



City Commission Regular Meeting Minutes

July 22, 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 3:30 p.m.

2. Invocation and Pledge of Allegiance

Mark Freid, President of Think Creative, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

Motion made by Commissioner DeCiccio to approve the agenda, seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

4. Citizen Budget Comments

No comments.

5. Mayor's Report

Mayor Leary appointed Jeffrey Sievers to the Transportation Advisory Board.

6. City Manager's Report

Commissioner Cooper asked about the availability of CARES funding. Mr. Knight explained that the city is not pre-approved but is following guidance on eligible expenses. The city is preparing to submit its first request but can submit additional requests until the October deadline.

Commissioner Cooper suggested that the City Manager send a letter to Spectrum to encourage expeditious removal of their poles on Fairbanks Avenue. Approved by consensus.

Commissioner Cooper asked for e-mail addresses of businesses in OAO and the results of parking survey of OAO businesses. Mr. Knight said he will send them this week.

Mayor Leary asked for the topic of the work session tomorrow. Mr. Knight stated that development of Progress Point property and potential grant funding for the park will be discussed. Several members of the community will be presenting ideas for discussion.

Commissioner Sullivan said there was consensus that the city retain ownership and feels that the city is in a position to set parameters for development.

Commissioner Cooper said that she anticipates refinement of ideas previously discussed by the Commission and sees this as the step before going to market but does not take the place of going to market.

Mayor Leary said he feels this should be looked at as part of the OAO discussions to determine the needs for the corridor.

Commissioner DeCiccio commented on ideas that have been presented and said this a preliminary look at what could be developed and is a step in the right direction.

Discussion followed on issues surrounding Progress Point, parameters (density, parkland, parking, stormwater) and timing.

7. City Attorney's Report

Attorney Ardaman reported that the lawsuits regarding the OAO rescission ordinance are in the discovery phase.

Commissioner Cooper asked if appropriate notice was made for the moratorium ordinance. Attorney Ardaman stated he believes the process and notices were appropriate.

Bronce Stephenson, Director of Planning and Transportation, stated that notices were not sent to property owners but a display ad was published in the newspaper which meets notification requirements. Mr. Ardaman stated that city-wide notice is not required for this ordinance.

8. Non-Action Items

a. Commissioner Sullivan presentation on 100% renewable energy by 2050

Commissioner Sullivan presented the Ready for 100% program which sets the goal of 100% renewable energy by 2050. He spoke on different types of renewable energy and reviewed the city's current efforts and programs and benefits of the city's participation. Commissioner Cooper said she would like a cost analysis and input from the KWPB and Sustainable Board and to develop reasonable goals for renewable energy.

9. Citizen Comments (heard after Item #12c)

10. Consent Agenda

- a. Approve the minutes of June 8, 2020
- b. Approve the following contract items:
 1. Jacobs Engineering Group Inc. - RFQ-17-2010 - Task Order 2020-04 - Design and Permitting Support for SR 434 Water Main and Force Main Replacement; \$99,468
 2. Fishback Dominick - RFP-16-2015 - Attorney Services; \$500,000
- c. FY 20 Budget Amendment

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

11. Action Items Requiring Discussion (Heard after Citizen Comments)

12. Public Hearings

- c. **RESOLUTION 2233-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESTATING AND ACCEPTING PRIOR RESOLUTION NO. 2129-13 REGARDING RULES FOR THE CONDUCT OF CITY COMMISSION MEETINGS AND DECORUM, AS WELL AS OTHER SUBJECTS ADDRESSED IN THAT RESOLUTION, AND SUPPLEMENTING AND AMENDING THAT PRIOR RESOLUTION TO ADD OTHER POLICY ADDITIONS AND MODIFICATIONS PREVIOUSLY ADOPTED OR DISCUSSED BY THE COMMISSION OUTSIDE OF THE RESOLUTION PROCESS.**

Attorney Ardaman read the resolution by title.

Motion made by Commissioner Cooper to adopt the resolution as presented with two additions that were left out that had been previously approved: ensuring that all members of the Commission are invited to participate in any meeting of City commissioners, and that all minutes, including CRA Agency minutes, are brought to the Commission within the same time period as other minutes.

Attorney Ardaman advised that in order to call a meeting to be attended by two or more commissioners, the Sunshine Law requires notice of the meeting, that they are open to the public, and that minutes are taken. There is no requirement that all commissioners must attend a meeting. Adoption of this resolution establishes a commission rule that all commissioners must be invited to attend and be able to participate.

Commissioner Weaver suggested that this be extended to all public meetings including other outside meetings, not just city commission meetings.

Mr. Ardaman stated that there is no exception in the Sunshine Law for attending outside meetings and requires public notice of commissioners in attendance. Any meeting where city business is discussed and attended by more than one commissioner requires posting, public access and minutes. After discussion, he urged the commission to avoid participating in any discussion of city business with fellow commission members at any meetings.

Motion seconded by Commissioner Sullivan.

Motion made by Mayor Leary to amend the motion changing the word “participate” to “attend.” Motion failed for lack of second.

Mickey Grindstaff asked for clarification on the redline version in the meeting packet. Mr. Knight explained the resolution presented shows only changes made as a result of commission discussions in the July 8th meeting. The resolution in the packet for July 8th meeting shows the changes made from the prior resolution.

Commissioner Weaver commented on the rule relating to engaging in a conversation with a citizen making a public comment. Mayor Leary advised that the presiding officer has the leeway to respond to questions and address items for clarification.

After discussion, Mr. Ardaman stated that no person, other than the Commission is permitted to enter into a debate or discussion without the permission of the presiding officer. He clarified that a commissioner must ask the presiding officer to ask a question of a speaker.

Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes Mayor Leary voted no. Motion carried with 4-1 vote.

9. Citizen Comments

Lawanda Thompson, 664 Lyman Avenue, commented on sale of properties multiple times in an attempt to hide ownership which she feels is deceptive. She feels that anyone holding public office should disclose ownership of properties and investment in projects that may not be in the best interest of the community.

Mayor Leary declared a recess at 4:58 and reconvened the meeting at 5:13 p.m.

11. Action Items Requiring Discussion (Heard after 5:00 p.m.)

a. Budget Discussion and Set Tentative Millage Rate

Mr. Knight advised that the proposed budget is based on the current millage rate of 4.0923 and that there was discussion in the July 20th work session on setting a higher maximum rate which would provide the option to reduce the rate when the budget is adopted.

Motion made by Mayor Leary to set the tentative millage rate at the current rate of 4.0923; seconded by Commissioner Cooper.

Motion made by Commissioner Sullivan to amend the motion to set the tentative millage rate at 4.3279; seconded by Commissioner DeCiccio. (Withdrawn later in discussion.)

Commissioner Sullivan said his recommended millage rate would provide approximately \$3 million in revenue and give the flexibility to reduce the rate at the time of budget adoption. This would also allow time for the city to receive sales tax and state revenue sharing data.

After clarification that Commissioner Sullivan's proposed millage rate would generate an additional \$1.6 million, **Commissioner Sullivan withdrew his motion with acceptance by Commissioner DeCiccio.**

Motion made by Commissioner Sullivan to set the tentative millage rate at 4.5623, seconded by Commissioner DeCiccio.

Peter Moore, Division Director of Office of Management and Budget, stated that a millage rate of 4.5611 will generate just over \$3 million in additional tax revenue.

Commissioner Weaver said he wants to avoid an economic hardship that may result from the ongoing pandemic and hurricane and therefore supports setting a higher cap on the millage rate but favored maintaining the current rate if additional revenue is not needed.

Commissioner DeCiccio agreed with Commissioners Sullivan and Weaver and added that the city needs to continue to provide extraordinary level of service to maintain quality of life.

In response to questions by Commissioner Cooper, Mr. Knight explained that some positions were frozen at the beginning of pandemic and some positions have been filled based on need. Police officer positions are being phased in to accommodate training. He added that additional budget cuts were to the contingency and vehicle replacement funds. Mr. Moore added that funding was reduced for the federal lobbyist and travel and training budgets and frozen positions equate to about \$500,000 reduction.

Commissioner Cooper said she could support increase as what she considers an “insurance policy” but would not support a higher millage rate unless she sees a significant reduction in service.

Mayor Leary opposed a higher millage rate stating that staff recommended balanced budget at the current millage rate without sacrificing city services.

Lawanda Thompson, 664 Lyman Avenue, expressed her disappointment in the intent to raise the millage rate and said that if it is raised, funds should be used to help residents with utility or food expenses.

Upon a roll call vote to set the tentative millage rate at 4.0923, Mayor Leary voted yes and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted no. Motion failed with a 1-4 vote.

Upon a roll call vote to set the tentative millage rate at 4.5623, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

12. Public Hearings (continued)

a. City of Winter Park request for:

An Ordinance declaring and implementing a contingent temporary moratorium on the acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations, codes, and provisions approved March 9, 2020 by way of Ordinance 3166-20 (Comprehensive Plan amendment) and Ordinance 3167-20 (Land Development Code amendment), providing the temporary moratorium to become effective if the city’s Ordinance 3170-20 (rescission ordinance) is determined by a court of competent jurisdiction to be null, void, or of no effect, or if Ordinance 3166-20 or Ordinance 3167-20 are determined to be effective or valid; providing for extension or termination of the temporary moratorium by ordinance or resolution; providing for confirmation and re-adoption of the City of Winter Park Ordinance 3170-20 (rescission ordinance). (First Reading)

Attorney Ardaman read the ordinance by title.

In response to Commissioner Cooper, Mr. Ardaman stated that notice was appropriate and timely.

Mr. Stephenson commented on the Planning and Zoning Board's discussion of this ordinance stating that there was confusion on the effect of the moratorium. Some members felt this was an inappropriate use of a moratorium and was not in the Board's purview. All public comment was in opposition to the moratorium and the Board voted unanimously with a 7-0 vote to recommend denial of the moratorium to the commission.

Commissioner Cooper said she would like to have had time to listen to the recording of the meeting in order to understand the vote. Commissioner Weaver agreed.

Motion made by Commissioner Weaver to table to next Commission meeting, August 12 at 5:01 p.m. Motion to table failed for lack of a second.

Commissioner Cooper asked whether the Planning and Zoning Board had a clear understanding that the reason for the moratorium is due to two law suits and if those lawsuits are successful, the city may or may not have time to adopt the new changes to the OAO. Mr. Stephenson stated that the city attorney explained the situation to the Board.

Commissioner Weaver pointed out that this moratorium does not preclude redevelopment under current code provisions. Mr. Stephenson stated that was clarified in the P&Z meeting.

Motion made by Commissioner Cooper to approve the ordinance as written on first reading; seconded by Commissioner Sullivan.

The following spoke in opposition to ordinance:

- Michelle Heatherly, resident and representing Demetree Global
- Mickey Grindstaff, representing four Demetree entities and city resident
- Frank Hamner, 1010 Wymore Road
- Michael Carolan, 2312 Randall Road
- Betsy Gardner Eckbert, President and CEO of Winter Park Chamber of Commerce
- Julie Von Weller, Williams Drive

The following spoke in favor of the ordinance:

- Lawanda Thompson, 664 W. Lyman Avenue

Mr. Stephenson clarified that a display ad was placed in the newspaper, which meets legal requirements. Mr. Ardaman stated that from a legal standpoint, notice requirements were met without mailed notice to property owners.

Mayor Leary commented on his reasons for denying this ordinance including economic slow-down and said he feels jobs and security will be provided as well as additional commercial tax revenue to the city.

Motion made by Mayor Leary to deny the ordinance. Motion failed for lack of second

Upon a roll call vote on the motion to approve the ordinance on first reading, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Mayor Leary voted no. Motion carried with a 4-1 vote.

b. City of Winter Park request for:

Ordinance amending Chapter 62 of the City Code providing for regulations regarding construction and related noise. (First Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to approve the ordinance removing 62-97(b) Waivers for Construction Activities, on first reading; seconded by Commissioner Weaver.

George Wiggins, Director of Building and Permitting Services, explained that this provision codifies a long-term practice to allow early morning large concrete pours that will impede access or roads. It also allows for after-hours emergency repairs.

Commissioner Cooper said she feels it is too vague the way it is written.

Mayor Leary suggested adopting the ordinance at first reading and direct staff to bring back alternative language for second reading.

There were no public comments.

Upon a roll call vote of the motion to approve the ordinance as amended on first reading, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Mayor Leary left the meeting at 6:56 pm. Vice Mayor Cooper chaired the meeting.

13. City Commission Reports:

Commissioner Sullivan

- Requested a progress report from KWPB and Sustainable on Sustainable Action Plan, cost information from staff and UAB to adopt Ready for 100%, and staff to prepare resolution to adopt the Ready for 100% program after staff information is received and review by boards. Approved by consensus.
- Commented on a proposed charter amendment for single member districts which was provided to him by a resident and asked staff to assist citizens to craft ordinance to move forward with a charter amendment.

Mr. Knight advised that the Commission has the option to either wait for the citizen's petition or to initiate adoption of an ordinance to place an amendment on the ballot. However, city staff cannot provide legal advice on content of amendment. After discussion, consensus was for the amendment to proceed by petition with staff providing data.

Commissioner DeCiccio

- Commented on suggestions by Park Avenue restaurant owners to allow restaurants to put tables on the street in the area reserved for food pick-up in the evening, close Park Avenue on Friday and Saturday evenings or to make Park Avenue traffic one-way and asked for staff to explore the options to help restaurants. Consensus was to have staff look at options and to provide cost for closing Park Avenue.

Commissioner Weaver

- Expressed his concern about closing Park Avenue, staff time and expense and loss of on-street parking. He suggested making Park Avenue one-way moving north and placing barriers blocking the parking spots in front of restaurants to provide additional outdoor dining and still provide parking in front of other businesses. Consensus was to have staff to look at along with Commissioner DeCiccio's suggestion.
- Suggested that Chris Castro, City of Orlando Director of Sustainability speak at a future commission meeting. Approved by consensus.
- Stated that Suntech has offered to give a demonstration in the city of solar powered battery tools. At the Vice Mayor Cooper's suggestion, he stated he would discuss this with city staff and possibly bring it to the KWPB and Sustainable Board.
- Asked that a map showing where frog internet has integrated in the city and expansion plans be provided to citizens and business owners.
- Commented on the Library and Events Center preliminary landscape design. He said that landscape architect Stephen Pategas has reviewed the design and provided comments regarding mulch, trees with large root systems and looked at long-term maintenance. Mr. Pategas has offered to work with city staff but believes commission approval is required to interact with staff. After discussion, consensus was for staff to review and send summary comments to the commission to determine whether to make any changes to the approved plan.

Vice Mayor Cooper

- Commented on the opportunities to serve on Florida League of Cities legislative committees.
- Asked for an update on the extension of Executive Order to allow virtual public meetings. Mr. Knight said he is not aware of any extension but he will call the city's lobbyist.
- Reminded the commission to review the OAO adoption schedule before it is made public.
- Asked that the commission to think about the realignment of Palmetto Avenue and develop a list of parameters for the development of Progress Point to discussion in tomorrow's work session.

14. Summary of Meeting Actions

- Provide e-mail addresses of Orange Avenue business owners to the Commission.
- Provide information Orange Avenue parking survey.
- City Manager to send a letter to Spectrum to expedite removal of poles on Fairbanks.
- Adopted resolution on Commission meetings with amendments.
- Set tentative millage rate at 4.5623.
- Approved OAO moratorium ordinance on first reading.
- Approved noise ordinance on first reading with the deletion of waivers for construction activities. Staff to develop language regarding waivers for second reading.
- Provide progress report on Sustainability Action Plan from KWPB and Sustainable Board. Utilities Advisory Board to prepare cost information to participate in Ready for 100

Program. Draft resolution to participate in Ready for 100 Program for consideration after review by boards.

- Provide data for petition initiative for charter amendment to establish single-member districts.
- Staff to explore to assist restaurants and provide options for consideration.
- Invite Chris Castro from City of Orlando to make presentation at a future meeting.
- Provide service area map for Frog internet.
- Provide Stephen Pategas' comments on his review of the Library and Events Center landscape plan with the understanding that any changes require Commission approval.
- Obtain status of extension of Executive Order regarding virtual meetings.

The meeting adjourned at 7:40 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis