; not to exceed \$120,000.
 4. Mechanical Services of Central Florida: Seminole County contract #RFP-603619-19/TLR - HVAC Repairs, Maintenance & Replacement Services; not to exceed \$100,000 (FY20).
- c. Approve the following contract items:
1. Geosyntec Consultants; Singhofen & Associates: Amendment to renew RFQ-4-2017 - Continuing Professional Stormwater Management & Design Services; as-needed basis.
 2. Comprehensive Engineering Services: Amendment to renew RFQ-6-2017 - Continuing Professional Transportation Planning & Engineering Services; as-needed basis.
 3. Universal Engineering Sciences; Terracon Consultants: Amendment to renew RFQ-10-2018 - Continuing Professional Geotechnical & Environmental Consulting Services; as-needed basis.
 4. Ovation Construction; Johnson-Laux Construction: Amendment to renew RFQ-11-2018 - Repair & Construction Services; not to exceed \$2,000,000.
 5. Winter Park Scenic Boat Tour: Lease and license agreement to replace the current franchise agreement expiring this year; the city shall maintain its 5% share of gross revenue derived from boat tour fees.
 6. Florida Municipal Power Agency: amended and restated power purchase agreement between FMPA and Nexterra's Pointsett Solar; the amended agreement shall result in a price reduction of approximately 14.6% from the previously agreed upon price, which will directly benefit the city.
 7. Duke Energy Florida: amended and restated network integration transmission services agreement. There shall be no fiscal impact to the city as a result of this amendment.

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Mayor Leary. There were no public comments. Motion carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

10. Action Items requiring Discussion

a. I-4 Ultimate Art Endowment

Assistant Director of Communications Craig O'Neil, liaison to the Public Art Advisory Board, gave a presentation on the endowment for which the city received \$150,000 for the acquisition and installation for a public art piece to be installed along Fairbanks Avenue at the east-bound entrance to I-4. He recognized members of the Advisory Board and presented their recommendation for "Rhythmic Colors" by Rogers, Lovelock and Fritz (RLF).

Jocelynn White, RLF, provided the history of RLF and their projects within the city.

Steve Purcell, RLF, reviewed the background of their design, elements, construction, materials, ground cover and lighting options. He showed renderings of the visual effect of the art as traffic enters the eastbound on-ramp to I-4.

Commissioner Weaver said he likes the idea and is looking forward to its completion.

Commissioner Cooper asked how this location was selected. Mr. O'Neil stated this is the only available easement near I-4 appropriate for this project. Austin Reeves, Chairman of the Public Art Advisory Board, added that the proximity of the artwork is limited to the I-4 area.

Commissioner Sprinkel said she feels it is beautiful and is looking forward to seeing it.

In response to questions, Mr. O'Neil stated that the city would be responsible for maintenance; however, funds have not been allocated. Public Works Director Troy Attaway stated that the design team continues to refine the project to stay within budget and that the city has not budgeted funds to contribute toward any cost overruns. Mr. Purcell explained the process for powder recoating which will require that the pieces be taken down as needed.

Mayor Leary suggested expanding this concept to other exits for synergy and expressed his appreciation of design.

Motion made by Commissioner Sprinkel to move forward within the budget of \$150,000; seconded by Commissioner Cooper. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

11. Public Hearings

- a. **RESOLUTION 2227-90** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY AND BUILDINGS LOCATED AT 1057 MINNESOTA AVENUE AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES AND PROVIDING FOR ADDITIONAL BUILDINGS SUBJECT TO APPROVAL OF THE HISTORIC PRESERVATION BOARD.

Attorney Ardaman read the resolution by title.

Principal Planner Jeff Briggs reviewed this request to designate this property with a bungalow and accessory cottage built in 1920 on the Winter Park Register of Historic Places. He added that there will be new structures on the property, which will be compatible with the architecture of the existing buildings but the plan preserves these 1920 buildings versus a complete tear-down and rebuild.

Jacob Johnson, applicant, was present to answer questions.

Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner Sprinkel. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

b. Request of William Keegan for:

Subdivision approval to split the properties at 1760 and 1780 Bryan Avenue into three single-family lots, zoned R-1A. Variances are requested from the R-1A lot dimension standards.

Principal Planner Jeff Briggs reviewed this request to subdivide two properties on Bryan Avenue into three lots each with approximately 67 feet of frontage, 8 feet less than the required width, and lot sizes of approximately 8466 square feet, 34 square feet below the lot size requirement. He stated the proposed lot widths are slightly less (3.5 feet) than the average lot size in the neighborhood; however, there are 10 homes on Bryan Avenue with large widths and 10 homes with smaller lot widths than requested. He showed the layout of the properties and stated the neighbors support this request as it will eliminate these two homes currently used as rentals. The Planning and Zoning Board recommended approval with the following conditions which have been agreed to by the applicant:

1. That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.
2. That a new uniform six-foot vinyl privacy fence be installed along the rear of all three homes matching the existing color of the existing vinyl fence at 1781 Edwin Blvd.
3. That invasive landscape species along the rear property lines be removed and privacy landscaping be installed.
4. That ornamental trees be planted along the rear of the property to mitigate the fence.

Bill Cyr, buyer/builder, and William Keegan, applicant, were present to answer questions.

Commissioner Cooper stated she will be voting no because it fails the Comp Plan and Zoning tests.

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

Barry Laboda, 1765 Edwin Blvd, owner of the adjacent property, spoke in favor of the request as it will be an improvement to the existing rental homes. He expressed his appreciation of the applicant's consent to the conditions.

Mayor Leary asked Mr. Briggs to explain how this fails the tests as indicated by Commissioner Cooper. Mr. Briggs explained that lot sizes of the neighborhood are considered. In this case, the lot width is 3.5 feet less than the average of the neighborhood; and 34 square feet less than the minimum land area required. Staff and P&Z did not deem these to be significant differences and recommended approval.

Commissioner Cooper stated the code does not provide for a comparison of the same street frontage but for the surrounding neighborhood, which is why she is opposed to this request.

Commissioner Sprinkel said she believes this is highly supported by the neighborhood. Commissioner Weaver said that he could have supported this request if it failed only one test, but he cannot support the request as it fails both tests.

Mayor Leary said he feels this meets the purpose of the code which he feels is to ensure compatibility within the neighborhood.

Mr. Briggs advised that there is no waiting period for lot splits to reapply if there is a 2-2 vote. Mayor Leary offered the applicant the opportunity to pull his request until a full Commission is present. The applicant agreed. No action taken. The matter will be rescheduled for a future Commission meeting when all members are present.

c. Request of Hill/Grey Seven LLC for:

- Ordinance to amend the Comprehensive Plan Future Land Use Map from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue. (1)
- Ordinance to amend the Official Zoning Map to change from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue. (1)
- Conditional Use approval to construct 24,000 square feet of two-story commercial buildings on the properties at 415 S. Orlando Avenue and 336 and 434 Grove Avenue.

A simultaneous public hearing was held on these requests. Attorney Ardaman read the ordinances by title only.

Mr. Briggs reviewed the requests for Comp Plan amendment, rezoning and conditional use approval. This is the redevelopment of the property at 415 S. Orlando Avenue and two adjoining properties on Grove Avenue. In order to meet the parking requirements, the owners are under contract to purchase the property at 472 Broadview to use for parking, which requires the change from R-3 to parking lot (PL) designation. He showed maps of the area and current conditions of the properties. He reviewed the proposed site plan and landscape plan with 25% open space and a privacy wall adjacent to residential properties and along Broadview Avenue. He stated that the area residents requested a wall height of eight feet which the Planning and Zoning Board supported but recommended extending the wall by adding a 3.5-foot wall extension to the apex of the curve which would block headlights to the residential area.

Mr. Briggs stated that the applicant is requesting a variance of four parking spaces and the potential to add 12 seats in the restaurants. A second variance is requested for an additional five feet to the roof and visible height. At the Planning and Zoning meeting, the neighbors supported the project but expressed concern about cut-through traffic. Mr. Briggs stated that a subsequent meeting was held with the neighbors to discuss traffic concerns. He summarized the Planning and Zoning Board conditions of approval:

1. Extend 8-foot wall to the maximum degree that safety would allow with step-downs in height as the wall neared the curve just as necessary to shield headlights. At this point, a 42-inch tall wall shall be constructed.
2. Applicant to plant minimum 3-inch caliper shade trees and additional hedge row around the edges of the parking lot.

3. Per the City Attorney, to require a Development Agreement which provides for the consolidation of all of the parcels in a Unity of Title.
4. Implementation of a driveway configuration (pork chop) to preclude right turns out of the Broadview parking lot onto Grove Avenue in order to discourage cut-thru traffic.

Mr. Stephenson stated that a meeting was held with the neighbors to discuss their concerns and ideas to address cut-through traffic, speeding and traffic going the wrong way on one-way streets. He showed a map of traffic movement and solutions which includes placement of temporary bollards (planters) on Killarney Drive to eliminate cut-through traffic. Another suggestion is to put a small parklet at the intersection of Broadview, Grove and Dallas Avenues that would create two different traffic flows to prevent cut-through traffic to Killarney and create two-way traffic through the area with an exit to Fairbanks Avenue. The neighbors acknowledged the additional difficulty they will experience getting into the area but are looking forward to reduced cut-through traffic. He stated there would be temporary barriers and signage during a trial period and that no roads will be vacated.

Commissioner Cooper asked for the proposed trial period. Mr. Stephenson stated that it will likely be six months. Mayor Leary stated that a future commission can make changes if necessary.

Mr. Stephenson stated that Condition #4 would not apply due to this traffic solution that was created after the Planning and Zoning Board meeting.

Commissioner Sprinkel commended staff and neighborhood on finding a solution to reduce cut-through traffic.

Mayor Leary disclosed that he met with applicant, their attorney and received comments from neighborhood residents.

Commissioner Sprinkel stated that she met with the applicant.

Commissioner Cooper stated that she met with applicant and neighbors.

Commissioner Weaver stated that he met with the applicant, neighbors and city staff.

In response to questions by Commissioner Cooper, Mr. Stephenson stated that the small park will be located within the right-of-way but without abandonment of the roads. Commissioner Cooper stated she feels it is problematic to not go through a process for road closures and feels there should be a clear process for addressing closure of public roads. However, she supports moving forward with this request.

Commissioner Weaver thanked staff for coordinating the meeting with neighbors.

Rebecca Wilson, attorney representing applicant, stated that the applicant is moving their operations from Oviedo. She reviewed the existing site and building plans showing the setbacks, building height and exterior. She stated that curb cuts will be reduced to only one on 17-92 and on Grove. She stated that one building looks like two stories but will have increased floor to ceiling interior height which is preferred by high-end restaurants anticipated to occupy this building. She reviewed current and proposed trip generation, which will be

reduced with this project. She listed the sustainability plans for improved stormwater retention, solar panels, LED parking lights, electric car charging stations and bike racks, and improved insulation. She commended staff on their efforts to address the neighbors' concerns

Ms. Wilson responded to questions stating the setback along 17-92 is 15 feet between the greenspace and the buildings excluding the five-foot sidewalk within the FDOT right-of-way which results in a 20-foot setback from 17-92. She added that the setback of the wall from property line is five feet but will be more than ten feet with landscaping.

In response to questions by Commissioner Cooper, Mr. Stephenson stated the distance between shade trees is 50 feet which exceeds code and allows for healthy growth. He added that there will also be shrubs and understories.

Motion made by Commissioner Weaver to approve the ordinances on first reading and the conditional use request with the Planning and Zoning Board Conditions 1-3; seconded by Commissioner Sprinkel.

David Sutphin, 350 Killarney Drive commended city staff for working with the neighborhood and stated they are generally very supportive but implementation of the traffic plan is key. This is intelligent growth and the first time that 80% of the neighborhood were in favor of a proposed traffic plan.

Commissioner Weaver expressed his support for the rezoning which aligns with city code. He stated he was concerned about the ceiling height which has been addressed by the applicant in their agreement to a solar panel system.

Mayor Leary asked for confirmation that the motion includes Planning and Zoning Board recommendations 1-3 (eliminating #4). Commissioners Weaver and Sprinkel confirmed.

Upon a roll call vote to approve the Comp Plan Amendment, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

Upon a roll call vote to approve the rezoning ordinance, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

Upon a roll call vote to approve the Conditional Use request with conditions 1-3, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

d. Request of Sydgan Corp. for:

- Ordinance to amend the Comprehensive Plan Future Land Use Element Policy Text within the Hannibal Square Neighborhood Planning Area. (1)
- Ordinance to amend the Future Land Use Map from Single Family and Low Density Residential to Commercial on 0.97-acres of the combined subject property located southwest of the Pennsylvania and Symonds Avenue intersection. (1)

- Ordinance to amend the Official Zoning Map from Single Family (R-1A) and Low Density Residential (R-2) to Commercial (C-3) on 0.97-acres of the combined subject property located southwest of the Pennsylvania and Symonds Avenue intersection. (1)
- Conditional Use approval to construct a three-story hotel of 140 rooms with associated restaurant and ballroom/meeting space on properties at the southwest corner of Symonds and Pennsylvania Avenues.

Postponed to March 9, 2020 at applicant's request.

- e. **ORDINANCE 3165-20** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.06 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTH OF MONROE AVENUE, NORTH OF ELVIN AVENUE, EAST OF BENNETT AVENUE AND WEST OF ORLANDO AVENUE, AND HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 01-22-29-3712-15- 010, 01-22-29-3712-16-072, 01-22-29-3712-16-070, 01-22-29-3712-16-092 AND 01-22-29-3712-16-091 AND CERTAIN PORTIONS OF THE LEWIS DRIVE AND BENNETT AVENUE PUBLIC RIGHTS-OF-WAY AS MORE SPECIFICALLY DESCRIBED HEREIN INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sprinkel adopt the ordinance on second reading; seconded by Commissioner Cooper.

There were no public comments.

Commissioner Weaver asked whether these lots would be used primarily for stormwater. Mr. Stephenson explained that this was the location under the previous plan. Mr. Weaver suggested adding a condition that 50% of the land area, not including streets, be designated as stormwater retention.

Dan Bellows, Benjamin Partners, provided the history of the improvements made including installing new sanitary sewer, potable water, stormwater, on-street parking, sidewalks, decorative lighting, and underground electric. He questioned why he should restrict his ability to develop the property by giving up 50% of the land to accommodate stormwater. He asked for the flexibility to work with staff to design stormwater plan.

Discussion followed on the previous plans addressing stormwater retention. Mr. Stephenson pointed out that this annexation is the first step, which will follow with Comp Plan and zoning designation, tentatively scheduled to come before the Commission in April. He added that the plan will be reviewed by the Development Review Committee.

Upon a roll call vote Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Commissioner Seidel was absent.

8. Citizen Comments

Sabrina Bernat, Executive Director of Winter Park Public Library, distributed copies of their March event guide and January highlights which includes activities, early voting and various statistics on events, items checked out, visitors and new membership.

- f. **ORDINANCE 3164-20** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 62, "OFFENSES AND MISCELLANEOUS PROVISIONS" WITHIN DIVISION 2, "NOISE AND DISTURBANCE CONTROL", SECTION 62-97, PROVIDING FOR NOISE CONTROLS RELATED TO OUDOOR LIVE MUSIC TO APPLY CITYWIDE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title.

Principal Planner Jeff Brigs explained that the ordinance was revised from first reading based on Commission comments at first reading regarding frequency of events and includes imposition of earlier ending times when frequency of live music is more than once every two months.

Mayor Leary asked if this has been communicated to the resident that spoke at the previous commission meeting. Mr. Knight stated that staff will reach out to the resident.

It was confirmed that this change was discussed at the first reading.

Motion made by Commissioner Sprinkel to adopt the ordinance as revised on second reading; seconded by Mayor Leary.

Discussion ensued on the whether this change is substantive and requires another public hearing. The City Attorney advised that the change was directed by the City Commission at the first reading so it was not a new substantial change at the second reading.

There were no public comments.

Upon a roll call vote, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried with a 4-0 vote. Commissioner Seidel was absent.

Mayor Leary excused himself and turned the meeting over to Commissioner Sprinkel at 5:32 p.m.

12. City Commission Reports:

Commissioner Seidel - Absent

Commissioner Weaver - No report

Commissioner Cooper

- Suggested that the city code be reviewed for setbacks for street-front dining, approving rezoning of R-3 properties to parking lots, and affordable housing.
- Stated that the Casa Feliz Parlor Series on Frank Lloyd Wright is February 25th at City Hall.

- Advised that Winter Park Land Trust annual meeting on February 27th at 6:00 p.m. at the Farmer's Market.
- State the League of Cities is holding its civics education program on March 19th in Winter Park.
- Suggested holding resident focus groups on city's new website.
- Suggested implementing Robert's Rules of Order for Commission meetings and moving items to future meetings at 11 p.m.
- Suggested holding regular work sessions.
- Stated that she is struggling with density transfers on Orange Avenue Overlay, not as much as the receiving properties but the sending properties and the entitlements that remain.
- Asked that a process be developed for making changes to city roads.

Commissioner Sprinkel

- Stated a resident asked if there is a place to land a helicopter in Winter Park. It was noted that there are no designated locations, but permits can be obtained for a special event.
- Suggested that regulation of noise from blowers be kept in the forefront due to the number of noise complaints.
- Reminded that as she serves on Library Board and a replacement will need to be appointed.
- Expressed her pleasure to hear of the activities at the Library.
- Said she is thrilled with the State's response to the Orange Avenue Overlay and she feels that the process worked. She stated that she believes redevelopment is a way for stormwater improvements and lighting.
- Spoke in favor of scheduled work sessions on specific items.
- Suggested consideration for starting meetings later for the benefit of working residents.

Mayor Leary - Left the meeting at 5:32

The meeting adjourned at 5:44 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC