City Commission
Regular Meeting Minutes

March 8, 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; City Attorney Kurt Ardaman; City Clerk Rene Cranis.

1) Meeting Called to Order

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

2) Invocation

The invocation was given by Suhayb Shamsi, American Muslim Community Center, 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 for Irish-American Heritage Month

Mayor Anderson read the proclamation designating March 2023 as Irish-American Heritage Month and presented it to Florida State Secretary Greg Canning. Mr. Canning thanked the city for the proclamation and provided information the worldwide recognition of St. Patrick's Day and contributions of Irish.

b. Proclamation for Education & Sharing Day

Mayor Anderson welcomed members of the Shabbat and read a proclamation declaring April 2, 2023 as Education Sharing Day. Rabbi Shalom Dubov spoke about the importance of education and values recognizing their responsibility for educating children in preparing for future leadership.

c. Green Business Award: Climate First Bank

Mia Brady, Sustainability Specialist, presented Climate First Bank with Green Business Platinum Certification and reviewed their sustainability initiatives.

5) City Manager Report

Mr. Knight announced that as a result of staff's hard work and tours of storm damages with state representatives, the city was awarded $3.3m for repairs and improvements. He listed some of the projects and noted that this grant requires a $1m match by the city. These funds will be used for debris removal, Lake Bell weir replacement, Ninth Grade Center pond erosion repair, drain well repairs, Howell Creek bank stabilization and sediment removal.

6) City Attorney Report

7) Non-Action Items

a. Board Appointments:

Mayor Anderson reported the appointment of Betsy Gwinn to Public Art Advisory Board, Craig Russell to Parks and Recreation Advisory Board; Tonya Mellon to the OAO Architectural Review Board; and Lucy Boudet to Historic Preservation Board.

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

9) Consent Agenda

a. Approve the minutes of the special meeting, February 15, 2023.
b. Approve the minutes of the regular meeting, February 22, 2023
c. Approve the minutes of the work session, February 23, 2023
d. Approve the following piggyback contract:
    1. Verizon Wireless - State of Florida Contract #DMS-10/11-008C - Mobile Communication Services; For services on an as-needed basis during the remainder of the current term of the Agreement through August 24, 2026; Amount: $500,000.
e. Approve the following contracts:
    1. Ovation Construction Co., Inc. - RFQ11-18D - Repair & Construction Services (< $200k/project); Amount: $600,000 for services on an as needed basis for the remainder of the current term through May 30, 2023.
    2. Foundation Risk Partners Corp. - RFP2-23 - Liability Insurance Agent / Broker of Record; Amount $65,000 for City insurance services on an as-needed basis.
f. Approve ARPA Funding Allocations - Emergency Stormwater Infrastructure and Fire Training Facility.

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

Mayor Anderson asked whether ARPA allocations have to change in light of the grant funding. Division Director of Office of Management and Budget stated $400k allocated for stormwater emergency infrastructure could be used for the city's matching funds.

There were no public comments. **Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

a. City Banner Program

Mr. Knight stated staff is recommending going back to prior program to allow banners only for city-related and city-sponsored events, removing banners that may be considered controversial.

Mayor Anderson said he feels the provision that requires non-profits to own property should be broader to allow non-profits that may be tenants (Library or Morse Museum).

Commissioner Sullivan noted that staff would decide what banners are permitted and feels staff should not be burdened to determine if a banner is political, which becomes broader every year. He believes the city should not allow any banners that make a political statement. He recommended the policy state staff would review the request and if staff feels it may be political, it would be referred to the Commission who would deny the banner if it is deemed to be a political statement.

Commissioner DeCiccio said as she understands it, no political banners would be allowed, only banners for city events, so political banners should not come to the commission. She feels this should be left up to staff.

Attorney Ardaman said Commissioner Sullivan's concerns are addressed under Eligible Activities which states "limited banners related to city use, city-sponsored or promoted events or non-profit organizations with a physical presence within the city. Non-profits posters must own the property and banners must promote events that are open to the public and promote the city's history or artistic or educational commemorations or events within the city." So, there is no opportunity for a political or ideological banner

Discussion followed on eligible banners and parameters for staff decisions and options for language to address political banners.

Commissioner Sullivan said he is looking for a safety valve where city staff is not bound to make that determination and the decision is deferred to the commission.

Mr. Moore said staff would not have an issue enforcing the policy as it is extremely limited on what is allowed and who can apply; however, the policy could state that anything that hints of politics would be brought to the commission.

Mr. Ardaman said language could be added which states in the event staff has any question as to whether the application meets criteria, the applicant or staff could bring it to the commission. He reviewed the supreme court case and rationale for the city to be cautious. This policy essentially states that banners allowed under this policy are city speech, not private speech. He opined the best approach from a defense and practical standpoint is to have eligibility criteria without identifying prohibitions.

Discussion followed on impact of commission making decision - challenges, lawsuits, changing commissions, and the supreme court decision.

Mr. Knight said this could be simplified to allow only city banners which would remove the concerns for political banners.

Mr. Moore said under this policy, banners would only be allowed in three instances: city events, city-sponsored events, and non-profits under certain criteria. Staff could designate a list of city-sponsored events like Bach Festival, Art Festival, for commission approval.

Commissioner Cruzada supported banners as outlined by Mr. Moore.

Mayor Anderson summarized three potential amendments: the "tenancy" clause allowing owners and tenants, "staff escape clause" defining and prohibiting political statements, and allowing only city or city-sponsored events.

Motion made by Mayor Anderson to approve the policy understanding that there will be amendments.

Motion made by Commissioner Weaver to table for 60 days for further review. Withdrawn.

Commissioner Weaver seconded motion by Mayor Anderson.

Hattie Bryant, 1240 S. Pennsylvania Avenue, said she feels the description of eligible banners is too broad, the policy is full of loopholes and the word "educational" is an issue because anything could be perceived as educational.

Gigi Papa, 1440 Hibiscus Avenue, said she feels changing the banner policy in light of the pending request is dishonest. She supported the policy to allow banners for sponsored events and feels city staff can make determination.

Stephanie Breski, 640 Berwick Drive, said she feels this policy, on the surface, seems to allow one banner but prohibits another and is viewpoint discrimination.

Sandy Dwyer, 739 Plaza Court, opposed banners that do not promote events and cited such examples. She asked for a schedule of holiday banners to be displayed.

Thor Faulk, founder and President of Winter Park Pride Project, stated his organization was established to encourage inclusiveness. He supported non-profit banners and suggested that somebody should be pursuing banners that matter.

Bonnie Jackson, 3009 Temple Trail, displayed a proposed banner "Choose Life Celebrate Family" which she has requested to display and expressed her frustration that the city has not acted on her banner request. She opposed the policy as she feels it is too broad.

Mayor Anderson rephrased his motion to approve for discussion; accepted by Commissioner Weaver.

<u>Amendment 1:</u> **Motion made by Commissioner Sullivan to amend the motion to add language that if staff denies a banner, the applicant may appeal to the commission; seconded by Commissioner Weaver.**

Commissioner Weaver asked whether the appeal process should be defined. Mr. Ardaman replied yes, in the policy with a deadline to request an appeal. Staff would then place the appeal on a commission agenda.

<u>Amendment 2:</u> **Motion made by Commissioner Weaver to amend the motion to add appeal process language; seconded by Mayor Anderson.**

It was agreed that amendments be incorporated in the policy and brought back to the commission for approval.

Mayor Anderson suggested leaving the language as is and decide in the next meeting whether to amend the language and create a list of non-profits which can be revised as needed. Commissioner Cruzada questioned whether it would be appropriate to require that non-profits must have been established for at least 75 years.

Motion made by Mayor Anderson to amend the motion to add language that that non-profits be local and could be a tenant; seconded by Commissioner DeCiccio. (Not voted on – alternate motion passed.)

Mayor Anderson referred to non-profit eligibility and asked the intent to allow non-profits to apply in compliance with the criteria or strike the ability for non-profits to apply. (To be addressed when this comes back to the commission.)

Motion made by Mayor Anderson to amend the motion that, subject to refinement, non-profits must be local but may be a tenant and, in the next meeting, consider other language on how to make that tighter; seconded by Commissioner DeCiccio. (Not voted on – alternate motion passed.)

Mayor Anderson suggested an alternative could be to create a list of eligible non-profits which can be revised as needed.

<u>Amendment 3:</u> **Motion made by Mayor Anderson to amend the motion to state non-profits shall not be a tenant unless it is on the list (Exhibit A); seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.**

Upon a voice vote, Amendment 2 carried unanimously with a 5-0 vote.

Upon a voice vote, Amendment 1 carried unanimously with a 5-0 vote.

Upon a voice vote, the main motion as amended carried unanimously with 5-0 vote.

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

Corbin Johnson, 201 N. Phelps Avenue, expressed his concern about the health of city lakes resulting in ongoing closure of Dinky Dock. He spoke about the impact on the lakes and force main break from the hurricanes, particularly Lake Rowena. He said the issues are the result of something else and needs to be addressed quickly. Mayor Anderson asked that staff provide an update on its efforts.

CJ Williams, 2021 Temple Drive, spoke about boat traffic safety challenges in the canals and encouraged the city to create bump-outs using its properties along the Venetian Canal.

Katrina Knight, 7496 Hunters Green Circle, sister of Daniel Knight who was killed last year in an officer-involved shooting expressed her disappointment in the commission and staff's inhumane and unjust treatment of their family and lack of compassion.

A recess was held from 5:26 to 5:42

10) Action Items Requiring Discussion (continued)

b. Discussion of Solicitation for Activation Space at Progress Point Park.

Mayor Anderson reviewed the history of discussions on the development of Progress Point. He suggested having a discussion and adding to the April 13th work session on the old library.

Commissioner Weaver said he is concerned about parking and accommodating existing users of the parking area during construction. He suggested that curbing and paving the current parking lot with access from Cypress before removing the lot currently being used.

Commissioner DeCiccio said the question is what is ultimate goal - activate, leave it green space, issue an RFP? She noted that the Winter Park Playhouse lost their lease and this could be a location for a theater as has been previously discussed, but there are time constraints and the commission must decide if this would be an appropriate use.

Commissioner Cruzada said he is intrigued by idea of a playhouse but would like it to remain greenspace. He expressed concern about the expense and the current economy. Commissioner DeCiccio said the Playhouse would have a land lease and be responsible for maintenance.

Commissioner Sullivan said the key question for him is, if the park is activated, is it going to be a land lease or a city facility to be leased.

Mayor Anderson said originally, he was in favor of an RFP including an all-green space. He feels there is some wisdom in getting the greenspace established and see what happens and is reluctant to move rapidly since we haven't seen what the park might look like. He feels this RFP process will be more difficult than the old library RFP.

Michael Perelman, 1010 Greentree Drive, commended the development of another park. He suggested completing the park and then determine the need for activation and buildings in this space which will worsen the parking situation.

Fred Thimm, owner of Reel Fish Coastal Kitchen on Orange Avenue, supported activation of the park including the Playhouse. He spoke about the growth and benefit of having the Playhouse on Orange Avenue and said it would be detrimental to Orange Avenue businesses if it had to relocate off Orange Avenue or possibly out of Winter Park.

Robert Bendick, Vice-President of Winter Park Land Trust, supported the park with connections to Mead Garden and MLK Park. The Land Trust recommendation has not changed - the city should designate as much area as possible as greenspace.

Sally Flynn, 1400 Highland Road, said she would like Progress Point to be greenspace and although she supports the Playhouse she wishes they could find location other than Progress Point.

CJ Williams, 2021 Temple Drive, supported keeping the Playhouse in Winter Park. He spoke about potential changes in the area and the city needs to consider the vision of OAO and green space becomes more important to area. He would like for the Playhouse to find a location in the retail section of Orange Avenue.

Judith Marlow, President of WP Playhouse, expressed her concern that the Playhouse is going to disappear unless a solution is found. She spoke about the benefits and impact of a theater which is a professional theater with community outreach programs. She asked the city to consider allowing the Playhouse to locate in Progress Point.

Heather Alexander, Executive Director of Winter Park Playhouse, provided information on Playhouse and impact of the playhouse on the local economy. Because patrons of the Playhouse are bussed in, the park would be activated in a responsible, community-oriented way with little impact on parking. She asked the commission to consider a home for the Playhouse, preferably in Progress Point.

Commissioner DeCiccio said the questions are whether this is a desire use for Progress Point, whether there is another location, i.e. old Library or if the commission is willing to lose the Playhouse. **Motion made by Commissioner DeCiccio to place on the April 13 work session to discuss further; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.**

c. Solid Waste Services - Contract Renewal with Waste Pro

Director of Natural Resources and Sustainability Gloria Eby gave a presentation on the current contract terms, rates, allowed adjustments, and rate comparison with other agencies. Under the proposal, rates would increase 20% in 2023 and again in October 2024 resulting an overall increase of approximately $7/month. She reviewed proposed commitments by Waste Pro: competitive rates, change trucks to video recording technology, double financial contribution toward sustainable efforts, contribute 20 trees annually, reduce emissions, convert to natural gas vehicles if contract is renewed for seven years instead of three. She spoke about plans to improve Center Street and Waste Pro's commitment to provide $50k annually to support city employee-related costs to maintain Center Street and CRA, replacing shared compactors and cardboard containers, adding compactor at West Meadow. She reviewed service challenges and improvements and said staff is recommending three-year renewal with amendments. She responded to questions stating that seven years is needed to transition to natural gas vehicles.

Mrs. Eby explained the progress on potential conversion to underground disposal on Center Street which is still be reviewed and will be presented at a later date. She stated the time frame is rather large and more research is needed before putting it in this contract. Mayor Anderson stressed the importance of including it in the contract. Discussion followed on the cost which is estimated between $12-20k per unit but is dependent on the location of underground infrastructure. Mr. Knight added that staff is looking at other approximately 30 other locations in the Hannibal Square and entire downtown commercial district.

Tim Dolan, Waste Pro VP of Governmental Affairs, said the term of conversion to natural gas is negotiable but will be more difficult with a shorter term. In response to questions, he explained the difficulty in getting vehicles; however, they order vehicles two years in advance of the end of the 10-year life span of trucks.

Staff clarified that customer rates are approximately $3 higher than noted.

Motion made by Mayor Anderson to approve the contract for discussion; seconded by Commissioner Weaver.

Motion made by Commissioner Weaver to amend the motion to renew for a seven-year term with rate increases as shown; seconded by Commissioner Sullivan for discussion.

Ms. Eby and Mr. Dolan responded to questions on leakage from garbage. Infractions and fees are built into the contract. Mayor Anderson suggested publishing the phone number to report leakage.

Mayor Anderson asked whether a corral could be created to hide small trash cans at MLK Park. Commissioner DeCiccio pointed out a similar situation behind Central Park stage. Director of Parks and Recreation explained that the trash cans are collected after events and placed in a specific location until the first scheduled pickup after the event. Mayor Anderson said he would like a provision for special event pickup or a corral to hide trash cans. Mr. Seeley stated staff is planning for corrals at some locations.

Responding to comments and questions, Mr. Dolan said he will provide timeline for vehicle conversion said and do an analysis on cost to convert to a six-year contract. He said the city owns the residential carts and it may be an unnecessary expense to replace if they are not damaged.

Motion made by Commissioner Weaver to table to next meeting; seconded by Commissioner DeCiccio.

Mr. Knight summarized the questions for next meeting: timeline for compressed natural gas trucks, rates for a three and seven-year terms, cart replacement costs, Center Street costs and special event pickup and process.

Motion carried with a 4-1 vote. Commissioner Cruzada voted note.

A recess was held from 7:08 to 7:13 p.m.

11) Public Hearings: Quasi-Judicial Matters

a. Ordinance - Vacating the western 15 feet of Via Tuscany right-of-way located at 2433 Via Tuscany (1st reading)

Mr. Knight read the ordinance by title.

Assistant Director of Public Works Don Marcotte provided details on this vacation and surrounding rights-of-way.

Motion made by Commissioner DeCiccio to approve the ordinance; seconded by Commissioner Sullivan. 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 3261-23: 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, BOATHOUSES AND DOCKS" PROVIDING FOR UPDATES AND MODERNIZATION TO THE CURRENT REGULATIONS, AND AMENDING CHAPTER 114 "WATERWAYS" TO INCORPORATE THE REGULATIONS CONCERNING DOCKS AND BOATHOUSES, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Mr. Ardaman read the ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance; seconded by Commissioner DeCiccio.

Sally Flynn, 1400 Highland Road, asked how this prevents what she experienced. Assistant Director of Planning and Community Development Alison McGillis stated this ordinance addresses development of lakefront lots, not boat houses (as she experienced) which will be considered next month.

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. ORDINANCE 3267-23: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE III, “ZONING” SECTION 58-95 “DEFINITIONS” AND ARTICLE V, “ENVIRONMENTAL PROTECTION REGULATIONS” DIVISION 1, “STORMWATER MANAGEMENT” ADDING REGULATIONS GOVERNING ARTIFICIAL TURF INSTALLATIONS AND MAINTENANCE OF ARTIFICIAL TURF, PROVIDING FOR CODIFICATION, SEVERABLITY, CONFLICTS AND AN EFFECTIVE DATE. (2^{nd} reading)

Mr. Ardaman read the ordinance by title.

Mrs. McGillis outlined the revisions made from first reading: removed prohibition of turf in the front yard, added front and side yard setbacks, removed prohibition in historic districts.

Mayor Anderson questioned the need to define the color of turf and discussion followed on possible language to require green turf. Mayor Anderson suggested “a natural green grass color for the area.”

Motion made by Mayor Anderson to approve the ordinance adding requirement that turf be a natural green grass color for the area; 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.**

13) City Commission Reports

Commissioner Sullivan

- Commended the Planning and Zoning Board with their attention to detail when considering plans.

Commissioner DeCiccio

- Asked for the status of window tinting at the Library. Mr. Knight advised that the estimate was approximately $30k with both buildings and staff is now looking for a funding source.

Commissioner Cruzada

- Asked for an update on the new lighting Casa Feliz. Mr. Seeley said the lighting should be installed by June 1st.

Commissioner Weaver - no report.

Mayor Anderson

- Asked that staff look at treatment for Lake Rowena as requested by Mr. Johnson. Mr. Knight said he will provide a report looking possibility of lowering the weir.

14) Summary of Meeting Actions

- Issued proclamations for Irish-American Heritage Month and for Education and Sharing Day.
- Awarded Climate Green Bank Certificate of Green Business
- Reported receipt of $3.3M in hurricane recovery funds.
- Provide information on Lake Rowena.
- Approve Consent Agenda.
- Bring back final edits to banner program to include appeal process and list of eligible non-profits.
- Add discussion of Progress Point and WP Playhouse to April 13 work session.
- Tabled Waste Pro contract renewal with identified items to be addressed.
- Approved ordinance vacating portion of Via Tuscany on first reading.
- Adopted ordinances revising lakefront zoning regulations.
- Adopted ordinance regulating artificial turf adding requirement for natural grass color.

15) Adjournment

The meeting adjourned at 7:33 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis