

REGULAR MEETING OF THE CITY COMMISSION
August 10, 2015

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 4:16 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by City Manager Randy Knight, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

Motion to approve the agenda made by Commissioner Sprinkel with the deletion of public hearing 'd' (tabled until August 24); seconded by Mayor Leary and approved by 5-0 vote.

Citizen Budget Comments

Joe Terranova, 151 N. Virginia Avenue, spoke about the substantial reduction in the current budget for communication tax revenues because of the reduction in phone landlines. He asked that consideration be made to provide assurance that communication will not be lost in an emergency if cell service ceases.

Mayor's Report

a. Advisory Board discussion

Mayor Leary spoke about our Sustainability Board and that he believed a Rollins College representative on this board would be beneficial. Upon discussion, there was a consensus that this appointee is to be a Rollins student and a resident and for the Mayor to contact Rollins to provide us with names and resumes. The ordinance will be amended if this position needs to be more permanent next year. Mayor Leary will provide these names upon receipt.

b. Revise membership on Development Review Committee

City Manager Knight explained the unintended consequence from the original appointees by having both Jeff Briggs and Dori Stone from the Planning Department as voting members. They could not have conversations outside of published meetings which caused issues with being able to discuss key issues with the Ravaudage project. He requested that Mr. Briggs be replaced by Parks and Recreation Director John Holland and that Mr. Briggs be the staff liaison from Planning but not a voting member. Upon discussion as to the current voting members, Ms. Stone explained that Mr. Holland is being requested because of the

number of open space and parkland requirements in Ravaudage and that he would be a voting member. It was explained that other key staff, including water/sewer and electric among others, are present at the meetings but are not voting members. Commissioner Cooper expressed her desire that Mr. Briggs be a voting member because he is only focused on planning.

Motion made by Mayor Leary to approve the staff recommendation to revise the DRC membership to include Parks and Recreation Director Mr. Holland and have Mr. Briggs as a staff liaison; seconded by Commissioner Sprinkel and carried with a 4-1 vote with Commissioner Cooper voting no.

City Manager's Report

City Manager Knight reminded the Commission that on August 20 the Celebrate Winter Park function is at the Alford Inn as part of the visioning process.

Mr. Knight asked the Commissioners to turn in their budget worksheets if they have not done so.

Upon discussion of the September deadline, Commissioner Sprinkel asked that the portable building information for the New Hope Church be added back into the City Manager's Report.

Commissioner Cooper inquired about the Historic Preservation ordinance portion of the report that they have approved the ordinance and asked why they cannot come forward now as opposed to November. Ms. Stone explained they approved a draft to use for public discussion as part of the forums but that they still want to make modifications and are on track to bring this back for the November deadline.

Commissioner Cooper asked that the business tax comparison with other cities be sent to them. Building Director Wiggins stated he has a detailed analysis and will forward it to the Commission.

City Attorney's Report

No report.

Non-Action Item

a. Financial Report – June 2015

Finance Director Wes Hamil summarized the June 2015 financial report. The report was accepted by the Commission.

Consent Agenda

- a. Approve the minutes of July 27, 2015. **PULLED FOR DISCUSSION. SEE BELOW.**
- b. Approve award to Life Extension Clinics, Inc. dba Life Scan Wellness Centers for Firefighter Physical Exams and authorize the Mayor to execute contract.

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

Consent Agenda Item 'a' – Minutes of July 27, 2015

Commissioner Cooper asked that the last sentence be modified to include the response from the City Attorney.

Motion made by Commissioner Cooper to approve consent agenda item 'a', the minutes from July 27, 2015 to include the response from the City Attorney to the question in the last paragraph, seconded by Mayor Leary and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

- a. Undergrounding of Duke 69 kV transmission along Harper Street

Electric Director Jerry Warren provided a PowerPoint presentation regarding the construction of a termination pole to be located at the corner of Harper Street and Comstock Avenue as part of the Fairbanks undergrounding project.

Mr. Warren addressed concerns about Duke's 69 kV transmission line as follows:

- 1) That the termination pole at Comstock and Harper will become a landmark in Winter Park that won't be positive.
- 2) There are existing oak trees along Harper St. on both sides of the street and the City is requiring the developer of the new Lakeside Crossing project to install 5 inch caliper oak trees along with the development. In future years as the trees grow Duke will prune them to provide adequate clearance from the transmission line which will be unsightly.
- 3) Harper St. is the western boundary of the City's Martin Luther King Park.
- 4) Rollins College now owns the old bowling alley site bound by Fairbanks, Harper Street and Comstock Avenue. It is Rollins' intention to develop this piece of property into a Lacrosse sporting complex. This is the corner where Duke plans to install the unsightly 69kV termination pole.
- 5) The City is looking at various site options to construct a new library/civic center. The site adjacent to the Morse and Harper intersection is being strongly considered.

Given these considerations, staff asked Duke for the incremental price to extend the Fairbanks transmission underground project from the planned termination at the corner of Harper St. and Comstock north to the Duke and Winter Park substations. This would result in underground transmission from the termination pole at I-4 all the way to the Duke and City's substations near Canton Avenue. The estimated cost is \$3,887,000. Consultants to the City's electric department believe that to delay the undergrounding of this transmission line along Harper beyond the existing Fairbanks project, would likely result in an increase in cost of 20-25% plus inflation.

Mr. Warren stated that Duke wants \$150,000 up front for the extra engineering and surveying associated with the project. He has asked Duke as to whether this payment could be deferred to the October 1 budget year but has not heard back from Duke as of this time. He presented the project cash flow provided by Duke showing the timing and estimated amounts that would be paid by the City. He stated he would like a decision by the Commission to either authorize Duke to move forward or not on the extended underground. He spoke about possible funding partners. There was a consensus that the Commission would like to underground the wires but with the need to determine how to fund this. Mayor Leary stated he could not support this cost. Commissioner Sprinkel hoped that half of the cost would come from other sources but spoke about wanting to approve the \$150,000 to go forth and come back with something without signing on for the entire cost because she believed this will be an opportunity they will not always have. Mayor Leary commented that spending the \$150,000 does not guarantee anything moving forward. Commissioner McMacken would not support spending the \$150,000. Mr. Warren answered questions of the Commission.

Motion made by Commissioner Sprinkel that Mr. Warren go forth and try his best to get this down to a better deal with some more funding sources (did not want this not to move forward); put the \$150,000 out now but go forth and see what we can do. No second or vote was taken.

After further comments, there was a consensus for Mr. Warren to continue the discussions but no support for the \$150,000 expenditure. Mr. Warren was instructed to go forth and continue conversations with Duke and come back with how to fund this before the approval of the budget.

The following spoke:

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of undergrounding this pole and to come up with a funding strategy.

Mary Randall, 1000 S. Kentucky Avenue, also spoke in favor of approving this.

Public comments (items not on the agenda)

Joe Terranova, 151 N. Virginia Avenue, spoke about freedom of speech and the importance to provide guidance to staff and board members when dealing with the media. Commissioner Cooper suggested including training at the time of board orientation with to deal with the press and what to do. There was a consensus.

Public Hearings:

- a. Request of Dr. Randall Loy for the property at 1500 S. Orlando Avenue:

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs was available for questions. Ex-parte communications since the first reading were disclosed. Vice Mayor Sprinkel took the gavel for a few minutes that was returned before the vote.

ORDINANCE NO. 3004-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OFFICE AND PROFESSIONAL FUTURE LAND USE ON THE PROPERTY AT 1500 S. ORLANDO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3005-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO OFFICE (O-1) DISTRICT ZONING ON THE PROPERTY AT 1500 S. ORLANDO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Conditional Use Approval to redevelop the St. John's Lutheran Church parking lot with a two story, 15,000 square foot medical office building

Motion made by Commissioner McMacken to adopt the first ordinance (comprehensive plan); seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner McMacken to adopt the second ordinance (zoning); seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner McMacken to approve the conditional use request as amended that the applicants have voluntarily agreed to be

limited to two stories and 43 feet in building height, seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE NO. 3006-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-71 AND 58-84 SO AS TO ADOPT PARKING GARAGE DESIGN GUIDELINES GOVERNING THE CONSTRUCTION OF PARKING GARAGES WITHIN THE CITY OF WINTER PARK, PROVIDING FOR REVIEW PROCEDURES; APPEAL PROCEDURES AND FOR RESOLUTION OF INTERPRETATIONS REGARDING SUCH GUIDELINES; PROVIDING FOR A DEFINITION OF PARKING GARAGE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted yes. Commissioner Cooper was absent for the vote. The motion carried with a 4-0 vote.**

- c. Appeal by Rollins College of the January 14, 2015 Historic Preservation Board (HPB) decision to deny the Certificate of Review request (COR 15-001) for the demolition of the duplex at their property located at 483 Holt Avenue.

Planning Director Dori Stone explained the history of the property at 483 Holt Avenue and the denial of the Historic Preservation Board in January 2015. She stated Rollins appealed the decision and has since come forward and asked that the appeal be placed on the City Commission agenda. They have offered to allow for the demolition of the property subject to a number of conditions that the property would continue to be zoned R-2, Low Density Residential; that the property will be redeveloped as either a new duplex or single family home; that the proposed new use will be reviewed by the Historic Preservation Board, subject to the Historic Preservation ordinance requirements; and that the existing duplex will not be demolished until the City has issued a building permit for the new unit(s). She stated that staff recommends approval of the demolition subject to these four conditions. Ms. Stone spoke about the damage to the house that recently occurred.

Commissioner McMacken stated at the time this came before the HPB, it was requested that whatever is built there would be in accordance with the College Quarter design standards. He asked for clarification that they will adhere to these design standards.

Attorney Rebecca Wilson, representing the applicant, stated that their intent is to build in accordance with the College Quarter design standards. Ms. Wilson stated she has not had a specific conversation that there was damage to the house and if

that is accelerating the plans. Ms. Stone stated they have met the intent of the HPB ordinance and that they agree with the conditions.

Upon comments, **motion was made by Commissioner McMacken to approve the applicant's request with the condition that any new structure that is built there comply with the College Quarter design standards; seconded by Commissioner Seidel.**

Nancy La Porte Shaw, 479 Holt Avenue, adjacent property owner, asked for assurance that this will be demolished and built.

Margie Bridges, 767 Antonette Avenue, spoke in favor of the request and the conditions they must adhere to. She stated she looks forward to working together with Rollins and asked that the City protect their downtown historic residential properties.

Ms. Wilson commented that Rollins College will not do anything to hurt its relationship with the City and that this will move forward.

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

d. Fifth Third Bank Development Agreement

This item was tabled per the request of both parties until the next meeting.

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS WHICH INCLUDE A FIRE SPRINKLER REQUIREMENT AS THE WINTER PARK BUILDING CODE; DESIGNATING APPLICABLE WIND DESIGN CRITERIA; UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE WITH AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Building Director George Wiggins explained the major items amended or updated in the ordinance.

Motion made by Commissioner Cooper to accept the ordinance on first reading; seconded by Commissioner Seidel. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

- a. Commissioner Seidel – No report.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about riding with the Fire Chief, the number of signs throughout the City (she believes are too many) and that Pods are not allowed in the City. She announced she has "Coffee Talk" Thursday.

c. Commissioner Cooper

Commissioner Cooper mentioned the Men of Valor ceremony at the Community Center and that Assistant Parks Director Ron Moore was a recipient.

She requested that staff be asked to reduce costs and to create alternate revenue sources. She addressed a list she had that she wanted staff to review and respond to concerning fees. She asked for a consensus to ask staff to provide some understanding of the things she knows other cities are doing to see if it is worth it because of understanding the financial impacts of the things on the list. It was clarified for staff to provide quick answers and not a detailed report. Commissioner McMacken wanted to get through this budget cycle and start earlier with this for the next cycle. Commissioner Cooper agreed to that.

d. Commissioner McMacken

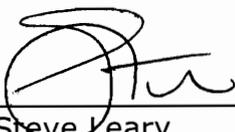
Commissioner McMacken addressed the visioning process going on and the meeting on August 20.

e. Mayor Leary

Upon questioning by Mayor Leary, City Manager Knight stated that the RFP for the City Attorney is due tomorrow and the Labor Attorney is due Thursday. The Lobbyist is due later in the month.

Mayor Leary spoke about high speed internet/wire for the city. City Manager Knight stated staff is working on it and that he will provide him an answer.

The meeting adjourned at 6:21 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC