City Commission
Regular Meeting Minutes

September 14, 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 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 Maggie Alderman, Unity of Central Florida, followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor Report

Mayor Anderson announced that next week is Constitution Week and spoke about the Constitution's inclusion in the Police Department's oath of office as a reminder this is a great place live.

He said that members of the police and fire departments participated in a physical fitness challenge in remembrance of the 9/11 attacks. He recognized Steve Quan and Chris Sam from Uncanny Fitness, sponsors of the event, and read a letter expressing the city's appreciation for its sponsorship and recognition of first responders' commitment, loyalty and sacrifice.

5) Citizen Budget Comments

6) City Manager Report

b. Confirmation of Charles Ramdatt as Public Works Director

Mr. Knight summarized Mr. Ramdatt's qualifications and recommended his confirmation as Public Works Director.

Motion made by Commissioner Sullivan to confirm Charles Ramdatt as Public Works Director; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote,

a. City Manager Report

Mr. Knight gave an update on the utility billing conversion to a new system and thanked city staff for working through challenges and assisting customers. Mayor Anderson apologized to residents for the inconvenience and thanked them for their patience. He spoke about reliability of electric services, cost saving measures and fuel costs. Mr. Knight explained how and when adjustments are made as result of fuel costs and responded to questions about challenges followed by a brief discussion.

Commissioner Sullivan stressed the importance of separating the billing issues from increased bills due to higher fuel costs. Commissioner DeCiccio suggested additional communication to residents that further clarifies the changes in billing and reasons for changes in bill amounts.

Commissioner DeCiccio asked for an update on repairs of the Library parking lot. Mr. Knight said that the it has been repaired and it has determined that the cracks in floor at the events center are not a structural issue; however, an alternative may need to be considered such as carpet or paint. Assistant Director of Public Works Don Marcotte explained the cause of the damage and the repairs made.

Commissioner Weaver said he feels the acoustics in the events center are poor and are likely caused by the concrete floor, which can also cause a slip and fall accident and suggested considering commercial carpet for acoustics and liability reasons. Consensus was that staff look at alternatives.

7) City Attorney Report

Attorney Ardaman addressed the question of applicability of the Sunshine and public records laws to the Library. He said the Library is a non-profit private entity which are typically not subject Sunshine or public records law except under certain conditions. One area that could present a potential issue relates to whether a public entity (the city) has delegated the performance of some governmental function to a private entity. He opined that based on the factors outlined by the supreme court and, in particular, the finding that the city did not create the library, the Library is not subject to Sunshine and public record laws. He distributed a memorandum of their determination and responded to questions regarding case law stressing that although the Library is not subject to public records law, records it provides to the city are public record.

Mayor Anderson asked about the founding of the Library. Mr. Ardaman said their research shows that the Library was established by a group of residents in 1885, two years prior to the city's incorporation. Commissioner Sullivan said he feels the Library's operation today needs to be considered independently of how it was founded.

8) Non-Action Items

a. Board Appointment - Public Art Advisory Board

Commissioner Cruzada reported his appointment of Laurie Havel to the Public Art Advisory Board.

b. Long-Term Capital Plan Update - 5/25 Years

Division Director of OMB Peter Moore reviewed the changes made to the document which reflects proposed items, funding source and restrictions. He noted that 5-year items are part of the 5-year CIP in the FY 23 budget, which can be amended as part of adoption of the budget and throughout the fiscal year. He reviewed project funding at 5 and 25 years showing an unfunded balance of approximately $12.6M in five years. He explained the impact on available funding due to the scheduled end of the CRA in 2027. He suggested first looking at unfunded projects in the five-year plan including the purchase of Bank of the Ozarks ("Ozarks") property, old Library reuse, and improvements to fire stations and new fire training facility. He noted a request from Friends of Mead Garden for additional long-term funding and said that some ARPA funds allocated for broadband and the old library could be reallocated because some projects have been funded elsewhere.

Mayor Anderson suggested looking at unfunded balance of $12.6m and take in consideration four things: 1) Should the city reserve funds for the old library given the proposal from user that will invest its own funds? 2) use of penny sales tax if it passes in November; 3) items that may be missing from the list; 4) open the discussion in the next five years on priorities.

Commissioner DeCiccio said she feels no funds should be allocated for the old library. She cited her top priorities are renovation of City Hall and a new fire station.

Mayor Anderson suggested moving funding for the old library out of short-term needs and into the longer-term category which would reduce the deficit by $5.5m and allocate in the longer term $2m for city hall and $7m for a new fire station. Mr. Moore noted the city could issue a bond for City Hall renovations but capital repairs are part of regular CIP funding. He said a new fire station would be considered in the context of an annexation study.

Mayor Anderson spoke about Mead Garden funding and suggested incorporating their capital improvement requests in the long-term plan, at least as a way to track them (approximately $5m). Agreed by consensus.

Mayor Anderson suggested that general funds should be earmarked for additional Howell Branch trails and connection once design is final. Mr. Knight said $80k is allocated in the CIP document. Mayor Anderson suggested adding $300k to $500k.

Staff responded to questions on allocation of ARPA funds. Mayor Anderson suggested postponing discussion on this until after the scheduled work session with the broadband ad hoc committee on September 29th. This would reduce the deficit from $12.6m to $5.5m. Discussion was held on path to move forward and cuts and potential new revenue sources.

Mayor Anderson opened the floor to discuss the potential acquisition of the Ozarks property at $6.5m. Commissioner Weaver spoke about the reduced clarity in springs due to stormwater run-off and suggested using this property for a city-owned regional underground stormwater treatment which can be used to help Orange Ave. businesses. He noted that Winter Park Land Trust has offered to contribute $1m and the commission has discussed allocating $3.5m, and he additionally proposed issuing revenue bonds for $2-$3m for purchase and construction with revenue generated from Orange Avenue owners paying to use the property for stormwater treatment.

Mr. Moore clarified the plan includes $6.5m for acquisition and $2m for improvements with funding from Winter Park Land Trust of $1M; City of $.3.5M; revenue bonds of $2m, leaving an overall deficit of $2m. Mayor Anderson reminded of the potential for $3m in private donations or grant funding.

Commissioner Weaver identified other potential uses for a roundabout, park or intracity train station.

Commissioners Sullivan and DeCiccio supported the use for stormwater treatment as proposed by Commissioner Weaver. Commissioner DeCiccio suggested moving forward with expansion of the CRA to this area. Commissioner Weaver agreed but expressed concern about time frame. Mr. Moore noted expansion in this area is in included as an option for expansion and could be included as part of discussions with Orange County.

Commissioner Sullivan gave an update on meetings with Winter Park Land Trust and Trust for Public Land Florida (TPLF) which assists in the acquisition of private land for public use. TPLF will negotiate and purchase the Ozarks property and sell it back to city and assist in fundraising. They have agreed city's desire is compatible with its mission and work. Commissioner Sullivan asked for agreement to endorse the efforts of TPLF to investigate and move forward with the attempt to secure this property without obligation of the city. Discussion followed on the city's obligation and risk to other priorities (city hall and fire station) if the city commits to allocating $3.5m.

Commissioner Weaver suggested that bonds could be issued for city hall renovations and for a new fire station. Mr. Knight noted that bonds for those projects would require a referendum. After further discussion on funding and opportunities to purchase the Ozarks property and risks, consensus was to work with TFPL provided there is no obligation by the city.

Mayor Anderson said the renovation of fire stations is a big priority for him and that he would like to see comprehensive integrated plan of Progress Point, Ozarks property and Mead Garden and investment in other improvements at Mead Garden.

Commissioner DeCiccio said she feels the city should consider selling the old library and use the funds for the Ozarks property and fire stations.

Discussion continued to the TFPL program and potential restrictions on use in compliance with the Land Trust rules.

Mayor Anderson stated that the document will be revised based on discussion and scheduled for an upcoming meeting to prioritize noting that no changes are proposed during the adoption of the FY 23 budget. Consensus was reached to move forward with TFPL for the purchase of the Ozarks property.

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

A recess was held from 5:24 to 5:33 p.m.

10) Consent Agenda (addressed after Item12)

11) Action Items Requiring Discussion (addressed after Item 12)

12) Millage Rate and Budget Public Hearings | 5:00 p.m. or soon thereafter

a. Ordinance adopting millage rates for the FY 2023 budget. (1st reading)
b. Ordinance adopting the FY 2023 budget. (1st reading)

Mayor Anderson said the millage rate needed for FY 2023 to generate the same property tax revenue in 2022 is 3.8076 mills. The proposed budget requires a millage rate of 4.0923 mills which will remain the same tax rate for a 15th year. The increase in property tax levy is due to increases in assessed value of properties. In addition, a 0.2647 voted debt service is levied to cover bonds issued in 2017 and 2020 approved by the voters in March 2016.

A simultaneous public hearing was held on these ordinances. Attorney Ardaman read the ordinances by title and staff responded to questions.

There were no public comments.

Motion made by Commissioner DeCiccio to approve the ordinances on first reading; seconded by Commissioner Weaver.

Upon a roll call vote to approve the millage rate ordinance, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to approve the budget ordinance, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

10) Consent Agenda

a. Approval of the minutes of the regular meeting, August 24, 2022
b. Approve the following contracts:
   1. HDD of Florida - Renewal of RFP-15-2019 - Underground Conduit/Pipe Installation Services; Amount: $2,750,000 for services on an as needed basis during the term of the Agreement.
   2. Heart Utilities of Jacksonville - Renewal of RFP10-19 - Electric Utility Installation & Maintenance; Amount: $2,750,000 for services on an as needed basis during the term of the Agreement.
   3. Cathcart Construction Company - Renewal of RFP-15-2019 - Underground Conduit/Pipe Installation Services; Amount: $2,750,000 for services on an as needed basis during the term of the Agreement.
c. Approve the following piggyback contract:
   1. The Nidy Sports Construction Co. - NCPA Contract #08-20 - Athletic Surfacing & Asphalt Maintenance; For services on an as-needed basis during the remainder of the current term of the Agreement through August 31, 2023; Amount: $1,250,000.
d. Approval of HIDTA Grant Pass-through Funding for FY 2023 in the amount of $103,740.

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

11) Action Items Requiring Discussion

13) Public Hearings: Quasi-Judicial Matters

14) Public Hearings: Non-Quasi-Judicial Matters

15) City Commission Reports

Commissioner DeCiccio –

- Requested that discussion of the public art permit fee be placed on an agenda after November election and results of penny sales tax. Agreed to by consensus.

Commissioner Cruzada –

- Gave an update on the auditor selection committee with presentations beginning next week and on the agenda for approval in the next meeting.

Commissioner Weaver –

- Advised of comments he has received from Library patrons about drop box and as a result he Library will be installing an additional drop box facing the opposite direction.

Mayor Anderson –

- Spoke about the membership of the Economic Development Advisory Board and his desire to include Rollins College in the city's sustainability efforts. As a result, he suggested changing the member requirements to allow a non-resident with linkage to the city and sustainability expertise as one of the Mayor's appointees. Agreed to by consensus.

16) Summary of Meeting Actions

- Confirmed Charles Ramdatt's appointment as Director of Public Works.
- Requested evaluation of carpet and other options for the floor at the events center.
- Received attorney opinion that the Sunshine and public records laws is not applicable to the Library
- Received report of Laurie Havel's appointment to the Public Art Advisory Board.
- Reviewed and made changes to the 5 and 25-year capital plan.
- Approved the Consent Agenda.
- Approved the millage rate and budget ordinances on first reading.
- Directed staff to send another notice to residents regarding utility billing.
- Place discussion of public art fee on an agenda after the November referendum.
- Received report that Library will be installing book drop facing opposite direction.
- Bring back an ordinance to allow a non-resident member on the KWPBS Advisory Board.

17) Adjournment

The meeting was adjourned at 5:58 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis