



City Commission Regular Meeting Minutes

November 9, 2022 at 3:30 p.m.

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

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada, and Todd Weaver; City Manager Randy Knight; City Attorney Kurt Ardaman and Deputy City Clerk Kim Breland.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:40 p.m.

2) Invocation

The invocation was given by City Manager Randy Knight, followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor Report

Mayor Anderson thanked staff for applying lessons learned from Hurricane Ian to prepare for Tropical Storm Nicole. The Emergency Operation Center will be opening at 7:00 p.m. this evening. Ponds have been drained, lake levels have been lowered where the city has control and staff will be monitoring the chain of lakes where the city does not have control.

5) City Manager Report

a. Donation of art from The Pizzuti Companies

Mr. Knight stated that the Pizzuti Family and Pizzuti Solutions LLC has donated a painting titled "Preliminary Study for To Be A Drum – When They Took The Drums Away" by Aminah Robinson. At the recommendation of the Public Art Advisory Board, the artwork will be displayed at the Library.

James Russell of The Pizzuti Companies spoke about the company's involvement in the development of the Winter Park Library project and said the art is being donated as part of their tradition to gift art for their projects. He provided Ms. Robinson's biography and said the artwork is one of the illustrations from the book "To Be A Drum". He spoke

about the company's efforts to find this piece of art for the community and to show young people the inspiration behind Ms. Robinson's work.

b. City Manager's Report

Mr. Knight provided information on the community meeting for Hannibal Square residents to receive guidance and assistance from FEMA following recent storm events.

6) City Attorney Report

Mr. Ardaman advised that the property exchange with Elevation Plaza is scheduled to close next month.

7) Non-Action Items

- a. Appointment to Keep Winter Park Beautiful and Sustainability Advisory Board - Mayor Anderson

Mayor Anderson appointed Laura Gustafson-Heller to the Keep Winter Park Beautiful and Sustainable Advisory Board.

8) Public Comments | 5 p.m. or soon thereafter (taken after Commission Reports)

9) Consent Agenda

- a. Approve the minutes of the regular meeting, October 26, 2022
- b. Approve the following formal solicitations:
1. Glass Protection Specialists of Florida, LLC - RFP24-22 - Window Tinting Services for City Facilities; Amount: \$150,000
 2. Dix.Hite + Partners, Inc. - RFQ30-22 - Professional Landscape Architectural Services
 3. GAI Consultants, Inc. - RFQ30-22 - Professional Landscape Architectural Services
 4. LandDesign, Inc. - RFQ30-22 - Professional Landscape Architectural Services
 5. Borrelli + Partners, Inc. - RFQ31-22 - Professional Architectural Services
 6. KMF Architects - RFQ31-22 - Professional Architectural Services
 7. Zyscovich, LLC - RFQ31-22 - Professional Architectural Services
- c. Approve the following piggyback contracts:
1. Asphalt Paving Systems, Inc. - Sumter County Contract #032- 0-2021/RS - Pavement Maintenance and Rehabilitation Continuing Services; For services on an as-needed basis during the term of the Agreement through October 12, 2023; Amount: \$150,000.
 2. Ten-8 Fire Equipment Co. - Lake County Contract #22-730K - Fire Equipment, Supplies, & Services; For goods and services on an as-needed

basis during the term of the Agreement through July 31, 2023; Amount: \$200,000.

d. Approve the following contracts:

1. Paymentus Corp. - Renewal of FY20-75 - Payment Management & Processing Services; Amount: \$350,000 for services on an as needed basis during the term of the Agreement.
2. AGH Management, LLC - IFB5-22 - Athletic Field Maintenance & Laserfield Leveling; Amount: \$125,000 for additional services on an as needed basis.

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

10) Action Items Requiring Discussion

a. Assignment of Exchange Agreement - Elevation Plaza

Attorney Ardaman stated that with the commission's approval this transfers assignment of the exchange agreement from Elevation Plaza, LLC to its development entity, Elevation Fortis IV, LLC. In response to questions, Mr. Ardaman stated Mr. Chris King is the manager of both entities.

Motion made by Commissioner Sullivan to approve the Assignment of Agreement with Elevation Plaza; seconded by Commissioner Weaver. 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.**

- b. First amendment to the memorandum of understanding between Rollins College and the City of Winter Park for the use of the old library parking lot as a staging and materials storage area.

Mr. Knight stated this amendment extends to April 30, 2023 Rollins' use of the parking lot at the old library as a staging area for the Alford project due to construction delays. This extension has been accepted by the proposer for redevelopment of the library.

Motion made by Mayor Anderson to approve the amendment; seconded by Commissioner DeCiccio. 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.**

c. Final Design Approval of Progress Point Park

Director of Parks and Recreation Jason Seeley reviewed the design revisions including: the realignment of the multi-use path, increased space and landscaping in the restroom area, removal of brick sidewalks and addition of accents, removal of spray play elements

and increased size of the trellis on Orange Avenue. He responded to questions stating that the project is in budget at this time and in anticipation of design approval, staff has begun the process to secure pricing for supplies in an effort to keep costs down.

Commissioner Sullivan spoke in favor of moving forward on this plan. He gave an update on the potential purchase of the Bank of the Ozarks property. The Trust for Public Land is continuing to negotiate the purchase; however, because of the short time frame, the city would be required to have the funds available within the next two months. Although he supports continued negotiations, he believes the purchase is unlikely to go through and feels the city should move forward with the park design and plan as presented.

Commissioner DeCiccio opposed funding restrooms on the property since an RFP will be released at some point for development which will include a restroom.

Mr. Seeley reviewed the development timeline for sod installation, permitting and procurement process, Palmetto Avenue construction and utility realignment, structures/fountain, hardscape, landscape and site amenities with planned opening for January 2024.

Commissioner Weaver expressed concern about the aesthetics and safety issues of the on-street parking on the west side of Denning. He asked if the curb could be moved out or not be striped to prevent people from parking there (eliminate on street parking).

Commissioner DeCiccio suggested adding planters as a way to prevent children from running into the street. Mr. Seeley said the architect could create a border with lighted bollards and planting in the area.

Mayor Anderson said he is comfortable moving forward with design as presented but would like to have time to discuss removal of the parking at the December commission meeting.

Motion made by Commissioner DeCiccio to amend the final park design to remove the restrooms; seconded by Commissioner Weaver. (Withdrawn after discussion.)

Motion made by Commission Weaver to amend the design to remove the potential for parking along Denning; seconded by Commissioner DeCiccio for discussion. (Withdrawn)

Motion made by Commissioner Weaver to approve the final park design with amendments; seconded by Commissioner Sullivan.

In response to questions, Mr. Seeley stated that any significant changes to the design will lead to a lag in the timeline. Commissioner Cruzada expressed concern that changes to the design will affect cost and material orders. Discussion followed on the impact of changes to the timeline/completion.

Scott Weber, ACi Architects, explained that the restroom is the main hub for all of the infrastructure coming on to the site including electric panels, solar and any future undergrounding for future plumbing services. He suggested getting the permits for the construction so it is permitted and priced and the commission can decide later if it should be built. He stated that a structure could be built in that area of the park to house the infrastructure in lieu of a bathroom.

Commissioner DeCiccio withdrew her motion to exclude the restroom.

Mayor Anderson stated that he is not prepared to vote on removing the parking along Denning Drive at this time but is open to further discussion at the December meeting. Discussion followed on the feasibility of delaying a decision on the removal of on-street parking. Commissioner Weaver said he could support delaying a decision on the parking to the next meeting.

Mayor Anderson suggested withdrawing the amendment to remove the parking as there is consensus to discuss the topic further at the next commission meeting which would prevent approval of the park design.

Discussion was held on Denning Drive parking and the impact of the removal on the park design and the potential to expand the park to include the parking spaces, if removed.

Commission Weaver withdrew his amendment. Under Commissioner Weaver's report, consensus was place discussion of Denning Drive parking on the December meeting agenda.

Motion made by Commissioner Weaver to approve the final design for Progress Point Park (amendments were withdrawn); seconded by Commissioner Sullivan.

There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

11) Public Hearings: Quasi-Judicial Matters

12) Public Hearings: Non-Quasi-Judicial Matters

- a. RESOLUTION 2265-22 - A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ACCEPTING FOR PUBLIC PURPOSES THE DONATION AND CONVEYANCE OF LAND FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

Attorney Ardaman read resolution by title.

Mr. Knight explained that he conveyed to FDOT the city's interest in using this property a fire station and FDOT responded stating they would convey the property to the city for

public purpose. This resolution is required by FDOT for the city to accept the property. He explained the property is at 665 Wymore Road, in the general area the city was considering for a new fire station and large enough at approximately two acres to accommodate a fire training facility.

Motion made by Commissioner Weaver to adopt the resolution; seconded by Commissioner DeCiccio. 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.**

- b. ORDINANCE 3257-22 - AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2021 - 2022 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance; seconded by Commissioner DeCiccio. 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.**

- c. Ordinance 3258-22 – Amending Chapter 58, “Land Development Code”, Article III, “Zoning Regulations” Sections 58-61 through 58-71, collectively, the residential zoning code provisions, and Section 58-95 “Definitions” providing for updates, simplification, and modernization to the current regulations (2nd Reading)

This item was heard after Commission Reports.

13) City Commission Reports

Commissioner Weaver -

- Noted that the elevator at the Heritage Center has not been working for some time but has learned that it will be repaired after Tropical Storm Nicole has passed.
- Thanked staff for removing the overhead lights in the Commission Chamber.
- Expressed concern about the tent/structure at the corner of New York and Morse. Mr. Seeley explained that the Cows and Calves event is scheduled for this weekend and the structure is hurricane rated up to 75 miles per hour. Winds are not expected to reach 75 miles an hour, but if that changes the structure would be taken down.
- Requested consensus to discuss the parking along Denning at Progress Point Park at the December 14th commission meeting. Agreed by consensus.

Commissioner Cruzada – No report

Commissioner DeCiccio -

- Presented a request made on behalf of Orange County residents with a 32792 zip code to be annexed into the city and asked that it be added to the annexation work session discussion on December 15th.

In response to questions, Mr. Knight stated that electric services for that area provided by Duke and sewer services are provided by the city. He noted that the location is not part of the comp plan related to annexation, but is contiguous to the city.

Consensus was to add the location to the Annexation work session discussion. Staff will poll the Commission for availability to reschedule the work session for November 30 and December 7 or 8.

Commissioner Sullivan-

- Noted that the League of Women Voters President Gloria Picard is very pleased to hold their events at the events center and commended staff for their support.

Mayor Anderson – no report

A recess was held from 4:32 to 5:00 p.m.

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

There were no public comments.

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

- d. ORDINANCE 3258-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE” , ARTICLE III, “ZONING REGULATIONS” SECTIONS 58-61 THROUGH 58-71, COLLECTIVELY, THE RESIDENTIAL ZONING CODE PROVISIONS, AND SECTION 58-95 “DEFINITIONS” PROVIDING FOR UPDATES, SIMPLIFICATION, AND MODERNIZATION TO THE CURRENT REGULATIONS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title

Mr. Harbilas reviewed the changes per feedback at 10/26 meeting:

- Removed strike-through related to cluster home development and subsequent appearance review procedures Sec. 58-66 (e)2.
- Removed strike-through related to R-2 abutting single-family Sec. 58-66 (f)(6).
- Kept flat room height provision.
- Clarified language related to qualifying structures for front setback determinations

- Defined existing home: means the principal, habitable structure, that exists on a residentially zoned property, which has been permitted, inspected and received a Certificate of Occupancy.
- Added language relating to Front yard setbacks that was not included in the advertised ordinance but agreed to by the City Attorney: "In the case of measuring the setback from existing or most recently demolished home, the setback calculation shall be measured to a permitted structure that received a Certificate of Occupancy."

Mayor Anderson addressed concerns from developer Michael Lahr regarding FAR calculations and said staff's recommendation is for lots 12,500 sq. ft or larger, the allowable FAR is the greater of 35% or 5,000 sq. ft. This smooths out the transition from the higher FAR to the lower FAR for bigger lots and results in square footages that are the same under the current code for 12,500+ square foot lots.

Motion made by Mayor Anderson to amend the ordinance motion to state the FAR for lots over 12,500 sq. ft. shall be "5,000 sq. ft or 35%, whichever is greater"; seconded by Commissioner Weaver.

Motion made by Mayor Anderson to approve the ordinance; seconded by Commissioner DeCiccio

Motion made by Mayor Anderson to amend the motion to add language regarding Front Setbacks: "In the case of measuring the setback from existing or most recently demolished home, the setback calculation shall be measured to a permitted structure that received a Certificate of Occupancy"; seconded by Commissioner Weaver.

Commissioner Weaver asked if there could be legal challenges to the changes to the FAR calculations. Attorney Ardaman explained that a challenge would require proof that there is no reasonable use of the property. He stated that the majority of the properties that could fall into this category already have structures on them and are being reasonably used.

Developer and President of the Master Builders Council Jeff Schnellmann, 1352 Lake Baldwin Lane, Orlando, commended the city on its effort to simplify the code and stated that the changes will make it easier for developers. He noted that the Greater Orlando Builders Association and Master Custom Builders Council, whose members build a lot of homes in Winter Park, were not informed about the changes in advance. He noted that he spoke with Director of Planning Jeff Briggs about his concerns related to a home on Sylvan Avenue and asked what the setbacks would be if the house was demolished and replaced. Mr. Briggs said the Board of Adjustments would be directed to revert back to existing code. Mayor Anderson explained that in those rare circumstances, the commission's intent is to ensure homes are in line with other homes.

Upon a roll call vote the amendment relating to FAR for 12,500 sq. ft lots, Commissioners Sullivan, DeCiccio, Cruzada, and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote the amendment relating to the front setbacks, Commissioners Sullivan, DeCiccio, Cruzada, and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion with amendments, Commissioners Sullivan, DeCiccio, Cruzada, and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

14) Summary of Meeting Actions

- Approved the Consent Agenda.
- Received a donation of art for the Winter Park Public Library from the Pizzuti Family.
- Received appointment to the Keep Winter Park Beautiful and Sustainable Board.
- Approved the Assignment of Exchange Agreement with Elevation Plaza, LLC.
- Extended the parking lot agreement with Rollins College through April 2023
- Approved the Progress Point Park design and agreed to revisit Denning Drive parking in the December meeting.
- Approved resolution to accept the property at 665 Wymore from FDOT.
- Adopted ordinance amending FY22 Budget.
- Adopted ordinance on zoning regulations with amendments.
- Add discussion for potential annexation of some Winter Pines areas to the annexation work session.
- Canvass the Commission for availability for a date to reschedule the Annexation work session (November 30, December 7 or 8)

15) Adjournment

The meeting adjourned at 5:29 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis