City Commission
Regular Meeting Minutes

November 10, 2021 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, Carolyn Cooper (arrived at 3:45 p.m.) and Todd Weaver; City Manager Randy Knight; City Attorney Kurt Ardaman; City Clerk Rene Cranis.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:31 p.m.

2) Invocation

Reverend Kathy Beasley, Central Florida Center for Spiritual Living, provided the invocation followed by the Pledge of Allegiance led by Senior Police Officer and Marine veteran Jason Bracknell.

3) Approval of Agenda

Motion made by Commissioner Sullivan to approve the agenda; seconded by Commissioner DeCiccio. Motion carried unanimously with a 4-0 vote. (Commissioner Cooper arrived late.)

4) Mayor Report

Mayor Anderson spoke about the top two values of residents from a 2016 survey, history/heritage and village ambience and small-town feel, and their importance to items on the agenda.

a. Proclamation - Week of the Family

Mayor Anderson read the proclamation declaring November 6-13 as Week of the Family themed My Family: My Compass. Elizabeth Rahter, Orange County committee chair, thanked the city for its support and invited everyone to participate in the events.

b. Proclamation - Small Business Saturday

Mayor Anderson read the proclamation designating November 27th as Small Business Saturday to support small businesses in the community and presented the proclamation Betsy Gardner Eckbert, President of WP Chamber of Commerce. Ms. Eckbert thanked the city for its support of small businesses.

c. Proclamation - Eastbank House 150th Anniversary

Mayor Anderson read the proclamation recognizing October 27th as the 150th anniversary of Eastbank House and presented the proclamation to Ed and Bill Twachtman, who were raised in the home.

Mayor Anderson spoke about the commission's priority list, accomplishments and project status, which was shared with the commission prior to the meeting.

5) City Manager Report

Mr. Knight introduced Pam Russell, new Division Director of Human Resources.

a. Meet your Department: Planning & Transportation

Bronce Stephenson, Director of Planning and Transportation, gave presentation on the department functions and introduced team members. He showed a video highlighting the accomplishments of department as told by some residents. Mayor Anderson spoke on the success stories from the video which speaks to values and making neighborhoods safe.

b. Confirmation of Director of Building and Permitting Services candidate Gary L. Hiatt, CBO

Mr. Knight introduced Gary Hiatt and recommended confirmation of his appointment as the new Director of Building and Permitting Services.

Motion made by Commissioner Cooper to confirm the appointment of Gary L. Hiatt, CBO, as Director of Building and Permitting Services; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Mr. Knight noted that the first meeting of the Lake Killarney Advisory Board is December 3rd at 10:00 a.m.

Commissioner DeCiccio expressed her concerns about limited parking for the Library and Event Center and asked about replacement of loss of parking due to the cancellation of the parking lease with Heritage Park. Mr. Knight advised that parking will be available for the grand opening as the lease does not expire until mid-December. He outlined staff efforts on shared parking arrangements, parking lot on the south side of the lake, parallel parking on Harper Street and Comstock Avenue. Staff is also exploring options for a parking garage with potential funding from the infrastructure bill.

Commissioner Cooper asked for an update on the turn lane from Denning Avenue to Fairbanks. Sarah Walter, Transportation Manager, advised that partial design drawings are anticipated by the beginning of December for staff review from a transportation and stormwater perspective and provided details on design.

Commissioner Weaver asked about the median crosswalk at Morse in front of the Library and Event Center. Mrs. Walter provided details on design and construction that is underway.

Commissioner Weaver suggested that the city look at the Sesco building for a short-term parking arrangement or purchase.

Mayor Anderson suggested that the city should also look ways to improve the Morse and Denning intersection.

Commissioner Weaver asked if it would be appropriate for members of the commission to participate in applicant interviews for the new Director of Natural Resources position.

Commissioner Cooper noted that the charter may restrict the commission's role. Attorney Ardaman read the charter referencing commission interference with administration, which includes the city manager's responsibility for appointment and removal of city employees, with department heads subject to Commission confirmation. He said the commission could provide criteria to the city manager rather than participating in interviews. Discussion was held on the position description, the range of responsibilities managing three functions - lakes, forestry and sustainability, and the hiring process ending with the Commission's confirmation of the city manager's department head recommendation.

Commissioner Cooper clarified for the record that she is not opposed to parking garages but is opposed to parking garages on park land. Commissioner DeCiccio concurred.

Mayor Anderson asked for the status of retaining an urban or town planning consultant. Mr. Stephenson stated the intent is to have a planner as extension of staff to prepare plans and renderings as needed. Mayor Anderson said he understood the intent was a continuing services agreement with a firm focused on urban planning, as opposed to building design, and familiarity with smart code, block configuration, and form-based coding. After discussion, consensus was to revisit the scope of work for an urban planner and place on the next agenda.

Mayor Anderson noted that staff is exploring issues with front setback of properties on Selkirk which may require mitigation strategies or review of policy matters.

Mayor Anderson invited everyone to attend the Veteran's Day celebration at Shady Park on Friday, November 12th at 10 a.m.

6) City Attorney Report

7) Non-Action Items

a. Appointments to Orange Avenue Overlay Architectural Review Board (Mayor Anderson and Commissioner Sullivan)

Commissioner Sullivan appointed Andrew Krecicki. Mayor Anderson said he is considering candidates.

b. Discussion of Progress Point park design.

Jason Seeley, Director of Parks and Recreation, gave a presentation on Progress Point Park timeline toward planting of trees in mid-January and responded to questions.

8) Public Comments | 5 p.m. or soon thereafter (heard after Consent Agenda)

9) Consent Agenda

a. Approve the minutes of the regular meeting, October 27, 2021
b. Approve the minutes of the work session, October 28, 2021 **(Removed by Commissioner Sullivan)**
c. Approve the following contracts: **(Removed by Commissioner Weaver)**
    1. Graef-USA, Inc. - Renewal of RFQ-19-2018 - Professional Structural Engineering Consulting; Amount: $75,000 for services on an as needed basis during the term of the Agreement.
    2. Irvine Mechanical, Inc. - Renewal of IFB19-19 - HVAC Installation, Repair & Replacement Services; Amount: $300,000 for services on an as needed basis during the term of the Agreement.
    3. Advanced Compatible Solutions, Inc. - Renewal of FY19-10 -Fire Alarm System & Monitoring; Amount: $150,000 for services on an as needed basis during the term of the Agreement.
d. Approve the following piggyback contracts:
    1. SDD International, Inc. - State of Florida Contract #46000000-21-STC - Defense Products; For goods on an as-needed basis during the term of the Agreement, contract term through September 30, 2024; Amount: $75,000 for FY22.
    2. Lawmen's and Shooters' Supply, Inc. - State of Florida Contract #46000000-21-STC - Defense Products; For goods on an as-needed basis during the term of the Agreement, contract term through September 30, 2024; Amount: $50,000 for FY22.
    3. Stop Stick, Ltd. - GSA Contract #47QSWA19D0035 - Pursuit Control and Prevention Devices; For goods on an as-needed basis during the term of the Agreement, contract term through January 31, 2024; Amount: $75,000 for FY22.
    4. 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: $225,000 for FY22.
    5. Aquatic Weed Control, Inc. - Orange County Contract #Y18-178 - Aquatic Restoration & Management Services; For services on as needed basis for the remainder of the current term; Amount: $215,000 through 4/10/2022.

6. Motorola Solutions, Inc. - Orange County Contract #Y18-170-MV - Motorola Services; For services on as needed basis during the term of the Agreement; Amount: $170,000 for FY22.

Commissioner Weaver removed Item c for clarification.

Motion made by Commissioner Cooper to approve Consent Agenda Items a, b and d; seconded by Commissioner Weaver.

Commissioner Sullivan addressed Item b stating that stated although minutes are accurate regarding the resolution supporting 100% renewable energy he would like them to reflect his strong belief that the city should move forward with the resolution now.

Commissioner Cooper revised her motion to exclude Items b and c; seconded by Commissioner Weaver.

Motion made by Commissioner Sullivan to amend the minutes adding a sentence on Page 1 under his comments stating "Commissioner Sullivan further stated that he felt it is important that we pass the resolution for 100% renewable energy as soon as possible." seconded by Commissioner Cooper.

Item 9c: Commissioner Weaver asked for clarification on Items 1 and 2. Mr. Knight advised that these are renewal of contracts for services on an as-needed basis with project costs budgeted separately.

Motion made by Commissioner Weaver to approve Item 9c; seconded by Commissioner Cooper. There were no public comments.

Motion to approve Item 9a and 9d carried unanimously with a 5-0 vote.

Motion to approve Items 9b as amended carried unanimously with a 5-0 vote.

Motion to approve Item 9c carried unanimously with a 5-0 vote.

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

David Williams, 209 Tyree Lane, spoke about loss of trees and the detrimental impact of the hospital campus on the tree canopy, safety and traffic in the neighborhood.

Robb Lauzon, 1309 Seneca Falls, Orlando, said he is leading a group of students at UCF researching civic engagement in Winter Park and invited everyone to participate through interviews being conducted at Rollins College.

Mayor Anderson declared a recess at 5:14 p.m. and reconvened the meeting at 5:25 p.m.

10) Action Items Requiring Discussion

a. Funding for Ideal Women's Club Roof Replacement

Commissioner Weaver stated that the Woman's Club has not received any revenue during the pandemic which resulted in its loss of insurance. Estimates for the roof are just under $20k but do not include the cost to repair wood rot and drywall. He requested ARPA funding to cover the cost of the roof and make related repairs.

Motion made by Commissioner Weaver to approve one-time ARPA funding of $25,000 for the roof repair; seconded by Mayor Anderson.

At the suggestion of Commissioner Sullivan, the **motion was amended by Commissioner Weaver to read "up to $25,000"; seconded by Mayor Anderson.**

Mayor Anderson noted that this organization would have qualified under the city's recent grant program to support non-profits with ARPA funding and that this essentially a continuance of that program with a late entrant. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

b. Swoope Property Notice-to-Dispose (NOD) Responses

Mr. Knight reviewed criteria of the NOD and said the two responses to NOD would meet the city needs.

Mayor Anderson summarized his understanding of the proposals to use the land for an expansion of existing buildings, facilities or parking and direction to staff is needed to proceed with negotiations.

Mr. Knight responded to questions clarifying that the offers, $800k and $750k, were for nearly the same portion of the one-acre site and that 8-10 parking spaces are needed for city maintenance staff.

Commissioner Weaver expressed his concern regarding emergency vehicle access and opposed parking spaces near the well head for environmental reasons. He disclosed that he spoke with Elevation representatives.

Commissioner Sullivan said he spoke with Chris King, Ben Friedman and Stuart Heaton from Elevation Financial and Tom Saltmarsh. He asked for clarification on Elevation's proposal to use eight parking spaces on city-owned land rather than including this land as part of the land swap/purchase.

Commissioner Cooper said she feels a new maintenance facility does not reach the extraordinary level of public benefit needed for her to support loss of land in the CBD. She believes that the land value is underestimated due to its location and proximity to the golf course and that comparable land sales in the area which would support a higher value. She suggested that considering an alternate location for the maintenance building; shared parking, drainage, access and circulation; and maintaining current zoning with 45% FAR and two-stories.

Commissioner Weaver said he feels there is a public benefit with enhanced revenue from the new columbarium at Palm Cemetery and the close proximity of the maintenance facility to Central Park. He feels the land is more valuable than the cash offer of either proposal.

Commissioner Cooper spoke about the sale of the Embarq parking lot property and said she feels more can be done together than individually but this is a good starting place for parties to work together toward a mutual benefit.

Mayor Anderson said that because this is a unique parcel of land, he feels a diversified parking strategy among all long-term users would be better than carving it up it into individual parcels. He viewed this as an opportunity for a public/private partnership to optimize this parcel. He spoke on the land value (approximately $2.5M based on offers), which may not be accurate for property with limited access. He asked how the value was derived. Mr. Knight stated that the land value is based on an appraisal done in 2019. Discussion followed on factors that would affect the appraisal – frontage on the golf course and New York Avenue and limited accessibility.

Mayor Anderson spoke about the building height of the Seventh Generation Building which is two-stories over parking. He noted that the total building height is more comparable to a two-story building under current guidelines, which would be an 18 to 24-foot first story and 14-foot second floor. He said he would prefer to see a master plan for entire site (3 acres including Embarq property) with a diversified parking strategy and 45% FAR per city code.

Commissioner Cooper said she feels the only question is the maximum height of the building noting that the building height around Central Park is two stories but the code allows 2-3 stories.

Commissioner Sullivan said that there are opportunities for either proposal but clarity is needed on some aspects of the proposals. Commissioner DeCiccio agreed.

Tom Saltmarsh, Seventh Generation, spoke on the valuation and their offer. He said as a city resident he would not recommend accepting less than value and said they would stand back to get an updated appraisal with interest in further discussions on any plan.

Ben Friedman, director of Public Affairs for Elevation, noted their desire to relocate to Winter Park and said he feels their proposal meets city needs and goals. He spoke on valuation of property and said the terms are equal to or better than their terms for Embarq property. He responded to Commissioner Sullivan's question regarding parking stating that the city required access to the pump house so their proposal did not include that land and added that adjustments can be made if city needs less parking. He expressed a willingness to continue toward good faith solution.

In response to questions by Mayor Anderson, Attorney Ardaman said that the commission may negotiate and discuss aspects of the proposal with any person.

Mayor Anderson disclosed that he spoke with both parties prior to the NOD process. He suggested obtaining an updated appraisal, negotiating with both parties and expressing a preference for 3-acre solution (treat the whole triangle as a solution in and of itself) paying particular attention to the building height as it approaches the golf course.

Discussion followed on maximum building height at the golf course and setbacks from the golf course property line and fairway.

Motion made by Mayor Anderson to direct staff to obtain an updated appraisal and distribute to both proposers; to continue discussions with both proposers; express a preference, not a mandate, for a holistic solution for all four parcels (including Embarq); and a maximum of two stories over parking along the north edge of the Seventh Generation building with a maximum height of 40 feet; seconded by Commissioner Weaver.

After discussion on building height and stories, **Mayor Anderson revised his motion to express the maximum height in feet (40 feet) without reference to number of stories**. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

Mayor Anderson declared a recess at 6:58 p.m. and reconvened the meeting at 7:14 p.m.

c. Funding for brick street leveling and canal dredging

Mr. Knight stated that these two projects are on the Commission's list of projects for ARPA funding and ready to move forward. He noted that other projects slated for ARPA funding will come to the commission as projects are ready to begin and said staff is comfortable that these projects qualify for ARPA funding.

Troy Attaway, Director of Public Works, outlined current and proposed bricking projects with priority on higher volume streets and stated the unit price contract will determine how much work can be done. He said canal dredging will begin in January as it is the best time to close the canals. He added that replenishment of the Dinky Dock beach can be included as part of the dredging project.

Motion made by Commissioner Sullivan to approve the use of allocated ARPA funds for projects as presented; seconded by Commissioner Weaver. There were no public comments.

Mayor Anderson suggested a work session for prioritization of projects funded by the pending infrastructure bill.

Motion carried unanimously with a 5-0 vote.

11) Public Hearings

a. ORDINANCE 3224-21 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL

IMPROVEMENT PLAN FOR FISCAL YEAR 2020 - 2021 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title.

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

b. ORDINANCE 3225-21 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 58-89 OF THE CITY CODE CONCERNING ZONING CHANGES AND AMENDMENTS; ADDING A SUBSECTION CONCERNING SUPERSEDING CLAUSES WITHIN ZONING CODE TEXT AMENDMENTS; CLARIFYING PROVISIONS RELATING TO PERSONS WHO MAY MAKE APPLICATIONS FOR ZONING TEXT AND MAP AMENDMENTS; PROVIDING FOR CODIFICATION, SEVERABLITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance on second reading; seconded by Commissioner DeCiccio.

Mr. Ardaman responded to questions and discussion followed on the purpose and application of this ordinance. There were no public comments.

Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

c. Request of Z Properties for: Approval to enlarge and maintain city-owned retention pond located behind 341 N. Pennsylvania Avenue and to route stormwater retention for previously approved office building located at 301 N. Pennsylvania Avenue to the city-owned retention area. **Continued to December 8, 2021 City Commission per staff.**

Bronce Stephenson, Director of Planning and Transportation, staff is requesting a continuance to December 8th to further review the proposal and stormwater requirements and provide original agreements and ordinances.

Motion made by Commissioner Weaver to continue this request to December 8th; seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

d. Ordinance - Establishing Multi-Modal Transportation Impact Fee (1st Reading)

Attorney Ardaman read the ordinance by title.

Mayor Anderson said he discussed this with Mr. Stephenson who explained that the fees differ based on the use. He had asked whether a classification can be adjusted to a lower fee structure if it is an intentional act of incentivizing that class and staff replied yes, but it is better to do it as a class rather than on an individual basis. Mayor Anderson asked whether fees apply to city, county or state educational facilities.

Cliff Tate, Kimley-Horn, explained the factors that are considered when developing fees for educational facilities.

City Attorney Dan Langley explained that Section 59-6(c) exempts essential public services such as public and charter schools but does not exempt private schools and doesn't address colleges; however, that language could be clarified further. He addressed Mayor Anderson's question about discounting fees for specific users and advised that state statute requires many factors to be considered when adopting an impact fee. He outlined three factors that could lead to a challenge of the fee if it is not fairly applied over all classifications and only one classification is allowed to be discounted. He cited case law about waiving impact fees after they are established for a particular project where the city would have to pay the difference between the discounted fee and established fee.

Mayor Anderson said an alternative to discounting fees may be an economic development incentive that may attract businesses.

Commissioner Weaver said he is not in favor of offering discounts on mobility fees and that costs should not be passed on through property taxes. He noted that some targeted businesses are non-profits that do not pay property taxes.

Commissioner Sullivan agreed but he can see where a business might provide so much public benefit that it may be beneficial to give a discount for a special segment of businesses.

Commissioner Cooper expressed her concern regarding inter-mingling multi-modal fees with impact fees.

Mr. Tate explained Orange County's different levels of impact fees and gave a presentation on methodology, application of fees, legal requirements for calculation and use of fees.

Mr. Langley, responding to Commissioner Cooper, advised that public notice must be given 90 days prior to the effective date of the ordinances. Notice, including the rates, was published on September 28th and if the ordinance is adopted on December 8th with an effective date of January 1, 2022, the 90-day requirement is met.

Mr. Tate continued his presentation on legal requirements for increasing fees, calculations of impact fees, local government comparison by unit fee, and collections. Mr. Tate responded to questions followed by discussion of fees, discounting, eligible projects and use of impact fees.

Commissioner Cooper requested a list of items that are clearly fundable. Mayor Anderson said he feels the list should focus on the gray areas such as bicycles, under or overpasses and circulators and suggested that commissioners submit gray area items to Mr. Stephenson and Mr. Ardaman to provide clarity. Commissioner Weaver suggested adding safety improvements to the list.

Mr. Stephenson reviewed the square-footage based fees for increase in size of single-family homes. Commissioner Weaver suggested the fees be based on the number of bedrooms added. Discussion followed on feasibility of calculating fees based on number of bedrooms or square footage increase.

Commissioner Cooper asked to be provided with other local agency fees.

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

e. Ordinance - Amending Land Development Code creating language for the Orange Avenue Overlay (1st Reading)

Attorney Ardaman read the ordinance by title.

The following amendments to the ordinance as presented by the Planning and Zoning Board were discussed.

- Page 3, Item (a), Location and Boundaries. Commissioner Cooper recommended retaining the language to identify the boundaries using tax parcel identification numbers. (Agreed by consensus.)
- Page 8-9, Item i(h), Landscaping Requirements. Commissioner Cooper suggested keeping the language stricken by Planning and Zoning Board relating to shade trees and distance between. Commissioner DeCiccio disagreed and discussion followed on factors that may impact the location and distance between trees. Commissioner Weaver suggested changing the language to read "maximum of 50' between trees." Mayor Anderson supported keeping the language and relying on the variance process for adjustments.
- Page 9, Item (2), Block Configuration/Lot Standards Circulation – Commissioner Cooper suggested deleting in Subparagraph (a) "of Orange Avenue" so the requirements are not limited to just Orange Avenue. In Subparagraph (b), she suggested changing "where applicable" to "where possible" and in Subparagraph (d), delete the last and put in the appropriate section (Architectural Standards). (Agreed by consensus)

- Page 15, Item (3), Facades, last sentence regarding murals – Commissioner Weaver suggested deleting this clause because a mural is an adequate break-up. He clarified that he is not opposed to murals, only their use in place of articulation. (Agreed by consensus)
- Page 16, Item (c), Facades – Commissioner Cooper spoke about building length and visual impact and suggested keeping the deleted language. She believes the intent is to set a maximum building length of 300 feet and a 20-foot separation between long buildings. Discussion followed on length of blocks on Park Avenue and long buildings with façade treatments.

Commissioner Weaver said he feels it important to have the impact fee ordinance in place before adoption of the OAO ordinances and **made the motion to table first reading to the December 8th meeting; seconded by Commissioner DeCiccio.**

Discussion was held on the impact to the schedule, adoption and effective date of the OAO ordinances and the impact fee ordinance, which was scheduled for simultaneous adoption on December 8th.

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

Mayor Anderson declared a recess at 9:39 p.m. and reconvened the meeting at 9:45 p.m.

Mayor Anderson noted the consensus for Façade language on Page 16 shall read "No building shall exceed more than 300 feet of horizontal length on any street facing façade" and asking the attorney to add a provision that states there will be a 20-foot separation between extraordinarily long facades.

- Page 19, Item (10), Appearance Review – Mayor Anderson noted that deleting "of buildings over 10,000 square feet" as recommended by Commissioner Cooper would then require appearance review for external renovation of all buildings. Commissioner DeCiccio said she feels requiring appearance review for all projects is onerous to smaller business and discussion followed on impact and requirements for small businesses which are less than those for large projects. Consensus was to delete the language as suggested.
- Page 25, Item 3, Public Hearings for Conditional Uses – Commissioner Cooper suggested deleting "new construction" which would require two public hearings before the commission for all projects greater than 10,000 s.f. Discussion was held on public hearing requirements for conditional use requests on different sized projects. Consensus was to delete "new construction."
- Page 27, Item (q), Contribution to Transportation and Mobility Infrastructure. Commissioner Cooper suggested leaving this provision in the ordinance but may require minor revisions. Mr. Stephenson suggested that the language may not need to

specifically mention the OAO. Mayor Anderson noted the gap between the effective date of the mobility fee, which is during the waiting period prior to the effective date of the OAO ordinances (31 days after adoption). Consensus was to keep this section with revisions to be considered at second reading.

- Page 30, Subarea A, Item 3(c) - Commissioner Cooper pointed out that there are no Subarea A properties west of Denning Drive and suggested deleting "(west of Denning Drive)". Agreed by consensus.
- Page 31, Subarea B, Item 6, Setbacks, Commissioner Cooper noted that minimum rear setback in the last sentence conflicts with Item 6(b). After discussion, it was agreed that that the language be revised to show the rear setback is 35 feet.
- Page 32, Subarea C, Item (3)(a) – Commissioner Cooper spoke about parking garage levels based on the FAR and suggested allowing a parking garage with three stories (four levels). Commissioner DeCiccio stressed the need for a parking garage at Progress Point and lengthy discussion followed on parking needs, potential height and FAR. After discussion, agreement was reached to change to 3 stories/4 levels with height to be determined at second reading.
- Page 33, Subarea D – Commissioner Cooper suggested changing the minimum setback along Orlando Avenue to 50 feet from P & Z's 20-foot recommendation. She spoke about setbacks and viewshed to maintain openness of intersections in Subarea D and suggested adding the language in Subareas I and C regarding Intersection and Open Space Viewshed to Subarea D. Agreement was reached to change the minimum setback to 50 feet and to further discuss setbacks and viewshed at second reading.
- Page 36, Subarea G, Item (7)(a)(6) – Commissioner Cooper suggested removing the language related to workforce house due its proximity to MLK Park. Consensus was to remove workforce housing language added by P & Z Board.
- Page 19, Item 10, Appearance Review – Commissioner Cooper addressed the requirements for architectural review and presented amendments. After discussion, consensus was reached to add language clarifying external elevation drawing requirements for different sized buildings, consider adding language for smaller (less than 3,000 s.f.) and have staff look further at sidewalk design utilization (Page 24) and setbacks (Page 4, Figure 4).
- Page 7, Item (d)(7), Commissioner Sullivan suggested reinstating this provision regarding vehicle sales showroom deleted by P & Z. Mr. Stephenson stated this provision could present the possibility for car dealerships in certain locations. There was no consensus to reinsert.
- Workforce Housing, all subareas – Commissioner Sullivan suggested changing the 10% FAR increase to 20% (when used exclusively for workforce housing. Approved by consensus.
- Page 30, Item (a)(3) Commissioner Weaver spoke about stormwater treatment issues and solutions and said he would like to delete 10 c.f. and require "one inch over the

impervious total if redeveloped beyond a certain point to be determined." Mr. Stephenson noted that it would have to address those properties that cannot physically meet the requirement. Commissioner Weaver said he would be open to allowing variances. Agreement was for Commissioner Weaver to work with staff to develop alternate language.

- Page 18, Item (7) - Solar panels – Commissioner Weaver said he would like to limit the height that solar panels can extend above the roof to six feet. Agreed by consensus.
- Page 20 - Commissioner Weaver expressed concern about the lack of easements for the Palmetto extension and center turn lane and said he would like to remove Subareas D and J from the OAO until the lawsuits are dropped or easements are granted for Palmetto. Mr. Stephenson advised that staff has been working with property owners on property for Palmetto. Commissioner Sullivan suggested leaving the subareas in the OAO with same entitlements.
- Page 21, Subparagraph (4), Off-street Parking Access Design – Commissioner Weaver felt it was important to define " busier streets." Consensus was to delete "on busier streets" without naming streets.
- Page 32, Subarea C, Item (7) – Commissioner Weaver asked for clarification on the need for zero front setback on Orange Avenue. Commissioner Cooper cited language on Page 12 establishing the build-to line as the greater of either the setback or the sidewalk requirement, which she feels takes care of the zero setback.
- Page 34, Subarea D, Item (c) Road Realignment – Commissioner Weaver suggested changing "right-of-way may be considered" to "shall be considered." Mr. Stephenson advised that he spoke with property owner about the benefits of realignment and is something the city wants to pursue. Consensus was to change to "shall be considered."
- Page 35, Subarea E and Page 36, Subarea G - Commissioner Weaver suggested adding "Stormwater treatment must meet or exceed St. John's Water Management District standards for any redevelopment." Mr. Stephenson stated this is a requirement of redevelopment.
- Page 38, Subarea J, Item (a)(5), Setbacks - Commissioner Weaver suggested reinstating "landscape" and changing it to read "pervious or landscape buffer" (third line). After discussion, consensus was to change the language.

Mayor Anderson stated that at 2nd reading he will bring up boutique hotels where he feels some limited food service should be allowed without a conditional use. He commented on view of solar panels from the street which was limited to no more than 30% of façade, which was changed to be at the discretion of the Planning and Zoning Board and City Commission.

Commissioner Cooper pointed out that Subarea K on Page 26 needs to be deleted since there is no longer a Subarea K.

Commissioner Sullivan addressed the Enhancement Menu (Page 41), S.1, Solar Panels. He suggested changing it to read "…solar panels and supporting structure are exempt from FAR as long as the roof is otherwise exempt from FAR" instead of listing the conditions for exemption, which could change and require amending the ordinance.

There were no public comments.

Motion made by Mayor Anderson to approve the zoning ordinance on first reading recognizing that amendments will be made; seconded by Commissioner Cooper.

Motion made by Mayor Anderson to amend Section 58-83(3)(1)a of the ordinance to maintain the original parcel list (reinstating language "… is identified by tax parcel identification number on Exhibit "A" as attached to the ordinance"); seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Pages 8-9, Item h, Landscaping Requirements to reinstate language deleted by Planning and Zoning Board; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, Cooper and Weaver and Mayor Anderson voted yes. Commissioner DeCiccio voted no. Motion carried with a 4-1 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 9, Item i(2)(a) deleting the application to only Orange Avenue (amend language to read "…within pedestrian oriented street frontages."); Item (2)(b) changing "where applicable" to "where possible" and after Item (2)(d) deleting the sentence beginning "Existing buildings…"; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 15, Item (3), Facades, deleting the last sentence ("Murals shall be allowed to contribute toward façade breakup."); seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 16, Item (c), revise to read "No building shall exceed more than 300 feet of horizontal length on any street facing facade." and to include language from Director of Planning and Transportation to the effect that there will be 20-foot breaks between very long buildings. (Commissioner Weaver noted that the word "street-facing façade" should be "street-facing frontage" and **motion was revised to read "street facing frontage"); seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan,**

DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 19, Item (10), deleting "of buildings over 10,000 square feet"; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, Cooper and Weaver and Mayor Anderson voted yes. Commissioner DeCiccio voted no. Motion carried with a 4-1 vote.

Motion made by Mayor Anderson to amend the ordinance, page 25, Item (3), deleting "new construction" from the last sentence; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 27, Item (q), reinstate Contribution to Transportation and Mobility Infrastructure language (deleted by P&Z) with revisions by staff and counsel (for consideration at second reading); seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 30, Subarea A, Item (c)(3) deleting "west of Denning Drive"; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 31, Subarea B, Item 6, changing the minimum rear setback from a minimum of 10 feet to a minimum of 35 feet; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 32, Subarea C, changing the parking structure to reflect 3 stories/4 levels at 44 feet acknowledging that that the Comp Plan will need to be modified at second reading; seconded by Commissioner Sullivan. Discussion was held on the calculation of height based on stories and levels. **Mayor Anderson amended the motion to state 4 levels of parking and 35 feet to the parapet top; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

Motion made by Mayor Anderson to amend the ordinance, Page 33, Subarea D, to change the setback along Orlando Avenue to 50 feet; seconded by Commissioner

Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Mayor Anderson noted that language regarding viewshed to evaluate setbacks from intersections will be drafted and presented discussed at second reading.

Motion made by Mayor Anderson to amend the ordinance, Page 36, Subarea G, Item (7)(a)(6) deleting the workforce housing language (added by P&Z Board); seconded by Commissioner Cooper. Upon a roll call vote, Commissioners DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Commissioner Sullivan voted no. Motion carried with a 4-1 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 19, adding:

- **"External elevations of new and renovated buildings of over 10,000 s.f. gross building area visible from the public realm shall provide context drawing to scale, showing the surrounding buildings, trees and other significant feature that inform the scale, materiality and form of the proposed structure."**
- **"External elevations of new and renovated buildings of over 10,000 s.f. gross building area visible from the public real shall provide a detailed architecturally rendered façade for review by the Orange Avenue Overlay Appearance Review Board."**

Motion seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Mayor Anderson noted that staff will review Commissioner Cooper's recommendation to amend Sidewalk Design and Utilization by changing the reference to landscape buffer to planting area with tree islands.

Motion made by Mayor Anderson to amend the ordinance, changing the workforce incentive from 20% to 10% for the FAR bonus; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Commissioner Sullivan voted no. Motion carried with a 4-1 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 19, Item 9, reducing the height of rooftop solar panels from ten feet to six feet; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Mayor Anderson noted that Commissioner Weaver and staff will present an alternative to the 10 c.f. for Subarea A properties at second reading.

Motion made by Mayor Anderson to amend the ordinance, Page 21, Item (4), deleting "onto busier streets"; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the ordinance, Page 34; Item 10(c), changing "…right-of-way may be considered…" to "…shall be considered…" seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted yes. Commissioner Cooper voted no. Motion carried with a 4-1 vote.

Motion made by Mayor Anderson to amend the ordinance, changing "landscape buffer" to "landscape and pervious buffer"; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion (as amended), Commissioners Sullivan, DeCiccio, Cooper and Mayor Anderson voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

12) Commission Reports

Commissioner Sullivan –

- Wished everyone Happy Veteran's Day.

Commissioner DeCiccio -

- Spoke about the State of the City address hosted by the Chamber of Commerce and said it should not be a money-making opportunity. It is time for the city to host the event and should be open to all residents and businesses without cost. Commissioner Sullivan supported the idea.

Mayor Anderson questioned whether modifying the event would be feasible. He noted that he has accepted the invitation from a co-sponsor to speak at the event.

Commissioner Weaver supported the idea. He spoke on lack of participation in government and that some folks cannot afford the ticket. He expressed his appreciation for the Chamber's sponsorship but feels it is a good time to make the change and it will stimulate activity with residents.

Commissioner Cooper supported having an event for residents; however, she feels the city cannot afford to serve meals for everyone and suggested having a separate event for residents.

Commissioner DeCiccio suggested serving light refreshments at a second event for residents in 2022 and the city hosting the event in 2023.

After further discussion, Mr. Knight said staff will look at available dates and options for hosting a second event in 2022.

- Asked for support to revisit the ordinance to allow sale of alcohol on Sunday beginning at 9:00 a.m. Consensus was to place of upcoming agenda. Commissioner Cooper opposed the change.
- Asked that food be provided for late meetings.

Commissioner Cooper -
- Suggested implementation of a system to track complaints or questions from residents. Mr. Knight stated that the public can submit items via the @your request platform on the website, which tracks requests and is monitored by his staff.
- Asked about the commission's participation in the Christmas parade. Consensus was to have the commission participate as a group rather than ride in separate vehicles.

Commissioner Weaver -
- Thanked the commission for their support for phasing out gas leaf blowers. Asked for support to put the ordinance on the next agenda. Approved by consensus.
- Asked for a work session to discuss the Sustainability Action Plan. Mayor Anderson noted that part of the previous discussion included the need for a feasibility study. After discussion, consensus was to schedule a work session.
- Asked that discussion on the new Director of Natural Resources position be placed on the next agenda. Approved by consensus.

Mayor Anderson -
- Asked that Commission priorities be placed on the next agenda to discuss additions and changes for next nine months. Approved by consensus
- Spoke about the redevelopment of the West Fairbanks corridor and the possibility of looking at the corridor as anew CRA or an extension of existing CRA. He noted that a joint work session with the Planning and Zoning Board is scheduled for next week to discuss strategic direction for corridor. He asked whether public comment should be allowed. Discussion followed on whether and how to determine when public comment would be appropriate at work sessions.

13) Summary of Meeting Actions

- Staff to prepare parking options for the Library and Event Center.
- Place scope for urban design services on the next agenda.
- Confirmed appointment of Gary Hiatt as Director of Building and Permitting Services.
- Commissioner Sullivan made appointment to the OAO Architectural Review Board.
- Approved the Consent Agenda.

- Approved up to $25k of ARPA funds for Ideal Woman's Club roof replacement and related costs.
- Directed staff to continue negotiations on Swoope NOD proposals with an updated appraisal, preference for unified solution for all four properties, maximum height of 40 feet and two stories over parking.
- Approved ARPA funding for brick leveling, dredging of canals and Dinky Dock.
- Adopted ordinance adopting FY 21 budget amendments.
- Adopted ordinance amending Section 58-89, zoning changes and amendments.
- Approved ordinance on multi-modal impact fee on first reading. Staff to provide additional fee comparisons.
- Approved ordinance on OAO zoning text amendments on first reading.
- Directed staff to develop a plan for doing a second State of the City address.
- Bring back discussion of changing hours for Sunday sale of alcohol.
- Provide food at future commission meetings.
- Have one vehicle for commission at Christmas Parade
- Place leaf blower ordnance on next agenda.
- Schedule work session for Sustainability Action Plan and research cost of feasibility study.
- Place discussion of Director of Natural Resources position on the next agenda.

14) Adjournment

The meeting adjourned at 12:46 a.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis