



City Commission Regular Meeting Minutes

June 22 2020 at 3:30 p.m.

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

Present

Vice-Mayor Carolyn Cooper
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Todd Weaver (Joined at 3:35)

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

Absent

Mayor Leary

1. Meeting called to order

The meeting was conducted via GoToWebinar.

Vice-Mayor Cooper called the regular meeting of the City Commission to order at 3:30 p.m.

2. Invocation and Pledge of Allegiance

Parsram Rajaram, Director of Information Technology, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

No changes.

4. Mayor's Report

5. City Manager's Report

Mr. Knight stated the July 8th commission meeting is scheduled to meet live unless the Governor extends the new Executive Order allowing virtual meetings beyond June 30th. Staff is preparing for the meeting to be held at the Community Center with social distancing.

Mr. Knight stated that staff has several requests for work sessions in addition to the department budget presentations scheduled for July 8th and 20th.

After discussion, consensus was reached as follows:

- Killarney Annexation. Staff to provide schedule and cost/benefit analysis
- Schedule work session for June 25th at 1:00 for discussion on the OAO
- Bennett Drive realignment. Staff to provide history and summary of future actions.
- Hotel projects. Applicants will proceed through regular process.

Commissioner Sullivan requested the scope of work for MLK Park, a photo of the art to be placed at I-4, and asked for information on the Parks plan for bike paths and green spaces.

Vice Mayor Cooper asked that staff copy the entire Commission on all responses to questions/ e-mails submitted by individual members of the Commission. She asked for the status on the review of Police Department policies and asked that it be included the City Manager's report. Mr. Knight advised that the Civil Service Board has scheduled policies for discussions at future meetings.

Commissioner Sullivan asked for a copy of the Police Department's Standard Operating Procedures.

Commissioner DeCiccio asked that the progress of the Library and Events Center be added to the City Manager's Report.

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments (heard after Item #10)

9. Consent Agenda

- a. Approve the minutes of June 8, 2020
- b. Budget Schedule FY 2021
- c. Approve the following contract item:
 1. HDD of Florida: Increase allowable spend under RFP-15-2019 - Underground Conduit/Pipe Installation Services; not to exceed \$750,000.
- e. Approve the following purchase:
 1. Felix Associates of Florida: Additional asphalt mill and overlay of Fairbanks Avenue, including replacement of all crosswalks; \$334,531.03

Commissioner Weaver asked for clarification on the budget schedule. Mr. Knight explained the content of the budget work sessions. Vice Mayor Cooper asked to schedule a CRA strategic planning session to discuss future projects/funding. Mr. Knight advised that this was discussed earlier this year and he will send the CRA Agency's budget allocation to the Commission.

There were no public comments.

Motion made by Commissioner DeCiccio approve the Consent Agenda; seconded by Commissioner Weaver. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent.

10. Action Items Requiring Discussion

- a. East Central Florida Regional Resilience Collaborative Memorandum of Understanding

Jenifer Rupert, Resilience Officer, East Central Florida Planning Council, provided the background and purpose of the Council and Collaborative. She gave a presentation on the history, partnerships, disciplines and initiatives. She explained the Memorandum of Understanding and responded to questions.

Commissioner Cooper expressed her reluctance to enter into an agreement where extensive history does not exist.

Motion made by Commissioner Weaver to authorize the execution of the MOU; seconded by Commissioner Sullivan. There were no public comments. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver voted yes and Vice Mayor Cooper voted no. Upon a roll call vote, motion carried with a 3-1 vote. Mayor Leary was absent.

b. Board appointments

- Acknowledge City Commission appointments
- Winter Park Police Officers Pension Board (2 members)
- Winter Park Firefighters Pension Board (2 members)
- Winter Park Library Board of Trustees (Commission appointment)

Mr. Knight explained that the board appointments do not need approval; however, appointments to the Police Officers' and Firefighters' Pension Boards must be made by majority vote of the Commission. He advised that Ray Waugh declined his appointment to the Transportation Advisory Board and that Mayor Leary will make another appointment.

Motion made by Vice Mayor Cooper to appoint Frank Chalfont and Stockton Reeves to the Winter Park Police Officers' Pension Board; seconded by Commissioner Weaver.

Motion made by Commissioner DeCiccio to appoint Tony Gray and Wayne Kalish to the Winter Park Firefighters' Pension Board; seconded by Commissioner Weaver.

Motion made by Commissioner Sullivan to appoint Commissioner DeCiccio to the Winter Park Library Board of Trustees; seconded by Commissioner Weaver.

There were no public comments.

Commissioner Weaver commented on the eligibility of board members to be appointed due to their current length of service and suggested that the Commission consider new appointees to replace those that have reached their term limit. Mr. Knight explained under the previous board appointment rules, board members who reached their term limits this year would not have been eligible for reappointment; however, prior service is not counted toward term limits as part of initial appointments under the new process.

Attorney Langley explained the terms and length of service provisions under the new ordinance including the rule that partial terms do not count toward term limits. After discussion, Mr. Langley stated that because initial appointments may be less than three years, the Commission could consider a policy that terms of less than three years would, or would not, count toward the term limits.

Motion made by Commissioner Sullivan to adopt a rule that initial appointments of less than three years under the new process count as a partial term. Motion failed for lack of second.

Motion made by Commissioner Weaver to adopt a rule that initial appointments of two-years under the new process count as a full term and initial appointments for one-year count as a partial term; seconded by Sullivan.

Upon a roll call vote on the motion to appoint Frank Chalfont and Stock Reeves to the Police Officers' Pension Board, Vice Mayor Cooper and Commissioners Sullivan, DeCiccio and Weaver vote yes. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent.

Upon a roll call vote on the motion to appoint Anthony Gray and Wayne Kalish to the Firefighters' Pension Board, Vice Mayor Cooper and Commissioners Sullivan, DeCiccio and Weaver vote yes. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent.

Upon a roll call vote on the motion to appoint Commissioner DeCiccio to the Winter Park Library Board of Trustees, Vice Mayor Cooper and Commissioners Sullivan, DeCiccio and Weaver vote yes. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent.

8. Citizen Comments

Mary Daniels, 650 W. Canton Avenue, expressed her concern that the city and members of the commission have not addressed what she feels is systemic racism in the city and said she feels there should be more response from city leaders. She asked that the city take a stand against racism.

Julie von Weller, Williams Drive, commented on virtual meetings and supported allowing the public to call in or submit written comments when live meetings resume.

Lauren Berlin, 2001 Glenridge Way, agreed with Ms. von Weller and urged the commission to consider receiving public comments in writing.

LaWanda Thompson, 661 Lyman Avenue, commented on need to address racism in the city. She expressed her disappointment on the lack of response by the city. She urged the Commission to implement some of the changes in the Ten Point Plan of the Coalition for Access and Representation.

Michael Perelman, 1010 Greentree Drive, supported Ms. von Weller's comments and urged the Commission to allow remote participation by the public.

11. Public Hearings

a. FDOT Fairbanks Donation (Right-of-Way Designations)

- ORDINANCE 3176-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED ADJACENT TO STATE ROAD 426 DESCRIBED ON EXHIBIT "A"; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. (Second Reading)
- ORDINANCE 3177-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED ADJACENT TO STATE ROAD 426 WITHIN THE RIGHT OF WAY OF HARPER STREET MORE PARTICULARLY DESCRIBED ON EXHIBIT "A"; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. (Second Reading)

A simultaneous public hearing was held on these items. Attorney Langley read the ordinances by title.

Motion made by Commissioner DeCiccio to adopt the ordinances on second reading, seconded by Commissioner Weaver. There were no public comments. Upon a roll call vote, Vice Mayor Cooper and Commissioners Sullivan, DeCiccio and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent.

b. Micromobility Prohibitions

Ordinance - Prohibitions on use of micromobility devices and motorized scooters (First Reading)

Attorney Langley read the ordinance by title only.

Commissioner DeCiccio asked whether scooters and other devices can be staged at entrances to subdivisions. Attorney Langley stated that staging at entrances to subdivisions depends on whether the entrance is publicly or privately owned.

Mr. Stephenson stated that this ordinance prohibits commercial operation anywhere within the city but allows personal operation in neighborhoods.

Discussion was held on the intent and provisions of the ordinance including types of devices, definitions, prohibition of staging, commercial use and enforcement.

Vice Mayor Cooper summarized the following changes:

- Section 98-2, Definitions. Bicycle, add recumbent bicycles. Clarify definition of staging.
- Section 98-8, include map for Hannibal Square Neighborhood District (HSND)
- Section 98-2, add “or bicycles outside of CBD or HSND”
- Section 98-9, make consistent with the title regarding public property (add definition of right-of-way)
- Section 98-9(b), Prohibition. Delete duplicate text of R-1AA. Add R-1AAA.
- Add sidewalk dining to fourth Whereas paragraph and add language in the body of the ordinance prohibiting micromobility devices in all areas with sidewalk dining.

Motion made by Commissioner Sullivan to approve the ordinance on first reading with changes noted; seconded by Commissioner Weaver.

Michael Perelman, 1010 Greentree Drive, opposed motorized devices on any sidewalks in the city.

Discussion ensued on prohibiting on sidewalks on certain streets. Mr. Langley stated it is difficult to define and enforce prohibition on different streets. He reviewed the enforcement provisions of the city code and suggested referencing the city code that allows for enforcement.

Vice Mayor stated that this will be reviewed by the Transportation Board before second reading.

Motion made by Vice Mayor Cooper to approve the ordinance, with the list of changes, and add penalties and enforcement; seconded by Commissioner Sullivan. Upon a roll call vote, Vice Mayor Cooper and Commissioners Sullivan, DeCiccio and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent. (No action was taken on the original motion due to the passage of this motion.)

- c. RESOLUTION 2232-20 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING THE TIME FOR REGULAR MEETINGS AS PROVIDED FOR IN ARTICLE II, SECTION 2.08, OF THE CITY CHARTER.

Attorney Langley read the resolution by title.

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

Vice Mayor Cooper requested that the governance resolution (2129-13) be placed on the next agenda. Approved by consensus.

There were no public comments. **Upon a roll call vote, Vice Mayor Cooper and Commissioners Sullivan, DeCiccio and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent.**

12. City Commission Reports:

Commissioner Weaver

- a. Request to discuss and reconsider the vote on the GAI contract for the OAO data and analysis work

Commissioner Weaver stated that he voted against the GAI contract in the previous meeting and clarified that he wasn't opposed to the scope, but was opposed to the cost and asked to revisit the scope. He gave a presentation showing existing properties and FAR and modeling of potential redevelopment of the Holler property on Fairbanks. He said he feels the city has an obligation to present models to the public and suggested modifying the scope to reduce the cost to \$20-\$25,000.

Vice Mayor Cooper requested that Commissioner Weaver's presentation be e-mailed to all members of the Commission.

Commissioner DeCiccio said that she feels that developers should be presenting plans and providing information at their cost. She said she is aware that the Planning Department has the budget to the study and should provide data.

Discussion followed on the scope of work, cost and feasibility of staff performing some of the tasks within the scope of work or modifying the scope. Mr. Stephenson stated that GAI is performing the economic analysis and staff has begun work on the comparative analysis which will save money.

In response to questions by Vice Mayor Cooper, Mr. Knight stated this item was placed on the agenda at the request of Commissioner Weaver so the Commission could take action in this meeting and although it would not be in accordance with Commission policy, the commission may waive the policy in order to make a decision.

Mr. Stephenson stated that rather than wait two weeks until the next meeting, staff is comfortable moving forward with the GAI scope of work with some tasks performed by staff and other tasks using continuing services contracts.

Motion made by Vice Mayor Cooper to approve the GAI scope of work as presented and authorize staff to parcel it out; seconded by Commissioner Weaver. Upon a roll call vote, Vice Mayor Cooper and Commissioners Sullivan, DeCiccio and Weaver voted yes. Motion carried unanimously with a 4-0 vote. Mayor Leary was absent.

Vice Mayor Cooper commented on the need to obtain plans by property owners and developers and opposed meeting with developers with pending lawsuits. Discussion followed on whether to meet with the developers and attorneys during a work session to discuss their visions with pending law suits. Attorney Langley opined that there is no legal issue to having an open work session with counsel present without discussing litigation itself. Commissioners Weaver and Sullivan spoke in opposition to meeting with parties of the pending lawsuits.

Discussion followed on OAO topics for work sessions. Consensus was to schedule a work session on Thursday, June 25th at 1:00 p.m. to discuss transfer of residential development rights and use public rights-of-ways using the ordinance after first reading with administrative revisions as a starting point for revisions to the OAO.

Commissioner Sullivan

- Commented on the increased number of COVID 19 cases which could impact holding live meetings and stressed the need for extreme safety precautions. Mr. Knight stated that the Charter requires three Commissioners to be physically present to constitute a quorum unless the Executive Order allowing virtual meetings is extended. Receiving public input, virtually or live, presents some technical difficulties that staff is addressing.
- Asked for an update on the Library and Events Center audit. Mr. Knight stated he is waiting for commissioner input on components of audit.
- Commented on the review of police policies and procedures and suggested the review include qualified immunity and intervention in physical situations. Mr. Knight stated that the Civil Service Board is conducting an independent review of the policies.
- Suggested that information regarding the Neighborhood Advisory Council be posted on the website.
- Asked staff to explore single-member districts. Mr. Knight stated that this was considered by the Charter Review Committee; however, the Commission can place on the ballot as a charter amendment. He explained that commission districts must be of equal size and data gathered during the Charter review process showed that in order to have a district small enough to guarantee minority representation at least 9 districts/commissioners are needed. As a result, the Charter Review Committee did not recommend an amendment.

Commissioner DeCiccio

- Asked staff to explore purchasing property on Fairbanks between Denning and 17-92 to expand MLK Park.
- Would like to forward with plans for Progress Point property including roadways, bike path, and the park.
- Addressed comments of Mrs. Daniels regarding racism and said that policies are being reviewed and the Police Department is reaching out to the community with transparency.

In response to questions, Police Chief Deal stated that duty to intervene is addressed in the department's core values and code of ethics and will be incorporated into use of force policies and other applicable policies. Officers receive de-escalation training and

two officers will be attending a course to become trainers on de-escalation techniques. He said he will provide relevant Standard Operating Procedures. He advised that the Neighborhood Advisory Council meets quarterly with a minimum of 25 attendees and discusses criminal activity, quality of life issues and concerns raised by attendees.

Commissioner Weaver

- Asked about opportunities for the city to help residents at The Plymouth Apartments with loss of shuttle service and reduced use of laundry services due to COVID. Commissioner Cooper stated the Housing Authority has responded and that property managers are responding to residents.
- Opposed in-person meetings and asked for support to send a letter to the Governor requesting special dispensation to allow the city to continue meet remotely.
- Suggested that documents relating to OAO be put on the website. Mr. Stephenson stated that documents have uploaded as well as links to the State website to obtain OAO submittal documents, actions and letters.
- Said he received an e-mail from a resident concerning use of street to drop-off construction materials before 6:00 a.m. which was addressed by George Wiggins, Director of Building and Permitting Services.
- Advised that the Census Bureau is hiring workers and encouraged residents to apply and also to complete the census which determines the city's eligibility for state and federal funding.
- Commented on diversity and single-member districts. He said he is encouraged by the diverse representation on city boards. He requested a copy of the Ten Point Plan mentioned by Ms. Thompson. He asked that the commission consider issuing a statement supporting efforts to curtail institutional racism.

Vice-Mayor Cooper

- Expressed appreciation for staff's efforts to continue to receive the comments virtually.
- Supported mandatory wearing of masks and said she feels it is not prudent to hold in-person meetings.
- Expressed her support for the minority community and said she will continue to make decisions that are fair to the community. She urged the community to continue to communicate their concerns.
- Said she cannot support single-member districts as it will affect distribution of funds, will result in increased taxes and will create more disruption because of CRA Tax Increment Financing funds.

Summary of Commission Actions

- Schedule OAO worksession for June 25th at 1:00 p.m. to discuss transfer of residential development rights and use of public rights-of-way.
- Staff to provide:
 - Schedule and cost/benefit analysis for Killarney neighborhood annexation.
 - Summary and analysis of Bennett/Executive alignment.
 - Information on proposed hotel projects and proceed through the regular process.

- MLK scope of work.
- Pictures of public art at I-4
- Status of Parks and Recreation Greenway/Transportation Plan
- Police Department Standard Operating Procedures to Commission
- Provide the CRA project list approved by the Commission in January to Commission
- Add status of Civil Service Board discussion of police procedures and Library and Events Center project to the City Manager's Report.
- Respond to all commissioners on requests from individual commissioners.
- Share Commissioner Weaver's presentation to Commission.
- Acknowledged board appointments and made appointments to Firefighters' and Police Officers' Pension Boards and Commissioner DeCiccio to the Winter Park Library Board of Trustees.
- Adopted position that initial appointments of one year is considered a partial term and two-year terms count as a full term.
- Adopted ordinances conveying right-of-way to FDOT
- Approve micromobility prohibition ordinance on first reading with amendments, with review by Transportation Advisory Board before second reading.
- Approved resolution to change meeting days to second and fourth Wednesday beginning in July.
- Place Resolution 2129-13 on agenda for discussion in next meeting.
- Approved scope of work for OAO data and analysis with staff to determine assignment of tasks.

Commissioner Weaver asked the city issue a statement of equality and opposition to systemic racism. Approved by consensus.

The meeting adjourned at 8:07 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis