

**REGULAR MEETING OF THE CITY COMMISSION  
SEPTEMBER 9, 2019**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 5:00 p.m. in the Commission Chambers, 401 South Park Avenue, Winter Park, Florida. Finance Director Wes Hamil provided the invocation, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Carolyn Cooper  
(arrived at 5:08)  
Commissioner Todd Weaver  
Commissioner Sarah Sprinkel

Also Present:

City Manager Randy Knight  
City Attorney Dan Langley  
City Clerk Rene Cranis

**Approval of agenda**

**Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 4-0 vote. Commissioner Cooper arrived late.**

**Mayor's Report**

Mayor Leary thanked John Rivers for opening his restaurants on Sunday during Hurricane Dorian to support relief efforts in the Bahamas.

**City Manager's Report**

Mr. Knight stated that the joint work session with the Charter Review Committee has been tentatively set for September 24<sup>th</sup>. Mayor Leary stated he is not available for that meeting. After discussion, staff will look at alternate dates to accommodate all members of the Commission. (Scheduled for

Commissioner Cooper arrived at 5:08.

Commissioner Seidel suggested that the Lakemont Avenue Project listed on the City Manager's report be changed to Lakemont Avenue Roadway Diet Study to avoid the misconception that additional lanes are being considered. He believes the intent is for Lakemont Avenue to be similar to Denning Drive and that part of the study includes a trail. Commissioner Sprinkel stated that as the project is not defined, the title should be general.

Commissioner Weaver commented on the area to be included in the study, which he understood to be Lakemont Avenue, north of Aloma Avenue. Commissioner Seidel stated that he believes the area extends south of the hospital to the bike trails.

Commissioner Sprinkel stated she supported this study but not for just one area and not just for bike trails. Commissioner Cooper opposed referring to this as a diet study but agreed with Commissioner Seidel that clarification must be made on the scope of the study.

Commissioner Weaver suggested it be a multimodal study. Mayor Leary suggested that the scope of the study should be defined before determining the title of the study. (Clarification was made in the September 23 report stating that scope of the project has not been determined.)

Commissioner Cooper asked that legislative priorities be added to an upcoming agenda as committee meetings will be starting this month.

In response to Commissioner Cooper's question regarding disposition of the post office, Mr. Knight stated that he will provide regulations for disposition of Federal property.

Commissioner Cooper asked for the restrictions/requirements on use of Affordable Housing fees. Mr. Knight stated that he will send a copy of the ordinance to the Commission.

### **Public Hearings:**

a. Adopting FY 20 Millage Rate:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A 0.1361 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011, AND A 0.3021 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2017  
First Reading

b. Adopting Fiscal year 2020 Budget:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, COMMUNITY REDEVELOPMENT FUND, AFFORDABLE HOUSING TRUST FUND, FEDERAL FORFEITURE FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND,

FLEET MAINTENANCE FUND, EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2019; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY.

Simultaneous public hearings were held on the millage rate and budget ordinances.

Mayor Leary explained the millage rate needed for FY 2020 to generate the same revenue as in FY 2019 and the proposed millage rate, which will remain unchanged but will result an increase in property taxes due to the increase in assessed property values. He reviewed the voted debt service millage rates to cover bonds issued.

Attorney Ardaman read the ordinances by title.

Mr. Knight explained that the millage rate ordinance was revised to include the recommendations of City Attorney Langley to state the millage rate in dollars per \$1,000 of assessed property value. He stated that the budget reflects changes that were made and approved by the Commission in its last meeting. He stated that the 5-year Capital Improvement Plan (CIP) was revised to correct an error in a calculation in the Estimated 5-year Cost.

Commissioner Cooper stated that she would like the athletic fields on Lee Road to remain in the CIP to address in the longer term. Mayor Leary stated that he supports its removal from the CIP since there are no definite plans for that property. Commissioner Cooper stated that its inclusion would indicate to the public that the property is not surplus and is unavailable for purchase. She suggested that this be part of strategic planning. After discussion, consensus was to include it in the CIP as a long-term need.

Commissioner Weaver asked for clarification and additional information on items in the CRA CIP: West Comstock Parking Improvements, Harper Streetscape Improvements, MLK Landscaping and Parking Improvements, and 17-92/PD&E Streetscape.

Public Works Director Troy Attaway provided details on the West Comstock and Harper Streetscape projects which resulted in the difference in the estimated cost. He added that the Harper Street project has not yet been designed and that the estimated costs have not been reviewed by staff.

Commissioner Weaver stated that the MLK and 17-92 projects are not planned for FY 2020 and suggested that funding be moved from FY 2020 to FY 2023. Mayor Leary stated that if the projects are not planned for FY 2020, then CRA funds should be re-allocated in future years.

Mr. Knight advised that the projects have not been scheduled and explained that the CRA Agency approved the allocation of funds and the funds could be moved forward to a future year in compliance with new State Statutes.

In response to comments by Mayor Leary, Attorney Ardaman confirmed that any changes to the CRA budget would have to go back to the CRA Agency for approval, and an amendment to the CRA budget would, in essence, result in disapproval of the budget. Mayor Leary acknowledged Commissioner Weaver's concerns and stated he is not in favor of delaying the process although he would support moving the funds for the 17-92 project to a future year.

Mr. Knight clarified that funds must be re-allocated by the CRA Agency.

**Motion made by Commissioner Sprinkel to adopt the millage ordinance; seconded by Mayor Leary.**

**Motion made by Commissioner Weaver to remove the MLK Landscaping and Parking Improvements and Harper Streetscape Improvements from the CRA Capital Improvement Projects. Failed for lack of second.**

Attorney Ardaman confirmed that the CRA Agency must approve the CRA budget in order for the City to establish the millage rate. Any changes must be sent back to the CRA Agency. He stated that Commissioner Weaver would have to make a negative motion with the CRA budget going back to the CRA Agency resulting in the disapproval of the budget.

Mr. Knight stated that failure to pass the budget on first reading may require extraordinary notice. He suggested passing the budget on first reading, convening a CRA Agency meeting to consider the amendment and then move forward with second reading of the budget.

Discussion followed on options and outcomes to revise the CRA CIP budget and adopt the budget ordinance. Attorney Ardaman advised Commissioner Weaver that, if it is his intent, the appropriate motion would be to request a CRA Agency meeting prior to second reading of the budget ordinance.

**Motion made by Commissioner Weaver to have a CRA Agency meeting before the second reading of the budget; seconded by Commissioner Cooper.**

Commissioner Sprinkel said although she is not opposed to making the changes she is opposed to making them at the "eleventh hour" and holding up adoption of the budget. She spoke in favor of the CRA Agency looking at this but not tying it to the budget. Mayor Leary agreed and stated that it is a matter of re-allocating funds to a different year and feels there is no need for a CRA Agency meeting.

The following residents spoke about Lake Midget and the problems with the fountain, pump and stormwater and asked that the city make the repairs to make the fountain functional:

Chuck Almand, 1035 N. Kentucky Avenue  
Richard Snodgrass, 731 Midget Drive  
Sonia McClain, 935 N. Kentucky Avenue

No other public comments were made.

Mayor Leary asked whether this needs to be addressed in the budget. Mr. Knight stated that staff will assess the problem and bring back information for second reading of the budget.

Commissioner Seidel stated that he considers the additional revenue generated by the increase in assessed property values to be a surplus and would like it to be spent on transportation projects.

**Upon a roll call vote to schedule a CRA Agency meeting, Commissioners Cooper and Weaver voted yes. Mayor Leary and Commissioners Seidel and Sprinkel vote no. The motion failed with a 2-3 vote.**

**Upon a roll call vote on the motion to approve the millage rate ordinance, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weaver voted no. The motion carried with a 4-1 vote.**

**Upon a roll call vote on the motion to approve the budget ordinance, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weaver voted no. The motion carried with a 4-1 vote.**

**Public Comments (Items not on the agenda)**

Joan Cason, 1915 Woodcrest, expressed her concern for the safety of pedestrians due to a protruding tree stump in front of their condominium complex.

Donna Colado, 327 Beloit Avenue, commented on the inconsistency of city task forces such the size of the boards, majority versus super-majority, voting on matters by phone, and how appointments are made. She suggested procedures be adopted for consistency.

### **City Attorney's Report**

Commissioner Seidel spoke about e-mails he has been receiving regarding the dangers of 5G Technology and the potential for a lawsuit. Attorney Ardaman stated that no response is required and he will send an e-mail to members of the Commission with information and how to respond. Mr. Knight stated that he responded to e-mails stating the city could pre-empt it. Discussion followed on the potential for lawsuits.

### **Consent Agenda**

- a. Approve the minutes of September 26, 2019.
- b. Approve the following contract items:
  1. Onix Networking; SeeWriteHear: RFP-17-2019 – ADA PDF Remediation Services; not to exceed \$150,000.

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

### **City Commission Reports:**

Commissioner Seidel – Commissioner Seidel stated he received information from the post office regarding mailboxes and met with Mr. Knight who is going to review the information and respond to him.

Commissioner Sprinkel – Commissioner Sprinkel stated that her Coffee Talk is Thursday, September 12<sup>th</sup>.

Commissioner Cooper – Commissioner Cooper asked for consensus on her request made previously for staff to do an analysis of lakefront setbacks as it relates to accessory buildings and non-conforming uses and recommend changes to the code with input from the Lakes Board. Commissioner Seidel stated that the Planning and Zoning Board addresses setback requirements and variances on a case by case basis. He feels that there are a small number of locations and the analysis may not be necessary.

After a brief discussion, consensus was that because this impacts few properties and matters regarding setbacks can be addressed as they arise on a case by case basis.

Commissioner Weaver – Commissioner Weaver asked Commissioner Cooper if she would be willing to talk to the Lakes Board about lakefront setbacks. Commissioner Cooper replied yes.

Commissioner Sprinkel expressed her opposition to the idea of individual commissioners speaking to city boards.

Mayor Leary said he feels that it subverts what the Commission decides based on recommendations of those boards. Board members and residents have expressed their concern about receiving input by individual commissioners.

Attorney Ardaman advised that Commission members have the freedom to approach a board or committee except in the case of quasi-judicial matters such as those heard by the Planning and Zoning board where recommendations are made to the City Commission. He advised that if a member of the Commission wishes to address a city board, they clearly state that their comments are made as an individual not as a member of the Commission and that their comments should be taken as such.

Commissioner Weaver stated that but he has not given direction to a city board but will provide information if asked.

Mayor Leary said he feels members of the Commission are looked at differently when present at board meetings and suggested a policy could be adopted to address Commission member's interaction with city boards. Commissioner Seidel suggested that the Charter Review Committee consider this as part of their review.

Commissioner Weaver complimented Vanessa Balta Cook and Megan Johansson on a successful watershed cleanup at Lake Bell. The next cleanup will be at Lake Chelton next month.

Mayor Leary asked for the status on the documenting non-conforming boat houses. Mr. Attaway stated that staff is documenting the historical boat houses to determine whether they can be rebuilt under today's codes and then discuss possible amendments to the code.

Mayor Leary thanked staff for their hard work in preparing for Hurricane Dorian and for restoring power quickly to the small number of residents who experienced outages.

The meeting adjourned at 6:24 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene S. Cranis, CMC