

**REGULAR MEETING OF THE CITY COMMISSION
SEPTEMBER 23, 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. George Wiggins, Director of Building and Permitting Services, provided the invocation, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Carolyn Cooper
Commissioner Todd Weaver
Commissioner Sarah Sprinkel

Also Present:

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

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Mayor's Report

Mayor Leary asked if there have been any studies on the intersection of Henkel Circle and Trismen Terrace due to the challenges in making left turns onto Aloma Avenue. Assistant Director of Public Works Don Marcotte stated that it has been studied and traffic signals were considered. Mayor Leary asked for staff to provide information on previous studies, changes made and options for improving this intersection.

City Manager's Report

Commissioner Sprinkel expressed her appreciation for the detailed City Manager's Report and asked staff to look at options for communicating this to the public, possibly on the City's website.

Commissioner Cooper asked for an update on the fountain and pump on Lake Midget. Mr. Marcotte stated that a meeting is scheduled for Wednesday to determine the best option for repair and maintenance.

Commissioner Cooper spoke on Affordable Housing fees and asked that staff provide clarity on the restrictions in order to determine the best use of funds. She suggested reinstating the fees. Mayor Leary agreed but added that the Affordable Housing Program should be looked at as a whole rather than just fees or use of funds. He recommended that staff obtain Orange County's initiatives and proposals that may be beneficial as part of the city's review of its program. Commissioner Sprinkel agreed.

City Attorney's Report

Attorney Ardaman stated that a tentative settlement agreement has been reached in the Champions Circle litigation which will be brought to the Commission for approval in its next meeting.

Attorney Ardaman stated that a hearing is scheduled on the challenge of the new State law relating to tree permitting and he will provide the court's ruling after it is released.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of September 9, 2019
- b. Approve the following contract items:
 1. ARAG North America: Extension of existing contract for employee Legal Shield services through 9/30/2021; No fiscal impact to be incurred by the city.
 2. Florida Division of Emergency Management: WPFH Homeland Security Grants for upgrades to its MARC radio system; No fiscal impact to be incurred by the city.
 3. Foster & Foster: Actuarial services for FY2019-2022; not to exceed \$16,000.
 4. Heart Utilities of Jacksonville: RFP-10-2019 – Electric Utility Construction & Maintenance Services; not to exceed \$2,500,000.
- c. Approve the following HIDTA pass-through purchases:
 1. Purchase orders for specialized, confidential investigative services and facility expenses; \$80,000, \$85,000, \$180,000 and \$186,000.
- d. Approve the following piggyback agreement:
 1. Odyssey Manufacturing Co.: Extension of existing piggyback of City of Daytona Beach contract #0115-1900 for the provision of sodium hypochlorite; Not to exceed \$152,000.
- e. Approve extension of the Orange Avenue Overlay Steering Committee through December 31, 2019 **(Pulled by Commissioner Cooper)**

Motion made by Commissioner Cooper to approve the Consent Agenda Items a-d; seconded by Commissioner Sprinkel. (withdrawn – see motions below)

Commissioner Cooper expressed her concern with extending the time frame for task forces and suggested that this Committee end by November 30th and transfer finalization of the ordinance and completion of the process to the Planning and Zoning Board.

Motion made by Commissioner Cooper to amend Item 9(e) extending the Committee to November 30, 2019.

Planning and Community Development Director Bronce Stephenson explained the delay in finalizing this process. He stated the final vote from the Committee is planned for November 13 and he is comfortable changing the end date to November 30, 2019. He reviewed the schedule for work sessions, public hearings, and review of the Comp Plan amendment by the State with second reading of the ordinance planned for March 9, 2020.

Motion to amend Item 9(e) seconded by Mayor Leary. There were no public comments. **Upon a roll call vote on the amendment to Item 9(e), Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.**

Upon a roll call vote on the main motion to approve Consent Agenda Items a-e, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

Action Items Requiring Discussion

- a. Florida Department of Environmental Protection Agreement-Howell Branch

Mr. Knight explained that under this agreement, the City will be eligible for reimbursement of a portion of the cost to purchase the property and future improvements to the 50 acres of wetlands near Howell Branch Creek which the City must designate as outdoor recreational space.

Motion made by Commissioner Sprinkel to approve the agreement; seconded by Commissioner Seidel.

Mr. Knight responded to questions by members of the Commission. He noted the properties currently owned by the City and explained that all property will be deed restricted. A parcel along the creek bed will require a lot split to separate the upland property from the low lying property. He confirmed that the boundaries of the park will have to be redrawn in order to use grant funding for the entire park, not just the recently acquired properties.

Commissioner Cooper asked whether planning expenses can be applied to developing a plan for future improvements on all of the land. Parks Natural Resources Tim Egan stated that a portion of the grant is available for planning and engineering services. He added that these services will be outsourced.

Commissioner Weaver asked what plans have been made by City of Maitland for the adjacent property. Mayor Leary stated that there have been discussions with Maitland about a joint plan but they are dependent on the agreement from the State.

Commissioner Seidel suggested that the areas between the uplands and wetlands be included in the deed restrictions. Mr. Egan stated the intent is to restrict any areas not intended to be developed or currently being used.

Steven Goldman, 2009 Venetian Way, gave a presentation on the history of the wetland area, current park area and the possibilities to increase the park area and pathway through the property. He showed a conceptual drawing created in 2018 which utilizes the property from Howell Branch Road to the creek.

Upon a roll call vote, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

b. State and Federal Legislative Priorities

Mr. Knight presented the list of legislative priorities. He stated that this list is typically presented to the lobbyist who assists in reducing the list to one or two items and will make recommendations to the city as to which to pursue.

Commissioner Sprinkel suggested focusing on topics that are more easily attainable than others. She commented on pension reform stating that she would not like to see any changes detrimental to police and fire.

Mayor Leary suggested that upon approval of the list Mr. Knight present the list to the lobbyist and then narrow the list to three items which will be shared with the Commission in the next meeting. Commissioner Sprinkel agreed.

Commissioner Cooper suggested adding rule-making from the Department of Justice regarding ADA compliance to the Federal priority list.

Motion made by Commissioner Cooper to approve the State and Federal legislative priorities with the addition of ADA rule-making to the Federal list; seconded by Commissioner Sprinkel.

Commissioner Cooper asked that staff prepare talking points for the three or four items selected for consistency in speaking individually with legislators.

There were no public comments. **Upon a roll call vote, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.**

c. Request for Institutional Support from the Affordable/Workforce Housing Fund

Mr. Hal George, 468 Virginia Drive, requested funding in the amount of \$235,000 from the Affordable Housing Fund to assist in the purchase of two lots for Habitat for

Humanity for which they have raised \$200,000. He explained the rules for ownership under the Habitat for Humanity program. He recognized the partnerships with local schools, colleges and churches for funding as well as volunteer hours toward construction of houses.

Courtney Crop, Habitat for Humanity Winter Park Maitland Executive Director, gave a presentation on the history of Habitat for Humanity and presented a video showing volunteers building a house.

Jessica Lincoln, Habitat for Humanity at Winter Park High School President, expressed her pride in being part of this organization and the life skills she has learned.

Andrew Bachrach, Trinity Prep Habitat for Humanity Vice President, outlined his and the school's involvement in building 20 houses. He said that 90 student volunteers have signed up and are anxious to get started on the school's 21st house.

Members of the commission expressed their gratitude for the support, partnerships and volunteers that contribute to this program.

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

Public Hearings:

a. Fee Schedule effective October 1, 2019

Commissioner Cooper expressed her concern about reducing permit fees that would result in a \$300,000 net decrease in revenue. She is opposed to reducing the fees since the city does not collect transportation impact fees or parks usage fees on commercial development. She suggested a thorough review of services that may be enhanced by usage of permit fees rather than reducing the fees.

Motion made by Commissioner Cooper to approve the Fee Schedule leaving the permitting fees at their current level.

Mr. Knight reviewed the changes and stated that staff has thoroughly reviewed the permit fees. He explained that current reserves will cover one year's operating costs which allow sufficient time to review the fees if construction and fees decline.

Commissioner Cooper withdrew her motion for the purposes of discussion.

Mr. Knight explained that State Statutes allow the use of building permit fees for enforcement of building codes; however, the State has increased its enforcement

regarding reserve permit revenue balances. He stated that the city has a sizeable reserve and reducing permit fees will aid in complying with the statute but still will generate sufficient revenue to cover costs. Mr. Knight reviewed the changes that have been made utilizing the excess funds which have improved service, i.e. technology and part-time building inspectors.

Commissioner Cooper asked whether service can be enhanced with additional staff. Mr. Knight stated that funds can be used to hire additional staff; however he is cautious about hiring and then potentially laying off employees.

Mayor Leary supported the fee reduction fees since they are reviewed annually but can be re-addressed within the fiscal year. He said he is not aware of service level concerns and therefore opposed to adding staff just to spend the reserves.

Commissioner Seidel asked if complaints have been received about construction vehicle parking. Mayor Leary asked if there have been any service level complaints. Mr. Knight said the city has received and responded to complaints about construction vehicle parking but he is not aware of any service level complaints as it relates to timeliness of inspections and issuance of permits.

Motion made by Commissioner Cooper to approve the Fee Schedule leaving the building permit fees at their current level; seconded by Commissioner Weaver.

Motion made by Mayor Leary to approve the Fee Schedule as presented; seconded by Commissioner Sprinkel.

Commissioner Weaver commented on new State law that relating to building permitting and asked whether current city staff is sufficient to handle the volume of permits and inspections. Director of Building and Permitting George Wiggins explained that new State legislation has not dealt with expedition of the permitting process or inspections. The City does have in place electronic plan review which expedites the permitting process.

Commissioner Sprinkel spoke in favor of the fee reduction as she feels that the legislature could put cities in a position to prohibit carrying a reserve balance.

Commissioner Seidel said this may be an opportunity to reduce the permit fees while adding a transportation impact fee depending on the passage of the proposed 1% sales tax increase. Commissioners Cooper and Weaver agreed.

Mr. Knight noted that a cost study must be done to support the implementation of a transportation impact fee. After discussion, consensus was to put this item on a future Commission agenda.

Jim Huckaba, 140 Killarney Bay Court, stated that the sales tax increase proposed by Orange County Mayor Jerry Demings will not be on the ballot until November 2020. He explained that it could raise \$630 million annually for Orange County transportation needs, a portion of which will be earmarked for the City of Winter Park. He advised that Mayor Demings will hold an open meeting on October 3rd in Goldenrod to present projects to be funded from this sales tax increase.

Members of the Commission commented on need to address transportation issues through the proposed sales tax increase in 2020 and a potential transportation impact fee, and restated their position on the permit fees.

Upon a roll call vote on the motion to approve the Fee Schedule leaving the building permit fees at their current level, Commissioners Cooper and Weaver voted yes and Mayor Leary, Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to approve the Fee Schedule as presented, Mayor Leary, Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

- b. RESOLUTION NO. 2222-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 2230 HOWARD DRIVE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Planning Manager Jeff Briggs introduced the property owner, Rachel Hughes, and reviewed the request. Ms. Hughes thanked city staff for their guidance.

Attorney Ardaman read the resolution by title.

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

Citizen Comments

Michael Dively, 1210 Raintree Place, spoke on the need for swimming programs for children citing statistics of children who have little or no ability to swim and that drowning is the leading cause of death for children age 1-4. He urged the city to support swimming programs.

Millage and Budget Public Hearings

a. Adopting FY 20 Millage Rate:

ORDINANCE NO. 3150-19: 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 Second Reading

b. Adopting Fiscal year 2020 Budget:

ORDINANCE NO. 3151-19: 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. (Second Reading)

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 remains unchanged but represents 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.

Commissioner Weaver spoke on the CIP outlays of the CRA fund stating that it is inappropriate to use CRA funds for parking along Harper Street that he feels primarily benefits new development. He opposed funding of the 17-92 improvements and as a result he cannot support the budget.

Mayor Leary explained that the proposed millage rate represents a 4.91% increase in property tax from the rolled back rate of 3.9009.

Motion made by Commissioner Sprinkel to adopt the millage ordinance; seconded by Commissioner Weaver.

Motion made by Commissioner Seidel to adopt the budget ordinance; seconded by Commissioner Sprinkel Leary.

Commissioner Cooper asked for clarification on the \$1 million in CRA funding that was designated for parking in the last meeting. Mayor Leary clarified that these funds would be used to alleviate parking and drainage concerns in and around the Canopy project by making the site more pervious and to address landscaping around the parking lot. Mr. Knight clarified that it is not for additional parking over and above the plan.

There were no public comments.

Upon a roll call vote on the millage rate ordinance, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

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

City Commission Reports:

Commissioner Seidel

No report.

Commissioner Sprinkel

- Thanked Mr. Dively for his presentation and his support for children swimming programs. She spoke in favor of developing a swimming program for young children. After discussion, consensus was to appoint Commissioner Sprinkel to lead the effort to develop a youth swimming program and gaining community support for a program.

- Spoke on the Gus Henderson Scholarship for students living in the Hannibal Square area and suggested turning scholarship discussions over to the CRA. Mr. Knight stated it could be put on the next CRA Agency meeting agenda for discussion.
- Commented on the Peace Day in the Park event which had a wonderful turnout.
- Complimented staff on the renovations at the Azalea Lane playground and the large turnout at the reopening.
- Stated that she and Commissioner Cooper attended a Florida League of Cities luncheon with a presentation on the train from Orlando to Miami by Michael Cegalis, Executive Vice President, Rail Infrastructure. She requested that he be invited to make a presentation in the community. Mayor Leary asked the city obtain the marketing plan and host any outreach programs in the city.
- Spoke on the comments she received from residents attending her Coffee Talk. She urged increased communication to residents to alleviate misperception of projects and funding.
- Recognized two residents in the audience who frequently attend meetings to get information about mailboxes and requested that information be provided to them as it becomes available.

Commissioner Cooper

- Stated that she has received correspondence from residents about personnel actions and that she would like to be clear on disciplinary and grievance procedures. Mr. Knight advised that past practice has been to bring changes to these procedures to the Commission for approval. Consensus was to bring the discipline and grievance policies to the Commission for approval.
- Addressed comments from property owners regarding the noise levels from aircraft and yard blowers. She suggested a establishing a resource to receive and resolve noise complaints. Discussion followed on current processes of reporting and resolution of complaints through the Police Department, City Manager, and Code Compliance. Consensus was to have staff provide an update in the next meeting.
- Addressed the Post Office property and requested a work session to present a plan for the acquisition of the property for the expansion of Central Park. Consensus was to schedule a work session on October 14, 2019 prior to the next regular meeting.

Commissioner Weaver

- Advised of an event hosted by the Chamber of Commerce on Wednesday, September 25th at 11:30 a.m. at the Alford Inn with presentation on transportation and proposed one cent sales tax.
- Stated Sara Isaac will be speaking on pollution of area springs and he will speaking on plastics recycling at a League of Women Voters event on Thursday, September 26th at Valencia College Winter Park Campus.
- Commented on an article in the *Orlando Sentinel* regarding an electric autonomous circulator bus currently operating in Lake Nona.
- Re-addressed noise issues stating that there are some alternatives to small equipment that create less noise. He pointed out that the city has no control over the air traffic as it is regulated by FAA.

Mayor Leary

- Announced that Father Walsh of St. Margaret Mary Catholic Church has been appointed Monsignor.
- Stated that he had received compliments on the Winter Park Golf Course while attending a Giants baseball game in Tampa.
- Asked for the status of the Old Library Task Force. Budget and Performance Manager Peter Moore stated that the last scheduled meeting is Wednesday, September 25th and staff is working on a final report.
- Asked for an update on circulator vehicles for downtown Winter Park. Mr. Knight stated that staff is looking at potential funding sources. Mayor Leary stated he will speak with staff to facilitate discussions with representatives of Beep, operators of the autonomous vehicle in Lake Nona.

The meeting adjourned at 5:46 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC