City Commission
Regular Meeting Minutes

January 13, 2021 at 3:30 p.m.

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

Present

Mayor Steve Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Rene Cranis

1) Meeting Called to Order

Mayor Leary called the meeting to order at 3:50 p.m.

2) Invocation

Pastor Todd Haymans, Aloma Church, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Consensus was to remove Item 10a, Strategic Planning, and schedule a work session for complete discussion.

4) Mayor's Report

Mayor Leary appointed Elisha Gonzalez Bonnewitz to the CRA Advisory Board to replace one of his appointees who resigned (term ends 2020).

5) City Manager's Report

Mr. Knight advised that the city is working with Orange County and the State to get vaccination sites in Winter Park.

Responding to questions, he advised that staff has reached out to those who experienced difficulty registering for meetings and will follow up with Mrs. Daniels.

6) City Attorney's Report

Attorney Ardaman gave an update on the OAO and on the City of Pensacola pending litigation. In response to Commissioner Cooper, he advised that the re-adoption of the OAO puts the city in a better position.

7) Non-Action Items

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

9) Consent Agenda

a. Approve the minutes of the work session, December 3, 2020
b. Approve the minutes of the work session, December 7, 2020
c. Approve the minutes of the regular meeting, December 9, 2020 **(Pulled for clarification by Mr. Knight)**
d. Approve the minutes of the work session, December 10, 2020
e. Approve the following contracts:
    1. Lewis Outdoor Solutions - IFB7-17 – Landscape Maintenance for City Facilities; Renew at $310,000 for year.
f. Approve the following purchases:
    1. Duval Ford - Utilizing Florida Sheriffs Association Contract# FSA20-VEL28.0 - Pursuit, Administrative, and Other Vehicles; $405,555.00. Contract term through 09/30/2022. **(Pulled by Commissioner Weaver)**
    2. Duval Ford - Utilizing Florida Sheriffs Association Contract# FSA20-VEH18.0 – Heavy Trucks; $247,208.00. Contract term through 09/30/2022.
g. Approve the following Piggyback contracts:
    1. Pioneer Manufacturing Company – Seminole County RFQ-603968-20.LNF – Parks and Recreation Athletic Field Marking Paint; $75,000 per year. Term through September 28, 2025;
    2. CDW Government - Sourcewell 081419-CDW - Technology Catalog Solutions; Additional $250,000 for year.

Mr. Knight asked that Item 9c be removed for clarification.

Commissioner Weaver pulled Item 9 f.1. for discussion.

Motion made by Commissioner Cooper to approve the Consent Agenda except for Items c and f.1, seconded by DeCiccio. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

Mr. Knight advised that the minutes of December 9th were amended on Page 9 adding for clarification the criteria for conditional use approval under the ordinance.

Motion made by Commissioner Cooper to approve Item 9c with the addition of the criteria; seconded by Commissioner Weaver. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

Commissioner Weaver addressed Item 9 f.1. and expressed questioned the need for the interceptor package and for high-acceleration and high-speed vehicles.

Police Chief Michael Deal advised that the inceptor is the name of the police package and is the same as in previously used and the uniform package of most agencies.

Commissioner Weaver said he would like the opportunity to obtain additional information on the vehicles and staff to research options.

Motion made by Commissioner Weaver to table to the next meeting; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Cooper and Weaver voted yes. Mayor Leary and Commissioners Sullivan and DeCiccio voted no. Motion failed with a 2 - 3 vote.

Motion made by Mayor Leary to approve Item 9 f.1; seconded by Commissioner DeCiccio. Upon a roll call vote, Mayor Leary and Commissioners DeCiccio, Cooper, and Sullivan voted yes. Commissioner Weaver voted no. Motion carried with a 4 - 1 vote.

10) Action Items Requiring Discussion

a. Strategic Planning

This item was removed from the agenda and scheduled for a work session.

b. Eminent Domain

Attorney Ardaman reviewed eminent domain procedures and responded to questions regarding cost to obtain property under eminent domain.

Mr. Knight gave an update on progress and attempts to negotiate with the property owners with only one owner expressing an interest in selling. The City has acquired half of one property behind the dry cleaners and will continue to contact owners.

Discussion followed on the need for intersection improvements and the cost to acquire the property. Commissioner Cooper asked for a list of the five worst intersections. There were no public comments. Consensus was that staff continue discussions and negotiations with property owners rather than pursuing eminent domain procedures at this time.

c. Affordable and Workforce Housing

Jeff Briggs, Principal Planner, stated the matter for discussion is not whether to re-implement the affordable/workforce housing fee but whether to move forward with an amendment to the fee schedule to adopt the fee. He provided the history of affordable housing fee and stated the annual fees generated may only allow for the purchase of one lot per year in Winter Park.

Mayor Leary said he feels the city could keep doing single-family homes or use the funds improve The Plymouth or similar facilities in need of improvements. Mr. Briggs advised that the city has made significant contributions in the past to The Plymouth and funds can be used in a variety of ways.

Members of the Commission agreed that a plan is needed before re-implementing the fee and discussed potential uses of the fees such as maintenance and enhancement of existing affordable housing and Habitat for Humanity projects within the city and outside the city and the CRA but exclude high density, low quality projects.

Consensus was to bring forward a resolution outlining a plan and also a fee schedule.

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

11) Public Hearings

a. RESOLUTION 2242-21 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1199 WASHINGTON 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 reviewed the request and plan to build a second home behind the existing home.

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

b. Request of Goodlives, LLC for:
   - An Ordinance to amend the Comprehensive Plan Future Land Use Map to change from Commercial to Central Business District and to amend the Future Land Use Maximum Height Map to enable a three-story maximum height on the property at 301 N. New York Avenue (First Reading.
   - An Ordinance to amend the Official Zoning Map to change from (C-3) to (C-2) on the property at 301 N. New York Avenue (First Reading).

- Conditional Use approval to construct a 11,245-squarefoot (14,069 gross square feet including covered parking/front porch/balcony), three-story building at 301 N. New York Avenue with 22 surface parking spaces and
- four new public parking spaces on New York Avenue.

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

Allison McGillis, Planner, reviewed the requests for comp plan amendment, rezoning and conditional use to allow for a three-story building with surface parking and four on-street parking spaces on New York Avenue. She cited the provisions for maximum height and provided details on the proposed building and showed site and floor plans with retail use open to the public on the first floor and the second and third floors available for use by Goodlives members.

Mayor Leary disclosed that he has spoken to applicant.

Mrs. McGillis responded to questions and comments regarding C-2 zoning within the CBD and extension of retail uses beyond Park Avenue to New York Avenue to create a walkable environment. She provided information on landscaping and setbacks with a 12-foot planting strip along New York Avenue. Commissioner Cooper asked about the sidewalk width along New York Avenue.

Becky Wilson, attorney representing the applicant, explained the Goodlives business model. She provided additional details on the project and said that there will be no curb cuts on New York with only one curb cut on Garfield. She said she does not know the required sidewalk width on New York Avenue.

After clarification and discussion on the sidewalk width of 4 ½ feet, Mrs. Wilson stated they would donate property along New York to create a six-foot sidewalk, which would reduce the landscape buffer to 10 ½ feet.

Commissioner Cooper asked that close attention be given to sidewalk and setbacks along New York Avenue in conjunction with the New York Avenue streetscape plan. Mayor Leary suggested that the streetscape plan be provided at second reading.

There were no public comments.

Motion made by Commissioner Sullivan to approve ordinance amending the comp plan; seconded by Commissioner Weaver. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5 – 0 vote.

Motion made by Commissioner Sullivan to approve the zoning ordinance; seconded by Commissioner Weaver. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5 – 0 vote.

Motion made by Commissioner Sullivan to approve Conditional Use.; seconded by Commissioner Weaver. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5 – 0 vote.

c. Request of McLaren Orlando LLC for:
An Ordinance amending Article III "Zoning" of Chapter 58 "Land Development Code" to establish in the Commercial (C-3) District, a new Conditional Use and Definition for Specialty Transportation Business and for a Conditional Use to establish such business at 1111 S. Orlando Avenue (First Reading).

Attorney Ardaman read the ordinance by title.

Mr. Briggs provided a history of the use of this property and the difficulties finding a suitable buyer due to the inability to meet parking requirements. The proposed use is a low-traffic, low customer, and low employee base requiring fewer parking spaces and the applicant intends to eliminate parking spaces and create a green open space along Miller Avenue. Current code prohibits automobile dealerships along gateways to the city, including this location on 17-92. To consider this request, a zoning text amendment is required to allow for a specialty transportation business as a conditional use by creating a definition for specialty transportation business. Staff recommended and Planning and Zoning Board recommended denial. He responded to questions and discussion followed on the difference and definition of a specialty vehicles versus motor vehicle and the availability of more suitable locations in Winter Park.

Mary Solik, representing McLaren Orlando, introduced representatives of McLaren. She stated that the proposed definition reflects their business model and that the primary difference between their business and traditional car dealerships is the extremely low sales volume. She summarized the history of discussions with staff and McLaren's attempts to purchase other property in Winter Park. She said that the proposed changes to zoning text would allow a specialty transportation business for retail sale of specialty high-performance vehicles.

Tom Roach, General Manager, McLaren Orlando, explained that client interaction takes place inside the building with delivery of vehicles to buyers. He feels this would be an asset to Winter Park and they are committed to being a responsible neighbor.

Ms. Solik provided information on their community outreach efforts to create the lowest impact use on their community with additional screening and landscape buffering. They have received support from Harper Place residents and some residents of Orwin Manor.

Representatives responded to questions on their small quarterly events unveiling new models with valet parking off-site. Additional details were provided on their attempts to find and purchase a Winter Park property suitable for their needs.

Discussion followed on the suitability of this location for this type of business and the definition of vehicles and how business is conducted.

Commissioner Cooper suggesting tabling this item to allow applicant time to meet with staff to work on language.

The following spoke in favor of this request:

- Tony Benge, 1157 Tom Burney Drive
- Michael Van den Abbeel, 2209 Howard Drive
- Jeannie Stokes, 1253 Indiana Avenue

The following spoke in opposition of this request:

- Steven Pategas, Orwin Manor HOA board member
- Jim Schulte, 1602 Brookshire Avenue

Mayor Leary suggested to the applicant that they could consider pulling this from consideration in order to meet with staff to work on language or the Commission could vote to deny which would restrict re-application on this site for one year.

Mrs. Solik commented on the suitability of this property for their business and the restrictions on the purchase contract. Staff responded to questions regarding the process for a comp plan amendment if they elect to withdraw the application. Mrs. Solik advised they would like the Commission to take action now.

Commissioner Sullivan disclosed he has spoken with the applicant.

Motion made by Commissioner Sullivan to approve the ordinance with two conditions: modify the comprehensive plan to define motor vehicle use and motor vehicle sales and repairs such that the business may not exceed an inventory of 25 vehicles onsite and may be outside of the building and repair and maintenance vehicles may be stored outside the building.

Motion made by Mayor Leary to table this request with no time certain to give staff and the applicant the opportunity to consider new language or to find a suitable location; seconded by Commissioner Sullivan. Upon a roll call vote, Mayor

Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. ORDINANCE 3194-21 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS; PROVIDING FOR A FIRE SPRINKLER REQUIREMENT AS PART OF THE WINTER PARK BUILDING CODE; DESIGNATING APPLICABLE WIND DESIGN CRITERIA; UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE WITH AMENDMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, TRANSMITTAL AND AN EFFECTIVE DATE.

Attorney Ardaman read the ordinance by title.

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

e. ORDINANCE 3195-21 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 98 OF THE WINTER PARK CODE PROHIBITING MICROMOBILITY DEVICES AND THE OBSTRUCTION OF STREETS, RIGHT-OF-WAYS AND SIDEWALKS BY, AND REGULATING THE USE OF, BICYCLES, ELECTRIC BICYCLES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Leary to adopt the ordinance; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3 - 2 vote.**

12) City Commission Reports

Commissioner Sullivan

- Commented on the dangers to cyclists on Brewer curves and suggested that staff research the feasibility of a bike lane.

- Commented in the rise in COVID cases and said he is uncomfortable being in meetings for an extended period of time due to the health risk. He believes the city needs to go back to virtual meetings until the threat is diminished.

Commissioner DeCiccio

- Asked that the topic of high-speed internet be discussed by Utilities Advisory Board and begin the process on how to proceed. Consensus was for Mr. Knight provide an update in the next meeting.
- Commented on the increase in homeless population. Police Chief reviewed available programs and the city's partnerships to help homeless and added that in their experience, some people they encounter do not want to go to shelters.

Commissioner Cooper

- Asked for information on St. Augustine's experience on 5G deployment.
- Asked for information on the requirements for renovation plans to be stamped by an architect.
- Spoke in favor of a resolution to begin discussion on the extension of the CRA. Mayor Leary said that he feels it is not appropriate at this time to take revenue from Orange County and offered to continue his discussions with Mayor Demings if requested after he leaves office in March.
- Expressed sympathy to the City Clerk on the loss of her father.
- Expressed sympathy to the family Sam Miner.

Commissioner Weaver

- Commented on the practice of hearing applicant and citizen comments and suggested allowing additional time for applicants, their representatives and professionals on either side of an issue. He suggested increasing the allotted time for paid professional witnesses up to 20 minutes. Discussion followed on granting additional time when needed.
- Addressed the posting of letters in support of the Henderson Hotel project on the website and suggested that these letters should be removed or letters of opposition should be posted as well to avoid appearance of bias. Mr. Knight advised a link was created for the Henderson Hotel project due to the large volume of letters and e-mails which would create a large agenda packet. Bronce Stephenson, Director of Planning and Transportation provided information on how staff manages or provides letters of support or opposition to a request.

Consensus was to remove the letters of support unless letters of opposition are posted as well.

- Expressed his concern about in-person meetings during the pandemic and feels the city should not meet in- person. He is also concerned about the Park Avenue closure/event which will increase the spread and suggested cancelling events and making Park Avenue one-way for ongoing sidewalk dining.

Mayor Leary – No report.

13) Summary of Meeting Actions

- Schedule a work session on strategic planning
- Contact Mrs. Daniels regarding virtual participation in meetings
- Continue to pursue the purchase of property on Fairbanks and identify costs
- Advertise a resolution outlining the plan for affordable housing and fee schedule
- Provide streetscape details for Goodlives project at second reading
- Research options to provide both letters of support and against to avoid appearance of bias.
- Tabled McLaren project to allow time for staff and applicant to work on acceptable language.
- Approve the building code and micromobility ordinances.

Mayor Leary adjourned the meeting at 7:46 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis