City Commission
Regular Meeting Minutes

April 26, 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 De Valle and City Clerk Rene Cranis.

1) Meeting Called to Order

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

2) Invocation

Pastor Eddie Rivera, Action Church, gave the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Mayor Anderson said Item 10c is being revised and will be on the May 10^{th} agenda. **Motion made by Mayor Anderson to approve the agenda removing Item 10c; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.**

4) Mayor Report

a. Proclamation - Winter Park High School Varsity Cheerleading Championship

Mayor Anderson congratulated members of the Winter Park Cheer Team on competing at the national level. He read a proclamation declaring April 26 as Winter Park High School Cheer Day.

b. Proclamation - Building Safety Month

Mayor Anderson thanked Building and Permitting staff for their work and read a proclamation declaring May 2023 Building Safety Month. Building and Permitting Services Director Gary Hiatt introduced department staff. Dottie Mazzarella, International Code Council, thanked the commission for their support of the building and permitting staff.

5) City Manager Report

Commissioner DeCiccio asked for an update on engineer reports on infrastructure. Mr. Knight stated engineer contracts are being finalized and a report will be presented in the June 29th work session along with hurricane preparedness report. It was noted that a community meeting on hurricane preparedness is May 23rd at the Library.

6) City Attorney Report

7) Non-Action Items

a. Annual Board Appointments

Mayor Anderson acknowledged the receipt of annual appointments of Commissioners Sullivan and DeCiccio as noted in the meeting packet. In addition, Commissioner DeCiccio appointed Ray Waugh to the OAO Appearance Review Board.

b. Report of board appointments

Mayor Anderson reported the appointment of Ellen Henken to the Lake Killarney Board and Pragasen Ramiah to the Community Redevelopment Advisory Board. He noted Commissioner Cruzada appointed Sean McDermott and Commissioner Weaver appointed Suzie Grace to the Broadband and Smart City Ad Hoc Committee.

c. Annual Comprehensive Financial Report

Finance Director Wes Hamil thanked Assistant Director of Finance Karen Cockerham, Accountant Sandro Porcella and auditors for their work on the audit. He gave a presentation on balances and changes in the General, Water and Sewer and Electric Services funds and responded to questions on collection of utility bills after changing billing systems, unrealized losses and debt service. Joel Knopp, MSL CPAs and Advisors, gave an overview of audit requirements and reported the city received a clean opinion.

Mayor Anderson thanked city staff on their work.

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

9) Consent Agenda

a. Approve the minutes of the regular meeting, April 12, 2023
b. Approve the minutes of the work session, April 13, 2023
c. Approve the following piggyback contracts:
   1. Trane U.S. Inc. - Omnia Partners Contract #3341 - HVAC Products, Installation, Labor Based Solutions, and Related Products and Services; For services on an as-needed basis during the term of the Agreement through August 31, 2027; Amount: $1,500,000.
   2. Deere & Company - Sourcewell #031121-DAC - Grounds Maintenance Equipment; For goods on an as-needed basis during the term of the Agreement through April 30, 2025; Amount: $100,000.

3. Wesco Turf Supply, Inc. - Sourcewell #031121 - Grounds Maintenance Equipment; For goods on an as-needed basis during the term of the Agreement through April 30, 2025; Amount: $100,000.
4. Nutrien AG Solutions, Inc. - PB22-27 - Herbicides, Adjuvants and Algaecides; For goods on an as needed basis for the remainder of the current term of the Agreement through July 1, 2023; Amount: $25,000.

d. Approve the following contract:
   1. AGH Management, LLC - IFB5-22 - Athletic Field Maintenance & Laserfield Leveling Amendment 1; For services on an as-needed basis during the term of the Agreement through May 2, 2023; Amount: $100,000.

e. Approve the following formal solicitation:
   1. Collage Design & Construction Group, Inc. - RFP10-23 - Construction Manager at Risk for Seven Oaks Park.

f. Approve the following purchase:
   1. Ten-8 Fire & Safety, LLC - Pierce Manufacturing; Amount $923,546 for purchase and delivery (Fiscal Year 26) of a Pierce velocity pumper-based fire engine.

g. Approve Budget Amendment - Stormwater Projects (Lake Spier, NRCS)

h. Approve 20-megawatt Solar Acquisition through FMPA. (Removed by Mayor Anderson)

Mayor Anderson removed Item h from the agenda for clarification.

Motion made by Mayor Anderson to approve the Consent Agenda except Item h; seconded by Commissioner DeCiccio. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

Item h – Mayor Anderson explained the city's purchase of solar noting the cost is less than the cost of traditional power source and the city may consider purchasing additional solar.

Motion made by Mayor Anderson to approve Item h; seconded by Commissioner Weaver. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

a. Commission Board Appointments

Motion made by Mayor Anderson to reappoint Wayne Kalish to the Firefighters' Pension Board, Tony Grey to the Police Officers' Pension Board, and Tammie Holiday to the Winter Park Housing Authority; seconded by Commissioner Weaver. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

b. Discussion of allowing sale of 1925 Killarney Drive property.

Mayor Anderson said this property is outside the city limits and was deeded by the city to the Kiwanis Club in 1951 with a reversion clause that the property is used solely for the use of the Boy Scouts and Girl Scouts of America and if the use was changed, the property would revert to the city. The Kiwanis Club expressed a desire to create a solution where if the city allows the Club to sell the property, they would commit to using a majority of the proceeds from the sale to benefit the local Boy and Girl Scouts The property would also retain its residential zoning which would be beneficial to the Killarney neighborhood.

Commissioner Sullivan asked what will bind Orange County to maintain residential zoning. Mr. Knight explained the property is zoned R-1A and surrounded by R-1A zoned properties and that Orange County is not inclined to change the residential zoning. He said requiring residential zoning to remain could be a condition of the sale for single-family residential. He added that part of this request is for staff to work with the attorney to draft documents to sell the property with protections to retain the residential zoning. He said commission approval is needed to allow the Kiwanis Foundation to sell the property and on requiring a percentage of the proceeds to be used for Boy and Girl Scouts programs or a joint facility.

Discussion followed on determining the amount and use of the proceeds, i.e. requiring that 80% of the proceeds toward programs and 1/3 of that toward Boys and Girl Scout services.

Motion made by Mayor Anderson to authorize the City Manager to move forward into discussions that would ultimately allow the Kiwanis Club to sell the property subject a deed restriction for a single-family house and also subject to a covenant on how the funds would be allocated so that the bulk of it goes to directly or indirectly benefit the Boy Scouts and or Girl Scouts of America; seconded by Commissioner Weaver.

Jeanne Wall, 2110 Lake Drive, thanked staff for their work on a solution. She asked if it is better that the Kiwanis sell this property or if there is more control if the property is voluntarily reverted to the city. She expressed concern about the allocation of the proceeds since the Kiwanis is not affiliated with Boy and Girl Scouts.

Allison Yurko, attorney representing some Killarney residents, provided information on their appeal with Orange County on the rezoning. She supported the sale but suggested that the restriction be carried through to the third-party deed to solidify that the property would only be for single-family purposes. She further suggested language in the motion that the use of proceeds be brought back to the commission.

Mayor Anderson suggested full title research before the next meeting and feels it would be cleaner to have a conditional release of a contractual interest with an agreement on the use and monitoring of the proceeds.

Mr. Langley said the goal can be accomplished without first transferring the property back to the city. The agreement would state that the city will release the reverter in exchange for a restriction in the deed from Kiwanis to the buyer to retain residential use and conditions on the proceeds of the sale. It removes the complication of the city from budgeting and the process for selling city property.

Motion made by Mayor Anderson to amend the motion that release of the reverter clause is conditioned upon restriction of the property to a single-family home; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Mayor Anderson said he would like an understanding that the Kiwanis Club is equipped to be the right guardian/steward of the proceeds and demonstration of continuity and escape clauses.

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

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

c. Rollins College Softball Stadium Use Agreement and Construction Agreement

This item was removed from the agenda and rescheduled for May 10, 2023.

A recess was held from 4:44 to 4:53 p.m.

11) Public Hearings: Quasi-Judicial Matters

a. Request of Rollins College for: Final Conditional Use approval to maintain the existing 4-story Lawrence Center office building and to build a new 31,791 square foot Rollins Art Museum and a new 47,138 square foot Crummer Graduate School of Business building, on the properties at 200 E. New England and 203 E. Lyman Avenues.

Planning and Zoning Director Jeff Briggs reviewed this request for final conditional use of the new site plan noting that the entire corner of New England and Interlachen is now greenspace and saves three live oak trees and that museum has been moved to provide a 10-foot setback on New England that aligns with the Lawrence Center building. He showed floor plans and renderings of buildings. The Planning and Zoning Board recommended approval with conditions that have been met in the revised plans. He said there was some discussion about traffic impact from these facilities; however, he noted that the Crummer activity has been from students and staff parking in the Truist parking garage and walking across Fairbanks to campus. The only difference will be pedestrian activity across Lyman to this building so there is no net increase in traffic. Traffic and parking studies show little to no difference than what currently exists other than minimal pedestrian traffic to the museum. He added that this continues city branding of being the city of arts and culture, particularly in the CBD.

Motion made by Commissioner Weaver to approve the conditional use; seconded by Commissioner Sullivan.

Mr. Briggs responded to questions on opposing votes by Planning and Zoning Board members stating there were concerns about the building intensity and activity but pointed out that the buildings are less than what was previously approved and there will be little changes to traffic.

Commissioner Weaver noted concerns of residents of The Residences condominiums about parking. Mr. Briggs said it has been resolved but deferred to the applicant to respond.

Grant Cornwell, Rollins College President, expressed pride in the improvements to the preliminary plan from three years ago. He explained the importance of the Crummer School and moving the Rollins Museum to downtown.

Becky Wilson, attorney representing Rollins College, explained the history of parking arrangements and allocation of parking spaces in parking garages for the use by The Residences. She noted that although the agreement is not signed it has been accepted by The Residences.

Joseph Coriaty, Frederick Fisher and Partners, provided details on the site plan designed for benefit of visitors and connection to the community. He spoke about the location of rooftop mechanical equipment which will be screened in accordance with city code.

Motion made by Commissioner Weaver to amend the motion to approve the plan pending approval on a parking agreement The Residences.

Ms. Wilson said they could not agree to that and although she appreciates the concern, it is a private agreement between Rollins and The Residences.

Marlene Kirtland Kirian, South Milhausen, attorney representing The Residences, said a parking agreement has been executed for 15 spaces. She outlined residents' concerns regarding density of the project, increased vehicle and pedestrian traffic, the condition of area streets, traffic lights, visibility of and noise from AC units on the roof, and construction days and times.

In response to comments and questions, Mr. Briggs explained that preliminary conditional use approval granted the entitlements for both of these facilities and square footage and noted that the Crummer building is smaller than at preliminary approval and final plans show architectural detail and landscape plan. He said the layout and spaces at Lyman and Knowles is unchanged from the preliminary plan and with decreased use of the adjacent parking garage due the new parking garage at Fairbanks and Ollie, there is ample parking to accommodate both buildings.

Ms. Wilson outlined the terms of the parking agreement with The Residences and a community benefit agreement with the City that included a requirement that Rollins provide 30 spaces onsite. She spoke about the mechanical equipment on the roof which will be obscured from view but they will work to mitigate the view and acoustics of equipment.

Discussion was held on parking agreements between Rollins and The Residences and location and view of rooftop mechanical equipment.

Jerry Hilbrich, President of The Residences condominium association, expressed concern about the density and the activity and noise caused by increased visitors to that property. He confirmed the parking agreement was approved by the Board of Directors and has been communicated to the owners.

Dr. Cary Stowe, 300 S. Interlachen, spoke about the loss of parking in the area which is heavily used and feels the traffic situation is being glossed over and will lead to a city issue, not just in this area. He asked to consider parking for area residents.

Michael Wallace, graduate of Crummer School of Business, expressed his appreciation for the collaboration on this project.

Katie Campbell, President-Elect of Women's Club of Winter Park, said she is grateful for changes to facade and setbacks but is concerned about parking and the condition of Lyman which will be worse with construction traffic. She said she is looking forward to working with everyone to make this a successful project.

Marjorie Steinmetz, 321 W. Reading Way, museum member, said more space is needed and this new building will increase the capacity and expand students' view of the world and urged the commission to approve the project.

Commissioner Weaver explained his position on requiring a parking agreement as a condition of approval. **Motion to amend failed for lack of second.**

Discussion returned to rooftop mechanical equipment, screening and sound mitigation (similar to Alfond Inn). Ms. Wilson stated the equipment on this project is different that at the Alfond Inn and will require different screening. They will comply with city code and will commit to hire the same echostician used by The Residences to work through the noise mitigation. Additional discussion followed on options.

Motion made by Mayor Anderson to amend the motion to request the visual and sound mitigation of the air conditioning units on the top of the building are left to staff to judge whether the performance is adequate; seconded by Commissioner Weaver. (Assistant City Manager to be "liaison" with Rollins)

Ms. Wilson agreed to that language.

Upon a roll call vote on the amendment, 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 main motion as amended, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote. (It was clarified and accepted by maker and seconder of the main motion that approval was with the conditions of the Planning and Zoning Board.)

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

Liem Vo, student at UCF Nicholson School of Communications, spoke about a website developed by Nicholson School that provides Winter Park public data in a searchable database. He encouraged commissioners to visit winterparksunshine.org. Communications Director Clarissa Howard said a presentation on this project is on the May 10th agenda.

Lawanda Thompson, 664 W. Lyman, spoke about cultural differences in Great Britain and America and number police shootings. She said she does not feel safe here and asked for justice for Daniel Knight.

Katrina Knight, brother of Daniel Knight, asked for status of investigation and expressed concern that gun violence getting worse.

Mayor Anderson spoke about the value of hearing all perspectives and is appreciative of their comments. He said he asked the city attorney and city manager on the appropriate message to send and read a statement prepared by the city attorney on potential civil lawsuits against the city and the city's responsibility to act prudently and with due caution and as a result, the commission and staff will follow the direction of its attorneys. Mr. Knight said staff and commission have been advised to direct all inquiries to the city's attorney, Mike Roper.

b. Ordinance - Partial vacation of Havilah Park Plat and vacation and termination of easements at 900 and 950 N. Orlando Ave. (1st reading)

Attorney Langley read the ordinance by title.

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

12) Public Hearings: Non-Quasi-Judicial Matters

a. Ordinance amending Chapter 58 "Zoning" and Chapter 114 "Waterways" to transfer authority over boathouses and docks to the lake boards and to update the regulations concerning docks and boathouses. (1st Reading)

Attorney Langley read the ordinance by title.

Planning and Zoning Director Jeff Briggs provided that background leading to these amendments and revised regulations. He reviewed the changes requiring applicant notification to adjacent neighbors, consent of adjacent neighbors and maintenance requirements. Both lakes boards recommended approval the proposed ordinance.

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

Commissioner Sullivan asked if this would cure the issue in a previous case of a blocked view of the neighbor. Mr. Briggs said it would have assisted in that the affected party would be aware of the request, but noted that this now requires the affected party to voice their objection even if it meets codes. It is the lakes board discretion on whether to approve the request. Discussion followed on scenarios and handling of cases where adjacent property owners have objections and whether neighbors have standing when dock or boathouse meet city code.

In depth discussion followed on the provisions of the ordinance, measurement of setbacks (land or waterline), discretion of the board and neighbor’s appeal.

Commissioner Cruzada asked whether consideration is given to an existing boathouse. Mr. Briggs said a permit is only needed if the structure is in the same or with five feet of the current location and meets code, otherwise, goes to a lakes board.

Commissioner Cruzada asked whether there could be prohibition or restrictions on relocating an existing boathouse more than a certain distance and under extenuating circumstances so neighbors have some predictability on where the structure could be moved without limiting a property owner’s rights to rebuild. Discussion followed.

Motion made by Commissioner Cruzada to table; seconded by Mayor Anderson. Motion carried unanimously with a 5-0 vote.

Commissioner Weaver suggested tabling to the May 24th meeting. Discussion followed on moving forward with general agreement to bring amendments prepared by staff to the May 10th meeting and advise the lakes boards of the potential amendments.

Motion made by Mayor Anderson to table to May 24, 2024; seconded by Commissioner Cruzada. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Sally Flynn, 1400 Highland Road, thanked the commission for working through this and supported Commissioner Cruzada's suggestion.

b. ORDINANCE 3269-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING", SECTION 58-90 "CONDITIONAL USES" AND SECTION 58-92 "BOARD OF ADJUSTMENT – POWERS AND DUTIES" TO EXTEND THE EXPIRATION OF CONDITIONAL USE AND VARIANCE APPROVALS FROM TWO YEARS AND ONE YEAR RESPECTIVELY TO THREE YEARS AND TWO YEARS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Langley read the ordinance by title.

Motion made by Commissioner Weaver to adopt the ordinance; 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 DeCicco -

- Thanked the police for their presence on Park Avenue.
- Asked about the status of arm rests on middle of park benches in Central Park. Ms. del Valle said arms rests have been added to some benches and staff is looking at other locations.
- Spoke about the lack of available parking on Park Avenue and requested adding discussion of parking garage behind city hall on an upcoming agenda or in a work session. After discussion, consensus was that staff provide prior studies on downtown parking garages to the commission.

Commissioner Weaver -

- Asked about the possibility of widening the Venetian Canal using city canal lots to allow boats to pass. Mr. Knight advised that staff is looking at options.

14) Summary of Meeting Actions

- Issued two proclamations: Winter Park HS Cheer Day and Building Safety Month.
- Received report of annual board appointments.

- Received presentation on Annual Financial Report
- Approved the Consent Agenda.
- Authorized city manager and city attorney to prepare documents authorizing the sale of 1925 Killarney Drive with deed restriction to retain single-family use.
- Made appointments to the Housing Authority and Pension Boards.
- Approved final plan for new Crummer School and Rollins Museum with conditions on screening of mechanical equipment.
- Approved first reading of ordinance vacating portion of Havilah plan and utility easements.
- Tabled the ordinance authority of dock and boathouse permits to May 24th.
- Adopted ordinance extending expiration of conditional use approvals.
- Continue to look at installation of arms on park benches.
- Provide commission with information on prior studies on downtown parking garages.

15) Adjournment

The meeting adjourned at 7:06 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis