

**REGULAR MEETING OF THE CITY COMMISSION**  
**August 24, 2015**

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend John Legg, Aloma United Methodist Church, 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 tabling of public hearing 'f') and approved by acclamation with a 5-0 vote.**

**Citizen Budget Comments**

Michael Poole, 1671 Summerland Drive, representing the Keep Winter Park Beautiful and Sustainable Board, spoke about their request of 25,000 for an intern and \$40,000 to support the Earth Day celebration. He spoke about the need for a bicycle and pedestrian friendly environment and that the City's reserves should be 15-20% and that there should be a capital reserve.

**Mayor's Report**

a. Winter Park Historical Association Annual Update

Executive Director Susan Skolfield, Winter Park Historical Museum, provided a presentation and video outlining their accomplishments, exhibitions, and the children's activities. She asked for funding in this year's budget.

b. Recognition of NJW Cheese Company

Mayor Leary presented a proclamation to Nancy and Jack Wilson upon their retirement who worked at the Farmers' Market for 35 years running their company NJW Cheese Company.

c. Board appointment: Lakes and Waterways Board

Mayor Leary nominated Douglas Marks as the alternate member. Seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

### Other items not listed

Mayor Leary reported that he opened up the visioning session the other evening and that there were 265 people who attended. He welcomed the new students attending Rollins College that was named the Most Beautiful Campus in America. He also noted that Patrick Chapin ran the Pike Ice Peak Marathon in honor of his niece who has a terminal illness.

### **City Manager's Report**

City Manager Knight reported about the Selection Committee for City Attorney who ranked the applicants and top five for Commission consideration. Oral presentations are scheduled for August 31 with the opening remarks at 8:45 and the presentations beginning at 9:00 for 45 minutes each with a 15 minute break in between. Presentations are closed but deliberations beginning at 3:00 will be open to the public. There was a consensus to hear all presentations from the top five.

Commissioner McMacken asked that the library visioning process be added to the City Manager's Report. He addressed comments made by the public at the session about the proposed location of the library being on the Civic Center site specifically. He wanted to clarify the Commission decision made was that the site will be at the north end of the park but is not site specific at this time. Commissioner Sprinkel asked to include the number of people attending. City Manager Knight stated they will ask the library staff holding the meetings to keep information on attendance.

Commissioner Sprinkel asked that the City Manager's Report update on trees include the number of live oaks planted.

### **City Attorney's Report**

Attorney Brown provided a resolution that was a ministerial matter to facilitate the real estate closing for the property exchange of 666 Nicolet Avenue (City owned) and 808 Nicolet Avenue (owned by James and Shannon McClain) that was approved by the Commission on April 27, 2015.

**Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Mayor Leary addressed emails inadvertently sent to the Commission over the weekend. It was clarified that no one responded to these emails. Mayor Leary asked if these can be blocked in the future. Staff will review. Attorney Brown clarified if a Commission asks a question that he answers and believes it is of general interest to the remainder of the Commission, he will send it to the entire Commission individually.

### **Non-Action Item**

- a. Update on marketing strategies for undergrounding overhead electric service wires

Electric Director Jerry Warren provided a PowerPoint presentation regarding service wires and the owner's responsibility; the estimated cost to replace overhead service wires underground of about \$18 million; of the existing 9,000 have paid about \$30 million to underground existing services; the need to encourage owner conversions; the strategies moving forward; the near term enhanced marking strategy to promote undergrounding (mailings, door hangers, etc.); the offer of a discount price (\$1,000 versus \$3,000) if they allow undergrounding at their residence while the City is there already; and possible future heavy handed strategies if all else fails.

Mr. Warren introduced students from Full Sail University who created a video for our customers that explains the process in a way easily understood by everyone. The video was shown and will be available via many venues, including the City's webpage and U-Tube.

### **Consent Agenda**

- a. Approve the minutes of August 10, 2015.
- b. Approve the following contracts:
1. Renewal with Aetna for Medical Insurance (RFP-6-2007) and authorize the Mayor to execute contract.
  2. Renewal with MetLife for Group PPO Dental Benefits (RFP-19-2008) and authorize the Mayor to execute contract.
  3. Renewal and subsequent Purchase Order with Cigna Group Insurance (RFP-19-2008) Group Term Life, AD&D, Voluntary Term Life for Employee, Spouse and Children, Long Term Disability, and Voluntary Short Term Disability and authorize the Mayor to execute the Renewal Package documents.
- c. Approve the HD Supply Waterworks proposed statement of work for the analysis, optimization and system maintenance of our advanced metering system.
- d. Approve Task Order 2015-01, Ravaudage Master Lift Station Project Definition Report. **PULLED FOR DISCUSSION. SEE BELOW.**

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

### **Consent Agenda Item 'd'**

Commissioner McMacken pulled this item to ask if this is related to the other item under Action Item. Water and Wastewater Director David Zusi responded that the entire area of 17-92 and Lee Road needs to be diverted to the west for treatment

which this lift station will do. It was explained that if this item is approved and they do not approve item 11-a, we will eventually have to make the improvements to this area anyway.

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

### **Action Items Requiring Discussion**

- a. Reimbursement for Ravaudage gravity sewer using portions of project sewer impact fees

Water and Wastewater Director David Zusi addressed the existing sewer and the benefits of the construction of the gravity sewer system within Ravaudage. He stated the proposed plan is to use a portion of the impact fees generated by this project towards these infrastructure improvements.

The City will realize a significant benefit from the construction of the proposed new sewer collection system because it will intercept existing sanitary sewer flow from West of the Ravaudage property and divert it to a new lift station being constructed by the City. This lift station will pump existing and future flows from this area to the wastewater treatment facility operated by Altamonte Springs. The reduced demand on our existing collection system will extend the life of these facilities significantly.

Upon discussion and comments that this request is consistent with what the City has done in the past, **motion made by Commissioner Sprinkel to approve this the way it exists today and going forward with it today, seconded by Mayor Leary.** No public comments were made.

Mr. Zusi commented that he is trying to get a policy for this entire project regarding the infrastructure this evening.

**Motion amended by Commissioner Cooper that it be limited to 30% of collected sewer impact fees for the entire Ravaudage project; seconded by Commissioner Seidel for discussion.**

Commissioner Seidel stated this is good for the City. Commissioner Cooper spoke about fairness to other developers and precedence relevant to other developers. She stated she wants to do this for this project but also wants to make sure we have the overall capacity issues with money still coming to the City to be used for those. Mayor Leary commented that the amendment is not necessary because if something similar comes forward again for Ravaudage it still has to come to the Commission for approval and if they are uncomfortable and it goes past the 30%, the Commission can just deny it in the future.

**Upon a roll call vote on the amendment, Mayor Leary and Commissioners Seidel, Sprinkel, and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.**

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

**Public comments (items not on the agenda)**

Nancy Shutts, 2010 Brandywine Drive, supported extra funding for trees. She asked if the public will know where funds are coming from to fund certain projects such as Dr. Phillips. She asked the Commission to begin considering the Winter Park Road, Lake Sue/Pennsylvania Avenue as connectivity for the bicycles and pedestrians. She spoke about the Lake Island Center being uncomfortable because of the temperature in the room for meetings.

John Hunt, 632 Brechin Drive, presented the Mayor with an album entitled: "Trees of Winter Park" that contained many photos that he had taken of trees throughout the City.

John Horvath, 1004 Bradford Drive, spoke about Fire Station 64 and his time spent at that station years ago. He provided a newspaper article from 1968 showing the construction of the station. He was pleased with the renovations being made.

Recess

A recess was taken from 5:16-5:32 p.m.

b. Budget discussion

City Manager Knight outlined the budget process and what needs to be accomplished prior and during the two public hearings scheduled for September. He stated it would be helpful that if there is a consensus on any of the changes to the budget provided by the Commission on their worksheet or any other items so they can go ahead and factor those into the budget ordinance for the first consideration in September.

First addressed was the tree planting and watering budget. Upon discussion, there was a consensus to include \$100,000 in the budget.

Golf course improvements as recommended by the Golf Course Task Force, was brought forward. Mr. Knight stated he met with the task force who is prepared to help us put together an RFP for this process. There was support that this needs to be accomplished but that funding needs to be found.

City Manager Knight stated he has been working with Orange County Public Schools representatives on the Showalter Stadium agreement which he hoped to have a

revised lease agreement for the Commission in the next month. He stated we need about \$180,000 based on what we know but that amount could change. Upon discussion, there was a consensus to find funds for this.

There was discussion regarding the projected State revenues, City Reserves that is in excess of 25% and the \$515,000 put into the Contingency Fund. Commissioner Cooper stated for the record that she stands committed to continuing to increase our Reserves until we reach our goal and did not support taking funds out of the Reserves or Contingency to fund projects this year. Commissioner Sprinkel spoke about the current 25% Reserves being realistic and that 30% is unreachable. She addressed the importance to keep our parks and golf course pristine.

The sale of Progress Point, the Swoope Plant lot and Blake lot was discussed. Planning Director Dori Stone spoke about the Progress Point site Notice of Disposal that came back at \$4.5 million. She stated the Commission will need to decide whether to sell this at the next meeting. There was a consensus to bring this directly to the Commission and bypass the Planning and Zoning Board and not to consider this sale (that has not happened) toward projects needing funding.

The Swoope Plant lot was discussed that is adjacent to the 7<sup>th</sup> hole of the golf course. Upon discussion, there was a consensus not to sell this property at this time.

The Blake yard property was discussed. There was a consensus to obtain an appraisal and work on a Notice of Disposal.

Other discussion included the Parks Impact Fee Fund that cannot be used to acquire parkland and the Parks Acquisitions Fund done by ordinance that can be modified. There was a consensus not to do anything with these funds. (Note: a scrivener's error was discovered after these minutes were approved – The sentence should read "Other discussion included the Parks Impact Fee Fund that can only be used to acquire parkland, etc.")

City Manager Knight then addressed the proposed 1.5% increase in electric rates that generates an additional \$100,000 to the general fund and about the 1.5% increase generating about \$600,000 in operating revenues that would keep the undergrounding program funded at \$3.5 million and not require the use of Reserves. Discussion ensued regarding the continuance of undergrounding at a fast pace. There was a consensus to move forward with the increase of 1.5% which will be reflected in the fee schedule effective October 1.

Upon discussion, there was not a consensus to use CRA funds for a portion of the golf course. Attorney Brown will provide an opinion whether any CRA funds can be used to improve the golf course areas within the CRA.

Discussion ensued regarding an option that the Commission could pay for things out of the Reserves to get things done and then pay it back when the Progress

Point property sells. Not everyone agreed since the property is still available. It was pointed out that the City only received one offer for the property and that the City needs to put out the Notice of Disposal with the entitlements listed so the buyer has a reasonable assurance of what they can get approved.

There was a general consensus to investigate the use of Reserves/Contingency. Commissioner McMacken stated he would support putting less into the Reserves but not take funds out of it.

The Cady Way pool was discussed. City Manager Knight provided information that the YMCA indicated they would provide \$70,000 to fund half of the heating of the pool but not until June 2016.

Commissioner Cooper spoke about the request of the Civil Service Board and asked to unfreeze the four positions and include two additional uniformed police officers (\$170,000) on the street. Mayor Leary stated that our crime is down and he could not support this because he has not been shown any statistics that this would reduce crime in the City. Commissioner McMacken stated he wanted to clarify the crime statistics with Chief Railey and recollected that the positions frozen are not regular patrol officers. He stated he will support this at this time but is going to speak with the police chief before our September hearings and that he could change his mind about supporting this. Commissioner Sprinkel spoke about the use of technology and that we do not always have to have a person doing what technology can do, wanted to look at that and would not support this. Commissioner Seidel spoke in support of adding two additional officers.

Mayor Leary addressed the many other items on the list that they have not discussed. Commissioner Seidel spoke about wanting to complete the undergrounding by a certain timeframe. He addressed funding and future funding to meet this timeframe. City Manager Knight stated they cannot bind a future Commission to fund the undergrounding at a faster pace.

Mayor Leary spoke about the large list of items they have not discussed and suggested to table this and have a separate budget session. Upon further discussion, the work session was scheduled for Monday, August 31 after the oral presentations for City Attorney at 4:00.

**Motion made by Mayor Leary to table this discussion, seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

**Public Hearings:**

- a. ORDINANCE NO. 3007-15: 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. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner McMacken.** 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. Fifth Third Bank Development Agreement

Attorney Brown stated both sides have worked out a private deal so the development agreement is ready for approval.

**Motion made by Commissioner McMacken to approve the development agreement as negotiated by the two parties; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

c. Request of Winter Park Memorial Hospital: Conditional use approval to renovate and expand the emergency services component of the hospital and to build a new five story patient wing on the east side of the hospital located at 200 N. Lakemont Avenue

Commissioner McMacken addressed a possible conflict of interest because of his new employer. Attorney Brown clarified that he does not have a conflict and can vote on this issue.

Planning Manager Jeff Briggs summarized the request to renovate and expand the emergency services component of the hospital and to build a new five story patient wing on the east side of the hospital. He stated the Planning and Zoning Board approved this request with seven (7) conditions.

Executive Director, Winter Park Memorial Hospital Sharon Clary, summarized the services they provide at the hospital and the many supporters for the expansion and renovation. She outlined their request for expansion and the need to go from semi-private to private rooms.

Vice President, Florida Hospital, Tim Burrill further elaborated on what they envision and will be constructed.

Attorney Barron Owen, representing the hospital, spoke in support of the request. He spoke about floor heights and the difference between a hospital and other commercial buildings. He stated they have agreed to the seven (7) conditions and are committed to abiding by and following them. He asked for approval of these projects and to allow them to build a great project.



Commissioner Cooper stated in the future she would like to see major projects such as this one to come before the Commission twice to allow the public more time to review and to make sure the notices sent out include such things as building heights. Mayor Leary stated the process could be discussed at a future date. Planning Manager Briggs stated an improvement they have done with City-wide notices is now they have the link to the staff reports and the date on which they can be accessed.

**Motion made by Commissioner Cooper to approve the request with the seven (7) conditions as recommended by P&Z and the clarification relative to the physical plant that the sound/visual buffer is both to Lakemont and the adjacent building; seconded by Commissioner McMacken.**

The following spoke in favor of the request:

Dr. Jay Plotkin, 1733 Lake Berry Drive  
John Horvath, 1004 Bradford Drive  
Leslie O'Shaughnessy, 331 E. Webster Avenue  
Dr. Mitchell Maulfair, 1210 Sunset Drive  
Mike Hay, Westminster Winter Park (Assisted Living Facility)  
Dr. Leonardo Cisneros, 2365 Forrest Road  
Tom Yochum, 1131 Via Lugano

Laura Stark, 433 Worthington Drive, expressed concerns with the west side expansions because of sirens, more vehicles and replacing trees.

**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.**

#### Recess

A recess was taken from 7:53-8:00 p.m.

- d. Request of Henderson Investments: Subdivision or lot split approval to divide the property at 500 N. Phelps Avenue zoned R-1A into two single family building lots

Planning Manager Jeff Briggs summarized the request. He commented that the request meets all zoning codes including the extra 10' for the corner lot and meets the comprehensive plan test and that the Planning and Zoning Board approved the request.

**Motion made by Commissioner McMacken to approve the subdivision request, seconded by Commissioner Sprinkel. 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.**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE 1882 "AFFORDABLE HOUSING" SO AS TO EXPAND THE PROGRAM TO INCLUDE WORKFORCE HOUSING, PROVIDING DEFINITIONS, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Brown read the ordinance by title. Planning Director Dori Stone explained the intent of the ordinance is to include workforce housing for the affordable housing linkage fee and if the Commission decides to implement the linkage fee now or in the future the option would be there to use workforce housing criteria to spend the linkage fee funds on. She explained she reached out to several entities that deal with housing and would like to bring back some options as how to spend workforce housing dollars as well as showing where workforce housing would be available in Winter Park before collecting the linkage fee.

Mayor Leary spoke about the City investing taxpayer dollars in a lot of affordable housing programs and have turned over a lot of real estate to other entities and if the City had done it themselves the City would have maintained those assets. He stated he would like to do something special with workforce housing and would like to see more City employees live here. He asked if the dollars currently available can be used for workforce housing. Attorney Brown stated that the ordinance is clarifying the existing law that always intended to include workforce housing so he was comfortable with this.

Commissioner Cooper expressed her preference about not creating a sense of entitlement for the middle class and that we have a responsibility to care for those who cannot care for themselves. She stated she is not comfortable expanding the definition of people who receive benefit from our housing linkage fee. She stated that she would never want to incorporate workforce housing and take over funds set aside for people who need assistance.

**Motion made by Mayor Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

The \$400,000 already in the fund was discussed. Commissioner Cooper wanted to see the Habitat homes expanded to other areas of the City and would like the \$400,000 be used to purchase additional lots for Habitat for Humanity. No public comments were made regarding the ordinance. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

Allocation of City owned lot at 507 S. Capen Avenue for Habitat for Humanity

Planning Director Dori Stone addressed the lot at 507 S. Capen Avenue that they would like to deed ownership over to Habitat for Humanity for this year's Habitat

home. She stated they have had a conversation with the church and Habitat is also offering to help the church build a community center on their property which is adjacent. She stated this is the last City owned Habitat lot in downtown and next year they will be working with Habitat to look for other property around the City.

**Motion made by Commissioner Sprinkel to approve the allocation of the City owned lot at 507 S. Capen Avenue for Habitat for Humanity; seconded by Commissioner Cooper.**

Mayor Leary stated he is very supportive of Habitat for Humanity but believed we have met our requirement from a City's respect as to our investment in affordable housing in Winter Park and did not think this was necessary. He stated this is not a negative against Mr. George but is a financial issue.

The following spoke in favor of granting the allocation to Habitat:

Thaddeus Seymour, Habitat for Humanity, residing at 1804 Summerfield Road  
Hal George, Habitat for Humanity, residing at 468 Virginia Drive  
Ken Vinal, Habitat for Humanity and Trinity Prep School, residing at 8743 Atwater  
Loop, Oviedo  
Roger Sell, 1730 Oneco Avenue

**Upon a roll call vote, Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. Mayor Leary voted no. The motion carried with a 4-1 vote.**

- f. Request of Rollins College: Tabled until September 28, 2015

**City Commission Reports:**

- a. Commissioner Seidel - Attended the second library session that was a good meeting and publicized well.
- b. Commissioner Sprinkel - Attended the library session and spoke that there is a lot going on right now in the city.
- c. Commissioner Cooper - No report.
- d. Commissioner McMacken - Attended the visioning session that was great and was well attended.
- e. Mayor Leary - No report.

The meeting adjourned at 8:30 p.m.

ATTEST:

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Mayor Steve Leary

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City Clerk Cynthia S. Bonham, MMC