

REGULAR MEETING OF THE CITY COMMISSION
May 9, 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 Doctor Rob Lord, All Saints Episcopal Church, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also present:

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

Approval of the agenda

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

Mayor's Report

a. Legislative Update – Senator Geraldine F. Thompson

Senator Thompson provided a summary of the 2016 Legislative Session and the bills that passed or vetoed by the Governor and the budget appropriations.

b. Proclamation - Emergency Medical Services Week

Mayor Leary presented Fire Chief Jim White with a proclamation recognizing May 15-21, 2016 as Emergency Medical Services Week. Fire Chief White spoke about their efforts of educating the public with CPR and thanked the Commission for the recognition for their paramedics.

c. Proclamation - Building Safety Month

Mayor Leary presented Building Director George Wiggins with a proclamation recognizing May 2016 as Building Safety Month. Mr. Wiggins spoke about the services they provide, the safety measures and codes they enforce, the department's permitting enhancements, and the number of permits they provide. Russell Slocum of Slocum Platts Architects spoke about the work of the Building Department.

d. 2016 Board appointments

Mayor Leary presented his 2016 board appointments for approval that takes into account the changes coming forward under public hearings with the revised ordinance.

Motion made by Mayor Leary to approve the appointments as presented in the packet as well as appointing Tom Hiles for the CRA Board alternate position and Jeff Shafer for the Parks and Recreation Board alternate position; seconded by Commissioner Sprinkel.

Upon questioning by Commissioner Seidel, discussion ensued regarding the process for appointing board members. Upon questioning by Commissioner Cooper, Mayor Leary clarified his reasoning for appointees to certain boards, appointments made to the Historic Preservation Board, and the rules for attendance of alternate members.

The following appointments were made:

Board of Adjustments: Jeffrey Jontz and Robert Trompke were reappointed (2016-2019). Laura Turned moved to the Code Compliance Board.

Code Compliance Board: Laura Turner was appointed (2016-2019) to replace Burley Adkins who did not wish to be reappointed. Todd Boyer was appointed as the alternate.

Community Redevelopment Advisory Board: Alex Trauger was reappointed (2016-2019), David Moorhead (2016-2019) replaced John Dowd whose term expired, Javier Omana (2016-2019) replaced Joe Terranova whose term expired, and Tom Hiles was appointed as alternate.

Construction Board of Adjustments and Appeals: Raymond Holloway resigned. Mark Sylvian was reappointed (2016-2019). William Maroon moved from alternate to replace Mark Kirby (2016-2019).

Economic Development Advisory Board: Maura Weiner (2016-2019) moved from alternate to replace Marc Reicher whose term expired. John Caron was reappointed (2016-2019). Matt Umbers was appointed as alternate.

Ethics Board: This board sunsetted so no appointments were made.

Fire Pension Board: Tony Gray, Garry Mitchell and Mike Clifford were reappointed (2016-2018).

Historic Preservation Board: Phil Wood was reappointed (2016-2019), Phil Kean moved from alternate to replace Louise Sprimont who resigned, Chuck Bell was appointed to replace Rebecca Talbert whose term expired, and Robert Schwetje was appointed to replace Candace Chemtob whose term expired. All terms are (2016-2019). Ed Sabori was appointed as the alternate member.

Housing Authority Board: Hal George, Kevin O'Rawe and Joseph Regner were all reappointed (2016-2019).

Keep Winter Park Beautiful and Sustainable Board: Since the number of board members was changed from 15 to 7 plus an alternate, the following members were taken off the board (some had already resigned prior): Fred Koslewski, Michael Poole, Raymond Randall, Mark Roush, Julia Tensfeldt, Michelle Hipp, Baxter Murrell, and Cathy Blanton. The remaining member terms expire in 2017 and 2018.

Lakes and Waterways Board: Steve DiClemente was reappointed (2016-2019). Doug Marks moved from alternate to replace David Moorhead (who moved to the CRA Advisory Board) (2016-2019), John Minton replaced Todd Weaver whose term expired, and Jack Goggin was appointed as the alternate member.

Parks and Recreation Advisory Board: Taylor Sacha was reappointed (2016-2019), Trish Teague was appointed to replace Joel Roberts whose term expired, and Jeff Shafer was appointed to replace Mark Calvert as alternate.

Planning and Zoning Board: Sheila DeCiccio and Bob Hahn were reappointed (2016-2019), Ross Johnston moved from alternate to replace Peter Weldon (who was elected Commissioner). Ray Waugh was appointed as alternate.

Police Pension Board: Timothy Williams was appointed by PD. Mike Broschart was reappointed (2016-2018).

Public Art Advisory Board: Francine Newberg and Jan Clanton were reappointed (2016-2019). Lauren Branzei was reappointed as alternate.

Transportation Board (renamed from Pedestrian and Bicycle Advisory Board): Marc Reicher was appointed to replace Tom Hiles who moved to the CRA Board, and Harry Barley was appointed to replace Scott Redmon whose term expired. Both terms are 2016-2019.

Utilities Advisory Board: Cheryl Forney and Hugh James were reappointed (2016-2019), Tara Tedrow moved from alternate to replace Katherine Johnson whose terms expired. Dan Swanson termed out. Barbara DeVane resigned. David Gevorgyan was appointed as alternate.

The motion carried with a 4-1 vote with Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voting yes. Commissioner Cooper voted no.

- e. Representative to serve on the Orange County Community Action Board

Commissioner Cooper motioned that Commissioner Weldon accept the position. Commissioner Weldon declined because of his availability. **Vice Mayor Sprinkel volunteered, seconded by Commissioner Cooper and carried with a 5-0 vote.**

f. Award Presentation: American Water Works Association Florida Section Outstanding Class C Water Treatment Plant

Water/Wastewater Director David Zusi presented the award they received from the American Water Works Association Florida Section for Outstanding Class C Water Treatment Plant.

City Manager's Report

City Manager Knight stated we signed the documents today for the electric refunding bonds and were fortunate to get better rates which saved the City about \$150,000 a year.

City Manager Knight provided an update on the golf course and the sprigging that took place last week and coming up next week.

Commissioner Cooper inquired about the agreement with Seminole County regarding the flooding on Temple and asked that this be included in the City Manager's Report. She also stated she heard from College Point with concerns about drainage.

City Attorney's Report

Commissioner Cooper asked Attorney Ardaman about the recent legislation relative to responsibility for movement of the power lines and how that relates to our agreement with Duke Energy. Attorney Ardaman responded that the legislation provides that the utility owner is responsible for the cost of relocating the utilities when there is a modification or impact to the utilities in the public right-of-way but that there are exceptions to the general rule. He further addressed this in relation to the Duke agreement on the consent agenda. City Manager Knight spoke about the utility relocate bill and that we have letters from BrightHouse and Embarq/Sprint saying they will continue honoring our agreement in place and will continue to underground.

Non-Action Item

a. Financial Report – March 2016

Finance Director Wes Hamil presented the March 2016 financial report and answered questions of the Commission. Sally Flynn, 1400 Highland Road, asked about the status of the electric connection to her house after paying \$1,000 to the City. City Manager Knight stated he would check on this.

Motion made by Commissioner Weldon to accept the March 2016 financial report, seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of April 25, 2016.
- b. Approve the following purchase, contracts and formal solicitation:
 1. Purchase of golf course maintenance equipment with Wesco Turf, approve the budget adjustment and authorize the Mayor to execute the piggyback contract; \$85,287.
 2. Amendment No. 1 to High Performance Sports Management, Inc. (RFP-7-2013) and authorize the Mayor to execute the renewal.
 3. School Board of Orange County School Resource Officer Program and authorize the Mayor to execute the agreement.
 4. Award to Waste Pro of Florida (RFP-7-2016), Solid Waste & Recyclables Collection Services and authorize staff to enter into negotiations.
- c. Approve the relocation reimbursement agreement with Duke Energy regarding the Fairbanks Avenue undergrounding project.

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

Action Items Requiring Discussion

- a. Relocation of the Winter Park Golf Course Croquet Court to Martin Luther King, Jr. Park Lake Island Hall and the introduction of an area containing a 9 hole putting course

Parks Director John Holland addressed their request to relocate the croquet court off Park Avenue to the Lake Island Hall courtyard lawn in MLK Park that will provide the opportunity for continuing the presence of croquet in the City and will allow for the creation of a 9 hole putting course for golfers and residents to enjoy on the current croquet site.

Discussion ensued regarding the low number of people using the croquet court, the low maintenance of the court, there will not be a fee for the putting course, and that they have met with Casa Feliz to discuss their scheduled events and any impact to them because of the use of the putting course. Commissioner Cooper expressed her preference to leave the croquet court at its present location because it is a Winter Park icon and emphasizes Winter Park's brand. Commissioner Sprinkel stated the move will enhance the other area and that the putting course is a nice attraction for a golf course.

Betsy Owens, representing Casa Feliz, expressed concerns with locating the putting green where the croquet court is currently located because of the weddings held at Casa Feliz. She hoped there would be no disruptions at their events held there because of the putting course.

Bill Rosenfelt, 1400 N. New York Avenue, asked that the City work with Casa Feliz personnel regarding the putting green.

Commissioner Sprinkel disagreed with putting rules into place for something that has not yet happened. Commissioner Weldon addressed dealing with this issue if it becomes a problem.

Motion made by Commissioner Sprinkel to approve the relocation of the Winter Park Croquet Court to Martin Luther King, Jr. Park Lake island Hall and construct a putting course as part of the current course renovation, seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

b. Consider the offer to purchase 2600 Lee Road

City Manager Knight presented the offer received to purchase the City owned property at 2600 Lee Road of \$830,000. Upon discussion, **a motion was made by Commissioner Sprinkel to move forward with the offer, seconded by Commissioner Weldon.** No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

c. Rollins College Showalter Field agreement

City Manager Knight explained that this agreement contains a 20 year commitment with an additional \$500,000 coming from Rollins College at year 10 to replace the turf. He stated it is a better deal and recommended approval. He also addressed two minor changes to the agreement that needed to be changed on page 1 and 2 before giving to Rollins for their execution.

Motion made by Commissioner Sprinkel to approve the agreement, seconded by Commissioner Seidel. No public comments were made. City Manager Knight clarified questions posed by the Commission with the old agreement as compared with the proposed agreement.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Public comments (items not on the agenda)

Forest Michael, 358 West Comstock Avenue, spoke about the Central Park Master Plan where the post office site was evaluated as a possible site for a civic building (library). Mayor Leary clarified that this site was considered by the task force and was determined not to be a potential site. It was clarified that there currently is no offer on the table to purchase the post office property.

Recess

A recess was taken from 5:21 to 5:38 p.m.

Public Hearings:

- a. Appeal filed by Dr. and Mrs. Gordon, for property located at 550 Holt Avenue regarding a denial of a variance request by the Historic Preservation Board for railings and a gate (COR-16-001)

Planning Director Dori Stone presented the appeal by Dr. and Mrs. Gordon whereby the Historic Preservation Board (HPB) denied their variance request for black aluminum railings and a gate on their property. The appeal filed by Mrs. Gordon was regarding the proposed wrought aluminum railings along the decks and the gate between the columns in front of the house. Metal gates and fencing are not permitted under the College Quarter Design Guidelines.

Ms. Stone provided the history of the property. She spoke about the College Quarter Design Guidelines and that members of the HPB discussed the fact that these requests were outside the College Quarter Design Guidelines and were not comfortable supporting this request. Ms. Stone stated since they are a non-contributing home they were granted the other changes they wanted to make because of the status by the HPB. This included a variance for the front deck and allowing a 4' wrought aluminum fence rather than the 3' required by the design guidelines and the City's Land Development Code.

Mayor Leary asked if there is anything in the College Quarter Design Guidelines that differentiate between allowing for contributing and non-contributing structures. Ms. Stone stated the guidelines are applicable to everything in the district. Ms. Stone clarified other questions of the Commission. She commented that neighbors supported all the Gordon's requests and there were no objections.

Commissioner Sprinkel spoke in support of what the neighbors have asked to support and that the HPB was only able to approve what they had the authority to do. She spoke about the need to look at the process so these types of issues do not have to come back to the Commission.

Mayor Leary stated this is a great addition but he is challenged with the rules set into place by the College Quarter District. Ms. Stone stated she believed the HPB denied the request because of the design guidelines did not specifically speak to allowing metal railings to a Craftsman style house. Mayor Leary stated he has to vote against this because of the design guidelines in place and that there are issues with the process and the way the rules for the district are set up.

Mrs. Gordon, 550 Holt Avenue, presented details on the landscaping around the deck and wanting a more inviting front exterior to her home with the deck, railings and gate. She showed a large list of residents who supported her request and asked for approval.

No public comments were made.

Motion made by Commissioner Sprinkel to approve the request for the black aluminum railing and gate, seconded by Commissioner Cooper.

Commissioner Weldon stated he respected Mayor Leary's position but that it is important that we learn from the realities of the rules that are put upon themselves and that we demonstrate flexibility. He disagreed with putting our citizens through this kind of process. He commented that we can improve the quality of laws and rules regarding historic preservation so that they contain more a tone of reasonableness and less arbitrariness.

Upon a roll call vote, Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. Mayor Leary voted no. The motion carried with a 4-1 vote.

Mayor Leary agreed and stated he hoped the HPB will consider revisions to the historic preservation ordinance and to the College Quarter Design Guidelines to accommodate reasonable requests.

- b. ORDINANCE NO. 3034-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING UTILITY EASEMENTS FOR LOTS 5, 6, 7, 10 11, 14, 15 and 16 OF BLOCK 41, TOWN OF WINTER PARK SUBDIVISION, BOUNDED BY NEW ENGLAND AVENUE, VIRGINIA AVENUE, WELBOURNE AVE AND HANNIBAL SQUARE EAST Second Reading

Attorney Ardaman read the ordinance by title.

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

Robynn Demar, Welbourne Avenue Nursery and Kindergarten, stated they are not against the utilities being vacated but wanted to make sure their interests are protected since it is adjacent to their property. She asked who does the documentation, will the lot lines be changed and how wide the alley is.

Public Works Director Attaway explained the City vacated the alley years ago but retained an easement over this area. He stated they contacted all the public utilities who agreed they did not see a future use for this easement which is why they are going through the process. He explained the documentation is the ordinance. It was clarified that this does not change her lot lines or her rights. Ms. Demar commented she understood and was comfortable with it. No other public comments were made.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

- c. ORDINANCE NO. 3035-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND COMMISSIONS AS ADOPTED BY ORDINANCE NO. 2843-11 AND AS FURTHER AMENDED BY ORDINANCE NO. 2880-12;

AMENDING CHAPTER 22, ARTICLE II, SECTION 22-28 "AMENDMENTS TO THE FLORIDA BUILDING CODE," SUBSECTION 113 CONCERNING THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR BOARD MEMBERSHIP, RENAMING OF CERTAIN BOARDS AND THE CONSOLIDATION DUTIES OF CERTAIN BOARDS; PROVIDING FOR CITY COMMISSION APPROVAL OF THE CONTINUED EXISTENCE OF CERTAIN BOARDS TO AVOID SUNSETTING; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weldon to adopt the ordinance; seconded by Commissioner Sprinkel.

Commissioner Cooper expressed her objection to sunsetting the Tree Preservation Board since we are a city of trees and part of the responsibility of the tree board was to provide educational programs to the residents, publish educational material on the importance of trees, and continue to encourage people to preserve and care for our trees. Mayor Leary commented that the Sustainability Board takes on a lot of that education and this is moving some of the responsibilities over to code compliance. Commissioner Weldon commented that we also have the ability to budget money for the educational materials which has not been budgeted in the past.

No public comments were made.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 50, ENTITLED "FIRE PREVENTION AND PROTECTION," OF THE CITY OF WINTER PARK CODE OF ORDINANCES; PROVIDING FOR THE GENERAL REGULATION OF FIRE PREVENTION AND SAFETY; UPDATING REFERENCES TO, ADOPTING AND IMPLEMENTING THE FLORIDA FIRE PREVENTION CODE; UPDATING AND ADOPTING LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; PROVIDING FOR THE RENUMBERING AND RELETTERING OF CODE PROVISIONS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title. Fire Chief Jim White stated this ordinance cleans up the language in Chapter 50 (removes language no longer required by Florida Statute and including language that will bring the city's current ordinance into compliance with existing law).

Motion made by Commissioner Cooper to accept the ordinance on first reading, seconded by Commissioner Weldon. No public comments were made.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

- e. RESOLUTION NO. 2174-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DISCLAIMING ANY AND ALL INTEREST THAT THE CITY OF WINTER PARK MAY HAVE PURSUANT THAT CERTAIN AGREEMENT RECORDED IN MAP BOOK 26, PAGE 546 OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, INCLUDING IN REGARDS TO THE PRIVATE ALLEYWAY REFERRED TO THEREIN; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title. Attorney Ardaman explained the litigation between the abutting property owners to this alleyway. He commented the City should adopt the resolution if they want to disclaim any potential future interests in this alleyway that will likely avoid being drawn into the litigation between the private parties. He stated if the Commission wants to retain the potential future interest in the alleyway the Commission should not adopt the resolution.

Mayor Leary clarified the rationale for this originally was in case the City decided to put the alleyway through to Lyman Avenue and that there are buildings in the way of that now that have abandoned the alleyway long ago. City Manager Knight explained to his knowledge there are no plans to extend the alleyway or acquiring the additional property. Attorney Ardaman clarified questions regarding the alleyway.

Commissioner Cooper asked for assurance that we are not removing a future entitlement that may cause something to happen currently that would make it more difficult for one of the property owners or another or to give advantage to one property owner over another in a dispute. Attorney Ardaman commented that the chances of the City being pulled into the litigation is much less because the City has stipulated they do not care anything about the alleyway but if the City in the future decides they do have an interest to put the alleyway through there it would cost the City money to pursue.

Commissioner Cooper expressed her concerns with the City abandoning alleys in places where we need them. Mayor Leary explained we are not abandoning this alley because the City does not own it.

Bill Rosenfelt, 1400 N. New York Avenue, asked how this will affect his property. He stated he wants a setback on the south end of their parking lot and not right up against Moody Way. He stated they put bollards there that make it difficult to back out of the parking spots he has and that they have also now put bollards up in the alleyway and have blocked off transportation in the alleyway. He stated the City should adopt the resolution and not get involved. He reiterated his concerns with what will happen in the future and if traffic will be dumped onto Moody Way which he believed his family donated to the City in the 1950's.

No other public comments were made.

Motion made by Commissioner Sprinkel to adopt the resolution, seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

City Commission Reports:

a. Commissioner Seidel

Commissioner Seidel spoke about attending the cultural event in Hannibal Square. He commented receiving information about a lot and what took place with the trees. He suggested taking case studies where trees were cut down that should not have been and lots completely cleared so they can see the process, the survey, what the developer wanted to do and what actually happened. He clarified that he would like to see what the effectiveness of the current rules we have regarding the tree canopy.

Mayor Leary stated the Commission already had a consensus to review the tree ordinance to see the effectiveness of the changes made. Commissioner Cooper agreed to a case study. Commissioner Weldon stated he would rather address this objectively and is interested in the City breaking down the permits by tree and to track the condition of the tree and how many were removed because of its condition. He wanted to see numbers before getting into a case study that serves one interest over another. Commissioner Sprinkel disagreed with a case study coming in representing one side over the other. Upon discussion, there was no consensus to move forward with a case study at this time.

Commissioner Seidel spoke about drones in the City flying over Lake Virginia. Attorney Ardaman will review the laws on drones and if the City can prohibit them.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about Ellie May Talbert who passed away at age 100, she attended Family Fest on behalf of the Mayor, and asked for clarification of the four hours of Ethics training scheduled for May 19 that she cannot attend. Commissioner Sprinkel spoke about receiving emails intended for others and being uncomfortable with receiving these emails that are forwarded to her from others. She asked that emails not intended for her not be sent to her.

c. Commissioner Cooper

Commissioner Cooper recognized the Police Department for their arrests made on the homicides and the Margaret Square issues. She spoke about the Tri County League of Cities also awarding Congressman Mica as their Representative of the Year. She asked that criteria be established as to who we do proclamations for.

Staff is evaluating what will and will not be allowed that will come back to the Commission. Commissioner Cooper asked about the plan for the water reuse facility and storage tanks that has been on the legislative list for a while. It was clarified that the legislative initiatives will be discussed in the fall.

d. Commissioner Weldon

Commissioner Weldon said he has lots to say but nothing to offer and thanked the Commission for a productive meeting.

e. Mayor Leary

Mayor Leary addressed Thad Seymour Day last Sunday being a nice event at the Polasek where he presented him with a proclamation and a key to the City.

The meeting adjourned at 7:00 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC