



City Commission Regular Meeting Minutes

February 28, 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; 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 -Greg Seán Canning - Florida Ancient Order of Hibernians

3. Pledge of Allegiance

4. Approval of Agenda

Mayor Anderson announced that Item 12c, Request of Rollins College, has been withdrawn by the applicant with the intent of coming back at a future date.

5. Mayor's Report

a. Proclamation - National Association of Women in Construction

Mayor Anderson read and presented a proclamation declaring March 3 - 9 as Women in Construction Week to National Association of Women in Construction Local Chapter President Adis Farrington and NAWIC Week committee members Jennifer Kline and Monarcha Marcet. Ms. Farrington thanked everyone for this recognition.

b. Proclamation: Irish American Heritage Month

Mayor Anderson read and presented a proclamation declaring March 2024 as Irish American Heritage Month to Greg Sean Canning. Mr. Canning thanked the city for the proclamation and spoke about the global recognition of St. Patrick's Day and the contributions of Irish Americans.

c. Green Business Award: Balmoral Group

City Sustainability Specialist Mia Brady presented the Platinum Level in the Green Business Award to Greg Seidel of the Balmoral Group. Mr. Seidel thanked the city for its recognition and outlined Balmoral Group's additional sustainability efforts.

6. City Manager's Report

Mr. Knight advised that the deteriorating wall on Aloma Avenue has been secured and barricaded while staff continues to work with FDOT toward a permanent solution.

7. City Attorney's Report

8. Non-Action Items

9. Public Comments (heard after Public Hearing 11b)

10. Consent Agenda

- a. Approve the minutes of the work session, February 14, 2024
- b. Approve the minutes of the regular meeting, February 14, 2024
- c. Approve the following formal solicitations:
 1. Gresco Utility Supply - IFB5-24 - Purchase of Transformers; Amount: \$292,393.85
- d. Approve the following piggyback contracts:
 1. Core & Main, LP - City of St. Petersburg Blanket Purchase Agreement #226457 - Water & Wastewater Supplies; for goods on an as-needed basis during the term of the agreement through September 30, 2024; Amount: \$850,000
- e. Approve the following contracts:
 1. Traffic Control Devices, Inc. - IFB4-20 - Traffic Signal Installation & Maintenance - Amendment 4; for services on an as-needed basis during the term of the agreement through March 2, 2025; Amount: \$250,000
 2. A Budget Tree Service, Inc. - ITN23-18 - Vegetation Management Services - Amendment 6; for services on an as-needed basis during the term of the agreement through May 14, 2024; Amount: \$400,000
- f. Approve the following purchases:
 1. ABM Industries Group, LLC - Janitorial Services & Equipment; Amount: \$850,000
 2. Stephens Technologies, Inc. - SS24-2 - Sectional Liner Repair Products; Amount: \$100,000

Motion made by Commissioner Weaver to approve the Consent Agenda, seconded by Commissioner Cruzada. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

11. Action Items Requiring Discussion

- a. Cady Way Pool - Request from Blue Dolphins Swim Club

Director of Parks and Recreation Jason Seeley stated Blue Dolphins is proposing to add another pool at Cady Way to better serve both competitive swimmers and the community. Joe Auer of Blue Dolphin said they are looking for additional space for their club that will also provide more opportunities for residents to swim, as well as enjoy beach volleyball courts.

Mr. Seeley explained the proposal includes the design, construction and maintenance of pool, renovation of the adjacent building to meet ADA requirements, a deck, fencing, sidewalk connection to other park areas, and beach volleyball courts. Approval would be contingent upon a facility use agreement that would provide for city programs and

shared revenues on mutual events, a construction agreement, permit approval and requirement that Blue Dolphin secure all necessary funding for construction and operation. Benefits to the city include increased availability for lap swimming, accommodation of summer camp groups, additional programs for residents and rental revenue from volleyball courts. He showed conceptual site renderings, noting the loss of the practice field. Staff recommends approval with the conditions noted.

Mayor Anderson asked staff to bring back regulations regarding hours of operation, lighting and sound system before final approval due to proximity to homes. He asked if scholarships could be made available as was requested of the YMCA. Mr. Auer provided information on scholarship programs available for athletes and swim lessons. Mayor Anderson requested a comparison of scholarships offered by both organizations.

There were no public comments. **Motion made by Commissioner DeCiccio to conditionally approve the proposal as presented, seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.**

12. Public Hearings: Quasi-Judicial Matters

- a. Request of Clermont Investment LLC for: Conditional Use approval for a 170 seat restaurant, for the property at 610 W Morse Boulevard, zoned C-3A.

Senior Planner John Harbilas said conditional use is required for a restaurant under the C-3 zoning. He explained 150 seats are required to serve alcohol and in order to meet parking requirements for the planned 170 seats, the applicant has entered into a 10-year lease with the church across the street which increases available parking from 28 to 57. While the future tenant is unknown, this will be a fine dining restaurant (table service). He explained that the conditional use is tied to the property, not the tenant. The owner is requesting the conditional use in order to market the property. The parking lease of ten years is required, and the property becomes non-conforming if parking requirements are not met. Attorney Ardaman advised the parking requirement could be a condition of approval. It was clarified that church property would be used for parking outside of church service hours as stated in the parking lease.

Mayor Anderson questioned granting a conditional use without a known tenant. Mr. Ardaman stated the conditional use applies to the property not the tenant and that the applicant is not required to identify the tenant.

Commissioner Weaver suggested the parking lease be a condition of approval, so the city has an enforcement mechanism. Mayor Anderson said this will change the historic use of the property without knowing the intended tenant and would like to discuss this with staff.

Motion made by Mayor Anderson to table this request, seconded by Commissioner Weaver.

Discussion followed on the hours of operation, parking, the type of restaurant/service, and the impact on the residential area.

Commissioner Weaver withdrew his second to the motion to table and made a motion to allow operating hours from 3 to 10 p.m.

Commissioner DeCiccio raised the question about hours for lunch service.

Commissioner Weaver withdrew his motion and reinstated his second on the motion to table. Motion to table (to March 13, 2023) carried unanimously.

- b. Request of McCraney Property Company for: Conditional Use approval under the provisions of the Orange Avenue Overlay (OAO) in order to build a new three-story, 29,500-square-foot office building on the vacant 1.88 acres located at 1100 Orange Avenue (2nd hearing)

Director of Planning and Zoning Allison McGillis reviewed the changes made by the applicant based on discussions at the first hearing: revised articulation, reduced building height and of rooftop equipment and screen wall, and removed parking and adjusted green space/landscape plan. Staff and the applicant have differing opinions about the mixed use requirement. The applicant is no longer requesting a variance to this requirement by providing mixed use options, which they will address in their presentation. She explained the requirement for two types of land use, which must be a combination of residential, commercial, industrial, office and institutional. Staff feel they are not meeting the requirement because different types of office users do not constitute mixed use.

Rebecca Wilson, attorney representing the applicant, asked if staff supports the request. Mrs. McGillis noted the Planning and Zoning Board recommended approval with conditions and staff feels that requiring a mixed use would require a parking garage and is more comfortable with the current proposal without a parking garage. Mayor Anderson said the remaining question is whether to require or waive the mixed use requirement and the applicant would like to present their case.

Mrs. Wilson presented revised plans based on comments in the first hearing as stated by Mrs. McGillis. She agreed that the code requires 25% mixed use, which can be vertical or horizontal, and that includes two or more uses allowed in the OAO. She listed potential mixed uses for which parking could be provided and from which they would select two: blueprinting and photocopying, financial institutions, fine art museums, government services, not-for-profit organizations, photography, professional office, retail businesses, theater, and shared office spaces.

Mayor Anderson said mixed use would require a larger building to provide parking for a more intensive use, i.e. restaurants or retail. Forcing a mixed used definition will force the need for a parking garage. He feels the interests of residents are better served by a single use as opposed to a mixed use and feels the applicant should be relieved from meeting the mixed use requirement.

Commissioner DeCiccio opposed granting a variance to the mixed use requirement, citing the basis for the OAO was to prevent similarities to Fairbanks and 17-92. She feels it does not meet the mixed use requirement since it will be office space regardless of the tenants.

Commissioner Sullivan spoke about the intent of the OAO to restrict uses to those that promote an environment of arts, healthy living, cuisine, culture, and healthy living, and while the use does not have to be restaurant or retail, it should conform to general

ideas for the vision of Orange Avenue. He said not knowing the uses is a violation of the intent of the OAO.

Commissioner Cruzada concurred with Mayor Anderson in that he doesn't want to be so narrow on mixed use. This needs to be looked at on a larger scale in an area that needs redevelopment with a new look. He feels the OAO Plan is ambiguous and the language needs to be clearer. He prefers mixed used categories.

Commissioner Weaver agreed with Commissioners Sullivan and DeCiccio.

Mrs. Wilson referred to mixed use, which is defined as two or more types of land uses (noted by Mrs. McGillis) and referred to the zoning code and list of permitted uses allowed in the OAO. The applicant can meet the requirements by choosing two uses from the list, which could include financial institutions, fine arts, government services, not-for-profit offices, photography, and engineering offices, although there is no requirement to specify what those uses will be. They are willing to live within the requirements for mixed use as it is currently drafted to work with the city toward a quality project.

A recess was held from 5:15 to 5:28 p.m.

The following spoke in favor of the project, citing the high quality of the project, need for office space in Winter Park, elimination of deteriorating property, more jobs, generation of future redevelopment and foot traffic, building of businesses by Winter Park residents, and the uniqueness and character of the project:

Brianna Sheehan, 1525 Bonnie Burn Circle and business owner at 1010 Orange Avenue, (opposed mixed use due to need for parking garage)

Damien Madsen, 350 E. Kings Way and Winter Park business owner

Ken Brown, 1044 N. Kentucky Avenue and Winter Park business CEO

Fred Thimm, 3105 Helene Avenue and owner of Reel Fish, 1234 Orange Avenue

Ron Panepinto, 1615 Roundelay Lane and Winter Park business owner (charm and character are people, not buildings)

Dave Carmany, 1008 Genius Drive

Gigi Papa, 1440 Hibiscus Avenue

Trevor Hall, 2812 N. Westmoreland Drive, Orlando (opposed roundabout)

Shawn Bush, 1024 Genius Drive

Patrick Higgins, realtor

Stephanie Breske, 640 Berwick Drive

Jeff Patterson, 3278 Downs Cove Road, Windermere

The following spoke in opposition, citing incompatibility, lack of small town charm, preference for green space, traffic congestion, size and design of building, need to put residents first, and wrong location:

SJ Jackson, 721 Glenridge Way

Paula Madsen, 1 Isle of Sicily

Gloria Pickar, 1007 S. Pennsylvania

Brad Blum, 1169 Lakeview Drive

Sally Flynn, 1400 Highland Road
Charley Williams, 2221 Temple Drive

Mayor Anderson summarized that that this building is smaller than allowed, is less dense and has safe parking, which he feels is a win for residents, and while there is difference of opinion on architectural style and parking garages, he feels this is a high-quality building.

Motion made by Mayor Anderson to approve the project as shown subject to conditions of Planning and Zoning Board; seconded by Commissioner Cruzada.

Commissioner Cruzada said one of the goals of the OAO is create a distinct gateway into Winter Park. He feels this project meets the intent of the OAO to create a sense of place through specific project design/architecture, open space, setbacks, landscaping.

Commissioner Sullivan said although he likes the building, it does not conform to the vision for the corridor and would be more suitable in a different location.

Commissioner DeCiccio agreed with Commissioner Sullivan. She read from code requiring mixed use and feels approval will set a precedent and the city should follow the code that was upheld in court in the fall of 2023.

Commissioner Weaver feels single-use buildings are not viable in the area and is the reason for the mixed use requirement. He encouraged mixed use and urged the applicant to reconsider the intent for mixed use.

Mrs. Wilson readdressed the mixed use requirement and asked for the opportunity to reach a consensus. Discussion followed on the types and lack of specificity of the uses that would meet the 25% mixed use requirement

Motion made by Mayor Anderson to table to March 13, 2024 to allow the applicant come back with specific mixed uses.

Mrs. Wilson asked if the applicant would meet mixed use requirement if two of the uses are selected from the list of permitted uses allowed in the OAO. Mr. Ardaman responded the commission would make that determination.

After additional comments, a recess was called at 6:48 to allow the applicant to meet with her client about mixed uses. The meeting reconvened at 7:11 p.m.

Mrs. Wilson offered as a condition, that they will meet 25% requirement (minimum of 7,300 square feet) with retail uses (design center with parking similar to an office), restaurant with less than 12 seats, services (fitness, health, salon), school providing instruction (ballet, art), compounding lab, or one or any combination of those uses. She noted some uses would not be limited to the first floor, such as an art or ballet school.

Mayor Anderson amended his motion adding a condition that no less than 25% of the building be allocated to the uses delineated by the applicant, seconded by Commissioner Cruzada. Mrs. Wilson clarified that the retail use would one where parking can be accommodated.

Mayor Anderson clarified that the motion includes the items in the original motion. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

9. Public Comments (none)

12. Public Hearings: Quasi-Judicial Matters (continued)

- c. Request of Rollins College for approval to build a three-story, 72,933 square foot, Rollins Faculty & Staff housing building of 39 units via:
 - 1. Comprehensive Plan text policy amendment and Comprehensive Plan future land use map and Zoning map amendments; (First Reading) and
 - 2. Conditional Use approval.

(Tabled from February 14, 2024 at applicant's request)

This item was withdrawn by the applicant.

13. Public Hearings: Non Quasi-Judicial Matters

- a. Ordinance setting a referendum of the voters on the possible repeal of the internal combustion engine leaf blower ban. (First reading)

Attorney Ardaman read the ordinance by title.

Commissioner Sullivan said any referendum should be led by citizen petition, not commission action. If the referendum passes, he doesn't feel a future commission would re-implement the ordinance.

Commissioner Cruzada prefers amending the code to set a decibel level so there is no distinction between internal combustion engines and electric or battery-operated leaf blowers. If there is no support for an amendment, he would support commission action for a referendum on the March 2025 ballot.

Commissioner Weaver supported the ban and gave a presentation on reasons for government bans - safety, noise, environment; banned products, chemicals, and materials; and comparison of cost and benefits between leaf blowers. He opposed commission action for a referendum but would support citizens' right to petition for a referendum.

Mayor Anderson supported a referendum as a way to check in with the citizens on this mandate, to see and read market trends and collect more data on lifecycle costs.

Commissioner DeCiccio said she is leaning toward putting this on the ballot; however, doing so will set a precedent for issues to be placed on the ballot if citizens disagree with the commission's action. She expressed concern that not putting this item on the ballot will result pre-empt any future ban on gas blowers.

Chad Carter, 2601 Park Place Drive and, spoke in support of the referendum and raised issues related to high costs and for commercial equipment, decibel range and lithium battery concerns. He noted consequences for violating the current ordinance include a fine not to exceed \$500 or imprisonment up to 60 days.

Mayor Anderson addressed the imprisonment penalties explaining the fine is standard language from the city's noise ordinance and inappropriate for the leaf blower ordinance. He said he would request staff to remove the language during commission reports at the end of this meeting.

The following people also spoke in support of the repeal of the ordinance by the commission or by referendum, citing financial impacts on commercial landscaping businesses and residents, the market should drive the decision, and government overreach:

Frank Carter, 1370 Indiana Avenue
Mark Gillespie, 1608 Hibiscus Avenue
Gigi Papa, 1440 Hibiscus Avenue
John Papa, 1440 Hibiscus Avenue
Stephanie Breske, 640 Berwick Drive
Denise Gillespie, 1608 Hibiscus Avenue
Nevin Wertenberger, 1700 Oneco Avenue

Motion made by Mayor Anderson to approve the ordinance amending language (ballot question) to read "Shall the City of Winter Park amend Article IV, Division 2, § 62-97 of its Code of Ordinances as provided in Ordinance 3292-24, to revise the City Code to repeal the City's ban on the use of internal combustion powered leaf blowers and to regulate noise created by the use of leaf blowers consistent with those regulations regulating noise created by power tools?" and to approve delaying enforcement to June 1, 2025 as stated in the fourth Whereas clause, seconded by Commissioner Cruzada.

Mayor Anderson noted the city is still committed to working with the landscapers on finance options and noise provisions, i.e. decibel marker, penalty clause. Discussion was held on decibel marker enforcement.

Upon a roll call vote, Commissioners DeCiccio and Cruzada and Mayor Anderson voted yes. Commissioners Sullivan and Weaver voted no. Motion carried with a 3-2 vote.

Mayor Anderson addressed the penalty and which will be addressed at second reading. He responded to questions from Chad Carter about enforcement. Mr. Knight said enforcement would increase work effort at the beginning but compliance will be gained as time passes.

14. City Commission Reports

Commissioner Sullivan –

- Reported that the Town of Eatonville is being considered for a Florida African American History Museum. He asked the commission and staff to explore ways to encourage this museum be established in Eatonville. Mr. Knight said staff can bring back a resolution of support. Agreed by consensus.

Commissioner DeCiccio –

- Received an e-mail from Mr. Peter Gottfried requesting the commission to make part of the next agenda or budget a discussion regarding a conceptual trail system plan. Consensus to put the item on the next agenda.

Commissioner Weaver

- Reported the Alford Inn is using the old library parking lot to valet park and expressed concern that they are blocking access to the building. He added that trailer parking at Dinky Dock and parking garage are often also full. He noted that as part of Rollins' approval to build a new 300-unit student dorm, new Crummer Business School and art museum, they will be removing an existing parking lot. He expressed concern that there will not be enough parking.

Commissioner Weaver would like to enforce parking (no Rollins student parking at Dinky Dock), for the city receive compensation for use of old library site for valet parking and consideration to retain the old library site and ask Rollins to build a public parking garage to ensure parking for residents. Discussion followed on the parking issues and parking study, and an agreement to receive compensation and/or require liability insurance and plans for the old library. and. Consensus is for staff to pursue an agreement with Rollins for revenue sharing that would include a fairly quick termination provision.

Mr. Knight added that he spoke with Police Chief to increase parking enforcement at Dinky Dock. A work session on the old library and parking issues will be scheduled after the results of the parking study.

Mayor Anderson –

- Scrivener's errors need to be corrected in the OAO - clarifying floor calculation and 56' max (up to five stories not to exceed 56 feet). Future discussions are necessary on mixed use requirements. CBD facade guidelines are from 1997 and does not seem to be contemplated in review of projects proposed for New England. The guidelines need to comply to all 3 corridors (Park, New England and Morse).

Mayor Anderson also noted there are no provisions for balconies and suggested having an overview of the guidelines.

15. Summary of Meeting Actions

- Presented proclamations for National Association of Women in Construction and Irish American Heritage Month.
- Presented Green Business Award Balmoral Group.
- Approved the Consent Agenda.
- Approved the request of Blue Dolphin Swim Club.
- Bring back regulations for use of the pool and volleyball and noise and lights.
- Tabled the Conditional Use request of Clermont Investment LLC to March 13th.
- Approved McCraney Property request with mixed use compliance.
- Approved the Leaf Blower Referendum on first reading.

- Bring back provision to eliminate imprisonment penalties from leaf blower ordinance.
- Bring back discussion of decibel levels (included from noise ordinance).
- Prepare a resolution supporting the Town of Eatonville's to be considered as a future location for the Florida African American history museum for March 13 meeting.
- Schedule agenda item for Peter Gottfried concept trail system for March 13.
- Review the Alford parking agreement and talk to Rollins about a lease or not use the old library parking lot.
- Review OAO scrivener's errors.
- Review CBD design guidelines.

16. Adjournment

The meeting was adjourned at 8:57 p.m.



Mayor Phillip M. Anderson

ATTEST:



City Clerk Rene Cranis