

**REGULAR MEETING OF THE CITY COMMISSION
JULY 22, 2019**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. Dr. Mike Beates, Dean of Students, The Geneva School provided the invocation, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Carolyn Cooper
Commissioner Todd Weaver
Commissioner Sarah Sprinkel

Also Present:

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

Approval of agenda

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

Mayor's Report

Mayor Leary appointed Tate Scott to the Utilities Advisory Board to replace Rick Baldocchi who resigned. **Seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Mayor Leary spoke about the '14 and Under Boys Baseball Team' winning the District, State and Regionals who will play in the World Series representing Winter Park.

Citizen Budget Comments

No comments.

City Manager's Report

City Manager Knight reported that City Clerk Bonham is retiring and he has recommended Rene Cranis to serve as the new City Clerk. **Motion made by Commissioner Cooper to approve the recommendation; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

City Manager Knight reported that the Commission Chamber dais has termites and has to be demolished and replaced with a new one.

City Attorney's Report

No report.

Non-Action Items

a. Urban Forestry Management Plan Update

Urban Forestry Director Dru Dennison provided a PowerPoint presentation that covered: the mission of the plan, the key goals of the plan, statistics of right-of-way tree removal and planting from 2014-2018, special projects (Denning Streetscape, Ward Park-Phase 1, the Holiday Tree in Central Park, Moonlight Garden, and Mead Garden), the Eagle Scout Planting Project, educational opportunities provided by the City (Earth Day, Arbor Day, Trees for Peace, Run for the Trees, Duck Derby, GrowVember Fest and the Veterans Memorial Tree); tree removal and permit compensation revenue (commercial and residential), the new State law HB1159; and the current code.

There was discussion regarding the House Bill that passed that is violating the City's rights. Ms. Dennison asked for guidance whether parameters of our current code will be kept and whether to add HB1159 requirements to our code or if residential properties should be exempt from tree removal permits. She also addressed mitigation and the next steps of documents that need to be updated. After comments and discussion, a work session will be scheduled in the future to address this topic after everyone has time to digest what was presented.

Consent Agenda

- a. Approve the minutes of July 8, 2019.
- b. Approve the following piggyback agreements:
 1. DataProse: Extension of City of Boca Raton contract #2016-023 – Utility Bill Printing & Distribution Services; Not to exceed \$200,000.
- c. Approve the following formal solicitations:
 1. Onix Networking; SeeWriteHear: RFP-17-2019 – ADA PDF Remediation Services; Authorize staff to enter into negotiations.
 2. Anixter; Electric Supply of Tampa; Gresco Utility Supply; Stuart C. Irby Co.: IFB-20-2019 – Electric Utility Construction & Maintenance Materials; Not to exceed \$400,000.
 3. Advanced Demolition: IFB-21-2019 – Demolition of Progress Point (Rebid); \$89,765. **PULLED BY COMMISSIONER WEAVER FOR DISCUSSION.**
- d. Approve the following contracts:
 1. 15 Lightyears: RFP-4-2019 – Financing & Installation of Solar Photovoltaic Electric Generating Systems; \$250,000.
- e. Approve the current year FY 2019 Budget Amendments.

Motion made by Commissioner Sprinkel to approve Consent Agenda items a, b, d and e; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote. There were no public comments made.

Consent Agenda Item c-3: Commissioner Weaver disagreed with demolishing the Progress Point building. He spoke about the asbestos removal that needs to be done before demolishing the building that he believed was the only negative of the building and wanted to wait until they determine what will happen with Orange Avenue and if there is a possibility the building can be repurposed. Commissioner Sprinkel spoke about the building being an eyesore for too long and they need to move forward with demolishing it. Commissioner Seidel commented that he can wait to demolish the building a while longer but wanted to see the building improved in the meantime.

Motion made by Commissioner Weaver to remove the Progress Point demolition (Consent Agenda item c.3.) – deny the allocation of \$89,765; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Seidel, Cooper and Weaver voted yes. Mayor Leary and Commissioner Sprinkel voted no. The motion carried with a 3-2 vote.

Commissioner Cooper asked about Consent Agenda item c.1. and what staff believed the dollar value will be. City Manager Knight spoke about what is included in the budget.

Motion made by Commissioner Cooper to approve Consent Agenda items c.1 and 2; seconded by Commissioner Weaver and carried unanimously with a 5-0 vote.

Budget comments

LaWanda Thompson, 664 W. Lyman Avenue, asked that body cameras be included in the budget because of an incident pertaining to her son. It was clarified that the body cameras are already in the upcoming budget.

Action Item

Moved to the bottom of the agenda.

Public Hearings:

- a. Request of Classic Homes for: Site plan approval, pursuant to the Commission condition tied to the Lake Killarney Shores replat, to construct a new, two-story, 4,473 square foot, single-family home located at 570 Country Club Drive on Lake Killarney, zoned R-2.

The public hearings 'a' and 'b' are related. Allison McGillis summarized the requests and answered questions regarding drainage and stormwater swales, the setbacks agreed to and the setback variance.

Motion made by Commissioner Sprinkel to approve the site plan; seconded by Commissioner Seidel. There were no public comments made. **Upon a roll call**

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

- b. Request of Patrick Finnerty for: Site plan approval, pursuant to the Commission condition tied to the Lake Killarney Shores replat, to construct a new, two-story, 4,595 square foot, single-family home located at 616 Country Club Drive on Lake Killarney, zoned R-2.

Attorney McGregor of the Lowndes Drosdick law firm addressed this item because of the requested front setback variance. He summarized Lot 3, showed the property aerial and overview of the zoning, square footage, the proposed home, the no tree removal requested, the pool/deck meeting code, and that the stormwater swale is sized to meet code.

Commissioner Cooper commented she is opposed to the variance request changing the front setback at 616 Country Club.

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

- c. Request of Golfstream Residential, LLC for:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF THE UTILITY EASEMENT THAT ENCUMBERS THE PROPERTY LOCATED AT 1691 CHESTNUT AVENUE, DESCRIBED AS LOT 1, BLOCK 1, LAKE KNOWLES TERRACE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "K", PAGE(S) 4 OF THE PUBLIC RECORDS OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE First Reading

Subdivision or lot split approval to divide the property at 1691 Chestnut Avenue, zoned R-1A, into two lots with 50 feet of frontage on the street and 9,074 square feet of land area for each lot. Variances are requested for both of the proposed 50 feet of lot width in lieu of the minimum 75 feet of lot width required in the R-1A zoning district.

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs summarized the request including the location, the easement vacate, the lot split request, the zoning, and the impact to the neighboring properties. He stated there is a negative recommendation from staff and the Planning and Zoning Board.

Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver disclosed conversations with the applicant.

Applicant Chris Hughes, W. Canton Avenue, asked for approval. Applicant's Engineer Ryan Renardo, Foresite Group, Tampa, provided a presentation in support of the request.

Commissioner Seidel asked about increasing the setback to the east and if they reviewed that. Mr. Hughes stated they discussed that and they are willing to consider it. Commissioner Seidel asked if they can get the project to the required setback for the existing lot width. Mr. Hughes stated they reviewed it and it is not possible given the smaller lot size.

Commissioner Sprinkel asked that they try and save the magnolia tree located on the property. Commissioner Cooper spoke about the project failing the comprehensive plan test and that it does not meet code. Commissioner Weaver spoke about our comprehensive plan that they must follow and the language of vacating an easement that they are not doing but asked it to be smaller. He stated he would be in favor of decreasing the size of the easement based on the work already done. Mayor Leary expressed concerns with not meeting the comprehensive plan test. After comments, the language will be made clear regarding the vacation of the easement.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Seidel. There were no public comments made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner Seidel to approve the lot split for discussion purposes. Motion failed due to no second on the motion.

Motion made by Commissioner Cooper to deny. Motion failed due to a lack of a second.

After further comments, **motion made by Commissioner Seidel to approve the lot split for discussion purposes; seconded by Commissioner Weaver.**

The following spoke:

Kathy Kiely, 1800 Oneco Avenue, expressed concerns with setting a precedent if this is approved.

Drew Krecicki, 1711 Chestnut Avenue, opposed the request and commented that they need to follow the code and pass the comprehensive plan test.

Jim Esch, 1691 Chestnut Avenue, spoke in favor of the request and did not believe they would setting a bad precedent.

Ernie Gonzalez, 1660 Walnut Avenue, opposed the request to vacate the easement because of future needs and expressed concerns with setting a precedent if this is approved.

Mr. Hughes agreed to cap the homes at a 38% FAR and provided information where the City has approved other similar lot splits.

Mr. Briggs stated Public Works is keeping enough of the easement to maintain the pipe there.

Commissioner Seidel commented that he always tries to make lot splits work and is not ready to approve the lot split as proposed. He wanted the applicant to come back with alternatives for the lot splits but was okay with the easement vacation.

Commissioner Cooper expressed concerns with vacating part of the easement that they may need in the future.

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

Motion made by Commissioner Seidel to table the lot split item to allow the applicant to reevaluate and come back; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried unanimously with a 5-0 vote.

PUBLIC COMMENTS (ITEMS NOT THE AGENDA)

Pat McDonald, 2348 Summerfield Road, asked if anything can be done about the coyotes because of losing two of her pets in the last three weeks. Mayor Leary asked her to speak with staff as to what can be done.

Recess

There was a 10 minute recess.

- d. Request of the Mayflower Retirement community to amend their Preliminary conditional use approval and provide for final conditional use approval for expansions of the Mayflower Retirement Community at 1620 Mayflower Court and 2141 Oakhurst Avenue

Planning Manager Jeff Briggs summarized the request and the P&Z approvals from 2018 with the conditions. He spoke about combining the three story health care facility with the memory care rather than having two separate buildings and employees. He addressed the notice given and the new site plan. He commented

that the only net increase in terms of what had already been approved by the Commission is one additional villa building with approx. 25,000 square feet total; overall the FAR of the properties they are developing is about 30%. He spoke about the 50' no build zone that is in the eastern side of the property. He commented that the issues covered and endorsed by City staff are regarding stormwater retention, the landscape buffer, and the new parking spaces.

Mr. Briggs discussed the issue that has caused angst by the residents concerning the City wanting to work towards a bike path connector involving the Mayflower property. He then explained the two bike path routes desired by staff. After extensive discussion at the P&Z meeting where the bike paths were removed from the P&Z recommendation.

Commissioner Sprinkel spoke about being opposed to a bike path and that the Commission did not approve a bike path.

Discussion ensued as to the recommendation of a bike path by the Transportation Advisory Board. Commissioner Seidel agreed that the Commission only spoke about obtaining an easement that may or may not use it for connectivity purposes. Mayor Leary agreed that a plan was never adopted for a path and that they only accepted a plan for review. He stated if the Mayflower is against a path along their property he will not support one across their property.

Commissioner Cooper addressed the prior preliminary approval and showed the Zoning Code provisions outlining that the Commission has the right to ask for transportation improvements such as these bike path easements or that the Mayflowers submission includes substantial changes from the preliminary approval, the Commission could just require that the Mayflower go back to the original plan. She spoke about making sure the Mayflower is safe and would not do anything to jeopardize that. She stated she is in favor of an easement that works for everyone. Commissioner Weaver spoke about the City being behind with the connectivity plan and that the easement will not negatively affect the residents.

Attorney Andrew Roy, Winderweedle law firm provided a presentation in support of the project and clarified questions posed by the Commission. He spoke about the lack of a plan currently for an easement and outlined the reasons why the Mayflower was opposed to both of the bike path routes proposed. He also stated that they did not believe there was a nexus between the building program requested and the bike paths.

Motion made by Mayor Leary to approve the plan as presented by the P&Z (that does not include a bike path); seconded by Commissioner Sprinkel.

Amendment #1 Motion amended by Commissioner Seidel to include a 15'-20' easement for both locations on the map (red and blue) to be determined

based on more discussion with the applicant, the easement have a sunset if not used in 10 years it goes away, that the City will dedicate the easement for pedestrian transportation only (non-motorized biking, walking, etc.) and that the City bear the cost of any modification required if the easement is used within that 10 year period; seconded by Commissioner Cooper.

There was discussion whether or not the changes are substantial. Attorney Ardaman commented that the changes are significant, as was determined by the planning staff and that is the reason why the Mayflower is seeking approval for the revised plan.

Motion amended by Commissioner Sprinkel to take care of only the red line bike path and would like for the Commission to finalize a plan before we do anything but if this needs to be done now I will only consider the red line (and also with the inclusion of Commissioner's Seidel's additional amendments); seconded by Commissioner Cooper. SEE BELOW. THIS AMENDMENT WAS WITHDRAWN.

After questions posed by Commissioner Weaver regarding the setback from the property line, Engineer Joe Cole, VHB Engineers, 225 E. Robinson Street, Orlando, addressed the permits they have and that everything that has been designed accounts for the 50' buffer, the swales, and improving the stormwater conditions for the neighbors to make sure all runoff from the houses are directed to the swale and to the large pond. He stated if any changes are made to the easement, there would be modifications to all the permits and would have a ripple effect regarding the stormwater and pond.

Ex-parte communications were disclosed by Commissioners Seidel, Weaver and Cooper by discussing this with either the applicant or residents.

The following spoke in favor of the easement for a bike/pedestrian connection as recommended:

David Erne, 2313 Woodcrest Drive (on behalf of the Transportation Advisory Board)

Lawrie Platt Hall, 1620 Mayflower Court spoke in favor of the expansion but would like to see a bike path at another location.

The following opposed a bike path:
Bob Maraio, 1545 Mayflower Court
Mary Fedler, 1529 Mayflower Court
Jack Goggin, 2110 Suffield Drive
Pat Padula, 1950 Oakhurst Avenue
Christa Caldwell, 1808 Yorkshire Drive
Jesse Harris, 2130 Suffield Drive

Walter Johnson, 766 Halifax Avenue
Joseph Gigliotti, 1620 Mayflower Court – provided a petition against the bike path
Cheryl Ku, 1920 Oakhurst Avenue
Trippe Cheek, 329 Park Avenue North

Mike Emerson, 2115 Taylor Avenue, spoke if the easement goes in that oak trees will have to be removed.

Commissioner Seidel asked about any possibility of a lawsuit if this is determined not to be a reasonable condition of approval. Attorney Ardaman spoke about what the code provides. Commissioner Seidel spoke about the amendment he made to sunset the easement. He stated he is still in favor of the easements but would prefer bike improvements to Lakemont Avenue.

After hearing the comments made, the **amendment to the motion for only doing the red section was withdrawn by Commissioner Sprinkel.**

Commissioner Cooper spoke about our citizen advisory boards working hard on plans for the connectivity and that she would not be in favor of an easement going through the Mayflower property. She believed there are substantial changes and are not acceptable to her because of the increase from a three story to a four-story building. However, if there were benefits to improve connectivity such as bikepaths then that would change the trade-offs.

Amendment #2 Motion amended by Commissioner Cooper that we limit this project to three stories (revert back to the original plan); seconded by Commissioner Weaver.

Commissioner Weaver commented that this is not a bike path but is an easement and is not in an area that the Mayflower is going to build and provides the opportunity for connectivity. He stated this is a significant change and if the Mayflower is backing out on their offer for the easement he cannot support the conditional use.

Mayor Leary commented if the Mayflower does not support the easement, he would not be in favor of it.

Attorney Roy, for the applicant, stated the Mayflower wants to continue to be a good neighbor and they did what the City first asked of them to explore a bike path and that they offered easement #1 (red line). He stated if they are not approved the entire project will have to revert back to original function of the one story memory care center and the three story health care center which will require an entire redevelopment and redrawing of the plan and still would not get the City the bike path because they were only exploring it. He asked that the Commission consider

this and asked that the final conditional use be approved as recommended by the P&Z.

Upon a roll call vote on Amendment #1 (above), Mayor Leary and Commissioner Sprinkel voted no. Commissioners Seidel, Cooper and Weaver voted yes. The motion carried with a 3-2 vote.

Upon a roll call vote on Amendment #2 to revert back to the original plan, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted no. The motion failed with a 5-0 vote.

Commissioner Sprinkel asked to reinstate her amendment for only the red line bike path easement portion; Commissioner Cooper withdrew her second and no other second was made.

At this time, Attorney Roy responded that the Mayflower would be willing to offer and agree to the bike path easement area #1 (red line); if it went that they did not have to agree to easement area #2 or that it would not be impose this condition with the final conditional use approval being approved by the Commission with the four stories as well.

Amendment #1 was withdrawn by Commissioner Seidel and revised to include all the same language with the trail area on the south side (red area only), 15'-20' easement, the easement have a sunset if not used in 10 years it goes away, that the City will dedicate the easement for pedestrian transportation only (non-motorized biking, walking, etc.) and that the City bear the cost of any modification required if the easement is used within that 10 year period; city staff will work with the applicant to make sure it meets code for bicycle safety (no 90 degree turns); Mayor Leary voted no. Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried with a 4-1 vote.

Upon a roll call vote on the main motion to approve the project as presented by the Planning and Zoning Board with Amendment #1 as revised and the condition of the irrigation as presented, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried unanimously with a 5-0 vote.

Recess

A recess was taken from 8:20-8:34 p.m.

e. **Request of Glen Haven Cemetery:**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-81 "PARKS AND RECREATION (PR) DISTRICT" SO AS TO ALLOW FACILITIES FOR

FUNERALS AND VISITATIONS, AS A CONDITIONAL USE ON CEMETERY PROPERTIES;
PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE
First Reading

Conditional Use approval to construct a new, two-story, 9,100 square foot building for cemetery business offices, visitation, and funeral services on the Glen Haven Cemetery property at 2300 Temple Drive, zoned PR.

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained the proposed zoning text change and the conditional use approval.

Attorney James Johnston, Shutts and Bowen law firm and representing the applicant Keith Brindle owner of Glen Haven Cemetery and a national company that does cemetery and funeral homes (operator of the funeral home on the site) provided a presentation in support of their request.

Attorney Johnston summarized the existing property size, their requests for a text change to the code, the conditional use approval of the new facility and funeral home use on the property, and the 25' setback for the new facility. They at the request of Public Works grant the City 15' and 20' easements along Glen Haven's north and eastern property line for stormwater facilities, along with an easement at the end of Place Picardy towards Hibiscus. They requested that the City maintain the Place Vendome median and that Glen Haven will contribute \$2,000 per year to the City towards median maintenance. He spoke about the community meetings that they held and the concerns they have addressed after listening to the neighbors.

Applicant Keith Brindle displayed photos of a new Baldwin-Fairchild building they built in Orlando. He provided 2018 Baldwin Fairchild Aloma statistics regarding the number of families served that should be similar to Glen Haven, the projected business mix and impact at Glen Haven with the new building, and the traffic impact of the new funeral home where they hired a consultant to conduct a traffic review.

The applicant's traffic consultant from Traffic & Mobility Consultants summarized their independent traffic study done where he projected minimal impact to Glen Haven.

Lisa Coney, Dignity Memorial, spoke about the resident's concerns. She clarified there are no plans for a crematory or care facility, the amount of traffic and the impact is no concern, the new facility will be a tremendous value to the neighbors because of giving up easements for stormwater and drainage improvements, and there is a need for this new building that replaces an old building. She thanked the people who have signed petitions in support and provided copies of these for the record. She asked for support based on the merits she provided.

Commissioner Seidel disclosed meeting with the applicant and residents. Commissioner Sprinkel met with the applicant and toured the property. Commissioner Cooper met with the applicant and residents. Commissioner Weaver met with the applicant, residents and stormwater team. Mayor Leary spoke with the applicant and heard from residents.

Commissioner Seidel spoke about concerns with the maintenance of the cemetery, the financial liability and any addition to the traffic trips. Commissioner Sprinkel did not want to see a funeral home sign posted. Commissioner Cooper asked how it happened to have a cemetery in a park. It was clarified this is a permitted use.

Motion made by Commissioner Seidel to move forward for discussion, seconded by Commissioner Weaver.

The following spoke against the request:

Teri Gagliano, 2349 Lafayette Avenue
Matthew Guntis, 1651 Summerland Avenue
Kathy Picciano, 1350 Place Vendome
Marie Ciaraerno, 2341 Chantilly Avenue
Sheryle Woodruff, 2436 Chantilly Avenue
Devin Sylvester, 2400 Versailles Avenue
Mark Kaczmarek, 1443 Place Vendome
Dinos Constantine, 2356 Temple Drive
Vincent Gagliano, 2349 Lafayette Avenue
Cayce Hurley, 2383 Lafayette Avenue
Suzanne Turbyfill, 2261 Lafayette Avenue
Ryan Davis, 2050 Versailles Avenue
Melissa Frye, 2251 Chantilly Avenue
Meredith Moody, 2435 Chantilly Avenue
Allen Schneider, 1375 Place Vendome
Aaron Stearns, 2420 Versailles Avenue
Jason Bates, 2503 Versailles Avenue
Elizabeth Ingram, 1305 Place Vendome
Kathy Keily, 1800 Oneco Avenue
Lori Kifer Johnson, 2431 Versailles Avenue
Oliver Gurren, 2415 Versailles Avenue
Tim Bayer, 2333 Chantilly Avenue
John Marchentonio, 2345 Chantilly Avenue
Patricia Griffin, 2359 Lafayette Avenue
Justin Ingram, 1305 Place Vendome
Jason Johnson, 2431 Versailles Avenue
Frances Leland, 3040 Temple Trail

The following spoke in favor of the request:

Darlene Glasinger, 2510 Chantilly Avenue

Attorney Johnston spoke about residents not wanting this but did not provide evidence supporting their comments against the proposal. Ms. Coney provided other comments in support of the request.

Commissioner Seidel spoke about the need for compromises to concerns of the residents that he has not heard. Commissioner Sprinkel agreed if there is a way to reach a mediation with the residents it needs to happen because it is not there now. Commissioner Cooper wanted to work out a compromise with the residents and asked if we should be changing our land use code to allow this use in our codes. Commissioner Weaver spoke about being conflicted with this request and about the drainage on the property needing to be improved. He stated he cannot support this request and allowing the precedent to our zoning codes and hoped the applicant would grant the drainage easement anyway. Mayor Leary stated both sides deserve a decision and the request should not be delayed any longer. He stated he cannot support this because of it being a park.

Attorney Johnston, after conferring with the applicant, stated they are willing to table this to a date uncertain if the Commission agrees. Mayor Leary stated he saw no reason to table this because of the time already invested with the applicant and residents and this can come back at a future date. Commissioner Seidel stated if they can get different access and not bring traffic down the road, that would weigh heavily on how he felt about the decision he made so maybe the applicant may want to investigate it now.

Upon a roll call vote on the motion to accept the ordinance on first reading, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted no. The motion to approve failed with a 5-0 vote.

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 2600 LEE ROAD DESCRIBED ON EXHIBIT "A" AND PURSUANT TO THE CONTRACT ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. City Manager Knight addressed the sale of the property.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Seidel. There were no public comments made.

Commissioner Weaver stated he did not have sufficient time to research this and that he believed this was not an appropriate use for the property and should not be losing money on the deal. Commissioner Cooper stated she wanted to see something that goes with the vision of Winter Park and believed they should be able to get a higher value on the property.

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

Action Items Requiring Discussion

a. Budget discussion and set tentative millage rate

This item was moved down from above. City Manager Knight addressed the need to adopt the tentative millage rate. Budget Manager Peter Moore summarized the operating millage rate of 4.0923 which is the same rate of the last 12 years, and the need to adopt the voted debt millage rates of .1361 and .3021 mils. Mr. Moore announced the rolled back rate of 3.9009.

Motion made by Commissioner Sprinkel to adopt a tentative millage rate of 4.0923 mils. Adopt a voted debt service millage of 0.1361 mils required to service debt on the General Obligation Bonds, Series 2011 (Public Safety Complex Bonds) and 0.3021 mils required to service debt on the General Obligation Bonds, Series 2017 (Library & Events Center Bonds); seconded by Commissioner Seidel. There were no public comments made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

Commissioner Seidel – Apologized to Kathy Kiely because that she took something personal he said that he misunderstood. Attended the Environmental Permitting Summer School and there was a lot of discussion about South Florida planning for a foot of sea level rise on a 30 year horizon and did not about how would affect Winter Park with people moving inland.

Commissioner Sprinkel – No report.

Commissioner Cooper – No report.

Commissioner Weaver – Addressed a Common Ground Town Hall at the Community Center this Saturday at 1:00 p.m.

Mayor Leary – No report.

The meeting adjourned at 11:12 p.m.

ATTEST:

Mayor Steve Leary

City Clerk Cynthia S. Bonham, MMC