City Commission
Regular Meeting Minutes

January 25, 2023 at 3:30 p.m.

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

Present

Mayor Phil Anderson; Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada and Todd Weaver; City Manager Randy Knight; Assistant City Manager Michelle del Valle; City Attorney Kurt Ardaman; City Clerk Rene Cranis.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:33 p.m.

2) Invocation

The invocation was given by Pastor Weaver Blondin, Mt. Moriah Missionary Baptist Church followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Mayor Anderson to table Item 12c to February 8, 2023; seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.

The agenda was approved by consensus.

4) Mayor Report

Mayor Anderson stated that the Historical Museum and Chamber of Commerce are celebrating 100 years of commerce in Winter Park with an exhibit at the museum this evening.

Mayor Anderson reported that Commissioners Sullivan and DeCiccio qualified to run for their seat and without opposition, they are re-elected for a second term.

5) City Manager Report

a. Report on Multimodal Transportation Impact Fees

Mr. Knight reported the revenue and revenue sources and that there were no expenditures or encumbered funds. This report will be presented annually. At the request of Commissioner DeCiccio, staff will provide a report on eligible projects to be considered during the project process.

6) City Attorney Report

7) Non-Action Items

a. Presentation by Winter Park Library

Michael Voll, President, Library Board of Trustees, spoke about the evolution of programs at the Library and showed a video of the Library, visitors, programs and features at the Library. He provided statistics on monthly visits, items circulated, classes, education hours and library card holders. He complimented staff on their delivery of services to meet community needs and thanked city and community for their support.

Melissa Schneider, Library Interim Director, and Mr. Voll shared stories of visitors whose lives have been impacted by the Library and its services. He explained the "Reach For a Star" Program and the Library's goal to be the first starred library in Florida. He invited everyone to attend their annual upcoming gala.

Commissioner Sullivan asked for a detailed proforma line item budget in advance of budget discussions and that the board consider managing the library fund similar to an endowment fund. Mr. Voll advised that it is an endowment fund managed by Merrill Lynch and in accordance with an investment policy.

b. Report on brick streets.

Director of Public Works and Transportation Charles Ramdatt stated staff has begun some brick street repairs and has assembled a team to begin a comprehensive brick assessment. In the longer term, the public works, transportation and water and sewer departments will begin an assessment of all facilities and create an overlapping maintenance, rehab and replacement program. He reviewed the components and factors of the brick street assessment and plans for improvements, from repair to major construction, for which staff is pursuing grant funding. Prioritization will be developed and shared and while the assessment is being done, urgent repairs will be made.

8) Public Comments | 5 p.m. or soon thereafter (Heard after Item 12f)

9) Consent Agenda

a. Approve the minutes of the regular meeting, January 11, 2023
b. Approve the minutes of the work session, January 12, 2023
c. Approve the following contract:
    1. 15Lightyears, Inc. - IFB18-21 - Residential & Commercial Energy Audit Services; Amount: $100,000 for services on an as needed basis for the remainder of the current term through March 11, 2024.
d. Approve the following piggyback contract:
    1. Graybar Electric Co. - OMNIA Partners Contract #EV2370 - Electrical, Communications & Security Solutions; For goods and services on an as-needed basis during the term of the Agreement through January 31, 2025; Amount: $400,000.

e. Appoint Michelle del Valle as alternate to the South Seminole North Orange County Wastewater Transmission Authority Board (SSNOCWTA).
f. Approve the letter outlining plans to update the Comprehensive Plan per Chapter 163.3191, Florida Statutes (Evaluation and appraisal notification to the Florida Department of Economic Opportunity).

Motion made by Commissioner Sullivan to approve the Consent Agenda; seconded by Commissioner Weaver. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

11) Public Hearings: Quasi-Judicial Matters

12) Public Hearings: Non-Quasi-Judicial Matters

a. ORDINANCE 3259-23 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE 3182-20 TO KEEP AS PERMANENT THE REGULATIONS FOR THE ISSUANCE OF BACKYARD CHICKEN PERMITS AND THE KEEPING OF BACKYARD CHICKENS ADOPTED BY ORDINANCE 3182-20; AMENDING SECTION 18-18 OF THE CITY CODE CONCERNING GENERAL CONDITIONS FOR THE KEEPING OF BACKYARD CHICKENS; AMENDING SECTION 58-71(i)(11) OF THE CITY CODE CONCERNING BACKYARD CHICKEN ACCESSORY STRUCTURES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (2nd reading).

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weaver to adopt the ordinance; seconded by Mayor Anderson.

Commissioner Weaver expressed his concern about language requiring approval by neighbors and will not support the ordinance with that language.

Commissioner DeCiccio said she is not in favor of restricting approval to residential neighbors. She noted that although this requires review in 2025, it could be reviewed sooner.

Discussion was held on the basis of requiring approval from only residential property owners. Mayor Anderson and Commissioner Cruzada supported leaving the residential language in the ordinance. Commissioner Sullivan said with review in 2025 and potentially sooner, he can support what is presented.

There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cruzada and Mayor Anderson voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.**

b. ORDINANCE 3260-23 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ADDING A NEW DIVISION 3 OF ARTICLE VI, CHAPTER 2, OF THE CITY OF WINTER PARK CODE OF ORDINANCES, PROVIDING FOR THE ASSESSMENT OF THIRD PARTY CITY CONSULTANT COSTS, EXPENSES AND FEES INCURRED BY THE CITY OF WINTER PARK IN REVIEWING, PROCESSING AND REGULATING PROPOSED PLATS, LOT SPLITS, SITE PLANS, REZONINGS, CONDITIONAL USES, VARIANCES, DEVELOPER'S AGREEMENTS, COMPREHENSIVE PLAN AMENDMENTS, ANNEXATIONS AND OTHER DEVELOPMENT ORDER AND PERMIT REQUESTS AND DEVELOPMENT RELATED MATTERS; PROVIDING FOR REVIEW DEPOSITS, PROCEDURES FOR HANDLING REVIEW DEPOSITS AND CITY INVOICES; PROVIDING FOR FAILURE OF APPLICANTS TO PAY INVOICES; DEFINING ASSESSABLE COSTS, EXPENSES AND FEES; PROVIDING FOR ADMINISTRATIVE PROCEDURES; PROVIDING FOR FEE SCHEDULES; PROVIDING FOR OBJECTIONS AND APPEALS, PROVIDING FOR AMENDMENTS; SEVERABILITY, CODIFICATION 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 DeCiccio. 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 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)

This item is tabled to February 8, 2023.

d. Ordinance - Vacating and abandoning portion of Elvin Avenue right-of-way (1st reading) Tabled from January 11, 2022.

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Anderson to approve the ordinance with the condition that efforts are made to preserve the tree until the development program comes forward and alternatives can be considered at that time; seconded by Commissioner DeCiccio.

Commissioner Weaver asked about the poor condition of northern properties and expressed his concern about the poor condition and lack of sidewalk along Bennett.

Dan Bellows, Sydgan Corp., applicant displayed photos taken today of the property showing the maintained property. The property adjacent to the sidewalk on the opposite side of the street (which he sold in the fall of 2022) was used by contractors when Fairbanks Avenue was under construction. He said that section of road will have infrastructure improvements and improvements will be seen in this area in the next six months. He said they will be undergrounding poles and putting decorative lights on the City of Maitland side. He advised that the City of Maitland does not want sidewalks on Monroe or on-street parking and asked for Winter Park staff to help in his efforts with City of Maitland to provide consistency of streets.

Commissioner Weaver addressed the traffic at intersections with Lee Road and reviewed his suggestion provided to city staff on intersection of Bennett and Lee Road. Mr. Bellows spoke about difficulties in moving forward in making improvements

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.**

e. Ordinance - 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 (1st Reading)

Attorney Ardaman read the ordinance by title.

Assistant Director of Planning Allison McGillis said this clarifies process for appeal of interpretation and enforcement by the building or zoning official and reduces the appeal period to 15 days.

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

Mr. Ardaman said that the applicant can still appeal to the Commission after P&Z decision. This gives certainty to the property owner while providing for appeal.

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.**

f. Ordinance - 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. (1st Reading)

Attorney Ardaman read the ordinance by title.

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

A recess was held from 4:42 to 5:00 p.m.

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

Mayor Anderson stated the Commission received a letter from Mary Jane Fries regarding flooding at the Winter Pines Golf Course and neighborhood. Commissioner Cruzada said he toured area with Assistant Director of Public Works Don Marcotte who believes there is a blockage and is having staff look at and unclog it to reduce flooding on her and other's property. Staff will give an update at the next meeting.

Forest Michael, 358 W. Comstock Avenue, presented a drawing of SR 426 and gave a historic account of issues affecting this road. He said he feels the large amount of traffic on this road is unsustainable, has no bicycle facilities, and extreme vehicular traffic issues, Also, Howell Creek watershed was blocked years ago and channeled it into the canals which may have caused some of the flooding on Lake Virginia. He suggested corrective issues be discussed with FDOT. Mayor Anderson advised that staff is working closely with FDOT on SR 426 matters.

Mary Jane Fries, Fairway Avenue, spoke about drainage issues from the golf course drainage system impacting Fairway Drive. She asked for an update on dredging work and corrections on hazards around storm sewer and review of elevation and slope changes to the 9th fairway. Mayor Anderson said staff is looking at projects and the project is on the short-term list.

Michael Tudor, 1714 Westchester Avenue, said he feels he is being treating unfairly by the city and harassed by code enforcement and the police. He said he sells items from his driveway to raise money to pay his bills and is forced to shut down. He said he reported unpermitted driveways and short-term rental of homes against city code to staff who did not respond and have not investigated. Mayor Anderson asked staff to review and report.

John Thompson, 1124 Fairway Drive, spoke about drainage issues on Fairway Drive stating pipes cannot handle impervious materials. He advised of the impact from the parking lots along 436 in unincorporated Orange County which slopes into backyards of properties on Fairway Drive causing flooding. Mayor Anderson asked staff to look at the issues that involve Seminole and Orange Counties.

12) Public Hearings: Non-Quasi-Judicial Matters

g. To be heard after 5:00 p.m. - Ordinance 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. (1st Reading)

Attorney Ardaman read the ordinance by title.

Mrs. McGillis explained the provision to allow personal business services as permitted use in O-1 zoning with the exception of nail salons (sole use) or tattoo parlors. This change is largely in response to request of landlords to allow lease of smaller office suites which has decreased due to pandemic and move toward remote working.

Motion made by Commissioner Weaver to approve the ordinance; seconded by Mayor Anderson.

Discussion was held on whether to allow tattoo parlors, which are not permitted in the city, and typically have extended hours and nail salons given the odor created by products used. Mrs. McGillis presented proposed language that would allow these businesses under conditions: "Furthermore, these establishments shall not create a nuisance to other tenants within a building by reason of sound, fumes, heat, odors and the like, and those found not in conformity to this provision shall rectify the situation immediately to the satisfaction of the city or must discontinue operations."

The additional language was accepted as amendment to the motion by Commissioner Weaver and Mayor Anderson.

Further discussion ensued on odors created by nail salons and tattoo parlor operating hours beyond typical office hours.

There were no public comments. **Upon a roll call vote on the motion as amended, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

h. RESOLUTION 2267-23 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A SUSTAINABILITY ACTION PLAN; PROVIDING FOR SEVERABILITY, NON-LIMITATION OF AUTHORITY, AND AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title.

Director of Natural Resources and Sustainability Gloria Eby provided the brief summary of the development of the Sustainability Action Plan (SAP).

Motion made by Mayor Anderson to approve the resolution; seconded by Commissioner Sullivan.

Mayor Anderson addressed the indicators on Page 9 that relate to renewable energy and greenhouse gases stating he feels it is premature to fill in goals until feasibility study is complete.

Motion made by Mayor Anderson to change the 2025 and 2035 targets for CR1, CR2, E1 and E2 to TBD.

Commissioner Weaver said aspirational goals are needed in the document and cannot support the amendment.

Mayor Anderson said he feels these dates could be added back into the document when the feasibility study is complete in the next few months and because these four indicators will be part of a strategic plan being developed for electric utilities. He suggested that an alternative could be to table this resolution until the study is completed.

Motion made by Commissioner Sullivan to add a footnote for these indicators stating these are based on preliminary estimates and are subject to revision rather than changing to TBD.

Discussion followed on the need to adopt the plan before the feasibility study is completed.

Mayor Anderson asked if there was a second to the motion to the amendment regarding the changed to "TBD". **Commissioner Weaver seconded the motion made by Commissioner Sullivan but would prefer that the goals as stated are the minimum**.

Motion to change goals to TBD was seconded by Commissioner DeCiccio.

Mayor Anderson addressed climate resilience and commitment to undergrounding and expressed concern that the target completion date of 2030 is too far out. **Motion made by Mayor Anderson to amend the main motion to add under Climate Resiliency, CR-5, complete system hardening of 100% of undergrounding power lines by 2030; seconded by Commissioner Sullivan.**

Motion made by Mayor Anderson to amend the main motion to change on Page 35, "Implement affordable and workforce housing with a quarter mile from major employers" to "Assess affordable and workforce housing during the comp planning process"; seconded by Commissioner Cruzada.

Motion made by Mayor Anderson to add language in Section 4 that would clarify that this plan is a guide but does not preclude the applicability of or supersede other city regulations; seconded by Commissioner Cruzada.

Attorney Ardaman recommended changing "Procurement Policy" to "Sustainability Action Plan" in Section 5. In accordance with Mayor Anderson's motion regarding amending to Section 4 of the resolution, Mr. Ardaman recommended the following language "The Sustainability Action Plan is an aspirational guide and subordinate to the city's comprehensive plan, land development regulations and other legally binding requirements of the City Code."

Mayor Anderson revised his motion to amend Section 4 and Section 5 as recommended by Mr. Ardaman; accepted by Commissioner Cruzada.

There were no public comments.

Upon a roll call vote on the amendment to the Resolution as recommended by the City Attorney, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

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

Upon a roll call vote on the amendment to add CR-5 regarding undergrounding, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Mayor Anderson clarified his motion is to change the targets for CR1 and 2 and E1 and 2 to TBD based on the feasibility study and joint work sessions with KWPB/S and the UAB and the Commission. Commissioner Sullivan clarified that his motion is to add a footnote or asterisk indicating that the numbers are subject to further information and result of the study.

Mrs. Eby clarified that the plan has been reviewed by advisory boards; however, future work sessions are related to the feasibility study.

Upon a roll call vote on the amendment to add a footnote, Commissioners Sullivan and Weaver voted yes. Commissioners DeCiccio and Cruzada and Mayor Anderson voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to change target indicators to TBD, Commissioners DeCiccio and Cruzada and Mayor Anderson voted yes. Commissioners Sullivan and Weaver voted no. Motion carried with a 3-2 vote.

Upon a roll call vote on the main motion with amendments, 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 – No report.

Commissioner DeCiccio -

- Asked about commission's participation in the St Patrick's Day Parade. Consensus was for staff to decorate one float using Commissioner Weaver's boat.
- Spoke about John Rife's presentation at Rotary regarding Audubon/Corrine Main Street program, voted the Number One in the state, and asked that he make a presentation at an upcoming work session. Agreed by consensus.

- Asked for a comprehensive report on infrastructure improvements that identifies projects that need to be done yesterday, now, in six months, a year and in five years, to prepare for budget discussions. Agreed to by staff.

Commissioner Cruzada - No report

Commissioner Weaver

- Congratulated Commissioners Sullivan and DeCiccio on their re-election.
- Reported that Dr. Richard James, member of broadband task force, and will be difficult to replace. He asked for permission to go outside of city limits for expertise on this committee. Agreed to by consensus.
- Said there is property within Lake Rose and suggested the city move to acquire the property to be part of stormwater management. Agreed by consensus.
- Advised that he is pulling his support for the work session on old library RFP. He gave a presentation on the cost to demolish the library, remove and haul the concrete and the cost to make and replace the concrete which he estimates to be $4.6M to $6.1M. He believes the current proposer could renovate the building at a much lower cost than their estimated $14M. He showed projects in South Carolina and examples of renovated older buildings, including the current Foxtail Building on Orange Avenue. He feels the response time in the original RFP was insufficient and there is not an urgent need to move forward and asked that the RFP be reissued with a longer response time of 6-9 months. Mr. Ardaman advised the commission not to discuss this further and until the work session.

Mayor Anderson – No report.

14) Summary of Meeting Actions

- Received presentation from Winter Park Library.
- Received report on brick streets.
- Approved the Consent Agenda.
- Staff to bring back potential uses for the Multimodal Transportation Fee.
- Adopted ordinance on backyard chicken program.
- Adopted ordinance to pass-through third-party attorney and consulting fees for development applications.
- Approved ordinance vacating Elvin Avenue on first reading.
- Approved ordinance on appeal procedures of interpretation by building or zoning official on first reading.
- Approved ordinance adding regulations to ensure structures do not interfere with air traffic on first reading.
- Approved ordinance allowing certain uses in O-1 zoning with amendments.
- Approve SAP resolution and Plan with amendments.
- Asked staff to provide report on Mr. Tudor's comments

- Provide report on impact of parking lot in unincorporated properties on 436 related to flooding of properties on Fairway Drive.
- Invite John Rife to make presentation at upcoming work session on the Main Street Program..
- Staff to provide a complete short and long-term infrastructure needs report
- Allow a non-resident on Broadband and Smart City Task Force
- Staff to pursue purchase of property within Lake Rose
- Staff to decorate a single float for St. Patrick's Day Parade.

15) Adjournment

The meeting adjourned at 6:39 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis