City Commission Regular Meeting Minutes

January 26, 2022 at 3:30 p.m.

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

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Carolyn Cooper and Todd Weaver; City Manager Randy Knight, City Attorney Kurt Ardaman, City Clerk Rene Cranis

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:31 p.m.

2) Invocation

Kadam Ricc Bishop provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Mayor Anderson to approve the agenda with the addition, under Non-Action Items, a discussion on whether not the commission is adequately prepared for the work session scheduled for tomorrow and if not, to timely communicate the cancellation of the work session; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

4) Mayor Report

Mayor Anderson commented on the upcoming election and urged residents to register to vote and/or request a Vote By Mail ballot. He provided information on the charter amendments requiring supermajority vote on some matters and the effect of decisions approved by the commission by majority or supermajority vote, which in some cases are irreversible.

Mayor Anderson spoke about importance of preserving the city's history/heritage and recognized Mike and Gail Winn who were present to donate the cost to place a historical clock in Central Park.

Jeff Briggs, Principal Planner, showed photographs of the historical clock. Mayor Anderson accepted the donation and thanked Mr. and Mrs. Winn for their contributions to the city through their work and civic engagement. Members of the commission expressed their appreciation.

5) City Manager Report

- Reported the resignation of Police Chief Michael Deal and the appointment of Division Chief Pam Marcum as Acting Chief.
- Reminded everyone that the town meeting is February 27th at 2:00 p.m. and reviewed the proposed agenda which includes remarks by each member of the Commission. Discussion was held on alternatives for individual commission remarks. Consensus was to have the Mayor give the State of the City Address, followed by prepared questions for members of the Commission and public comment.
- Advised that the city closed on the Selkirk property yesterday and is moving forward with listing for sale.
- At the request of Commissioner Cooper, Director of Planning and Transportation Bronce Stephenson provided information on the meeting on the mobility fee which was attended by residents, builders and builders' associations and focused mainly on the single-family development calculation and applicability to existing permits.

6) City Attorney Report

7) Non-Action Items

a. Discussion of January 27th work session. (Addition to published agenda)

Mayor Anderson noted that a work session is scheduled tomorrow and is a continuation of discussion on the future of Fairbanks Avenue up to I-4. He said he would prefer to reschedule until after the commission has received the mobility fee comparison and other information including development zones with disparate ownership. Consensus was to cancel the work session and reschedule for a later date.

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

9) Consent Agenda

a. Approve the minutes of the Work Session, January 6, 2022.
b. Approve the minutes of the Regular Meeting, January 12, 2022. (Removed by Commissioner Cooper)
c. Approve the minutes of the Work Session, January 13, 2022.
d. Approve the following piggyback contract:
    1. CDW Government - Sourcewell Contract #081419-CDW - Technology Catalog Solutions for services on an as-needed basis during the term of the agreement, contract term through November 1, 2023; Amount: $500,000
e. Appoint David Zusi alternate to the South Seminole North Orange County Wastewater Transmission Authority board.

f. Approval of ARPA Funding Allocations - Smart City, Business Façade, Sustainability, Library. (Removed by Commissioner Cooper)

Commissioner Cooper asked to remove Items b and f.

Motion made by Commissioner Cooper to the approve Consent Agenda except Items b and f; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Item 9b**: Motion made by Commissioner Cooper to amend the minutes on the first paragraph at the top of Page 11 to read "…on the overall rules that gives predictable guidance to the developer including maximum FAR, minimum pervious space, and acceptability of FAR transfer"; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.**

Item 9f: Commissioner Cooper expressed concern about two items relating to the business facade program. The first is the requirement that the tenant must have at least two years remaining on their lease at the location of the proposed project, which seems prudent but it does not address the owner applicant. She does not feel the city should be investing in improving properties for sale and feels the owner needs to commit to being at their location for a period of time, although this is not supported by staff.

Division Director of OMB Peter Moore stated this agenda item is for approval of the funding allocation; however, the guidelines can be revised at the Commission's direction. He said staff's position is that the city is investing in the beautification of the business community, which will benefit from the improvements regardless of ownership or tenancy. He said he feels this may result in reduced interest in the program.

Commissioner Cooper said the second matter relates to the list of allowable repairs that includes new construction. She said she feels this should be for existing buildings rather than new construction. Discussion followed on the two matters presented.

Motion made by Commissioner Cooper to approve Item 9f and revise the guidelines removing new construction from the list of allowed repairs; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

10) Action Items Requiring Discussion

a. Federal Legislative Funding Priorities

Mr. Knight explained that this is a compilation of the project list discussed with the lobbyist in a recent work session. It identifies projects targeted for earmarked funding and potential future grant funding. He responded to questions regarding different grant programs and projects.

Commissioner Cooper referred to projects associated with Orange Avenue which she feels presupposes commission agreement on Orange Avenue improvements. She noted Orange Avenue business owners desire to be included in discussions on potential down-sizing of Orange Avenue and said she would like to collect their input or revise the list.

Mr. Knight said the city would have to turn down the grant if the project does not take place and that before applying for a grant, the commission would have to approve moving forward with a project.

Commissioner Weaver said he feels the issue is right-sizing Orange Avenue which should not be completed until Palmetto is extended to 17-92.

Mayor Anderson said this list is really only to investigate grants with project scope and design to follow.

Mr. Stephenson stated that before creating any conceptual plan, there must be data collection and a detailed study, which will begin this year. Commissioner Sullivan asked for an executive summary of the study.

Commissioner DeCiccio supported leaving Orange Avenue projects on the list and concurred with Commissioner Weaver regarding Palmetto.

Motion made by Mayor Anderson to approve the list as funding requests but approval of the scope; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

b. Historic Landmark Sign Program

Mr. Briggs gave a presentation on the historic preservation program and proposal to place signs at historical landmarks starting with the downtown historic district and Central Park. Other locations include Shady Park, WP Telephone and designated Winter Park Historic Districts. Commissioner Weaver suggested adding historic churches.

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

Mayor Anderson declared a recess at 4:29 and reconvened the meeting at 4:40 p.m.

c. Acquisition of Winter Pines Golf Course and schedule a town hall meeting to discuss the acquisition

Mayor Anderson noted that in the Commission's discussion of priorities last year, the WP Pines Golf Course (WPPGC) was identified as a potential strategic parcel that could benefit the city and should be tracked.

Mr. Knight disclosed that he lives in the neighborhood and will not advocate either way on the purchase. He said that proposals had been presented to the city to develop the golf course for both single and multi-family residential which would have required a comp plan amendment. He noted the significant difference in appraised value depending on use - $5.8M as a golf course and $30M for development. The current owner approached the City to purchase the golf course and began negotiations under a confidentiality agreement because of the city's review of financial records and to avoid loss of employees. The agreed upon purchase price is $7.4M, which is same amount that Seminole County paid individually for two golf courses.

Mayor Anderson noted that the property is a 93-acre, 18-hole golf course with a driving range and retail store which he understands is one of the most heavily played courses in the region. He said that the purchase price includes the land, buildings and the business.

Mr. Knight, Mr. Moore and Director of Parks and Recreation Jason Seeley responded to questions and discussion was held on the following:

- Transition of staff – intent is to retain current WPPGC employees if they desire and meet city qualifications and then hire additional staff if needed.
- Business model - use similar model to WP Golf Course and look at operational changes after an initial period.
- General Revenue Bond – bond issue is needed to purchase parkland which commits the city to budget the debt service from general revenue which includes revenue from the golf course.
- 10-year Pro Forma (Year 2020 baseline) – Mr. Knight reviewed the pro forma and assumptions with no growth in revenue in the first year, inflated expenses and conservative projections; however, it reflects that revenue would cover debt service. Mr. Moore provided additional details on assumptions. Mr. Knight noted that this does not reflect increased marketing or rate increases that may enhance revenues. Property taxes were excluded as an expense of the golf course.

Commissioner DeCiccio commented on improvements needed to the course, restaurant, and food service, and suggested forming a task force or advisory board to look at improvements and to assist with the transition.

Commissioner Cooper said she prefers private ownership and retaining property tax revenues and is opposed to taxpayers subsidizing a public golf course. She feels this needs to be looked at from a property tax revenue perspective. She expressed her concern about ongoing maintenance costs and provided statistics on golf course usage and closures.

- Redevelopment potential – Mr. Briggs advised the only way this comp plan policy (to keep it as a golf course) is enforceable is if the property owner can get an economic return from the property. If the golf course cannot operate profitably, the city cannot legally tell the property owner that they need to operate a golf course at a loss.
- Comp plan - Mr. Ardaman reviewed comp plan policies relative to this golf course that allows expansion of golf club services as long as they do not negatively impact surrounding residential area. The comp plan policy also states even though the full development of this area has been achieved, any subsequent sale of the golf course does not bestow the allowance for additional development rights on that property, which means no more residential, commercial and mixed use, other than that permitted under future land use and zoning designation unless there is a change to the comp plan. He reviewed the comp plan provisions regarding ancillary commercial uses, including restaurants, retail shops and fitness centers.

Commissioner Cooper stressed the need to ensure that the city is in a position to do enhancements so it doesn't impact the taxpayers and said if the commission intends to ensure it does not become a financial subsidy to the taxpayers, then she could support.

Commissioner DeCiccio agreed and said that there are ways to enhance the revenue.

Commissioner Sullivan said he believes this is a tremendous opportunity and will not likely be a revenue drain but he is comfortable with the risk because he feels it will be an asset to the city.

Commissioner Weaver said he feels this is a great deal at $80k/acre and supported the acquisition. He expressed concern about the potential devaluation of the residential neighborhood if the golf course is not maintained. He commented on limitations pumping water out of the ground and suggested that the golf course could be used for water storage in the future to be pumped elsewhere. He suggested an option may be to change to a 9-hole course and sell the remaining portions.

Mayor Anderson said he feels revenue will likely cover the debt service and if there were problems he would prefer that the city control the solution to the problem. He favored reactivating the golf course advisory board or forming a group.

Michael Perelman, 1010 Greentree Drive, supported the city acquiring the land; however, he feels the revenue estimates are optimistic and would like to see a broader scope of potential costs.

Sally Flynn, 1400 Highland Road, said this golf course is always busy and doesn’t feel it will become a financial burden.

Barry Noorigian, 2744 Summerfield Road and WPPGC member, spoke about the popularity of the golf course and reasonable cost and suggested enhancements to make it a little more attractive.

Beth Hall, 516 Sylvan Drive, said she feels this is an extraordinary opportunity to preserve 93 acres of active green space and prefers that the city own it rather than a private entity that may not have the same interests of citizens and community.

Mr. Knight suggested that if the intent is to form a committee, appointments be made in the next meeting so the committee is in place during the transition.

Motion made by Commissioner DeCiccio to establish a committee to sunset in five years; seconded by Commissioner Weaver.

Motion made by Commissioner Weaver to approve the Letter of Intent (LOI) and proceed with purchase; seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the motion to establish a committee, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

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

Greg Seidel spoke about electric rates and expressed concern about raising rates specifically to provide service to residents who are not willing to pay for it and delays to the overall project to install residential service. He suggested that the city look at additional funding sources to cover the cost.

11) Public Hearings

a. RESOLUTION 2258-22 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE CITY HALL BUILDING LOCATED AT 401 S. PARK AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title.

Mr. Briggs provided the history of construction of the city hall building which was recognized in 2011 as a contributing historic property in the National Register Historic District. He showed photographs of building in 1960’s and said the Historic Preservation Board (HPB) unanimously recommended approval.

Commissioner Sullivan read excerpts of e-mails from residents in support.

Commissioner DeCiccio said she is aware of some concerns about the inability to change the facade of the building; however, she is in favor of designation.

Commissioner Cooper expressed her pleasure in this designation as it is an important part of Winter Park's history and noted that the historical significance of this property was validated by the State.

Commissioner Weaver thanked the HPB and asked if there are limitations on energy improvements. Mr. Briggs stated although there are no limitations on interior remodeling, the exterior facade must remain the same.

Motion made by Commissioner Cooper to approve the resolution with the addition of a Whereas paragraph that reads: "Whereas, the historical significance of City Hall was established in 2011 when it was reviewed by the Florida National Register Review Board as part of the application for national designation of Winter Park's Downtown Historic District. At that time, City Hall was recognized as one of 35 contributing historic properties in the National Register Historic District." Seconded by Commissioner Sullivan.

Commissioner Sullivan asked how this applies to the west wing due to the raising and addition of a floor. Commissioner Cooper said the west wing is part of what was reviewed and approved.

Michael Perelman, 1010 Greentree Drive, said he feels this building is not historic in the sense of telling a story of the history of Winter Park.

Sally Flynn, 1400 Highland Road, spoke in support of this historical designation.

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. ORDINANCE 3231-22: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE I, CHAPTER 114, OF THE CITY CODE OF ORDINANCES TO MODIFY THE SHORELINE REVETMENT SLOPE REQUIREMENT; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weaver to adopt the ordinance on second 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. 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 December 8, 2021 meeting. (Staff is requesting continuance to February 9, 2022)

Motion made by Commissioner Weaver to continue to February 9, 2022; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

12) City Commission Reports

Commissioner Sullivan

- Advised that Seminole County is building two underpasses for underground bike and pedestrian paths, which he feels could be constructed in some areas of the city.
- Reminded everyone of the upcoming election that includes charter amendments for supermajority votes and highlighted two of the amendments that would require supermajority vote if approved by the voters: increase of density or intensity more than 25% and to change land use designation from parkland. He recommended that commissioners help to educate residents and that staff make special effort to let residents know.

Commissioner DeCiccio -

- Addressed discounted rates for 501C organizations for rental of the event center and suggested that the discount should be reviewed and discussed in an upcoming meeting or work session to determine whether to rent at break-even rate and to guide staff on how to respond to requests from 501C organizations.

Parks and Recreation Director Jason Seeley stated that standard 501C3 discount is 30%. Winter Park 501C3 organizations can receive a 50% reduction if certain criteria are met, but they can request a one-time full fee waiver, but additional fee waiver requests must be approved by the commission. He said he would provide the policy, fee waivers granted, financial impact and recommendation. Consensus was to place on upcoming agenda.

Commissioner Cooper -

- Spoke about an e-mail received from John Craig about merchandise displays on Park Avenue which he finds offensive. Mr. Knight stated that Commission gave some flexibility during COVID; however, notice has been given to merchants that the city will begin enforcing the code.

- Asked about the abandoned RV on Granada Drive. Mr. Knight stated that Code Compliance has tagged the vehicle and believes it was removed within the 48 hours required after being tagged.
- Asked for information on the request to install big screens around the Regal Cinema, which she feels may not comply with sign regulations. Mr. Knight said this is related to the redevelopment of Winter Park Village. Commissioner Cooper asked for plans, documents and a legal opinion on application of sign ordinances.
- Commented on a mailer that was recently sent to residents, but by the City, that asks for driver's license and social security numbers and strongly advised residents not to respond with that personal information.

Commissioner Weaver -

- Suggested a joint work session with Utilities Advisory Board to discuss and alleviate frustration about what the board can do and what staff can do. Agreed to by consensus.

Mayor Anderson -

- Addressed last meeting's discussion PURD zoning and what he feels lacked statistics that could easily be seen. He suggested that, for rezoning requests, a chart be provided with statistics that include existing and proposed FAR, site coverage, gross and net square footage, in order for the commission to make a more-informed decision. He said he would be glad to provide a table of statistics for rezoning at an upcoming commission meeting. Agreed to by consensus. Commissioner Sullivan suggested that staff provide a proposed general layout.
- Asked for a recap of decision points being used in the post office discussion such as date of last appraisal and value, land sales comps, refresher note.

Commissioner Cooper said it is important to see all appraisals due to different conditions and values.

Mayor Anderson said he feels a replacement cost appraisal may be beneficial and may solve confusion in the public. He suggested that staff look at options for obtaining a replacement cost appraisal of Post Office. Agreed to by consensus.

Commissioner Cooper said she feels that would be advantageous for city to obtain its own appraisal of the WP Pines Golf Course in addition to the Golf Course's internal appraisal. Mr. Knight said the appraiser is one used by the city for the purchase of the electric utility. Commissioner Weaver said he is comfortable with the appraisal given the recent purchase price of the golf courses acquired by Seminole County.

13) Summary of Meeting Actions

14) Adjournment

Mayor Anderson adjourned the meeting at 6:35 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis