City Commission
Regular Meeting Minutes

May 26, 2021 at 3:30 p.m.

WP Community Center
721 W. New England 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 3:32 p.m.

2) Invocation

Reverend Emily Wasser, Winter Park Presbyterian Church, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor's Report

Mayor Anderson thanked those that attended the Sidewalk Art Festival. He thanked commissioners and staff for their work and gave an update on the Commission's discussions on the city's vision, OAO, and priorities.

a. Employee Recognition: Milestone anniversaries with the city.

Mayor Anderson acknowledged staff's hard work and thanked the employees being recognized for 20, 25, 30, 35 and 40 years of service. Mr. Knight read the name of the employees reaching milestone anniversaries and thanked them for their service.

5) City Manager's Report

a. Discussion: moving meetings back to Commission Chamber

Mr. Knight advised that staff has prepared for holding meetings in the Chamber. Commissioner Cooper said she would be more comfortable maintaining six feet social distancing on the dais. Mr. Knight said six feet spacing can be accommodated by placing four commissioners on the dais and some at the conference table. Approved by consensus. Mr. Knight added that masks are not required at City Hall and that virtual participation will still be available. Commissioner Sullivan thanked IT staff for their work in coordinating virtual meetings and participation.

b. City Manager's Report

Fairbanks Avenue property purchase: The property between the dry cleaner and 929 Fairbanks is for sale at $700,000. He recommended offering $650,000 based on comparison of the size and price of the dry cleaner property just purchased. Consensus was leave this under the City Manager's purview in terms of creating options.

Howell Branch property/tree removal issue: A Stop Work Order was issued due to unpermitted removal of trees, Fines have calculated and a special meeting of the Code Compliance Board may be held. The owner has offered to hold a meeting with neighbors regarding steps he will be taking to mitigate the loss. He responded to questions advising that staff and the Tree Preservation Board are reviewing the city code and will present recommendations.

Commissioner Cooper suggested that the city arborist, at the expense of the owner/developer, be present when the land is cleared to avoid improper tree removal and further suggested stringent penalties and increased fines.

Commissioner Sullivan read comments received from the neighbors expressing their outrage about removal of the trees and urging increased fines to stop future violations. He supported increased fines above the cost of doing business. After discussion, consensus to have staff to review the code and present recommendations to avoid this in the future.

Commissioner Weaver commented on the poor health of Lake Temple and urged the city arborist to guide the developer to remove tree limbs and debris from the lake and replant the shoreline to repair the ecosystem.

Commissioner Cooper asked if this will be walled neighborhood. Director of Planning and Transportation Bronce Stephenson advised that a wall has been approved by the city due to close proximity of the neighborhood to Howell Branch Road.

Public Art at I-4: Commissioner Cooper asked whether there will be lighting for the public art at I-4. Director of Communications Clarissa Howard advised that solar lighting is being donated.

Commissioner Cooper thanked staff for letter requesting veto of bill regarding home businesses. She asked for a report on the Bert J. Harris Act.

6) City Attorney's Report

Mr. Ardaman explained the proposed amendment to the Bert J. Harris Private Property Right Act which would make it easier for property owners to file claims against local governments for actions detrimental to their property. He read the proposed statute defining those actions and reviewed the impact to the city. If the city wants to avoid application of the claims process in the bill, the city would need to pass an ordinance prior to July 1 to require claims to go through existing process.

Commissioner Cooper said that she believes that any sweeping land use changes must be made prior to July 1, which includes the OAO.

Mayor Anderson suggested this be discussed in the OAO work session tomorrow.

Commissioner Cooper asked that the city generate a letter to veto this amendment. Approved by consensus. Mr. Knight advised the letter will be sent tomorrow.

7) Non-Action Items

a. <u>Board Appointment - Annemarie Smith to Parks and Recreation Advisory Board (Mayor Anderson)</u>

Mayor Anderson reported this appointment.

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

9) Consent Agenda

a. Approval of the minutes of the regular meeting, May 12, 2021
b. Approval of the minutes of the work session, May 13, 2021 **(Removed by Mayor Anderson)**
c. Approval of the formal solicitations:
   1. American Wire Group - IFB4-21 - Purchase of 1 SkV & 600-Volt Underground and Overhead Cable; Amount $59,000 for 25,000 ft. of 600V cable per specifications;
   2. Stuart C. Irby - IFB4-21 - Purchase of 1 SkV & 600-Volt Underground and Overhead Cable; Amount $429,250 for 75,000 ft. of 1 SKV cable and 20,000 ft. of 1 SKV cable, per specifications.
d. Approval of the following contracts:
   1. Johnson-Laux Construction, LLC - RFQ11-18 - Repair & Construction Services (< $2001</project); Amount $500,000 for as-needed services;
   2. Allcrete, Inc. - RFP13-17 - Continuing Concrete Services; Amount $500,000 for as-needed services;

3. SGM Engineering, Inc - RFQ9-19 - Professional MEP Engineering Services; Amount $30,000 for as-needed services;
4. Calvin, Giordano & Associates, Inc. - RFQ9-19 - Professional MEP Engineering Services; Amount $30,000 for as-needed services;
5. Smithson Electric, Inc - IFB13-19 - Electrician Services; Amount $150,000 for as-needed services;
6. Yang, Inc. - IFB13-19 - Electrician Services; Amount $150,000 for as-needed services;
7. Tom's Sod Services, Inc. - IFB26-18 - Purchase, Delivery & Installation of Sod; Amount $175,000 for as-needed services;
8. IFB16-19 - Purchase & Delivery of Conduit/Pipe for the following vendors. Waiver of Procurement process is requested for these contracts to adjust costs based on monthly price adjustments for this commodity.
   a) Anixter, Inc; Amount of $175,000 for as-needed services.
   b) Electric Supply of Tampa; Amount $750,000 for as needed materials;
   c) Gresco Utility Supply, Inc.; Amount $175,000 for as needed materials;
   d) Wesco Distribution; Amount $60,000 for as needed materials;
9. Parsons - Waiver of the solicitation process is requested for Roadway Engineer-of-Record for FDOT Project 408429 US 17-92 (Orlando Ave) and enter into a contractual agreement with Parsons; Expenditures are included in CIP.

Mayor Anderson asked to remove Item b.

Motion made by Commissioner Cooper to approve Consent Agenda Items a, c-d; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5 - 0 vote.

Item b: **Motion made by Mayor Anderson to add a sentence on Page 2, before the 2nd paragraph that reads "Mr. Stephenson noted several recent land sales and discussion ensued regarding using recent sale comparisons as a basis of understanding the value increase at different FARs;" seconded by Commissioner Cooper. Motion carried unanimously with a 5 – 0 vote.**

10) Action Items Requiring Discussion

a. American Rescue Plan Act (ARPA) Funding Non-Profit Support Program

Mr. Knight provided the background of ARPA funding discussions and approval of a tentative allocation for organizational support of $200k. He presented the criteria and application.

The Commission reviewed the following eligibility criteria:

- Must be 501C3. Approved by consensus
- Must be headquartered within the municipal boundaries of Winter Park. Approved by consensus.
- Have been in operation for at least 3 years. Approved by consensus.
- Annual operating budget does not exceed $2 million.

Commissioner Cooper noted that there are more than more 500 organizations that would be eligible based on the threshold and suggested decreasing the threshold. She suggested defining operating budget since there may be disparity among organizations in the definition.

Mr. Knight clarified that the 500 organizations are those in Winter Park that meet the budget threshold and include family foundations or trusts that may not qualify for this program. He noted that the commission could add criteria for the type of organization and/or that provide a service the under-served.

After discussion, consensus was to set the threshold at $2 million and define operating budget as the amount designated as total expenses on IRS Form 990 filed by non-profits.

- Must have independent Board of Directors for oversight. Consensus was to delete the word "independent."
- Must demonstrate a financial need caused by the COVID-19 Pandemic. After discussion, consensus was to change to "Must have suffered a detrimental impact due to COVID-19 Pandemic" and to require revenue statements to show decrease in revenue.
- Amount – Maximum of $25,000 or 1/2 of annual operating budget. Approved by consensus.

The meeting was recessed at 4:43 p.m. and reconvened at 4:50 p.m.

Mayor Anderson stated the next step is to develop organization criteria, perhaps a service provider as opposed to a trust, followed by determining the review process by creating a sub-committee to make a recommendation to the Commission or develop precise parameters and develop list for Commission to consider support and amount of support.

Commissioner Sullivan said he feels that a number of non-profits will meet criteria and noted that the Commission could increase the current allocation of $200,000 if need is great enough. He suggested a staff committee to review applications.

Commissioner DeCiccio suggested asking the amount the organization has received under the recovery act. Agreed by consensus.

Commissioner Weaver suggested a task force, other than staff or commission due to public perception, to review applications and asked how this will be communicated to non-profits. Mr. Knight stated that the city has a list of some organizations but staff can develop a communication plan. After additional discussion, consensus was to create a task force to review applications to make a recommendation to the Commission.

Commissioner Cooper suggested asking who the organization services, i.e. those disproportionately impacted by COVID-19 (nurseries, mental health providers, unemployed), vulnerable population (children, seniors, disabled); and whether they provide affordable housing. She said her intent is to give these organizations priority but would not exclude other organizations.

Mayor Anderson asked two commissioners jointly review the application criteria and establish task force guidelines.

Commissioner Sullivan suggested asking the organizations to explain any detrimental impact and also whether they had cooperative activities in support of other non-profits.

Commissioners Sullivan and Cooper agreed to serve on the subcommittee to review the criteria and application. Commissioner Cooper said she opposed to increasing the $200,000 allocation.

Motion made by Mayor Anderson to table until next commission meeting; seconded by Commissioner Weaver. Motion carried unanimously with a 5 - 0 vote.

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

Mary Dunn, 450 Clarendon Avenue, expressed her concern regarding the environment and urged the city to take steps to reduce carbon emissions.

Forest Michael, 358 W. Comstock Avenue, said he feels the city should have been fined for removal of trees at the Library and Event Center and suggested that those fines be imposed and used for the MLK Memorial.

Mary Daniels, 650 Canton Avenue, urged the city to move forward with the MLK memorial and to support youth and senior organizations with the ARPA funding.

Martha Hall spoke in support of re-establishing the MLK memorial.

11) Public Hearings

a. Request of A&R Real Estate Development for:

- Subdivision approval to split the properties platted as Lots 25 & 26 on Loch Lomond Drive, zoned R-1 A. Variances are requested from the R-1A lot dimension standards, and

- Request of the City of Winter Park for an Ordinance to change the Future land use designation on Lots 25-27 from Office to Single Family Residential.

Attorney Ardaman read the ordinance by title.

Senior Planner Jeff Briggs reviewed the request for lot split. The properties are currently zoned residential and the ordinance changes the land use to match the zoning. Approval is recommended.

Motion made by Commissioner Cooper to approve the lot split; seconded by Commissioner Sullivan. Motion carried unanimously with a 5 - 0 vote.

Motion made by Commissioner Cooper to approve the future land use to R-1A; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5 - 0 vote. (In the June 9th meeting, the Commission agreed the intent was to change to single-family residential land use.

Shane Acevedo, applicant, 1817 Loch Berry Road, spoke positively of the neighborhood with the exception of the septic requirements which could be a hindrance to property values in the area. He encouraged the city to look at extending sewer to these properties. Commissioner Cooper suggested that staff look at the cost of extending sewer.

There were no additional public comments.

Upon a roll call vote to approve the lot split, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5 – 0 vote.

Upon a roll call vote to approve the ordinance on first reading, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5 – 0 vote.

b. Resolution 2247-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PRAYER MISSION OF GOD IN CHRIST CHIURCH BUILDING AND PROPERTY LOCATED AT 827 W. LYMAN AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Mr. Briggs reviewed the voluntary request to designate this property as a historical resource not because of the age of building but the importance of churches in Hannibal Square neighborhood. The Historic Preservation Board recommended approval.

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to approve the Resolution; seconded by Commissioner Weaver.

Mary Daniels, 650 Canton Avenue, spoke in support of this designation.

Martha Hall, 331 W. Lyman, expressed her appreciation for this designation and spoke about the work of her husband, Reverend Hall, who was pastor of this church for many years and a beacon in the community.

Forest Michael, 358 W. Comstock, spoke in support of Mrs. Hall, the church and this designation.

Maria Bryant, daughter of Rev. Hall, thanked the city for honoring her father with this designation.

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 3206-21: AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND THE MEMBERSHIP, FUNCTIONS, DUTIES AND PROCEDURES OF SUBSIDIARY CITY BOARDS; AMENDING SECTION 58-446 TO ELIMINATE THE REFERENCE TO ALTERNATE MEMBER TO THE HISTORIC PRESERVATION BOARD TO BE CONSISTENT WITH SUCH BOARD'S MEMBERSHIP SET FORTH IN CHAPTER 2, ARTICLE III; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY 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 pubic 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.**

12) City Commission Reports

Commissioner Sullivan
- Reminded everyone that meetings will return to Commission Chambers with virtual participation. He urged everyone to get vaccinated.
- Commented on the USPS property purchase discussions.

Commissioner DeCiccio
- Asked for confirmation on the plans for the MLK memorial in MLK Park. Mr. Knight confirmed that the plaque will be incorporated in MLK Park and plans to will be presented to the Commission for approval.

- Asked about the timing of pursuing extension of CRA and revision to the boundaries. Mayor Anderson said a future work session will be scheduled after completion of the OAO. She stressed the importance and speaks to use of CRA funds for the Post Office property. Mayor Anderson asked staff to report on the use of surplus funds from the CRA at the ends of the CRA.
- Presented a request from some residents to rename Orlando Avenue to Winter Park Avenue or Winter Park Blvd. Commissioner Cooper agreed but suggested another name representative the city since there is Winter Park Road. Mayor Anderson agreed.

<u>Commissioner Cooper</u>

- Thanked staff for the incredible job in hosting the FLC luncheon and ethics training.
- Expressed an interest in a planning effort with staff, P & Z and neighbors to prepare for the potential redevelopment office or commercial properties adjacent to residential neighborhoods. Mayor Anderson said he feels that transition zones should be identified and examined.
- Suggested inviting the group who developed The Exchange concept (John Rivers, John Rive, Wade Miller, Tracy Liffey) for reuse of the Library be invited to make a presentation in an upcoming meeting. Commissioner Weaver agreed. Commissioner DeCiccio expressed her concern about the cost to the city to make renovations.
  Mayor Anderson suggested that this be added to the discussion in June 7th work session regarding becoming a landlord. Consensus was to add to the work session.
- Submitted copy of an e-mail from FLC which shows the effect of Bert Harris Act which takes effect July 1st. She suggested that the city may want to move forward with major land use changes and asked that that staff create a schedule for the adoption of the OAO prior to July 1st. Commissioner DeCiccio agreed.
  Director of Planning and Transportation Bronce Stephenson stated that additional scopes have yet to be completed and the final language is being reviewed by the city attorneys. He noted that the city-wide notice must be in homes 30 days prior to the first P&Z hearing followed by first reading of the ordinances by the Commission, 30-day review by the State and then second reading of the ordinance. This will be discussed further in the May 27th OAO work session.
- Gave Commissioner Sullivan a copy of an e- mail sent to the City Manager regarding the Bert Harris Act.
- Advised that she stepped away from USPS negotiations because of her confidence that the Mayor to handle the negotiations representing the will of the Commission and move forward.

Mayor Anderson thanked Commissioner Cooper for her support and acknowledged her work with FLC and on its committees.

Commissioner Weaver

- Thanked staff for FLC luncheon meeting.
- Thanked city staff for looking at the health of Lake Island health and advised that staff will be dredging the eastern side of lake.
- Asked if there is a way to display the MLK Plaque. Mr. Knight said the design of the memorial will be presented to the Commission for approval.
- Asked if churches are eligible for CRA funding for improvements. Division Director of Office of Management and Budget Peter Moore stated that he will review the CRA documents to see if there is a program available. Mr. Stephenson advised that historic preservation matching grants are available.
- Noted the numerous e-mails received in support of sunsetting gas-powered leaf blowers.
- Asked for support for work session on supermajority vote. Mr. Knight advised that the ordinance is being drafted based on the Commission's direction and will be on the next agenda as a discussion item.

Mayor Anderson

- Asked the commission to consider being an ex-officio member of an advisory board. Attorney Ardaman said this is a policy decision but recommended that it not apply to quasi-judicial boards because some of their decisions may come as a recommendation to the Commission.

13) Summary of Meeting Actions

14) Adjournment

The meeting adjourned 6:29 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis