

**REGULAR MEETING OF THE CITY COMMISSION**  
**December 8, 2014**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. There was a moment of silence for Kenneth Murrah who passed away. The invocation was provided by Electric Director Jerry Warren, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley  
Vice Mayor Steven Leary  
Commissioner Sarah Sprinkel  
Commissioner Tom McMacken  
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight  
City Attorney Larry Brown  
Deputy City Clerk Michelle Bernstein

Approval of the agenda

City Manager Knight added to his report the discussion of the 2908 Temple Trail purchase. **Motion made by Mayor Bradley to approve the agenda with this one addition; seconded by Commissioner Cooper and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Golf Course Centennial Committee Recognition

Mayor Bradley explained that the Winter Park Golf Course Centennial Celebration was a huge success because of the planning and partnering of the committee, the Elizabeth Morse Genius Foundation, the Golf Channel and City staff. A special recognition was given to Wally Armstrong, Gary Diehl, Linda Kulmann, Richard Moorhead, Bill Neidlinger, Allen Trovillion, Harold Ward III, Matt Hegarty, Brenda Moody, Leif Bouffard, Justin Ingram, Lindsey Hayes, Clarissa Howard, Theresa Broman and Craig O'Neil.

b. Recognition – "Baxter Bags Project"

Vice Mayor Leary recognized Baxter Murrell for establishing the "Baxter Bags Eagle Scout Project" where he raised over \$18,000 in funds to buy and fill 400 backpacks for homeless residents of Central Florida. A loud applause was given to Baxter for his hard work and for being a great role model.

**City Manager's Report**

2908 Temple Trail Purchase

City Manager Knight advised that the bank has rejected our offer of \$95,000 for the property on Temple Trail and has counter offered at \$105,000 which is still \$5,000

less than what our appraisal said it was worth. He recommended moving forward with the purchase.

**Motion made by Mayor Bradley to make an offer of \$105,000; seconded by Commissioner McMacken.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

a. Capacity Report

CRA Director Dori Stone summarized the capacity report. City Manager Knight and Ms. Stone answered questions posed by the Commission.

**City Attorney's Report** - No report.

**Non-Action Item**

a. Tree Planting Presentation

Urban Forestry Director Dru Dennison provided a PowerPoint presentation including right-of-way tree facts, tree planting goals, planting costs, potential tree planting locations, GIS interactive mapping, tree planting specifications and multiple infrastructure limitations. Questions were answered by Ms. Dennison and Assistant City Manager Michelle del Valle-Neuner.

Following a brief discussion, staff was directed to remove the numerous tree stakes throughout the City, to provide a summary report showing funding for the last five years and how many trees were planted/removed, and to post the tree planting map and the GIS interactive map on the City's website.

b. Professional Consultants Report

City Manager Knight and Assistant City Manager Michelle del Valle-Neuner summarized the consultant report and answered questions.

A brief discussion transpired regarding the cost of legal services for litigation matters and the need to establish a performance evaluation survey for services performed by the City Attorney, Labor Attorney and State Lobbyist.

**Motion made by Commissioner Sprinkel that staff provide a detailed scope of services and expectations for the City Attorney, Labor Attorney and State Lobbyist; seconded by Mayor Bradley.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

### **Consent Agenda**

- a. Approve the minutes of November 24, 2014.
- b. Approve the FY 2015 budget amendment for the Tree Inventory Forestry Grant.
- c. Approve the following purchase requisitions, blanket purchase orders (BPO), piggyback contracts and formal solicitation:
  1. Wheeled Coach Industries for a 2014 Ford F-450 Firemedic 1170F Custom Ambulance; NTE \$230,000.
  2. Orlando Freightliner Inc. for PR156643 for 2016 Freightliner M2106 Large Dump Truck; \$105,860.
  3. BPO to Davey Tree Expert Company for Tree Trimming and Removal Services – ITN-6-2013; \$800,000.
  4. BPO to City of Altamonte Springs for FY15 Wholesale Sewer Treatment; \$126,500.
  5. BPO to USA Services of Florida, Inc. for Mechanical Sweeping Services; \$205,247.64
  6. Piggyback Orange County Contract Number Y14-1070-LC with Hubbard Construction Company for Furnish Asphalt Products; \$250,000.
  7. Award to Wesco Distribution RFQ-7-2015 for purchase of Pad Mounted Switch Fault Interrupter; \$134,430.50.

**Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Leary.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

### **Action Items Requiring Discussion**

Note: Agenda order was rearranged

- b. Acquisition of the property located at 2600 Lee Road

City Manager Knight presented the item. He explained that the current business on the property is known as Christie's Cabaret, formerly known as Club Harem. The prior businesses located on that site have had a long history of criminal and code enforcement complaints against them. There is currently a dispute with the property owner and Christie's Cabaret as to the status of the non-conforming use and whether or not the right to continue that use has expired. The owners have appealed the Building Official's determination that the non-conforming use has expired.

The owner has offered to end that dispute by selling the property to the City for \$990,000. The appraisal conducted by the City appraised at \$830,000. As part of the purchase the city would also get a release signed by the owners of Christie's Cabaret and an agreement that they will vacate the property.

Upon acquiring the property, staff recommended demolishing the building and immediately listing the property for sale. While the City may not recoup the entire purchase price through the sale the City would be avoiding future litigation costs and staff time associated with the property. There is also a billboard lease tied to the property that runs through July 18, 2020. As part of that lease, the billboard company has a right of first refusal to acquire the property.

Attorney Brown and Attorney Debra Babb-Nutcher provided legal counsel. City Manager Knight answered questions and asked for direction.

**Motion made by Commissioner Sprinkel to approve the purchase; seconded by Commissioner Leary.**

**Motion amended by Commissioner Cooper that we move forward to purchase it and immediately remove the existing structure (per City policy/code); seconded by Mayor Bradley.**

Steven Roberts, unknown address, said the City should offer the seller no more than the market value price.

**Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote on the amended motion, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Public comments (General 5:00 p.m.)

Nancy Shutts, 2010 Brandywine Drive, recommended to add the Urban Forestry PowerPoint to the website and distributed in the City newsletter.

A recess was taken from 5:05 p.m. to 5:25 p.m.

**Action Items Requiring Discussion (continued)**

a. Library Facility Task Force recommendations

City Manager Knight provided a summary on the December 2 City Commission Library Task Force work session and asked for direction.

Commission discussion transpired as to whether or not we should move forward with pursuing a new library facility or renovate the existing library, the selection of preferred sites (current library location, city hall adjacent property, civic center or current post office location), financing plan (such as a voter referendum on bonds

or pay with cash on hand, grant money, capital campaign and/or sale of other assets); if the task force should continue or sunset; if we should hire an architect to conduct preliminary space utilization, program and design for the site(s) selected and formalize cost estimates; consideration of a parking needs assessment and what the next steps are moving forward.

**Motion made by Mayor Bradley that the task force be re-established to continue to work for an additional six months; that the program/space planning for a potential new library be refined; that architectural/design programming fees be invested up to \$50,000 to be able to bring the program space plan back; that the City's initial investment be established (limited) at \$15 million which ultimately may or may not determine project costs; that fundraising philanthropy be considered to determine total project costs; and that the following three sites be considered: the City Hall Annex site, the Civic Center site, as well as remodeling the current site, as well as an open opportunity for other options to be considered in the next 60 days from citizens who may have good ideas; seconded by Commissioner Leary.**

**Motion amended by Commissioner Cooper to agree as a Commission that before we make a decision to move the library from its current location we will go to the residents of Winter Park and get their concurrence; seconded by Commissioner McMacken for discussion.**

**Motion amended by Commissioner Cooper to remove the City Hall site. Motion failed for lack of a second.**

The following spoke in favor of a new library:  
Gary Barker, Library Facility Task Force Member  
Nancy Shutts, 2010 Brandywine Drive  
Sam Stark, Library Facility Task Force Chair

Sally Flynn, 1400 Highland Road, asked that the City send out individual surveys to the residents so they have an opportunity to select a potential site.

**Amendment above revised by Commissioner Cooper that if a referendum for bonding is not required that the City would still go to the residents to have a vote on changing the location from the current location; seconded by Commissioner McMacken.**

**Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.**

**Upon a roll call vote on the main motion, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

### **Public Hearings:**

- a. ORDINANCE NO. 2986-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-68; 58-69; 58-72; 58-75; 58-76; 58-79 AND 58-90 AS WELL AS WITHIN ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS", SECTION 58-214 SO AS TO REMOVE THE REQUIREMENT FOR SUPERMAJORITY VOTES FOR THE APPROVAL OF CERTAIN CONDITIONAL USES, PROVIDING FOR THE REQUIREMENT FOR TWO PUBLIC HEARINGS AND APPROVALS FOR CONDITIONAL USES FOR THREE STORY BUILDINGS WITHIN THE CENTRAL BUSINESS DISTRICT AND FOR CONSTRUCTION WITHIN THE STREAM FLOODPLAINS OF THE CITY, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Mayor Bradley to adopt the ordinance; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

- b. Request by the City Commission to reconsider two sections of the Ravaudage Amended and Restated Development Order as approved by the City Commission on November 10, 2014 and adopt by Resolution additional amendments to the Amended and Restated Development Order.

Planning Director Dori Stone advised that a second resolution is not needed tonight and that the original resolution adopted on November 10 will stand as is since the amended and restated development order has not been fully executed.

Commissioner Cooper requested that the previously adopted resolution be brought back to the Commission for reconsideration since additional changes are being made to the development order (which is an exhibit to the resolution). Attorney Brown stated that it was not necessary to bring the resolution back.

Ms. Stone elaborated on the two major changes to the Development Order being requested this evening and answered questions.

(Background information from packet): On November 10, 2014, the City Commission reviewed a number of amendments to the Ravaudage Planned Development Order. On November 24, 2014, the City Commission asked for reconsideration of Sections 10 and 11 of the previously approved Development Order. The requested changes and DRC's recommendation are highlighted below. The amended and revised Development Order is attached with the two sections under review highlighted in red. The height map is also attached showing the area that the developer would like to modify to allow six stories maximum instead of four.

**Condition #10 (c):** - This is a change to the PD commercial code. This amendment would allow the street front setbacks to be reduced from 15' to 0' and is limited to buildings up to four stories only. The development order is modified to read: Building setbacks for all interior/exterior streets shall be a maximum of 15' in lieu of 30' with a minimum of 0'. All other rights-of-way shall have a minimum sidewalk width of 10'. No building shall encroach into the right-of-way. This condition is only applicable to buildings with a maximum height of four stories.

DRC Recommendation: Approval subject to allowing this setback only on projects within the Ravaudage Master Plan that are planned up to four-story buildings.

Mayor Bradley inquired as to why this particular condition #10(c) was being included in tonight's discussion since it was previously approved at the last Commission meeting. It was noted that Commissioner Cooper requested that this item be brought back up.

**Motion to amend by Commissioner Cooper that our change to the Orange County standards for the front setbacks on one to four stories be reversed and that we go back to the Orange County 15' front setbacks on one to four story buildings in Ravaudage. Motion failed for lack of a second.**

**Condition #10 (e and f):** This amendment as requested would allow an increase in the building height of the area designated with a four story maximum building height to be increased to a six story maximum building height, provided the location is set back 200' from Lee Road. A revised Urban Form: Proposed Building Height Zones exhibit is attached for clarification. This exhibit is an amendment to Sheet C-5 Urban Form Templates in the Development Order.

The applicant states that the purpose of this request is to provide maximum flexibility to parcel developers with respect to product placement, visibility and massing. This request does not increase project density or intensity nor does it increase building heights throughout the project. The proposal calls for a reduction on buildings heights in the area bounded by Morgan Lane, Lewis Drive, Loren Avenue and south of Elvin Way. It would allow for an increase of up to two additional stories on a case-by case basis for projects located within a certain Ravaudage area. Additionally, said specific height increase request shall be reviewed by staff and approved by City Commission. No six story buildings shall be located within 200' of the Lee Road right-of-way unless otherwise authorized by City Commission.

DRC Recommendation: Approval with conditions requiring a setback of 200 feet from Lee Road and Orlando Avenue with a maximum height of 87'.

**Motion made by Mayor Bradley (to amend the resolution as clarified below) to approve the acceptance of the conditions known as #10 (e and f) in the Ravaudage Amended and Restated Development Order, allowing up to six**

**stories permitted within the 200' boundary of Lee Road and 17/92 (AKA Orlando Avenue) and that if six stories are given in a spot that was for four stories then that be taken off of another part of the development which requires Commission approval; and to add a new condition that the developer will submit an adjustment to his height map to show where he would be readjusting the height based on these requests; seconded by Commissioner Sprinkel.** (Per verbatim - Mayor Bradley stated the following: I am moving that as an amendment to the resolution which has been approved and as a person who was on the other side of it I can make that motion for approval because we are reconsidering it.) Upon request, Ms. Stone provided clarity regarding the above motion.

Commissioner Cooper shared her opposition with allowing six story buildings with 0' or 15' setbacks from the edge of the road.

Dr. Rob Hess, Winter Park Veterinary Hospital, 1601 Lee Road, shared concerns with the proposed setbacks and the future realignment of Bennett Road.

Ms. Stone clarified that since this is a six story project, the setbacks will be 15' as required by this development order.

Mayor Bradley stated that he was moving the amendment to the resolution based on his ability to reconsider the amendment.

**Upon a roll call vote on the above amendments to the DRC agreement, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

- c. Request of Benjamin Partners, Ltd. and American Land Ventures, Inc.: Approval of setback variances for the fifth and sixth floors of the proposed six story, 296 unit apartment project to be located 2' 2" into the required street setback on Bennett Avenue and 10' 2" into the required street setback on Lewis Drive.

Planning Director Dori Stone explained that this item was tabled at the November 10 Commission meeting. The developer is asking for two amendments to the Development Order for the setbacks for the American Lands project, located along Loren Avenue to the south, Lewis Drive to the east and Bennett Avenue to the west. The Development Order requires 15' for side setbacks.

The first setback amendment request is to allow a 12'10" setback for the corner of Bennett and Morgan Lane. This is 2'2" less than the required 15' setback required in the Development Order.



The second setback amendment request is to allow 4'10" setback along Lewis Drive and Morgan Lane. This is a reduction of 10'2" to the required 15' required in the Development Order. While this is a much smaller setback, the amendment is offset by the fact that Lewis Drive has a width of 70' and sidewalks that are planned for 14'.

Ms. Stone noted that the unit count and all other setbacks meet the requirements found in the Development Order. DRC reviewed this plan and recommends approval, subject to the City Commission's approval of the amendments to the Development Order.

Ms. Stone answered questions and clarified that DRC had the ability to approve the project with the exception of the two variances. She asked to approve a six story, 296 unit building with these two setback requirements.

Commissioner Cooper shared her opposition regarding the setback variance request and the wording of the advertised public notice. She said the wording should have been more specific so that the public would have a clear understanding that the request was for an increase from four to six stories with two setback variances.

**Motion made by Mayor Bradley to approve the request as presented and approved by the DRC (approval of a six story 296 unit apartment complex); with a 12'10" setback (from the right of way line) of Bennett and Morgan Lane (for the west corner of this property); and a 4'10" setback along Lewis Drive and Morgan Lane (on the east side of the property); seconded by Commissioner Sprinkel.**

Commissioner McMacken spoke about the request for six stories based upon Commission approval. He preferred to have something more proportional and in an effort to support his position he illustrated an alternate site plan showing four stories on Bennett Avenue and Morgan Lane and six stories in the interior of the site. He said he is willing to waive the setbacks for four stories but not six stories.

Heidi Savage, 933 Lewis Drive, explained that as an adjacent property owner she objects to the proposed setbacks and with altering the original development plans.

Ms. Stone provided clarity regarding the neighboring property boundaries and the proposed setbacks.

Commissioner Cooper disagreed with allowing six story buildings to be constructed so close to Bennett Avenue and that we should require the applicant to adhere to the variance approvals set by Orange County when the de-annexation transpired.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

**City Commission Reports:**

a. Commissioner Leary - Commissioner Leary thanked staff for this weekend's wonderful holiday events.

b. Commissioner Sprinkel

Commissioner Sprinkel explained that she attends the library board meetings at the Mayor's request and if there is anything particular that needs to be shared with board members to please send her the information via email.

Mayor Bradley requested that a copy of the official motion from tonight's meeting regarding the Library Facility Task Force recommendations be shared with the board members. He directed staff to post the Library Task Force Report and a copy of tonight's meeting minutes on the website for public viewing.

Upon request, Police Chief Railey explained the various communication outlets that are used to alert the public regarding criminal incidents in the area. An interactive crime map can be accessed via the Police Department's website and residents can sign up to receive incident alerts which occurred near their home. Free home security surveys are offered to the public which are conducted by police officers who are trained in crime prevention through environmental design.

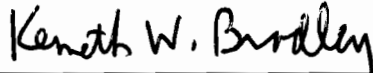
c. Commissioner Cooper - Commissioner Cooper wished everyone a happy holiday season.

d. Commissioner McMacken - Commissioner McMacken thanked staff for their outstanding efforts during the holiday season.


e. Mayor Bradley

Mayor Bradley mentioned the recent passing of Kenneth Murrah and asked for support to direct City Manager Knight to begin to look at the potential naming opportunities that may be available. A majority supported this request. Mayor Bradley wished everyone a happy holiday season.

The meeting adjourned at 7:37 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk Cynthia S. Bonham, MMC