



City Commission Regular Meeting Minutes

October 28, 2020 at 3:30 p.m.

Virtual Meeting

Present

Mayor Steve Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Rene Cranis

1) Meeting Called to Order

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

2) Invocation

Tee Rogers, Celebrant and Humanist, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor's Report

5) City Manager's Report

a. Economic Recovery Task Force Presentation

Drew Madsen, Economic Development Task Force member, provided details on programs that have been implemented with a recommendation to use street bollards instead of police presence at intersections. He presented the concept of a Festival and Entertainment District and outlined recommendations for street closures allowing on street dining and open containers on the weekends in designated areas. He asked for authorization to move forward with closing Park Avenue through April (one weekend per month), \$150,000 for street bollards, and a resolution supporting a pilot program for Festival and Entertainment District.

Commissioner Weaver suggested Christmas themed windows in vacant storefronts. He opposed open containers and street closures as he feels increased attendance will

increase the risk of spreading COVID and expressed concerns about the entertainment district due to the proximity to residential areas and Rollins.

Commissioner Cooper opposed allowing open containers and supported bollards (better designed and retractable) and street closures with advanced scheduling and notice.

Bronce Stephenson, Director of Planning and Transportation, explained the improved technology and design of bollards which requires minimal effort to install, set up and maintain and can be designed to meet city standards.

Commissioner Sullivan supported the street closure but would like more information and suggested that staff draft a resolution based on this discussion and bring back to Commission. He said he would consider open containers but would like more data on the impact from COVID.

Commissioner DeCiccio supported bollards and street closures and allowing open containers as she feels it will be effective for businesses for the holidays, bollards and street closures.

Mayor Leary spoke in support of bollards but would like to see design options, and supported a regular schedule for street closures and open containers on a temporary basis with the option to stop if issues arise. He asked for an update on past actions.

Mr. Knight advised that the Commission approved a single vendor spending limit of \$50,000 and that the city has spent about \$91,000 of the \$500,000 of CRA designated funding. Staff will present recommendations to the CRA Agency to authorize purchase of bollards.

Motion made by Commissioner Weaver to table until a CRA Agency meeting; seconded by Commissioner Cooper.

Mr. Knight advised that the financial decisions are a CRA matter but the resolution on open containers is a Commission decision which can be presented at the next meeting.

Upon a roll call vote on the motion to table, Commissioner Weaver voted yes and Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted no. Motion failed with a 1-4 vote.

After additional discussion, consensus was reached as follows:

- Move forward with the task force recommendation with additional research of bollards and schedule a CRA Agency meeting to consider funding the purchase of the bollards.

- Approve the street closures on Park Avenue once a month from November through April with the Task Force and staff to determine including the Hannibal Square area.
- Bring the resolution on open containers back to Commission on November 11th.

Mr. Knight advised that the Governor has not extended executive order and staff has prepared for in-person meetings to begin November 1st and will continue to offer and encourage virtual participation.

Commissioner Cooper commented on individual meetings with Aci and LandDesign to discuss Progress Point and asked for a work session where presentations can be made and discussed in a public forum. After discussion on Progress Point property, consensus was to schedule a work session for November 5th at 2:00 p.m.

Commissioner Cooper reminded staff of her request to ensure the ordinance relating to prohibiting development on or adjacent to Central Park is codified. Mr. Knight advised that staff is reviewing the code for ordinances not codified and for conflicts with State law.

Commissioner Cooper asked that the preliminary drawings of 17-92 improvements be shared with the Commission when they are made available by FDOT. Approved by consensus.

Commissioner Cooper asked that the city attorney meet with the city's transportation consultant to develop recommendations on cost sharing for the OAO such as mobility or impact fees that could be implemented before or in conjunction with the OAO.

6) City Attorney's Report

Attorney Ardaman provided an update on the City of Pensacola arbor litigation, on the city's OAO pending litigation, and Gaines Way lift station matter.

7) Non-Action Items

8) Citizen Comments - 5 p.m. or soon thereafter

9) Consent Agenda

- a. Approve the minutes of work session, October 8, 2020
- b. Approve the minutes of the regular meeting, October 14, 2020
- c. Approve the minutes of the work session, October 15, 2020
- d. Approve the purchase of new playground equipment for Phelps Park, Kompan, Inc; not to exceed \$168,514.66; OMNIA Contract # 2017001135
- e. Approve the following Piggyback contracts:
 1. KMG Fence - City of Orlando - IFB20-0418 - Fence Repair, Replacement and Installation; \$75,000 per year. Contract through October 4, 2023;

2. United Rentals, Inc. - Sourcewell - 062320 - Equipment Rental with Related Services; \$75,000 per year. Contract through August 27, 2024.
- f. Approve the following contracts:
 1. Gasto USA, Inc. - RFP13-09 - Red Light Safety Enforcement Program; Add \$109,034.24 in additional funds for contract term.

Motion made by Mayor Leary to approve the Consent Agenda; seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.**

10) Action Items Requiring Discussion

a. Municipal Facilities Single Use Plastics Policy

Vanessa Balta, Sustainability Planner, reviewed the provisions of the single-use products policy which prohibits use or sale of single-use plastics by city staff or contracted vendors on city properties unless authorized or by exemption. She responded to questions regarding product materials and alternatives. She noted that although vendors were not surveyed about this policy, city staff and applicable city boards supported the policy.

Mr. Knight advised that the resolution would be sufficient to allow staff to enforce the policy on city property. Attorney Ardaman said the city is within its authority to enforce the policy.

Extensive discussion was held on the types of products and materials and policy provisions applicable to outside vendors. Consensus was for staff to contact vendors to determine their cost impact.

Motion made by Mayor Leary to approve the policy as presented; seconded by Commissioner Cooper.

Motion made by Mayor Leary to amend the policy to remove requirements for vendors; seconded by Commissioner Cooper.

There were no public comments.

Motion made by Commissioner Cooper to amend the policy to implement as a one-year pilot program; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners DeCiccio and Cooper voted yes and Commissioners Sullivan and Weaver voted no. Motion carried with a 3-2 vote.

Upon a roll call vote on the motion to amend the policy to remove requirements for vendors, Mayor Leary and Commissioner Cooper voted yes and Commissioners Sullivan, DeCiccio and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the main motion as amended (adding one-year trial period) Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Mayor Leary called for a recess at 6:00 and reconvened the meeting at 6:20 p.m.

- b. Discussion of adding a charter ballot question concerning allowing the requirement for supermajority votes in certain circumstances.

Mr. Knight stated that supermajority vote was brought up at recent work session and said he provided by e-mail some background information.

Commissioner Cooper supported a charter amendment that provides the City Commission the opportunity to require supermajority vote by ordinances on certain situations. Commissioner Weaver agreed.

Mayor Leary pointed out that this would allow future commissions to change supermajority requirements which he feels could be problematic. He said he feels simple majority is not perfect, but it has worked. Commissioner DeCiccio agreed.

Commissioner Weaver said he feels the voters should decide to allow supermajority votes and for the Commission to require supermajority vote in certain situations.

Commissioner Sullivan opposed supermajority vote due to the difficulty in specifically defining what would require a supermajority vote.

There was no consensus to pursue a charter amendment to provide for supermajority votes.

11) Public Hearings

- a. Request of the City of Winter Park for: An Ordinance Amending Article IV "Sign Regulations" Providing for Revised Regulations Relating to Temporary Signage. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs reviewed the changes regarding temporary signs to allow signs up to four square feet and up to a total of 12 square feet on three signs (election, temporary or real estate) per street frontage. He commented on constitutional law that requires local governments to make provisions for free expression signs under the First Amendment.

He responded to questions stating that the city cannot restrict content of temporary signs and must remove the 45-day pre-election timeline for placement of signs.

Mr. Ardaman advised that limiting a sign's content and limiting properties to one sign is problematic and advised against limiting the time frame for putting out election signs due to the risk of being legally challenged.

Motion made by Mayor Leary to approve the ordinance on first reading; seconded by Commissioner DeCiccio.

Mr. Briggs responded to questions and advised that there is deadline for removal of temporary signs after an event and that the city has the authority to remove signs from vacant properties and use code enforcement procedures to enforce violations on private property and potentially impose fines. Further discussion ensued on provisions.

Motion made by Commissioner Cooper to amend the motion to reinstate the 45-day pre-election time line. Motion failed for lack of second.

There were no public comments.

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

- b. Request of the City of Winter Park for: An Ordinance Amending Article IV "Sign Regulations" Providing for Revised Regulations Relating to Definitions; Modifications for Signage in certain Zoning locations; and Clarifying the types of permitted and prohibited signs. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs reviewed changes and showed renderings of different types of signs. He responded to questions stating that staff reviews the plans to ensure adequate visibility at intersections and that the code provides for enforcement of landscaping that obstruct view.

Motion made by Commissioner Cooper to approve the ordinance on first reading.

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

- c. Resolution - Authorizing the Mayor to execute agreement with FDOT for the relocation of water and wastewater utilities as part of the State Road 434 widening and resurfacing project (Financial Project ID 239422-1-52-01).

Attorney Ardaman read the resolution by title.

Mr. Knight reviewed requirements in the agreement. Jason Riegler, Assistant Director of Water and Wastewater Utilities stated the work will be done at the city's expense of approximately \$1.2 million.

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

12) City Commission Reports

Commissioner Sullivan:

- Commented on the success of the electric landscape demonstration at Mead Garden and staff's support of the use of electric equipment.
- Asked that public hearing notices be e-mailed to all commissioners. Approved by consensus.
- Thanked the League of Women Voters and city staff for their efforts to collect and recycle campaign signs.
- Commented on COVID data that shows an increase in cases beginning in October. He expressed his concern that the governor will require in-person meetings on November 1st and although he believes most boards want to meet in person, he suggested postponing in-person meetings for an additional month and continue to allow public participation virtually.

Mr. Knight advised that the charter requires that a quorum be physically present and allows commissioners to participate virtually at least three times each calendar year.

Mr. Ardaman explained that quorum requirements are in the Charter and is consistent with state law. The Commission is bound by both the charter and state law and noncompliance puts Commission decisions at risk.

Commissioner Sullivan asked that the city does not abide by governor's decision if he does not extend the executive order.

Commissioner Cooper said she would like more legal input before supporting Commissioner Sullivan's request because she feels that nobody should be forced to attend a public meeting if it is a risk to their health. She asked that the attorney research and identify any alternatives.

Mr. Ardaman advised that there are arguments that can be made and will provide those to the Commission.

Discussion followed on staff's proposal for in-person meetings with virtual public participation.

Commissioner Weaver said he will not be attending the meeting and suggested that Commission meetings be canceled for the rest of the year. Mr. Knight noted that the charter requires the Commission to have one meeting each month.

Commissioner DeCiccio

- Asked that discussion on reinstatement of the Affordable Housing linkage fee be placed on the next agenda.

Commissioner Cooper said she could support once there is plan for how the funds would be spent and recalled a report prepared by staff several years ago. Mayor Leary agreed that a plan is needed and added that this should be looked at from a regional perspective.

After discussion, consensus for staff to research and provide information on a plan.

- Asked that that staff provide a list of infrastructure improvements including poor internet, roads, drainage, and parks improvements, with the potential of issuing a bond to fund improvements. Approved by consensus.

Commissioner Cooper

- Asked for a strategic planning session to discuss short and long-term needs after the list of infrastructure improvements is provided.

Commissioner Weaver

- Urged the city to make the transition to battery-operated equipment sooner than later because of reduced noise level and pollution and lower maintenance costs.

Mayor Leary

- Reminded everyone of the topping off ceremony for the library and events center on Friday.
- Commented on the large number of elections signs on the Library property and asked whether they can be removed.

After discussion on past practice allowing the signs and the timing of the election, there was no consensus to have the signs removed.

13) Summary of Meeting Actions

- Approved street closure once a month through April.
- Bring resolution on the entertaining district

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- Gather information from other cities as it relates to the spread of COVID at these events.
- Bring back options for Bollards
- Schedule work session to discuss Progress Point and ACi report for November 5th at 2:00
- Provide FDOT drawings for 17-92
- Bring back the resolution on single use plastics policy for a one-year trial period.
- Approved both sign ordinances on first reading.
- Approved resolution authorizing Mayor to sign the FDOT agreement.
- Provide public hearing notices to the Commission.
- Prepare a presentation on Affordable Housing Program.
- Provide a list of infrastructure needs for discussion at next meeting.

The meeting adjourned at 8:01 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis