City Commission
Regular Meeting Minutes

January 24, 2024 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

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

1. Meeting Called to Order

The meeting was called to order at 3:30 p.m.

2. Invocation - City Manager Randy Knight

3. Pledge of Allegiance

Mayor Anderson noted that Commissioner Weaver is participating remotely.

4. Approval of Agenda

Motion made by Commissioner Weaver to approve the agenda; seconded by Commissioner Cruzada. Motion unanimously with a 5-0 vote.

5. Mayor's Report

Mayor Anderson thanked everyone that participated in the groundbreaking of the Martin Luther King, Jr. unity corner.

6. City Manager's Report

Mr. Knight introduced new Assistant Director of Water and Wastewater Utilities Tara Lamoureux.

He asked the commission if they would like to be part of the St. Patrick's Day Parade. It was noted that candidates will not be participating. Consensus was to have a float for the commission.

7. City Attorney's Report

Mayor Anderson acknowledged information sent by Mr. Ardaman regarding financial disclosure requirements. Mr. Ardaman said some cities have joined in a suit challenging the Form 6 requirement and seeking a temporary injunction for filing the new form. He said the cost of joining the suit is $10k, and he reviewed potential outcomes and impact to elected officials. The city can join later but would not get injunctive relief. Mr. Knight clarified that Form 6 is only required for elected officials, not board members.

Commissioner Weaver expressed his concern about the potential for theft due to the information required on the form. Mayor Anderson clarified reporting standards which

changed in 2023 and there is debate about whether the information is necessary. Consensus was to put this on the next agenda.

8. Non-Action Items

9. Public Comments | 5 p.m. or soon thereafter Taken after Item 12a.

10. Consent Agenda

a. Approve the minutes of the regular meeting, January 10, 2024
b. Approve the following piggyback contracts:
    1. Stuart C. Irby Co. – OUC Contract #4670-OQ – Padmount Switchgears; for goods and services during the term of the Agreement through January 1, 2025; Amount: $650,000
    2. Global Rental Co., Inc. – Sourcewell Contract #062320-ALT – Rental Digger Derricks, Bucket Trucks, Etc.; for vehicle purchases during the term of the Agreement through August 27, 2024; Amount: $190,000
    3. Nidy Sports Construction Company, Inc. - NCPA/OMNIA Partners Contract #08-42 - Athletic Surfacing and Asphalt Maintenance; for services on an as-needed basis during the term of the Agreement through April 30, 2026; Amount: $300,000
    4. Selectron Technologies, Inc. - GSA Contract #GS-35F-0315X - Selectron Hosting Software; for goods and services on an as-needed basis during the term of the Agreement through April 5, 2026; Amount: $84,965.97
c. Approve the following contracts:
    1. RFQ31-22 – KZF Design LLC – Professional Architectural Services – Amendment 1; for services on an as-needed basis during the term of the Agreement through January 2, 2025; Amount: $200,000
    2. IFB13-19 - Yang, Inc. - Electrician Services; for services on an as-needed basis during the term of the Agreement through June 25, 2024; Amount: $200,000

Motion made by Commissioner DeCiccio to approve the Consent Agenda; seconded by Commissioner Sullivan. There were no public comments. **Motion unanimously with a 5-0 vote.**

11. Action Items Requiring Discussion

a. Lake Killarney Advisory Board Budget Request for Sediment/Dredging Line-Item in the annual CIP Budget

Mr. Knight said the Lake Killarney Board has discussed dredging and outfall issues following storms that prevented residents from using their boats and is requesting a separate line item in the budget to ensure funding is in place when dredging is needed, Staff is not opposed to the request, but recommends this be part of the budget process, looking at the overall budget, not a stand-alone recurring item. Dredging is part of the Capital Improvement Plan for stormwater maintenance and funded at approximately $200k, which is what they are requesting be separated from the main fund.

Motion made by Commissioner DeCiccio to include in budget discussions (as a separate line item).

Mr. Knight suggested, if approved, this be for all lakes. Discussion followed on separating maintenance items and Director of Natural Resources and Sustainability Gloria Eby responded to questions and said the CIP is reviewed prior to the budget process.

Motion seconded by Mayor Anderson.

Jeanne Wall, 2110 Lake Drive, Chair of Lake Killarney Board, spoke about the lack of dredging in recent years which made it difficult to navigate the lake, causing damage to boats. The best solution to fund dredging is a separate line item in the budget and unused funds would roll over to the next fiscal year.

Motion carried unanimously with a 5-0 vote.

12. Public Hearings: Quasi-Judicial Matters

a. Request of Rollins College for approval to build a three-story, 80,981 square foot, Rollins Faculty & Staff housing building of 48 units via:
   1. Comprehensive Plan text policy amendment;
   2. Comprehensive Plan future land use map and Zoning map amendments; and
   3. Conditional Use approval.

Mayor Anderson opened the hearing stating that workforce housing is an issue for major employers that would like their employees to be closer to work and applauded efforts to address housing issues. He pointed out that the city has no control over property tax exemptions for certain organizations.

Attorney Ardaman read the ordinances by title.

Mr. Briggs reviewed the request for a Comp Plan policy amendment that, under a 2011 settlement agreement, allows 25 units per acre (up to 34 units). The Dan Hunter apartments is a non-conforming use because it has more apartments than allowed under current zoning. However, Rollins has requested a special permit as provided for in the code that would allow replacement of the 18 apartments, so anything over 34 units is based on that special permit. A coffee shop and a bookstore is planned for the frontage on New England Avenue to comply with the Comp Plan policy, toward connecting Hannibal Square to Park Avenue. He explained that three stories is allowed on the New England Avenue frontage, but 2 1/2 stories along Welbourne Avenue; however, Rollins is requesting a policy amendment to allow a third story on all frontages. The Planning and Zoning Board recommended approval with a 4-2 vote with the following conditions which have been agreed upon by the applicant:

1. The commitment to affordable/attainable housing for Rollins College faculty and staff for a period of a minimum of 20 years.
2. Prohibition on the use of apartments as undergraduate or graduate student housing or use for classroom instruction.

3. Property to remain on the tax rolls unless permitted for exclusion pursuant to Fl. Statutes
4. Coffee shop and bookstore space (1,000 sq. ft.) on the first floor of the south 38 feet of the lots fronting New England Avenue shall be used as retail business space open to the public.
5. That a final landscape plan be approved by staff that incorporates tree preservation, the preservation of the two live oak trees in the parking lot and tree buffering along Welbourne Avenue.
6. That a parking management plan be provided to staff prior to the second city commission approval hearing.
7. That the parking at the building be limited to one car for one-bedroom units and two cars for two- and three-bedroom units.
8. That the applicant be required to provide on-street parking along the length of Welbourne Avenue while maintaining two-way traffic lanes with the design, including bump-outs for trees and respecting access to the garage and service bay.

He noted that a development/community benefit agreement (DA/CBA) is required containing the terms and conditions for approval.

Rollins College President Grant Cornwell, asked for approval of this project which supports Rollins' mission. Their intent is to provide housing for faculty and staff within walking and bicycling distance of the campus to be a part of the community. He said they heard the concerns about parking and density (size and population) and have redesigned a smaller project, reduced from 48 to 39 units and increased parking.

Becky Wilson, attorney for Rollins, 215 N. Eola Drive, presented a revised plan where approximately 100 feet of the building and nine units along Welbourne were removed and converted to parking, which increases the available parking but still preserves trees. With changes to parking spaces on New England, total parking increases to 105 spaces. Rollins would convey five feet if the city wanted to create parking on Welbourne. She showed images of three-story, flat roofed buildings in the Hannibal Square area and renderings of the new architectural design. The leases will include a provision to maintain balconies and that high-quality window blinds will be installed.

Randall Slocum, project architect, 670 N. Orlando Avenue explained architectural elements of the roof, balconies and fabric awnings, which are prevalent in the Hannibal Square area.

Mrs. Wilson requested approval of the Comp Plan and Zoning ordinances on first reading and because any changes impact the conditional use permit and DA/CBA, Rollins would submit a revised conditional use permit and DA/CBA at second reading.

Commissioner Sullivan presented recommended changes to the conditions of P&Z: Condition 1: change to 30-year commitment; Condition 2: resident definition be more specific, i.e. faculty and student-facing faculty; and Condition 8: Remove since on-street parking requirements are being met.

Commissioner Weaver asked if the property provides affordable housing as defined by statute. Mrs. Wilson said Rollins is agreeing to charge workforce/attainable rents using the brackets published monthly by HUD but is not agreeing to resident income restrictions. Commissioner Weaver said while he supports workforce housing, this does not align with the CRA goal to increase the commercial tax base because Rollins is pursuing tax exempt status. He feels a better location would be outside the CRA.

Mrs. Wilson responded to additional questions. Residents would have a standard lease in excess of six months and must vacate the property if they were no longer employed by Rollins. They are willing to restrict the number of parking space per unit, but feels it is unnecessary since there 101 parking spaces for 39 units.

Commissioner Cruzada addressed the requirements for a special permit for a non-conforming use and asked if the standards have been addressed. Mrs. Wilson said Rollins is the first to apply under this provision and Rollins submitted a letter of application which addresses the standards. Mr. Briggs said the DA/CBA provides the opportunity to put those items in the agreement. He said this provision has never been used before and the intent was to allow the letter from Rollins serve as justification for the rationale along with the regular application. Discussion followed on procedures and compliance with the terms and conditions of approval.

Attorney Ardaman said approval could be granted upon acceptance of a suitable CBA/DA. Mrs. Wilson said they are agreeable to come back at second reading so everything would be approved at second reading. Their position is that they submitted an application in the form of the letter at the direction staff since there was no application. Commissioner Cruzada wants to ensure a form and process is in place for future requests.

Motion made by Commissioner Weaver to approve with the conditions recommended by Planning and Zoning Board and revisions and deletion recommended by Commissioner Sullivan with 2,000 s.f. of commercial space along New England Avenue. (withdrawn)

Commissioner DeCiccio asked whether the commercial property (coffee shop and bookstore) will be on the tax role. Mrs. Wilson said she is unsure, but it may if it has its separate tax parcel. Commissioner DeCiccio expressed appreciation for the workforce housing and would like to work with Rollins and the residents to make this a reality; however, there are several issues to be addressed. She summarized changes and concessions offered by the applicant in response to residents but asked for upgraded landscaping.

Discussion returned to tax exempt status. Mr. Ardaman advised that Rollins will present their case for exemption to the property appraiser based on their belief that faculty housing qualifies as an educational purpose and exemption. There is a case that faculty housing is exempt. Mr. Ardaman said there may be something that could be done to increase the likelihood that the commercial portion could be subject to taxes.

Mayor Anderson said he believes this it is likely to be granted an exemption and noted that it currently off the tax rolls and will likely remain that way. He spoke about

compatibility with neighborhood and summarized that documentation of the special permit application will be forthcoming.

The following opposed this project due to three-story building height, incompatibility of architecture, parking and traffic congestion on Welbourne, non-compliance with the Comp Plan, Land Development Code and CRA Plan, and financial impact to taxpayers. There was support for indented parking on the west side of Welbourne Avenue, requiring detailed landscape plans and to delay approval on first reading.

Mark Butner, 325 W. Welbourne
Charles McMenamin, 100 S. Virginia
Robert Higgins, 100 S. Virginia Avenue
Michael Dick, 100 S. Virginia Avenue
Gigi Papa, 1440 Hibiscus Avenue (workforce housing should be for first responders)
Beth Hall, 516 Sylvan Drive (Rollins must meet special permit application requirements)

Sharon Myers, 1705 Carollee Lane, spoke in support (providing workforce housing).

The Commission discussed public comments. Commissioner Weaver urged the applicant not to request tax exemption for the commercial space and urged concrete construction versus frame. There was general consensus to support three stories.

Commissioner Weaver made additional requests: that the applicant consider holding 200% of stormwater onsite, increased setback to accommodate tree crowns, move the curb on Welbourne to the south instead of open parking to have bump outs with big trees, hard structure awnings, covered bicycle lot, 30kw rooftop solar, that traffic does not impede dumpster pickup at Douglas Grand, location of construction laydown yard, and single utility meter for residential and separate for commercial uses. He recommended a 4-hour parking limit on West New England, Virginia and Welbourne and allowing parking only on west side of Virginia and no bookstore on New England as it does not generate the similar interest of restaurants and other businesses.

Mayor Anderson supported an alternative architectural design that is compatible with area, i.e., walk-up urban feel, a 30-year commitment. Consensus was to support the current design and a 30-year commitment. Discussion was held on the resident definition of faculty and staff (student-facing staff members).

Mayor Anderson suggested asking the applicant if they were willing to table to the next meeting (2/14) to address the changes. i.e. unit reduction that was presented, three stories, with reduction in building length, definition of staff (student-facing). She asked for a vote on first reading on the Comp Plan and zoning ordinances, which does not bind the commission to adoption on second reading, but will allow them to provide a DA/CBA that includes conditions of approval.

Mayor Anderson said while a vote can be taken, he cannot vote in favor of the Comp Plan amendment nor approve the three-story structure without seeing alternative architecture. Mrs. Wilson read the comp plan policy change regarding vesting and roof slope that would allow roof height consistent with R-3 zoning and roof slopes as allowed in the CBD. Mayor Anderson said the language folds Welbourne Avenue into the CBD, which he opposes. Mrs. Wilson offered alternatives deleting the reference to

the CBD and amending the language that the roof height is limited only to those shown on the conditional use permit. She agreed to amend the policy to exclude the lots between Virginia and Welbourne that are shown in the new conditional use permit.

Motion made by Commissioner Weaver to deny the comp plan amendment and conditional use permit.

Motion made by Commissioner DeCiccio to table this request to February 14th, 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.

A recess was held from 7:00 to 7:12 p.m.

9. Public Comments | 5 p.m. or soon thereafter (None)

13. Public Hearings: Non Quasi-Judicial Matters

a. RESOLUTION 2281-24 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE SUSTAINABILITY ACTION PLAN ADOPTED BY RESOLUTION 2267-23; PROVIDING FOR SEVERABILITY, NON-LIMITATION OF AUTHORITY, AND AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title.

Mayor Anderson explained the chart in the SAP, Target 3, 80% Renewable Energy by 2035, and outlined future goals and decisions. He proposed the amendments submitted prior to the meeting: first Whereas paragraph, add that rates will be a) less than 105% of Florida Municipal Electric agencies and, b) 95% less than Duke Energy, and add a third bullet "Ensure purchased renewable energy comes from site specific renewable energy sources in the region so that regional carbon reduction is achieved without relying on purchasing carbon credits or purchasing premiums."

Motion made by Mayor Anderson to approve the resolution as amended by Mayor Anderson; seconded by Commissioner Cruzada. 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.**

14. City Commission Reports

Commissioner DeCiccio asked whether candidates will be participating in the St.. Patrick's Day Parade. Mr. Knight will confirm and advise.

Commissioner Cruzada thanked staff for revising the power bill to include a graphic history of usage.

Commissioner Weaver thanked everyone involved in the adoption of the Sustainability Action Plan.

Mayor Anderson said he heard from a landscaping contractor that group of landscapers that serve many residents have not moved toward transitioning to electric leaf blowers.

He and Mr. Knight will meet with some of them and may result in the need for a plan with and without incentives. He suggested waiting until the February 14th meeting in order gauge the appropriate action after the meeting with landscapers. He said a survey may be needed to determine which landscapers meet the requirements and circulate that list to residents. Agreed by consensus. Commissioner Sullivan asked that Mr. Knight keep the commission updated. (A special meeting was held February 1, 2024 at the request of Mayor Anderson.)

15. Summary of Meeting Actions

- Provide an update on St. Patrick's Day parade participation by candidates.
- Place discussion of new Financial Disclosure Form 6 on the next agenda.
- Approved the Consent Agenda
- Include Lake Killarney Board's request for a line item for dredging as part of budget discussions.
- Table Rollins' requests for a workforce housing project to the February 14th.
- Adopted resolution amending the Sustainability Action Plan.

16. Adjournment

The meeting adjourned at 7:30 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis