



City Commission Regular Meeting Minutes

September 25, 2024 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada and Todd Weaver; 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 DeCiccio called the meeting to order at 3:32 p.m.

2. Invocation - Dr. Harold Dorrell Briscoe, Dean of Religious and Spiritual Life, Rollins College

3. Pledge of Allegiance

4. Approval of Agenda

Motion made by Commissioner Sullivan to approve the agenda; seconded by Commissioner Cruzada. The motion by a 4-0 vote. Commissioner Weaver was absent. Agenda items were taken out of order to adjust for the public hearings required to be heard after 5:00 p.m.

5. Mayor's Report

- a. Proclamation for National Drive Electric Week 5 minutes

Mayor DeCiccio read and presented a proclamation for National Drive Electric Week, September 27th through October 6th to the staff of Department of Natural Resources and Sustainability.

6. City Manager's Report

Mr. Knight reported on the preparations for Hurricane Helene and that City Hall and administrative offices will be closed on Thursday with reduced hours for parks facilities.

7. City Attorney's Report

8. Non-Action Items

a. Vulnerability Assessment Presentation

20 minutes

Director of Natural Resources and Sustainability Gloria Eby introduced Dr. Leesa Souto, Principal Scientist of Applied Ecology, who gave a presentation on the city's vulnerability assessment which identifies the city's critical assets and concerns and will be used to seek grants. Director of Public Works Charles Ramdatt addressed positive comments on the value of the study, which will complement the basin studies.

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

(If the meeting ends earlier than 5 p.m., public comments will be at the end of the meeting. Three minutes are allowed for each speaker.)

Heard after the recess.

Christopher Henin, 950 Palmer Avenue, expressed his concern about the city's response to a complaint he filed about the noise from the air conditioning equipment on his neighbor's property. He spoke about the decibel level and asked that a violation be issued with a date that the city will take action on the violation.

Jerome Henin, 950 Palmer Avenue, spoke about lack of enforcement of ongoing noise violations. He objected to the placement of a private transformer near the sidewalk.

Mr. Knight said there is a difference of opinion on city codes and staff are working on the issues with the property owner to reduce the noise. The sidewalk was moved to place the city's transformer in a location to improve the line of sight when exiting the property. He explained there is a difference in opinion on code regulations and that the noise ordinance allows subjective interpretation since the code does not identify decibel levels. The adjacent property owner is also working on plan to address the noise by retaining an acoustic engineer. Some matters are private and between the two parties, but the city is also working with the city attorney's office.

Mark Lemieux, 2457 Sherbrooke Road, spoke about flooding on the cul-de-sac, and asked that this area be included in the study as well as the ditch between Winter Park High School (WPHS) and Cady Way Trail. Kevin Terry, 2434 Sherbrooke Road, echoed Mr. Lemieux's comments and the inclusion of this area in the basin study. Mr. Ramdatt spoke about the combined efforts of area agencies to address these issues and the basin studies will show what is projected for this area.

Gigi Papa, 1440 Hibiscus Avenue, spoke about the history and community services provided by the Winter Park Benefit Shop and asked the city to allow them to remain.

Margaret Moorefield, 350 Carolina Avenue, supported the Winter Park Benefit Shop.

Joe DiSanti, 1299 Harding Street, expressed concern about events at Kraft Azalea

Gardens that disrupt the quiet of their neighborhood and parking on residential streets. He asked that the number of events be reduced and for additional police presence due to nighttime activity at the park. He also expressed concern about the increasing homeless population. Staff will address Kraft Azalea Garden.

10. Consent Agenda

- a. Approve the minutes of the regular meeting, September 11, 2024 1 minute
- b. Approve the minutes of the work session, September 12, 2024 1 minute
- c. Approve the following piggyback contracts: 1 minute
 - 1. Dataprose - City of Georgetown Contract #22-0024-GS - Utility Bill Printing & Distribution Services - Renewal; for services as needed during the term of the agreement through September 30, 2025; Amount: \$250,000
 - 2. Hach Co. - GSA Contract #GS-07F-9134S - Laboratory Equipment; for goods on an as-needed basis during the term of the agreement through January 31, 2026; Amount: \$125,000
 - 3. Amazon.com Services LLC - OMNIA Partners Contract #MA3457 - Online Marketplace; for goods on as-needed basis during the term of the agreement through May 5, 2025; Amount: \$300,000
- d. Approve the following contracts: 1 minute
 - 1. FY23-53 - PNC Equipment Finance LLC - Golf Cart Lease Agreement - Renewal; for services needed during the term of the agreement through September 25, 2025; Amount: \$100,000
 - 2. FY13-2 - Deyoung Law Firm, P.A. - Legal Services for WPPD - Renewal; for services on an as-needed basis during the term of the agreement through September 30, 2025; Amount: \$83,868.75
- e. Accept the election of Kevin Powers as Fire Department employee representative on the Civil Service Board. 1 minute
- f. Approve HIDTA Grant Pass-through Funding for FY 2025 in the amount of \$107,201. 1 minute

1. HIDTA Purchase Orders

- g. Approve the following purchase: 1 minute

1. ABM Industries Group, LLC - Janitorial Services & Equipment; Amount: \$550,000

Motion made by Commissioner Sullivan to approve the Consent Agenda, seconded by Commissioner Cruzada. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

11. Action Items Requiring Discussion

- a. Blue Dolphins Swim Club Agreement for Construction of Competition Pool 30 minutes

Director of Parks and Recreation Jason Seeley presented the Blue Dolphins Swim Club (BDSC) proposal and scope for construction of a competition pool at Cady Way Park, improvements to existing facilities and addition of beach volleyball courts. The city's cost is approximately \$75k and BDSC cost is approximately \$2.5m. He reviewed the terms of the agreement, including revenue sources. Joe Auer, BDSC, thanked the city for their consideration. There were no public comments.

Motion made by Mayor DeCiccio to approve the agreement as presented, seconded by Commissioner Russell. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

- b. SR426 Coalition Project – Median Treatments for Maintenance by the City of Winter Park 10 minutes

Mr. Ramdatt provided the background on discussions of improvements to S.R. 426. Under a proposed agreement, FDOT would do the work and the city would maintain the brick inlay (not landscaped) median, which has received the support of Fix 426 stakeholders. There were no public comments.

Motion made by Commissioner Sullivan to approve the agreement with FDOT as presented with brick inlay medians, seconded by Commissioner Cruzada. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

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

- a. Ordinance 3313-24 - Adopting millage rates for FY 2025 budget 5 minutes

(2nd reading)

- b. Ordinance 3314-24 - Adopting the FY 2025 budget (2nd reading) 10 minutes

Attorney Ardaman read the millage ordinance by title. Mayor DeCiccio said the millage rate needed for FY 2025 to generate the same property tax revenue in 2024 is 3.8526. The proposed budget requires a millage rate of 4.0923 mills, the same as in the last 16 years. The increase in property tax levy is due to increases in the assessed value of properties. In addition, a 0.2207 mill 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. Attorney Ardaman read the budget ordinance by title.

Motion made by Commissioner Sullivan to adopt Ordinance 3313-24. seconded by Commissioner Russell.

Motion made by Commissioner Russell to adopt Ordinance 3314-24. seconded by Commissioner Sullivan.

Lawanda Thompson, 664 W. Lyman, spoke about the loss of funding for community organizations in Winter Park. She asked the city to consider funding her non-profit organization.

Commissioner Russell asked for options to consider a contribution to Ms. Thompson's organization. Mr. Moore said the commission can designate support at any time. He noted that a policy is planned to address organizational funding. Commissioner Russell suggested Ms. Thompson submit a funding request for consideration. After discussion, it agreed to form a committee to establish guidelines and streamline the process for considering requests for organizational support.

Upon a roll call vote on the motion to adopt Ordinance 3313-24, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

Upon a roll call vote on the motion to adopt Ordinance 3314-24, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

13. Public Hearings: Quasi-Judicial Matters

(Public participation and comment on these matters must be in-person.)

- a. Request of MEI Partners, LLC for Conditional Use approval to construct a 21,750 square foot expansion for vehicle service and 10 minutes

parking deck for the Fields BMW dealership at 963 N. Wymore Rd, zoned Commercial (C-3).

Senior Planner John Harbilas presented this conditional use request. The Planning and Zoning Board recommended approval. There were no public comments.

Motion made by Commissioner Sullivan to approve the request as presented, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio vote yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

14. Public Hearings: Non Quasi-Judicial Matters

(Public participation and comment on these matters may be virtual or in-person.)

- a. Fee Schedule to be Effective October 1, 2024 10 minutes

Director of Finance Wes Hamil explained that most changes are due to increased costs. There were no public comments.

Motion made by Commissioner Russell to approve the fee schedule as presented, seconded by Commissioner Cruzada. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio vote yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

- b. Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-72 Office (O-1) District to revise the criteria for conditional uses for restaurants, cafes, coffee shops and other food establishments. (1st Reading) 15 minutes

Attorney Ardaman read the ordinance by title. Director of Planning and Zoning Allison McGillis reviewed the proposed regulations which would allow restaurants, cafés, or coffee shops in O-1 zoning districts with conditional use approval. The Planning and Zoning Board recommended approval. There were no public comments.

Motion made by Commissioner Russell to approve the ordinance, seconded by Commissioner Cruzada. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio vote yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

- c. Request of the City of Winter Park for an Ordinance Amending Chapter 58 "Land Development Code", Article III, "Zoning Regulations" Subsection 58-86 "Off-Street Parking and Loading Regulations" so as to modify the multi-family residential, retail, 15 minutes

office and restaurant parking regulations within the city. (1st Reading)

Attorney Ardaman read the ordinance by title. Mrs. McGillis provided the background leading to these proposed changes and reviewed the proposed changes to parking requirements. The Planning Zoning recommended approval. There were no public comments.

Motion made by Commissioner Sullivan to approve the ordinance, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio vote yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

- d. **This public hearing must be heard after 5:00 p.m.** 30 minutes
Request of the City of Winter Park for:

- An Ordinance Amending Chapter 58 "Land Development Code" Article III, "Zoning" And Article VI, "Subdivision and Lot Consolidation Regulations" to adopt new regulations and development standards, necessary to implement the City of Winter Park, Comprehensive Plan, Goals, Objectives and Policies Document, dated February 14, 2024. (1st Reading)
- An Ordinance Amending Chapter 102 "Utilities" of the Code of Ordinances to establish annexation requirements for the provision of city sanitary sewer service as necessary to implement the City of Winter Park, Comprehensive Plan, Goals, Objectives and Policies Document, dated February 14, 2024. (1st Reading)
- An Ordinance Amending Chapter 2 "Administration", Article VIII, "Affordable and Workforce Housing" of the Code of Ordinances to amend provisions regarding the housing linkage fee as necessary to implement The City of Winter Park, Comprehensive Plan, Goals, Objectives and Policies document, dated February 14, 2024. (1st Reading)
- An Agreement to provide for vesting of rights for properties zoned R-4, under the 2017 Comprehensive Plan.

Attorney Ardaman read the ordinances by title. Mrs. McGillis reviewed the proposed changes to implement 2024 Comprehensive Plan. The Planning and Zoning recommended approval.

Mr. Ardaman recommended changing the name from vesting agreement to vesting

determination, so each property will not have to enter into a separate agreement. There were no public comments.

Motion made by Mayor DeCiccio to approve the ordinance amending Chapter 58, Land Development Code, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

Motion made by Mayor DeCiccio to approve the ordinance mending Chapter 102, Utilities, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

Motion made by Mayor DeCiccio to approve the ordinance amending Chapter 2, Administration, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

Motion made by Mayor DeCiccio to approve the vesting of rights, changing the document to "vesting determination" with appropriate changes within the document, with the changes recommended by the City Attorney, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

- e. Request of the City of Winter Park for an Ordinance of the City of Winter Park, Florida amending Article V, Divisions 6 and 8 of Chapter 58 of the Land Development Code concerning tree preservation and protection and landscape regulations; providing Urban Forestry, Tree, and Landscape regulations, requirements, permit and mitigation procedures, and setting forth related fees and penalties; clarifying and amending the authority of the Urban Forestry Division and other city departments; providing supplemental compliance methods ensuring observance of tree and landscape regulation, replacement, mitigation, maintenance, and best pruning and planting practices. (1st Reading) 30 minutes

Attorney Ardaman read the ordinance by title. Park Services Manager Josh Nye gave a presentation on the proposed ordinance and basis for changes. There were no public comments.

Motion made by Commissioner Russell to approve the ordinance, seconded by Commissioner Cruzada. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

- f. An ordinance amending Chapter 62, "Offenses and Miscellaneous Provisions" of the Code of Ordinances by creating Section 62-80 "Trespass Warnings on Public Property." (1st Reading) 5 minutes

Attorney Ardaman read the ordinance by title. Mayor DeCiccio noted that this ordinance provides for enforcement of a recently enacted State Statute. Police Chief Tim Volkerson explained the procedures for enforcement, appeal and use of a magistrate. There were no public comments.

Motion made by Commissioner Cruzada to approve the ordinance, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio vote yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

- g. An ordinance amending Chapter 62, "Offenses and Miscellaneous Provisions," of Article VII "Public Order Offenses" by adding new sections to provide for additional standards in public parks. (1st Reading) 5 minutes

Attorney Ardaman read the ordinance by title. Mayor DeCiccio said this ordinance provides for enforcement of a recently enacted State Statute. There were no public comments.

Motion made by Mayor DeCiccio to approve the ordinance, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell and Cruzada and Mayor DeCiccio voted yes. The motion carried unanimously by a 4-0 vote. Commissioner Weaver was absent.

A recess was held from 4:50 to 5:00 p.m.

PUBLIC COMMENTS

15. City Commission Reports

Commissioner Russell -

- Offered his assistance and asked to be kept informed of the Henin matter and on the flooding at Sherbrooke as it relates to WPHS
- Announced that National Night Out is October 1st from 6 to 8 p.m. at the Public Safety Building

Commissioner Cruzada -

- Commended staff for helping residents fill sandbags in preparation for the storm..

Mayor DeCiccio -

- Suggested eliminating the Tree Preservation Board and transferring its responsibilities of the Code Compliance Board. The consensus was for staff/attorney to draft an ordinance.
- Spoke about previous discussions on developing guidelines for providing organizational support. Commissioner Sullivan agreed to work with staff on guidelines, which could be similar to those for allocating ARPA, city and CRA funding programs, for commission approval.
- Asked to be included in communications regarding Henin and stormwater matters.

16. Summary of Meeting Actions

Report on Hurricane Helene preparations.

Presented proclamation for National Drive Electric Week.

Received Vulnerability Assessment Report.

Approved the Consent Agenda.

Approved the Blue Dolphin Swim Club agreement.

Approved agreement for 426 medians and maintenance.

Adopted the millage rate and budget ordinances.

Approved Conditional Use Request for expansion of BMW dealership.

Adopted the Fee Schedule.

Approved ordinance to allow restaurants, et al., in O-1 zoning.

Approved ordinance amending parking regulations.

Approved four ordinances to implement the 2024 Comp Plan.

Approved ordinance regarding tree preservation, protection and landscape regulations.

Approved ordinance relating to trespass warnings.

Approved ordinance providing additional standards in public parks.

Staff to draft an ordinance transferring responsibilities from the Tree Preservation Board to the Code Compliance Board.

Create a work group with Commissioner Sullivan and staff to develop guidelines for allocating funding for non-profits.

Staff to keep the commission informed on Henin and stormwater matters.

17. Adjournment

The meeting was adjourned at 6:38 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis