

**REGULAR MEETING OF THE CITY COMMISSION**  
**January 11, 2016**

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. Mayor Leary asked for a moment of silence for a young Winter Park resident John Michael Night who had sustained injuries who is in need of contributions to his medical care (Caring Bridge.org). The invocation was provided by Reverend Dr. Harold Custer, St. Andrews 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 Kurt Ardaman  
City Clerk Cynthia Bonham

Approval of the agenda

**Motion made by Commissioner McMacken to approve the agenda (it was acknowledged that the Rollins College public hearing had to be held at 5:00); seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

**Mayor's Report**

Mayor Leary spoke about how spectacular the City looked during the holiday season and the many people visiting the City. He thanked staff for their efforts.

**City Manager's Report**

1. City Manager Knight reported that the DOT contractor will be working to smooth the railroad intersection of Lyman and New York Avenues on the January 23 weekend. He was requested to speak with Chief Railey to ensure there is police presence.
2. City Manager Knight asked if the Commission would like to have a work session to discuss the garbage RFP before it goes back out because of policy type decisions raised by the various vendors interested in performing these services. Upon discussion, a work session was scheduled for February 8 at 2:00 before the Commission meeting.
3. City Manager Knight announced that the bowling alley property is back on the market and asked if the Commission wants him to move forward with negotiating a contract with Rollins. He stated that Rollins purchased it for \$2,850,000 and they are willing to sell it to the City for what they paid for it. Upon discussion, there was a consensus for the City Manager to move forward with entering into negotiations and discussions with Rollins College.

4. Commissioner McMacken addressed the email from our City Attorney concerning attendance of the Commission as a body in Tallahassee to meet with legislators. Attorney Ardaman summarized the law being specific with the two instances where the Commission is allowed to meet as a whole outside their political boundary (cities with less than 500 residents and when two governmental bodies meet to discuss things of common interest or require by law settlement dispute resolutions). He stated there is no exemption for meetings outside of a City Commission's political boundary other than those two instances. He advised the Commission against doing this.

Commissioner Cooper expressed that she believed as the legislative body they have the right to make this decision and that it is critical that they are representing the City as one voice because of the potential impact and having a more commanding position. She asked to have more extensive conversation on this. Mayor Leary commented that Commissioners can meet individually with our legislators if they see the need and that they are still being represented as a unified body even though they are all not present. He stressed the importance to listen to our new City attorney regardless of what has happened in the past.

Attorney Ardaman addressed the sunshine law. He spoke about several attorneys who believe the legislature should address this. Commissioner Sprinkel addressed the importance to listen to our City attorney.

After further discussion, there was a general consensus (Commissioner Cooper disagreed because of wanting more time to discuss) to put this on the next agenda as a resolution for discussion because of the upcoming scheduled trip to Tallahassee. Commissioner Seidel expressed his preference to speak with our legislators to have the law changed for this type of meeting. He will speak with the City Manager to reach out to our elected officials to have this discussion if he decides to pursue this.

5. Commissioner Seidel inquired about Progress Point. He commented that he asked the business owners at that location to figure out how much parking is needed as opposed to the City trying to determine what they need so it is known going into the development whether we sell the property for less so there is public parking, or if it is part of the deal. Planning Manager Jeff Briggs explained that the EDAB and P&Z Boards will meet jointly on January 19 as a work session to try and come to a combined recommendation as to how to move forward on Progress Point. He stated the earliest date it can come before the City Commission is the first meeting of February.

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

No report.

### **Non-Action Item**

a. Financial Report – September 2015

Finance Director Wes Hamil presented the September 2015 financial report and answered questions. Mayor Leary asked Mr. Hamil about property values outside the CRA. Mr. Hamil stated we look favorable compared to others.

### **Consent Agenda**

- a. Approve the minutes of December 14, 2015. **PULLED FOR DISCUSSION. SEE BELOW.**
- b. Approve the following purchases and contract:
  1. PR159128 to ALTEC Industries, Inc. for the purchase of two AT40M-AWD bucket trucks; \$240,000 (Vehicle Replacement Fund). **PULLED FOR DISCUSSION. SEE BELOW.**
  2. PR159163 to ADPI Intermedix for EMS Fire Billing Services Collections; \$84,000.
  3. Contract renewal with Gerhartz & Associates LLC, RFQ-16-2012 (Continuing Contract for GIS Services) and authorize the Mayor to execute Amendment 3.
- c. Approve the letter outlining plans to update the Comprehensive Plan per Chapter 153.3191, Florida Statutes (Evaluation and appraisal notification to the Florida Department of Economic Opportunity).
- d. Adopt the Orange County Canvassing Board criteria for canvassing Winter Park absentee ballots; and allow the Orange County Canvassing Board to canvass the Winter Park election and certify the election results.

**Motion made by Mayor Leary to approve Consent Agenda items 'b.2&3', 'c', and 'd'; seconded by Commissioner Cooper.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

### Consent Agenda Item 'a' – Minutes of December 14, 2015

Commissioner Cooper asked to pull the minutes so that more information can be included as to what City staff presented at the meeting regarding the public notice provided for the historic preservation public hearing.

**Motion made by Commissioner Cooper to table the minutes until the City Clerk can add staff comments; seconded by Commissioner McMacken for discussion purposes. Motion was withdrawn.**

**Motion made by Commissioner Cooper to approve the minutes and that the City Clerk go back and reflect the staff's discussion; seconded by Mayor Leary.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'b-1' - PR159128 to ALTEC Industries, Inc. for the purchase of two AT40M-AWD bucket trucks; \$240,000 (Vehicle Replacement Fund)

Commissioner Sprinkel pulled this to ask about the plan moving forward regarding vehicle replacement because of her not wanting to see new City vehicles. Budget Manager Peter Moore stated these trucks have a life of about 10 years which they have reached and are in need of replacing them because of their wear and tear. Mr. Moore stated he will be happy to meet with Commissioner Sprinkel to address the plan moving forward.

**Motion made by Commissioner Sprinkel to approve Consent Agenda item 'b.1'; seconded by Mayor Leary. No public comments were made. The motion carried unanimously with a 5-0 vote.**

**Action Items Requiring Discussion**

No action items.

**Public Hearings:**

Request of Rollins College was moved to 5:00 p.m. (see last page)

- b. ORDINANCE NO. 2026-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE UTILITY EASEMENTS LOCATED AT 110 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, PROVIDING AN EFFECTIVE DATE Second Reading

City Attorney Ardaman read the ordinance by title.

**Motion made by Commissioner McMacken to adopt the 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.**

- c. RESOLUTION NO. 2166-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO PROVIDE A MECHANISM FOR THE FINANCING OF ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS, AND WIND RESISTANCE IMPROVEMENTS; AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL SUBSCRIPTION AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY FOR AN INITIAL TERM OF THREE YEARS ENDING SEPTEMBER 30, 2018; PURSUANT TO WHICH THE FLORIDA PACE FUNDING AGENCY WILL ADMINISTER A FINANCING PROGRAM FOR SUCH IMPROVEMENTS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY; AUTHORIZING AND DIRECTING CITY OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Ardaman read the resolution by title. Building and Sustainability Manager Kris Stenger addressed the presentation from the last meeting and recapped the program that was unanimously approved by the Keep Winter Park Beautiful and Sustainable Board. He clarified that this is a non-exclusive agreement.

Jonathan Schaefer, Evest Florida, explained, after questioning, that if the City decides to end the contract in three years that they would not continue to offer the program to would-be participants thereafter, but they would continue to follow through with the repayment process with the participants until the debt was fully repaid.

**Motion made by Commissioner Sprinkel to adopt the resolution and the interlocal agreement; 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. RESOLUTION NO. 2167-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 700 OXFORD ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

City Attorney Ardaman read the resolution by title.

**Motion made by Commissioner McMacken to adopt the resolution; 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.**

- e. RESOLUTION NO. 2168-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 901 GEORGIA AVENUE, WINTER PARK, FLORIDA AS A HISTORIC LANDMARK ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

City Attorney Ardaman read the resolution by title.

**Motion made by Commissioner McMacken to adopt the resolution; 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.**

**City Commission Reports:**

- a. Commissioner Seidel – Asked for discussion regarding the K-Mart Plaza and an extension of Webster Avenue through the plaza. He stated he wants to make it a viable opportunity for the developer and the City and asked if there is support for

staff to move forward with negotiating or through incentives even though the project was approved as presented on December 14, 2015.

Commissioner McMacken stated he did not agree with going back and asking for something we do not have funding or traffic studies for. He stated that this is an existing development, the developer is moving forward with the project, and that a road extension could take years to get approved and designed.

Commissioner Cooper expressed her preference to hear first from our transportation people to determine any large benefit and to ascertain the cost. She supported Commissioner Seidel in asking staff to provide some options.

Commissioner Sprinkel disagreed with the Commission coming back after the fact to ask for this. She expressed the importance of having all transportation issues planned together at once and not individually.

Commissioner Cooper asked as we go forward to think about our process of how things come to the Commission and if there are ways to improve the process so it is not too late next time. Mayor Leary commented that the Commission is a policy setting Commission and their role is not as planners; these types of questions should come during the Planning and Zoning process and not wait until things get through staff and the public process. He stated he understands and appreciates Commissioner Seidel's perspective but that the applicant's representative stated at the last meeting that he had no interest in considering this.

b. Commissioner Sprinkel - Asked about the State of the City luncheon scheduled for this Friday and if they are invited because she has not received anything in her inbox as an invite. City Manager Knight stated he thought the executive assistant had sent out this information.

Commissioner Sprinkel asked if any updates are planned regarding the visioning in the City. City Manager Knight spoke about providing an interim update on a future agenda.

c. Commissioner Cooper - Asked when the historic preservation incentives will come before the Commission. City Manager Knight stated the Historic Preservation Board is discussing this on Wednesday before it comes to the Commission. He stated there are non-monetary incentives included. Mayor Leary asked if this should go through the Board of Adjustments for any recommendations since they deal with variances. There was a consensus to have the BOA provide a recommendation.

Commissioner Cooper asked when the board celebrations are going to begin again. City Manager Knight stated money has been budgeted and will bring something forward.

Commissioner Cooper spoke about their previous discussions and asked about the issue of commercial impact fees for the use of our parks and to compare to other cities and to see if it makes sense for Winter Park. There was a consensus to look at this along with the other recommendations previously provided.

d. Commissioner McMacken – Commented about the great holiday festivities and the numerous visitors to the City.

e. Mayor Leary – Mentioned the high school student John Michael Night who needs help with medical expenses (Caring Bridge.org) because of an unfortunate incident.

Public comments (items not on the agenda)

No public comments were made.

Recess

A recess was taken from 4:47 – 5:00 p.m.

Public Hearings

a. Request of Rollins College:

ORDINANCE NO. 3025-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" SO AS TO ADD A NEW CONDITIONAL USE FOR CHILD CARE CENTERS, SUBJECT TO CERTAIN LIMITATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE Second Reading

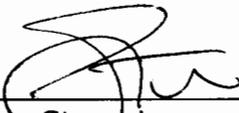
Conditional use approval for a child care and educational facility operated by Rollins College on the property at 315 Holt Avenue, zoned R-2 and providing for the approval of a development agreement pertaining to the project.

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained this is being held at 5:00 due to Florida Statutes and is the second reading. He addressed the conditional use request that needs approval and that the motion should include the incorporation of the development agreement that incorporates the conditions that were recommended by the Planning and Zoning Board and negotiated with the adjacent neighborhood association.

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

**Motion made by Commissioner McMacken to approve the conditional use request that contains the materials outlined in the development agreement (includes the incorporation of the development agreement that incorporates the conditions that were recommended by the Planning and Zoning Board and negotiated with the adjacent neighborhood association); 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.**

The meeting adjourned at 5:03 p.m.

  
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Mayor Steve Leary

ATTEST:

  
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City Clerk Cynthia S. Bonham, MMC