City Commission Regular Meeting Minutes

September 8, 2021 at 3:30 p.m.

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

Present

Mayor Phil Anderson
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 Anderson called the meeting to order at 3:43 p.m.

2) Invocation

Finance Director Wes Hamil provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

4) Citizen Budget Comments

5) Mayor's Report

Mayor Anderson said that he presented a proclamation to Daughters of American Revolution recognizing Constitution Week, September 17th to 23rd and spoke on historical significance.

6) City Manager's Report

a. Holiday Decorations

Assistant City Manager Michelle del Valle introduced AOA, a business retained to help with this year's holiday decorations and whose proposal has received support from the Chamber and Park Avenue Association. Denise Hatcher, AOA, gave a presentation on the proposed theme, design and interactive environment in different areas of the city.

Commissioner DeCiccio stated that Sarah Grafton asked the city use United Vocal Arts for performers and that funding be used to help local merchants with their decorations. Mrs. Grafton suggested the theme Hometown Holidays.

Motion made by Commissioner DeCiccio to approve the theme Hometown Holidays; seconded by Commissioner Weaver.

Staff responded to questions regarding lights, poinsettias and clarified that white lights will be in the Park Avenue corridor and colored lights in other areas. Mr. Knight advised that funding has been allocated from ARPA.

Upon a voice vote, motion carried unanimously with a 5-0 vote.

Ms. del Valle advised that businesses will be asked to provide decorations for their storefront and that the Chamber and Park Avenue District have offered support to businesses. She added that the performers have been contracted through AOA after local auditions.

b. Workshop scheduling

Mr. Knight asked for direction on scheduling regular work sessions on the Thursday following regular meetings on topics for general discussion.

After discussion, consensus was to schedule work sessions on, old library reuse, Lakes, Parks and Utilities departments, and sustainability action plan/electric leaf blowers. Staff was requested to coordinate a joint work session with the Planning and Zoning Board on the OAO prior to first reading on September 22nd.

c. City Manager's Report

In response to questions, Mr. Knight advised that the owner of the property, who offered to sell his property on Howell Branch Road to the city, received a better offer and that the RFP for the Post Office has not been released. Public Works Director Troy Attaway reviewed the process and options for dredging of Lake Mendsen.

7) City Attorney’s Report

8) Non-Action Items

9) Public Comments | 5 p.m. or soon thereafter (heard after Item 11a)

10) Consent Agenda

a. Approval of minutes of work session, August 12, 2021 (Removed by Mayor Anderson)
b. Approval of minutes of regular meeting, August 25, 2021
c. Approve the following piggyback contract
    1. Odyssey Manufacturing Co. - Bay County Contract #20-55 - Liquid Sodium Hypochlorite; Amount: $175,000.00 for services on an as-needed basis during the term of the Agreement.

d. Approve the following contract:
   1. DRMP, Inc. - RFQ20-18 - Professional Survey Consulting Services; Amount: $100,000.00 for services on an as needed basis during the term of the Agreement.

Motion made by Commissioner Cooper to approve the Consent Agenda, seconded by Commissioner DeCiccio.

Motion made by Mayor Anderson to amend the motion to remove Item 10a; seconded by Commissioner Weaver.

There were no public comments.

Motion to approve the motion as amended removing Item 10a carried unanimously with a 5-0 vote.

<u>Item a</u>: **Motion made by Mayor Anderson to revise the first sentence of the second paragraph on Page 1 to read "…have looked at thus far 'that are available for sale,' are feasible…"; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.**

11) Action Items Requiring Discussion

a. <u>Allocation of ARPA Funds to Non-Profits in Winter Park</u>

Division Director of Office of Management and Budget Peter Moore advised that two of the 17 applications received did not meet the guidelines. The Center for Independent Living (CIL) exceeded the annual expense threshold; however, they have requested that $300,000 which they receive but pass through to Polk County be excluded from their application. The Park Avenue District (PAD) has been in operation for 2 ½ years, less than the required three years. He displayed the organizations prorated amounts and recommended award amounts which totals the approved allocation of $200k.

Commissioner Sullivan suggested that the PAD be included because of the service they provide and CIL be include because of the pass-through funds to Polk County.

Motion made by Commissioner Sullivan to add Center for Independent Living and Park Avenue District to the list of recipients and increase total allocated funding to $260k to be prorated to each organization at a maximum of $25k up to 50% of operating expenses; seconded by Commissioner Weaver.

Motion made by Commissioner DeCiccio to award each recipient a maximum of $25k (not to exceed 50% of operating expenses) including Center for Independent Living and Park Avenue District (total allocation of $378); seconded by Commissioner Sullivan. (Withdrawn after discussion)

Commissioner Cooper supported adding CIL and PAD but opposed increasing the total allocation to $378k as there are other areas that would benefit from ARPA funding.

Motion made by Commissioner Cooper to add Center for Independent Living and Park Avenue District based on same ratio for other organizations and increasing the budget by that amount (approximately $20k); seconded by Commissioner Weaver. (Withdrawn after discussion)

Motion made by Commissioner DeCiccio to add the Center for Independent Living and Park Avenue District, to increase the amount to $378K and give each recipient the maximum amount; seconded by Commissioner Sullivan.

Lawanda Thompson, 664 W. Lyman, thanked the city for funding The Equity Council Corp. She spoke on grant guidelines and said that because the federal guidelines do not classify the city as low income, businesses in the Hannibal Square area cannot obtain additional funding. She urged the city to consider additional funding for small businesses and non-profits in Hannibal Square community.

Michael Perelman, 1010 Greentree Drive, expressed his concern that there may be organizations that did not apply because they did not meet guidelines and feels it is unfair to add the CIL and PAD since they did not meet the guidelines. He suggested following the established guidelines and increasing the grant to the maximum up to $25k or half of operating amount.

Upon a roll call vote on the motion to increase the total amount to $378k, Commissioners Sullivan and DeCiccio voted yes. Commissioners Cooper and Weaver and Mayor Anderson voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to increase the total amount to $260k, Commissioners Sullivan, Cooper and Weaver and Mayor Anderson voted yes. Commissioner DeCiccio voted no. Motion carried with a 4-1 vote.

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

Justin Harvey, 103 S. Osceola Avenue, Orlando, spoke in opposition to mandatory employee vaccinations. He said although he is not opposed to vaccinations, he supports individual choice. He feels employees should not be penalized employees for not getting vaccinated.

Natalie Ells, 519 Spring Oaks Blvd., Altamonte Springs, urged the Commission not to mandate employee vaccinations.

Dominick Faircloth, 2308 Kestrel Place, opposed mandatory vaccines as he feels it is unsafe and a violation of personal choice.

Janet Earn-Spruill, 3218 Cullen Lake Shore Drive, Orlando, opposed mandating vaccination of employees against their will and as a condition of employment.

Mayor Anderson declared a recess at 5:20 and reconvened the meeting at 5:31 p.m.

The remaining Action Items were addressed after the Millage and Budget Public Hearings.

12) Millage and Budget Public Hearings (held after 5:00 p.m.)

a. Ordinance adopting millage rates for the FY 2022 budget.
b. Ordinance adopting the fiscal year 2022 budget

Mayor Anderson stated the millage rate needed in FY 22 to generate the same tax revenue as in FY 21 is 3.9604 mills. The proposed budget is based on 4.0923 mills, which will result in an increase in property taxes due in an increase in assessed property values. In addition, 0.2891 mill voted debt service is levied for bonds issued.

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

Motion made by Commissioner Cooper that the budget be updated consistent with the CRA meeting held prior to this meeting; seconded by Commissioner Weaver.

There were no public comments.

Motion made by Commissioner Weaver to approve the millage rate ordinance; seconded by Mayor Anderson. 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 motion to approve the budget ordinance as amended, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5–0 vote.

11) Action Items Requiring Discussion (continued)

b. <u>Consider allowing Rollins College the use of the old library parking lot for a staging and laydown yard for the Alfond Inn expansion project</u>.

Mr. Knight provided the background of discussions as it relates to use of the old library, potential conflicts with Rollins' use of the property and the potential renovations to prepare for future use and potential costs. He noted that the property could be used by Rollins during interim when determining future use of library.

Mr. Knight reported on current conditions and said staff's recommendation is to inspect and maintain the building to avoid deterioration while the building is unoccupied. Mayor Anderson noted that a work session will be held to discuss future of building.

Discussion was held on the benefits and drawbacks of deferring maintenance of the building, condition and impact to the brick parking area and access to the building to make repairs if needed.

Motion made by Commissioner Weaver to table the Memorandum of Understanding until after the work session; seconded by Commissioner Cooper. Commissioners Cooper and Weaver voted yes. Commissioners Sullivan and DeCiccio and Mayor Anderson voted no. Motion failed with a 2-3 vote.

Mr. Knight noted the terms of the contract which includes a 60-day termination clause and a monthly payment to the city of $4,000.

Motion made by Mayor Anderson to approve the Memorandum of Understanding with the conditions that the fees received are sufficient to keep the building well-ventilated and occupiable, the city has continued access, that a visual record of the premises is obtained beforehand and a commitment made to warrant and restore the premises to the existing condition as needed, and the 60-day termination clause is intact; seconded by Commissioner Sullivan. (clarified prior to vote below)

Motion made by Commissioner Cooper to amend the motion to require that Rollins pay the water and electric utility bill, maintain the land and require plywood under heavy equipment/trucks to protect the bricks; seconded by Commissioner Weaver. (Withdrawn after discussion)

Rebecca Wilson, attorney representing Rollins, responded to comments and acknowledged the 60-day termination clause. She noted that the agreement requires pre- and post-inspection and an as-built video and that Exhibit B designates the landscaping area. She said she will work to add plywood but cannot agree to paying utilities. She confirmed that Rollins has appropriate insurance.

Discussion followed on the cost and whether $4,000 is sufficient to maintain the facility and cover the cost of utilities.

Beth Hall, 516 Sylvan Drive, suggested that Rollins look at alternatives, the commission move forward and determine the future use and use ARPA funds for maintenance.

Additional discussion was held on alternative locations and cost to maintain the building and utilities.

Mayor Anderson clarified his motion directs staff to validate that the financial amount is enough to keep this building in good shape which entails electricity and water. He understands that Rollins is undertaking landscaping maintenance and the protection of the brick and has appropriate insurance,

Commissioner Cooper withdrew her motion.

Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted yes. Commissioner Cooper voted no. Motion carried with a 4-1 vote.

c. Employee Testing Policy for COVID-19

Mr. Knight advised that this policy, approved by labor counsel, establishes requirements for mandatory testing and requires commission approval because it has a disciplinary component. He stated the Fire union has agreed to this policy that includes progressive discipline up to and including termination for failure to comply.

Motion made by Commissioner Cooper to approve the policy as presented by staff; seconded by Commissioner Weaver.

Heather Ellis, 519 Spring Oaks Blvd., Altamonte Springs, urged the city not to mandate vaccines and testing which could result in loss of employees. She said she sees this as coercion and that employees should have the right to make personal health decisions.

Michael Perelman, 1010 Greentree Drive, opposed mandatory vaccinations and suggested temperature checks as an alternative to testing but if testing is required, the employee should bear the cost, not the city.

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

d. Appointments to Smart City Ad-Hoc Committee

The following were appointed to this committee: Whit Cotton, James Everett and Chris Johnson (Mayor Anderson); Paul Conway (Commissioner Sullivan); Michael Poole (Commissioner DeCiccio); Wes Naylor (Commissioner Cooper); Dr. Richard James (Commissioner Weaver).

13) Public Hearings

a. Request of the City of Winter Park for:
ORDINANCE 3213-21: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE I “COMPREHENSIVE PLAN” FUTURE LAND USE MAP SO AS TO ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 647/653 HAROLD AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS

WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.
ORDINANCE 3214-21: 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 ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTIES AT 647/653 HAROLD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. (2nd Reading)

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

Motion made by Commissioner Cooper to adopt the both ordinances 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 and Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

b. Participation in the Certified Local Government Program for Historic Preservation requiring (Tabled August 25, 2021):
   - An Ordinance amending the Historic Preservation Code to revise the procedures regarding demolition and providing for clarifications on the terms, vacancies and procedures for the Historic Preservation Board, (1st Reading) and
   - RESOLUTION 2250-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE APPLICATION FOR PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM OF THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES AND THE NATIONAL PARK SERVICE OF THE US DEPARTMENT OF INTERIOR.

A simultaneous public hearing was held on the resolution and ordinance. Attorney Ardaman read the ordinance and resolution by title.

Principal Planner Jeff Briggs explained that this will certify the city's historic preservation program and open up grant opportunities to the city. He reviewed amendments to city code and plans for signs designating historic districts in the city and placement of markers at historically significant sites. He stated that a citizen has offered to fund the cost to place a historical clock for Hannibal Square area.

Motion made by Commissioner Cooper to amend the ordinance changing the 60-day time period to 90 days (Section 58-481); seconded by Commissioner Sullivan.

Commissioner Cooper spoke on the response/support requirements for designating a historical district and suggested the Historic Preservation Board review the respondent requirements.

Motion made by Commissioner Cooper to approve with the amendment to Section 58-481 changing the 60-day time period to 90 days; seconded by Commissioner Weaver. 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.**

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

Mayor Anderson declared a recess at 7:10 p.m. and reconvened the meeting at 7:18 p.m.

c. Ordinance proposing Charter Amendments for March 2022 ballot (1st reading - Tabled August 25, 2021)

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Anderson to approve the ordinance on first reading; seconded by Commissioner Weaver.

Commissioner Sullivan addressed the supermajority requirement as it relates to increase of intensity or density by more than 50% and said he feels it should be reduced to 25%. Lengthy discussion was held on scenarios and impact of reducing the percentage.

Commissioner Cooper expressed her concern about the ability for the general public to understand the question if all matters requiring supermajority are combined into one ballot question. Mayor Anderson suggested separate ballot questions to sell property, comp plan or rezoning from parks use, and to make certain zoning changes.

After additional comments, Mr. Ardaman said the questions can be separated and the text shortened for better understanding by voters. He said changing the increase in intensity and density for rezoning or comp plan changes need to be considered as well. Additional discussion was held on scenarios where supermajority should be required.

Motion made by Commissioner Cooper to table to the September 22nd meeting; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

d. Ordinance: Amending Subsidiary City Boards and Lake Killarney Advisory Board (1st Reading)

Attorney Ardaman read the ordinance by title.

Mr. Knight advised the ordinance was amended to add responsibility for boat dock approval consistent with the responsibilities of the Lakes and Waterways Board.

Motion made by Commissioner Weaver to approve the ordinance on first reading with the amendment adding responsibility for boat docks; seconded by Commissioner Cooper.

Commissioner Sullivan spoke on board member requirements and discussion followed on whether board members should be city residents and/or a lakefront property owner and commission responsibility for these board members.

Motion made by Mayor Anderson to amend the ordinance to state the mayor shall appoint one non-resident and the commission as a whole may appoint up to one non-resident lakefront property owner; seconded by Commissioner Weaver.

Motion made by Commissioner Weaver that the Vice-Mayor appoint the second lakefront property owner. Motion failed for lack of second.

There were no public comments.

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

e. Fee Schedule Effective October 1, 2021

Staff responded to questions regarding the Affordable Housing Fee and projected revenue which be addressed in conjunction with review of building permit and transportation fees.

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

14) City Commission Reports

Commissioner Sullivan

- Reported that Rollins converted to electric landscape equipment and asked city staff contact Rollins to find out what kind of equipment they use and the cost to convert to electric equipment. Approved by consensus.
- Noted that the Parks and Recreation Advisory Board was not included in discussions regarding the Progress Point park and suggested that staff inform and engage PRAB on Progress Point initiative. After discussion, consensus to notify PRAB when the Commission will be reviewing ACi drawings for Progress Point.

- Asked for a special meeting on September 15th to re-address the city's response to COVID program with staff providing data on absenteeism, testing and vaccinations and legal matters. After discussion, consensus was to put on September 22 agenda.

<u>Commissioner DeCiccio</u>
- Reported that the new board application has been completed.

<u>Commissioner Cooper</u>
- Presented a request from a resident for the city to take over paying for landscape maintenance at the post office which has been paid by a resident for many years.
- Commented on an article that stated the city plans to demolish the post office building which saddened the artist of the mural on the post office. She noted that this commission has not said the building will be demolished and right now is focused on acquiring the property and is aware of its historical significance. She asked staff to send a letter to the artist to clarify misinformation. Approved by consensus.

<u>Commissioner Weaver</u>
- Spoke on Progress Point park activation and the commission's decisions on components of the park.
- Asked about the status of the adoption of the mobility fee. Mr. Stephenson advised that work has begun by Kimley Horn with the intent to be completed by March 2022. He noted the potential difficulties in adopting the OAO without the fee. Mr. Knight stated staff will quickly move forward and look at options for moratorium, if necessary.

<u>Mayor Anderson</u> – No report

15) Summary of Meeting Actions

- Approved holiday decorating program with the theme Hometown Holidays
- Agreed to schedule a joint work session with Planning and Zoning Board before first reading and schedule regular work sessions on the day following regular meetings with initial topics of sustainability, old library reuse, strategic planning for Utilities, Lakes and Parks departments.
- Approved Consent Agenda
- Approved ARPA funding for non-profits increasing the total allocation to $260k
- Approved the budget and millage rate ordinances.
- Approved the MOU with Rollins with adjustments to ensure that the fee covers cost to keep the building.
- Approved the COVID testing for employees.
- Approved the comp plan and zoning changes for properties on Harold Avenue.

- Approved resolution for the certified local governmental program for historic preservation
- Tabled the ordinance on charter amendment for revisions by city attorney.
- Approved ordinance relating to Lake Killarney Advisory Board with amendment.
- Approved Fee Schedule
- Staff to contact Rollins regarding their move to electric landscape equipment.
- Advise Parks and Recreation Advisory Board when ACi drawings are scheduled to be presented to the Commission.
- Place update of employee vaccination and testing on September 22nd agenda.
- Staff to send a letter to artist of the mural at the post office.

16) Adjournment

The meeting adjourned at 8:43 p.m.

____
Mayor Phillip M. Anderson

ATTEST:

____
City Clerk Rene Cranis