City Commission
Regular Meeting Minutes

June 22, 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; Assistant City Manager Michelle del Valle; City Attorney Dan Langley; City Clerk Rene Cranis.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:30 p.m.

2) Invocation

Reverend Alison Harrity, St. Richard's Episcopal Church, gave the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor Report

Mayor Anderson thanked those that sponsored and participated in the recent roundtable discussion on middle market/attainable housing and the Juneteenth event. He invited everyone to listen to the work session on the potential CRA expansion/ extension tomorrow at 2:30.

5) City Manager Report

a. Meet Your Department: Natural Resources and Sustainability
Director of Natural Resources and Sustainability Gloria Eby recognized the staff in this new department. She gave a presentation on their responsibilities for the city's 25 lakes, educational programs and sustainability action plan and programs including the reimplementation of the Green Business Program, community events and fundraising efforts for KWPB. She showed a video of work performed by the department.

Ms. del Valle stated that the selection committee for the RFP on the Old Library will be reviewing responses and the Commission will review in its work session on August 11th. She said the city has partnered with the Historical Association on an antique billboard display near the Sunrail station and will be featuring historical family and businesses.

6) City Attorney Report

Attorney Langley reported that the judge in the OAO challenge ruled in the city's favor and the recommended order from the judge is expected tomorrow.

7) Non-Action Items

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

9) Consent Agenda

a. Approve the minutes of the regular meeting, June 8, 2022
b. Approve the minutes of the work session, June 9, 2022
c. Approve the following formal solicitations:
   1. Gresco - IFB16-22 - 3PH Transformers; Amount: $250,000
   2. Gresco - IFB17-22 - 200 Amp Padmount Switchgears; Amount: $125,000
d. Approve the following piggyback contract:
   1. Granite Inliner, LLC - City of Casselberry Contract #RFP-2019-0467 - Sewer, Manhole & Lift Station Wet Well Rehab; Amount: $300,000 for services on an as-needed basis.
e. Approve the following contracts:
   1. Yang, Inc. - IFB13-19A - Electrician Services; Amount: $80,000 for services on an as-needed basis.
   2. SGM Engineering, Inc. - RFQ9-19A - Professional MEP Engineering Services; Amount: $75,000 for services on an as-needed basis.
   3. Calvin, Giordano & Associates, Inc. - RFQ9-19B - Professional MEP Engineering Services; Amount: $75,000 for services on an as-needed basis
f. Approve 180-day extension of the Broadband and Smart City Ad-Hoc Committee.
g. Approve consensus reached at June 9 joint work session between City Commission and Utilities Advisory Board to not increase electric rates for the purpose of providing additional funds for the undergrounding of residential service lines.

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

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

10) Action Items Requiring Discussion

a. Boat Length Regulation

Director of Natural Resources and Sustainability Gloria Eby stated this is a result of concerns raised by residents who were having difficulty purchasing a boat to meet their needs but still comply with boat regulations. She noted that many boats on the lakes exceed the required size, largely because of the changes in the design of boats. The current regulations allow 24-foot pontoon boats and the Lakes and Advisory Board recommended boat size be consistent for all boats. She responded to questions regarding increasing beam width and width of canals, which are currently 10 feet and will accommodate an 8.5-foot beam.

Commissioner Weaver asked whether the reconfiguration of Dinky Dock parking lot will accommodate longer trailers and boats. Parks and Recreation Director Jason Seeley said he will review but does not anticipate a problem.

Commissioner Weaver noted that the city owns several lots along the canal and questioned the whether those lots could be used to widen the canal. He recalled that the city had considered selling those lots many years ago. Mayor Anderson suggested that staff look at the need for those lots.

Motion made by Commissioner Sullivan to approve staff's recommendation; seconded by Commissioner DeCiccio. There were no public comments. **Consensus was to move forward with an ordinance to amend the code.**

b. Policy discussion on requests for work sessions.

Mayor Anderson said this is a result of a question raised in previous discussions as to whether the commission should reconsider its policy on how to gage preliminary responses for certain development matters.

Director of Planning and Zoning Jeff Briggs noted the legal issue in that the Commission acts on quasi-judicial matters (rezoning, land use, etc.) and is not supposed to be talking about these matters outside of a public hearing, and therefore, discussions and comments in work sessions may be deemed prejudicial to the public hearing.

Attorney Langley said there nothing wrong about talking about matters, but committing to a position is problematic. There may be pressure from all sides in the work session to take a position ahead of the public hearing.

Mayor Anderson said he feels there are distinct matters, legislative policy matters and application of the policies as it relates to development matters (projects). He noted staff's recommendation to continue the existing policy for specific projects that may come before the commission as a quasi-judicial board and part of that process includes formal application process, but there are also ways the applicant may want to gage public opinion.

Mr. Langley said staff's recommendation is that applicant-requested work sessions on a project before the application has been vetted by staff and heard by the Planning and

Zoning Board would be refused, but work sessions requested by city staff, commission or Planning and Zoning Board to discuss policy changes would be acceptable

Commissioner Sullivan supported developers holding community meetings, which can be attended by members of the commission but cannot comment or ask questions. Commissioner Weaver agreed.

Consensus was to continue the current policy.

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

a. Request of PRN Real Estate & Investments, Ltd. for Conditional Use approval to redevelop the property at 1133 W. Morse Blvd. with a 16,500 square foot, two-story, office/showroom/warehouse building, zoned C-3.

Asst. Director of Planning and Transportation Allison McGillis reviewed this request for conditional use for a plumbing products distributor. She advised that subsequent to the Planning and Zoning Board hearing, this property has been combined with the First Watch property, under the same ownership, in order for this project to meet FAR requirements. She reviewed the site plan, architectural renderings and parking requirements and plan, which meets requirements with a recorded shared parking easement with properties on Orlando Avenue occupied by the proposed Paradise Grill, Sleep Number, and First Watch for a total of 129 available spaces. The Planning and Zoning Board Z recommended approval with four conditions:

1. That the frontage along Morse Boulevard be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
2. That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).
3. That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.
4. That in order to meet FAR requirements, 1133 W Morse Boulevard and 140 N Orlando Avenue must be legally combined prior to development of the site and cannot be split without further city approval.

Mrs. McGillis responded to comments and questions providing additional details regarding parking, access and recorded easements and access agreements which run with the land. Attorney Langley confirmed.

Commissioner Weaver said this could be an opportunity to align North and South Harper Street at Morse and proposed working with the applicant to realign Harper Street; however, it may impede the landscaping at the Library. He suggested that the sidewalk width along Morse be increased to 8 or 10 feet. He questioned whether the applicant would consider an agreement to allow the use of the parking lot to accommodate some night and weekend events at the Library and Events Center.

Commissioner DeCiccio noted the poor condition of alleyway (N. Harper) and the narrow width and questioned whether the applicant can help with improving Harper Street.

Rebecca Wilson, 215 Eola Drive, attorney for the applicant, pointed out that this project meets on-site parking requirements and they are not requesting a variance. They have no objection to widening the sidewalk. She said the alleyway (Harper Street) is main access to property and there is no room to realign the alleyway.

Commissioner Weaver said the city could realign the road but is bringing to attention the issues with the sight line from the alleyway crossing Morse Blvd. Discussion followed on sightline and visual obstruction of the retaining wall.

Mack Sarieddine, Dave Schmidt Engineering, said there are no issues with the sightline triangles.

Mayor Anderson said he would like more input from staff on safety and visual impact around the hard corner.

Mayor Anderson left the meeting at 4:44. Vice-Mayor Weaver chaired the meeting.

Mrs. McGillis said staff will ensure there are no sightline issues when the project is submitted for permitting. Additional discussion was held on sight line conditions. Mr. Briggs said sightline would not be an issue if turning right from the alley-way. The retaining wall would not obstruct the sightline when turning left onto Morse Blvd.

Mr. Sarieddine responded to questions regarding the sidewalk, retaining wall and truck access.

Graham Oakley, Baker Barrios Architects, said this is a design showroom with a small warehouse and trucks are small box trucks and responded to concerns about the turning radius at the loading bay.

Commissioner Weaver asked whether the applicant would consider a parking lease agreement as he noted earlier. Mrs. Wilson stated they are not prepared to commit at this time but are willing to consider it. Commissioner DeCiccio said she feels it is not a realistic option for parking and use for valet parking.

There were no public comments.

Motion made by Commissioner DeCiccio to approve the request with conditions recommended by the Planning and Zoning Board noted above and an 8-foot sidewalk along Morse Blvd; seconded by Commissioner Sullivan. Upon a roll call

vote, Commissioners Sullivan, DeCiccio, Cruzada, and Weaver voted yes. Motion carried with a 4-0 vote. Mayor Anderson was absent.

b. Request of CentreCorp Inc. for Conditional Use approval to redevelop the property at 220 N. Orlando Avenue with a 5,297 square foot, one-story, office/showroom/warehouse building, zoned C-3.

Mrs. McGillis reviewed this request at the former location of Priceless Dry Cleaners for an office/showroom/warehouse for Paradise Grill. This will bring the building close to 17-92 with additional of landscaping and parking in the rear with access from Symonds Avenue. The property owner is party to the shared parking easement as noted in the previous public hearing in order to meet parking requirements. The Planning and Zoning Board recommended approval with the following conditions:

1. That the frontage along North Orlando Avenue and the portion along Symonds Avenue not used as access be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
2. That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).
3. That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.
4. That the applicant add signage that additional parking is located within the First Watch (140 N Orlando Ave) parking lot.

Commissioner Weaver suggested an additional condition to expand the width of the sidewalk along 17-92 to eight feet. He asked about the location of the dumpster.

Mrs. Wilson said the applicant will share a dumpster with First Watch and have been in discussions with Sleep Number for a potential shared dumpster. Although they could agree to a wider sidewalk provided they receive FDOT approval since 17-92 is a state road.

Mayor Anderson returned at 5:05 p.m.

There were no public comments.

Motion made by Commissioner DeCiccio to approve the request with the four conditions recommended by the Planning and Zoning Board noted above and an 8-foot sidewalk along 17-92 contingent upon FDOT approval; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

8) Public Comments | 5 p.m. or soon thereafter (continued after Item 11c)

Rick Keith, 849 Antonette Ave, spoke about short-term rentals in his neighborhood including his property and short-term rental regulations. He asked the city to examine the reality of short-term rentals and reconsider the reasons for the regulations and allow short-term rentals as long as the owner is on-site.

Bonnie Jackson, addressed the Pride Project banners and the special event banner policy. She said she feels by the city's permitting these banners, it is sanctioning the event and said that by law, the city must also must allow private religious expression. She requested that the city reconsider the policy and allow use in content-neutral ways. Such as honoring fallen military, Father's Day and other events that support and restore family values, respect and tolerance.

11) Public Hearings: Quasi-Judicial Matters (continued)

c. Request of Charles Veigle, Sr. and Kathleen Greene for:
   - Ordinance - to amend the comprehensive plan map to change the future land use designation of Office to Single Family Residential on the property at 2525 Audrey Avenue (1st reading)
   - Ordinance - to amend the official zoning map from Office (O-1) zoning to Single Family (R-1AA) zoning on the property at 2525 Audrey Avenue, (1st reading)
   - Subdivision plat approval to divide the property at 2525 Audrey Avenue into three single family home lots.

John Harbilas, Senior Planner, reviewed this three-part request. He showed the location of the property and the adjacent property with a sign (Allstate) installed in right-of-way, which is being resolved with property owner and business. He showed the proposed plat with a driveway and retention area for the Advent Health property to the north. He noted that each of these single-family lots will have own on-site retention and that because these are lakefront lots, houses require Planning and Zoning Board approval. The Planning and Zoning Board &Z recommends with approval with 4 conditions:

1. That a Note is provided on the Plat indicating that the boathouse/dock dimensions be limited to no more than 30 feet into the lake, that the structures be no wider than 16 feet and that the structures be permitted a 5-foot side setback measured on the land with the Lake Killarney Advisory Board permitted to grant variances as necessary to protect the existing cypress trees.
2. That the plans for the roadway construction within the right-of-way area, be subject to the approval of the City Traffic Engineer in order to assess and insure the adequacy of backup access for the existing parking lot at 2531 Audrey Ave;

3. That the site plan for the roadway construction accommodate the 2531 Audrey Ave pole sign remaining in place providing the opportunity to apply for a right-of-way utilization permit to maintain the existing pole sign in its current location;
4. That the proposed perimeter wall for the subject property, stop at the front leading edge of the existing office building at 2531 Audrey Ave.

Mayor Anderson recalled a recent controversy regarding the close proximity of docks on narrow lakefront lots where docks were over-built. Mr. Briggs explained the previous issue and advised that a note will be on the plat as noted in the first condition.

Commissioner Weaver expressed his concern that a 16′ wide dock is excessive given the narrow width of the lot at the lake and suggested 12′ maximum width for an eight-foot boat house and four-foot deck. Mr. Briggs stated a boathouse is typically ten feet wide with a four-foot walkway and a two-foot on the opposite side of the boathouse and discussion followed.

Attorney Langley read the ordinances by title.

Vivian Monaco, Watson Sloan, representing owner of Allstate property, supported this request.

Motion made by Commissioner Weaver to approve this request with the conditions recommended by the Planning and Zoning Board noted above; seconded by Commissioner Sullivan. Upon a roll call vote Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

8) Public Comments | 5 p.m. or soon thereafter (continued)

Jeanne Wall, 2110 Lake Drive, expressed her concern about posting and promoting a community meeting notice that includes images of proposed development on the city's website. She understands the need to post meetings where Planning and Zoning Board members or Commissioner members may be in attendance but suggested that images not be included in the notice because images and other information may not be accurate or omits information. Mayor Anderson suggested a discussion on possible disclaimer prior to future postings.

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

a. Ordinance 3246-22: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE SALE AND CONVEYANCE OF THE APPROXIMATELY .695 ACRE CITY OWNED PROPERTY LOCATED WEST OF SWOOPE AVENUE AND DEPICTED AS PARCEL A AS IN THE ATTACHED EXCHANGE AGREEMENT; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Attorney Langley read the ordinance by title. There were no public comments.

Motion made by Commissioner Weaver to adopt the ordinance; seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

13) City Commission Reports

Commissioner Sullivan -

- Spoke about June Nineteenth celebrating is first year as a National Holiday and suggested that the city also declare Juneteenth a city holiday. Ms. del Valle stated the city is conduct a pay and benefit study and this will be included in the discussion of city holidays. Approved by general consensus.

Commissioner DeCiccio -

- Asked for the status of the review of the banner policy. Mr. Langley stated a recommendation will be presented in the next couple of weeks.
- Stressed the need for restrooms in West Meadow as an option for portable restrooms. She asked that this be on the next agenda to consider permanent restrooms which would require an amendment to the ordinance currently prohibiting structures in Central Park.

Commissioner Sullivan expressed his concern with locating the restrooms on the east side of the railroad tracks for safety reasons.

Discussion followed on ordinances relating to limitations on constructing permanent structures in Central Park. Mayor Anderson asked that staff provide the documents relating to these restrictions. for documents/ordinances. He said he would be in favor of finding capacity that is more public-related whether is at the train station, West Meadow or pavilion. A secondary consideration is that Saturday and Sunday Sunrail use may increase and may create additional need.

Commissioner Weaver asked for the restroom rental cost and expressed concern about increasing construction costs. Approved by consensus to place on agenda.

- Addressed parking at the Library stating that lack of parking with simultaneous events during Library hours created parking issues for Library visitors. She opposed spending any money on parking plans that may not alleviate the problems and urged the commission to move forward with a parking garage

Commissioner Weaver said he doesn't disagree; however, the land available (Parking Lot A) is not wide enough to build parking garage, the cost is too high, non-economical and poses other challenges. He suggested pursuing agreements with some west side churches and offer shuttle service to the Events Center.

Commissioner DeCiccio noted that money is set aside in the CRA budget for parking.

Mayor Anderson understands the problem when there are large events during the summer at the library. He referenced the plans presented as part of the bond referendum and cannot support parking for a building that is twice the size approved by the voters as part of the referendum and questioned whether the combination of total capacity for the two locations needs to be governed by allowing fewer large events at peak periods. He said the Commission approved temporary parking measures but should start working on operational measures to ensure the success of both operations.

After discussion, there was no consensus to revert from approved parking measures.

Commissioner Weaver-

- Suggested a study on a trolley that services at a minimal to downtown, Progress Point, Winter Park Village and the Library and Events Center.

Commissioner Sullivan said if the sales tax increase is approved, the the trolley may be a great approach for shuttle from Sunrail to the Events Center. Mayor Anderson said with the with proposed sales tax increase and increased Sunrail operation, there be increased visitors and should be considered at that time.

- Expressed his concern that Habitat houses are allowed to be sold to investors after five years and opposed continuing to contribute if that is the case. He suggesting considering amending the program.

Attorney Langley advised that a condition or deed restriction could be placed on the land and mortgage or can be a condition of the city's donation; however, consideration would have to be given if the owner is deceased.

Ms. del Valle stated that Habitat has the right of first refusal and deed condition prohibiting the sale and will circulate the restrictions.

- Thanked staff for work on the design of 5G antenna on the Lee Road extension.
- Spoke about short-term rentals and reviewed Osceola and Orange County's regulations that have been successful and suggested reconsideration of the ordinance and removing some limitations. Consensus to place on future agenda.

Mayor Anderson -

- Expressed his pride in being part of a city that includes everyone in their definition of family.

14) Summary of Meeting Actions

- Approved consent agenda
- Directed staff to prepare ordinance increasing boat length. Staff to look at city-owned boat slips in terms of widening the canal.
- Agreed to continue current policy on work sessions.
- Approved conditional use request for Ferguson.

- Approved the conditional use for Paradise Grill.
- Approved requests for property at 2525 Audrey Avenue.
- Adopted ordinance authorizing sale of Swoope Avenue property.
- Include addition of June Nineteenth as a city holiday in budget discussions.
- Continue review of banner policy and place on upcoming agenda.
- Place discussion of restrooms in West Meadow on a future agenda.
- Consider trolleys as use for penny sales tax.
- Provide restrictions on sale of Habitat homes.
- Place discussion of short-term rentals on a future agenda.

15) Adjournment

The meeting was adjourned at 6:29 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis