

REGULAR MEETING OF THE CITY COMMISSION
May 23, 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 Pastor Todd Haymans, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

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

Also present:

City Manager Randy Knight
City Attorney Kurt Ardaman
Debbie Wilkerson (for City Clerk Bonham)

Members absent:

Commissioner Carolyn Cooper

Approval of the agenda

City Manager Knight announced Item 11-b being tabled per the request of the applicant. Mayor Leary announced the addition under the City Attorney's Report that was amended to the agenda prior to the meeting.

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Weldon and carried unanimously with a 4-0 vote.

Mayor's Report

- a. Recognition of Art in Chambers Artist Spencer Warlick

Mayor Leary introduced Artist Warlick in recognition of his display in the Chambers. Mr. Warlick thanked the Commission for allowing him to display his art.

City Manager's Report

City Manager Knight spoke about the offers received for the Blake Yard property. He asked if the Commission wanted to move forward with a Notice of Disposal process to receive formal offers. Discussion ensued that there is no rush to dispose of this property, and the current zoning of this property and surrounding properties. Mayor Leary suggested waiting until the City has a broker of record on board and then obtain suggestions about how the property should be zoned in order to receive the best value. After that it will be brought back to the Commission to decide whether to put it up for a Notice of Disposal. There was a consensus to delay this until we have a broker on board.

City Attorney's Report

Attorney Ardaman announced the closing of the bowling alley property purchase. He spoke about the drone issue as raised at the last meeting by Commissioner

Seidel and federal government rights. He stated the City can draft an ordinance to send to the FAA for their review and comment. He asked if the Commission would like to move forward with drafting an ordinance outlying rules and regulations to be submitted. Invasion of privacy was discussed. There was a consensus to look at our existing codes to see what is in the code before moving forward with an ordinance.

Authorization to initiate the Library/Events Center bond validation process

Attorney Ardaman spoke about the events center/library/parking facility meeting with the City's bond counsel to discuss how best to proceed with this matter and that it was determined to be appropriate to move forward with a bond validation lawsuit. He stated a bond validation would put to rest all outstanding issues including the issue of the petitioners committee's potential ordinance to prohibit the facility being located in the MLK Jr. Park. He stated in order to resolve this, they believe it is appropriate for the Commission to authorize bond counsel to bring a bond validation proceeding which would deal with that issue as well.

Clarification was made regarding the City's current position and the issue going to court whereby the petitioner's committee petition would be reviewed and decided upon at that point by the courts. Mayor Leary commented that the action being considered today will expedite the process and should help control the expense to the taxpayers and will give those going against the will of the voters a voice in court.

Motion made by Commissioner Sprinkel to approve moving forward; seconded by Commissioner Weldon. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of May 9, 2016.
- b. Approve the following purchase, contracts, and formal solicitation:
 1. PR159925 to Environmental Products of Florida for the purchase of a 2016 Vactor with Kenworth Chassis (sewer cleaning truck); \$357,303.00 (from Equipment Replacement Fund).
 2. Amendment No. 4 to Bellomo-Herbert & Company, Inc. - RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Parks & Recreation Services); and authorize the Mayor to execute renewal.
 3. Amendment No. 4 to Le-Huu Partners - RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Parks & Recreation Services); and authorize the Mayor to execute renewal.

4. Amendment No. 4 to Environmental Research & Design, Inc. - RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Lake Management); and authorize the Mayor to execute renewal.
5. Authorize staff to enter into negotiations with the top ranked firm, HuntonBrady/Adjaye Associates, RFQ-9-2016 - Library Design Consultant Services. **Pulled from Consent Agenda for discussion.**

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a' and 'b.1-4'; seconded by Commissioner Weldon. No public comments were made. **The motion carried unanimously with a 4-0 vote.**

Consent Agenda item 'b.5' - Authorize staff to enter into negotiations with the top ranked firm, HuntonBrady/Adjaye Associates, RFQ-9-2016 - Library Design Consultant Services

Commissioner Seidel pulled this item for discussion and asked about the budget regarding this project. He spoke about the \$23 million construction budget and that he did not want residents to think the City is spending \$30 million only on the construction. Mayor Leary clarified the \$30 million is an up to that amount. Commissioner Weldon spoke about being comfortable with the library budget being comfortably within the realm of what we should be able to execute and hoped that it will be less than the \$30 million. Discussion ensued as to what the \$30 million includes and that the Commission all hopes the cost will come in way less.

Commissioner Weldon spoke about the high quality firms and that it was a difficult decision to make. He stated he is not voting for the number one pick of the task force not because he is against that selection but because he is for the second selection of the task force.

After further discussion regarding the process moving forward, **a motion was made by Commissioner Seidel to approve Consent Agenda item 'b.5'; seconded by Commissioner Sprinkel and carried with a 3-1 vote with Mayor Leary and Commissioners Seidel and Sprinkel voting yes.** No public comments were made. **Commissioner Weldon voted no.**

Action Items Requiring Discussion

No items.

Public Hearings:

- a. Request of the Winter Park Health Foundation: Approval of the final conditional use for a new 'Project Wellness' Facility at 2005 Mizell Avenue, including a development agreement to provide for the entitlements, exceptions and for the consolidation of properties into 2005 Mizell Avenue and including provisions for the vacating and abandoning of City Streets and the dedication to the City of substituting right-of-ways.

Planning Manager Jeff Briggs addressed this item and that this final step is ready for approval so construction can begin.

Rebecca Wilson, Lowndes Drosdick Kantor and Reed Law Firm, representing the Winter Park Health Foundation, provided a PowerPoint presentation showing the site plan improvement to the roadway network in the area, a series of gardens created throughout the site and the large amount of design that went into the parking garage. She spoke about the offsite improvements being made by the Health Foundation and the new road they are suggesting to be named Crosby Way. She showed an architectural rendering of the building from various sides and the upgraded crosswalks. She stated the amendment requires the project to be built as presented, the Health Foundation is paying \$7,500 for a turn lane at Lakemont/Mizell, they are donating \$25,000 for improvements in Ward Park, are improving and maintaining the triangle park, have an enhanced signage package, they will pay \$30,000 for new switch gear, there is a new exfiltration system for the new roads, and are working with staff on wastewater improvements in this area.

Ms. Wilson asked for approval of the final conditional use permit and for the first amendment to the developer's agreement (the original developer's agreement stated the City would contemplate vacating the streets).

Commissioner Weldon asked if there is any way for the Health Foundation to consider putting in the final construction documents moving the sidewalks away from the curb to try and maximize the safety and encouragement of paths for pedestrians. Ms. Wilson stated she cannot say tonight that is something they can definitely do. Commissioner Weldon stated he only wanted to mention it as a priority of his. Mayor Leary asked that they also consider this.

Commissioner Sprinkel asked about heating the pool. City Manager Knight responded that the YMCA has not come up with their matching funds for that project and that it appears they might not. The agreement has expired and the City is talking renegotiations but there is some indication that they may not renew the agreement but that this is not final yet.

Commissioner Sprinkel also asked about walkability and bicycle routes and if there is a plan to allow bicycles to get to the Health Foundation building. Ms. Wilson addressed the connections that come from Ward Park and that this is something the City can consider if the City decides to use the \$25,000 the Foundation is donating to the City for Ward Park improvements. Mayor Leary asked if the Health Foundation would consider additional support for the Cady Way geothermal and commented that maybe we could come up with a three party agreement with the YMCA, Health Foundation and City. Ms. Wilson spoke about the new building they are providing to the YMCA and will talk to them about it. No public comments were made. Attorney Ardaman addressed typographical errors needing to be corrected in the First Amendment.

Motion made by Commissioner Sprinkel to approve the final conditional use request for the 'Project Wellness' facility; seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

- b. Request of Phil Kean Designs, Inc.: Amend the conditional use approval granted on October 12, 2015 to redevelop the property at 652 West Morse Boulevard in order to develop 10 residential units in lieu of the approved 11 residential units and to modify the approved architectural elements.

This item was tabled.

- c. ORDINANCE NO. 3036-16: 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.
Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Weldon. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING UTILITY EASEMENTS FOR LOTS 7 AND 8 OF SEVILLA SUBDIVISION First Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sprinkel 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, and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION"; AMENDING SECTION 58-433 TO CLARIFY THE INTENT AND PURPOSE OF THE WINTER PARK HISTORIC PRESERVATION CODE; AMENDING SECTION 58-457 CONCERNING THE REQUIREMENTS AND VOTING THRESHOLDS FOR THE DESIGNATION OF A HISTORIC DISTRICT AND CONCERNING THE IDENTIFICATION OF DESIGNATED PROPERTIES AND PROPERTIES WITHIN HISTORIC DISTRICTS; PROVIDING FOR

SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Planning Director Dori Stone spoke about the April 2016 meeting whereby staff was requested to go back and review two changes to the ordinance that was adopted in December 2015. Ms. Stone summarized the proposed changes.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Weldon.

Bill Sullivan, 1362 Richmond Road, spoke in favor of the changes to the ordinance.

The following spoke against the changes to the ordinance:

Rebecca Talbert, 3024 Northwood Boulevard, spoke in favor of adding the H and HD designations but against raising the threshold back to 2/3%.

Tom Sims, 326 Vitoria Avenue, spoke in favor of adding the H and HD designation but was against changing the threshold back to 2/3%.

Jack Lane, 1200 Lakeview Drive
Linda Eriksson, 535 N. Interlachen Avenue
Mary Daniels, 650 Canton Avenue
Sally Flynn, 1400 Highland Road
Betsy Owens, 656 Park Avenue North, Casa Feliz
Martha Bryant Hall, 331 West Lyman Avenue
John Skolfield, 358 Vitoria Avenue
Jeffrey Blydenburgh, 204 Genius Drive
Martin Crean, 617 S. Phelps Avenue
Thaddeus Seymour, 1804 Summerfield Road

Genean McKinnon, Historic Preservation Board member, spoke about the City's historical assets and the 57% that the board agreed upon. She stated she hopes the Commission will come up with powerful incentives to get people to choose to come on board and help continue to grow and preserve what has been left to the City.

Commissioner Weldon addressed demonstrating his great respect for historic preservation and his concerns over this ordinance that he has documented. Commissioner Seidel spoke about being balanced with this issue and that he tries to make decisions that is best for the City. He spoke against making the proposed changes to the ordinance and that he could support the 67% if they came up with something else that would help save the character within the neighborhoods before changing the ordinance. Commissioner Sprinkel spoke in support of the changes to the ordinance and trying to make the best decisions she can for the City. Mayor Leary stated the entire Commission wants the same thing but that they have different approaches to it and that he is very supportive of historic preservation. He stated he is looking forward to additional opportunities coming out of the Historic Preservation Board that make a neighborhood come together and support this.

Upon a roll call vote, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioner Seidel voted no. The motion carried with a 3-1 vote.

Public comments (items not on the agenda)

Linda Eriksson, 535 N. Interlachen Avenue, spoke about leaves being blown into the street by the workers and the fines that can be imposed by doing that. She spoke about the project where the Capen/Showalter House was located that has been in the works for over two years and causing noise and dirt. She asked if there is a limit as to the time a project can take to be built and the length of time for building permits. Ms. Eriksson also addressed the need for traffic control.

Mary Daniels, 650 Canton Avenue, spoke about the visioning sessions, participation in the work sessions for Denning Drive, and the amount of non-residents having input into the process.

Sally Flynn, 1400 Highland Road, asked about how the electric undergrounding works because of her impression that it will be paid for by the bonds but that it is costing her \$2,600. City Manager Knight clarified that is the service drop that leads into her property and that the distribution lines are what was voted on in the bond referendum. It was clarified that homeowners can leave their lines overhead. City Manager Knight explained they leave information on doors when the streets are being considered for undergrounding explaining the process.

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-204, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-209, VESTING; AMENDING SECTION 74-210, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 74-215, MAXIMUM PENSION; AMENDING SECTION 74-216, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 74-226, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 74-228, PRIOR POLICE SERVICE; ADDING SECTION 74-230, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. City Manager Knight explained the ordinance contains the legislative changes from a while back. He addressed the changes regarding the share plan and that there are other administrative changes from IRS rulings.

Motion made by Commissioner Sprinkel 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 and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, REPEALING AND REPLACING CHAPTER 58, ARTICLE V, DIVISION 3 FLOODPLAIN REGULATIONS; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPTING LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING

CODE BY AMENDING CHAPTER 22, ARTICLE II, SECTION 22-28; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION, FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Building Director George Wiggins explained the update to the flood plain regulations and answered questions of the Commission.

Motion made by Commissioner Sprinkel 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 and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

h. Request of Mr. Robert Moore: Tabled per the request of the applicant.

City Commission Reports:

a. Commissioner Seidel – No report.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about the email received complaining about the traffic by the East End Market and asked if this is being looked into. City Manager Knight stated it is being reviewed. Commissioner Sprinkel addressed being out of town for the golf sprigging but it looked like a good event and that there are other opportunities to be there. She asked if the bowling alley property will be discussed. There was a consensus to add this to the next agenda.

c. Commissioner Cooper - absent

d. Commissioner Weldon

Commissioner Weldon asked to schedule a work session to discuss City owned properties and what to do with those properties. Staff was directed to provide them with the extent of documentation they have for the offers or suggested interests in the Progress Point property and the Blake Yard property as part of the discussion. There was a consensus to schedule the work session at 2:00 on June 13.

Commissioner Weldon asked that the following be included verbatim in the minutes:

From a Sept. 7, 1999, Wall Street Journal op-ed by Supreme Court Justice Antonin Scalia, who died Feb. 13 at age 79, on the most significant development in the law over the past millennium:

“My selection of democratic self-government as development of the millennium assumes—perhaps optimistically—a continuing appreciation of the need for these structural checks. It also assumes, as the precondition for that appreciation, what our

Framers would have called a liberal disposition on the part of the people: a reluctance to impose their views by law in the face of significant opposition, a reticence to require others to love all that they love and to hate all that they hate. A society that feels passionately about everything, or that lightly—without a sure and certain need—adopts laws obnoxious to many of its members, cannot sustain democratic self-government, and is fit only to be ruled by others.

The point was put well by the great Learned Hand, in his comments to a group of newly naturalized Americans: “The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias.”

e. Mayor Leary

Mayor Leary asked if he can appoint three people at this time to the Comprehensive Plan Task Force but if the Commission has an issue with it he can put it on the next agenda. Attorney Ardaman stated there is no prohibition to do that. Mayor Leary appointed the following: Laura Turner, Mark Reicher and Nancy Miles. **Motion made by Commissioner Sprinkel to approve the appointments; seconded by Commissioner Weldon.** It was clarified that these individuals will work with staff and that they will comply with the Sunshine Law. Planning Director Dori Stone explained the process: She will put together a schedule and work the task force into the schedule to be provided; staff will make recommendations on elements/chapters that will go to various boards for review; those board comments will be provided to the task force to make sure they work well together and nothing has been overlooked; then those will go to the Planning and Zoning Board and then come before the Commission.

Commissioner Weldon asked if a statement of purpose for the task force could be put together that guides them so they know what they are supposed to do. Planning Director Stone stated she can draft one. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

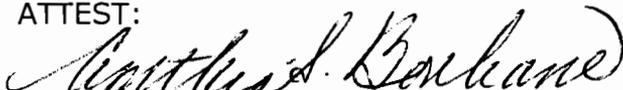
Mayor Leary spoke about John Michael Knight who is coming home this week. He thanked the community for rallying behind one of our own.

The meeting adjourned at 5:53 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC