City Commission
Regular Meeting Minutes

March 9, 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, Carolyn Cooper and 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 3:31 p.m.

2) Invocation

Reverend Shawn Garvey, First Congregational Church of Winter Park, provided the invocation followed by the Pledge of Allegiance.

4) Mayor Report

Mayor Anderson recognized Commissioner Cooper for her 12 years on the Commission. Mayor Anderson commented on the thoroughness of the canvassing board process and the Supervisor of Elections staff. He thanked the voters for the high voter turnout and the candidates for their willingness to serve in the community and introduced Commissioner-elect Kris Cruzada.

3) Approval of Agenda

Mayor Anderson suggested including in Item 7a, Emergency Utility Assistance Program, a discussion of the impact of the global climate and other events on the electric utility.

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

5) City Manager Report

a. Meet Your Department: Water and Wastewater

David Zusi, Director of Water and Wastewater, gave an overview and showed a video of the department's responsibilities for construction, maintenance and service of utilities infrastructure. He responded to questions on regulations, supply chain and costs, and on the difficulties accessing the Summerland Drive lift station.

b. Presentation of ICMA Service Award to Michelle del Valle

Mr. Knight presented Assistant City Manager Michelle del Valle with ICMA's Service Award in recognition of her 30 years of service in local government. Ms. del Valle expressed her appreciation for the recognition and spoke about her experience in local government.

c. City Manager's Report

Mr. Knight congratulated Commissioner Weaver on his re-election and Kris Cruzada on his election as Commissioner and thanked Commissioner Cooper for her service.

6) City Attorney Report

Mr. Ardaman provided an update on the litigation in the City of Pensacola case relating denial of a permit to remove a dangerous tree.

a. Declaration of Restrictive Covenant - West Meadow

Mr. Ardaman stated that based on previous discussion, the Declaration (DRC) has been revised adding language at the end of Section 1 "subject to compliance with all applicable Codes and Ordinances." He read the language from Ordinance 2470 (adopted in 2002) that requires voter approval of any building or structure in or adjacent to Central Park except for any open park or garden structure such as trellises, fountains, pergolas, gazebos, pavilions or modifications or enhancements to existing structures. He stated that if the Commission's intent is to allow restrooms to be constructed without voter approval, the DRC could be adopted with the added language in Section 1 with the understanding that the city must comply with the ordinance, which could be amended at a later date.

Mayor Anderson asked about the exclusion of Carolina Avenue from the boundaries. Mr. Knight stated that the right-of-way is used for access to the Post Office parking lot. Mr. Ardaman added that the ordinance covers a larger area than the DRC which only covers the West Meadow.

Commissioner Cooper said she feels this is an issue of heritage and stressed the need to respect the objectives and work of residents and prior commissions to protect Central Park through design, location and impact of any enclosed structures. She said she is in favor of restrooms at the train station or Welcome Center, not in the park.

Commissioner DeCiccio said she has received requests from residents for restrooms, which she feels are needed for evening and weekend events; however, it needs to be in the appropriate location and mirror the architecture of the rain station and new stage. She opposed a restriction that requires voter approval for restrooms.

A recess was held from 4:34 to 4:43 p.m.

Commissioner Weaver agreed that restrooms are needed in Central Park but questioned the active use of the West Meadow when the Farmers Market moves back to the Farmers Market. He spoke about the cost of construction of a permanent restroom and suggested as an alternative that the city purchase an air-conditioned restroom trailer at an approximate cost of $80k and opened when needed. It would require a slab, an ADA ramp, potable water and capped sewer and electricity for AC. Landscaping and a canopy could be installed to improve aesthetics.

Mayor Anderson suggested moving forward with the DRC and then discuss amending the ordinance to allow restrooms as a permanent structure without voter approval. He supported Commissioner Weaver's solution as a temporary measure.

Mr. Ardaman explained that if the DRC is adopted with the additional language, "subject to compliance with all applicable Codes and Ordinances", voter approval would be required for restrooms and the condition would apply to ordinances in effect at time of approval of DRC. One alternative, if the intent is not to require voter approval for restrooms, is to adopt the DRC without the added language by an ordinance which states that the DRC controls over any conflicting ordinance or code, which removes the requirement of voter approval.

Commissioner DeCiccio said she could not support the DRC with any language that requires voter approval for restrooms.

Mayor Anderson suggested adding "as amended" at the end of the additional language and the 2002 ordinance would apply unless the ordinance is modified.

Commissioner Cooper opposed the DRC that allows a restroom when the ordinance clearly allows only open structures. She said this not about restrooms but is about any closed building in Central Park. She supported Commissioner Weaver's proposal and expansion of the train station for restrooms with voter approval.

Commissioner DeCiccio restated her opposition to a DRC with language that does not allow restrooms. She stated that the DRC does not include the train station, so restrooms could be added.

Discussion was held on the area covered by the DRC (West Meadow) and the ordinance and structures that require voter approval under the ordinances.

Motion made by Mayor Anderson to approve the revised version of Declaration of Restrictive Covenant with the added phrase at the end of Section 1 "subject to compliance with all applicable Codes and Ordinances as such may be amended"; seconded by Commissioner Sullivan.

Discussion followed on the language and intent. Mr. Ardaman clarified that adopting the DRC with the additional language would establish the restrictions in the West

Meadow and the existing ordinances would still apply; however, an ordinance could be adopted in the future changing the requirements for voter approval.

Commissioner Cooper suggested deleting the last sentence in Section 1 beginning "To support and accommodate…" which removes language that states the ordinances apply and language that would allow certain structures.

Motion made by Commissioner Cooper to amend the DRC striking the last sentence of Section 1 beginning "To support and accommodate such authorized purposes… all applicable Codes and Ordinances"; seconded by Commissioner Weaver.

Donna Colado, 327 Beloit Avenue, spoke in favor of maintaining the voter approval requirement and opposed the long-term addition of mobile restrooms.

Sally Flynn, 1400 Highland Road, opposed removing the voter approval requirement for permanent structures.

Upon a roll call vote on the amendment, Commissioners Sullivan, Cooper and Weaver voted yes. Commissioner DeCiccio and Mayor Anderson voted no. Motion carried with a 3-2 vote.

Upon a roll call vote on the main motion as amended, Commissioners Sullivan, Cooper and Weaver and Mayor Anderson voted yes. Commissioner DeCiccio voted no. Motion carried with a 4-1 vote.

Mayor Anderson asked staff to provide an update on the design review. Discussion was held on the restroom facilities, design and location (close to RR, convenience for Farmers Market and Central Park events.)

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

7) Non-Action Items

a. Emergency Utility Assistance Program managed by Heart of Florida United Way (HFUW)

Mayor Anderson addressed current events and suggested deferring the proposed electric rate increase for three to four months until a joint meeting with UAB to evaluate how to fund continued undergrounding of residential service lines in the long-term.

Dan D'Alessandro, Director of Electric Utility, spoke about the delays and rising cost of equipment which may slow down undergrounding. He responded to questions providing details on current inventory and impact on scheduled completion of the project. He advised that current fuel cost recovery rate will be available next. Mr. Knight added that the rate stabilization fund will last approximately four months and a consultant is studying the impact to the fund due to rising costs.

Staff responded to questions regarding the availability of the federal transportation grant funds and funding of electric utility costs.

Mayor Anderson suggested scheduling discussions in the next three months, one without and one with the Utilities Advisory Board, before deciding on a potential rate increase.

Motion made by Mayor Anderson to suspend the rate increase for at least 90 days from April 1st; seconded by Commissioner Cooper.

Michael Poole, Chairman of UAB, supported the concept of delaying the rate increase because the UAB is doing a cost of service study. He spoke about the financial stability of the electric utility and suggested delaying the increase for 120 days to allow time for completion of the study and for work sessions.

Motion carried unanimously with a 5-0 vote.

Mayor Anderson stated the emergency utility assistance program through the Heart of Florida United Way (HFUW) has a cap of $650/household and proposed increasing the cap to the lowest 10% or 25% of cost.

Wes Hamil, Finance Director, explained that OUC and Duke are part of the HFUW program with similar requirements; however, the city can change the requirements to be less stringent on requiring proof of hardship. He noted that denial of support is typically because applicants are not Winter Park customers. He noted that between 5-10 customers receive assistance each month with average assistance of $330. He noted that the program balance is approximately $55k. He outlined the financial hardship criteria and said that customers are guided toward federally funded programs where they would receive higher level of support. Mayor Anderson requested that this be brought back to the commission if additional funding is needed for this program.

9) Consent Agenda

a. Approval of the minutes of the regular meeting, February 23, 2022
b. Approval of the minutes of the work session, February 24, 2022
c. Approve the following piggyback contracts:
   1. Atlantic Pipe Services, LLC - St. John's County Contract #21-MCC-ATL-13188 - Pipe and Manhole Lining, Renewal & Rehabilitation; for services on an as-needed basis during the term of the Agreement, contract term through February 24, 2023; Amount: $500,000
   2. Cubix, Inc. - Orange County Contract #Y19-1018 – SaniGlaze Services; for services on an as-needed basis during the term of the Agreement, contract term through March 7, 2023; Amount: $350,000

    3. Stuart C. Irby Co. - OUC Contract #4670OQ – Padmount Switchgears; for goods on an as-needed basis for the remainder of the Agreement, contract term through January 1, 2025; Amount: $450,000

d. Approve the following contract:
    1. Trane Company - FY17-46 - Chiller/HVAC Maintenance for services on an as needed basis; Amount: $350,000

Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Weaver. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

a. City Manager Evaluation

Mayor Anderson said the purpose of this is to bring forward any items that may need to be discussed in public forum and to consider a pay increase. He applauded Mr. Knight for his management and leadership during trying times and noted improvements in areas that needed some attention.

Commissioner DeCiccio said she feels the city is in excellent condition under Mr. Knight's leadership in the past year, specifically during the pandemic. She noted that Mr. Knight’s last salary increase was 3% in 2018 having received bonuses in 2019 and 2020.

Motion made by Commissioner DeCiccio to award a salary increase of 3.5%; seconded by Commissioner Sullivan.

Commissioner Sullivan explained that his scores were lower because he felt it was important to bring awareness to any areas that need to be addressed. He said he looks forward to continue working with Mr. Knight.

There were no public comments.

Motion carried unanimously with a 5-0 vote.

A recess was held from 6:09 to 6:16 p.m.

11) Public Hearings

a. RESOLUTION 2259-22 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE PLACEMENT OF A ONE PERCENT (1%) TRANSPORTATION SURTAX REFERENDUM ON THE NOVEMBER 8, 2022 COUNTYWIDE BALLOT FOR CONSIDERATION BY THE VOTERS OF ORANGE COUNTY, FLORIDA

Attorney Ardaman read the resolution by title.

Mayor Anderson said that this resolution only supports the County's efforts to place this referendum on the ballot. He explained the importance of this to the City, which will provide a dedicated funding source to take over annual cost of Sunrail and under a shared arrangement would provide about $3.5M for transportation improvements.

Mr. Knight added that this referendum also commits to expanding Sunrail to weekends. He stated that Orange County cities will share 10% based on each city's population and that, if approved, this could potentially lower the city's transportation impact fee due to calculation of need.

Commissioner Weaver pointed out that 51% of this will be paid by non-residents, that there are limitations on the max paid on large purchases and that this will benefit lower income workers with the expansion of Lynx services.

Commissioner Sullivan said expansion of Sunrail will take vehicles off the road and will provide funds for multi-modal transportation and expansion of Lynx services to better serve those that rely on public transportation.

Motion made by Mayor Anderson to approve the resolution; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes**. **Motion carried unanimously with a 5-0 vote.**

b. Requests of Winter Park Christian Church and Creative Neighbors LLC. **Tabled to March 9th at applicant's request. Applicant has requested continuance to March 23rd.**
   - Winter Park Christian Church: Conditional Use approval to build a new replacement church facility on the 1.25 acres of the Lakemont frontage at 740/760 N. Lakemont Avenue, zoned R-1A;
   - Creative Neighbors LLC:
     - Ordinance amending the Comprehensive Plan Future Land Use Map; from Institutional to Single Family Residential on the rear 5.25 acres. (1st Reading)
     - Ordinance amending the Zoning Map to change from Single-Family (R-1 A) zoning to Planned Unit Residential District (PURD) zoning. (1st Reading)
     - Approval of Preliminary Concept Plan for the Planned Unit Residential District zoning and to provide subdivision plat approval to divide the east/rear 5.25 acres of 740/760 N. Lakemont Avenue to provide for 13 single-family home lots and 12 townhouses lots, common area park and retention tracts.

Attorney Ardaman read the ordinances by title.

Motion made by Commissioner Weaver to continue these requests to March 23, 2022; seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted yes. Commissioner Cooper voted no. Motion carried with a 4-1 vote.

c. Ordinance: Establishing the Winter Pines Golf Course Advisory Board. (1st reading)

d. Ordinance authorizing the issuance of not to exceed $8,000,000 Capital Improvement Revenue Bond, Series 2022 to finance the acquisition, rehabilitation and equipping of the Winter Pines Golf Club (1st reading)

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

Motion made by Commissioner Weaver to approve the ordinance establishing the Winter Pines Golf Course Advisory Board; seconded by Commissioner DeCiccio.

Mr. Knight noted that appointments to this board will be made at the next meeting.

There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

Mr. Knight gave an update on negotiations which are moving forward smoothly with due diligence process; however, the contract price may be reduced due to removal the golf carts, which were ordered but will not likely be received prior to closing. He added that a resolution that outlines details the bonds to be issued will be on the next agenda.

Mr. Ardaman explained that this is a bond issue to purchase parkland, not a general revenue bond issue, and as a result does not require voter approval.

Commissioner Weaver noted that the ordinance includes cost for purchase and rehabilitation and asked for staff's intent for rehabilitation. Mr. Knight explained that the bond issue is $600k over the purchase price to provide funding to upgrade equipment and for improvements that may be needed based on inspections.

Jason Seeley, Director of Parks and Recreation, stated that although a thorough inspection has not been completed, irrigation may need to be updated. He said the course is functioning but may need repairs.

Mayor Anderson asked to be provided with the debt service sensitivity report.

Motion made by Mayor Anderson to approve the ordinance on first reading; seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Commissioner Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

e. Request of Z Properties for:
Applicant has requested a continuance to comply with conditions set forth by the commission at first reading.
- Ordinance authorizing the conveyance of a stormwater pond drainage easement (2nd reading); and
- Approval to grant an easement to enlarge and maintain the city-owned retention pond located behind 341 N. Pennsylvania Avenue and to route stormwater retention from previously approved office building located at 301 N. Pennsylvania Avenue to the city-owned retention area.

Attorney Ardaman read the ordinance by title.

Mayor Anderson said that he visited the site again and met with an area resident and has concerns that this may be better for developer but is struggling why this is good for the residents.

Commissioner Cooper asked that staff look at the parcel map that she submitted and confirm whether retention is going to be doubled and share the map with the Commission.

Motion made by Mayor Anderson to continue these requests to March 23, 2022; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

12) City Commission Reports

Commissioner Sullivan -

- Asked for a work session to discuss affordable housing and HUD properties in terms of providing proper services, needed repairs that he has been made aware of, transportation and how the city is serving Winter Park residents. Commissioner DeCiccio suggested including the Housing Authority. Mayor Anderson suggested having the Commission priorities work session which may include discussion of affordable housing. Approved by consensus.

Commissioner DeCiccio -

- Thanked Commissioner Cooper for her service.
- Suggested that next year the city-sponsored State of the City event be held before the Chamber event and present employee of the year awards at the city event. Consensus was to place on the agenda for the first meeting in April, due to the full agenda for March 23.
- Said she has met with non-quasi-judicial board members and feels those boards need direction. Mr. Knight advised that staff is working with boards on strategic plans. Consensus was to put on the first April meeting agenda for discussion.

- Presented a resident suggestion to add workout stations along the walkways at Progress Point which could be paid for by Orlando Health. Mr. Seeley said he is aware of the request and will be part of design discussions and presented to the commission.
- Commented on parking issues at the Events Center which she feels needs to a top priority. Mayor Anderson suggested reserving spaces Library patrons and discussion followed on parking options and parking options. Staff will bring back recommendations.

Commissioner Cooper -

- Expressed her appreciation for working with commission and thanked the city for the dedication of the park bench. She read a quote Clara B. Ward from 1925 about keeping spirit of the city alive. She thanked former Mayor David Strong for his efforts to protect Winter Park when Carlisle project was before the commission and urged the commission continue efforts to purchase post office. She read the words of Hamilton Holt in the 1900’s about drawing a line in the sand around Winter Park.

Commissioner Weaver -

- Expressed his admiration for Commissioner Cooper's strong stand on issues.
- Offered his assistance on the Tiedtke lift station.
- Said he saw persons sitting on the sidewalk on Denning waiting for a bus and suggested that a bench be installed at the bus stop.
- Suggested that the city consider purchasing the Patmos Chapel property and rezone it for workforce housing for smaller houses and either sell lots to builders or donate to WP Land Trust or Habitat for Humanity.

Mayor Anderson suggested looking at different approaches for affordable housing and that the work session on affordable housing and include representatives from the Housing Authority and the Land Trust.

Commissioner Sullivan said strategic direction is needed in terms how the city addresses affordable workforce housing.

Commissioner Cooper advised the commission to carefully consider options relative to where it is placed which could include properties outside city boundaries.

- Thanked the voters for his re-election and passing the Charter amendments.

Mayor Anderson -

- Suggested that the work session on Commission priorities be scheduled as quickly as possible and then schedule the affordable housing work session. Approved by consensus.

13) Summary of Meeting Actions

- Approved Declaration of Restrictive Covenant as amended.
- Bring back design for pavilion and restroom.
- Bring back plan for using mobile restroom trailer in a more permanent setting.
- Suspended the electric rate increase for 90 days from April 1st to evaluate impact from current events and supply chain issues and for a joint work session with UAB.
- Approved the Consent Agenda.
- Approved pay increase for City Manager.
- Approved resolution supporting transportation tax on November ballot.
- Approved ordinance establishing Winter Pines Golf Course Advisory Board.
- Approved ordinance authorizing golf course bond issue, not to exceed $8M.
- Distribute sensitivity analysis on the golf course to the Commission.
- Continued requests from Winter Park Christian Church and Z properties and verify and distribute stormwater map presented by Commissioner Cooper in the 3/9 meeting.
- Schedule work session for affordable and workhouse housing and commission priorities.
- Place discussion of State of the City event changes on upcoming agenda.
- Bring back recommendations non-quasi boards for direction.
- Bring back parking options for Events Center.

14) Adjournment

The meeting was adjourned at 7:27 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis