



City Commission Regular Meeting Minutes

June 8, 2020 at 3:30 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Steve Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

Assistant City Manager Michelle Neuner
City Attorney Kurt Ardaman
City Clerk Rene Cranis

1. Meeting called to order

The meeting was conducted via GoToWebinar.

Mayor Leary called the regular meeting of the City Commission to order at 3:31 p.m.

2. Invocation and Pledge of Allegiance

Peter Moore, Division Director of Office of Management and Budget provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

No changes.

4. Mayor's Report

Mayor Leary commented on the challenges in the nation and community given recent events. He expressed pride in the Police Department and requested that the Civil Service Board review Police Department policies and procedures regarding use of force and other tactics utilized when dealing with the public to ensure the Police Department is operating under best practices. Approved by consensus.

5. City Manager's Report

No report.

6. City Attorney's Report

7. Non-Action Items

a. Micromobility Prohibition Discussion

Director of Planning and Transportation Bronce Stephenson stated this is in response to commission's request to address micromobility devices operation on sidewalks. The proposed changes restrict the use of micromobility devices within the city.

Attorney Ardaman reviewed recent changes to State Statutes and explained that the proposed ordinance limits the ability of micromobility devices to be operated on sidewalks and streets and prohibits them in the Central Business District (CBD). Devices could be allowed in residentially zoned areas with speed limitations, which need to be added into the ordinance. He responded to questions stating that without this ordinance, micromobility must be allowed where bicycles are allowed.

Discussion ensued on the legality of prohibition; enforcement of regulations, i.e., in multi-jurisdictional areas like Cady Way Trail, inclusion of Segway devices or scooters as a micromobility device, operation of devices in residential areas on the sidewalk and streets, differentiation between and regulation of commercial and personal use, and safety of operation within CBD.

In response to questions, Mr. Ardaman stated that if the city does not have an ordinance in place, then State Statute controls and gives the micromobility devices and motorized scooters more leeway and recommended moving forward.

Mr. Stephenson stated that staff feels there is some urgency to move forward and suggested the Commission take steps to prohibit these devices and refer this to the Transportation Advisory Board to review.

Upon comments by Commissioner Weaver, Mr. Ardaman advised that the ordinance can establish different rules for commercial operation and personal operation.

Discussion was held on the feasibility of a moratorium versus prohibiting commercial use while the Transportation Advisory Board reviews the ordinance. Mr. Ardaman recommended a prohibition which does not require action within a certain timeframe as opposed to a moratorium which requires the city to act with a specified time frame. He said restrictions and prohibitions for both commercial and personal use can be addressed in a prohibiting ordinance.

Consensus was to direct staff to prepare an ordinance prohibiting commercial operation and allow personal operation in certain areas, i.e. in the CBD, streets with designated bike lanes, residential neighborhoods, with first reading on June 22nd and review by the Transportation Advisory Board.

9. Consent Agenda

- a. Approve the minutes of May 11, 2020
- b. Approve the minutes of May 13, 2020 (**Pulled by Commissioner Sullivan for discussion**)
- c. Approve renewal of lease agreement with Historical Association.
- d. Approve the following contract items:
 1. Associated Consultants International; Le-Huu Partners; Zyscovich: Amendment to renew RFQ-3-2017 - Continuing Professional Architectural Services; to be utilized on an as-needed basis.
 2. SGM Engineering; Calvin, Giordano & Associates: Amendment to renew RFQ-9-2019 - Continuing Professional MEP Engineering Services; to be utilized on an as-needed basis.

Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner DeCiccio.

Commissioner Sullivan pulled Item 9b for discussion. He commented on Commissioner Cooper's motion to conduct an independent audit of Library and Event Center Process. He said he understood the audit was to begin with the team selection process and also include the process for site selection and process of selection of the architect and asked that these be included in the audit. (For clarification only, no action was taken to amend the minutes.)

There were no public comments. **Upon a roll call vote to approve the Consent Agenda as presented, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

10. Action Items Requiring Discussion

a. Construction Noise Prohibitions

George Wiggins, Director of Building and Permitting Services, reviewed current code provisions, prohibitions in surrounding agencies, programs available to reduce impact of commercial construction, and options to permitted start time and end times.

Members of the commission discussed different hours and days for commercial and owner-construction and the impact to contractors and homeowners of reducing the hours. Mr. Wiggins stated that he would notify local contractors and building associations of the changes.

Consensus was to direct staff to draft an ordinance changing commercial construction hours Monday through Friday to 7 a.m. to 8 p.m., Saturday 8 a.m. to 6 p.m. and make no changes to Sunday hours.

8. Citizen Comments

Kamal Pourmoghadam, 245 Salvador Square, spoke in support of the City's plan to improve the drainage for Kings Way and Fawsett Road which will reduce flooding and erosion of their property and thanked city staff for their work on these improvements. Staff was directed to communicate the schedule with Mr. Pourmoghadam.

10. Action Items Requiring Discussion (continued)

b. Discussion of meeting days and times.

Mrs. Neuner provided information on average meeting duration for the prior year.

Discussion followed on different days that would allow more opportunity to discuss agenda items with staff in preparation for the meetings. Consensus was to change the meetings to the second and fourth Wednesday at 3:30 p.m.

Mrs. Neuner recommended that the change be implemented with the first meeting in July. (July 8th) which will be the Commission's first live meeting since the beginning of the COVID19 pandemic.

Commissioner Cooper said she would like to clarify in the Commission's governance ordinance and what items must be heard after 5:00 p.m. She suggested a policy that states meetings will

end time no later than 10:00 p.m. and any items not discussed be carried forward to the next meeting. Discussion followed on the impact to the applicants and public on moving unheard agenda items to the next meeting.

Mayor Leary declared a recess at 5:28 p.m. and reconvened the meeting at 5:45

c. OAO

Mr. Stephenson stated staff recommends moving forward with the scopes of work as presented.

Motion made by Commissioner Cooper to accept the GAI Scope of Work as presented; seconded by Commissioner Sullivan.

Motion made by Commissioner Cooper to approve the Kimley Horn Scope of Work with the following amendments including funding for Tasks 1-4, and set Task 4 as a future project. Motion failed for lack of second.

- Page 1, (before Task 1) - add Project Understanding and Schedule.
- Task 1, amend to read - "The development scenarios will be identified by City (currently OAO Subareas D, I and J floor area ratio (FAR) assumed to be 60%, 130%, 150%, and 200% and 45% of each of the other Subareas assumed to develop to their maximum entitled FAR (Subarea A - 65%; Subarea B - 60%; Subarea E -80%; Subarea F- 20%; Subarea G- 45%; Subarea K - 80%). These FAR will include the square footage of the parking garages. The development scenarios will reflect a consistent mix of use across all development programs. Resulting scenarios will be finalized by City prior to NTP).
- Task 1, roadway segment list - change "Palmetto from Orlando to Fairbanks" to "Palmetto from Orlando to Denning" and delete Lake Midget and Orwin Manor.
- Page 1, last paragraph, revise to read "... and neighborhood impacts (including but not limited to Orwin Manor, Garden District and Lake Midget neighborhoods)..."
- Task 2, revise to read "...summary on the respective pros and cons and differences..."
- Task 4, study area intersection list, delete Orange/Cypress and add Orange/Fairbanks, Fairbanks/Denning, Fairbanks/Chase, and Fairbanks/Clay.
- Task 4, include AM peak hour intersection Level of Service and analysis.
- Task 4, add "Roadway improvements referenced above to be recommended by KH based on their analysis. KH to provide engineers estimate of probable cost for the corridor improvements. The City shall approve recommended roadway and intersection improvements prior to use in modeling.

Mr. Stephenson responded to questions clarifying the scope of work as it relates to the fee, intersection improvements and probable cost and traffic flow. Discussion followed on types of improvements and impact on intersections. Mr. Stephenson stated that KH has advised that completion of Task 3 may provide an opportunity to reduce the scope of Task 4 and that new additions to Task 4 will significantly increase the cost but are unlikely to provide the city with much added value.

Commissioner Cooper suggested that the scope include the before and after impact of corridor improvements.

Motion made by Commissioner Cooper to approve the scope of work and funding for Tasks 1-4 as amended with pause after Task 3 to review and refine the scope and the cost for Task 4 and add to Task 1 that the City will be provided an analysis of the road segments with and without corridor improvement; seconded by Commissioner Sullivan.

Mayor Leary stated that KH indicated that the scope is beyond what they would normally do for this and said he is opposed to any part of this due to the cost and because developers would be performing these studies at their own expense.

Commissioner DeCiccio spoke in opposition to spending any money. She read portions of a KH study dated May 22nd which provides needed data and analysis and contains information that is part of the statement of work.

There were no public comments.

Additional discussion was held on the scope of work and the need and ability to obtain data and analysis prior to moving forward with the OAO process and the costs of each study.

Upon a roll call vote on the motion to approve the GAI scope of work, Commissioners Sullivan and Cooper voted yes and Mayor Leary and Commissioners DeCiccio and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote to approve the Kimley Horn scope of work and funding for Tasks 1-4 as amended and with a pause after Task 3, Commissioners Sullivan and Cooper voted yes and Mayor Leary and Commissioners DeCiccio and Weaver voted no. Motion failed with a 2-3 vote.

Motion made by Commissioner Cooper to approve the GAI Scope of Work and approve the Kimley Horn scope of work and funding for Tasks 1-3. Motion failed for lack of second.

Motion made by Commissioner Cooper to approve the Kimley Horn Scope of Work and funding for Tasks 1-3, seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper voted yes and Mayor Leary and Commissioner Weaver voted no. Motion carried with a 3-2 vote.

11. Public Hearings

a. FDOT Fairbanks Donation (Right-of-Way Designations)

- Ordinance - Authorizing conveyance of city-owned property located adjacent to north right-of-way of S.R. 426 east of Harper Street (First Reading)
- Ordinance - Authorizing conveyance of city-owned property located adjacent to S.R. 426 within the right-of-way of Harper Street. (First Reading)
- Resolution - Designating a three-foot strip of land adjacent to Harper Street as part of the city's street system as public right-of-way.

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

Motion made by Commissioner Cooper to approve the ordinances on first reading, seconded by Commissioner Weaver.

Motion made by Mayor Leary to approve the resolution and seconded by Commissioner Cooper.

Public Works Director Troy Attaway stated that the right-of-way conveyance to FDOT allows for lengthening the left-turn lane on Fairbanks with construction anticipated to start January 2021.

There were no public comments. **Upon a roll call vote on the motion to approve ordinance conveying the property adjacent to S.R. 426, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

Upon a roll call vote on the motion to approve the ordinance conveying the property within the right-of-way of Harper Street, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the motion to approve the resolution, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

12. City Commission Reports:

Commissioner Sullivan

- Asked staff to look at options resuming virtual board meetings such as Zoom. Ms. Neuner advised that staff is holding virtual board meetings but also is preparing to hold in-person meetings at the expiration of Governor's executive order on June 30th.
- Asked that the City Commission approve the auditor for the Library and Event Center project process. Ms. Neuner stated that City Manager Randy Knight will present the scope of work and auditor recommendations to the Commission for approval.

Commissioner DeCiccio

- Asked for an update on Morse/17-92 intersection improvements. Mr. Stephenson stated that staff has worked with FDOT for solutions who approved a Leading Pedestrian Interval which will be installed on Thursday. Commissioner DeCiccio asked staff notify Trade Joe's of these improvements.
- Asked for status of getting sanitizer and masks. Ms. Neuner stated the city is still waiting on its larger order, but have sufficient quantity.
- Asked for the policy on wearing masks at Farmer's Market. Mrs. Neuner stated that the city recommends visitors wear masks and will re-address the matter with the vendors.
- Asked for that Commission meeting actions be posted publicly. Mrs. Neuner said a summary will be posted on the website beginning with this meeting.

Commissioner Cooper

- Thanked the Police Chief and City Manager for their efforts relating to protests and reviewing police procedures the prior weekend. She encouraged the Civil Service Board to receive public input as they address procedural and policy changes.

- Expressed displeasure in Commission's action on the OAO data and analysis which she feels now prevents the public from seeing visuals of what may be created on Orange Avenue.
- Commented on moving forward with Overlay and schedule work sessions to move forward. Need to prepare new schedule.
- Asked when departmental budget presentations will be made. Mrs. Neuner stated the intent to have in July.
- Asked about signage at 17-92/Morse intersection. Mr. Attaway stated that a No Turn on Red sign on Morse would not be appropriate or improve pedestrian safety since 17-92 traffic would have a green light. Commissioner Cooper asked about Gay Road. Mr. Attaway said the city is looking at same option.

Commissioner Weaver

- Commented on meeting access and suggested continuing to allow public comment by phone or virtually. Consensus was to have staff research options for allowing remote public participation.
- Explained that the East Central Florida Resilience Coalition is a group of agencies that study common areas of interest and requested that a representative speak at next meeting and that the city enter into a Memorandum of Understanding to join the group to have voice in regional interests. Approved by consensus.
- Thanked Police Department and citizens for holding a peaceful protest in Central Park.
- Spoke on the scopes of work and the OAO stating that he is not comfortable with direction this is taking. He feels the ultimate problem is speeding and there are ways to reduce speeds without significant impact and that he will oppose three-lanes on Orange Avenue.

Mayor Leary

- Said he appreciates everyone's position on the OAO but he does not feel the city should spend the money on the data and analysis.
- Commented on the removal of the transmission poles on Fairbanks Avenue and expressed his pride of the work done on Fairbanks and the partnership with Duke Energy and public agencies.

Summary of Commission Actions

- Staff to direct the process for the Civil Service Board's review of police policies and procedures.
- Staff to schedule first reading of a micromobility ordinance for June 22, followed by review of Transportation Advisory Board
- Commission members to submit items to staff for scope of work on the Library and Event Center audit.
- Staff to prepare an ordinance modifying hours for construction (Monday-Friday 7 a.m. to 8 p.m., Saturday 8 a.m. - 6 p.m., Sunday remains the same).

- Staff to prepare a resolution to schedule regular Commission meetings for Wednesday at 3:30, the first to be July 8th.
- Disapproved the GAI scope of work and approved the Kimley Horn scope of work Tasks 1-3.
- Approved ordinance on first reading to convey right-of-way on Fairbanks Avenue to FDOT and adopted resolution dedicating sidewalk on Harper Street.
- Staff to notify Trader Joe's of status of improvements at Morse/17-92 intersection.
- Encourage wearing masks at Farmer's Market.
- Post a meeting action summary on the website.
- Schedule a presentation by East Central Florida Resilience Coalition for June 22nd.

The meeting adjourned at 7:29 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC