City Commission
Regular Meeting Minutes

October 13, 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 and Todd Weaver; City Manager Randy Knight; City Attorney Dan Langley; City Clerk Rene Cranis

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:39 p.m.

2) Invocation

Pastor Weaver Blondin, Mt. Moriah Missionary Baptist Church, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor Report

a. Presentation by Florida City County Management Association recognizing the City's 70th anniversary of adopting the commission/city manager form of government

Al Butler, Florida City and County Management Association District III Director, presented the City with a plaque commemorating its 70th anniversary of the adoption of the city manager form of government.

Mayor Anderson:

- Thanked the Police and Fire Departments for hosting National Night Out last week.
- Thanked the Chamber of Commerce for organizing the Autumn Art Festival.
- Noted that Polasek Museum's Winter Park Paint Out festival is this week.
- Spoke about long-standing partnerships with other organizations including the Winter Park Public Library.

5) City Manager Report

- The Certificate of Occupancy has been issued for the Library and Event Center and the grand opening is scheduled for December 10th.

- Received a request from the developer of the property on the south side of Fairbanks near I-4 for work session to discuss the proposed development. (Addressed prior to City Commission Reports)
- Commissioner DeCiccio commented on residents' request for an interactive fountain at Progress Point and asked if this could be put back in project since funding has been allocated. Jason Seeley, Director of Parks and Recreation responded to questions provided details on the proposal for a water feature at Shady Park, MLK Park and/or Progress Point. After discussion on the water feature cost and locations, consensus was to have staff provide a recommendation as to the best location for discussion at the next meeting.
- Commissioner DeCiccio spoke on traffic issues at Denning and Fairbanks and at Morse Blvd and 17-92, which feels will worsen when the Library and Event Center opens. Staff reported that roadway design has begun and that they have reached out to FDOT regarding turn lanes at 17-92 and Morse Blvd. At the request of Commissioner Weaver, staff will contact FDOT to ensure safe turning radius from Denning to Fairbanks.
- Commissioner Cooper asked about the Sunrail safety mitigation project. Staff reported that it was time to resubmit.
- Commissioner Cooper asked for more details on items in the report.
- Commissioner Sullivan asked about the status of the work at Dinky Dock and with the completion of Rollins construction project, it should be moved to active status working toward completion of parking and dredging.

6) City Attorney Report

a. Discussion of Demetree/Holler request for meeting on OAO.

This was discussed prior to City Commission Reports.

7) Non-Action Items

a. Report of appointments to the Lake Killarney Advisory Board

The following appointments were made: William Voecks (Sullivan); Jeanne Wall (DeCiccio); Joyce Cunningham (Weaver); John Mitchell and David Dickerson (Mayor). Mayor Anderson and Commissioner Cooper will make remaining two appointments in the next meeting.

8) Public Comments | 5 p.m. or soon thereafter (heard after Public Hearing c)

9) Consent Agenda

a. Approve the minutes of the Planning and Zoning Board joint work session of September 15, 2021
b. Approve the minutes of the regular meeting, September 22, 2021

c. Approve the following piggyback contract
   1. Hubbard Construction Company - Seminole County Contract #IFB-603616-19/BJC - Pavement Management Program Services; For services on an as-needed basis during the term of the Agreement, contract term through December 25, 2022; Amount: $925,000.

Motion made by Commissioner DeCiccio to approve the Consent Agenda; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

10) Action Items Requiring Discussion

a. Tanglewood Canal Interlocal Agreement

Don Marcotte, Assistant Director of Public Works, reviewed the proposed plans and interim improvements that have been made but additional work is needed to complete the project. The estimated cost in 2018 was slightly over $1M and will be split equally with Seminole County. In response to questions, Mr. Marcotte stated that the cost will likely change but the agreement allows for adjustments to the scope and for phasing if needed. Discussion followed on the scope of the project, potential reduction of the scope and re-allocating additional funds if it becomes necessary.

Motion made by Commissioner Cooper to approve the Interlocal agreement with the understanding that if the cost exceeds the estimate that this come back to the Commission for reallocation of funds; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

b. Increase minimum wage for FT positions to $15

Mr. Knight stated staff is recommending increasing the minimum wage for full-time positions to $15/hour in an effort to address current hiring challenges. He reviewed the financial impact and funding sources.

Assistant City Manager Michelle del Valle provided details on pay adjustments, new hires, hiring difficulties and upcoming job fairs where applicants can be interviewed and receive a conditional offer. Mayor Anderson asked for a monthly report on vacancies and hiring.

Motion made by Commissioner Sullivan to approve staff's recommendation to increase minimum wage for full-time positions to $15 per hour; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

11) Public Hearings

a. RESOLUTION 2251-21 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1115 N. KENTUCKY AVENUE, WINTERPARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTERPARK REGISTER OF HISTORIC PLACES.

Attorney Langley read the resolution by title.

Jeff Briggs, Principal Planner, reviewed the request which received a positive recommendation from the Historic Preservation Board.

Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner Cooper. 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. RESOLUTION 2252-21 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1565 ORANGE AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Langley read the resolution by title.

Jeff Briggs, Principal Planner, reviewed the request which received a positive recommendation from the Historic Preservation Board.

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

Jason Shapiro, applicant, expressed his commitment to historic preservation and desire for grant funding. He stated that before making application for historic designation, he replaced the roof, and requested retroactive approval of a grant for reimbursement of the partial cost of the roof.

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

Mr. Briggs spoke on the matching grant program which assists homeowners with the cost of repairs to the exterior of home with a lifetime grant maximum of $25k. In this case, the roof replacement cost was approximately $47,000 and was completed approximately 3-4 months prior to making application for historic designation. The application was submitted with knowledge of grant program and the intent of requesting retroactive reimbursement.

Commissioner Cooper expressed her concern about setting a precedent; however, she could consider this request if the applicant applied for national designation or if funds were used for further exterior improvements. She also expressed concern about "leap frogging over" other grant applicants.

Mr. Briggs advised that there is no waiting list for this year's funding and that the applicant would likely to apply for national designation since the city's program pays for the application.

Mr. Shapiro committed to using the funds for other needed repairs and to apply for national historic designation. He said he would apply for future grants but would still like to be considered for retroactive grant approval. He noted that he has provided all documentation required by the grant program.

Mayor Anderson suggested addressing this in the next meeting after receiving additional information from staff and said he feels there maybe some need for policy changes. Approved by consensus with direction to Commission to provide policy amendments for consideration.

c. Request of Ron Scarpa for subdivision approval to split the property at 1832 Pineview Circle, zoned R-1A and for variances from the R-1AA lot dimension standards.

Mr. Briggs reviewed the request for a lot split and for variances from the 75-foot lot width to create two-61-foot-wide lots. The median lot width in the neighborhood is 70 feet and lot sizes are comparable to other lots in the neighborhood. Without the lot split, a house of approximately 7,000 s.f. would be allowed, but the lot split would allow two homes of approximately 3,400 square feet, which is preferred by the neighbors. The Planning and Zoning Board recommended approval.

Ron Scarpa, applicant, spoke on the current condition of the property and said two homes are a better fit and comparable with similar sized homes in the neighborhood.

Mayor Anderson commented on the survey and said he sees this as a reversal back to two platted lots.

Commissioners Weaver and Cooper opposed the lot split due to the incompatibility of the lot width with the neighborhood. Commissioner Cooper stated it also adds to the proliferation of septic tanks.

Commissioners Sullivan and DeCiccio spoke in favor because of neighborhood support and because it was originally platted as two lots. Commissioner DeCiccio added that although converting the neighborhood to sewer needs to be addressed, it should not impact this lot split as it will only add one septic.

Motion made by Commissioner Sullivan to approve lot split as presented; seconded by Commissioner DeCiccio.

There were no public comments.

In response to comments by the commission, Mr. Scarpa agreed to planting a live oak tree on both lots and spoke on the improved technology (ATU) of septic systems.

Motion made by Commissioner Sullivan to amend the motion to require a 5-inch caliper oak tree on each lot and use advanced septic tank treatment technology (ATU) in septic system; 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.

Upon a roll call vote on the main motion as amended, Commissioners Sullivan and DeCiccio and Mayor Anderson voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

Mayor Anderson declared a recess at 5:23 p.m. and reconvened the meeting at 5:35 p.m.

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

There were no public comments.

11) Public Hearings (continued)

d. Ordinance and approval of the Lease and Operating & Funding Agreement with the Winter Park Public Library (1st Reading)

Attorney Langley read the ordinance by title.

Peter Moore, Division Director of Office of Management and Budget, noted that city staff and the Library recognize there is some uncertainty as the Library moves to its new relocation and the possibility of new programs. In order to better adjust for those uncertainties, the operating agreement is separate from the lease agreement. He said that some changes to the lease have been received and will be incorporated for second reading.

Mayor Anderson suggested that commissioners send proposed changes to staff for discussion or inclusion at second reading.

Mr. Moore reviewed the terms of agreement with a 30-year term, a 12-month opt-out provision after year five, and requirements for financial reporting. City support is just under $1.7 million for FY 2022 and will be negotiated annually as has been past practice. He outlined the provisions regarding use of the campus and use of non-shared portions of the campus and the city's additional responsibility for IT infrastructure, help desk support under the Library's current contract provider and building maintenance.

Staff responded to questions regarding items included in the operational budget for FY 22. The library will assume the overage in FY 22 but could ask for an increase during this fiscal year and future years.

Sabrina Bernat, Executive Director of Winter Park Public Library, said they will be working with Parks and Recreation on scheduling of non-shared space.

Commissioner Cooper addressed the non-assignability provision and preferred that written consent be given by the Commission, not city manager. Mayor Anderson agreed.

Commissioner Cooper spoke about performance metrics and suggested that the metrics be used to determine if services are equal to better than the county library system. She asked that the commission be provided with the maintenance line items in the ten-year proforma.

In response to questions, Mr. Knight explained the process for payments and accounting for rental payments as part of Library grant fund reporting and discussion followed.

Mayor Anderson said he has minor items that he will provide to staff and would like the board covenants to require that at least 70% of the board members are Winter Park residents and that the service area be defined as the city limits.

Motion made by Mayor Anderson to approve the ordinance on first reading subject to the following changes: commission is responsible for substituting tenants (non-assignability provision); a board composition covenant that 70% of the board must be Winter Park residents (subject to comment from the board), and with the expectation that other comments will be integrated between first and second reading; seconded by Commissioner Cooper. (Revised below to read "75% or more of the board must be city residents.)

Attorney Langley clarified that the motion approves the ordinance on first reading subject to the conditions stated, and at second reading of the ordinance, the final lease agreement and operating agreement would be considered.

Commissioner Weaver suggested changing the board member requirement to 75% or more must be city residents. Agreed to by Mayor Anderson and motion was amended.

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 3220-21 - AN ORDINANCE TO AMEND CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT A NEW PROPERTY RIGHTS ELEMENT IN THE WINTER PARK COMPREHENSIVE PLAN IN COMPLIANCE WITH FLORIDA STATUTES. (2nd Reading)

Attorney Langley read the ordinance by title. He read comments by the Florida Department of Economic Opportunity based on its review of the language regarding decision-making matters. As a result of those comments and his review of state statutes, Goal 10:1, Objective 10:1 and Policy 10:1 were amended by deleting "concerning land use and zoning matters." In response to questions, he opined that these changes do not significantly increase the city's liability, and in addition, DEO may not process subsequent comp plan amendments if the property rights language does not comply with state statute.

Motion made by Mayor Anderson to amend Policy 10:3 deleting "their understanding of"; seconded by Commissioner Cooper. There were no public comments. **Mayor Anderson revised his motion to approve the ordinance on first reading with the amendment to Policy 10:3. 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.**

f. ORDINANCE 3221-21 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 2.08 AND 2.11; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 8, 2022; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS. (2nd Reading)

Attorney Langley read the ordinance by title.

Motion made by Commissioner Weaver to adopt the ordinance on second reading; seconded by Commissioner Sullivan. There were no public comments. **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.**

g. ORDINANCE 3222-21- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING AN ALLONGE TO THE EXISTING COMMERCIAL NOTE AUTHORIZED BY ORDINANCE NO. 3077-17 IN A PRINCIPAL AMOUNT NOT TO BE OUTSTANDING THEREUNDER AT ANY ONE TIME TO EXCEED $8,000,000 WITH TRUIST BANK OR AN AFFILIATE THEREOF TO FINANCE WORKING CAPITAL NEEDS OF THE CITY'S ELECTRIC UTILITY SYSTEM AND TO PAY THE COSTS OF SUCH LINE OF CREDIT; DELEGATING TO THE MAYOR OR CITY MANAGER THE AUTHORITY TO EXECUTE AND DELIVER THE ALLONGE TO THE COMMERCIAL NOTE; AND PROVIDING AN EFFECTIVE DATE. (2nd Reading)

Attorney Langley read the ordinance by title.

Motion made by Commissioner Weaver to adopt the ordinance on second 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.**

Discussion on request for meeting - Fairbanks Avenue (continued from City Manager Report)

Mayor Anderson noted that this is a request by the developer of the property at Fairbanks and I-4 to discuss issues relating to Fairbanks Avenue development. He said he sees the benefit of a joint discussion with Planning and Zoning Board (P&Z) but on the corridor from a conceptual perspective because of the quasi-judicial nature of any future requests before P & Z and the Commission. Commissioner Cooper questioned whether notice to residents is required for a meeting with a potential developer and the legality of such a meeting.

Attorney Langley explained legal and due process requirements and suggested that, because some there are some quasi-judicial aspects to this type of project, the commission should avoid supporting or denying any aspect of plan. He further suggested that the meeting should be noticed; however, the level of notice is a policy decision.

Members of the Commission commented on the format of the work session and whether or not to allow public comment and discussed land use, zoning and development issues relating to building height, FAR, access and street improvements.

Consensus was to schedule a joint work session with P&Z (with no public comment and no developer/applicant participation).

Discussion on request for meeting - Demetree Global and Holler (continued from City Attorney Report)

Mayor Anderson outlined the options in response to the request: have no meeting, ask staff to hold the meeting, have a full commission meeting, or delegate a commission member to meet with staff and the parties.

Mr. Langley said another option is for the land owners to speak at the public hearing and be allowed additional time to speak. He noted that one of the attorneys advised him that their intent was not to discuss litigation matters but solely to discuss pending comp plan amendments and their desire for changes to the draft approved on first reading. He stated the best approach is to listen and ask questions for clarification but not to engage negotiations.

Discussion ensued on the options, reluctance to meet while there is pending litigation and a desire to receive information specific to modifications to the OAO without engaging in discussions.

Consensus was to have staff meet with the owners and present a summary of meeting to the commission.

Mayor Anderson declared a recess at 7:27 and reconvened the meeting at 7:43 p.m.

12) City Commission Reports

Commissioner Sullivan

- Congratulated Susan 0moto, Executive Director of Casa Feliz, on the building receiving approval for a State historical marker.
- Reported on distribution of ARPA grant funds and thanked staff for their work on the grant process.
- Spoke on residents' concerns about large trucks and semi-trucks in neighborhoods and expressed appreciation for staff's efforts toward resolving the matter.

Commissioner DeCiccio

- Noted that the new Library will be used as an early voting site and asked staff to provide to the Library the guidelines for location and enforcement of candidate signs before next election.
- Spoke about the Economic Development Advisory Board and its request to identify each city-owned property (except parks) and determine its best economic use and provide recommendations to the commission.

Mayor Anderson stated his preference for the board is to move the board toward economic advisory and away from development, although he understands the members' frustration with the board's purpose. He felt a work session may be necessary to discuss the board's role. After discussion, consensus was to place discussion of the board's mission on the next agenda.

- Spoke on the ongoing homeless issue and asked what steps can be taken to address the issue both at the city and regional level.

Mr. Knight stated that staff is doing everything legally possible including considering an ordinance changing the parks closing hours that may help PD enforcement. Discussion followed on relationships, assistance and efforts toward address this matter. It was noted that incidents can be reported to the non-emergency police number or the city manager's office during business hours.

- Lake Killarney - start now or wait until other two appointments. staff will be contacting members to schedule its first meeting.

Commissioner Cooper

- Addressed appointments to the OAO Architectural Review Board. Consensus was to place discussion on next agenda.
- Gave a presentation on conversion of septic to sewer and establishing conversion as a long-term goal. Commissioner DeCiccio noted that the Utilities Advisory Board is looking at this and suggested that considering an incentive for Fairbanks Avenue

property owners to convert to sewer. David Zusi, Director of Water and Wastewater Utilities responded to questions.

- Said she would like to consider prohibition of lot splits in certain conditions: where property is on septic, in high recharge areas, where heritage trees are in footprint of new building, and along wetlands and waterways.

Commissioner Weaver

- Asked for testing of water at north side of Lake Killarney (south of Lee Road).
- Spoke on the noise level at Showalter Field after 10 p.m. and asked that staff look at noise provisions in order to reduce noise level after 10 p.m. Approved by consensus
- Thanked the commission for approving the new Director of Natural Resources position and spoke on the need to discuss funding sources in the near future.
- Noted that he will be presenting a proclamation on Sunday to Bethel Missionary Baptist Church who is celebrating its 110th anniversary.
- Suggested formation of a committee to look at location and content of historic markers for historic churches in the CRA using CRA funds.
- Spoke in the Ideal Women's Club whose building requires a new roof soon at an anticipated cost of $30,000. He asked to consider using CRA funds without the club having to match funds because of its limited resources or ARPA funds. Consensus was to place on the next agenda to consider funding.

Mayor Anderson

- Re-addressed the EDAB and spoke on his preference for the board to look at the city’s long-term growth and financial sustainability.

13) Summary of Meeting Actions

- Requested staff to provide options for interactive fountain at one of the parks.
- Requested acceleration of Denning/Fairbanks turn lanes.
- Requested staff to work with FDOT on traffic improvements at 17-92 and Morse Blvd.
- Requested more details on development items on City Manager’s Report.
- Requested Dinky Dock project be accelerated.
- Approved the Consent Agenda
- Approved Tanglewood Canal interlocal agreement with Seminole County.
- Approved increase in minimum wage to $15/hour for full-time positions.
- Approved two additions to the Winter Park Register of Historic Places.
- Requested discussion of request of retroactive historic preservation grant for 1565 Orange Avenue on next agenda.
- Approved lot split on 1832 Pineview Circle with two conditions
- Approved ordinance on first reading authorizing lease with Library with amendments.
- Adopted ordinance adding property rights element in comp plan.

- Adopted ordinance placing charter amendments on March 2022 ballot.
- Adopted ordinance amending Line of Credit for electric.
- Approved work session on Fairbanks Avenue project (but not with applicant)
- Declined request for work session with Demetree Global or Holler but with willingness to any receive relevant information
- Place discussion of EDAB mission on next agenda.
- Directed staff to schedule the first Lake Killarney Advisory Board meeting.
- Place discussion of appointments to the OAO Architectural Review Board on next agenda.
- Place discussion of lot splits and parameters on future agenda.
- Discussed revisions of noise ordinance to address noise after 10 p.m.
- Place funding options to assist the Ideal Women's Club on the next agenda.
- Requested staff to prepare guidelines for signage for election/polling place.

14) Adjournment

The meeting adjourned at 8:26 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis