# City Commission
# Regular Meeting Minutes

**December 14, 2022 at 3:30 p.m.**

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

## Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada, Todd Weaver; City Manager Randy Knight; Assistant City Manager Michelle del Valle; City Attorney Kurt Ardaman; City Clerk Rene Cranis

## 1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:30 p.m.

## 2) Invocation and Pledge of Allegiance

Reverend Kathy Beasley, Unity of Central Florida, offered the invocation followed by the Pledge of Allegiance.

## 3) Approval of Agenda

**Motion made by Mayor Anderson to approve the agenda; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.**

## 4) Mayor Report

Mayor Anderson thanked staff for their work on the Christmas decorations.

a. Balmoral Group as a Gold Level Green Business Recognition

Sustainability Specialist Mia Brady spoke about Balmoral Group's sustainability efforts and recognized them as a Gold Level Green Business.

## 5) City Manager Report

a. Parks and Recreation Department CAPRA Accreditation

Parks and Recreation Director Jason Seeley noted that the city is one of 200 agencies that have received national accreditation by Commission for Accreditation of Park and Recreation Agencies. He thanked staff for their hard work on the accreditation process.

## 6) City Attorney Report

## 7) Non-Action Items

## 8) Public Comments | 5 p.m. or soon thereafter (taken after Item 10f)

## 9) Consent Agenda

a. Approve the minutes of the regular meeting, November 9, 2022.
b. Approve the minutes of the work session, November 30, 2022.
c. Approve the following piggyback contracts:
    1. USA Services of Florida, Inc. - City of Daytona Beach Contract #13-159 - Mechanical Sweeping Services; for services on an as-needed basis during the term of the Agreement; Amount: $250,000 for FY23.
    2. Pure Air Control Services, Inc. - Panhandle Area Educational Consortium Contract #RFP21-30 - Indoor Air Quality Consulting & Remediation; for services on an as-needed basis during the term of the agreement; amount: $150,000 for the duration of the remainder of the contract term through November 30, 2024.
    3. Ring Power Systems - Sourcewell Contract #120617-CAT - CAT Diesel & Natural Gas Generator Sets; amount: $175,000 for additional goods needed for the remainder of the agreement through January 29, 2023.
    4. United Rentals, Inc. - Sourcewell Contract #062320 - Equipment Rental with Related Services; amount: $300,000 in additional funds for the duration of the remainder of the contract term through August 27, 2024.
    5. Hubbard Construction Company - Seminole County Contract #IFB-603616-19/BJC - Pavement Management Program Services; amount: $925,000 for services on an as needed basis for the duration of the contract term through December 25, 2023.
    6. Chuck Robinson Concrete and Bob Cat Service - Seminole County Contract #RFP-604273-22/LNF - Aquatic Maintenance Services; amount: $300,000 for services on an as needed basis for the duration of the contract term through May 31, 2025.
d. Approve the following contracts:
    1. Howard Industries, Inc. - IFB8-20 - Single-Phase Transformers; Amount: $2,250,000 in additional funds for goods on an as-needed basis.
    2. Advanced Roofing, Inc. - Renewal of RFP14-21 - Solar Panel & Awning Fabrication, Installation; amount: $200,000 for services on an as-needed basis for the duration of the contract term through December 17, 2023.
    3. Xylem Water Solutions USA, Inc. - SS23-5 - Wedeco Ozone Generators Products; amount: $150,000 in additional funds for services on an as-needed basis.
    4. 15 Lightyears, Inc. - IFB18-21 - Residential & Commercial Energy Audit Services; amount: $80,000 in additional funds for services on an as-needed basis.

5. OpenGov, Inc. - Renewal of PB40-19 - OpenGov Procurement Software; amount $80,000 for services on an as-needed basis for the duration of the contract term through December 31, 2025.

e. Approve the following formal solicitation:
   1. Stuart C Irby - IFB32-22 - 3 Phase Transformers; amount: $1,250,000

**Motion made by Commissioner Weaver to approve the Consent Agenda; seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.**

## 10) Action Items Requiring Discussion

a. Appeal of denial of Tree Removal Permit - 1445 Bonnie Burn Circle

Parks Superintendent Stefano Alvernia provided the background of the tree removal permit and said the Tree Preservation Board upheld staff's denial. The site plan has been revised to accommodate the tree and to preserve the root system. He confirmed that the tree is healthy and that the applicant still wants to remove the tree even though they have accommodated the tree in the site plan. He provided additional information on requirements as it relates to the tree's proximity to the retention area.

The applicant was not present and there were no public comments.

**Motion made by Commissioner Sullivan to uphold denial of the permit; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.**

b. Appeal of denial of Tree Removal Permit - 1631 Hillcrest Ave.

Mr. Alvernia reviewed the tree removal request to remove two live oaks. He showed the location and photographs these trees. Staff denied the permit which was upheld on appeal by the Tree Preservation Board. He explained the circumstances that would require neighbor input and because these trees cross over the property line and approval was not obtained by the property owners, the permit was denied.

The applicant was not present and there were no public comments.

**Motion made by Commissioner Weaver to uphold denial of the permit; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.**

c. Request for Funding - Park Avenue District Main Street Program

Director of Office of Management and Budget Peter Moore presented the request from Park Avenue District for a three-year matching grant proposed to be funded from the CRA. Funding and allocation for years two and three will be part of the budget process.

Sarah Grafton and Ricci Culver of Park Avenue District were present. Ms. Grafton said Park Avenue District was awarded a Main Street Florida Program and explained the program, goals and benefits. Their request of $50k for the next three years will partially fund a program director that must be hired within six months of November 30, 2022.

Mr. Moore noted that $50k is within the City Manager's authority to use CRA funds without approval of the Community Redevelopment Agency. If the commission desires to have CRA approval, a meeting could be scheduled prior to a commission meeting in January for approval of an agreement.

**Motion made by Commissioner DeCiccio to direct staff to develop a matching grant agreement within the City Manager's authority for year one and bring the request for years two and three before CRA in January; seconded by Commissioner Cruzada.** There were no public comments. **Motion carried unanimously with a 5-0 vote.**

d. Muscovy Duck Program

Director of Natural Resources and Sustainability Gloria Eby gave a presentation on Muscovy ducks (an invasive species) issues and interim solutions implemented by staff. The Lakes and Waterways Board, Lake Killarney Board, Keep Winter Park Beautiful and Sustainable Advisory Board and Parks and Recreation Advisory Board approved the program. The integrated management plan will include public education, habitat modification, active removal under Florida Fish and Wildlife guidelines and promotion of waterfowl habitats, followed by re-establishing habitats for native waterfowl. She responded to questions and noted ducks are present at MLK Park, Winter Pines Golf Course and Lake Killarney.

David Williams, 209 Tyree Lane, opposed the destruction of these ducks and said there are other options to destroying wildlife. Commissioner DeCiccio advised that the city is moving the ducks, not destroying them.

**Motion made by Commissioner Weaver to approve the Muscovy duck program; seconded by Mayor Anderson. Motion carried unanimously with a 5-0 vote.**

e. Electric cost of service study

Mayor Anderson referenced an article about OUC catching up with fuel cost adjustments and noted that with the proposed rate changes, the city's combined rates will be lower than OUC and thanked staff for keeping on task with fuel rate adjustments.

Director of Finance Wes Hamil provided the background of study and introduced Craig Shepherd, Leidos Engineering, who reviewed the scope of the study. At the city's direction to make rates revenue neutral, smaller customers will receive a slight decrease while larger customers will receive slight increase. New rates would be effective April 1, 2023 in order to give notice to customers.

**Motion made by Commissioner Sullivan to approve as recommended (Option 1 of the Electric Cost of Service Study including combining the Time of Use rate class with the General Service Demand class effective April 1, 2023); seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.**

f. Progress Point Park - Denning Drive on street parking

Parks and Recreation Director Jason Seeley stated that given information received this week regarding measurements and distances, on-street parking on Denning Drive is not an option. The issue now is a matter of safety along that area of the road. He reviewed options to enhance existing manicured landscaping by adding heavier landscaping, a decorative low-profile fence raised beds or seating wall similar to Central Park. He recommended starting with landscaping and re-evaluating once the park is built and possibly add a decorative fence. Discussion followed on options and costs.

There were on public comments.

**Motion made by Mayor Anderson to remove the temptation for unsafe parking by adding a curb and greenspace; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.**

A recess was held from 4:56 to 5:07 p.m.

## 8) Public Comments | 5 p.m. or soon thereafter

Mary Jane Fries, 1123 Fairway Drive, spoke about the retention area on Fairway Drive and flooding and damage to her home caused by stormwater run-off. She requested a review of maintenance records for stormwater egress from Fairway Drive, changes on the 9th fairway at Winter Pines Golf Course, record of responses to residents' concerns and a plan for improvements going forward. issues and repair of infrastructure.

Vincent Peluso, American Engineering and Surveying, representing Mrs. Fries, reported his observations that contributed to the flooding of her home: undersized drain in front of her home and unmaintained ditch at rear of home. He asked for improvements to alleviate the issues.

David Williams, 209 Tyree Lane, said he feels residents are being ignored and his property receives overflow from surrounding professional office properties causing flooding. He expressed concern about excessive lighting at commercial centers and billboards.

William Benjamin Taylor, 2816 Prince John Road, commented on the potential annexation of Winter Pines neighborhood. He feels there is miscommunication or misunderstanding and suggested the city provide information to the residents to give them a clear vision of what annexation means for them.

Alan Chambers, 332 Fleet Road, thanked the Commission for its support of Park Avenue District. He expressed support of annexation of Winter Pines neighborhood and feels other neighbors support annexation, as well.

Mr. Knight responded to comments regarding stormwater and flooding concerns. He said the system failed in unanticipated areas and Winter Pines was built in an area with a high-water table. Staff is putting together a plan which will be presented in a work session on January 12th which include solutions, infrastructure improvements and protocol to draw down lakes. Staff has been working with a contractor on the ditch at the golf course to ensure it works properly and is seeking grants to make infrastructure improvements including areas in CRA where several projects could help with flooding.

## 10) Action Items Requiring Discussion (continued)

g. City Attorney Contract

Mr. Knight stated city policy is to bid professional services every five years; however, the attorney contract was extended for an additional two years without a rate increase while some pending matters were resolved. This amendment increases rates and continues the termination clause.

Mr. Ardaman noted his firm's acceptance of the terms and said rates are consistent with their other municipal clients.

**Motion made by Commissioner DeCiccio to approve the amendment to the City Attorney contract; seconded by Commissioner Weaver.**

Commissioner Sullivan questioned whether the city should re-examine the relationship and put out for bid.

Mayor Anderson supported continuing the agreement and revisit this when pending matters, i.e. annexation, update of residential zoning code, are resolved because of the firm's knowledge on these matters. Commissioner Cruzada and DeCiccio agreed.

There were no public comments.

**Motion carried unanimously with a 5-0 vote.**

h. Confirmation of appointments to Civil Service Board.

Commissioner Sullivan nominated Terry Hotard. Commissioner DeCiccio nominated Bill Segal (moving from EDAB). There were no public comments. Approved by consensus.

i. 2023 General Election and Run-off Election, if necessary
   1. Approve polling places.
   2. Appoint three members to the Canvassing Board.
   3. Approve canvassing criteria established by the state and used by Orange County.
   4. Allow Orange County Supervisor of Elections to open and run all Vote by Mail ballots through the tabulator on March 14 after 9:00 a.m. and on April 11 if a run-off is necessary, that are not questionable without obtaining the results until 7:00 p.m.

Mr. Knight noted that with the redevelopment of the Christian Church on North Lakemont, the new polling place is the University Club.

**Motion made by Commissioner Weaver to approve as recommended and appoint Commissioners Cruzada and Weaver and Mayor Anderson to the Canvassing Board; seconded by Commissioner Cruzada.** There were no public comments. **Motion carried unanimously with a 5-0 vote.**

## 11) Public Hearings: Quasi-Judicial Matters

a. RESOLUTION 2266-22 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1379 CANTERBURY ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title. Director of Planning Jeff Briggs reviewed the request.

**Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner Sullivan.** There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

## 12) Public Hearings: Non-Quasi-Judicial Matters

a. Ordinance - Amending Ordinance 3182-20 to keep as permanent the regulations concerning backyard chickens adopted by Ordinance 3182-20 as a pilot program (1st reading)

Attorney Ardaman read the ordinance by title.

Mrs. Eby reviewed changes to the ordinance: allowing coops in the side or rear year yard with a ten-foot rear setback and 7.5-foot side setback, allowing a maximum height of eight feet and removal of the provision requiring adjacent neighbor approval. Staff contacted permit holders and she read comments received from neighbors which were primarily positive.

Mayor Anderson said he feels removing the neighbor approval requirement does not represent city-wide support of agricultural use and while he sees some good in this program, he is reluctant to remove the neighbor approval provision which creates an individual right at the expense of the peace, welfare and expectations of neighbors who do not support this program.

Commissioner Weaver gave a presentation showing program success in other cities including Orlando and Maitland, misconceptions about chickens and benefits. He feels the neighbor approval requirement has stifled the program and noted that allowing people to produce food is part of the city’s sustainability plan. He feels denying a permit because of one neighbor's opposition is unfair, in particular when the applicant's property is large and there is a greater distance between homes.

Mayor Anderson said that lot size and distance could be considered when requiring neighbor approval.

Discussion was held on setbacks and height requirements.

Commissioner Sullivan suggested that, if approval is required, it should specify from abutting residential property owners; however, he feels neighbor permission should not be required and that objections will subside over time.

Commissioner DeCiccio said she will oppose the ordinance if requirement for neighbor approval is removed. She spoke about e-mails from residents opposing the program.

Mayor Anderson summarized the discussion indicating agreement to continue the program, setting the side yard setback at 7.5 feet, and if continued, neighborhood approval must come from abutting residential property owners.

Kimberly Murphy, 1835 Bryan Avenue, said she believes objections are from people who have misconceptions and that the neighbor approval requirement is prohibiting the program's success and needs to be removed. She said neighbor approval is not required in other circumstances, i.e., fences, pools, dogs, and this should not be treated any differently, particularly when neighbors are renters. She also questioned why her rights as a property owner do not matter.

Commissioner Weaver suggested extending the pilot program for one year without the neighbor approval requirement. Commissioner DeCiccio disagreed. Discussion followed on the level and basis of opposition.

Commissioner Sullivan said he feels a number of e-mails were based on inaccurate information and suggested a survey of neighbors to chicken coops to determine any objections. Mrs. Eby noted that the neighbors were surveyed and comments were positive. Discussion was held on property owner rights, (mis)perception, and objections.

Commissioner Weaver suggested, as a compromise, getting approval from the closest adjacent property owner. Commissioner DeCiccio disagreed.

**Motion made by Mayor Anderson to approve the ordinance making the program permanent, reinstating the permissions required from abutting residential owners and increasing the side yard setback to 10 feet; seconded by Commissioner DeCiccio.**

**Motion made by Commissioner Sullivan to amend the motion the ordinance leaving neighbor approval requirement in place for two years and then survey neighbors of chicken coops and revisit the requirement. Failed for lack of second.**

Commissioner DeCiccio said she feels a city-wide survey is needed. Mayor Anderson opposed sunsetting a provision but would consider revisiting the neighbor approval requirement in 24 months.

Commissioner Weaver said data from other agencies show no issues and feels there is no evidence that chickens have been a problem.

**Motion made by Mayor Anderson to amend the motion to require review of the neighbor approval provision in 24 months after adoption; seconded by Commissioner DeCiccio.**

**Motion made by Commissioner Weaver to amend the motion to require only the approval of the closest property owner. Failed for lack of second.**

**Upon a roll call vote on the main motion to approve the ordinance with amendments (adding back requirement for abutting property owner permissions, but limiting to residential property owners, changing side yard setbacks to 10 feet and that in two years there is an automatic review of the neighbor approval provision). Commissioners DeCiccio, Cruzada and Mayor Anderson voted yes. Commissioners Sullivan and Weaver voted no. Motion carried with a 3-2 vote.**

b. Ordinance - Adding a new Division 3 of Article VI, Chapter 2, providing for the assessment of third-party city consultant costs, expenses and fees incurred by the City of Winter Park related to the review, processing and regulation of development applications. (1st reading)

Attorney Ardaman read the ordinance by title.

Assistant Director of Planning Allison McGillis stated that this ordinance passes attorney fees for review of development applications to applicants. A $3k review deposit will be required.

Responding to questions, Mr. Ardaman said this includes costs for other professional services for review and allows staff to refund a portion of the deposit if the costs fall below the deposit and impose an additional charge if the costs exceed the deposit.

There were no public comments.

**Motion made by Commissioner Sullivan to approve the ordinance; seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

c. Ordinance: Updating Section 58-87, lakefront and waterfront zoning regulations and amending Chapter 114, Lakes and Waterways to incorporate regulations concerning docks and boathouses. (1st Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs explained that this ordinance transfers variance authority on docks and boathouses from Board of Adjustment to the Lakes and Waterways Board or Lake Killarney Board; improves regulations regarding stormwater grading and run-off and clarifies rules and setbacks for fencing and impervious coverage, heights for pool/pool decks, and regulations on basements and walkouts.

Commissioner Sullivan noted that there are two Section Twos in the ordinance.

Responding to questions by Mayor Anderson, Mr. Briggs confirmed the prohibition of golf nets on lakes and explained the basis for maximum width of 36” for retaining walls. He said three levels are allowed with livable space downstairs, but no garages. Garages must be in front or have side entry to avoid stormwater issues. (language to be reviewed for second reading). He said the intent for side setbacks for docks and boathouses is to avoid obstruction of the view of the lake, which is a consideration when granting approval for docks and boathouses.

Mr. Ardaman suggested changing language to state that the structure shall be no closer than 10' from property line. Mr. Briggs said he will look at for second reading.

There were no public comments.

**Motion made by Commissioner Sullivan to approve the ordinance on first reading; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

## 13) City Commission Reports

Commissioner Sullivan
- Received many positive comments from visitors on the superior condition of ball fields at Ward Park.
- Expressed pride in staff on achieving CAPRA accreditation.

Commissioner DeCiccio
- Showed photos of flooding in parking lot area at MLK and proposed fixing drainage issues before fixing parking lot. (Will be discussed in January 12th work session.)
- Requested a work session on Winter Pines neighborhood annexation.

Commissioner Cruzada
- Advised of Winter Park High School renovations and to contact to OCPS for more information.

Commissioner Weaver
- Attended the James Rogers Gamble exhibit at Casa Feliz and noted the lack of lighting in the parking lot adjacent to golf course and asked for street lights.

- Advised staff of the short timing of the light at Ollie and Fairbanks and because it is city-controlled light, staff is looking at re-timing.

Mayor Anderson

- Said the 90-day negotiating period on old library reuse has ended and suggested moving to closure by setting a deadline the week prior to the January 11th meeting to consider other options for building/property. Agreed to by consensus.
- Announced that the efforts of the Fix 426 lobby have contributed toward FDOT budgeting for resurfacing and repair on Aloma/Fairbanks/ Brewer Curve.

## 14) Summary of Meeting Actions

- Recognized Balmoral Group as Gold Level Green Business.
- Approved Consent Agenda.
- Upheld denial of tree removal permits at 1445 Bonnie Burn Circle and 1631 Hillcrest.
- Approved matching grant funds ($50k) for Park Avenue District Main Street Program.
- Approved Muscovy Duck Program.
- Approved Cost of Service Study.
- Approved plan to remove parking on Denning Drive and to enhance landscaping.
- Approved City Attorney contract extension.
- Confirmed appointments of Bill Segal and Terry Hotard to Civil Service Board.
- Approved actions for 2023 election.
- Approved resolution designating 1379 Canterbury as historic resource.
- Approved backyard chicken ordinance on first reading with amendments.
- Approved ordinance on third-party fees on first reading.
- Approved ordinance amending lakefront regulations on first reading.
- Requested best and final offer on old library reuse on January 11th meeting.

## 15) Adjournment

The meeting adjourned at 7:34 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis