

REGULAR MEETING OF THE CITY COMMISSION
November 9, 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 Winter Park Library Executive Director Shawn Shaffer, 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 Kurt Ardaman
City Clerk Cynthia Bonham

Approval of the agenda

Motion made by Commissioner McMacken to approve the agenda; seconded by Mayor Leary and carried unanimously with a 5-0 vote.

Mayor's Report

a. Representative Mike Miller, House District 47

State Representative Mike Miller provided a summary of the 2015 Florida House of Representatives legislative session and what he hopes to accomplish for Winter Park.

b. Proclamation – Week of the Family

Mayor Leary presented Lynn Whitcomb, Week of the Family Foundation Chair with a proclamation proclaiming the week of November 7-14, 2015 as "Week of the Family" in Winter Park.

c. Recognition - Parks and Recreation Accreditation Award

Parks and Recreation Director John Holland presented Mayor Leary with the Parks and Recreation Accreditation Award that they achieved this year. He addressed the standards they must meet whereby their records must show they have continually met them for the past five years.

Mayor Leary recognized the Veteran's Day celebration held that was well attended.

Board Appointments: Motion made by Mayor Leary to appoint Jim McFarland and Tonya Mellen to the Pedestrian and Bicycle Board with both appointments to be from 2015-2018 to replace Karen McGuire and Terry Bangs who resigned; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

City Manager's Report

City Manager Knight spoke about the busy holiday season coming up with events. The CRA Agency meeting date was changed to December 14, 2015 at 2:30.

City Attorney's Report

No report.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of October 26, 2015. **PULLED FOR DISCUSSION. SEE BELOW.**
- b. Approve the following purchases and contracts:
 1. PR158750 to Duval Ford & Isuzu for seven (7) new 2016 Ford Interceptor SUV's for Police Department; \$204,407
 2. PR158793 to Nortrax Equipment Company for one (1) John Deere Backhoe Loader; \$100,165
 3. PR158725 to Aquarius Systems for one (1) AE-12 Amphibious Excavator; \$262,700
 4. Renewal of 3 year contract with Centurylink Sales Solutions, Inc. for dedicated Ethernet Services Upgrade and authorize the Mayor to execute agreements; \$143,469
 5. Renewal of 5 year contract with Centurylink Sales Solutions, Inc. for dedicated Internet Services Upgrade and authorize the Mayor to execute agreements; \$193,680
- c. Cancel the December 28, 2015 Commission meeting due to the holidays.
- d. Authorize the City Manager to negotiate a final contract with Interra health for an amount not to exceed \$275,000 per year to implement an onsite medical and wellness clinic for employees and their dependents who are enrolled in the plan.

Motion made by Commissioner McMacken to approve Consent Agenda items b, c and d; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote. No public comments were made.

Consent Agenda item 'a' – Minutes

Commissioner McMacken asked to change page 1 to read: "Commissioner McMacken addressed the normal protocol where it goes on the agenda for a vote."

Motion made by Commissioner McMacken to approve Consent Agenda Item 'a', Minutes; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote. No public comments were made.

Action Items Requiring Discussion

a. City Manager evaluation

City Manager Knight addressed the summary of all the Commissioners ratings. Mayor Leary spoke about the great state the City is in and thanked Mr. Knight for his service and the remarkable job he has done.

Motion made by Mayor Leary to give City Manager Knight a 3.3% increase; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

b. Golf Course renovation award (RFP-19-2015)

City Manager Knight spoke about the Golf Course Selection Committee meeting to hear presentations and unanimously selected KCR Contracting (RFP-19-2015).

Motion made by Mayor Leary to award the golf course renovation contract to KCR Contracting; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

c. Tree planting policy

City Manager Knight addressed the Urban Forestry Master Plan adopted on January 13, 2014 whereby commissioners have stated since then that they wanted to reconsider certain components of the plan. Staff requested policy decisions on three items: 1) The minimum planting strip width for shade trees shall be 6'; 2) If adjacent property owners have the ability to determine right-of-way tree placement, species, or option to maintain a vacancy; and 3) If medium and understory tree planting should be discontinued until all shade tree planting locations are filled throughout the city.

City Urban Forester Dru Dennison provided the pros and cons of each consideration listed above. She stated the planting strip for shade trees is an issue where they have used a 6' minimum but that our code indicates a 7' minimum. Commissioner McMacken commented that staff was given direction that if 6' is available that if an oak tree was removed that another oak tree would be replanted in that 6' space and that this has not been occurring as frequently as it should. Further discussion ensued regarding the types of shade trees, including oaks and the planting requirements.

Ms. Dennison spoke about oak trees and the need for a certain planting strip width to grow to a healthy state. She stated that they plant shade trees where they can plant a shade tree. Commissioner McMacken stressed that he wants oaks planted. Ms. Dennison spoke about some residents refusing to have oak trees so they planted other trees.

Upon questioning, Ms. Dennison stated she is comfortable with going from 7' to 6' with replacing oak trees where they are if the tree fits. There was a Commission consensus to agree with going from 7' to 6' for planting oak trees where applicable.

The Commission then addressed whether adjacent property owners have input on the tree planting process. Upon discussion, there was a consensus not to do anything at this time when a property owner does not want an oak tree and to move on and replenish oaks where planned.

Ms. Dennison stated she is going to follow Commission direction but that as a professional forester and a certified arborist she does not believe we should be planting all oak trees but need to diversify our canopy.

Public Hearings:

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

ORDINANCE NO. 3016-15: 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. Second Reading

ORDINANCE NO. 3017-15: 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. Second Reading

This was a simultaneous public hearing. Attorney Ardaman read both ordinances by title.

Motion made by Commissioner McMacken to adopt the comprehensive plan future land use ordinance (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 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.**

Motion made by Commissioner McMacken to adopt the zoning ordinance (with the Planning and Zoning Board condition of a five (5) foot setback on New England Avenue); seconded by Commissioner Sprinkel. Lurline Fletcher, 811 English Court, opposed the change in zoning. No other 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. 3018-15: 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. Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance; 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.**

- c. ORDINANCE NO. 3019-15: 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. Second Reading

Attorney Ardaman 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.**

- d. AN ORDINANCE CALLING A BOND REFERENDUM TO BE HELD ON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$30,000,000 GENERAL OBLIGATION BONDS, SERIES 2016, OF THE CITY OF WINTER PARK, FLORIDA, TO FINANCE THE COST OF THE ACQUISITION AND CONSTRUCTION OF THE WINTER PARK LIBRARY AND EVENTS CENTER AND RELATED IMPROVEMENTS IN THE CITY; AUTHORIZING THE ISSUANCE OF SUCH BONDS IF APPROVED BY REFERENDUM; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title. **Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner McMacken.**

Joe Terranova, 151 N. Virginia Avenue, spoke in support of a new library but that it is too costly and that it should be located elsewhere.

Sally Flynn, 1400 Highland Road, asked if the ordinance reflects a specific location for the library to be built.

Upon discussion, **motion amended made by Commissioner Cooper that the document reflect the location of the library (in Exhibit A, NW corner of Martin Luther King Park); seconded by Commissioner Seidel for discussion. Upon a roll call vote, 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.

- e. Request of Benjamin Partners, Ltd., Greenhouse Partners Ltd., and Garnet Ltd. for Amendments to the Development Order for the Ravaudage Planned Development (PD) as contained within:

Attorney Ardaman read the resolution by title. Planning Manager Jeff Briggs summarized the background of the Ravaudage project and the additional six properties bought by the applicant to add to the development. He explained the amendments needed for the development order and the variance being requested. This was a simultaneous public hearing.

RESOLUTION NO. 2165-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE RAVAUDAGE DEVELOPMENT AS ORIGINALLY ADOPTED ON NOVEMBER 10, 2014, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

These amendments do not apply to 1035 North Orlando Avenue, 1235 Lee Road, 1006 Lewis Drive or 1231 Kindel Avenue within the Ravaudage PD. The requests include:

Request of the Ravaudage PD for: a Development Order amendment to the Ravaudage land use plan to provide entitlements for six properties added to the Ravaudage PD and for a development order amendment to provide for future entitlements based on additional future property acquisitions.

Request of the Ravaudage PD for: a Development Order amendment to the Ravaudage land use plan to provide for a minimum dwelling unit size of 500 square feet in size in lieu of the current 750 square foot minimum for the entire Ravaudage PD.

Request of Benjamin Partners, Ltd. for: Approval of a building setback variance to allow a 4' 10" street-front setback on Lewis Drive in lieu of the required 15' setback for a proposed mixed-use project which includes multi-family units, retail units, and a parking garage.

Applicant Dan Bellows, 425 West New England Avenue, representing Benjamin Partners, explained that Lewis Drive was completely rebuilt which did not have sewer or stormwater and had an antiquated potable water system. He stated they added all these as well as on street parking and 14' sidewalks on both sides plus contributed 1 ½' on both sides to achieve the 14' sidewalk. He explained the live oaks are already installed and planted in the planters and irrigated. As relates to the setback, they are hoping to create a Lewis Drive as a main street. He stated they want to achieve on street parking, wide sidewalks and have the buildings up close. He stated that DRC approved the allowance of a 4' 10" street front setback on Lewis Drive in lieu of the required 15' setback and the DRC also approved to allow residential units with a minimum of 500 square feet in lieu of the current minimum requirement of 750 square feet throughout the Ravaudage PD.

Motion made by Commissioner Sprinkel to approve the development order amendment to the Ravaudage land use plan to provide entitlements for six properties added to the Ravaudage Planned Development (PD); seconded by Commissioner Seidel.

Motion made by Commissioner McMacken to approve the development order amendment to the Ravaudage land use plan to provide for a minimum dwelling unit size of 500 square feet in size in lieu of the current 750 square foot minimum for the entire Ravaudage PD; seconded by Commissioner Sprinkel.

Motion made by Commissioner Cooper to deny the approval of a building setback variance to allow a 4' 10" street front setback on Lewis Drive in lieu of the required 15' setback for a proposed mixed use project; seconded by Commissioner McMacken.

Commissioners Cooper and McMacken explained that the building, because of the height being proposed, felt that the project needs as much setback as possible. Planning Director Dori Stone explained the applicant has nothing else currently planned on the other side of Lewis Drive and that there is a fairly significant span between buildings and will not be on top of the road. Ms. Stone stated since they were looking at the site plan as well as the variance the applicant has planned a covered walkway attached to this building so he is asking for the 4' 10" variance but has a 10' covered colonnade associated with the building which adds an additional open space of 10' to the building. She stated this added an additional comfort to City staff.

Ruth Heine, 2358 Summerfield Road, spoke in opposition to the project because of traffic and over development.

Heidi Savage, 1441 Lee Road, asked if by granting the variance if a precedent is being set for adjacent property owners.

Upon a roll call vote on the approval of the development order amendment to the Ravaudage land use plan to provide entitlements for six properties added to the Ravaudage Planned Development (PD), 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 approval of the development order amendment to the Ravaudage land use plan to provide for a minimum dwelling unit size of 500 square feet in size in lieu of the current 750 square foot minimum for the entire Ravaudage PD, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call to deny the variance request, Mayor Leary and Commissioners Seidel and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Motion made by Commissioner Sprinkel to approve the building setback variance to allow a 4' 10" street front setback on Lewis Drive in lieu of the required 15' setback for a proposed mixed use project; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Motion made by Mayor Leary to adopt the resolution; seconded by Commissioner Sprinkel. 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.

Public Comments (items not on the agenda):

Vicki Krueger, 200 Carolina (and representing the eight Park West condominium owners facing the West Meadow), spoke about the noise during events (and the construction) at the West Meadow. She asked that the approved work hours be communicated and adhered to because of the early morning and late night hours of noise. She also asked that when there are microphones used during events that the loudness be lowered.

Joe Terranova, 151 N. Virginia Avenue, spoke about the tree policy being too strict.

Sally Flynn, 1400 Highland Road, spoke about the need to include the location on the ballot for the library referendum.

Mary Daniels, 650 Canton Avenue, agreed that the tree policy is too strict and expressed concerns with the trees taken down on the Westside and not being replaced. Mayor Leary asked that staff update the Commission with what is taking

place with trees on the Westside. City Manager Knight stated that staff will inform the Commission as to what is happening on the Westside.

Ann Higbie, 190 Ward Drive, spoke about the replanting of trees and that the City needs to be vigilant in replacing our canopy oak trees. She asked that the restrictions be reconsidered.

Allen Trovillion, spoke about the tree policy and suggested to get permission from the property owners to have a tree planted inside the sidewalk so it grows on their property. He addressed the need to keep the trees because of their beauty.

Lurline Fletcher, 811 English Court, supported the City planting trees in the right-of-way so the City maintains them. She addressed the need to replant ones being removed.

Recess

A recess was taken from 5:23 – 5:41 p.m.

f. Historic Preservation:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" TO PROVIDE CLARITY, IMPROVE THE FUNCTIONALITY, AND REVISE THE PROCESS AND PROCEDURES FOR THE HISTORIC PRESERVATION BOARD AND STAFF, THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC RESOURCES AND HISTORIC DISTRICTS, THE REGULATION, ADMINISTRATION AND ENFORCEMENT CONCERNING SUCH DESIGNATED LANDMARKS, RESOURCES AND DISTRICTS, AND THE CERTIFICATE OF REVIEW PROCESS; CREATING PROCEDURES FOR THE DEMOLITION OF PROPERTIES IDENTIFIED IN THE FLORIDA MASTER SITE FILE AND HISTORIC SURVEY; AMENDING PROVISIONS REGARDING TAX EXEMPTIONS FOR HISTORIC PROPERTIES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title.

Planning Director Dori Stone introduced Historic Preservation Board (HPB) Chair Bill Segal. Mr. Segal spoke about what the members of the HPB accomplished and recommended making sure the ordinance was provided to the Commission for this meeting. He commented that the Commission should watch the economic incentives which sometimes can have a negative effect. He addressed the issue of districts that is causing angst; the district vote was recommended to be at 58%.

Mr. Segal also addressed the addition of an additional two month wait time added to a demolition permit that pertains to about 100 "A" list homes from the historic survey. He stated this will allow city staff to determine if it can be moved or to preserve certain parts of the home; the owners will not be compelled to meet or cooperate with the City but will be asked and will never be denied a demolition permit. He spoke about the "B" list homes where they will ask for an additional one month wait period and that the same rules apply as with the "A" list homes. He

stated the board addressed the proposed composition of the HPB which they believed is very good and a good compromise. He stated the board wants the historical survey from the state to be accomplished which will take time. He concluded that the board asks that the Commission make strong recommendations on any portions of the ordinance that may be sent back to the board.

Planning Director Dori Stone spoke about the last two years discussion regarding the ordinance and what has been determined to be proposed amendments to the ordinance. She stressed that the ordinance does not mandate the City create historic districts or create non-voluntary individual historic designations of any properties in the City. She stated this was never a direction given from the City and the HPB has not taken this discussion up or created any mandatory districts or steps to create them. She highlighted the proposed amendments to the ordinance. She spoke about the survey of homes performed in 2001 (a Florida master site file survey city-wide) which was the last survey done. She summarized the process for districts that must be followed. Commissioner Seidel presented GIS maps that show homes that may qualify for historical preservation for discussion.

The following spoke in favor of the ordinance:

1. Wade Miller, 1520 Glencoe Road
2. Attorney Rebecca Wilson, representing First Realty's, property owner at Morse and Knowles, addressed the approval received for a conditional use permit for redevelopment as four townhouse units in 2007 and three townhouse units in 2015. The owner received a notice that their building is on the Florida master site survey but according to the ordinance being considered there will be a 60 day wait period for demolition even through it has already been approved pursuant to the conditional use permit. She asked that the language be modified to add a section exempting their project since it has already received approval. She also spoke in favor of the ordinance regarding her personal home that is already on the historical list.
3. Rebecca Talbert, 3024 Northwood Boulevard (but with some changes)
4. John (Jack) Rogers, 311 E. Morse Boulevard
5. Susan Winter, 1351 College Point
6. Sally Flynn, 1400 Highland Drive (also read a note from Thad Seymour who could not attend)
7. John Reker, 1660 Joeline Court (with some tweaks in the ordinance)
8. Richard Reeve, 2815 Norris Avenue
9. Charles Harris, 1430 Elizabeth Drive
10. Georgia Roark, 1258 Arlington Place
11. Linda Eriksson, 535 N. Interlachen
12. Holly Hill, College Quarter, (with modifications)
13. Tom Sims, 326 Vitoria Avenue
14. Elizabeth Bosserman, 818 Antonette Avenue
15. Drew Krecicki, 1711 Chestnut Avenue
16. Kathryn Waters, 1366 Devon Road (did not speak)
17. Sue Masselink, 1308 Alberta Drive (with modifications)

18. Karen James, 1551 Dale Avenue (with modifications)
19. Betsy Owens, 656 Park Avenue N. (with modifications)
20. Jenny Wolfe, Florida Trust for Historic Preservation (St. Augustine)
21. Jeffrey Blydenburgh, 204 Genius Drive (with improvements)
22. Stephen Pategas, 1425 Berkshire Avenue

The following spoke against the ordinance:

1. Michael O'Shaughnessy, 331 East Webster Avenue
2. Craig Uttley, 516 Henkel Circle
3. Dan Peterson, (James Madison Institute, 100 N. Duval, Tallahassee)
4. George Schiele, 1276 S. Pennsylvania Avenue
5. Attorney Hal Kantor, 715 Via Bella
6. Leon Huffman, 1128 Oxford Road
7. Debra Wert Dingman, 1621 Via Tuscany
8. Micky Grindstaff, Attorney representing Mr. John Cox, 181 Virginia Drive
9. Margaret Cassalls, 907 Old England Avenue
10. Robin Fawsett, 630 Palmer Avenue
11. M. Bradley Luczak, 1517 Williams Drive (Attorney for Eric and Diane Holm, 1211 College Point)
12. Major Ret. Robert Bush, Jr. 1595 Glencoe Road
13. Blanquita Trabold, Old England Avenue
14. Jeanne Reynaud Bellows, P.O. Box 350 Winter Park (Attorney representing 83 parcels, two individuals owning four parcels and three parcels of which two have a beneficial interest through a current valid contract for sale and purchase.
15. Allen Trovillion, 271 N. Horatio Avenue, Maitland
16. Cindy Egeli, Orlando Regional Realtor Association
17. Glad Nadeau, 266 Chase Avenue
18. Sharon Gilkey, 311 North Interlachen Avenue
19. Beth Miller, did not provide Winter Park address
20. Peter Weldon, 700 Via Lombardy
21. George Sprinkel, 1031 Osceola Avenue
22. Clark Sprinkel, 166 Harris Avenue
23. Nikki Seybold, no address given
24. Bill Sullivan, 1362 Richmond Road
25. Johnny Jallad, 320 N. Knowles Avenue

Neither for or against:

Attorney Frank Hamner, 405 Balmoral Road, was not for or against the ordinance but believed that a couple of things need to be cleaned up before the second reading. He stated the process has worked and that there is no agenda going on this evening with the proposed ordinance. He stressed the need for residents to read the ordinance and understand what is being changed.

Recess

A recess was taken from 8:00 – 8:13 p.m.

Commissioner Sprinkel explained what she wanted to see in the ordinance and made amendments to the motion (see below). Commissioner McMacken agreed that the ordinance needs updating. He explained what he wanted to change and made amendments to the motion (see below).

Commissioner Seidel spoke about property rights and the character of Winter Park. He addressed districts and that it is up to the citizens to decide what type of restrictions they want to place on their neighborhood once they have the vote. He stated there is more work that can be done to determine how to save the character of the City.

Commissioner Cooper explained the three things she is most interested in: 1) if a community wants a district and if the ordinance gives a fair opportunity to create a district; 2) how do we preserve the real assets and incentivize people either through façade, grants or through ad valorem issues; and 3) that Park Avenue be protected. She stated she determined that the ordinance does not protect the real assets and incentivize people to list and that it does not protect Park Avenue. She explained changes she wanted to see in the ordinance and made amendments to the motion (see below).

Mayor Leary spoke in support of historic preservation and that he recognizes that what we have today is because of the people and not necessarily because of any overlay or having a historic preservation ordinance intact. He expressed concerns with handicapping the future and locking too many things down and that we need to leave open enough opportunities to allow future generations to put their imprint on this City. He commented that he will only support districts if there is an opt-out. He addressed the Capen House and how it divided the community and caused attacks on good people who were doing what they were allowed to do. He stated he does not want to see that happen again and was not sure the current ordinance will stop something like the Capen House from happening again. He stated that we should take the homes that are truly historic that we have looked at and do everything we can to incentivize and encourage the saving of those homes.

Motion made by Commissioner McMacken that we accept the proposal from the HPB as it has been presented to us (accept the ordinance on first reading) including the request of Ms. Wilson to exempt the property at Morse and Knowles from the 60 day wait period for demolition; seconded by Mayor Leary.

Motion amended by Commissioner McMacken that the percentage for establishing the final vote on a district be 50% plus one (1) of the homes within the district; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Seidel, Cooper and McMacken voted yes. Mayor Leary and Commissioner Sprinkel voted no. The motion carried with a 3-2 vote.

Motion amended by Commissioner Cooper to add language that says "Notwithstanding the procedures in Section 3 within one year the City of

Winter Park shall prepare and submit through the zoning public process a special local downtown Interlachen and Park Avenue historic overlay district (with supporting design guidelines, recommended incentives and procedures for review of affected properties)" Motion failed for lack of a second. There was a consensus that this motion was out of order and will be discussed at a later date. Ms. Stone stated this will come back after the first of the year.

Motion amended by Commissioner Cooper that under Section 58-434, Contributing element that we revert back to the original language (50 years old plus one criteria) and eliminate the addition of the language "and meets two or more of the National Register of Historic Places base criteria set forth in section 58-456(1)." Seconded by Commissioner McMacken. Upon a roll call vote, Commissioners Seidel, Cooper and McMacken voted yes. Mayor Leary and Commissioner Sprinkel voted no. The motion carried with a 3-2 vote.

Motion amended by Commissioner Cooper that under Section 58-446, Qualifications, to adopt the ad hoc committee's recommended membership for the HPB (consist of two architects, one landscape person, an expert or person experienced in planning historic preservation or land use law and who understands building construction); seconded by Commissioner McMacken. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Motion amended by Commissioner Cooper that under Section 58-469, Guidelines for Review, 'c' (concerning garage apartments or accessory cottages) that we keep the language that was previously in item c that will now say that "750 square feet is desirable and not go beyond the cap of 1,000 square feet"; seconded by Commissioner Seidel. 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 amended by Commissioner Cooper that under 58-479, Guidelines for Demolition, to make it clear that non-contributing properties are exempt from criteria 1-5; seconded by Commissioner McMacken. 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 amended by Commissioner Cooper to clarify criteria #6 to delete the words "there is an explanation of what effect of those plans will be on the character of the surrounding area" and instead say "there is a demonstration or an explanation that the proposed redevelopment will be harmonious with the character of the surrounding area". Motion failed for lack of a second.

Motion amended by Commissioner Cooper that under 58-481 to delete under (5) the last sentence "At any time after a complete application for demolition permit is received, the HPB staff may waive the remaining time under the applicable consideration period under subsection (1) and (2) if the HPB or the HPB staff determines that no meaningful alternative to demolition exist or will be proposed to the property owner"; seconded by Commissioner McMacken. Upon a roll call vote, Commissioners Cooper and McMacken voted yes. Mayor Leary and Commissioners Seidel and Sprinkel voted no. The motion failed with a 3-2 vote.

Planning Director Dori Stone spoke about a tax exemption for historic properties (Division 6 in the ordinance), asked to remove that language because it is redundant to what the Florida Statutes have. **Motion amended by Mayor Leary to remove entire Section 58-510; 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.**

Motion amended by Commissioner Seidel that the word 'original' in the last sentence in Section 58-482 be changed to 'demolished'; 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.

Motion amended by Commissioner Sprinkel that in Section 58-434 to add under Definitions "Must show proof of current ownership"; 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.

Motion amended by Commissioner Sprinkel to add under Section 58-434, Historic District, after "a geographically defined area", "of a minimum of 12 contiguous homes"; seconded by Mayor Leary. 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.

Motion amended by Commissioner Sprinkel that under Section 58-446, to delete the entire paragraph of the language that requires a member of the HPB to be a resident of the City; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted yes. Commissioner Seidel voted no. The motion carried with a 4-1 vote.

Motion amended by Commissioner Sprinkel that under Section 58-481 that the demolition period for the contributing homes be changed to 60 days; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and

Commissioners Sprinkel and McMacken voted yes. Commissioners Seidel and Cooper voted no. The motion carried with a 3-2 vote.

Motion amended by Commissioner Sprinkel to add language that “any home within a district has the ability to opt out through a simple request by the owner”; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioner Sprinkel voted yes. Commissioners Seidel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.

Motion amended by Mayor Leary to keep the voting threshold at 66.66% (2/3); seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioner Sprinkel voted yes. Commissioners Seidel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.

Motion amended by Mayor Leary to make the voting threshold at 58% for a district; seconded by Commissioner Sprinkel. Mayor Leary and Commissioner Sprinkel voted yes. Commissioners Seidel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.

Motion amended by Mayor Leary to put a time limit of 90 days to secure approvals of the neighborhood for a district; seconded by Commissioner Sprinkel. 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.

Motion amended by Mayor Leary that on Section 58-456, 2C to change the reapplication time period to three years from one year; seconded by Commissioner Sprinkel. 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 amended by Mayor Leary that on Section 58-456 to delete under b, Vi “that represent a significant and distinguishable entity whose components may lack individual distinction”; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioner Sprinkel voted yes. Commissioners Seidel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.

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

City Commission Reports:

a. Commissioner Seidel – Commented that he is looking forward to discussing the historical ordinance further.

b. Commissioner Sprinkel – Reported on attending the 130th Founder’s Day event between their Congregational Church and Rollins.

c. Commissioner Cooper – Reminded everyone about the dedication of the pavilion of Rev. Dawkins this Saturday.

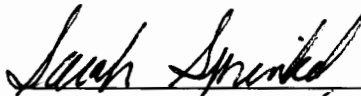
d. Commissioner McMacken – Reminded everyone about the Police Department hosting the meeting of a Neighborhood Advisory Council with representatives of various neighborhoods throughout the community so they can engage in dialogue about the crime and issues but to find out how the community wants the PD to engage them. Takes place Wednesday evening at 6:00 p.m. at the Police Department.

e. Mayor Leary – Asked everyone to check the calendar regarding all the upcoming events. Thanked staff for the great Veterans Day celebration. Met with Congressman Mica this morning about intelligent traffic signalization.

The meeting adjourned at 10:41 p.m.

ATTEST:


City Clerk Cynthia S. Bonham, MMC



Mayor ~~Steve Leary~~ (VICE)
SARAH SPRINKEL