City Commission
Regular Meeting Minutes

August 10, 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 (virtually); City Manager Randy Knight; Assistant City Manager Michelle del Valle; City Attorney Kurt Ardaman and City Clerk Rene Cranis

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:32 p.m.

2) Invocation

The invocation was provided by Reverend Kathy Beasley, Unity of Central Florida, followed by the Pledge of Allegiance.

3) Approval of Agenda

Mr. Knight advised that staff is recommending tabling Public Hearing Item 13a in order to add definitions to the ordinance.

Motion made by Mayor Anderson to approve the agenda, tabling Item 13a; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

4) Mayor Report

Mayor Anderson spoke about Coffee Talk, which is an informal forum for residents to express comments or ask questions and invited residents to participate.

5) Citizen Budget Comments

6) City Manager Report

7) City Attorney Report

Attorney Ardaman reported that Final Order regarding the OAO challenge was received and the OAO is effective as of August 10, 2022.

8) Non-Action Items

a. Review of Transportation Mobility Impact Fee status.

Director of Planning and Transportation Jeff Briggs stated that the city has adopted Orange County's fees and that Orlando's fees are 50% less than the city's but are considering increasing their fees and if approved, would still be at 75-80% of the city's fees; however, it is tentative depending on sales tax referendum. He reported that the city has received $113,000 since the implementation of the fee.

Mayor Anderson commented that the penny sales tax on the November ballot would become a dedicated funding source for Sunrail in Winter Park. He said he would like to reconsider impact fees after the election. He suggested that sidewalk and crosswalk improvements around the high school be priority for fees.

Commissioner DeCiccio said although she is open to reconsidering the fees, she would like the fees to remain in order to fund needed improvements to sidewalks and roads.

b. Budget Presentations

Fire Chief Dan Hagedorn summarized the department's mission and values and summary of spending, which has remained mostly flat with slight decrease from last fiscal year. Mayor Anderson noted that one of the reasons for the slight decrease is due to decrease in city’s pension plan contributions. Chief Hagedorn explained levels of service and response times and summarized prior year accomplishments and FY 23 goals. He responded to questions regarding updates to the Lakemont Avenue station and funding, need and feasibility for an additional station west of 17-92 (Lee Road or Fairbanks) and discussion followed on need for a new station and location. Mayor Anderson asked that the new station be added to the long-term plan.

Director of IT Parsram Rajaram reviewed the department's responsibilities, mission and programs including cyber security and smart city applications. He summarized key performance indicators, previous year accomplishments and next year's goals for new/improved infrastructure, technology, cyber security and access control. He responded to questions regarding the benefits and faults of cloud storage and costs.

9) Public Comments | 5 p.m. or soon thereafter (held after Public Hearing b)

10) Consent Agenda

a. Approve the minutes of the regular meeting, July 27, 2022.
b. Approve the minutes of the work session, July 28, 2022.
c. Approve the following piggyback contract:
   1. ABM Industry Groups, LLC - Pasco County Contract #IFB-TB-16-131 - Janitorial Services & Equipment; Approval of an Amendment for a monthly base price increase to $58,525.00 per month for the remainder of the Agreement through 2/28/2023. The previous monthly base price was $31,178.62. Consumables will stay at an estimated $10,000 per month.

Motion made by Commissioner DeCiccio to approve the Consent Agenda; seconded by Commissioner Cruzada. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

11) Action Items Requiring Discussion

a. Consider transitioning stormwater utility charges from the City utility bill to non-ad valorem assessments on the property tax bill.

Finance Director Wes Hamil explained stormwater fees which are part of customer utility bills. He reviewed the pros and cons of changing billing to property tax bills. With approval, staff would begin the process to amend the ordinance to change the billing method and prepare a resolution to adopt an assessment roll. He responded to questions stating this change will not have a significant impact on total revenue and will accelerate the collection of fees since they will be collected with property tax revenues.

Commissioner Sullivan expressed his concern about the impact to large multi-tenant property owners since they will be responsible for the fee rather than the individual tenants. Mr. Hamil advised that the city will provide adequate notice to owners. Mr. Knight noted that property owners could pass the fee on to tenants but it would be dependent on lease agreements and that multi-family properties have master water meters and the owners are already paying the fee. Discussion followed on the impact to landlords and providing time to adjust to the addition to tax bill.

Mr. Knight advised that this would go into effect in FY 24, which would allow for almost a year's notice to customers and to publicize the change.

There were no public comments.

Motion made by Mayor Anderson to direct staff to move forward with drafting an ordinance and resolution; seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.

12) Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)

13) Public Hearings: Non-Quasi-Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)

a. Ordinance amending Chapter 58, Section 58-95 and add Section 58-170 governing artificial turf requirements. (1st Reading)

Mayor Anderson stated that this was tabled to add definitions to the ordinance. Commissioner Sullivan suggested adding regulations that addresses maintenance of existing turf.

b. ORDINANCE 3249-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-72 "OFFICE (O-1) DISTRICT" AND SECTION 58-76 "COMMERCIAL (C-3) DISTRICT" SO AS TO AMEND THE DEVELOPMENT STANDARDS REGARDING SETBACKS; PROVIDING FOR

CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Mayor Anderson asked for clarification about the setbacks. Assistant Director of Planning and Transportation Allison McGillis explained that these changes to front and rear setbacks provide consistency for properties along Fairbanks Avenue.

Commissioner Weaver asked whether this causes any conflicts with utility easements. Director of Water and Wastewater Utility David Zusi said it could impact the utilities if a structure is in the easement, in which case an easement encroachment agreement would be required.

Commissioner Weaver asked whether the city would have to run a sewer main between properties to collect stormwater north and south of Fairbanks. Mr. Zusi said there are some unique situations but the city would attempt to stay with existing rights-of-way and easements.

Motion made by Commissioner Weaver to table to next meeting (August 24, 2022 at 3:30 p.m.); seconded by Mayor Anderson. Motion carried unanimously with a 5-0 vote.

A recess was held from 4:51 to 5:00 p.m.

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

Lawanda Thompson, 664 Lyman Avenue, spoke on her proposal for a community garden and her tour of Orlando's community garden. She asked for the next steps to make a presentation to the commission on her proposal and joint partnership to address food sustainability and hunger in the community.

Mayor Anderson thanked Ms. Thompson for her proposal on the garden. He advised that this is in process to be considered and suggested placing this on the next agenda for discussion.

Commissioner Sullivan agreed but requested more information and a high-level business plan that addresses, in part, who will be involved and funding. (Discussion was continued during commission reports.

Jeannine Koehler, 2900 Cove Trail, addressed the Howell Branch Preserve project. She stated that numerous residents are opposed to the proximity of the trails to their neighborhood. She asked the commission to meet with residents to hear their concerns regarding security, privacy, parking and open access.

Cathy Baumgardner, 2437 Lake Waumpi Drive, expressed concerns about the Howell Branch Preserve Project, specifically the Lake Waumpi Loop which will have access near her property and lack of parking. She supports preservation of preserve but is opposed to the plans for the area next to her property.

Mayor Anderson asked that a report on the project be provided to the Commission before or in the next meeting. He assured residents that the city will communicate the project status.

c. ORDINANCE 3250-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, " LAND DEVELOPMENT CODE", ARTICLE I, COMPREHENSIVE PLAN" AND ARTICLE III, " ZONING REGULATIONS" TO CODIFY THE APPLICABLE CITY CHARTER AMENDMENTS ADOPTED ON MARCH 8, 2022 REGARDING SUPERMAJORITY VOTES NEEDED FOR CERTAIN COMPREHENSIVE PLAN AMENDMENTS AND ZONING REGULATION AMENDMENTS. PROVIDING FOR CODIFICATION, SEVERABLITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

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

d. Ordinance 3251-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 114 " WATERWAYS", ARTICLE IV " BOATING AND WATER SAFETY" TO MODIFY THE MAXIMUM LENGTH OF BOATS OPERATED ON THE CITY CHAIN OF LAKES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title

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

14) City Commission Reports

Mayor Anderson -

- Reported that FDOT, the city and MetroPlan held a meeting on the scoping study on Brewer Curve and that Mr. Knight is working with FDOT to make a presentation at an upcoming meeting.

The following topics were addressed separately by members of the commission but consolidated by topic.

- Library/Public Records/Sunshine Law

Commissioner Sullivan spoke about the city's stewardship of resources and funds provided to non-profit organizations and said potential negligence was brought to the city's attention. He asked that staff address this assertion and that the commission act to cure negligence if it exists. He noted that organizations that receive capital or financial support from the city or are in partnership with the city may be subject to public records law and the Sunshine Law. He asked that the city attorney provide an opinion on the adherence to state statutes, that the city request an opinion of Florida Attorney General and the act in accordance with those opinions.

Commissioner DeCiccio noted the Commission received an e-mail regarding the Library, public records and the Sunshine law. She noted that Library records are available to the public and that financial reports are provided to the city and reviewed and audited by staff. She feels the Library is not required to comply with the Sunshine Law. She noted the difference between the Library and city boards is the Library's fundraising.

Commissioner Weaver agreed with Commissioner DeCiccio and said transparency is warranted and he understands documents are available. He deferred to the attorney and city manager for action that may be needed.

Mayor Anderson said the question is whether to request an audit or interpretation and it is a matter of determining the end result and whether the right steps are taken to achieve that result. He said he feels compliance with the Sunshine Law is driven by the Library's fundraising as a non-profit. If the goal is to make the Library a public agency of the city then it should be said, but it cannot be both a Sunshine Law compliant agency of the city and 501C3 compliant agency. He supported directing staff to review and ensure that the city's current relationship is compliant with the Sunshine Law,

Discussion followed on public records, fiscal transparency and Sunshine Law is it relates to the Library and other boards. Mr. Knight noted that city and Library staff are working toward publishing Library records on the city's website. Commissioner Sullivan said there may be other organizations that should be looked at and find out whether they should increase the transparency.

Commissioner Cruzada said non-profits have to comply with IRS regulations and should provide the annual report submitted to IRS to the city. Mr. Knight advised that the more the city asserts operational control, the more it triggers Sunshine Law requirements.

Commissioner Sullivan said that because the city provides support, the city has obligation to the taxpayers to ensure that city funds are used properly.

Consensus was for staff and city attorney to review rules regarding the Sunshine Law.

Commissioner DeCiccio said she wants to ensure this does not trigger Sunshine Law and is concerned that the Library may lose donors.

- Howell Branch Preserve

Commissioner DeCiccio said she spoke with Clay Mitchell regarding Howell Branch Preserve who suggested forming a neighborhood committee to work with staff and Dix Hite to come up with a plan that addresses residents' concerns and funding. Mr. Knight advised that grant regulations do not allow reallocation of the money for the trail to environmental improvements. The grant is for outdoor recreational use and staff is looking into regulations on trail design. He said there is an ongoing public process. He noted the challenge of limiting public participation with a committee and that the project must move forward quickly under grant requirements.

Commissioner Weaver pointed out that the environment needs a lot of work and that staff and contractors need trail access; leaving it as is and overgrown is not a good option. He assured residents that the commission has heard concerns and acted accordingly by revising the plan.

Commissioner Sullivan advised that the revised plan does not include an entrance from Lolissa Lane and information on invasive plant control provided to residents.

- Community Garden -

Commissioner Weaver addressed the food sustainability program raised by Ms. Thompson and his tour of Orlando's community garden. He noted that in September, the commission is scheduled to discuss the Sustainability Action Plan (SAP) which includes food service sustainability. He said he met with staff who is reviewing this and feels there is support to advance such a program but it has to balance with the overall needs of the city with respect to the SAP. He will continue to monitor with a goal to have on a future agenda.

Mayor Anderson said he feels the commission is hearing from Ms. Thompson a director of a non-profit who wants to work with the city, not a city resident, and he is expecting a business plan on the project. Preliminary matters need to be addressed: the amount and location of land needed and the amount and source of city support, and then city must determine its willingness to contribute.

Commissioner Weaver said there is still work to be done with staff relating to the SAP in addition to or in concert with Ms. Thompson's plan. He noted that he will be providing information to Ms. Thompson to review and determine whether she wants to move forward. Discussion continued land and start-up funding which is dependent on the size, and power, wate, and facilities needs. Commissioner Weaver suggested allowing staff to include this as part of their work on the SAP for discussion in the September 29th work session on the SAP. Ms. Thompson noted that she will be out of the country at that time and Commissioner DeCiccio suggested moving the work session to October.

15) Summary of Meeting Actions

- Tabled the ordinance on turf regulations to next meeting.
- Mayor Anderson reported on Coffee Talk.
- Attorney Ardaman reported that the Final Order on the OAO was received and is now in effect.
- Staff to look at transportation impact fee after penny sales tax vote in November
- Received budget presentations from Fire and IT departments.
- Approved Consent Agenda
- Staff to start the process to move stormwater fee from utility bills to tax bills.
- Approved ordinances implementing charter amendments and revised boat length.
- Staff to report back on Howell Branch Preserve and get resident feedback.
- Attorney to research Sunshine Law as it relates to the Library.
- Review community garden and report at next meeting. Re-schedule SAP work session to October and include presentation on proposed city community garden.

16) Adjournment

The meeting was adjourned at 6:13 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis