

REGULAR MEETING OF THE CITY COMMISSION
October 26, 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 Mayor Steve Leary, followed by the Pledge of Allegiance led by six year old Nate Calvert.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel (via Skype)
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Approval of the agenda

City Manager Knight stated that the applicant has requested to defer Public Hearing 'd' (Rollins College) back to the P&Z Board to consider modifications to their zoning classification request. **Motion made by Commissioner McMacken to table this matter; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

Commissioner McMacken inquired about item 'd' under the Mayor's Report. Mayor Leary stated he only wanted to discuss the process thus far and the timing of the ordinance. Commissioner McMacken addressed the normal protocol where it goes on the agenda for a vote.

Motion made by Commissioner McMacken to approve the agenda with moving Item 'd' under the Mayor's Report to Non-Action items; seconded by Commissioner Cooper and carried with a 3-2 vote with Mayor Leary and Commissioner Sprinkel voting no and Commissioners Seidel, Cooper and McMacken voting yes.

Discussion ensued regarding Commissioner Seidel skyping for the meeting and the resolution and policy pertaining to this.

Mayor's Report

a. Proclamation - Sam Jones Retirement

Mayor Leary presented Sam Jones with a proclamation and proclaimed October 26, 2015 as Sam Jones Day to recognize his 41 years of service. He wished him well upon his retirement.

b. Proclamation - World Stroke Day

Mayor Leary presented Valerie Greene, Founder and CEO of Bcenter, Global Stroke Resource, Inc. with a proclamation recognizing October 29, 2015 as World Stroke Day.

c. Proclamation – Feed the Need

Mayor Leary presented Patrick Chapin, Winter Park Chamber of Commerce President, with a proclamation to launch their third "Feed the Need" fundraiser to support the Second Harvest Food Bank. He proclaimed November 2015 as "Feed the Need Month" in the City. President & CEO, Second Harvest Food Bank Dave Krepcho thanked the City for their generosity and spoke about the many people they help feed.

d. Historic Preservation ordinance process discussion

Moved to Non-Action Items.

City Manager's Report

City Manager Knight reported they will have the draft RFP for refuse services available for the Commission this Friday. He also stated we received six golf course proposals today from the RFP process and that the golf course committee will bring forth a recommendation. Mayor Leary asked for clarification about issues regarding the Rollins request coming before the Commission. Commissioner Cooper again asked about legal fees being paid for by developers and multi-family/visitors parking issues and comprehensive plan compatibility test lot split language. Mayor Leary asked about the policy regarding placing items under his report. Discussion ensued concerning the policy and what has taken place in the past.

a. Video Presentation – "Inside the City" Episode II: CRA

Communications Director Clarissa Howard presented a video about the CRA that was produced by our Communications Department and edited by cinematographer Edson Pacheco.

City Attorney's Report

No report.

Non-Action Item

a. Historic Preservation ordinance process discussion

Mayor Leary stated he brought this up because of many people stating they did not believe there has been enough public input and notice regarding this ordinance. He

stated he was comfortable at the time with the November 9 date to bring the ordinance to the Commission but is now thinking they need to educate the public further before adopting the ordinance. Commissioner McMacken spoke about the amount of time this has been discussed, he believed enough education has been provided to the public, and wanted the November 9 date to remain. Commissioner Sprinkel addressed the importance of making sure all residents are educated. Commissioners Seidel spoke about the need for a work session to discuss the ordinance.

Consent Agenda

- a. Approve the minutes of October 12, 2015.
- b. Approve the following purchases and contract:
 1. Blanket Purchase Order to USA Services, Inc. for Mechanical Sweeping Services; \$205,247.64; and piggyback contract renewal with USA Services, Inc. (City of Daytona Beach Contract No. 13-159).
 2. Blanket Purchase Order to South Seminole & North Orange County Wastewater for Operational Maintenance; \$83,500.
 3. Blanket Purchase Order to City of Orlando for Iron Bridge Sanitary Sewer; \$2,200,000.
 4. Blanket Purchase Order to City of Orlando for Asbury Sanitary Sewer; \$400,000.
 5. Blanket Purchase Order to City of Altamonte Springs for Wholesale Sewer Treatment; \$149,000.
 6. Blanket Purchase Order to Aetna for Admin fee & Stop/Loss Insurance; \$768,168.
 7. Blanket Purchase Order to MetLife for Group Dental Benefits (RFP-19-2008); \$365,573.
 8. Piggyback Orange County Contract Y14-1070-LC for Asphalt Milling and Resurfacing to Hubbard Construction Company; and authorize the Mayor to execute the contract.

Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

- a. Library report from consultant

Library Board of Trustees President Jeff Jontz and Library Executive Director Shawn Shaffer thanked the Commission for the allowing them to explore the possibility of a new library. They spoke about the importance of having a new library, that the task force was a good decision, the two comprehensive reports they prepared on the task force findings, and thanked the numerous residents who attended the public forums and workshops.

Julie Von Weller, Aci Architects, summarized the workshops held and the user experience survey.

John Cunningham, Aci Architects, addressed the Winter Park visual character from the workshops, the exterior architecture styles considered, the concept budget, and the community visual preferences. Discussion ensued regarding the breakdown of what it would cost citizens depending on the amount of the bond, whether to have a \$25 million or \$30 million bond amount, and who should be educating the public during the referendum.

Motion made by Commissioner McMacken that we accept the final report from ACi; seconded by Mayor Leary.

Motion made by Commissioner McMacken to approve the general location of the new Library/Civic Center as shown in the report; seconded by Commissioner Sprinkel.

Motion made by Commissioner McMacken to direct staff to bring back an ordinance calling for a bond referendum to be held in conjunction with the City election on March 15, 2016 in an amount not to exceed \$30,000,000; seconded by Mayor Leary.

Motion amended by Commissioner Sprinkel to make the not to exceed amount \$25,000,000; seconded by Commissioner Cooper.

The following spoke on this issue:

Joe Terranova, 151 N. Virginia Avenue, thanked everyone involved in this project. He stated we need to consider other locations because of the environmental impact to the park. He asked where this project fits into the City's priority list.

Gary Sachek, 1034 Aloma Avenue, asked if this is the best place for the library, did not believe we need a parking garage there, and that he does not want to include the library in the same project as the civic center.

Bob Bendick, 1211 Oxford Road, spoke in favor of a new library but disagreed with the proposed location as he thought it should stay downtown.

Brooks Weiss, 1244 Via Salerno, spoke in favor of the library and civic center (and bond of \$30,000,000) and of the great opportunity to set Winter Park apart.

Gene Sullivan, 2423 Via Sienna, spoke in favor of the library and the proposed location.

Barbara Chandler, 1048 Azalea Lane, spoke in favor of the library and that the library is a destination for people visiting the city.

Linda Heinl, 608 S. Phelps Avenue, spoke in favor of the library and location.

Daniel Butts, 120 W. Reading Way, spoke in favor of the library/civic center, the importance of it being a convenient destination and the great opportunity this is.

Nancy Shutts, 2010 Brandywine Drive, spoke in favor of the new library but expressed concerns with the reduction in size being proposed for the civic center and if we will lose the revenue from the civic center. She supported the \$25,000,000 because of potential funding from other entities. She expressed concerns with the garage and hoped it would have sufficient spaces and could easily accommodate the elderly.

Gary Barker, Library Task Force member, commented that the task force reviewed other locations that were not City owned properties and determined the proposed location to be the best. He stated the site will be better off environmentally because of the new civic center building.

Mayor Leary explained the not to exceed amount is an "up to amount" and believed we would get donations to help fund the library/civic center.

Upon a roll call vote on the amendment to make the not to exceed amount \$25,000,000, Mayor Leary and Commissioners Seidel, Cooper, and McMacken voted no. Commissioner Sprinkel voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote to direct staff to bring back an ordinance calling for a bond referendum to be held in conjunction with the City election on March 15, 2016 in an amount not to exceed \$30,000,000, 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 to approve the general location of the new Library/Civic Center as shown in the report, Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted yes. Commissioner Seidel voted no. The motion carried with a 4-1 vote.

Upon a roll call vote that we accept the final report from ACi, 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 6:30 to 6:48 p.m.

Public Hearings:

- a. Request of Erling Falk: Subdivision or lot split approval to divide the vacant property at 1295 N. Park Avenue, zoned R-1A, into two single family building lots

Planning Manager Jeff Briggs explained that there are no variances and that the Planning and Zoning Board recommended approval. Mr. Falk explained why they are asking to split the property.

Motion made by Commissioner McMacken to approve the subdivision/lot split 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.**

- b. Request of New Hope Baptist Church: Conditional use approval to use portable buildings on their church property for Sunday School classroom space and Fellowship Hall activities in conjunction with the church at 274 N. Capen Avenue

Planning Manager Jeff Briggs explained the August 2012 request to move two portable buildings onto the property for a pre-school that did not happen. They are now in need of Sunday school classrooms and are asking to change their conditional use to fit their current situation. He addressed the petition submitted in support of the request.

Commissioner Cooper asked about putting a time limit on this because the Commission agreed they were disappointed to see mobile homes being moved into the community but that she does understand the situation the church is in. Mr. Briggs stated their intention is not to replace these buildings with a permanent structure and that the pastor has used his own money to finish the renovations and that modular buildings under the code are as approvable as a regular building.

Building Director George Wiggins addressed this as being a manufactured building and that the City is prohibited from precluding them if it meets code. He explained that modular and manufactured buildings are essentially the same. He stated you could apply certain aesthetic criteria to it and explained the skirting that they installed around the foundation. Mayor Leary spoke about the need for more permanent skirting around the bottom.

Motion made by Mayor Leary to approve this with a solid skirting around the base (something from an architectural standpoint to help it blend in more with the surrounding communities); seconded by Commissioner McMacken for discussion purposes.

Discussion ensued regarding the previous approval which is not going to be used for child development as previously approved and that the City cannot disallow them. Attorney Ardaman provided options that the Commission can deny the conditional use, it can be a condition, and the applicant could come back with revisions to their proposal. Mr. Wiggins stated the Commission can make any conditions they wish to make it blend in with the neighborhood but the structure itself meets the code. Commissioner concerns were brought forward with allowing the structures because they do not blend in with the community and that they do not want this to be precedence setting.

Motion made by Commissioner McMacken to table the request and that staff go back and address this from an architectural standpoint and bring this back not looking like modular buildings but to look like a structure that is compatible with the neighborhood; seconded by Mayor Leary. 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.

c. Request of Bethel Baptist Church for the property at 347 West New England Avenue:

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 347 WEST NEW ENGLAND AVENUE, 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 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

This was a simultaneous public hearing. Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained that the church originally purchased the property for overflow parking which has rarely been used for that purpose. The church has made the decision to sell the property and is asking for a zoning change to be able to market the property for commercial development. This is a vacant lot at the northeast corner of Virginia and New England Avenues.

Motion made by Commissioner Sprinkel to accept the comprehensive plan future land use ordinance on first reading (with the condition of the Planning and Zoning Board to establish a minimum five (5) foot front setback along New England Avenue); 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.

Motion made by Commissioner Sprinkel to accept the zoning ordinance on first reading (with the Planning and Zoning Board condition of a five (5) foot setback on New England Avenue); 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.

d. Request of Rollins College for the College Arms property at 315 Holt Avenue:

This item was tabled at the beginning of the meeting and deferred back to the Planning and Zoning Board.

e. Request of Holler Hyundai dealership at 1150 North Orlando Avenue: Conditional use approval to expand the Holler Hyundai dealership

Planning Manager Jeff Briggs explained this request to expand the dealership to incorporate the former self storage property at the rear fronting on Solana and Dixon Avenues in order to provide for expanded vehicle sales, display and parking. He addressed the Planning and Zoning Board condition that the perimeter of the entire property be landscaped to city code requirements.

Motion made by Commissioner Sprinkel to approve the conditional use request; seconded by Commissioner McMacken.

Frank Herring, 1721 Palm Avenue, representing UP Development (Whole Foods), asked that the applicant require a similar type of landscape treatment that they have accomplished with the Lee Road extension and the 17/92 frontage.

Attorney Frank Hamner spoke about the entire property being already approved for automotive use, they have submitted a landscape plan that has gone further to come around Dixon Avenue; and there is code compliant landscaping on the fronts of the whole property which will be properly landscaped at that time. He further explained what they will be doing on the property.

Motion amended by Commissioner Cooper to request that the applicant provide a visibility triangle at Dixon Avenue and 17/92 with compatible landscaping to what he is doing similar to what he has on the south side of Fairbanks and Denning Avenues. The motion failed with a lack of a second.

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

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2014-2015 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. First Reading

City Manager Knight addressed this item that applies to FY 2015 and includes all the items talked about during the year with grants received, etc. Attorney Ardaman read the ordinance by title.

Motion made by Mayor Leary to accept ordinance on first reading; 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.**

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-87 SO AS TO UPDATE THE ORDINARY HIGH WATER ELEVATIONS OF THE LAKES WITHIN THE CITY AND PROVIDE FOR CLARIFICATIONS OF THE WATERFRONT REVIEW PROCEDURES AND DEVELOPMENT STANDARDS; PROVIDING FOR CODIFICATION, FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained this ordinance revises the ordinary high water elevations in the zoning code that establish the point at which the lakefront or other waterfront setbacks are measured.

Motion made by Commissioner McMacken to accept ordinance on first reading; seconded by Mayor Leary. 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:

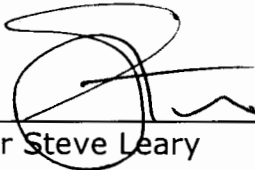
- a. Commissioner Seidel – No report.
- b. Commissioner Sprinkel – Commented about students working with the community and their ideas of games in parks that impressed her.
- c. Commissioner Cooper – Reminded about the Reverend Dawkins dedication for the Shady Park pavilion on November 14; and the Veterans Day celebration on November 6.
- d. Commissioner McMacken – Spoke about the visioning session tomorrow at Mead Garden at 5:30 (Keynotes in the Park).
- e. Mayor Leary – Spoke about the Cows n' Cabs fundraiser event this past Saturday that raised a lot of money for two local charities.

The meeting adjourned at 7:40 p.m.

ATTEST:



City Clerk Cynthia S. Bonham, MMC



Mayor Steve Leary