City Commission
Regular Meeting Minutes

July 28, 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 3:30 p.m.

2) Invocation

Reverend Kathy Beasley, Central Florida Center for Spiritual Living, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Mr. Knight noted that Item 11c has been removed at the request of Rollins College but may be brought back after the work session discussion the reuse of the old library.

4) Citizen Budget Comments

Meghan Collins, 2351 Hunterfield Road, Maitland, urged the commission to use budget discussions as an opportunity to affect climate change and sustainability through reduction in electric use, purchase of electric vehicles and installation of solar panels.

5) Mayor's Report

Mayor Anderson spoke on the importance of the city's vision statement to honor the city's history and heritage. He commended Winter Park High School on the production of a movie on the Winter Park High School basketball team ten years ago. He expressed his appreciation for staff's efforts on the events during Parks and Recreation Month.

6) City Manager's Report

a. <u>Meet Your Departments - Parks and Recreation Department</u>

Jason Seeley, Director of Parks and Recreation, gave a presentation on Parks and Recreation's divisions and employee noting their responsibility to maintain 57 parks covering almost 400 acres, manage numerous events, programs, facilities and tree planting. He reported on new programs and the opening of the new Library and Event Center and showed a video of parks and facilities managed by the department.

b. City Manager's Report

Mr. Knight addressed the new CDC guidelines and advised of the implementation of a mask-wearing policy for city facilities. He asked the commission to re-address advisory board meetings, member and public participation due to the new guidelines. He responded to questions advising that from a staffing standpoint, full virtual meetings are better than hybrid meetings and reminded that quasi-judicial boards must have a physical quorum present to take action in meetings.

Members of the Commission spoke in favor of virtual meetings for non-quasi-judicial boards and hybrid for quasi-judicial boards. Commissioner Weaver felt hybrid meetings should have virtual public participation only.

Mr. Knight asked how the commission would like to manage its meetings and work sessions, particularly public participation. Attorney Ardaman stated that requiring virtual participation, although legal, could be problematic as it relates to due process. He added that the city could require that masks be worn when attending meetings.

Commissioner Weaver suggested that he city reach out to the Florida League of Cities and League of Women Voters to urge the governor to declare a state of emergency.

Motion made by Commissioner Sullivan to establish rules for public meetings as follows: any citizen may make comments in person and staff will enforce social distancing and take other actions for safety of participants (including masks), quasi-judicial boards must have a physical quorum and non-quasi-judicial boards shall meet virtually; seconded by Commissioner Cooper. (Public comments and vote were held after Public Hearings.)

In response to Mayor Anderson regarding Aloma Avenue, Mr. Knight advised that staff is working with FDOT on options and recommendations will be provided to the commission once received to look at implementation strategies for that corridor.

7) City Attorney's Report

Parking management plan at 444 W. New England Avenue. Mr. Ardaman advised that this is being reviewed and will be brought back for discussion in an upcoming meeting.

Changing the underlying zoning of the park land at Progress Point. Mr. Ardaman advised one issue that needs to be addressed before moving forward is the risk of rezoning the entire site if office buildings will be permitted on the property. The parking garage site would have to be addressed as well, if one is planned.

Mr. Knight advised that a lot split may be necessary to separate the park from remaining site in order to establish different zoning to accommodate office or commercial use.

Bronce Stephenson, Director of Planning and Transportation, advised that the final design is needed which shows the exact boundary of the park, location of right-of-way and changes to Palmetto Avenue in order to create an accurate legal description for the park land.

Mayor Anderson said the first step is to reach general agreement on park boundaries to move forward and asked that a conceptual rendering of the proposed boundaries as be provided.

<u>New property rights legislation</u>. Mr. Ardaman advised that his office has reviewed the policy language proposed by 1000 Friends of Florida and also reviewed the proposed ordinance submitted by Attorney Alison Yurko, both of which had language he feels will be problematic for the city. After additional review, a recommendation will be brought back to the Commission. Commissioner Cooper requested that City Attorney Langley's comments on the language proposed by 1000 Friends of Florida be provided to the Commission. (Further discussion was held under Commission Reports)

8) Non-Action Items

a. <u>Board Appointment - Commissioner Weaver</u>

Commissioner Weaver reported the appointment of Tracy Liffey to the Economic Development Advisory Board.

9) Public Comments (items not on the agenda) (heard after Consent Agenda)

10) Consent Agenda

a. Approve the minutes of the work session, June 30, 2021
b. Approve the minutes of the work session, July 7, 2021.
c. Approve the minutes of the work session, July 14, 2021 (Removed by Commissioner Cooper)
d. Approve the minutes of the regular meeting, July 14, 2021. (Removed by Mayor Anderson and Commissioner DeCiccio)
e. Approve the minutes of the work session, July 15, 2021
f. Approve the following contracts
    1. Anixter, Inc. - IFB-20-2019 - Electric Utility Construction and Maintenance Materials; Amount: $175,000.00 for goods on an as needed basis during the term of the Agreement.

2. Electric Supply of Tampa, Inc. - IFB-20-2019 - Electric Utility Construction and Maintenance Materials; Amount: $200,000.00 for goods on an as needed basis during the term of the Agreement.
3. Gresco Utility Supply, Inc. - IFB-20-2019 - Electric Utility Construction and Maintenance Materials; Amount: $150,000.00 for goods on an as needed basis during the term of the Agreement.
4. Stuart C. Irby Company - IFB-20-2019 - Electric Utility Construction and Maintenance Materials; Amount: $100,000.00 for goods on an as needed basis during the term of the Agreement.

g. Approve the following piggyback contracts
   1. Hill Manufacturing Company, Inc. - Kentucky Educational Development Corporation - Custodial Equipment, Supplies & Services; Amount: $90,000.00 for goods on an as-needed basis during the term of the Agreement.
   2. Atlantic Pipe Services, LLC. - St. John's County Contract #21-MCC-ATL-13188 - Sewer Pipe and Manhole Rehabilitation; Amount $750,000.00

h. Approve the following purchase
   1. TEAM Industrial Services, Inc. - Sole Source - Resilient Wedge InsertValve installation Equipment, Valves and Appurtenances; Amount: $300,000.00

Commissioner Cooper removed Item c and Commissioner DeCiccio and Mayor Anderson removed Item d.

Motion made by Commissioner Weaver to approve the Consent Agenda except Items c and d; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

Item c: **Motion made by Commissioner Cooper to amend her comments at the bottom of Page 1 for to read "Commissioner Cooper said she does not want the CIP to show debt as the funding source to purchase the property and it is not necessary as the CRA currently has unallocated funding."; seconded by Mayor Anderson. Motion carried unanimously with a 5-0 vote.**

Item d: Commissioner DeCiccio addressed public comments on page 3 made by Attorney Allison Yurko who requested clarification of her comments.

Motion made by Commissioner DeCiccio to amend the comments to read "… proposed ordinance to address attempts to grant land use changes by implication and the procedural due process implications of granting changes in this manner"; seconded by Commissioner Cooper. Motion carried unanimously.

Mayor Anderson spoke on the discussion relating to the Lake Killarney Advisory Board. He said he received comments from Lake Killarney residents that the minutes should reflect a full and thorough detail of the discussion. He said he would like to table these minutes to discuss with staff what should be included in the minutes regarding this discussion. Although minutes typically summarize discussions and acknowledge relevant information and intent of what was said, he feels more detail is needed in the minutes.

Motion made by Mayor Anderson to table the Lake Killarney portion of the minutes for further discussion; seconded by Commissioner Weaver.

The motion was clarified to reflect that the minutes in their entirety were tabled with the approved amendment.

Motion carried unanimously with a 5-0 vote.

Mayor Anderson declared a recess at 4:46 and reconvened the meeting at 5:00 p.m.

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

Shane Acevedo, owner of three properties on Loch Lomond and real estate developer, spoke positively of the neighborhood except that the area is on septic, not sewer. He spoke on the benefits of sewer connection on the future of this area and asked that conversion to sewer be placed on an upcoming agenda for discussion and said that he, as a developer, will contribute toward the cost of sewer for Loch Lomond.

Forest Michael, 358 W Comstock, displayed a proposed design of Progress Point. He submitted and reviewed a summary of available grant programs which could fund development at Progress Point and asked for the opportunity to give a presentation to the Commission.

Christine Williams, 1570 Woodland Avenue, expressed her disappointment about the new playground at Phelps Parks as she feels it does not serve children over five years. She submitted a package requesting funds to add a playground for children 5-12 years. She suggested that the proposed cost of $35,000 would be a good use for ARPA funs.

Michael Perelman, 1010 Greentree Drive, urged the commission to determine the long-term use of the old library before spending funds to refurbish or renovate the building.

11) Action Items Requiring Discussion

c. Budget Discussion & Set Tentative Millage Rate

Mayor Anderson explained the process for setting the tentative millage rate leading to the adoption of the final millage rate.

Mr. Knight advised that the current operating millage rate is 4.0923 and debt service millage rate for the Library and Event Center bonds is .2891. He presented options for millage rates and staff's recommendation to set the tentative millage current rate of 4.0923. He noted that the city's operating millage is the lowest in Orange County and third after adding the debt millage rate. He responded to questions regarding property values.

Commissioner Sullivan said he feels the same millage rate provides adequate revenue to fund expenditures and set some aside in reserves.

Commissioner DeCiccio commented on staffing shortages and the difficulty hiring and retaining qualified personnel. She believes that personnel expenses will increase and in order to maintain services, the commission will have to address potential shortfall.

Commission Cooper suggested that the city look at alternative revenue sources such as fire service fees, transportation impact fees, development review fees, and commercial parks usage fee. Mr. Knight advised that the city is moving forward with transportation impact fee and said that there has been public opposition in agencies where fire service fees were implemented.

Peter Moore, Division Director of Office of Management and Budget, said that he will send an update on state revenue projections and noted that sales tax revenue was down 3.1% for June as compared to 2019.

Commissioner Weaver expressed his concerns over the long-term regarding position vacancies, pay for skilled workers and potential lack of skilled workers in the future. He said he will be meeting with Human Resources and Mr. Knight to discuss ways to entice younger workers. He said he is not in favor of reducing the millage rate at this time.

Mayor Anderson spoke in favor of maintaining the current millage rate and commended the finance staff on their work on the budget.

Motion made by Commissioner Sullivan to adopt a tentative millage rate of 4.0923 mills and a voted debt service millage of 0.2891 mills required for the debt service obligation for the Library & Event Center Bonds; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

b. Permission to draft and issue a Notice of Disposal (NOD) for the City-owned property at Swoope for the purpose of obtaining a location to build a centralized Parks maintenance facility.

Mr. Moore advised this NOD comes after a proposal for a land swap was submitted by the owner of the adjacent property. Staff's plan would be to construct a new centralized maintenance facility at this site and convert the current maintenance facility at Palm Cemetery to columbarium after transfer of operations to the new location. He noted that the NOD is not binding but asked for authorization to draft and release the NOD. He responded to questions on columbarium revenue, site restrictions, zoning and adequacy of the site and parking and access to city equipment.

Commissioner Cooper said she feels that the city needs to determine what is wanted on that property before issuing the NOD and presented alternative language to the NOD language recommended including setting zoning, FAR and height requirements.

Discussion was held on layout, use of each piece being considered for a swap and potential development and there was general agreement that development parameters should be established.

Motion made by Commissioner Cooper to approve release of the NOD for the property at 631 N. New York with the following guidelines:

1. **Swap the Swoope site for land that is adjacent to or convenient to the golf course to allow for easy access for maintenance.**
2. **Land received in any swap must be adequate to support up to a 6,000 SF one- or two-story warehouse and office facility and required parking and storage areas.**
3. **The city will not consider any outright sale of the property.**
4. **Any receipt of swapped land that is less in total appraised value than the city's property must include financial consideration as compensation, the funds of which can be used towards completing the centralized maintenance facility.**
5. **This NOD does not in any way approve any potential future development or plan on the part of any proposer.**
6. **For purposes of comparative evaluation, the New York Avenue property will be appraised consistent with the intended use not as the current Institutional zoning.**
7. **Proposal must be code compliant including 45% FAR and no C-2.**

Seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

c. Consider allowing Rollins College the use of the old library parking lot for a staging and laydown yard for the Alfond Inn expansion project. (Withdrawn by Rollins College)

12) Public Hearings

a. ORDINANCE 3208-21. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.78+/- ACRES OF REAL PROPERTY LOCATED AT 647/653 HAROLD AVENUE AND A PORTION OF THE ADJACENT HAROLD AVENUE RIGHT-OF-WAY AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 Cooper. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

b. ORDINANCE NO. 3209-21. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY TO ORANGE COUNTY, FLORIDA, FOR THE OPERATION OF AN AIR QUALITY MONITORING FACILITY, WHICH IS SITUATED ON A PORTION OF THAT CERTAIN PARCEL HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 01-22-29-4512-03-010; PROVIDING FOR CONFLICTS; NON-CODIFICATION; 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 Cooper. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

c. ORDINANCE 3210-21. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK ESTABLISHING A BROADBAND AND SMART CITY AD-HOC COMMITTEE; PROVIDING FOR SUNSET AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner DeCiccio to adopt the ordinance on second reading; seconded by Commissioner Cooper.

Motion made by Commissioner Sullivan to amend the ordinance to change the appointment process with each commissioner appointing one member and the Mayor appointing three members; seconded by Commissioner DeCiccio.

There were no public comments.

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

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

d. Request of the City of Winter Park:
   - An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2141/2151/2211/2221/2223/2225/2227 Loch Lomond Drive in order to match the existing Single Family (R-1A) zoning.
   - An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2229/2255/2311/2313 Loch Lomond Drive and 2272 Nairn Drive in order to match the existing Single Family (R-1A) zoning. (1st reading)

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

Jeff Briggs, Planner, presented this request and responded to questions.

Motion made by Commissioner Cooper to approve both ordinances on first reading, seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

e. RESOLUTION 2249-21. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1434 NORFOLK AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title.

Jeff Briggs, Planner, presented this voluntary request for historical designation.

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

Mayor Anderson declared a recess at 7:07 and reconvened the meeting at 7:14 p.m.

Mayor Anderson opened the floor for public comments on the motion regarding advisory board meetings under the City Manager's Report. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

13) City Commission Reports

Commissioner Sullivan

- Addressed the property rights legislation and the policy language proposed by 1000 Friends of Florida. Mr. Ardaman reviewed their proposed language and outlined concerns. He opined that the City is already well-protected and urged caution in enacting more stringent provisions. Mayor Anderson suggested that the commission have additional review prior to first reading of ordinance.
- Noted the hesitancy to get the COVID vaccinations and presented a proposal to incentivize employees to get vaccinated and to those that have been vaccinated. Discussion followed on the goal of the incentive, urgency of getting vaccinated, legal and cost implications, and options for the incentive. Consensus to allocate $75,000 from ARPA funding and direct the City Manager to develop an incentive plan. Additionally, consensus was to schedule a special meeting on Tuesday, August 3rd at 3:00 to discuss the city's response to COVID and invite the city's labor attorney and medical director.
- Spoke on commission liaisons to advisory boards, which he supports as it would help the dialogue between boards and the commission. Members of the Commission discussed the goal of assigning a liaison and the board's need for have direction from the Commission. Mr. Knight noted that he is compiling information from department heads and board liaisons on their board's mission which he will provide.
- Emphasized the need to conduct energy audits of city buildings and water plants and allocating money to fund audits. He reminded everyone of the Orange County Solar Coop with registration open for only two more days.

- Asked staff to provide draft minutes as soon as possible after meetings. Mr. Knight advised of staff limitations preparing Commission minutes due to the increased number and length of the meetings. He said he would it be easier for advisory boards who meet monthly. Commissioner Cooper said that she is comfortable with the recap which is posted the next day.

Commissioner DeCiccio
- Asked that signs be posted or bags be provided at the Farmer's Market for pet owners to pick-up after their dogs.
- Said that residents have expressed frustration of having to wait online during meetings to speak to an agenda item, not knowing when it will be discussed. Mr. Knight said he will look at options.

Commissioner Cooper – No report.

Commissioner Weaver
- Asked about street repair on Glenridge. Mr. Attaway stated this street is not planned for resurfacing for at least another year but in the interim repairs can be done in select areas before doing full overlay.
- Stated that he has received a list of vehicles being replaced and has made suggestions for moving to electric vehicles which he will address during budget discussions.
- Spoke about Mr. Michael's plans for Progress Point spoke on his desire to reduce curb cuts on Orange Avenue and eliminate back of house access from Palmetto and instead have two driveways to parking area for access. He spoke at length about aspects of the plan. He expressed interest in obtaining grants and suggested giving Mr. Michael the opportunity to obtain grants. Discussion followed on the components and approved components of the park.
  Mr. Stephenson said that the subcommittee was tasked with decide on realignment of Palmetto and right-size the budget but any modifications would come back to full commission for approval. Discussion followed on plans and task of subcommittee. Mr. Stephenson noted that the city's consultants be attending the work session on August 4th.

Mayor Anderson - No report

14) Summary of Meeting Actions

- Agreed that non-quasi judicial boards will return to virtual meetings.
- Directed staff will look the boundaries of Progress Point to be rezoned
- Approved the Consent Agenda. Tabled the July 14th regular meeting minutes.
- Adopted a tentative millage rate.

- Approved ordinances on second reading.
- Approved rezoning of Loch Lomond properties on first reading.
- Approved designation of 1434 Norfolk Avenue to historic register
- Allocated $75,000 of ARPA funding for employee incentive for COVID vaccination
- Scheduled special meeting for August 3rd at 3:00 to discuss COVID issues.
- Changed August 4th work session meeting to 10:00 a .m. (in-person)

15) Adjournment

The meeting adjourned at 8:47 p.m.

____
Mayor Phillip M. Anderson

ATTEST:

____
City Clerk Rene Cranis