City Commission
Regular Meeting Minutes

June 14, 2023 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; City Manager Randy Knight; Assistant City Manager Michelle del Valle and Deputy City Clerk Kim Breland.

1) Meeting Called to Order

2) Invocation

The invocation was provided by Reverend Dale Truscott, St. Richard's Episcopal Church, 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

a. Proclamation: Code Enforcement Officers Appreciation Week

Mayor Anderson thanked code enforcement staff for their work enforcing city codes and read a proclamation declaring the week of June 5 - 9, 2023 as Code Enforcement Officers Appreciation Week.

b. Proclamation: Edyth Bush Charitable Foundation Day

Mayor Anderson read a proclamation declaring June 22 as Edyth Bush Charitable Foundation Day. David Odahowski, President of the Foundation, thanked the city for the proclamation and introduced the Foundation board and staff: Brian Butler, Rick Walsh, Mary Ellen Hutchinson, Kaori Kuahara, Sylvia Landivar, J P LeMaster. He provided background on Mr. and Mrs. Bush's contributions to the community.

c. Recognition of the Juneteenth Holiday.

Mayor Anderson invited everyone to participate in the Juneteenth activities and presentations between June 17 and June 20. Director of Planning and Zoning Jeff Briggs provided a history of the founding of Winter Park by Chapman and Chase who believed in emancipation and establishing a town with northern values. Mayor Anderson recognized LaWanda Thompson, Equity Council, host of Juneteenth events.

5) City Manager Report

- The open house on the city's smart city initiative is tomorrow at 5:30 at the Country Club and residents can submit comments via the city's website.
- Tomorrow's work session on the CRA expansion/extension is at 1:00.
- Staff has been negotiating the purchase of the Winter Park Playhouse current building and asked for authorization to continue negotiations on option to purchase until TDT grant and other funding sources are confirmed. Agreed to by consensus.

Commissioner DeCiccio spoke about the neighborhood meeting on Monday that was not broadcast or provided public comment which prevented many residents from participating and because of the importance of the old library to the residents. She suggested that public meetings held in the Chambers be broadcast and allow for virtual participation and comments for full transparency.

Mayor Anderson provided a different perspective in that the meeting was on a very narrow topic and intended to receive comment from area neighbors, similar to a meeting held by a developer or builder on a project. The unsolicited land swap offers were incidental and not part of the agenda. His concern was that expanding the meeting would have been contrary to the intent to receive comments from immediate neighbors with opportunities for the public to provide comments in upcoming meetings. He noted that all in attendance were invited to comment and that the meeting was publicly noticed because all commissioners were in attendance.

Commissioner Sullivan agreed with Commissioner DeCiccio and feels there could be situations to limit to subareas of the city but believes because of the topic it was not appropriate to reduce the opportunity for the public/community to speak.

Consensus was that interactive meetings held in chambers and include the city commission be broadcast and allow for virtual participation. Mayor Anderson suggested that on topics that will have an impact in a defined area, those residents will be heard first before other public comments.

6) City Attorney Report

7) Non-Action Items

8) Public Comments | 5 p.m. or soon thereafter **(heard after Item 10a)**

9) Consent Agenda

a. Approve the minutes of the regular meeting, May 24, 2023
b. Approve the following piggyback contracts:
   1. TAW Orlando Service Center - City of Tampa Contract #20-P-00870 - Electric Motor and Pump Repair Services; For services on an as-needed basis during

the remainder of the current term of the Agreement through November 4, 2023; Amount: $75,000.

2. USIC Locating Services, LLC - OUC Contract #5038OQ - Underground Facilities Line Locating Services; For services on an as-needed basis during the remainder of the current term of the Agreement through December 17, 2024; Amount: $400,000.
3. Dade Paper and Bag, LLC - City of Tucson/OMNIA Partners Contract #202329-01 - Janitorial and Sanitation Supplies, Equipment, and Related Services; For goods and services on an as-needed basis during the term of the Agreement through May 31, 2025; Amount: $200,000.
4. Petroleum Recovery Services, LLC - GSA Contract #GS-07F-0363U - Fuel Filtration & Tank Cleaning; For services on an as-needed basis during the term of the Agreement through May 31, 2028; Amount: $100,000.
5. Danus Utilities, Inc. - City of Leesburg Contract #IFB200451 - Lift Station Rehabilitation Services; For services on an as-needed basis during the term of the Agreement through September 30, 2024; Amount: $700,000.
6. Thompson Well & Pumps, Inc. - Volusia County Contract #21-SQ-21SR - Well Field Services; For services on an as-needed basis during the term of the Agreement through February 16, 2024; Amount: $100,000.

c. Approve the following contract:
   1. Ovation Construction Co., Inc. - RFQ11-18D - Repair & Construction Services (< $200k/project); For services on an as needed basis for the remainder of the current term through July 15, 2023. Amount: $500,000.

d. Purchase of Boathouse Lot 2B on the Venetian Canal for $20,000.

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

10) Action Items Requiring Discussion

a. Discussion of possible uses and process to be followed on the old library property located at 460 E. New England Avenue

Mayor Anderson commented on the unsolicited offers to swap property for the old library property (the first swap for the Bank of the Ozarks (Ozarks) property and the second for for property on Virginia Avenue). He feels the questions for consideration are whether to move forward with the RFP or suspend the process, to modify the RFP so the two unsolicited proposal would receive comparable consideration, or have an open discussion on those proposals.

Commissioner Weaver recalled the consensus was to retain the old library property and is therefore opposed to a land swap.

Mayor Anderson said he agrees but is not opposed to opening the RFP process to consider other options.

Commissioner Sullivan said he has not heard support to sell the property. He suggested the rejecting the first offer due to disparate values of the property and put the other on the back burner. He suggested the RFP needs to be open longer, at least 90 days and continuing to craft the RFP for approval in the next meeting.

Commissioner DeCiccio said the neighborhood meeting appeared to show consensus for a gateway to Winter Park and some support for the WP Playhouse but also showed lack of support to sell the property. She noted several e-mails from residents showed a majority opposing a land swap and sale.

Commissioner Cruzada opposed a land swap but would support delaying the RFP. In response to a question by Commissioner Cruzada, Commissioner Sullivan said his reason for a delay in issuing the RFP commits the city to moving forward with a timeline that would prohibit any land swap for which additional information is needed.

Commissioner Cruzada noted that at the FDOT meeting on the 426 project there was discussion of a roundabout at the Ollie/Chase/Fairbanks intersection, which could result in the loss of some of the library property/parking. He opposed a land swap if there is an opportunity for any type of traffic calming in the area in the near and long term.

Mayor Anderson asked for the timeline to release the RFP if it is revised in this meeting. Mr. Knight said the RFP could be ready for final approval no later than the first meeting in July.

Commissioner Weaver spoke about the need for property for the roundabout and understands that, at most, eight parking spaces would be lost. He supported intersection improvements and going forward with RFP and timeline to bring back to the commission in July with a four-month response period, as previously discussed.

Mayor Anderson summarized his understanding as a consensus to move forward with RFP with a preference for a land lease. Items still to be considered is C-3 zoning, i.e. establishing parameters on office space such as maximum square footage that has some relationship to on-site parking rather than excluding office use. He noted residents' preference for high-end residential, parks, or some type of arts and community use such as WP Playhouse. Mr. Knight noted that C-3 zoning prohibits residential use on the first floor.

Commissioner Weaver suggested that office use be limited due to parking and having temporary space for small businesses. He noted that the WP Playhouse is willing to use TDT funds to renovate the building.

Discussion was held on types of use, limitations and parking requirements and the impact of imposing restrictions that would limit the number of responses to the RFP with detailed discussion on maximum office space and profit versus non-profit use. Consensus was to remove the exclusion of office space from the list of parameters for the RFP and not to respond to the land swap offers and allow the parties to submit during the RFP process.

Commissioner Sullivan displayed a drawing of the Bank of Ozarks, Seven Oaks Park and Azalea Lane Park and suggested that the city purchase the Ozarks property and potentially the adjacent portion of Denning Drive to connect the parks. The purchase could be financed through a bond issue and if the CRA is expanded to include this area, then utilize CRA funds to pay off the bond.

Commissioner Weaver supported the purchase at the appraised value. He reminded of the potential need for property for a roundabout at the six-point intersection, stormwater treatment and potential intracity Sunrail.

Commissioner DeCiccio suggested authorizing the city manager to offer $6M, which is above the $5.88M appraised value, with $5M paid with a 20-year bond and $1M from Winter Park Land Trust.

Commissioner Sullivan expressed concern that Ozarks would not accept the $6M offer since it is significantly below the $7.5 asking price and Commissioner Cruzada expressed concern about issuing a bond referendum in a difficult budget year and potential recession which could be better used for other infrastructure priorities and also given the deadline (now less than 90 days).

Mayor Anderson questioned whether a debt service will fit into next year's budget and during a potential recession and is opposed to having a debt service payment that could impact police and fire services.

Commissioner DeCiccio said she understands there is a $600k surplus in the upcoming budget. Mr. Knight explained that many items are not funded in the balanced budget and the commission will receive a list of items that have been discussed but not in the budget.

Mayor Anderson suggested a high-level discussion on the budget to gain a better understanding of the impact on service levels in the next meeting.

Commissioner Sullivan asked if there was a possibility the budget would be trimming police and fire service. Mr. Knight said no unless the commission decides to make cuts. He said this is an extraordinarily tight budget. Staff has set aside some funds for the commission to prioritize and fund projects not currently in the budget. Grant-funded projects are not included in the budget as they will not be done without grant approval since they are reimbursement grants. He advised that the budget document will be released on the first week in July with individual commissioner meeting the second week in July.

Mayor Anderson asked for a high-level overview of the budget with discussion on impact of bond issuance in the next meeting.

Mr. Knight asked the commission for a fixed offer as the property is not being marketed actively and he could make a specific offer with a refundable deposit if agreed to by the commission

After discussion, consensus was to set a maximum $6M offer which is slightly above the recent appraisal of $5.88m and place on the agenda for the first meeting in July to discuss other funding sources to lower debt service and trade-offs going into the budget and accommodating this debt service. Mr. Knight explained the city's process for bond issuance and refinancing for a lower rate and the process for grant funding, which are typically reimbursed, and the city does not start a grant-funded project until agreements are in place.

Frank Hamner, 1111 Wymore Road, provided the location and details of his clients' offers for land swaps which in one case would include a monetary payment as well as the land. His client would occupy a large portion of the building library with space for non-profits and onsite parking and they would work with the city to include a gateway. He spoke about the financial benefits of a land swap, i.e. property tax revenue. He asked for more consideration and believes the city has a fiscal responsibility to consider the offer.

Michael Perelman, 1010 Greentree Drive, supported the concept of acquiring the Ozarks property and expanding Seven Oaks Park and retaining ownership of the library property for non-profit and small businesses and with a portion used for a gateway. He urged the commission to move forward with the RFP.

Brad Blum, 1169 Lakeview, supported purchasing Ozarks property to expand the park which will be more valuable as greenspace to improve quality of life and more important toward the redevelopment of Orange Avenue and for future generations. He recommended moving toward the purchase/financing and completing efforts to expand the CRA and use CRA funds to repay bonds. He further suggested using the funds allocated for the Post Office which likely will never be available for sale.

Heather Alexander, Executive Director of Winter Park Playhouse, expressed appreciation for efforts to help to keep the Playhouse in Winter Park, agreed with Mr. Bloom about improving quality of life and encouraged the city to move forward with RFP.

Steve Goldman, 2009 Venetian Way, representing Winter Park Land Trust, clarified Trust for Public Lands that works with municipalities and land trust to obtain urban parkland. The trust can participate in funding to create the park but cannot contribute if the purchase price is over the appraised value. He spoke about the importance of creating more park space, particularly since there is no more property for a major park in Winter Park.

Beth Hall, 516 Sylvan Drive, opposed swapping or selling the library property. She feels it is a gateway and not a place for workforce housing. She urged the city to refine the RFP seeking unique proposals to promote the Winter Park brand. The question on the Ozarks is whether the city can afford to buy it.

Charlie Williams thanked the commission for expanding future community meetings to broadcast. He reiterated comments made in the neighborhood meeting: no vanilla plans, keep it green, make it a bookend, and connect greenways for pedestrians and bicyclists. He suggested including language in the RFP to identify the property as a gateway to Winter Park and feels the Ozarks property is an opportunity to expand the park.

Theodore Stoner, 222 Osceola Court, opposed selling the old library and spoke in favor of a greenspace and gateway to Winter Park. He feels the first level should be non-profit and left open for the community to foster creativity and greenspace on the roof, a shorter lease term and a pedestrian bridge from the property to Dinky Dock.

Pat McDonald, 2438 Summerfield Road, opposed a land swap and selling the property.

A recess was held from 5:39 to 5:54 p.m.

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

Lawanda Thompson, expressed her disappointment that she was not invited to speak on the recognition of Juneteenth. She provided a brief history leading to the establishing of Juneteenth which commemorates the emancipation of slaves and serves as a reminder of efforts and goal to achieve racial equality. She reviewed the weekend events in the city in recognition of Juneteenth...

Thor Faulk, founder and president of Winter Park Pride Project, wished for a wonderful Juneteenth event and noted that June is Pride Month. He said he has received questions about the lack of banners and expressed his hope that the city will allow banners to be displayed for Juneteenth and Pride Month. Commissioner Sullivan advised that the Chamber of Commerce has Pride flags available.

Gigi Pappas, 1440 Hibiscus Avenue, spoke about the change in policy regarding banners and supported banners that do not create divisiveness.

Jennel Smith, sister of Daniel Knight, said they continue to attend these meetings hoping to save lives. She spoke about the events leading to his death and asked what policies were in place and could be changed to prevent this doesn't happen again.

Katrina Knight, brother of Daniel Knight, showed photo/video of Daniel Knight and questioned why the officer is still on the Police Department.

Mayor Anderson read a prepared statement in response to potential litigation by the estate of Daniel Knight..

11) Public Hearings: Quasi-Judicial Matters

12) Public Hearings: Non-Quasi-Judicial Matters

a. ORDINANCE 3272-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, REPEALING THE REGULATIONS ON BOATHOUSES AND DOCKS AND AMENDING CHAPTER 114 "WATERWAYS" TO INCORPORATE AND UPDATE THE REGULATIONS CONCERNING DOCKS AND BOATHOUSES, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weaver to approve the ordinance; seconded by Commissioner Cruzada. 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.

b. Ordinances relating to approximately 2.07 acres of real property at 1896; 1934; 1964; 1968; 1970 AND 1990 Kentucky Avenue. (2nd Reading)

   ORDINANCE 3270-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.07 ACRES OF REAL PROPERTY LOCATED AT 1896; 1934; 1964; 1968; 1970 AND 1990 KENTUCKY AVENUE PLUS THE RIGHT-OF-WAY OF KENTUCKY AVENUE FROM FORMOSA AVENUE TO CLAY STREET, 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.

   ORDINANCE 3273-23 - 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 LOCATED AT 1896; 1934; 1964; 1968; 1970 AND 1990 KENTUCKY AVENUE AND TO

INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

ORDINANCE 3274-23 - 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 1896; 1934; 1964; 1968; 1970 AND 1990 KENTUCKY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

Attorney Ardaman read the annexation ordinance by title.

Motion made by Commissioner Weaver, seconded Commissioner Cruzada to adopt the annexation ordinance.

Attorney Ardaman read the remaining ordinances by title.

Commissioner Weaver amended his motion to include all three ordinances; accepted by Commissioner Cruzada. There were no public comments.

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

Upon a roll call vote on the ordinance amending the Comp Plan, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

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

c. Resolution 2272-23 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, AFFIRMING CHANGES TO GENERAL ELECTION DURING PRESIDENTIAL PRIMARY ELECTION IN 2024; PROVIDING RELEVANT AUTHORIZATIONS TO THE ORANGE COUNTY CANVASSING BOARD WITH RESPECT TO THE CITY'S MARCH 19, 2024 GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title. Mr. Knight explained the purpose of this resolution.

Motion made by Mayor Anderson to approve the resolution; 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.

13) City Commission Reports

Commissioner Sullivan -

- Spoke about the Rosewood massacre, part of the recognition of Juneteenth, where a black community was destroyed and resulted in legislature ordered reparations to the descendants, the first of any state.
- Asked for support to obtain a second appraisal on the Ozarks property as he feels it could put the city in a better position.

Commissioner Weaver said because the bank is looking at their ROI it probably won't make much difference. Commissioner DeCiccio agreed. Mayor Anderson said it could be done at a later date. After discussion. Mr. Knight said staff can look for more recent sales and he will recirculate the current appraisal.

Commissioner DeCiccio -

- Showed photos of a property on E. Winter Park Road where OUC installed electrical poles which are an eyesore since surrounding properties are served by Winter Park and have underground service. She asked what options are available to make this right and why the property cannot connect behind the house?

Director of Electric Utility Dan D'Alessandro said he visited the property today and found that the poles were moved from back to front because of the increase in size of house. He spoke about the unique situation in and surrounding the city's service area and outlined options to resolve this situation and said staff has meetings scheduled with OUC to look at options.

- Advised that the Mead Garden Federation wants to sell its building at Mead Garden, which is used for events and has caused noise problems for the neighbors. She suggested authorizing the city manager to negotiate the purchase price between $200 and $250k using parks acquisition funds.

Ms. del Valle advised of an ongoing case and consensus was to take the court case to resolution and authorize the city manager to negotiate the purchase including a buy-out of the existing long-term lease.

Commissioner Cruzada -

- Thanked staff for their work on the stormwater drainage on the golf course which as decreased the water level and water is moving quickly.

Commissioner Weaver – No report.

Mayor Anderson-

- Said the FDOT meeting on 426 improvements was well-attended with good solutions presented but the city may want to include other solutions. He suggested forming a subcommittee with he and Commissioner Cruzada, as daily users of 426, to work with their neighbors and develop options for discussion by the commission.

Commissioner DeCiccio spoke about residents' frustration that nothing will be started for two years. Mayor Anderson noted this in MetroPlan and FDOT five-year plan with budget in place for next fiscal year for design work. He outlined potential solutions and suggested a further discussion of a potential roundabout at Fairbanks at Dinky Dock. Discussion followed on the feasibility of a roundabout.

- Advised that Planning and Transportation teams are analyzing new legislation about workforce housing that takes and its impact to home rule. He asked the city attorney if there if there are changes that should be considered and be put in place before the July 1st effective in order to maintain the charm and scale of the community. Agreed by consensus to place on next agenda.
- Spoke about the WP 9 golf course and lack of a safe shelter during storms. He suggested staff consider options for a temporary area. Parks and Recreation Director Jason Seeley said this will be addressed with new facility at seventh hole. After discussion, consensus was for staff to develop a temporary solution while building is under construction.

Lawanda Thompson asked for the status of the property next to the Heritage Center. Mr. Knight advised that the owner is not willing to sell and the cost to acquire the property through eminent domain, which, historically, the commission has opposed, will cost in excess of $1m.

14) Summary of Meeting Actions

- Issued proclamations for Code Enforcement Officer Week and Edyth Bush Foundation Day and recognized Juneteenth.
- Reminded of open house on Smart City and work session tomorrow on CRA expansion/extension.
- Staff to continue looking at options for WP Playhouse while waiting on TDT grant decision.
- Meetings held in commission chamber to be broadcast
- Approved consent agenda
- Directed staff to move forward with old library RFP including land lease, C-2 zoning, elimination of exclusion of office and bring back by first meeting in July.
- Authorized the city manager to begin negotiations for the purchase of the Bank of the Ozarks property at $6m. Place an overview of the bond process and budget implications on the next agenda and further discussion in the first meeting in July.
- Approve ordinance adopting new regulations on boathouses
- Approved ordinances relating to properties on Kentucky Avenue.
- Approved resolution affirming changes to the 2024 election

- Directed staff to work with OUC on poles on residential property.
- Directed staff to move forward with purchase the Mead Garden Federation building.
- Directed staff to look at options for a temporary storm shelter on WP9 golf course.

15) Adjournment

The meeting adjourned at 7:04 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis, CMC