City Commission Regular Meeting Minutes

February 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, 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 3:30 p.m.

2) Invocation

Jocelyn Williamson, Central Florida Free Thought Community, gave the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Mayor Anderson asked to move the City Attorney's Report to the beginning of the meeting in order to address e-mails and changes in Commissioner Weaver's status and hear from the attorney.

Motion made by Mayor Anderson to amend the agenda moving Item 6 to top of the agenda; seconded by Commissioner Weaver. Motion carried with a 5-0 vote.

4) Mayor Report (given after Item 6)

6) City Attorney Report

Mayor Anderson said that for some on the dais this is a time-consuming job, sometimes with frustration. He said Commissioner Weaver sent a letter (e-mail) to the public and members of the commission and he thinks there is some confusion about what the e-mail said and what it meant, so he asked the attorney to prepare to respond to questions on the matter. He spoke about the employee/employer relationship where there is flexibility in the timing and handling of resignations and the relationship where the elected official is the employee and employed by the voters and residents. He posed the following questions: Is the letter a resignation and if so, what is the effective date? What needs to be done if it was a resignation? Are there things that Commission needs to do? Does the commission have the authority to reinstate?

Mr. Ardaman said if it is determined that Commissioner Weaver's letter constitutes a resignation and Seat 4 is determined to be vacant, his participation in voting on matters could compromise the integrity of the commission's actions. He has requested the city's labor and employment attorney and the Florida League of Cities legal counsel to review Commissioner Weaver's e-mail but has not yet received an opinion. He reviewed Charter Section 2.03 which states "the city commission shall be the judge of the qualification of its own members subject to review by the courts." Section 2.07(a) states "the office of a commissioner shall become vacant upon the death, resignation, removal from office in any manner authorized by law or forfeiture of such office, such forfeiture to be declared by the remaining members of the commission." He opined that given Section 2.03, the commission has the authority to make the determination whether a resignation occurred and if so, when. That would be more potent to a more persuasive and binding than a legal opinion.

Motion made by Commissioner Sullivan that the Commission keep Vice-Mayor Weaver active on the Commission effective immediately.

Mayor Anderson said, to clarify, he thinks Commissioner Sullivan is asking the commission to state that the letter sent out on Friday morning was not a binding resignation.

Commissioner Sullivan said that is implicit in the motion, yes.

Commissioner Weaver said the letter he sent was just a notification to supporters as a courtesy, but nowhere in the letter did it say that he was resigning, have resigned or an effective date. He said he has never left a job without notice and those such things are subject to employee/employer relations as stated by Mayor Anderson. He submitted that it was not a resignation.

Mayor Anderson said that is why he is asking for guidance and opinions because the letter was dated, signed and it said stepping down, which is resigning. He was confused and the public was confused and he feels the commission owes the residents to do some diligence on whether or not it was a binding letter. That was the nature of his question to Mr. Ardaman.

Commissioner Sullivan called for point of order. He stated he made a motion and asked for second. Mayor Anderson said there is a motion on the table and asked for a second. **The motion was seconded by Commissioner Weaver.**

Commissioner DeCiccio said this needs to be done right so no one can allege bias or that this commission did anything wrong or out of order. She noted there were three places where Vice-Mayor resigned: his own Facebook page, in the *Sentinel* where he is quoted as saying "I am juggling too many balls", and in 32789, and yesterday, in the 32789, it was stated he was not resigning. She asked whether this was as simple as a proper withdrawal of resignation, like contract where an offer is made but before the offer is accepted, the offer is withdrawn, which would mean there is no binding offer, or in this case a binding resignation.

Mr. Ardaman said there no requirement for acceptance of a resignation of a municipal elected. He doesn't believe the lack of acceptance of the resignation has any bearing on the matter.

Commissioner Sullivan called the question.

Mayor Anderson said the discussion will continue.

In response to Commissioner Cruzada, Mr. Ardaman said upon preliminary review, there is no requirement that resignations be submitted to the county or the state but there may be something with respect to the city clerk, who is in receipt of that e-mail. The question remains whether Commissioner Weaver's e-mail constituted a resignation and if so, was it effective that day, which is a matter for the commission to decide.

Mayor Anderson about the possibility of getting a written opinion from either the Human Resources Department or the Attorney General's Office. Mr. Ardaman stated the Attorney Generally typically requires a vote of the governing board to request an opinion and it could take many months to receive an opinion; however, the city's labor attorney should be able to provide a written response in a few days.

Motion made by Mayor Anderson to table this action until we have an HR opinion letter.

Commissioner Sullivan called for point of order as he asked to call the question. He said he believes it is clear that Vice-Mayor Weaver chose to rescind that and chose to stay on the commission and it's clear from the attorney that it is up to the commission to decide whether or not he stays on the commission. He feels it is out of order to delay that decision.

Mr. Ardaman said if his resignation was effective upon his sending of the e-mail to the city clerk, among others, then there is no ability to rescind. However, if the resignation was prospective, i.e. I intend to or I will resign at some future date, then he probably does have the ability to rescind. If the commission decides to vote on the matter of whether the e-mail was a resignation, the important question is whether or not it was effective that day.

Mayor Anderson asked if a motion to table overrides a motion to vote. Mr. Ardaman said yes. If the motion to table passes, then Commissioner Sullivan's motion would be postponed until the item was brought off the table.

Commissioner Sullivan asked what Vice-Mayor Weaver's status would be in the interim if this were tabled. Mr. Ardaman said it is up to the commission to determine whether there was a resignation. Commissioner Weaver's status is based on whether the commission determines whether there was a resignation.

Commissioner Sullivan asked for confirmation of his understanding that that it is incumbent upon the commission to take some action now regarding Vice-Mayor Weaver's position in participating as a member of the commission in this meeting.

Mr. Ardaman said the commission can postpone its decisions so it is not incumbent upon the commission to carry on the business. Vice-Mayor Weaver's status has not been determined because the commission has not made their decision. The commission could determine that Vice-Mayor Weaver has resigned or has not resigned or postpone a decision. He said Commissioner Weaver should participate in that discussion and that vote. Whether Vice-Mayor Weaver votes on other items on the agenda depends on how the commission intends to deal with matter from this point.

Commissioner Sullivan asked if the motion to table needs to be amended to recommend the status of Vice Mayor Weaver in the interim as it relate to voting status. Mr. Ardaman replied no.

Mayor Anderson clarified that he made a motion to table until the commission has an opinion letter from HR. He said he did not receive a second prior to yielding the floor to Commissioner Sullivan.

Mr. Ardaman said if the motion to table passes then the matter being tabled would be deferred to a future date and additional discussion on how to proceed would be needed in this meeting. If the motion to table fails, then the commission would proceed with vote.

Commissioner Sullivan said he believes there is sufficient information to act and that tabling would not be proper procedure at this time and because of the confusion of the status.

Commissioner DeCiccio seconded Mayor Anderson's motion to table. She feels this needs to be done the right way for Vice-Mayor Weaver's sake and the commission's sake and so no one can allege there was any bias or wrongdoing by anyone.

Mayor Anderson asked if an HR opinion could be provided by next Wednesday if this were tabled for a special meeting. Mr. Ardaman replied yes.

Motion made by Mayor Anderson to amend to motion to table this decision until a special meeting next Wednesday (February 15); seconded by Commissioner DeCiccio.

Commissioner Weaver read his e-mail titled "Stepping Down." He said there is nothing in the e-mail that states he was going to resign, resign on a certain date, or not finish his term. The e-mail was showing his appreciation to everyone, city staff and his supporters. He acknowledged that he is struggling with time but has made adjustments in his business and personal life and believes he can manage those responsibilities. He said he wants to serve. He said there were no conversations among the commission or city staff prior to sending the letter. This was entirely his decision and because of staff and public support he felt a responsibility to manage his time in order to continue serving. So, this was a not a resignation; it did not contain the word resignation nor did it have an effective date.

Mayor Anderson said if motion is tabled fails, then there will be more discussion on the voting matter. He asked for additional discussion on the motion to table.

There were no public comments. **Upon a roll call vote on the motion to table until a special meeting next Wednesday (February 15), Commissioners DeCiccio, Cruzada and Mayor Anderson voted yes. Commissioners Sullivan and Weaver voted no. Motion carried with a 3-2 vote.**

Mayor Anderson said the second matter is the status Vice-Mayor Weaver for today's meeting, which he feels hasn't changed. There is a risk at the special meeting that there will be a determination that the resignation was effective last Friday and will risk the outcome of any votes in this meeting if Vice-Mayor Weaver's vote was the deciding vote requiring a new vote on some items. He said an option could be table action items on the agenda items for two weeks. He asked for further discussion before a brief recess,

Commissioner Sullivan expressed his concern that actions taken in this meeting are going to be difficult to decide and decisions made are likely to hang in the balance for a week until the commission decides whether Vice-Mayor Weaver resigned effective with his letter or did not and he continues to be a voting member of the commission. He it is a mistake to table this and feels it necessary to point out the uncertainty of these proceedings.

Commissioner Cruzada said there is a non-consent agenda and action can still be taken with four members of the commission. He questioned whether some items can be tabled without adverse impact. Mr. Knight stated no items are time sensitive where a two-week delay would cause a problem.

A recess was held from 4:05 to 4:25 p.m.

Mayor Anderson opened the discussion on how to move forward with this agenda. Although there is uncertainty, there has been no decision that Vice Mayor Weaver's resignation was effective and the discussion and voting could proceed differently in the special meeting. He restated the potential risk with acting today and the option to table items to the next regular meeting on February 22.

Commissioner Sullivan supported moving forward accepting the possibility that some may have to be revisited.

Commissioner Weaver restated his position that the e-mail does not constitute a resignation and is comfortable with continuing with entire agenda. Commissioner

Cruzada agreed with the understanding that some items might need to be revisited. Commissioner DeCiccio agreed.

4) Mayor Report

Given under Commission Reports.

5) City Manager Report

Commissioner DeCiccio asked for a list of emergency repairs at next meeting that could be made using ARPA funding at the next meeting.

7) Non-Action Items

a. Board Appointment

Mayor Anderson reported the appointment Kevin McClanahan to the Economic Development Advisory to replace Bill Segal who was appointed to Civil Service Board.

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

Heard after Action Items.

9) Consent Agenda

a. Approve the minutes of the regular meeting, January 25, 2023.
b. Approve the following piggyback contracts:
    1. Atlas Concrete Products, Inc. - City of Sanford Contract #IFB22/23-04 - Cemetery Opening & Closing of Graves; For services on an as-needed basis during the term of the Agreement through January 18, 2026; Amount: $250,000.
    2. Eurofins Environment Testing Southeast, LLC - Volusia County Contract #ITB20-B-15LL - Laboratory Analysis and Sampling; For services on an as-needed basis during the term of the Agreement through February 3, 2024; Amount: $120,000.
    3. Rental Digger Derricks, Bucket Trucks, Cable Placers, & Equipment; For services on an as-needed basis during the term of the Agreement through August 27, 2024; Amount: $250,000.
    4. Duval Ford LLC - Florida Sheriffs Association Contract #FSA20-VEL28.0 - Pursuit, Administrative, and Other Vehicles; For goods on an as-needed basis during the term of the Agreement through September 30, 2023; Amount: $500,000.
    5. Alan Jay Fleet Sales - Sourcewell Contract #091521-NAF - Cars, Trucks, Vans, SUVs, Cab Chassis, & Other Vehicles; For goods on an as-needed basis for the remainder of the term of the Agreement through November 08, 2025; Amount: $900,000.

6. Safety Products, Inc. - City of Sunrise Contract #17-46-09-HR - Safety Supplies and Equipment; For goods on an as-needed basis during the term of the Agreement through December 31, 2024; Amount: $75,000.

c. Approve the following contracts:
   1. Paymentus Corp. - FY20-75 - Payment Management & Processing Services; Amount $630,000 for services on an as needed basis during the term of the Agreement.
   2. Kimley-Horn and Associates, Inc. - RFQ27-21 - Continuing Urban Design Services; Amount: $75,000 for services on an as needed basis for the remainder of the current term through January 21, 2024.

d. Verizon Wireless Pole Attachment Agreement

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

Mayor Anderson asked to remove Item a. **Commissioners Weaver and DeCiccio amended the motion to exclude Item a. Motion carried unanimously.**

Motion made by Mayor Anderson to amend Page 9 of the minute adding “Mayor Anderson asked if there was a second to the amendment regarding the change to TBD” between the bolded paragraph that begin “Commissioner Weaver seconded the motion…” and the paragraph that begins “Motion to change goals to TBD…”; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

10) Action Items Requiring Discussion

a. Old Library Site Discussion

Mr. Knight said there is no staff report although Damien Madsen is here to present a revised proposal.

Mayor Anderson stated the commission had a negotiating work session while still in the exclusive negotiating period. After hearing from Mr. Madsen, the Commission will determine whether to extend the negotiating period, then decide whether to continue or end negotiations and then decide how to proceed.

Mr. Madsen asked to continue this matter to February 22nd in light of the discussion regarding Vice Mayor Weaver’s status. Commissioner Weaver said he would prefer to vote on agenda items tonight.

Mayor Anderson said he believes there is no will to move forward but asked Mr. Madsen to summarize his proposal.

Mr. Madsen commented on the discussion about including workforce housing, demolishing the building or selling the property versus a ground lease. He said he is prepared to discuss his proposal but questioned whether doing it in this meeting is the right time. He asked again to postpone this for two weeks.

Mayor Anderson expressed his appreciation for Mr. Madsen's willingness to revise the proposal. He summarized Mr. Madsen's proposal increasing the lease amount from $150k to $175k depending on the dedication of 4,000 s. f. shell space on first floor. He recalled that the intent was to balance the community benefit with the financial benefit and believes that the financial benefit originated at $250k with a community benefit of use for entrepreneurs but the lease amount was reduced due to the increased expense. He pointed out there was no agreement on the term of the lease.

Commissioner Sullivan asked for clarification on request for delay. Mr. Madsen said the preceding discussion and tabling the question of open seat creates a potential cloud over the process. Commissioner Sullivan said he prefers to move forward.

Commissioner Cruzada said he appreciates the proposal and discussion and at this point he is ready to move forward. He said he would be open to issuing another RFP with more options and a longer response time.

Mr. Madsen summarized the discussion on the proposal that included a 4,000 s. f. space dedicated to the city with an incremental increase of that space and impact on ground lease payment. He proposed increasing the lease payment to $200k using the same terms outlined in the counter from the city in terms of lease length. He noted that the property would generate approximately $55k in tax revenue. He spoke about the RFP which did not allow residential, parking structure, demolition, nor sale of the property. From a financial benefit, he feels an agreement is close with their offer of $200k and the additional tax revenue. He suggested the city could use some of the lease income to subsidize rent for employees which would be a step toward workforce housing. He expressed a desire to purchase the site for $6.1M and close in 60 days.

Mayor Anderson said the proposal has given the commission a road map on what to do next and if the criteria were broadened under a new RFP it could result in different and better mix of financial and public benefit.

Mr. Madsen they would be willing to allow the city to approve the use a lease of ground floor space and also to remove the café although the space needs to be rented in order for them to generate income. He hopes for continued discussion and urged the commission to move forward.

Mr. Madsen responded to comments and questions. He confirmed that the offer of $200k includes the 4,000 s.f. and that the top two floors will be used for the community (for a fee), i.e., coworking concept which will be a great addition to the city. He added that costs have risen but they are still committed to the project.

Commissioner DeCiccio expressed her concern about parking deficit which she feels will get much worse.

Commissioner Sullivan said the RFP was rushed and specifications may have been too restrictive and did not properly convey the commission's ideas for the building and he is reconsidering how to proceed. He said he is ready to discuss moving forward.

Mayor Anderson said it comes down to the term in that a 60-year lease looks like a land sale since effectively the city would be giving up the opportunity to do anything with the property. He feels if the city going to commit to long-term lease then the options should be expanded and might include demolition, residential; however, the city can't reassess without ending the exclusive negotiation period.

Motion made by Mayor Anderson to end the exclusive negotiating period.

Mr. Madsen said if the city decided to take the building back, there could be termination right in the lease with the city paying back the unamortized portion, but they would need a term of 20 years.

Motion seconded by Commissioner Weaver.

Lawanda Thompson spoke about the public meeting several years ago on the use of the old library where the public supported a cooperative business space for all residents. She commended Mr. Madsen on proposing what the public wanted.

Mr. Madsen, speaking as a Winter Park resident, asked for the notes from those public meetings. He spoke about the use of office space post-pandemic and successful transition to co-working office space. The library could be a world-class coworking environment and would use it as a resident.

Mayor Anderson summarized the current terms of agreement: $200k lease payment that does not include 4,000 s.f. of public space on the first floor; commitment to ensure that the top two floors are floors are primarily users of the onsite parking and there could be complimentary uses on the ground floor so that the parking is there; end of first 20 years they may be an termination right if the city wants to regain control and effectively buy-out the balance of the economic value of the building, which he feels is material in terms or regaining control if the city chooses. He said even though he made the motion to terminate, he may want to consider this further.

Commissioner Cruzada noted that Mr. Madsen has offered to give the city approval authority for the lease, use and parking for first floor tenants.

Commissioner DeCiccio feels that authority will put the city in a position where Mr. Madsen's income could be impacted.

Mr. Madsen asked that approval be given within 15 days because things move quickly when leasing space but is hopeful that the types of uses will not require approval.

Commissioner Sullivan asked whether Mr. Madsen's proposal can be considered in the future. Mayor Anderson said if a new RFP is issued, he would have to respond at that time.

Commissioner Weaver called for point of order since the commission doesn't usually allow for an exchange during public comment.

Upon a roll call vote on the motion to discontinue negotiations, Commissioners Sullivan, DeCiccio, and Weaver and Mayor Anderson voted yes. Commissioner Cruzada voted no. Motion carried with a 4-1 vote.

Commissioner Weaver noted the need to discuss how to proceed. Mayor Anderson suggested scheduling a work session on a revised RFP.

Commissioner Weaver, with the consensus of the commission, spoke about actions and successes of this commission and prior commission, some which have eased the work load of staff. He apologized for his lack of leadership on his part on the RFP, but it opened the conversation about limited parking and ultimately limited use. The library is a public asset and he wants to do what is best for the public and his issue with the proposal was the lack of a civic element that he envisioned. He spoke with local builders and architects who agreed that the 45-day response period was insufficient. He supported a housing component, particularly workforce housing. He feels the building has value and he does not want the citizens to be short-changed by the wrong decision so this should be a longer process. He believes the value of the structure, materials and land, economic value and cost to renovate. He restated his support for workforce housing, particularly for patrol officers to respond in major events and to save on wear and tear on vehicles. He suggested developing more clear parameters in an RFP and provide more time for proposals.

Mayor Anderson asked staff to coordinate dates for a work session.

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

Hattie Bryant, 1240 S. Pennsylvania Avenue, said she recently moved here and went to the library to obtain a library card but questioned the need for the library to have gender information. Mayor Anderson stated the library is an autonomous entity that leases a building from the city and her comments will be redirected to the Library. Commissioner DeCiccio said she will bring this up at next Library Board meeting.

Mary Jane Fries, Fairway Drive, gave an update on Fairway Drive stormwater drainage problems and city staff's recent work on the creek and outlet. She asked that the city direct resources to continue work and that dredging start on the waterway out to 436 from the 9th fairway drain. She asked for elevation and slope changes on the 9th fairway, perhaps a swale.

Lawanda Thompson, 664 W. Lyman, spoke about Resolution 2217-19 which established a five-member commission to make recommendations on the old library and asked the commission to carry out the will of the people. She spoke about the upcoming 1619 Festival on February 18th and 19th and encouraged the commission's participation. She asked for permission to hang a banner for this event on the property at the corner of Denning and Fairbanks. Approved by consensus (provided it is adequately supported and does not obstruct view of traffic).

Pat McDonald, Summerfield Road, expressed disappointment in the manner in which Commissioner Weaver's situation is being handled. As a former personnel manager, she has seen where employees have been allowed people to rescind their resignation or retirement and she does not see the need to handle this in the manner proposed.

Bonnie Jackson said she is shocked to see the invocation was given by someone not of faith and that a banner was approved for the 1619 Festival, which finds be hostile to people of faith. She asked about her outstanding application for a banner "Choose Life, Celebrate Family" and feels her application has been ignored.

A recess was held from 5:59 to 6:11 p.m.

11) Public Hearings: Quasi-Judicial Matters

a. Ordinance - vacating and abandoning that portion of Aragon Avenue lying east of Nicolet Avenue. (1st Reading.)

Attorney Ardaman read the ordinance by title.

Director of Planning Jeff Briggs presented the request to vacate the portion of Aragon Avenue between two city-owned properties for a possible regional retention area.

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

b. Request of Villa Tuscany Holdings LLC for approval of a subdivision wall and landscaping for the four lot Via Veneto subdivision at 1292-1298 Howell Branch Road.

Assistant Director of Planning Allison McGillis presented this request for landscaping and a subdivision wall on the newly created subdivision on Howell Branch Road and showed drawings and images of the proposed wall. A variance is needed for the additional 12 inches above the 6-foot concrete wall. Staff recommends approval.

Commissioner Weaver asked about outcome of tree fines and status of shoreline (erosion control). Director of Parks and Recreation Jason Seely advised that fines have been paid.

Motion made by Commissioner Sullivan to approve the request as recommended; seconded by Commissioner Cruzada.

Motion made by Commissioner Weaver to table until the status of the shoreline is verified

Brook Rhodes, applicant, advised there is silt protection and that sod will be placed in the next few days.

Commissioner Weaver withdrew his motion to table.

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.**

c. ORDINANCE 3262-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF THE ELVIN AVENUE RIGHT-OF-WAY, DEDICATED BY HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weaver to adopt the ordinance; 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.**

12) Public Hearings: Non-Quasi-Judicial Matters

a. Ordinance 3261-23: Updating Section 58-87, lakefront and waterfront zoning regulations and amending Chapter 114, Lakes and Waterways to incorporate regulations concerning docks and boathouses. (2nd Reading) (Tabled from January 25, 2023) Request from staff to table to February 22, 2023.

Motion made by Mayor Anderson to table until February 22, 2023; seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.

b. ORDINANCE 3263-23. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-94 "APPEALS FROM INTERPRETATIONS AND ENFORCEMENT DECISIONS OF THE BUILDING AND ZONING OFFICIAL", TO MODIFY THE PROCESS FOR APPEALS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner DeCiccio to adopt 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.**

c. ORDINANCE 3264-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR NONRESIDENTIAL ZONING DISTRICTS", TO ENSURE THAT NO AIR TRAFFIC HAZARDS WILL BE CREATED BY STRUCTURES AND OTHER APPENDAGES BY FOLLOWING THE HEIGHTS DETAILED IN THE ORLANDO/ORANGE COUNTY AIRPORT ZONING REGULATIONS TEXT AND MAP, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner DeCiccio to adopt 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.**

d. ORDINANCE 3265-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-72 "OFFICE (O-1) DISTRICT", TO ADD A NEW PERMITTED USE FOR STATE LICENSED ESTABLISHMENTS INVOLVED IN THE RENDERING OF A PERSONAL OR BUSINESS SERVICE LIMITED TO BARBER SHOPS AND HAIR SALONS, DAY SPAS, AND COSMETIC TREATMENTS SUBJECT TO CERTAIN CONDITIONS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance; seconded by Commissioner Weaver. 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 city for its investment in the new playground and basketball court at The Meadows and Parks and Recreation Coordinator Alan Graham who holds basketball practice.

Commissioner DeCiccio - no report

Commissioner Cruzada -

- Reminded everyone of the dedication of The Meadows Park on February 18th from 10-12.

Commissioner Weaver -

- Asked to visit Showalter Field in the evenings in response to resident concerns about the PA system. (To be coordinated with Parks and Recreation Director)
- Addressed needed infrastructure repairs stating he would like to develop an actionable plan. Commissioner DeCiccio said staff is working on a list of with departments to see what needs to be done now and what can be delayed.

Commissioner Weaver asked about water and sewer fund repairs. Mr. Knight said the city has a robust repair and replacement schedule but it is limited by the revenue generated.

Commissioner Weaver relayed concerns by former Mayor Joe Terranova regarding substation security. Director of Electric Utility Dan D'Alessandro said cameras will be installed with signage warning of video cameras, card readers are being installed on interior buildings and property is being cleared to make substations more visible and accessible.

Mayor Anderson -

- Reiterated Commissioner Weaver and DeCiccio's comments regarding priorities of capital investments. Staff is updating the 5-year and 25-year plan to use a baseline for future discussions.

14) Summary of Meeting Actions

- Schedule a special meeting for February 15th to discuss tenure Commissioner Weaver.
- Look at reallocating funds from ARPA for emergency repairs.
- Mayor Anderson appointed Kevin McClanahan to EDAB
- Approved Consent Agenda with amendment to the minutes
- Ended negotiations with Harbert Realty on the old Library
- Coordinate work session on old library.
- Parks and Recreation Department to assist with posting banner for 1619 Festival.
- Approved Ordinance vacating portion of Aragon Avenue
- Approved variance for subdivision wall at Via Veneto Subdivision
- Adopted Ordinance vacating portion of Elvin Avenue
- Tabled Ordinance amending lakefront and waterfront regulations
- Adopted Ordinances:
    - Modifying process for appeals of building and zoning official interpretations and enforcement decisions.

    - Modifying provisions for nonresidential zoning to ensure no air traffic hazards.
    - Establishing Conditional Use in O-1 zoning for personal or business services.
- Reported on the Grand Opening of Meadows Playground.

Mayor Anderson asked that a copy of Resolution 2217-19 about the old Library committee be distributed to the Commission.

15) Adjournment

The meeting was adjourned at 6:39 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis