



# City Commission Regular Meeting Minutes

May 11, 2020 at 3:30 p.m.

City Hall, Commission Chambers  
401 S. Park 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

The meeting was conducted via GoToWebinar.

Mayor Leary called the regular meeting of the City Commission to order at 3:35 p.m.

## 2. Invocation and Pledge of Allegiance

Director of Building and Permitting Services George Wiggins provided the invocation followed by the Pledge of Allegiance.

## 3. Approval of Agenda

Mr. Knight advised that Item #7a, Micromobility Prohibition Discussion has been postponed to the June 8<sup>th</sup> meeting. **Motion made by Commissioner Cooper to approve the agenda as revised; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.**

## 4. Mayor's Report

Mr. Knight stated numerous positive comments were received on the Mother's Day weekend events and the Farmer's Market at the West Meadow. Staff is recommending continuing the Farmers Market at the West Meadow for now and stated that closure of Park Avenue required large number of city staff and cost and funds could be budget for future events.

Police Chief Michael Deal stated that that although they received a couple of complaints regarding social distancing, comments were positive overall.

Director of Communications Clarissa Howard showed a video of Mother's Day event including local television reports on the event.

After discussion consensus to continue holding the Farmers Market in the West Meadow and direct staff to provide an after-action report on the weekend events.

## 5. City Manager's Report

- COVID

Mr. Knight stated that a testing site has been set up at Lakemont Elementary. Commissioner Cooper thanked staff and the County for their efforts.

Mr. Knight stated that staff has prepared a plan to hold the June 8<sup>th</sup> commission meeting at Community Center with social distancing.

Mayor Leary and DeCiccio expressed support. Commissioners Weaver, Sullivan and Cooper spoke in opposition feeling public meetings should be delayed until the Governor's Executive Order is lifted and results of phased reopening is known.

Mr. Knight responded to questions stating that staff is looking at opportunities to obtain a portion of the CARES funds received by Orange County from the Federal government and that staff has applied for State resiliency funds.

Commissioner Sullivan asked that a summary of commission meeting actions be provided at the end of each meeting. Approved by consensus.

- CIP Status Report

No discussion.

- Update on Library and Events Center

Mr. Knight said he will provide the reports requested in the work session in addition to monthly updates from the city's owner representative, Carlo Burns with Pizzuti.

Commissioner Weaver said he is uncomfortable with this project due to risks and design. He expressed concern about demucking, excavation and stabilization and said he would like responses to some construction and technical questions and requested a special commission meeting on Wednesday, May 13<sup>th</sup>, to discuss in further detail.

Commissioner Sullivan proposed a stop work order for a period of 90 days for the purpose of evaluating the financial impact, bringing together a committee of professionals and dedicated individuals to provide some oversight on the project and conduct a citizen survey on what the citizens want to either go forward as is, change it or stop the project.

Mayor Leary said he feels that would be out of order since the fiscal impact of such actions is unknown and there are unanswered questions. He feels it would be best to bring this up at next meeting to give staff time to research and determine the impact.

Mr. Knight said the known cost is \$160,000/month; however, there are other risks and costs. He said he does not see a need for postponement since risk is mitigated. He said he understands Commissioner Weaver's position and will obtain answers to his questions, but he feels confident in the professionals and in their ability to complete the project successfully.

Commissioner Cooper said she is interested moving forward in whatever makes sense for the community. She said she could support postponing the project until the appropriate professionals are given the opportunity to answer questions and then schedule a special meeting. She said she is not an advocate for terminating the project but asked for the estimated cost to terminate.

Mr. Knight stated there are many unknowns in determining the cost of termination and he would prepare an estimate of those costs. He suggested that the commission submit questions in advance of a special meeting so the appropriate experts can be prepared to answer. Discussion ensued on the necessity to stop work until after a special meeting.

Commissioners Weaver and Sullivan supported stopping work until questions are answered and there is assurance that the site is stable and issues regarding excavation and compaction and other environmental issues have been addressed.

Mayor Leary said that he feels the city should put faith in the project team who are experts in their fields.

Director of Public Works Troy Attaway commented on the issues raised stating that work has been done in compliance with regulations and permitting and that the project would not have moved forward with concrete pours without compliance. He explained St. John's River Water Management District regulations regarding stormwater runoff and stated there is no chance that untreated stormwater will flow into Lake Mendsen. He said he would obtain a letter from SJRWMD to confirm the city's compliance with the rule.

After additional discussion, consensus was for commission members to submit their questions to Mr. Knight by noon on Tuesday who will forward the questions to the professionals to prepare responses for discussion in a work session for 5:00 on Wednesday, May 13<sup>th</sup>, in addition to financial impacts, and schedule a special meeting immediately following to take action if necessary based on the work session.

## **6. City Attorney's Report**

Commissioner Cooper asked whether the city has authority to mandate wearing masks in public places. Mr. Ardaman opined that the city has authority provided there are reasonable standards in place relative to COVID19; however, the order should include findings and limitations. He advised that Osceola County has adopted a mandate but they have chosen not to enforce the order.

Commissioner Weaver asked if the ordinance relating to the board appointment process needs to include a time when advisory boards could start meeting, virtually or in person. Mr. Ardaman stated that the charter amendment provides for the ordinance and the board members will meet in accordance with the ordinance when adopted.

## **7. Non-Action Items**

### **a. Micromobility Prohibition Discussion**

Postponed to June 8th meeting.

### **b. Presentation of Comprehensive Annual Financial Report**

Finance Director Wes Hamil presented the annual CAFR highlighting general fund, golf course operations, enterprise funds.

Joel Knopp, MSL, gave a presentation on the CAFR including audit requirements, reports and auditor findings, analysis of assets and liabilities and responded to questions. In response to questions by Commissioner Cooper, Mr. Hamil stated that the city has set aside approximately \$300,000 to accommodate at \$350,000 annual budget for Sunrail for O&M. Mr. Knight said he will provide the city's liability, but believes it to be \$350,000.

Mayor Leary declared a recess at 5:33 and reconvened the meeting at 5:50.

## 9. Consent Agenda

- a. Approve the minutes of April 27, 2020 (**Pulled by Commissioner Cooper**)
- b. Approve the revised minutes of January 27, 2020
- c. Approve the following piggyback agreements:
  1. Sternberg Lighting: Decorative streetlights (42) for the south side of Fairbanks Avenue between I-4 and Orlando Avenue; \$258,804.
- d. Approve the following purchase:
  1. Lafleur Nurseries and Garden Center: Extension of City of Longwood contract #RFQ 02092017 - Landscape and Irrigation Services for Projects Less Than \$500,000; not to exceed \$350,000.

**Motion made by Commissioner Cooper to approve the Consent Agenda except Item 9a; seconded by Mayor Leary.**

Motion made by Commissioner Cooper to amend the minutes on Page 10 (2<sup>nd</sup> paragraph after the motion) to read “She explained the Resolution read the USPS property would be used for parkland in perpetuity and the LOI states the property will be used for park space, parking, or other amenities complementary to Central Park”; seconded by Commissioner Weaver.

There were no public comments. **Motion to approve Consent Agenda Item 9a carried unanimously with a 5-0 vote.**

**Motion to approve Consent Agenda as amended carried unanimously with a 5-0 vote.**

## 8. Citizen Comments

Michael Perleman, 1010 Greentree Drive, commented on micromobility and supported prohibition of bicycles on any sidewalks and opposed allowing mobile bars.

## 10. Action Items Requiring Discussion

- a. Finalization of Data and Analysis for OAO

Director of Planning Bronce Stephenson stated the scope of work for Kimley Horn is near completion and the scope for GAI which consists of creation of massing model and economic, market and investment issues and will cost approximately \$100,000.

Blake Drury, GAI Consultant, stated they have been working with staff to develop a scope on data and analysis related to intensity of land uses, comparable uses in the region and what could happen in the Orange Avenue corridor. The data would be used to determine the impact of different uses and intensity of use on different sites and how it would look and function. In response to comments regarding use and intensity of use, he explained the impact of different uses on parking and how buildings fit on the site, and vertical mix. He said that establishing a concrete mix will be helpful in their analysis and more useful to the commission. Discussion followed on mixed uses, what the market will support and need for information on what the developers are considering.

Commissioner Cooper said she feels it is important to provide the public with the impact of development at different FARs at different points in the corridor. She commented on parking

garages which she feels should be included in the FAR and increased FAR could be allowed in order to provide for parking garages.

Mr. Drury said one data point needs to be the existing FAR, the second would be what the max the Overlay would allow and the middle should be one or two FAR points. He commented on the impact of the same FAR on different sites. Commissioner Cooper said she feels height is an important consideration.

Discussion ensued on scenarios for the Holler and Demetree properties to include maximum FAR, inclusion of parking garages in FAR and maximum height at the street. The following scenarios were offered for the purposes of the study.

- Commissioner Sullivan - Holler property: maximum achievable FAR of 200% including parking garage, 3 stories and 4 stories with 100-foot setback. Demetree property: maximum achievable FAR of 200% including parking garage, 5 stories.
- Commissioner DeCiccio - concurred with Commissioner Sullivan with the understanding that there will be entitlements.
- Commissioner Cooper - Properties along Fairbanks: maximum 3-stories, 4-stories with 100-foot setback. Demetree: maximum height of the average between TD Bank and Commerce National Bank. Not ready to set FAR but should include parking garage included in FAR.
- Commissioner Weaver - maximum achievable FAR of 200% including parking garages.

Mayor Leary stated he feels there is enough guidance to prepare a scope but wants to see the scope and cost before approving. Mr. Drury confirmed that he had sufficient information to develop a scope.

Mike Woodward, Kimley Horn, stated that a scope of service, based on information provided by commission was created which included four tasks:

- Roadway segments: analysis of trip generation based on two development scenarios at identified roadway segments.
- Funding for mitigation - proportionate share, transportation impact fees and mobility fees.
- Meetings - future meetings to discuss analysis and findings.
- Update Tech Memo #4 - is intersections where data is available now and where data is needed which can't be obtain now during the pandemic. Question to respond - start, break and then move forward with intersections.

After discussion on the scope, segments, development scenarios and cost to add additional scenarios, consensus was to move forward with the trip generation analysis and then study area intersections for 2025 and 2040 with one or two development scenarios in the segment analysis.

Commissioner Weaver suggested that this be placed on the agenda for the Special Meeting on May 13<sup>th</sup>. Commissioners Cooper and Sullivan agreed.

## 11. Public Hearings

- a. ORDINANCE 3174-20 AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS TO CHANGE OFFICE (O-1) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ZONING ON THE PROPERTY LOCATED AT 1390 ORANGE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title only.

**Motion made by Commissioner Cooper to adopt the ordinance on second reading, seconded by Commissioner Sullivan. 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. Ordinance 3175-20 AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE III, CHAPTER 2 OF THE CITY CODE WITH RESPECT TO SUBSIDIARY CITY BOARD AND AD HOC COMMITTEE COMPOSITION, APPOINTMENT, MEMBERSHIP, REMOVAL, QUORUM, VACANCIES, ALTERNATE MEMBERS, TERMS OF OFFICE, REAPPOINTMENT, COMMISSION AND MAYOR AUTHORITY, BOARD AND COMMITTEE AUTHORITY, AND OTHER MATTERS RELATED TO THE CITY’S SUBSIDIARY BOARDS AND AD HOC COMMITTEE, INCLUDING BUT NOT LIMITED TO CHANGES NECESSITATED BY A RECENT CITY CHARTER AMENDMENT RELATED TO THE FOREGOING; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title. He proposed revisions to Exhibit A: Section 2-48(a)(ii), second line, delete “and committee” (iii), second and third lines, change to read “ad hoc committees”; (iv) second line, change to “ad hoc committee”; Section 2-48(f), first line, change to “ad hoc committees.” This differentiates between boards and ad hoc committees.

Responding to questions, Assistant City Manager Michelle Neuner explained that this ordinance allows for the establishment of ad hoc committees by ordinance or resolution in accordance with Section 2.19 of the Charter. The also allows the Commission to determine the size of the committee and establish procedures for member appointment.

**Motion made by Commissioner Cooper to adopt the ordinance on second reading with the revisions presented by the City Attorney; seconded by Commissioner DeCiccio.**

**Motion made by Commissioner Cooper to amend the ordinance to state that ad hoc committees and task forces are appointed in the same manner as standing boards unless indicated otherwise by ordinance; seconded by Commissioner DeCiccio.**

**Motion by Mayor Leary to amend the ordinance to establish that new board member terms run concurrent with commission terms (Commission Seats 1 and 2 would make appointments this year, Mayor would appoint in 2021 and Seats 3 and 4 would appoint in 2022). Motion failed for lack of second.**

**Motion by Mayor Leary to amend the ordinance to require that all meetings between commission members and board members follow the Sunshine Law and held in the public. Motion failed for lack of second.**

There were no public comments.

**Upon a roll call vote on the amendment regarding ad hoc committees and task forces, Mayor Leary and Commissioners DeCiccio, Cooper and Weaver voted yes and Commissioner Sullivan voted no. Motion carried with a 4-1 vote.**

**Upon a roll call vote on the main motion as amended, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.**

## **12. City Commission Reports:**

### Commissioner Sullivan

- Proposed that the city examine how to manage social distancing within shelters during hurricane season. Mr. Knight said that shelters are managed by the counties and state.
- Asked for a summary of actions, motions, directions at the end of each commission meeting.

### Commissioner DeCiccio

- Said she has received complaints about residential construction on Saturday mornings at 7:00 a.m. and asked that the city look revising the hours for residential construction. Consensus to place on next agenda with input from building department.
- Expressed concern about the safety of the pedestrian crossing at Morse and 17-92. After discussion, consensus was to direct staff to look at options for improving pedestrian safety.
- Suggested that city consider providing hand sanitizer and masks to employers and employees. Mr. Knight advised that staff has contacted Orange County for assistance and that the city's orders are on backorder.

### Commissioner Cooper

- Thanked Karen Cockerham, Franco Catalan, Sandro Porcella for their work on the CAFR.
- Expressed appreciation to Parks and Recreation for cleaning at Azalea Garden.
- Thanked Mr. Knight and staff for getting the COVID19 test site in Winter Park.
- Received many positive comments about reopening Farmers Market.
- Supported Commissioner DeCiccio's suggestion about providing hand sanitizer and masks and use of city reserve or contingency funding.
- Urged staff to provide information on resources for assistance to the businesses that are not members of the Chamber of Commerce.
- Asked staff to forward her draft of decisions made on Progress Point to review. Mr. Knight advised that the draft was forwarded to the commission.

### Commissioner Weaver

- Thanked staff for their work and effort during pandemic.

- Asked whether parks/playgrounds are open to public. Mr. Knight said that playgrounds are still closed due to the difficulty in keeping them sanitized.
- Asked if staff has considered Progress Point for hurricane dump site. Mr. Knight stated that the old tree farm is used as a temporary dump site, but staff can look at the use of Progress Point.
- Spoke in favor of moving commission meetings to Wednesday. Commissioner Cooper suggested changing the meeting time to 5:00 p.m. Consensus was to place on the next commission agenda.

Mayor Leary

- Thanked staff for working long hours and putting together meetings.

**Recap of Commission Action**

- Continue virtual meetings
- Library and Event Center
  - Obtain opinion from St. Johns River Water Management District regarding rule related to stormwater work.
  - Commission to provide their questions for the project team by Tuesday at noon.
  - Provide information on impact of terminating the project.
  - Work Session on Wednesday, May 13th at 5:00 and Special Meeting at 6:00 p.m. if necessary
- Provide liability provisions for Sunrail and claim history.
- Data and Analysis for OAO on agenda for Special Meeting.
- Approved rezoning of park on Orange Avenue.
- Approved the ordinance regarding city boards with amendments.
- Add Recap of Commission Actions to meeting agenda.

The meeting adjourned at 8:45 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis, CMC