

REGULAR MEETING OF THE CITY COMMISSION
January 25, 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. The invocation was provided by Reverend Alison Harrity, St. Richard's Episcopal 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; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Mayor's Report

a. Presentation: Core Value Coin Recipients – 1st Quarter FY2016

City Manager Knight recognized the following employees who received coins:

Diversity & Inclusion (Veteran's Day event): Mimi McDaniel

Ethics & Compliance (modeling safe building access security procedures): Teresa Broman

Customer Service: Steve Mathes, Brian Smith, Brian Powers, Edwin Gonzalez, Alonzo Austin, Felix, Raudales, Ron Moore, and Jeff Chaney

Teamwork (large scale events at Community Center): Cory Tramel, Nick Jackson, and Rovester Ingram

Teamwork (Halloween trick or treaters event): Stephanie Kunz, Tiffanie Joe, Cydnea McKinzie, Nick Jackson, Tracy Reinke, Corey Tramel, Anthenela Martinez, Rovester Ingram Jr., Alex Robins, Deborah Morgan-Claitt, and Mikel Anderson.

City Manager's Report – No report

City Attorney's Report – No report

Non-Action Item – No items

Consent Agenda

a. Approve the minutes of January 11, 2016.

b. Approve the following contract and formal solicitation:

1. Authorize the Mayor to execute the funding agreement for FY2016 operating and capital expenditures to Mead Botanical Garden, Inc.; \$185,000.

2. Award to Hylant – Orlando (RFP-5-2016), Employee Benefit Agent of Record; and authorize the Mayor to execute contract and approve all subsequent purchase orders for this contract.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Cooper. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

- a. Acquisition of property at 1111 W. Fairbanks Avenue (former bowling alley)

City Manager Randy Knight reported that this property is for sale for the now purchase price of \$2.9 million. Discussion ensued that the acquisition could include a future expansion of turn lanes on that section of Fairbanks Avenue or to expand the Martin Luther King, Jr. Park because the property is located adjacent to the park (the remainder could also be remarketed by the City for a use the Commission determines to be appropriate).

Commissioner Cooper inquired if the acquisition of the right-of-way is now in the FDOT plans. Public Works Director Attaway stated staff is not aware of any plans to widen or do anything different on Fairbanks Avenue. City Manager Knight addressed the traffic study performed on the corridor to see what would be needed to improve the traffic flow and reduce accidents at that intersection. Commissioner Seidel spoke about the need for additional right-of-way along Fairbanks Avenue and that this provides that opportunity and addressed the option for funding within our Reserves. Commissioner McMacken expressed his preference to acquire the property but that we need to determine where funding will come from. Commissioner Sprinkel also agreed for the need to purchase the property and to find funding.

Motion made by Commissioner Sprinkel that we purchase this property for the price given to them tonight which is the selling price along with the cost of what they came to (Rollins acquired it in June 2013 for \$2,850,000, and with closing costs and demolishing the building and removing the paved parking lot for an additional \$50,000 the total cost came to \$2.9 million); seconded by Mayor Leary.

City Manager Knight addressed possible funding sources. He explained if the Commission chooses to acquire the property with the intent of expanding the park it has about \$1 million between the Parks Acquisition Fund and the Parks Impact Fee Fund; the remaining could come from either Reserves, proceeds from the sale of other properties (Progress Point, Blake Yard or Pennsylvania property sold this past year which is in the Reserves now), and/or CRA funds; but if the Commission plans to use CRA funds it would need to be approved by the Community Redevelopment Agency. There was discussion that further legal research is needed to determine if they can pay back the Reserves from the Parks Fund if they decide

to use it as park space. The need to meet as the CRA Agency to discuss using CRA funds was addressed (it was clarified that the next meeting is February 22).

Mayor Leary clarified that if necessary the entire \$2.9 million will come out of Reserves; prior to closing we will have another meeting to discuss the disbursement of funds and from which funding mechanism(s), and will have the opportunity to meet with our additional member of the CRA Agency and discuss any contribution that may come from there.

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. 2016 Fire Rescue Department Standards of Cover

Fire Chief Jim White provided a PowerPoint presentation outlining the Fire Rescue Department Community Risk Assessment and Standards of Cover for 2016 that is part of their accreditation process. Commissioner Sprinkel spoke about the great job that was done.

Motion made by Commissioner Sprinkel to accept the presentation of the 2016 Fire Rescue Department's Standards of Cover, adopt the standards within, and to apply the stated performance benchmarks for all services provided; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Public Hearings:

a. Request of A. J. Thomas III: Subdivision or lot split approval to divide the property at 2715 Woodside Avenue, zoned R-1A, into two single family building lots.

Planning Manager Jeff Briggs explained the property requesting to be divided into two single family lots (the original platted lots). He summarized what transpired at the Planning and Zoning Board meeting and the history of this property. Commissioner Cooper asked if our codes allow any design codes to be established by a neighborhood. Mr. Briggs responded that this was previously discussed when the Architectural Standards Task Force was in existence and there were as many people wanting to keep a particular style in a neighborhood as those that liked different styles mixed in so there was not a desire to move forward with this.

Upon questioning by Commissioner Sprinkel, Mr. Briggs clarified that this was originally two lots with one house built on the two lots and that the lots were put together in the 1940's when the original house was built.

Commissioner Seidel commented about the septic tank on the property and asked about sanitary sewer in that area. Mr. Briggs stated no sanitary sewer exists; there

is nothing close by and no plans to do this. Commissioner Cooper suggested that we look at our capital improvement plan regarding sewers. Mr. Briggs commented that the City has in the past been aggressive with getting the homes off septic tanks that are located near a lake. Commissioner Cooper expressed her preference to see a plan with projected times and the associated cost.

Motion made by Commissioner McMacken to approve the 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. RESOLUTION NO. 2169-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE CAPEN-SHOWALTER HOUSE AT 633 OSCEOLA 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 Cooper to adopt the resolution; seconded by Commissioner Seidel. 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. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, REQUESTING THE FLORIDA LEGISLATURE TO AMEND THE SUNSHINE AND PUBLIC MEETING LAWS TO ALLOW ELECTED OFFICIALS OF A MUNICIPALITY TO HOLD MEETINGS OUTSIDE MUNICIPAL BOUNDARIES FOR THE PURPOSE OF DISCUSSING MATTERS OF INTEREST TO THE MUNICIPALITY WITH STATE AND NATIONAL OFFICIALS.

City Attorney Ardaman read the resolution by title. Commissioner Seidel commented that the First Amendment Foundation has offered to speak with the Commission regarding the Sunshine Law. Commissioners Seidel and Cooper commented about this resolution being premature. She wanted a resolution to reflect that the City respects the Sunshine Law and to build coalitions first before adopting this resolution. Mayor Leary pointed out that this resolution is what was asked for so the Commission can go up as a group to meet with our legislators. He spoke about how this would make it difficult for the public to be a part of that meeting.

Commissioner Sprinkel stated she would not support this resolution or the First Amendment Foundation coming here but would support attendance of Commissioners at the Florida League of Cities program that extensively covers the Sunshine Law. Commissioner McMacken expressed his displeasure with them as a body not being able to meet with our legislators but that in the future if this changes he would support that.

Commissioner Cooper commented that if the Commission is voting in a public forum for our legislative initiatives it is in the City's best interest to show a united front as we talk to our legislators. She stated she will continue to find a way to fix this. Mayor Leary commented that they have previously gone up individually and gone up with two or three before because of schedules, and do not recall anyone there saying they will not consider our priorities because they were not all there.

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

No timeline was provided as to when this may come back before the Commission. Mayor Leary stated he does not want the City Attorney to spend more time on this since he has already provided his legal opinion. He stated this will come back in the future and hopefully get resolution to either move forward or deny it.

- d. RESOLUTION NO. 2170-16: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA TO SUPPORT THE INNOVATIVE TRAFFIC SIGNAL TECHNOLOGIES PILOT PROJECT

City Attorney Ardaman read the resolution by title.

Motion made by Mayor Leary to adopt the resolution; seconded by Commissioner McMacken. Mayor Leary commented that this is the project that Congressman Mica has put before MetroPlan and is looking for support. Upon questioning by Commissioner Cooper, City Manager Knight stated that supporting this will not stop the City's efforts. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AMENDING SECTION 58-65 & 58-66 "RESIDENTIAL DISTRICTS "R-1AAA, R-1AA & R-1A," TO REMOVE AN UNNECESSARY DEED RESTRICTION REQUIREMENT TO STREAMLINE THE PERMITTING PROCESS, AMENDING SECTION 58-71 GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHORT LOT DEPTHS, AMENDING SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65, 58-66 & 58-71; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

City Attorney Ardaman read the ordinance by title. Building Director George Wiggins provided an overview of the ordinance. The following is the background information: This ordinance originally came before the Commission on August 25, 2014 but was tabled due to concerns over density, and came back to the Commission on November 23, 2015 and tabled with a request for more statistical information on the impact of these changes. The proposed ordinance provides

appropriate rear and front setbacks to single family residential lots that are unusually short in lot depth. In addition, four other minor items are addressed to clarify and refine single family zoning rules for garages and articulation, elimination of an unneeded deed restriction requirement and correction of an error in the R-2 Zoning District.

Mr. Wiggins stated the purpose of the changes to the ordinance are: 1) it allows reduced mass by spreading out a home over the lot; 2) allows design flexibility versus boxlike two story structures; 3) reduces the need for variances on short lots; 4) the Board of Adjustments does not normally grant variances on vacant lots; and 5) addresses short lot constraints long term. He commented that the Board of Adjustments and the Planning and Zoning Board have unanimously endorsed this ordinance because this is taking into consideration future properties that will be redeveloping for many years.

Mr. Wiggins stated the ordinance only applies in Single Family Districts of R-1 and R-1AA and does not change the code requirements of Floor Area Ratio, impervious coverage, building height requirements, green space requirement in the front yard, side and front setback requirements, special corner lot setback provisions, articulation requirements, stream or canalfront requirements, or the open front porch setback allowance. He summarized what the current code allows.

Mr. Wiggins provided a map showing the short lots east of Winter Park Road, the short lots in the West Side area, and the ones in the Lee Road area. He provided an overview of existing developments with similar rear setbacks. Mr. Wiggins addressed the protection of tree canopy on private property and that this ordinance does not cause any more tree removal than the current ordinance.

Commissioner Sprinkel spoke in support because of a better understanding of the ordinance and that there are safeguards in place about trees and the aquifer that will always be the overriding safeguards along with the ordinance.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner McMacken for discussion.

Commissioner Seidel asked if the size of the septic fields will control the size of what can be put on the lots. Mr. Wiggins stated that may be a factor to consider and that this does not impact the ordinance because of the standards they have to meet. Commissioner Cooper asked about the number of lots on septic and expressed the need to clean these up and to run sewer lines where needed. Commissioner Seidel asked for clarification if the second floor location between the current and proposed ordinance changes. Mr. Wiggins explained the various size lots and second floor setbacks. Upon questioning, Mr. Wiggins elaborated that the placement of garages in the rear is not affected by the ordinance.

Motion amended by Commissioner Cooper to approve Option 2 (delete provision to allow special setbacks for lots with 105 feet in depth and leave

special setback provision for lots with depth of 75 feet or less). Motion failed for lack of a second.

The following spoke in favor of the ordinance:

Peter Gottfried, 1841 Carollee Lane and member of the Planning and Zoning Board
John Simpson, 231 E. Reading Way and Chairman of the Board of Adjustments

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 Comments (items not on the agenda):

Jeffrey Blydenburgh, 204 Genius Drive, thanked the Commission for their support of Mead Gardens (consent agenda item above). He stated they will request a work session after the election to take the Commission through the history of work they have done at Mead Gardens since 2003 and work going forward.

Recess

A recess was taken from 5:30 – 5:45 p.m.

f. Request of the Winter Park Health Foundation:

ORDINANCE NO. 3027-16: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD A NEW COMPREHENSIVE PLAN POLICY TO THE TEXT OF THE FUTURE LAND USE ELEMENT WITHIN THE WINTER PARK HOSPITAL STUDY AREA "C" SO AS TO ALLOW FOR A BUILDING FLOOR AREA RATIO OF UP TO NINETY-EIGHT (98%) PERCENT, CONDITIONED UPON USE FOR HEALTH AND WELLNESS RELATED USES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3028-16: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTION 58-72 OFFICE (O-1) DISTRICT, SUBSECTION (F) DEVELOPMENT STANDARDS SO AS TO ALLOW FOR A BUILDING FLOOR AREA RATIO OF UP TO NINETY-EIGHT (98%) PERCENT, CONDITIONED UPON USE FOR HEALTH AND WELLNESS RELATED USES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3029-16: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE OFFICE (O-2) DISTRICT ZONING TO OFFICE (O-1) DISTRICT ZONING ON A PORTION OF THE PROPERTY AT 2010 MIZELL AVENUE AND THE PROPERTIES AT 1992 MIZELL AVENUE, 101 S. EDINBURGH DRIVE AND 149 S. EDINBURGH DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Approval of a development agreement to provide for the consolidation of properties into 2005 Mizell Avenue and the adjacent streets for a new "Project Wellness" facility including provisions for the vacating and abandoning of City Streets and the dedication to the city of substituting right-of-ways

This was a simultaneous public hearing. City Attorney Ardaman read the ordinances by title. Planning Manager Jeff Briggs explained this is the second reading as first reading was on November 23, 2015. He explained because the first ordinance involves a comprehensive plan text change they had to send it to Tallahassee for their review which came back with no comments or objections. He commented that FDOT noted that the extra Floor Area Ratio had nothing to do about the project, the building itself was not larger than the 45% FAR. He stated the only reason they were changing the code was to aggregate the parking in a parking structure that counts toward the FAR to create more green and open space. He stated that FDOT asked that they make that distinction within the ordinance which the applicant agreed to so the two ordinances were changed to reflect that. He addressed the development agreement for approval that shows the city's intent is to allow the vacating of the roads and consolidating the site so we can complete the project.

Motion made by Commissioner Cooper to adopt the first ordinance (comprehensive plan); seconded by Commissioner Sprinkel. Attorney Rebecca Wilson, representing the applicant, was present for questions. 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 second ordinance (zoning); 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 third ordinance (official zoning map); 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 Seidel to approve the development agreement; 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.**

Mayor Leary spoke about the Health Foundation's past support and generosity in working with the City in Ward Park. He stated that the workout facility needs some work and asked the applicant to consider working with the City to improve the facility sometime in the future.

City Commission Reports:

a. Commissioner Seidel – No report.

b. Commissioner Sprinkel – Reported on attending the Martin Luther King, Jr. breakfast, the Unity Festival, and Game Night at the Community Center. She asked for statistics regarding the number of people riding the bicycles that are provided for checkout at the library and where they are going. She reported she is attending the Early Learning Coalition Wednesday morning at the Community Center, and addressed the Side by Side event with the Congregational Church and the City Friday morning at Knowles Chapel. She also asked that discussion take place in the near future regarding traffic concerns.

c. Commissioner Cooper – Asked to discuss Orange Avenue parking and if staff has spoken with the businesses along Orange Avenue. Mr. Briggs stated that the next meeting will include an item with an update and to obtain guidance from the Commission. The joint meeting between the Economic Development Advisory Board and the Planning and Zoning Board was addressed; the recommendation was to speak to the Commission to try and put together the coalition to see what can be done about parking. After further comments, Mr. Briggs will first update the Commission as a non-action item, and will then take the information from the Commission back to the boards to receive their feedback.

Commissioner Cooper spoke about the Eatonville car show event that impacted Maitland and Winter Park and asked if the City is going to provide them a bill. City Manager Knight stated he had a nice conversation with the Eatonville Administrator who understands our concerns. Mayor Leary commented that there seems to be conflicting points as to how everything transpired and that we want to have a better discussion with them for next year's event to do what we can to lessen the impact to the City.

Commissioner Cooper reported that she attended the Martin Luther King, Jr. event that was spectacular. She hoped that the Commissioners could spread themselves out so there is always Commission representation at all events.

d. Commissioner McMacken – No report.

e. Mayor Leary – Thanked Vice Mayor Sprinkel for covering for him at events and for everything she has done with OCPS, he thought Game Night was a great idea, he thanked Attorney Ardaman for his work and that he has received nice compliments from Tallahassee, and addressed Harry Barley of MetroPlan being a great advocate and ally and is trying to move traffic issues through for the City.

The meeting adjourned at 6:06 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC