City Commission
Regular Meeting Minutes

February 9, 2022 at 3:30 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Phillip 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 4:14 p.m. (delayed due to CRA meeting)

2) Invocation

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

3) Approval of Agenda

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

4) Mayor Report

Mayor Anderson thanked commission and staff for their work on matters coming before the commission. He spoke about considerations when making decisions.

5) City Manager Report

a. Meet Your Department: Administration

Peter Moore, Division Director of Office of Management and Budget, gave a presentation on the Administration Department's nine divisions using a game show format.

b. City Managers Report

Mr. Knight stated the Aloma/Brewer Curve traffic meeting is Thursday at 5:00 p.m. and the dedication of Killarney Estates Parklet is Friday. Commissioner Cooper suggested a wider notification of the Brewer Curve meeting because of the community impact.

Commissioner DeCiccio commended staff on the article on utility undergrounding. She spoke about a book released by the Federal government with information on how to obtain infrastructure funding. Mr. Knight said they are getting the book.

6) City Attorney Report

Mr. Ardaman gave an update on creating a deed restriction on the West Meadow. Because a bulk of property is not encumbered with a deed restriction, the surveyor has drafted a legal description and sketch for the entire West Meadow area to be used to create a Declaration of Restrictive Covenant. He recommended that a limitation on entire West Meadow that identifies what would be allowed such as restrooms. He noted that this could be reversed by future commission and said an ordinance could be considered that would require a supermajority vote to reverse the restriction.

Commissioner Cooper suggested including in an ordinance a supermajority requirement to change. Commissioner Weaver agreed.

7) Non-Action Items

a. Fish Orlando Presentation - James Sweatman, Florida Fish and Wildlife Conservation Commission

Jason Seeley, Director of Parks and Recreation, spoke about city's long-term relationship with Florida Fish and Wildlife Conservation Commission. Jim Sweatman, FFWCC, showed a documentary video on their programs and thanked the city and its staff for its ongoing partnership. He reported on program's impact of water quality and habitat.

8) Public Comments | 5 p.m. or soon thereafter (Heard after Consent Agenda)

9) Consent Agenda

a. Approve the minutes of the regular meeting, January 26, 2022.
b. Approve the following contract:
    1. Ellis Mechanical Corp. - IFB24-19A - Plumbing Services for services on an as needed basis during the remainder of the current term of the Agreement; Amount: $80,000

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

A recess was taken from 4:54 p.m. to 5:02 p.m.

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

Jim Fitch, 1820 Via Genoa, spoke about a recent water leak at his home and asked the city to consider an AI program to monitor abnormal water usage. He suggested the city consider an external audit of the city's protection from ransomware and asked the commissioner to a appoint a financial advisory board to increase the awareness of the commission about the intricacies of the budget.

10) Action Items Requiring Discussion

a. Swoope Property Notice-to-Dispose (NOD)

Mr. Moore provided the background and basis for this NOD and advised of an increase in the appraised value of the city's parcel to $2.4m. He summarized the Saltmarsh and Elevation Group proposals, both of which allow the city to build the warehouse on the triangular parcel at a slightly increased cost from the $800k cost of 18 months ago. He showed an aerial image depicting ownership before and after the exchange. Staff is asking for direction to begin negotiations with either proposer that would be brought back for approval. He responded to questions and comments regarding proposals and plans. He clarified that the warehouse would allow centralization of parks maintenance equipment and allow the removal of the small storage shed in Central Park.

Discussion was held on the long-term use of the property, potential need for additional land to expand the facility, and use of the property for EV charging and vehicle storage.

Commissioner Cooper opposed industrial use of this property and is uncomfortable with approving a proposal and then negotiating a contract. Mr. Moore said the final contract would come back to the commission for approval.

Motion made by Commissioner Cooper to approve with the condition that the value to the taxpayer represents the appraised value of the property; seconded by Mayor Anderson. (Withdrawn after discussion)

Mayor Anderson spoke about the design of the Elevation building which he feels is an appropriate design for Winter Park but questioned whether it would make a difference if the third floor were stepped back. He suggested that some guidance on building design should be communicated if moving forward.

Commissioner Cooper withdrew her motion.

Commissioner Cooper said she would opt for land lease because of its location in the core of Winter Park. She said she likes the office use and restaurant use. She said she is opposed to selling property. Discussion followed on use and city need for the property.

Mr. Knight stated that staff is comfortable with the facility on this site and it provides extra greenspace, funding for construction of the building, and frees up the existing maintenance facility for conversion to a columbarium which will generate revenue.

Commissioner Weaver asked for a summary of value and net gain and loss to the city of both proposals. Mr. Moore advised that information is in the appraisal and provided details on the financial gain/loss to the city. He responded to questions stating the city would be looking for a proposal that meets the appraised value.

Mayor Anderson commented on the timing of this NOD due to charter amendments that, if passed, would require a supermajority to sell property. As a result, it is important to consider all elements of the proposals and the spirit of the charter amendment. He favored the Elevation proposal with the change in valuation and because of the proposed higher square footage of the building, the tax base would be higher.

In response to Commissioner Weaver, Mr. Moore noted Mr. Saltmarsh amended his offer to match the appraisal for the property to be swapped.

Tom Saltmarsh, 920 Georgia Avenue, spoke about their proposal and valuation. He expressed a willingness to reduce the size of the property to be purchased if city needs more property. He stated he would consider a land lease and he would try to maximize the use and possibly build a three-story addition to the existing building.

Commissioner Weaver expressed his reluctance to sell city property and that a land lease should be pursued.

Chris King, Elevation Financial, suggested firm boundaries and guidelines. He spoke about the terms of NOD and staff's position on the swap. He noted that they are offering above appraised value and asking for less land (smaller footprint by about 20%). He said they are the only group that can provide circular, emergency vehicle access and bring jobs to the community with its relocation to the city. He added that he would not consider a land lease.

Mayor Anderson summarized the proposals, land value and finances.

Commissioner Weaver stated that the $4m in projected revenue from the columbarium overshadows what he has heard so far.

Mayor Anderson spoke about the advantages and disadvantages of a land lease. He said he feels the city’s use is the lowest intensity and should go on the triangular portion of the property. He outlined options to consider a land lease, to move forward on a vote (which may result in a 3-2 vote), or table until after the election (due to charter amendments that, if passed, would require supermajority vote on selling city property).

Motion made by Mayor Anderson to table to March 9th; seconded by Commissioner Weaver.

Ben Friedman, Elevation Financial, said that feels the process is not final so the commission could still direct staff to move forward with negotiations and bring this back to the commission after the election.

Mr. Moore said that the commission could direct staff to negotiate with one or both parties, which would take at least a month, and bring it back for approval.

Commissioner DeCiccio spoke in favor of moving forward.

Commissioner Sullivan supported moving forward with negotiations with either party since this is not the final decision of the commission.

Upon a voice vote on the motion to table, Commissioner Weaver voted yes. Commissioners Sullivan and DeCiccio and Mayor Anderson no. Motion failed with a 1-3 vote. (Commissioner Cooper's vote was not audible.)

Commissioner Weaver said he is comfortable moving forward with negotiations since this is not a final approval to sell the property.

Commissioner DeCiccio supported negotiating with Elevation but is comfortable directing staff to negotiate with both parties.

Motion made by Mayor Anderson to move forward with negotiations with Elevation; seconded by Commissioner DeCiccio. (No vote was taken due to the passage of subsequent motion to move forward with negotiations with both parties.)

Mr. King stated that if the city directs negotiations with both parties until after the election, they would withdraw from the process, as he feels they have met every legal requirement of the NOD.

Motion made by Commissioner Cooper to move forward with negotiations with both property owners; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Cooper, Weaver and Mayor Anderson voted yes. Commissioners Sullivan and DeCiccio voted no. Motion carried with a 3-2 vote.

A recess was taken from 6:28 to 6:38 p.m.

b. Non-Profit Fee Waivers and Discounts

Mr. Seeley reviewed the list of events approved in 2011 for automatic fee waivers and the policy and criteria for granting fee waivers including discounts, events and days and time limitation. He said hard costs at the Events Center averages approximately $75/hour. He recommended a 30% discount for non-Winter Park non-profits and 50% hourly discount, or higher if the Commission approves, for Winter Park non-profits weekday events. He reviewed historic costs, rental fees and discounts for non-profits and discussion followed on scenarios for fee waivers.

Commissioner DeCiccio disclosed that she is a member of the Rotary, who receives a fee waiver.

Mr. Seeley noted that determination is also needed on whether these fee waivers should apply to Events Center or all facilities. He responded to questions and recommended looking at the policy for full fee waivers which has not been revised since 2009. Mr. Knight noted that, at the time, the Commission approved a full fee waiver list so it did not have to manage ongoing fee waiver requests. Mr. Seeley suggested requiring that non-profits reapply for standing fee waiver.

Discussion followed on the list of events with full fee waivers and subsidies and concerns were expressed about the financial impact. Mr. Seeley suggested that no fee waivers be granted for events on Friday or Saturday or times of peak use.

Mr. Seeley noted the informal agreement for weekday use by the Library and suggested codifying the Library's use of the Events Center although the Library and city have worked together to accommodate the Library's use.

Commissioner Cooper asked what costs the city has to cover due to fee waivers or reductions and said the city needs to determine what expense it is willing to cover.

Mr. Knight explained that a consultant showed a profit with assumptions on rentals; however, as fees are discounted, the profit is reduced. Mr. Seeley said the primary assumption was weekend use.

Mr. Knight said the policy should state that recurring non-paying rentals will be relocated to another facility to accommodate paid rentals.

Mayor Anderson suggested considering a discounted rate of $175/hour for WP non-profits and or leaving discounted rate as is for the next year and then determine the financial impact of waivers. He feels this is more about Events Center rates than other facilities but would not want to discount the rates below Community Center rates.

Discussion followed on fee waiver amount, whether to apply discounts to other rental facilities, and criteria for granting fee waivers with general agreement that Events Center discounted rates should not be less than other facilities. Consensus was to change the discounted rate for fee waiver application from $225 (50% discount) to $190/hour.

11) Public Hearings

a. Requests of 3217 Corrine LLC (2nd reading):

- ORDINANCE 3219-21 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.41 ACRES OF REAL PROPERTY LOCATED AT 3303 AND 3313 CORRINE DRIVE AND THE ADJACENT NORTHWOOD TERRACE DRIVE STREET RIGHT-OF-WAY LYING WEST OF 3303 CORRINE DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- ORDINANCE 3233-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT IN THE FUTURE LAND USE ELEMENT, NEW COMPREHESIVE PLAN POLICY TEXT OUTLINING PERMITTED

FUTURE LAND USES APPLYING ONLY TO THE SOUTH 63 FEET OF 1813 NORTHWOOD TERRACE DRIVE AND TO AMEND THE FUTURE LAND USE MAP SO AS TO ESTABLISH OFFICE FUTURE LAND USE ON THE ANNEXED PROPERTIES AT 3303 AND 3313 CORRINE DRIVE AND TO CHANGE THE DESIGNATION OF SINGLE FAMILY TO PARKING LOT ON THE SOUTH 63 FEET OF 1813 NORTHWOOD TERRACE DRIVE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

- ORDINANCE 3234- 22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, " LAND DEVELOPMENT CODE", ARTICLE III, " ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH OFFICE (0- 2) ZONING ON THE ANNEXED PROPERTIES AT 3303 AND 3313 CORRINE DRIVE AND TO CHANGE THE ZONING FROM SINGLE FAMILY (R-1A) TO PARKING LOT (PL) DISTRICT ZONING ON THE SOUTH 63 FEET OF 1813 NORTHWOOD TERRACE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.
- ORDINANCE 3235- 22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, TO VACATE AND ABANDON PORTIONS OF THE NORTHWOOD TERRACE DRIVE PUBLIC RIGHT- OF- WAY DEDICATED BY THE PLAT OF NORTHWOOD TERRACE AS RECORED IN PLAT BOOKS, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; PROVIDING FOR THE RESERVATION BY THE CITY OF A UTILITY AND DRAINAGE EASEMENT OVER THE ENTIRE AREA BEING VACATED AND ABANDONED; PROVIDING FOR CONFLICTS, CORRECTION OF ERRORS, RECORDING AND AN EFFECTIVE DATE.

Attorney Ardaman read the ordinances by title.

Jeff Briggs, City Planner, stated that as a result of direction at first reading, the future land use and zoning has been changed to office from commercial and a parking lease with East End Market has been executed. The applicant's plans include the conditions of approval requiring a raised median to prevent right-turns into the neighborhood from the parking lot and a sidewalk connecting to East End Market. He briefly summarized the terms of the parking lease.

Motion made by Commissioner Cooper to adopt the ordinances on second reading subject to three conditions; seconded by Commissioner Weaver. 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 RSRW Properties LLC (1st reading):

- Ordinance: Annexing the property at 1471 Harmon Avenue
- Ordinance: Establishing Low Density Residential Future Land Use
- Ordinance: Establishing Low Density Residential (R-2) zoning in order to build up to a two-family dwelling.

Attorney Ardaman read the ordinances by title.

John Harbilas, Planner, reviewed the requests for annexation of 1471 Harmon Avenue, R-2 zoning and future land use which allows two residential units/duplex, but currently has a single-family residence. Staff and P&Z recommended approval. He responded to questions on lot size and feasibility of a duplex and reported on the existing zoning and uses of surrounding properties.

Commissioner Cooper asked for confirmation of single-family and duplexes in this area and whether they are homesteaded. Mr. Knight said this can be provided at second reading.

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

c. Ordinance: Authorizing conveyance of property at 654 Selkirk Drive (1st Reading)

Attorney Ardaman read the ordinance by title. Mr. Knight said this ordinance authorizes the sale; the offers to purchase will be presented to the commission for approval. He responded to questions on marketing and said the minimum offer is $385k.

Motion made by Commissioner Weaver to approve the ordinance on first reading; 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.**

d. Request of Z Properties for:

- 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. This item was continued from the January 26, 2022 meeting. **(Continued to February 23, 2022 Meeting)**

12) City Commission Reports

Commissioner Sullivan -

- Advised of a recent article regarding affordable or free internet service for low-income residents. He suggested that the city help these residents take advantage of this program to get internet at a reasonable cost. In response to comments, he noted that this includes a subsidy for equipment and suggested educating the library personnel about the program and encourage them to check into the program. Mr. Seeley said he would make the information available at the community center.

Commissioner Cooper -

- Asked staff to contact Seminole County about the cost of underpasses and potential grant opportunities. Approved by consensus.
- Asked for status of request to provide the layout for land use entitlement for inclusion in agenda packets. Mr. Knight stated this is in progress.
- Noted concerns about pedestrian safety and interest on the Aloma/Brewer curve matter.
- Thanked staff for working on the dedication of trees at Progress Point.
- Commented on speeding in the parking lot Ward Park. The Police is monitoring the situation and Park and Recreation Department is looking into lighting.
- Suggested that a meeting of the OAO Appearance Review Board be scheduled to discuss processes and look at codes.

Commissioner Weaver -

- Said he attended an event at the Events Center where disposal utensils were used and proposed talking to caterers to encourage use of reusable dishes and utensils.

13) Summary of Meeting Actions

14) Adjournment

The meeting was adjourned at 7:58 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis