City Commission Regular Meeting Minutes

October 26, 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 (virtual); City Manager Randy Knight; City Attorney Kurt Ardaman and City Clerk Rene Cranis.

1) Meeting Called to Order

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

2) Invocation

The invocation was given by Pastor John Evans, Action Church, followed by the pledge of allegiance.

3) Approval of Agenda

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

4) Mayor Report

a. Proclamation for Week of the Family

Mayor Anderson welcomed Elizabeth Rahter, her son Ashton, and Victoria Laney. He presented a proclamation declaring Week of the Family, November 5-12, 2022. Mrs. Rahter outlined the week's programs and events and thanked the city for its support.

Mayor Anderson thanked staff and volunteers for their work after Hurricane Ian.

5) City Manager Report

Mr. Knight gave an update on debris removal from Hurricane Ian. Staff making a second pass through the neighborhoods to ensure any remaining debris has been picked up.

6) City Attorney Report

7) Non-Action Items

a. Presentation: FDOT Vision/Target Zero - Loreen Bobo

Loreen Bobo, District Five Safety Administrator for FDOT Department of Safety, provided data on traffic accidents with the biggest issues being speeding, distractive driving and failure to wear a seat belt. She explained the department's function, responsibilities, goals and programs and techniques toward achieving those goals. She spoke about the project to improve conditions on S.R. 426 from Park Avenue to Lakemont Avenue, which will include extensive public and agency involvement over the next few years with an anticipated completion date in FY 2027. She reviewed events and communications to increase and encourage safety awareness.

Ms. Bobo responded to questions regarding the S.R. 426 project and discussion followed on opportunities to accelerate the project, possible interim improvements, funding (including the one cent sales tax on the November ballot). She provided additional information on communications with bicycle and pedestrian groups that participate in their efforts.

Mayor Anderson reviewed the city's efforts and commitment to improve safety and thanked the members of the Fix 426 group for bringing this to the forefront.

8) Public Comments | 5 p.m. or soon thereafter (taken after Item 10)

9) Consent Agenda

a. Approve the minutes of the regular meeting, October 6, 2022
b. Approve the minutes of the regular meeting, October 12, 2022
c. Approve the following formal solicitations:
    1. Abbott Printing Company, Inc. - RFP28-22 - Printing and Mailing Services; Amount: $150,000
    2. CJ's Sales and Service Inc. - IFB29-22 - Water Treatment Plant Generator Replacement; Amount: $149,000
d. Approve the following piggyback contracts:
    1. Ingenium Power and Sport, LLC - Sourcewell Contract #031121-GNR - Grounds Maintenance Equipment; for goods on an as-needed basis during the term of the Agreement through April 30, 2025; Amount: $225,000.
    2. Vermeer Manufacturing Company - Sourcewell Contract #110421-VRM - Public Utility Equipment; for goods on an as-needed basis during the term of the Agreement through December 27, 2025; Amount: $300,000.
    3. Alan Jay Fleet Sales - Sourcewell Contract #091521-NAF - Cars, Trucks, Vans, SUVs, Cab Chassis, & Other Vehicles; for goods on an as-needed basis during the term of the Agreement through November 08, 2025; Amount: $150,000.
    4. Atlantic Pipe Services LLC - City of Orlando Contract #IFB22-0161 - Sanitary Sewer Lining and Manhole Rehabilitation; for services on an as-needed basis during the term of the Agreement through July 17, 2025; Amount: $1,250,000.
    5. Fifth Asset, Inc dba DebtBook - Region 14 Education Service Center/NCPA Contract #14-03; Debt and Lease Management Software and Consulting Services; for services on an as-needed basis during the term of the Agreement through July 31, 2024; Amount: $75,000.
    6. Axon Enterprise, Inc. - OMNIA Partners Contract #151089 - Body Cameras for PD; for goods on an as-needed basis during the term of the Agreement through February 15, 2028; Amount: $1,000,000.

7. USIC Holdings, Inc. d/b/a USIC Locating Services, LLC - OUC Contract #5038OQ - Underground Facilities Line Locating Services; for services on an as-needed basis during the term of the Agreement through December 17, 2024; Amount: $75,000.

e. Approve the following contracts:
   1. Graef-USA, Inc. - Renewal of RFQ19-18 - Professional Structural Engineering Consulting; Amount: $125,000 for services on an as needed basis during the term of the Agreement.
   2. Irvine Mechanical, Inc. - Renewal of IFB19-19C - HVAC Installation, Repair & Replacement Services; Amount: $300,000 for services on an as needed basis during the term of the Agreement.
   3. Novoaglobal, Inc. - FY23-1 - Red Light Safety and Speeding Enforcement Program; Amount: $2,200,000 for services on an as needed basis during the term of the Agreement through October 27, 2027.
   4. Sternberg Lanterns (Landreth) - SS23-27 - Decorative Streetlighting; Amount: $200,000 for goods on an as needed basis during FY23.
   5. Florida Fish and Wildlife Conservation Commission - FY23-2 - Aquatic Vegetation Control Services for City Eligible Water Bodies; for services on an as needed basis during the term of the Agreement through February 28, 2025.
   6. Thomson Reuters-West - FY23-3 - CLEAR Services; Amount: $75,000 for services on an as needed basis during the term of the Agreement through October 30, 2025.

f. Authorize the annual financial allocation to Habitat for Humanity of Winter Park/Maitland, Inc.

Commissioner Sullivan asked to remove items b and f.

Motion made by Commissioner Sullivan to approve the Consent Agenda except Items b and f; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

Item 9b: Mr. Knight clarified that the official asking price for the Bank of the Ozarks property is $7.5M (as stated in the minutes).

Item 9f: Commissioner Sullivan said the proposed zoning amendments (FAR) will not allow a single-story house to be built on the property at 715 Douglas Avenue which is being purchased with this allocation of funding. (Zoning amendments were addressed Public Hearing Item c.)

Motion made by Commissioner Sullivan to approve Items b and e; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

10) Action Items Requiring Discussion

a. Review of 5/25 Year Capital Plan

Mayor Anderson stated this review is largely due to a citizen-lead effort to identify additional parkland for the city. He feels the commission’s consideration will require review of all of the priorities and funding sources. He believes the discussion will focus on budgeting and possible authority to move ahead in some manner, but it is not a commitment to spend funds or execute a contract.

Division Director of OMB Peter Moore reviewed prior discussions and the list of unfunded project priorities in five years as of the last commission meeting totaling approximately $7m. Additional projects identified by the commission increased to total to approximately $26m. He reviewed general reserve balance and other potential funding sources including sale or lease of old library building, ARPA funds, special assessments, transportation sales tax if approved, grants and CRA funds.

Mayor Anderson noted that $1.8m is designated for parks acquisition or improvements such as purchase of the Bank of the Ozarks property for parkland, Howell Branch Preserve and restroom at Progress Point.

Mr. Moore responded to questions stating the $1.8m is after $1m previously allocated for Progress Point. He explained the statutes regarding use of CRA funds before the CRA ends in 2027 and discussion followed on the rules for allocating funds before the end of CRA and spending limitations after the end of the CRA. Mr. Moore noted that discussion on potential expansion or extension of the CRA will be on the November 9th agenda.

Commissioner DeCiccio said the first step is to decide whether to purchase the Ozark property before deciding on the $1.8m.

Mayor Anderson said the question is whether the city is interested in participating with the citizen-led initiative to purchase of the property for parkland. He said he feels this may be one of the things he would like to do but is tempered by the size of the commitment.

Commissioner Cruzada said he is interested in purchasing the property but would like to explore funding sources.

Staff responded to questions on available and allowed use of specific funds and discussion followed funding sources to purchase the property.

Commissioner Sullivan said the purchase of the property could be funded from lease revenue or sale of the old library property.

Commissioner Weaver said he understands that the Trust for Public Land cannot participate in the purchase if the price is over fair market value and recommended obtaining an appraisal. He suggested the city could ask Bank of the Ozarks to finance the purchase at a lower interest rate. He said he feels this property is an ideal location for stormwater treatment and management as well as greenspace, bike path connector to Mead Garden or potential roundabout.

Commissioner DeCiccio suggested the following funding scenario based on a purchase price of $6.5m and provided the appraisal is acceptable: $1m from Winter Park Land Trust, $1.5-2m from Public Land Trust, $1.8m from Park Acquisition Fund and reallocating $2.3m from Progress Point improvements. She feels the old Library should not be considered. She said if the property is purchased, the entire area would need to be redesigned. In the meantime, she would like irrigation and sod on the Progress Point property so make it useable.

Director of Parks and Recreation Jason Seeley said although sod would make it better, research would be needed to make sure the park meets ADA and other requirements without sidewalks.

Mayor Anderson agreed that greenspace is needed at Progress Point. He clarified that Progress Point improvements will be unfunded if funds are reallocated to purchase the Ozarks property. Funds may then have to be reallocated from other prioritized projects to fund Progress Point improvements. Discussion followed on potential funding sources, i.e. reallocation of ARPA funds.

Commissioner DeCiccio said she feels the question is whether give Mr. Knight the authority to work with Public Land Trust to negotiate if they can negotiate the purchase price and also to raise funds toward the purchase. If the Public Land Trust cannot raise the funds, the city may not be able to purchase the property.

Mayor Anderson opposed reallocating funds from and deferring Progress Point improvements since a funding source will need to be identified for the deferred improvements.

Commissioner Weaver agreed with Commissioner DeCiccio and said if the property is acquired, Progress Point could be redesigned to reduce costs. He suggested that a portion of Progress Point funding could be reallocated rather than the full amount.

Commissioner Sullivan presented two revenue options: if the city purchases this property, require developers of property on Orange Avenue to purchase stormwater treatment rights or a land lease on a portion of the property.

Additional discussion was held on projects, priorities and funding sources.

Commissioner DeCiccio suggested using $250k of unallocated ARPA funds for Howell Branch Preserve project.

Mr. Moore clarified that there is $1.4m in allocated ARPA funds that could be reallocated and $326k that has not been allocated.

Commissioner DeCiccio suggested that staff work with Trust for Public Land to begin negotiations toward a lower price and raise funds. Mr. Knight advised that the city could match private donations.

Commissioner Weaver said he would like an appraisal in hand before voting on allocating funds or purchase, which is part of Trust for Public Land's process.

Sally Flynn,1400 Highland Road, spoke in support of the purchase and urged the commission to take some action tonight toward the purchase of the Ozarks property under certain circumstances. Mayor Anderson noted that the commission's allocation of fund shows its commitment to the purchase.

Bob Bendick, 1211 Oxford Road, spoke about value of the purchase due its location and multi-purpose use which will revitalize the area.

Pat McDonald, 2348 Summerfield Road, supported the city's purchase of this property.

Steve Goldman, 2009 Venetian Way, gave the background and purpose of Winter Park Land Trust and Trust for Public Land. He said he anticipates private donations of approximately $1M. He feels this purchase is important for the future of Winter Park and a good investment for the city.

Brad Blum, 1169 Lakeview Drive, said this is a one-time opportunity and should be a high priority. It will benefit residents and Orange Avenue businesses. He expressed concern about potential development and impact if it is not purchased by the city.

Mayor Anderson spoke about the decision to develop Progress Point Park and the commission's commitment to develop park space.

Motion made by Commissioner DeCiccio to allow the City Manager to work with Trust for Public Land to negotiate with Bank of the Ozarks and to allow Trust for Public Land to begin raising money to help purchase the property; allocate $1.4m from ARPA funds and $1.8m from the Parks Acquisition Fund toward the purchase and move forward with the appraisal if it cannot be accomplished in a timely manner by the Trust for Public Land; seconded by Commissioner Weaver.

Motion made by Commissioner DeCiccio to allocate $250k from unallocated ARPA funds to the Howell Branch Preserve project; seconded by Commissioner Weaver.

Motion made by Mayor Anderson to amend the motion to create a visioning committee with three members of the commission, three from the Parks and Recreation Advisory Board and three residents; seconded by Commissioner DeCiccio.

Upon a roll call vote on the amendment, 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 as amended, Commissioners Sullivan, DeCiccio, Cruzada and Weaver voted yes and Mayor Anderson voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the motion to allocate $250k to the Howell Branch Road project, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote. (Vote was taken after Public Comments.)

Commissioner Weaver volunteered to serve on the committee. Commissioner DeCiccio recommended that Fire Chief Hagedorn be part of the meetings.

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

Jacqueline Foster, 327 Orange Avenue, Longwood, suggested digital sidewalk signs. Mayor Anderson asked that staff contact Ms. Foster.

A recess was held from 5:26 p.m. to 5:40 p.m.

11) Public Hearings: Quasi-Judicial Matters

a. Request of the City of Winter Park and Elevation Plaza LLC for:
   - ORDINANCE 3254-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, " LAND DEVELOPMENT CODE", ARTICLE I,

COMPREHENSIVE PLAN" TO AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OFFICE ON A PORTION OF THE PROPERTY AT 631 N. NEW YORK AVENUE AND TO CHANGE FROM OFFICE TO INSTITUTIONAL ON A PORTION OF THE PROPERTY AT 507 N. NEW YORK AVENUE AS PART OF A SWAP OF PROPERTIES.

- ORDINANCE 3255- 22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, " LAND DEVELOPMENT CODE", ARTICLE III, " ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM PUBLIC, QUASI- PUBLIC (PQP) ZONING TO OFFICE (0- 1) ZONING ON A PORTION OF THE PROPERTY AT 631 N. NEW YORK AVENUE AND TO CHANGE FROM OFFICE (0- 1) TO PUBLIC, QUASI- PUBLIC (PQP) ON A PORTION OF THE PROPERTY AT 507 N. NEW YORK AVENUE AS PART OF A SWAP OF PROPERTIES.(2nd reading)

Attorney Ardaman read the ordinances by title. A simultaneous public hearing was held on these ordinances.

Motion made by Commissioner Weaver to adopt the ordinances; seconded by Commissioner DeCiccio. There were no public comments.

Upon a roll vote on the motion to adopt the zoning ordinance, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll vote on the motion to adopt the comp plan ordinance, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

b. Ordinance - Amending adopted FY22 Budget (1st Reading)

Attorney Ardaman read the ordinance by title.

Mr. Moore advised this ordinance follows prior practice to consolidate all budget amendments throughout the year into one ordinance at the end of the fiscal year.

There were no public comments.

Motion made by Commissioner Weaver to approve the ordinance; seconded by Commissioner DeCiccio. Upon a roll vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

c. Ordinance 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. (1st Reading)

Attorney Ardaman read the ordinance by title.

Senior Planner John Harbilas explained current and proposed review process and of application of setback regulations and the current and proposed regulations on building height, attics, side setbacks, corner lot setbacks, floor area ratio, front setbacks (20% of lot depth or setback of the existing or most current demolished home, whichever is greater). He reviewed staff's proposal to address the impact of the changes, which is proposed to take effect January 1, 2023. The Planning and Zoning Board recommended approval.

Mayor Anderson spoke about the basis and need for simplification of the code and commended staff on their work. He recommended moving forward with the document as presented in the packet but leave the 28' height limit for flat roof structures.

Commissioner Sullivan stated Habitat for Humanity homes that are typically built on a 50' x 70' lot and the allowable footprint for one-story house would allow a 31% FAR. He said setbacks do not allow the structure to meeting minimum FAR of 40% and suggested different setbacks for smaller lots. Mr. Harbilas reviewed city code regarding setbacks for smaller lots and discussion followed on impact of FAR and setbacks on smaller lots and calculation of allowable square footage.

Mayor Anderson suggested looking at scenarios that show the size of homes allowed on attainable housing and affordable housing lots.

Motion made by Commissioner Weaver to approve the ordinance leaving the maximum height of 28 feet for flat roofs; seconded by Mayor Anderson.

Motion made by Mayor Anderson to amend Item e(2) on Page 44 of the ordinance to read "Townhomes/Cluster Housing" and reinstate deleted text, and amend Item (6) on Page 51 to reinstate deleted language; seconded by Commissioner Weaver.

Paul Mandelkern, 653 Selkirk Drive, addressed the language on Page 42, Section (6)a, Front yard setback and its application to the vacant lot at 654 Selkirk since the house that was recently demolished had a smaller front setback the original house. He expressed his concern to staff who proposed clarifying that setbacks will be determined by the most recent house that received a Certificate of Occupancy. Mr. Harbilas noted that the language will be included for second reading.

Mike Lahr, M. Lahr Homes, said although he appreciates the simplification of the language, it appears there is a goal to decrease FAR which will adversely impact the allowed size of homes.

Mayor Anderson said the intent was to simplify the code and to capture unpermitted square footage and suggested Mr. Lahr e-mail different scenarios to the commission.

Monarcha Marcet was called to speak, Total Solutions Group, said she appreciates the need for simplification and asked for a copy of staff's presentation and clarification on calculation of building height measurement.

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

12) Public Hearings: Non-Quasi -Judicial Matters

a. ORDINANCE 3256-22: **AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS TO MODIFY THE MEMBERSHIP REQUIREMENTS OF THE KEEP WINTER PARK BEAUTIFUL AND SUSTAINABLE ADVISORY BOARD; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.** (2nd reading)

Attorney Ardaman read the ordinance by title.

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

13) City Commission Reports

Commissioner Sullivan - no report

Commissioner DeCiccio -
- Addressed about the peacocks on streets and asked that the number for Florida Fish and Wildlife Commission be made available to provide to callers to the Police Department.
- Announced that Park Avenue is part of Main Street USA.

Commissioner Cruzada - no report

Commissioner Weaver -
- Asked to put review of backyard chicken ordinance on next agenda due to end of pilot program. Agreed by consensus.

Mayor Anderson -
- Expressed his pleasure in serving with the members of this commission.

14) Summary of Meeting Actions

- Presented Proclamation for Week of the Family
- Received presentation from Lorena Bobo, FDOT
- Approved the Consent Agenda.
- Authorized staff to work with Trust for Public Land to obtain an appraisal and a contingent contract to purchase the Bank of the Ozarks property with funding of $1.8m from Parks Acquisition Fund, $1.4m from ARPA funds and remaining from the Land Trust and Trust for Public Land fundraising.
- Approved establishing park visioning task force with three members of the Commission, three Parks and Recreation Advisory Board members and three residents.

- Approved $250k from ARPA funds for Howell Branch project.
- Adopted zoning and comp plan ordinances for properties on N. New York Avenue.
- Approved ordinance amending FY 22 budget on first reading.
- Approved ordinance amending to single-family zoning regulations on first reading
- Adopted ordinance amending member requirements to allow a non-resident member on the Keep Winter Park Beautiful and Sustainability Advisory Board.
- Have phone numbers of FWC and animal control at the Call Center for peacock complaints.
- Place backyard chicken ordinance on next agenda.

15) Adjournment

The meeting adjourned at 6:38 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis