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 Leslie McCarrick, Winter Park Christian 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 made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Mayor’s Report

a. Presentation - Ronny Jack Coleman Leadership Legacy Award

Mayor Leary presented Fire Chief Jim White with the Ronny Jack Coleman Leadership Legacy Award that was presented to Chief White during the Center for Public Safety Excellence 16th Annual Awards Ceremony in Atlanta. The award recognizes an individual for their superior leadership and actions that have elevated the international fire and emergency services profession through mentoring, teaching and sharing outstanding contributions.

b. Proclamation – Electric Director Jerry Warren retirement

Mayor Leary provided Electric Director Jerry Warren with a proclamation and proclaimed September 30, 2015 as Jerry Warren Day in recognition of his retirement from the City. Mr. Warren spoke about his great experience working for the City.

City Manager’s Report

City Manager Knight spoke about Mr. Warren’s time and success with the electric utility during his tenure with the City. He stated that Public Works Director Troy Attaway will oversee the electric utility from the director’s side. He introduced Dan D’Alessandro (new Operations Manager) and Kara Purdy (new Assistant Operations Manager and Senior Engineer who will be designing the undergrounding). He stated they will keep Mr. Warren on contract to handle areas such as the bulk power supply.
City Manager Knight addressed the 90 day work schedule provided to the Commission.

Commissioner McMacken asked City Manager Knight about the update on trees. He wanted to schedule that for the October 12 agenda or another time when we have a light agenda.

Commissioner Seidel spoke about Electric Director Jerry Warren when he served on the Utilities Advisory Board and that he did a great job putting the City in the financial position that we are in.

City Attorney’s Report

Attorney Brown brought up the issue of the Fifth Third Bank with Matsby Properties and Mr. and Mrs. Helsby. He stated the developer’s agreement between the City and the bank was approved at the August 24 meeting. At that time he was under the understanding that the attorney’s had worked out their issue with the easement but found out later they had not resolved it. He asked the Commission what they wanted to do about this issue. He addressed providing the bank’s attorney suggestions as how to resolve this and trying to help the private parties come to a private cross access easement agreement. He expressed concerns with holding the bank up with their development because of this one issue because they are entitled to their permit. He summarized what has transpired over the last few months.

Attorney Arthur Baker, representing Fifth Third Bank, clarified the terms of the development agreement approved on August 24 that states that they are at an impasse regarding the negotiation and what was approved includes the additional condition of approval from May 11. He concluded that they have been working on this for five months and commented against holding this up or having to address the development agreement again today between the bank and the City for the benefit of a private party. He stated they are willing to work with Mr. and Mrs. Helsby to resolve this but that the development agreement has been approved.

Kathy Helsby, Matsby Properties, proposed a compromise to dedicate the northwest corner of their property to parking so when their property is developed, the adjacent area that would connect would also be designated as parking. It will then be up to the two property owners at some time in the future to negotiate and create or not create the connection. She addressed the revised plan the bank gave them that contained changes made so that traffic could potentially go both ways in this area. She asked that these changes remain and the designated parking spots are made so a future connection would be possible if and when both parties agree. She stated she is in favor of the bank being able to proceed with their development if these two changes in the layout are made by the Commission.

Mayor Leary spoke about the change in law on October 1 whereby this creates an unfavorable issue for the City. Attorney Brown stated they are vested and have a right to obtain a permit and build but that this issue has been delaying them. He
stated it can be viewed as a private issue and that the question is that it may not be the City’s role without liability to assist them in that regard.

The site plan provided on May 11, 2015 was addressed. Upon discussion, motion made by Mayor Leary to ratify the August 24 development agreement approval; seconded by Commissioner McMacken. No other public comments were made.

Ms. Helsby reiterated her comments about the parking spaces. Mr. Baker responded that they are willing to enter into that private conversation. Planning Manager Briggs displayed the approved site plan with the condition that the dumpster be relocated and that the plan contains parking spaces. There was a consensus for staff to review the issue of cross connection of commercial and retail and determine if we need to do anything in our codes or policy so that we do not put this on private individuals in the future.

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.

Non-Action Item

   a. Parks Master Plan update

Parks and Recreation Director John Holland provided a PowerPoint presentation from a request of the Commission. Mr. Holland updated the Parks and Recreation Master Plan including the Ward/Showalter/Cady Way Complex. He summarized the history of the master plan, the master plan recommendations, progress of the parking lots (completed parking, current projects, and future parking), conceptual designs, athletic field progress, Ward Park Restrooms, and additional Ward Park improvements (includes new field lighting #9 softball, new field lighting for Showalter East, refurbishment of existing baseball restrooms, and improvements to Ward Park drainage and environmental area.). It was clarified that all of these additional Ward Park improvements have been included in this year’s budget. Mr. Holland responded to questions of the Commission.

Consent Agenda

a. Approve the minutes of September 14, 2015.
b. Approve the following contracts and formal solicitations:
   1. Renewal of commercial insurance package with Brown & Brown; and authorize the Mayor to execute the renewal and approve the subsequent purchase order; $1.124 million.
   2. Temporary 90 day extension to Waste Pro of Florida, Inc. (RFP-6-2009); and authorize the Mayor to execute the extension letter. PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.
3. Award to Lee Crest Company, IFB-4-2015, Construction of Brookshire Elementary School Neighborhood Sidewalk Project.

4. Award to William J. Peebles & Capitol Insight, RFP-17-2015, State Lobbyist; and authorize the Mayor to execute the contract.

c. Approve the budget amendment for Public Works and the Building Department for the Cady Way Cycle Track improvements and the Building Interactive Voice Response (IVR) software. PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.

d. Authorize the City Manager, in consultation with the City Attorney, as needed, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations. Additionally, authorize purchase orders in the amounts of $85,000, $120,000 and $156,000 for several independent contractors who provide specialized and confidential investigative services on behalf of HIDTA; and a purchase order for $126,000 for facility expenses of HIDTA.

e. Authorize the Mayor to execute the Florida Power & Light Company Native Load Firm and System Firm Partial Requirements Power and Energy Transaction Confirmation.

f. Authorize the Mayor to sign a lease agreement between the City of Winter Park and the Winter Park Benefit Shop. PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.

g. Approve the Watermain Construction Agreement; Cost-Sharing Agreement between the City and UP Fieldgate US Investments - Winter Park, LLC (the "Developer").

Motion made by Commissioner McMacken to approve Consent Agenda items a, b.1, b.3-4, d, e and g; seconded by Commissioner Seidel. No public comments were made. The motion carried unanimously with a 5-0 vote.

Consent Agenda items b.2, c and f:

Commissioner Sprinkel pulled these items off the consent agenda for clarification purposes. Upon a request by Commissioner Seidel, Mr. Knight will send the Commission the RFP for garbage pickup to review and see if they have any comments or proposed changes. Regarding the benefit shop and items being hung outside of City Hall the days they are open, they will follow the sign code as part of the new lease. No public comments were made. Upon clarification by staff, motion made by Commissioner Sprinkel to approve Consent Agenda items b.2, c and f; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.
Action Items Requiring Discussion

a. City Attorney Contract

City Manager Knight explained the two options provided at the last meeting whereby staff was directed to go back and provide a third option that would provide for 120 hours per month. He met with the new attorney who proposed three 40-hour blocks of discounted attorney time.

Motion made by Commissioner McMacken to approve the new option; seconded by Commissioner Seidel. Commissioner Cooper expressed her concerns with the cap because of the current usage of many more hours. She stated she did not want anything to ever inhibit her or staff from asking a question needing an answer.

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.

Public Hearings:

a. Request of Ferna Bernstein for the annexed property at 1566 W. Fairbanks Avenue:

Attorney Brown read the ordinances by title.

ORDINANCE NO. 3009-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE I “COMPREHENSIVE PLAN” FUTURE LAND USE MAP SO AS TO ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1566 WEST FAIRBANKS AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 3010-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTY AT 1566 WEST FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Motion made by Commissioner McMacken to adopt the comprehensive plan ordinance; 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 zoning ordinance; 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. Subdivision or lot split of 1004 N. Pennsylvania Avenue

Planning Manager Jeff Briggs explained the request for subdivision or lot split approval to divide the property at 1004 N. Pennsylvania Avenue into four (4) single family lots. The zoning is R-1A and the property is now vacant. Variances are requested for each lot to be on average, 60 feet in width in lieu of the minimum 75 feet of lot width requirement. Building setback variances are also requested. Mr. Briggs addressed the zoning and comprehensive plan tests. Upon questioning, Mr. Briggs provided the staff recommendation of denial because of the code outlining the 500’ radius and the comparison was not there on widths. The developer or applicant would be following the tree removal process.

Motion made by Commissioner Sprinkel to approve the request to subdivide or lot split the property at 1004 N. Pennsylvania Avenue (with the Planning and Zoning conditions: 1) Building setback variances as requested are approved for interior lot line but not to any exterior lot lines; 2) If a rear access alley is developed then the access easement must be 24 feet wide and the eastern property line shall have a six foot brick privacy wall constructed as part of the required infrastructure); seconded by Mayor Leary.

Attorney Rebecca Wilson, representing the contract purchasers, summarized the location of the property, provided a street view of the property, site plan, variance and setback requests, Planning and Zoning (P&Z) Board recommendation, and compatibility with the neighborhood. She listed the other things they agreed to, including building Santa Barbara style homes, and their willingness to build a six-foot masonry wall on the rear. She spoke about her disagreement with staff regarding the comprehensive plan test and how staff determines this.

Regarding the variance request, the applicant requested building setback variances to be established. The setbacks shown for the front, rear and north sides conform to code. The applicant requested to reduce the interior setbacks to 5’ (from 7.5’). The P&Z Board had no objection to the interior lot setback changes that only affect these future homes. However, the P&Z Board did not support the reduced street setback to Tantum Avenue which is less than the street setback for the home directly across that street on the opposite corner.

Commissioner Cooper spoke in opposition to the request because of it not complying with the City’s land use codes that require 75’ lot width and not complying with the City’s comprehensive plan test. Commissioner Seidel asked how often we approve a smaller lot size than the code requires. Mr. Briggs responded around 30%-40% of the ones that come to the Commission. Mr. Briggs addressed the alleyway and
garbage pickup, and the design to put the garages in the rear so the homes are more attractive on the Pennsylvania frontage. Commissioner Seidel asked about having three lots instead of four and what happens to the oak trees during development. Ms. Wilson stated the request is for four lots, not three, and they have not done a tree survey. Planning Director Dori Stone expressed staff’s denial of the request because staff does not believe that they should ever recommend to create lots that have a variance to them; three lots on this property do not require a variance, however, the four lots for this request does.

The following spoke in favor of the request:

John McDade, 450 Beloit Avenue
Chris Heidrich, 922 N. Pennsylvania Avenue
Frank Baker, 650 Northwood Circle
Janie Baker, 650 Northwood Circle

Amendment to the motion made by Commissioner McMacken that in addition to the conditions that the Planning and Zoning Commission put on he wanted to add that the four residential units will not be of uniform elevation on the exteriors and that they will have significant architectural variation among them and the architectural style of the homes may be interrelated and compatible; seconded by Commissioner Cooper. Upon a roll call vote on the amendment, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

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

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

Robert Rich, 502 Brechin Drive, spoke about the speeders on Brechin Drive and the sidewalks that he believed will have no impact on the speed limit. He spoke about the problems associated with Kimbrace Place. He asked that staff review this before completing the sidewalk project. City Manager Knight will look into this.

**Recess**

A recess was taken from 5:34 - 5:52 p.m.

**Budget Public Hearings:**

Mayor Leary made the following comments: “The millage rate needed for Fiscal Year 2016 to generate the same property tax revenue for the City as in 2015, based on the Property Appraiser’s certification, is 3.8774 mills.”
The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills which has been the rate levied by the city for the last seven years. The proposed millage of 4.0923 mills would represent an increase in property taxes, not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency, of 5.54%. This increase in property taxes levied over the prior year is not due to any change in tax rate but is due to the increase in assessed values of properties.

In addition, a 0.0892 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2004 approved by the citizens of Winter Park at the June 4, 1996 bond referendum, and a 0.1858 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2011 approved by the citizens of Winter Park at the May 16, 2000 bond referendum. "This will be a simultaneous public hearing on two ordinances."

Attorney Brown read both ordinances by title. There were no public comments.


Motion made by Commissioner McMacken to adopt the millage ordinance; seconded by Commissioner Cooper. 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.

ORDINANCE NO. 3012-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, COMMUNITY REDEVELOPMENT FUND, FEDERAL FORFEITURE FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2015; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY Second Reading
Motion made by Commissioner McMacken to adopt the budget ordinance; seconded by Commissioner Cooper. 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.

c. Continuance of public hearings: Request of Phil Kean Designs, Inc. for the property at 652 West Morse Boulevard:

AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Conditional use approval to redevelop the property into 11 residential units that are two and three story in height with a total project size of 40,566 square feet.

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs stated this is a simultaneous public hearing, and conditional use approval which requires two hearings of the conditional use. He explained the location of the property and current zoning of O-1 (Office) and the request to rezone the property to C-2 (Commercial) to build residential townhomes two and three stories in height. He stated the current building facing Morse Boulevard is two stories in height, and the three buildings further back on the site are three stories. Because of the one and two story character along Morse Boulevard, the applicant agreed to reduce the size of the scale along Morse to two stories to be compatible with the character. He spoke about the driveway access to the buildings being in the rear off of Welbourne and not from Morse Boulevard. Mr. Briggs addressed the parking spaces for this project as well as the Floor Area Ratio (FAR) and terracing on the third floors. He explained the Planning and Zoning recommendation and the conditions agreed to by the applicant.

Jacob Farmer, 135 N. Knowles Avenue, on behalf of Phil Kean Designs, showed the digital 3-D fly-around images shown at the Planning and Zoning Board meeting. Per questioning by Commissioner Cooper, there was discussion regarding the City owned property they will be using and if the City should ask the applicant to purchase it for their project since they are going to be improving the property. The applicant agreed to maintain the property, and will work with the Parks Department for any changes that may be made to the property. Other discussion ensued regarding parking at that location.
Commissioner McMacken stated he viewed the property and surrounding area. He made the determination that the project is too dense for the site. Commissioner McMacken disagreed with the fourth building, with residential properties counting on greenspace to be the park that is City owned property, and having to parallel park vehicles on City property to make this work. The need to put feet on the street was also addressed.

**Motion made by Commissioner Sprinkel to accept the comprehensive plan ordinance on first reading; seconded by Mayor Leary.** No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

**Motion made by Mayor Leary to accept the zoning ordinance on first reading; seconded by Commissioner Seidel.** No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

**Motion made by Commissioner Cooper to approve the conditional use to be accompanied by a developer’s agreement to be worked out by staff and the applicant before the next meeting that addresses the maintenance of the property along the City easement (path and upkeep); seconded by Commissioner McMacken.** Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

d. **Request of Sydgan Corporation:**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING THE 5 FOOT UTILITY EASEMENT LOCATED ON BLOCK “G” OF THE HOME ACRES SUBDIVISION AND THE 1999 FLORIDA POWER CORPORATION DISTRIBUTION EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. First Reading**

Attorney Brown read the ordinance by title. Public Works Director Troy Attaway explained the two easements: one is for Florida Power (now Winter Park Electric) and the other is a platted utility easement from 1926. Block “G” is the block where the eight story apartment building approved by the DRC for construction will be built. He stated the 5’ platted utility easement runs up the middle of the block and that neither easement is needed.

**Motion made by Commissioner McMacken to accept the ordinance on first reading; 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.
Comments to departing City Attorney Larry Brown:

Mayor Leary stated this is the last meeting for Attorney Brown. He stated Attorney Brown was always available, a great ally to the Commission and a great resource. He commented that he appreciated Attorney Brown’s sense of humor and great discussions and will miss him. He thanked Attorney Brown for his services to the City.

City Commission Reports:

a. Commissioner Seidel – Spoke about lot splits and the stormwater associated with that. Mayor Leary asked that he reach out to staff to look at what issues are causing flooding when subdividing properties and for developing other properties.

b. Commissioner Sprinkel – Spoke about her visit to UCF and the great college and positive impact UCF has on the area.

c. Commissioner Cooper – Spoke about having legal fees paid by the requesting developers (staff is already looking into this); invited the Commission to come to her Coffee Talk on Wednesday; spoke on the Central Florida water initiative issue and our issues with flooding; believed there to be a weakness in our code regarding parking spaces (Commission will discuss regarding the interpretation of the code); wanted to include staff recommendations in the reports coming to them for items of approval; asked to schedule a time to discuss C-2 zoning in general and where they want to go with this regarding a policy (Commissioner Sprinkel asked that this discussion also include other zoning whereby Planning Director Stone stated she can provide a briefing on any land use/zoning code the Commission wants); and asked if the City architect position got approved. City Manager Knight stated they are looking at a position they are considering to fill with this position.

d. Commissioner McMacken – Spoke about the magazine on the Delta airplane showcasing Orlando where many of the places are actually Winter Park; spoke about the upcoming Art Festival; and attended the retirement for 41 year employee Sam Jones.

e. Mayor Leary – No report.

The meeting adjourned at 6:56 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC