

REGULAR MEETING OF THE CITY COMMISSION
October 24, 2016

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Mark Rickman, Director of Fellowship of Christian Athletes of Central Florida, 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 Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of the agenda

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

Mayor's Report

a. Introduction of Orlando Philharmonic Orchestra Executive Director

Mayor Leary spoke about the upcoming events in Winter Park. Michael Elsberry, President of the Orlando Philharmonic Board of Directors introduced Christopher Barton as the new Orlando Philharmonic Orchestra Director. Mr. Barton addressed his excitement of coming to Orlando and the upcoming events planned.

b. Proclamation – Week of the Family, November 5-12

Lynn Whitcomb, Elizabeth Rahter and April Smith with the Week of the Family Committee joined Mayor Leary in proclaiming November 5-12 as Orange County's "Week of the Family" and National Family Week. They were presented a proclamation and encouraged everyone to attend the Popcorn Flicks in Central Park on November 10.

City Manager's Report

City Manager Knight reminded everyone about the Showalter Field ribbon cutting on Friday.

Commissioner Seidel addressed the update of the comprehensive plan being done by February and asked if the timeframe could be extended a couple more weeks because of one task force member believing they need more time. Mayor Leary stated he spoke with two task force members who believe they are in perfect shape and on time. He believed it to be premature at this time to extend it but that they should wait and see down the road if that is necessary.

Commissioner Cooper asked for an additional 30 days added to the schedule to allow time to do a thorough job and addressed the need for redlined documents showing the changes. It was confirmed that only one P&Z member and one task force member believed this was being rushed.

Commissioner Weldon commented that anyone interested in the comprehensive plan has ample opportunity to review the documents and encouraged input from the public. Mayor Leary stated he is willing to consider extending the time if he hears from staff and the boards that they need more time.

Commissioner Sprinkel stated she is more concerned when they receive it and what happens to it then and wanted to see the plan for that. Ms. Stone stated she will send out the schedule again. Commissioner Weldon stated according to the schedule they will have enough time to send things back through P&Z if they decide that is necessary. There was no consensus to extend the time at this point.

a. Blake Yard update

City Manager Knight provided the background for this item. He stated the property appraisal was updated by CBRE and came back at \$450,000 if zoned R-2 which is their recommendation. He reported that this will go to the Planning and Zoning Board at their next meeting to rezone to R-2 and will come back to the Commission following that. Once the rezoning takes place, they will move forward with the Notice of Disposal (NOD).

Commissioner Seidel stressed the importance of public notice and the interest of making this parkland. Planning Director Dori Stone spoke about moving forward with the land use and rezoning now and the various ways the NOD can be written. After discussion, there was a consensus to go to the P&Z as R-2 zoning. Ms. Stone stated she would craft the notice and bring to the Commission as an action item.

City Attorney's Report

City Attorney Ardaman addressed the bond validation hearing held on October 20 and that bond counsel will be submitting a proposed memorandum for the courts consideration. Also received was an order to show cause in respect to the City Commission decision upholding the city clerk's determination as a separate lawsuit that they will be responding to as well.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of October 10, 2016.
- b. Approve the following purchases and contracts:

1. PR160888 to Gresco Utility Supply, Inc. for Electric Undergrounding Inventory; \$218,422.
2. PR160890 to Stuart C. Irby for Electric Undergrounding Inventory; \$238,225.70.
3. PR160897 to Ten-8 Fire Equipment for Self-Contained Breathing Apparatus' & authorize the Mayor to execute piggyback contract renewal; \$312,839.24.
4. PR160832 to Musco Lighting for court lighting at the Azalea Tennis Center \$129,900.
5. Blanket Purchase Order to Odyssey Manufacturing Co. for sodium hypochlorite & authorize the Mayor to execute piggyback contract; \$165,000.
6. Blanket Purchase Order to Covanta Energy Marketing LLC for FY17 Bulk Power Supply (ITN-13-2013); \$5,205,000.
7. Blanket Purchase Order to Duke Energy for FY17 transmission purchases pursuant to Duke Energy tariff; \$1,985,000.
8. Blanket Purchase Order to Florida Power & Light Company for bulk power supply and transmission purchases (ITN-13-2013); \$11,200,000.
9. Blanket Purchase Order to Gainesville Regional Utilities for bulk power supply purchases (ITN-13-2013); \$4,875,000.
10. Blanket Purchase Order to Orlando Utilities Commission for bulk power supply & transmission purchases (ITN-13-2013); \$4,645,000.
11. Amendment No. 4, RFQ-2-2012, Geotechnical to Ardaman & Associates and authorize the Mayor to execute renewal; as needed basis. **PULLED FROM CONSENT AGENDA. SEE BELOW.**
12. Piggyback contract with Electric Supply of Tampa (City of Gainesville Regional Utilities Contract No. 2015-002-A-Wire and Cable); and authorize the Mayor to execute contract.

Motion made by Mayor Leary to approve Consent Agenda items a, b.1-10 and b.12; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Consent Agenda Item b.11: Amendment No. 4, RFQ-2-2012, Geotechnical to Ardaman & Associates and authorize the Mayor to execute renewal; as needed basis.

Commissioner Seidel reported a conflict of interest and did not vote on this item.

Motion made by Mayor Leary to approve Consent Agenda item b.11; seconded by Commissioner Sprinkel and carried with a 4-0 vote with Commissioner Seidel abstaining from voting. Form 8B was submitted and made part of these minutes.

Action Items Requiring Discussion

a. City Manager Evaluation

Upon discussion, **a motion was made by Commissioner Seidel to approve a 2.82% increase and to approve the evaluation, seconded by Commissioner Weldon. The motion carried unanimously with a 5-0 vote.**

Public Hearings:

- a. Request of UP Fieldgate US Investments – Winter Park LLC: Amend conditional use and development agreement for Whole Foods project at 1000/1040 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue, providing for the addition of the development properties at 900/950 N. Orlando Avenue

Planning Manager Jeff Briggs explained the request to transfer the unused Floor Area Ratio (FAR) building density from the 11 acre shopping center parcel to the two acre property directly to the south of the new Lee Road extension at 900/950 N. Orlando Avenue. Mr. Briggs stated that all development on the site will come back to the Commission for approval.

Commissioner Cooper requested that the applicant agree to include at least 15% greenspace so it is visible when entering into the City. Mayor Leary stated this is premature and is happy to discuss it when they come back with plans.

Attorney J. J. Johnson, representing the applicant stated they are trying to preserve the current FAR, this is a timing issue for them, and summarized the issues they encountered that delayed their project. He stated he respects the Commission requests regarding stormwater and greenspace but until they come in with a plan the Commission can see and see the advantages of he cannot commit to this but will satisfy every requirement of the C-3 zoning.

Motion made by Commissioner Sprinkel to approve the conditional use amendment and development agreement as presented; seconded by Commissioner Weldon.

Joe Terranova, 151 North Virginia Avenue, spoke to approve the project.

Lurline Fletcher, 811 English Court, spoke in opposition due to the parking garage being proposed.

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.

b. Request of Knightira, LLC: Subdivision or lot split approval to divide the property at 1751 Taylor Avenue into two single family building lots

Planning Manager Jeff Briggs explained the request where the applicant wished to divide the lot into two 70' wide lots so a variance is attached to the request. He stated in terms of lot area and square footage 8,500 square feet is required and they have 10,500 square feet so the P&Z found these two proposed lots are the same size as the average of the lots in the neighborhood. He addressed the elevations of the two proposed homes.

Commissioner Seidel spoke about the various lot sizes in the neighborhood and asked if there could be one 65' and one 75' to keep in character of the neighborhood.

Motion made by Commissioner Sprinkel to approve the request as presented, seconded by Mayor Leary.

Applicant Pat Knight was available for questions. He stated that 70' lots makes for a nicer façade and preferred to keep that size. After comments, Commissioner Cooper stated she is fine with the request as proposed.

Meredith Murphy, 1770 Windsor Drive, and owner of half the property at 1750 Windsor Drive which backs up to the property being developed, asked for a buffer of trees to maintain her current privacy. Mr. Knight agreed to provide a buffer between the properties and preferred to go with the application as presented.

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. Request of JT Palm Holdings LLC (Cask & Larder):

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO PARKING LOT ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY (R-1A) ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

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

Planning Manager Jeff Briggs explained the dirt overflow parking lot at 520 S. Pennsylvania Avenue property that has been used as an unpaved lot since the 1980's. He stated the current owners want to solve the issue of entering and leaving the property on Fairbanks Avenue and to direct people to enter on the Pennsylvania side so they need a more attractive entrance that would involve paving and improving the dirt overflow parking lot.

He stated the current residential zoning that is grandfathered in (plus the parking) does not allow it to be paved and improved without changing the zoning to the Parking Lot designation. He stated because of the unique facts, the P&Z Board approved the request and in doing so both the P&Z and the applicant wanted to put important items particular to this request into a development agreement that this is being done only because of the historical use as overflow parking. It also contains a commitment from the property owners that if the property is redeveloped into another form and will no longer be used as a parking lot that they grant a consent in the future to have it rezoned back to residential; it also contains the landscaping upgrades, privacy buffers, etc. for the adjacent neighbors.

Motion made by Commissioner Sprinkel to accept the first ordinance on first reading as presented; seconded by Mayor Leary. 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.**

Motion made by Commissioner Sprinkel to accept the second ordinance on first reading; seconded by Mayor Leary. 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.**

Public Comments (items not on the agenda)

Donna Colado, 327 Beloit Avenue, addressed the difficulty she had with the comprehensive plan process when trying to maneuver through the documents and the timing and documents she could not locate posted on the website. It was clarified that most documents are posted for the public.

Mary Daniels, 650 Canton Avenue, thanked Mayor Leary for writing the proclamation for Mrs. Mabel Rosa Lee Clark Woodard who turned 100 on October 9. She encouraged the Mayor or Commissioners to attend these important milestones.

Pat McDonald, 2348 Summerfield Road, spoke about the comprehensive plan and not enough time allotted to review it, the difficulty of following what is happening during the meetings and the time scheduled for meetings around the holidays.

Carol Rosenfelt, 1400 N. New York Avenue, opposed the timeline proposed for the comprehensive plan process and the difficulty ascertaining the changes to the plan.

- d. Request for Appeal by Ms. Martha Bryant-Hall, Owner (Ms. Hall is also the Agent for H-Mob Properties LLC, listed by Orange County as Owner) of the decision by the Historic Preservation Board (HPB), on August 24, 2016, to deny her application for historic designation of her home at 331 West Lyman Avenue, Winter Park, Florida as a historic resource on the Winter Park Register of Historic Places

Planning Director Dori Stone summarized the process followed by Mrs. Bryant-Hall and the background of her request. Mrs. Martha Bryant-Hall submitted a Historic Designation Application to the Historic Preservation Board (HPB) on June 8, 2016 for her home located at 331 W. Lyman Avenue. Her home was built in 1958 by her late husband, Reverend Jerry Hall, following the taking of his original home on land that is now known as Martin Luther King, Jr. Park on Denning Drive.

This application was heard by the HPB on August 24, 2016. Mrs. Hall and her daughter, Maria, presented a comprehensive history of this house, Reverend Hall and other information to support their case for historic designation. Staff recommended denial of the designation based on the criteria in Section 58-456 of the Land Development Code. After significant discussion, the HPB voted unanimously (7-0) to deny this application on the grounds that the home did not meet the criteria of Ordinance No. 3024-15, citing DIVISION 3. DESIGNATION OF HISTORIC LANDMARKS, RESOURCES OR DISTRICTS, Section 58-456- Designation criteria. Staff recommended upholding the HPB finding.

Mrs. Martha Bryant-Hall, 331 W. Lyman Avenue, summarized the many significant accomplishments and contributions of Reverend Hall in the community. She asked that the home be on the Register of Historic Places in Winter Park and to honor Rev. Hall and his work as a significant leader. She spoke about the dwindling number of homes on the Westside showing the history of the residents who lived here.

Commissioner Sprinkel stated she believed this meets the guidelines but that the guidelines need to be addressed because Rev. Hall needs to be lifted up because all the good things he has done. She spoke about the issue with this request being the first house asked to be put on the register because of the merits of the person; not the merits of the building. She addressed the lack of guidelines as to how to lift a person up and that they need to go back and give the Historic Preservation Board more guidelines to make sure this happens.

Commissioner Cooper stated that this application satisfies the criteria they have been given because Rev. Hall has significance in Winter Park history on a local level and has brought a level of peace and reconciliation into Winter Park. He meets the criteria that says it is associated with the lives of persons significant in our past and agreed with the designation on the Winter Park Register of Historic Places.

Commissioner Weldon commended the Hall family for a job well done in presenting their case. He stated if there are things the City can do to document the history

they are all interested in doing that. He addressed the issue at hand that he is compelled as their Commissioner to deal with concerning the criteria for the designation of historic landmarks and historic resources. He stated the HPB judged in the context of their responsibility that the house in question does not meet the historic criteria. He stated he cannot overturn the HPB and cannot support this application to reverse the denial of the HPB because he believes it will set a precedent that will be difficult for them but that he will do all he can to support Mrs. Hall's efforts to establish the history of Rev. Hall.

Commissioner Seidel spoke about the importance of history to people and that Rev. Hall should be recognized and if the family wants to make his house historic then that should be done.

Mayor Leary spoke about his struggle with the way the ordinance is written and having trouble supporting this because of his upmost support for the Historic Preservation Board in the way they reviewed this and their 7-0 vote to deny the request as well as staff's recommendation for denial. He stated he did not feel he could overturn the HPB decision because of Section 1 in the ordinance but if they amended the ordinance definition to include language specifically for individuals he would be happy to reconsider this because of the contributions of Rev. Hall.

Motion made by Commissioner Sprinkel to overturn the denial of the Historic Preservation Board, seconded by Commissioner Cooper.

The following spoke in favor of the approving the application submitted by Mrs. Hall for the home at 331 W. Lyman Avenue to be designated as a historic resource on the Winter Park Register of Historic Places:

Jacqueline Daise, (daughter) 1630 Brook Drive, Maitland
Christine Madrid French, Friends of Casa Feliz
Joe Terranova, 151 N. Virginia Avenue
Dr. Elizabeth Swart, Bridging the Color Divide Committee, 640 N. Park Avenue
Sally Flynn, 1400 Highland Road
Mary Daniels, 650 Canton Avenue
Lurline Fletcher, 811 English Court
Forest Michael, 358 W. Comstock Avenue
Fairolyn Livingston, local historian, Hannibal Square Heritage Center (residing at
5500 Ansley Way, Mt. Dora)
Stuart Bogue, 2270 Howard Drive
Dwayne Bryant, President of Innovation International Inc. (Chicago) and partner
with Mrs. Bryant-Hall with H-Mob Properties LLC
Maria Bryant, 450 S. Virginia Avenue

Upon a roll call vote, Commissioners Seidel, Sprinkel and Cooper voted yes. Mayor Leary and Commissioner Weldon voted no. The motion carried with a 3-2 vote.

City Commission Reports:

a. Commissioner Seidel – Spoke about the tragedy of Winter Park High student Roger Trindade’s death and how he appreciated the new Police Chief and prayed for the family.

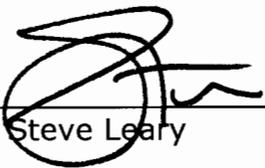
b. Commissioner Sprinkel – Spoke about our community coming together when it needs to and the many people who care for each other.

c. Commissioner Cooper – Thanked the Police Department and showed support of the department.

d. Commissioner Weldon – Spoke about the horrible tragedy with the death of Roger Trindade and his feelings as the result of that tragedy.

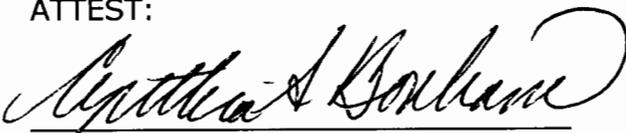
e. Mayor Leary – Spoke about the community coming together lately on many issues and continued to be proud of our City, staff and residents.

The meeting adjourned at 6:35 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, GREGORY S. SEIDEL, hereby disclose that on OCT 24, 20 16:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

CONSENT AGENDA ITEM 9.b.11.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10/24/16
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.