City Commission
Regular Meeting Minutes

February 24, 2021 at 3:30 p.m.

WP Community Center
721 W. New England Avenue | Winter Park, Florida

Present

Mayor Steve Leary
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

2) Invocation and Pledge of Allegiance

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

3) Approval of Agenda

4) Mayor's Report

Mayor Leary thanked the Chamber for coordinating the Annual State of the City Luncheon and congratulated the employees of the year.

5) City Manager's Report

6) City Attorney's Report

7) Non-Action Items

a. <u>Financial report for the fiscal year ended September 30, 2020</u>

Wes Hamil, Finance Director, reviewed the financial report for FY 2020 highlighting impact to revenue and to reserve balances due to the pandemic.

b. <u>Winter Park Fire-Rescue Department Strategic Plan 2021-2025</u>

Dan Hagedorn, Fire Chief, summarized the strategic plan and responded to questions.

c. <u>Appointment of Mark VanValkenburgh to Code Compliance Board (Commissioner Sullivan)</u>

This appointment was acknowledged.

8) Citizen Comments | 5 p.m. or soon thereafter (Heard after Item 10)

9) Consent Agenda

a. Approval of the regular meeting minutes of January 27, 2021
b. Approval of the special meeting minutes of February 11, 2021
c. Approval of the following Piggyback contracts:
   1. US Digital Designs, Inc. - League of Oregon Cities - RFP No. 2020 - Public Safety Software Solutions, Data Collection, Storage and Utilization; $400,000;
   2. Electric Supply of Tampa - Gainesville Regional Utilities -2015-002-A - Wire and Cable; Increase additional $800,000 for term;
   3. Point Blank Enterprises, Inc. - NASPO ValuePoint Master Agreement 164719-Body Armor and Ballistic Resistant Products; $48,000. Term though November 10, 2022;
   4. Selectron Technologies, Inc. - GSA - GS-35F-0315X -Information Technology; $30,000 for year. Term through April 5, 2026;
   5. ABM Industry Groups, LLC - PB20-24 - Janitorial Services & Equipment; $350,000 for March - September 2021.
d. Approval of the following Formal Solicitation:
   1. Traffic Engineering & Management, LLC - IFB17-21 - New York Ave. Signalization Improvements; $389,045.
e. Approval of the following contracts:
   1. Zyscovich, Inc. - RFQ3-17C -Continuing Contract for Architectural Services; Renew at $150,000 for term;
   2. Comprehensive Engineering Services - RFQ6-17A -Transportation Planning & Engineering Services; Renew at $150,000 for term;
   3. Kimley-Horn & Associates, Inc. - RFQ6-17B -Transportation Planning & Engineering Services; Renew at $150,000 for term;
   4. Singhofen & Associates, Inc. - RFQ4-17 A - Stormwater Management & Design Services; Renew at $75,000 for term;
   5. Geosyntec Consultants - RFQ4-17B - Stormwater Management & Design Services; Renew at $75,000 for term;
   6. Universal Engineering Sciences, Inc. - RFQ10-18A -Geotechnical & Environmental Consulting; Renew at $50,000 for term;
   7. Terracon Consultants, Inc. - RFQ10-18B - Geotechnical & Environmental Consulting; Renew at $50,000 for term.
f. Approval of the following purchases:
   1. Core & Main, LLC - Harris SmartWorks Water & Electric Meter Data Management System (MDM); $130,000.
g. Approval of FY 21 Budget Amendment to Forecasted Revenues (Pulled by Commissioner Cooper)

h. Approval of Winter Park Fire-Rescue Community Risk Assessment and Standard of Response Coverage 2021-2025
i. Open an account with One Florida Bank

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

Commissioner Cooper said she feels that all revenue reductions should not just come from contingency and suggested that staff take part of the adjustments from contingency and part from individual department budgets

Motion made by Commissioner Cooper to deny Consent Agenda Item g; seconded by Commissioner Weaver. (modified below)

Commissioner Cooper modified the motion to reallocate the revenue reductions across departments and leave $200,000 in contingency. Accepted by Commissioner Weaver. Upon a roll call vote. Commissioners Cooper and Weaver voted yes. Mayor Leary and Commissioners Sullivan and DeCiccio voted no. Motion failed with a 2-3 vote.

Upon a roll call vote to approve the Consent Agenda as presented, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Mayor Leary voted no. Motion carried with a 4-1 vote.

10) Action Items Requiring Discussion

a. Construction and Maintenance Agreement for the City's Private Fiber Optic Network

Peter Moore, Division Director of Office of Management and Budget, gave a presentation on the agreement with Frog to build a fiber network connecting all city facilities on a single network. The city will maintain ownership of the conduit space and Frog will have the right to use some of that space for their own fiber network and provide an internet option for residents and businesses. He requested an additional $12,000 due to expired price quotes and to change the timeline to 12-18 months. He reviewed the costs and responded to questions regarding timeline, costs and insurance.

Michael Voll, CEO of Frog, answered questions on their services, costs, internet speed, and build-out timeline.

Motion made by Mayor Leary to approve the agreement including the additional $12,000 and extended timeline of 12-18 months; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Mayor Leary introduced City of Maitland Mayor McDonald who commended the City on their forward-thinking on electric utility and fiber networks. He expressed his appreciation for Mayor Leary's leadership and work on joint projects with local agencies.

b. ExteNet Systems Pole Attachment Agreement for 5G

Mr. Moore explained 5G technology and expressed appreciation for ExteNet's willingness to address the city's aesthetic concerns and hold their equipment on and within the decorative streetlights. He reviewed the terms of agreement, construction, aesthetics and cost and responded to questions.

Commissioner Weaver commented on safety concerns and suggested adding a switch that automatically disconnects the power if the pole is hit or knocked down.

Eric Lovvorn, External Affairs Director, ExteNet Systems, summarized precautions and ability to disconnect. He said he feels that technology is not necessary from a safety standpoint due to the design of the poles.

Responding to questions, Mr. Moore stated that the city is pre-empted by current law and cannot stop 5G from moving into the city and that this agreement creates protections for the city that may otherwise have to be argued on court.

Motion made by Mayor Leary to approve the ExteNet Systems Pole Attachment Agreement; seconded by Commissioner DeCiccio.

Attorney Ardaman advised that in fourth line of Section12.1 that refers to "Section 12.1 above" and should be "Section 12.0 above. **Accepted by Mayor Leary and Commissioner DeCiccio as part of the motion.**

Mr. Lovvorn said that if the agreement is approved, they will research the disconnect switch to address Commissioner Weaver's concern.

Courtney Barnard, Verizon, said they do not believe the agreement complies with state and federal law and asked the city to delay approval of the agreement. She outlined their concerns and requested the opportunity to work with city staff on a path for deployment that they feel complies with state and federal laws.

Upon a roll call vote Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Commissioner Weaver voted no. Motion carried unanimously with a 5-0 vote.

c. Purchase Agreement for 901 W. Fairbanks Ave., Winter Park, FL 32789, and discussion of additional properties along Fairbanks Ave.

d. Proceed to negotiate purchase agreement for 929 - 957 W. Fairbanks Ave.

No action was taken on these items as they were approved in the CRA Agency meeting prior to this meeting.

e. Appoint Canvassing Board members for March 9th General Election

Mr. Knight stated an alternate appointment is needed due to Commissioner Weaver's declining his appointment.

Motion made by Mayor Leary to appoint Deputy City Clerk Kim Breland to the Canvassing Board; seconded by Commissioner DeCiccio. There were no public comments. **Upon on a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

f. Discuss possible modification to COVID related safety precautions for in-person attendance at public meetings.

Mr. Knight commented on the actions taken to hold public meetings in compliance with CDC guidelines, state statute and City Charter and to address safety concerns. He said that the Commission could continue meeting in the Community Center reducing the number of chairs. Staff is recommending moving back to the Commission Chambers where plexiglass dividers have been installed between seats at dais and the A/V system is much better for public participation. This would also reduce staff time in setting up for meetings in the Community Center.

Motion made by Commissioner Weaver to allow no more than nine people (commission and staff) in the meeting room (Chamber or smaller room) and a single applicant in the room with the remainder participating virtually.

In response to Mayor Leary, Mr. Ardaman said the city has the authority to do that as it provides reasonable opportunity for the public to participate. However, he advised that the city should not limit in-person public participation on quasi-judicial matters.

Motion seconded by Commissioner Cooper.

Motion made by Commissioner Sullivan to continue the current set-up and monitor cases and vaccinations with the option to change the set-up at a future date; seconded by Commissioner DeCiccio.

There were no public comments.

Upon a roll call vote on the motion to allow no more than nine in the meeting room and a single application, Commissioners Weaver and Cooper voted yes. Mayor Leary and Commissioners Sullivan and DeCiccio voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to continue the current set-up, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

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

11) Public Hearings

a. RESOLUTION 2243-21 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1645 FOREST AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

b. RESOLUTION 2244-21 -A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1310 DEVON ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

c. RESOLUTION 2245-21 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1800 FORREST ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

A simultaneous public hearing was held on these resolutions. No applicants were present to speak.

Attorney Ardaman read the resolutions by title.

Motion made by Commissioner Sullivan to approve Resolution 2243-21, Resolution 2244-21 and Resolution 2245-21; seconded by Commissioner DeCiccio.

There were no public comments.

Upon a roll call vote to approve Resolution 2243-21, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to approve Resolution 2244-21, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to approve Resolution 2245-21, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. Request of the City of Winter Park for:

- An Ordinance to establish a Commercial Future Land Use on the seven lots annexed on Kentucky Avenue (1st Reading).
- An Ordinance to establish Commercial (C-3) Zoning on the seven lots annexed on Kentucky Avenue (1st Reading).

Attorney Ardaman read the ordinances by title

Motion made by Commissioner Cooper to approve the future land use ordinance; seconded by Commissioner DeCiccio.

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

There were no public comments.

Upon a roll call vote on the land use ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the zoning ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

e. Request of Lazarus Development Group, LLC for: (Tabled from January 27, 2021)

Site plan approval, pursuant to the Commission condition tied to the Lake Killarney Shores replat to construct a new, two-story, 4,204 square foot, single-family home located at 520 Country Club Drive on Lake Killarney, zoned R-2.

Allison McGillis, Planner, reviewed this request and provided details of applicant's agreement with neighbor.

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

f. Request of Despande Inc. to:

Amend the Condition of Approval made by the City Commission pertaining to the Lake Killarney Shores Subdivision Plat Related to the permitted sizes of boathouses/docks for the lakefront lots located at 520; 522; 530; 540; 550; 560; 570; 616; 622 and 630 Country Club Drive.

Jeff Briggs, Principal Planner, provided the background of the dock provisions as a condition of plat approval but were not recorded with the plat. As a result, four docks have been constructed wider than allowed under this condition, although they meet city requirements. The remaining homeowners are requesting that new boathouses be allowed to be constructed the same as existing boathouses and staff is recommending approval of amendment to conditional use as it relates to width.

Motion made by Commissioner Weaver to allow existing docks to remain and require future docks to comply with the conditions of plat approval; seconded by Commissioner Sullivan.

Commissioner Cooper said there should be some compensation for the wider docks that were allowed such as requiring a cypress or oak tree.

Tara Tedrow, attorney representing the applicant, stated that existing docks were built in compliance with city code after approval by the Lakes and Waterways Board. She requested that the existing docks be allowed to remain and that in fairness to other homeowners, that they have the ability to build similarly sized docks.

Motion made by Commissioner Cooper to amend the motion that the property owners with existing docks that do not comply with the conditions of plat approval be required to plant a cypress tree as a form of compensation for the wider dock; seconded by Commissioner Weaver.

Ms. Tedrow requested the flexibility of a cypress or oak tree depending on the recommendation of an arborist; however, any the homeowners may object. She added that if the condition is approved, the HOA would have the ability to enforce. She noted for the record, their two-part request: to allow the existing docks to remain and to allow the remaining owners the ability to construct their dock consistent with the width of docks already constructed.

Motion made by Mayor Leary to approve the amendment as presented to allow the existing docks to remain and allow future docks to be built to the same width; seconded by Commissioner DeCiccio.

George Wiggins, Director of Building and Permitting Services, clarified that the average width of the covered area of docks is 15 feet.

The following spoke in favor of allowing future docks to be constructed consistent with the width of docks already constructed:
- Jennifer Flug-Benedetti, 520 Country Club Drive
- Sean Wulff, Native Homes, representing owners at 530 and 630 Country Club Drive
- Patrick Finnerty, 616 Country Club Drive

The following spoke in opposition to allowing additional wider docks:

- David Robold, 612 Country Club Drive
- Rick McGarity, 632 Country Club Drive
- Stacy McGarity, 632 Country Club Drive

Farshad Anvari, 570 Country Club Drive, pointed out that several lots already have large cypress trees and adding another would obstruct the lake view more than a boat house and asked that the arborist make the determination regarding the cypress tree.

Ms. Tedrow stated it is unclear whether the original 16' restriction in the condition of approval applied to the covered dock width or overall dock width. Of the 23-foot dock width being requested, the covered area is only 16-feet wide. She restated their request and asked that if a tree is required it be either an oak or a cypress to be determined by the property owner to avoid further obstruction of the lake.

After additional comments, Mayor Leary called for a vote.

Upon a roll call vote on the amendment requiring a cypress tree, Commissioners Cooper and Weaver voted yes. Mayor Leary and Commissioners Sullivan and DeCiccio voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to allow existing docks to remain and to require future docks to comply with the condition, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Mayor Leary voted no. Motion carried with a 4-1 vote.

Mayor Leary declared a recess at 6: 12 and reconvened the meeting at 6:25 p.m.

g. Request of McLaren Orlando LLC for: (Tabled from January 13, 2021)

An Ordinance to amend the Commercial (C-3) Zoning Code Text to establish a new Conditional Use for "Vehicle Sales Showroom" and new Definitions for "Car Sales Business, Vehicle Dealership, Vehicle Sales Business" as well as a Conditional Use approval for such "Vehicle Sales Showroom" at the former Orchard Supply property at 1111 S. Orlando Avenue. (1st Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs reviewed the city code and comp plan as it relates to this amended request which comes with a recommendation of denial from staff and Planning and Zoning Board.

Mary Solik, attorney representing applicant, presented their request for a zoning text amendment creating a separate for vehicle sales showroom and a conditional use to allow a vehicle sales showroom in commercial district. She responded to questions stating they will comply with rules regarding after-hour events.

Motion made by Commissioner Sullivan to approve the ordinance as presented.

Commissioner Sullivan suggested an amendment to limit the noise level as a result of the loud engines. Ms. Solik stated they will comply with noise restrictions and added that repairs are done inside with cars connected to equipment that muffles the noise and they have agreed to additional sound barriers on service bay doors as an accommodation to Harper Place residents.

Chris Hardiman, Principal of McLaren Orlando, explained that customers will be required to respect neighborhoods and the community and said they are willing to entertain any conditions to provide assurance to control noise levels.

Attorney Ardaman commented on conditional use language that could be included requiring buffering and mechanisms to prevent noise from inside the building and establishing a maximum decibel level for noise outside the building.

Ms. Solik suggested "all vehicle operations in the parking lot and on the test drive will be conducted pursuant to all traffic laws with no excessive noise generation allowed." She said would agree to a decibel level but questioned what that level should be.

Motion seconded by Commissioner DeCiccio.

Commissioner Weaver said he would like to have McLaren in Winter Park but not at this location. He encouraged finding another location, possibly on Fairbanks near I-4.

The following spoke in favor of this request:
- Tony Benge, 1157 Tom Gurney Drive
- Spencer Bomar, 1157 Tom Gurney Drive
- Jim Sherris, 1270 Miller Avenue
- Mary Sherris, 1270 Miller Avenue

Responding to comments and questions, Mr. Briggs outlined the process for amending the comprehensive plan which will follow this zoning text amendment, which must be approved by the Commission.

Commissioner Cooper stated she feels this is an automobile dealership, regardless of the definition, and questioned whether this will expose the city to future legal exposure. Attorney Ardaman said he does not see an opening to a legal precedent to use this change to make future changes.

Upon a roll call vote on the motion to approve the ordinance as presented. with the amendment that noise restrictions be included in definition, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

h. Electric Vehicle Readiness Ordinances

- Ordinance amending Chapter 58, Land Development Code, to add regulations for electric vehicle infrastructure in multi-family and non-residential parking lots and parking garages (1st Reading)
- Ordinance amending Chapter 22, Building Code, to incorporate technical amendments to the Florida Building Code requiring electric vehicle charging provisions to the Winter Park Building Code (1st Reading)

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

Kris Stenger, Assistant Director of Building and Permitting, gave a presentation on the background of discussions and provisions of the ordinances.

Motion made by Commissioner Sullivan to approve both ordinances on first reading; seconded by Commissioner DeCiccio.

There were no public comments.

Upon a roll call vote on the motion to approve the ordinance amending the Land Development Code, Commissioners Sullivan, DeCiccio and Weaver voted yes. Mayor Leary and Commissioner Cooper voted no. Motion carried with a 3-2 vote.

Upon a roll call vote on the motion to approve the ordinance amending the Building Code, Mayor Leary and Commissioners Sullivan, DeCiccio and Weaver voted yes. Commissioner Cooper voted no. Motion carried with a 4-1 vote.

i. ORDINANCE 3199-21 -AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE VACATION OF AN 8.00 FEET WIDE BY 478.00 FEET LONG PORTION OF AN UTILITY EASEMENT RESERVED OVER FORMER TANTUM AVENUE WITHIN TRACT 1, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A"; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title.

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

12) City Commission Reports

Commissioner Sullivan

- Thanked Mayor Leary for his commitment to Winter Park.
- Reminded everyone of the need to schedule Strategic Planning Session.
- Expressed his gratitude for Chief Master Sergeant Richard Robert Hall, Jr., Winter Park Resident and Tuskegee Airman and recipient of Congressional Medal of Honor, who passed away recently.

Commissioner DeCiccio

- Suggested that, as part of Black History Month, city staff working with the Heritage Center recognize annually a member of the community.
- Asked that the dedication of MLK Park commemorating MLK Jr. be completed.

  Mayor Leary recalled that this was never moved forward by the Commission and previous discussions to create a history walk.

  Commissioner DeCiccio commented on the need for improvements at the corner of Denning and Morse and expressed her willingness to work with neighborhood and staff to move forward.

  Commissioner Cooper said she remembers that previous discussions revolved around the design of the park as a whole and that improvements should be done jointly with the design of park. Consensus was to place this on a future agenda.

- Commented on vacant storefronts on Park Avenue and suggested expanding the program to design vacant storefronts beyond the former Gap location. Approved by consensus.

Commissioner Weaver

- Reported that vaccinations were given to residents of The Plymouth and Tranquil Terrace.
- Commented on proposed legislation which would eliminate the city's ability to regulate short-term rentals and asked for consensus to send a letter to Tallahassee opposing these bills. Consensus was direct staff to prepare a letter.

Commissioner Cooper

- Thanked Mayor Leary for his service on the Commission.

13) Summary of Meeting Actions

- Approved the Consent Agenda.
- Approved agreement with Frog.

- Approved agreement with ExteNet Systems.
- Agreed to continue meetings under the current set up.
- Approved addition of three properties to the Winter Park Register of Historic Places.
- Approved future land use and zoning ordinances for Kentucky Avenue on first reading.
- Approved existing boathouses/docks on Country Club Drive to remain and enforcement of condition of plat approval for new boathouses/docks.
- Approved on first reading the zoning text ordinance (McLaren)
- Approved ordinances amending the Land Development Code and Building Code relating to electric vehicles.
- Directed staff to prepare and send a letter to the State House and Senate opposing legislation regarding short-term rentals.
- Approved adding discussion of MLK Park to a future agenda.

The meeting adjourned at 7:52 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis